



2019 ASSEMBLY BILL 736

January 9, 2020 - Introduced by Representatives SWEARINGEN, SPIROS and SPREITZER, cosponsored by Senators PETROWSKI, BEWLEY, OLSEN and JACQUE. Referred to Committee on Local Government.

1 **AN ACT to amend** 59.69 (5) (a), 59.69 (5) (b) and 59.692 (1c); and **to create** 59.692
2 (2) (bg) and 992.23 of the statutes; **relating to:** town zoning in shorelands, the
3 scope of county shoreland zoning ordinances, and authorizing partial county
4 zoning.

Analysis by the Legislative Reference Bureau

Under current law, a county board may enact a zoning ordinance that applies to towns that are located within the county. This bill specifies that a county board may enact a zoning ordinance that applies in all or part of a town's territory, and may apply in all of the territory of some towns, and in only part of the territory of other towns. Such an ordinance, however, is not effective in a town until the ordinance is approved by that town board.

The bill also contains a curative provision stating that any county zoning ordinance that was enacted by a county before the effective date of the bill and that applied to some towns in the county but not all towns within the county, and which remains in effect, is declared to be legal and binding.

Under current law, each county must zone by ordinance all shorelands in its unincorporated area in order to promote the public health, safety, and general welfare and to effect the following purposes: to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; and reserve shore cover and natural beauty. This bill adds that the requirements in a county shoreland zoning ordinance must relate to these purposes.

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Current law allows a town to enact a zoning ordinance that applies in shorelands. This bill specifies that a town may enact a zoning ordinance affecting the same shorelands as a county shoreland zoning ordinance. Both the current law authorization and the bill's authorization are subject to a restriction that, generally, such a town ordinance may not impose restrictions or requirements in shorelands with respect to matters regulated by a county shoreland zoning ordinance affecting the same shorelands, regardless of whether the county shoreland zoning ordinance was enacted separately from, or together with, a zoning ordinance.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 59.69 (5) (a) of the statutes is amended to read:

2 59.69 (5) (a) When the county zoning agency has completed a draft of a
3 proposed zoning ordinance, it shall hold a public hearing thereon, following
4 publication in the county of a class 2 notice, under ch. 985. The proposed zoning
5 ordinance may specify whether it would apply in all or part of a town's territory. If
6 the proposed ordinance has the effect of changing the allowable use of any property,
7 the notice shall include either a map showing the property affected by the ordinance
8 or a description of the property affected by the ordinance and a statement that a map
9 may be obtained from the zoning agency. After such hearing the agency may make
10 such revisions in the draft as it considers necessary, or it may submit the draft
11 without revision to the board with recommendations for adoption. Proof of
12 publication of the notice of the public hearing held by such agency shall be attached
13 to its report to the board.

14 **SECTION 2.** 59.69 (5) (b) of the statutes is amended to read:

15 59.69 (5) (b) When the draft of the ordinance, recommended for enactment by
16 the zoning agency, is received by the board, it may enact the ordinance as submitted,
17 or reject it, or return it to the agency with such recommendations as the board may

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1 see fit to make. The board may enact an ordinance that applies in all or part of a
2 town's territory, including applying in all of the territory of some towns in the county,
3 and in only part of the territory of other towns in the county. In the event of such
4 return subsequent procedure by the agency shall be as if the agency were acting
5 under the original directions. When enacted, a copy of the ordinance shall be
6 submitted by the clerk to each town clerk, under par. (g), for consideration by the
7 town board.

8 **SECTION 3.** 59.692 (1c) of the statutes is amended to read:

9 59.692 (1c) To effect the purposes of s. 281.31 and to promote the public health,
10 safety and general welfare, each county shall zone by ordinance all shorelands in its
11 unincorporated area. The requirements in this ordinance shall relate to the
12 purposes in s. 281.31 (1). This ordinance may be enacted separately from ordinances
13 enacted under s. 59.69.

14 **SECTION 4.** 59.692 (2) (bg) of the statutes is created to read:

15 59.692 (2) (bg) A town may enact a zoning ordinance affecting the same
16 shorelands as an ordinance enacted under this section, subject to the restrictions in
17 ss. 60.61 (3r) and 60.62 (5).

18 **SECTION 5.** 992.23 of the statutes is created to read:

19 **992.23 Validation of actions; county zoning.** Any zoning ordinance
20 enacted by a county under s. 59.69 before the effective date of this section [LRB
21 inserts date], which applied to some towns in the county but not all towns within the
22 county, and which is in effect on the effective date of this section [LRB inserts
23 date], is declared to be legal, valid, and binding.

24 **SECTION 6. Initial applicability.**

