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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 826**

**Senate  
Amendment 2**

### 2023 SENATE BILL 826

2023 Senate Bill 826 creates a new procedure by which a town may withdraw 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 bill** creates an alternative procedure for withdrawing from county zoning, beginning 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, adoption of a second resolution informing the county of the town's withdrawal from county zoning. Before adopting that second resolution, the bill 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 bill takes effect.

The bill specifies that that procedure does not authorize a town to withdraw from county shoreland zoning. The bill also specifies that, if zoning is changed from town zoning to county zoning, or vice versa, any regulations, approvals, and conditions continue in effect until they are affected by an official action of the relevant town or county.

### SENATE AMENDMENT 2

Senate Amendment 2 makes the following changes to the bill:

- Specifies that the bill does not authorize towns to withdraw from county floodplain zoning.
- Specifies that the bill does not authorize towns to withdraw from the portions of a county zoning ordinance or development plan that regulate quarry operations.
- Clarifies that the bill does not expand or modify underlying zoning authority or authorize changes to existing regulations, approvals, or conditions, or authorize changes to nonconforming uses.
- Repeals a Dane County-specific provision of current law, which specifies that towns may not prohibit structures and uses that were lawful under county zoning from continuing when withdrawing from Dane County zoning.

### BILL HISTORY

Senator Ballweg offered Senate Amendment 2 on February 13, 2024. On February 15, 2024, the Senate Committee on Transportation and Local Government recommended adoption of Senate Amendment 2 and passage of the bill, as amended, on votes of Ayes, 5; Noes, 0.

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

PW:jal