

## Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-1287/2</b>	<b>Introduction Number</b> <b>AB-0661</b>	
<b>Description</b> Authorizing towns to withdraw from county zoning and requiring certain towns to enact a zoning ordinance and a comprehensive plan		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate		
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected <input checked="" type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>		
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Affected Ch. 20 Appropriations</b>		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
DOR/ Daniel Huegel (608) 266-5705	Robert Schmidt (608) 267-9892	2/4/2014

## Fiscal Estimate Narratives

DOR 2/4/2014

LRB Number	13-1287/2	Introduction Number	AB-0661	Estimate Type	Original
<b>Description</b> Authorizing towns to withdraw from county zoning and requiring certain towns to enact a zoning ordinance and a comprehensive plan					

### Assumptions Used in Arriving at Fiscal Estimate

#### CURRENT LAW

Under current law, a town board that has the authority to exercise village powers may enact a zoning ordinance under the same statute used by cities and villages, with certain limitations. For example, if the county in which the town is located has enacted a county zoning ordinance, a town zoning ordinance may not take effect until that ordinance is approved by the town (at a town meeting or a town referendum) and by the county board. In addition, an amendment of such a town zoning ordinance must be approved by the county board.

Under current law, a county zoning ordinance may not take effect in a town unless it has been approved by the town board. Once a town board has approved a county zoning ordinance, it may not withdraw its approval.

#### PROPOSED LAW

Under the proposal, the requirement that amendments to a town zoning ordinance in a county with a county zoning ordinance be approved by the county board is repealed.

The proposal would permit a town to withdraw its approval of a county zoning ordinance if certain conditions are met. Among these conditions are (1) the ordinance withdrawing from county zoning be enacted in 2015, or in every third year thereafter (2018, 2021, and so on); (2) the town clerk sends the county clerk a notice of the proposed withdrawal at least 180 days before enacting the withdrawal; and (3) the town enacts a town zoning ordinance, comprehensive plan, and an official map, and sends copies of these documents to the county clerk. No county board approval of the town zoning ordinance is required if the town has withdrawn its approval of the county zoning ordinance.

Under the proposal, if a county clerk receives notice before July 1 that a town intends to withdraw from county zoning, the county board may, before October 1, enact an ordinance repealing all county zoning ordinances except for shoreland and floodplain zoning ordinances. Notice of the proposed repeal must be sent to all towns affected by the county zoning ordinance. An ordinance repealing the county's zoning ordinances must have a delayed effective date of one year. Any town notified of such a repeal must enact its own zoning ordinance, comprehensive plan, and official map to be effective on the date the county's repeal of its ordinances takes effect.

#### FISCAL EFFECT

The annual financial report form filed with the Department of Revenue (DOR) has one line that directly deals with zoning. That line shows the amount of revenue collected by municipalities and counties related to zoning permits and fees. For 2012, total collections reported on this line were as follows: \$3,003,538 by 582 municipalities and \$6,811,737 by 66 counties. Expenditures for zoning are not separately reported in the reports filed with the DOR.

To the extent that towns choose to take over responsibility for their own zoning, or counties choose to turn this task back to towns, the bill could lead to an increase in town expenditures and a decrease in county expenditures. The DOR does not have information which would permit it to estimate the potential shift in cost this bill could engender.

### Long-Range Fiscal Implications