

► Town Approval of County Zoning

Towns must approve of a county general zoning ordinance in order for it to take effect in the town. Once approved, a town may only “opt out” of county zoning if the county adopts a comprehensive revision.³⁷ A comprehensive revision means a complete rewriting of the zoning ordinance that includes numerous changes to zoning provisions and the alteration or addition of zoning districts. The town has up to one year to approve the comprehensive ordinance revision. During this time the old ordinance remains in effect.

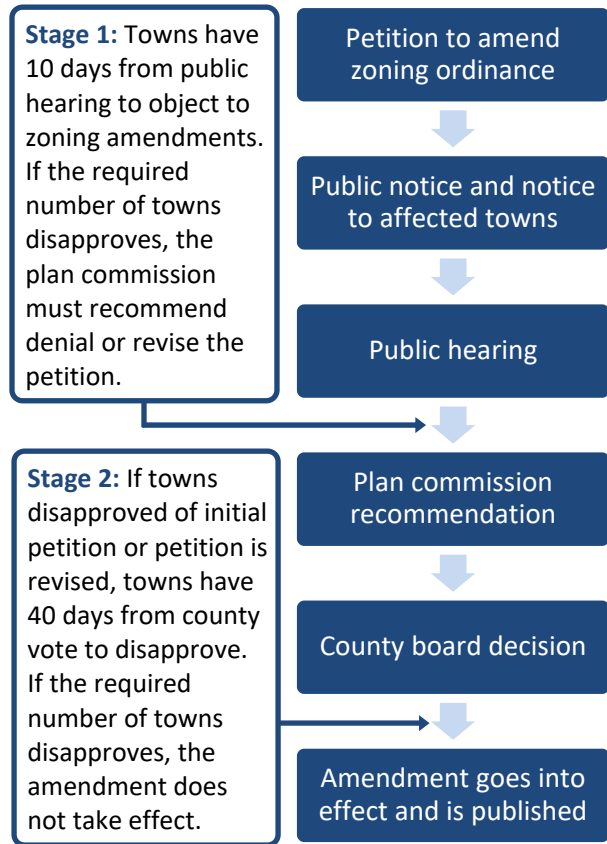
Towns under county zoning also have authority to review and disapprove of zoning amendments but must do so following prescribed procedures.³⁸ In the case of map amendments, individual towns may disapprove if the proposed change falls within the town boundaries. In the case of text amendments affecting multiple towns, a majority of affected towns must disapprove.

Many town boards refer county zoning amendments and other decisions to the town plan commission but retain authority to make a final recommendation to the county. This can complicate scheduling of hearings and delay action by the county zoning agency to the displeasure of petitioners. Some counties and their towns have agreed on timelines and procedures to expedite forwarding of petitions and return of town recommendations.

³⁷ Wis. Stat. § 59.69(5)(d).

³⁸ Wis. Stat. § 59.69(5)(e). Towns may disapprove within 10 days of the public hearing by the zoning agency or file an extension lasting 20 days. Following disapproval, the county zoning agency must deny the request or make changes before forwarding it to the county board. If the county board enacts an amendment that was changed in any way from the original proposal, towns have 40 days to disapprove of the amendment and it may not go into effect. The town must file a certified copy of a town board resolution with the county clerk in order to disapprove of an amendment or request an extension. County shoreland and floodplain zoning ordinances and amendments are not subject to town approval or disapproval.

Veto Authority for Towns under County Zoning



Sample Resolution to Disapprove Amendment

The Town Board of the Town of _____, _____ County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The petition to amend the county zoning ordinance (describe or attach copy of amendment) is timely disapproved. [An extension for disapproving the proposed petition to amend has been filed by the town board with the county clerk.]

Adopted this ___ day of _____, 20__.
Signatures of town board
Signature of town clerk

Adapted from *Wisconsin Town Law Forms*, 59.69(5)(e)3. May 2011. State of Wisconsin.