

Legislative Update

- * APA-WI Annual Conference
- * September 23, 2016
- * Drew Pennington, AICP
- * VP – Chapter Affairs



Photo Source: photos.uc.wisc.edu

Legislative Update Agenda

- * Review of last session's planning-related Acts
- * Results of 2015 member survey related to advocacy
- * Preview of increased legislative advocacy by Board and Legislative Committee

Act 391 - Property Rights

- * Prohibits County-imposed development moratoria
- * Changes zoning notification requirements
- * Relaxes the regulation of nonconforming structures in shoreland setback areas
- * Changes how surveyors measure shoreland setbacks
- * Allows decks on boat houses in shoreland setbacks
- * Changes the Comp Planning Law to specify that CUP's do not need to be consistent with Plan
- * Requires 2/3 majority to downzone (density or use)

Act 391 – Property Rights Continued

- * Allows the substitution of hearing examiners in contested DNR & DATCP cases
- * Instructs courts to “accord no deference” to agency interpretations
- * Restricts local governments from time-of-sale requirements
- * Instructs courts reviewing zoning challenges to “resolve... in favor of the free use of private property”

Act 176

Landlord Rights

- * Requires notice & hearing prior to historic designation
- * Allows appeals of Landmarks Commission decisions
- * Changes rental permit, registration, & fee laws
- * Pre-empts existing multi-family sprinkler requirements
- * Significant changes to landlord/tenant laws



Photo Source: beloit.edu

Act 178

Dane County Opt-Out

- * Allows Towns in Dane County to opt out of County zoning subject to certain conditions
- * Towns opting-out require:
 - * Comp Plan
 - * Zoning Ordinance
 - * Official Map
- * Counties retain floodplain zoning authority

Act 223 – Mobile Home Parks

- * Changes County zoning statute to allow repair or replacement of homes and infrastructure in manufactured home communities
- * Expands the ability of nonconforming structures within cities to be “replaced” if damaged/destroyed

Act 167 – County Shoreland Zoning

- * Prohibits counties from imposing regulations or fees to repair, replace, or restore structures within the setback such as stairs, boathouses, utilities, etc.
- * Shoreland setback averaging
- * Allows higher impervious surface area % on certain properties
- * Very dynamic area of law – See excellent resources developed by CLUE, including Fact Sheet/Timeline by Lynn Markham on web



Photo Source: vrbo.com

Act 219 – Adverse Possession

- * Prohibits adverse possession of public lands
- * Prohibits local governments from acquiring private property through adverse possession

Legislative Advocacy – Survey Responses

- * Survey responses indicate WI planners want APA-WI to increase legislative activity and advocacy
- * However, planners feel vulnerable and are reluctant to get embroiled in political battles or endorse candidates
- * APA-WI Board responded by creating streamlined 3-step Legislative Advocacy process
- * Focused on our strengths:
 - * Geographic diversity & local expertise
 - * Existing relationships with elected officials
 - * Allied organizations (League, 1000 Friends)

Legislative Advocacy

- * Step 1: Bill proposed > Legislative Comm. discusses and votes to support, oppose, or remain neutral
- * Step 2: Legislative Action Alert (email notice of bill details, Legislative Committee vote, and action)
- * Step 3: Direct & Indirect Legislative Advocacy
 - * District Reps assist with individual advocacy
 - * APA-WI Lobbies (calls, emails, social, hearing testimony)
 - * Members notified of outcome

Questions/Comments/Discussion

- * Contact Info:

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