
Wisconsin Legislative Council

ACT MEMO



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2023 Wisconsin Act 264
[2023 Senate Bill 826]

**Town Withdrawals From County
Zoning**

2023 WISCONSIN ACT 264

2023 Wisconsin Act 264 creates a new procedure by which a town may withdraw from county zoning and standardizes statutory language related to the continuing effect of zoning regulations when the governmental unit with zoning authority changes.

Town Withdrawal From County Zoning

Under current law, a town that has previously opted in to county zoning generally may withdraw from county zoning only when a county reenacts a comprehensive revision to the county zoning ordinance.

The act creates an alternative procedure for withdrawing from county zoning that begins with a town board's adoption of a resolution of the town's intent to begin the process. Then, between two and three years later, the town board must adopt a second resolution that informs the county of the town's withdrawal from county zoning. Before adopting that second resolution, the act requires a town to have enacted a town zoning ordinance, comprehensive plan, and zoning map. A town may then enact an ordinance to withdraw from county zoning. Such ordinances may first take effect five years after the act takes effect.

The act specifies that that procedure does not authorize a town to withdraw from county shoreland zoning, county floodplain zoning, and the portions of a county zoning ordinance or development plan that regulate quarry operations.

The act also repeals a Dane County-specific provision of current law, which specifies that a town may not prohibit structures and uses that were lawful under county zoning from continuing when withdrawing from Dane County zoning.

Continuity of Zoning Regulations

Certain provisions in current law provide for continuity of zoning regulations when the governmental unit with zoning authority changes, such as when town territory subject to county zoning becomes subject to city zoning after being annexed into the city. Generally, zoning regulations in place prior to a change in zoning authority remain in effect until specifically changed by the new zoning authority.

The act standardizes statutory language regarding the continuity of existing zoning regulations, including for the procedure for town withdrawal created by the act, and standardizes the language used to describe zoning regulations to include the zoning ordinance and any regulations, approvals, and conditions imposed under the ordinance.

The act also clarifies that the act does not expand or modify underlying zoning authority or authorize changes to existing regulations, approvals, or conditions, or authorize changes to nonconforming uses.

Effective date: March 31, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

PW:jal