

2005 DRAFTING REQUEST

Bill

Received: 01/27/2005

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Rep. Albers

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters:

Subject: Local Gov't - zoning

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring notice to persons affected by zoning actions

Instructions:

See attached. Redraft 2003 AB 271 (-2060/2) and AA 1 (a1817)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 01/28/2005	kfollett 02/25/2005		_____			S&L
/1			pgreensl 02/25/2005	_____	lemery 02/25/2005		S&L
/2	mshovers 05/06/2005	jdye 05/06/2005	chaugen 05/06/2005	_____	lemery 05/06/2005		S&L
/3	mshovers	kfollett	jfrantze	_____	sbasford	sbasford	

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	07/07/2005	07/08/2005	07/11/2005	_____	07/11/2005	07/25/2005	

FE Sent For: **07/15/2005.**

($\frac{1}{3}$ ")

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13 MESA 17/05
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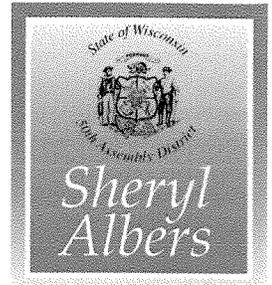
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11	MS	1/28/05	1/25/05	2/25/05			
			PS	PS			

FE Sent For:

<END>

MES
2



To: LRB – Drafting
From: Representative Sheryl K. Albers

Date: January 26, 2005
Subject: 2003 Assembly Bill 271

Please draft as a 2005 bill the language of 2003 Assembly Bill 271, as amended by Assembly Amendment 1.

Contact Ryan Gruber in my office if there are any questions regarding this request. Thank you.

-1032/1

2/28

RMR

2005 2003 ASSEMBLY BILL 271

PWF

April 18, 2003 - Introduced by Representatives ALBERS, LADWIG, HINES, LOEFFELHOLZ, MCCORMICK, MUSSER, OWENS and VAN ROY, cosponsored by Senators WELCH and SCHULTZ. Referred to Committee on Property Rights and Land Management.

regr

1 AN ACT to amend 59.69 (5) (a), 59.69 (5) (e) 2., 60.61 (4) (b), 60.61 (4) (c) 1., 62.23
2 (7) (d) 1. a., 62.23 (7) (d) 1. b. and 62.23 (7) (d) 2.; and to create 59.69 (5) (f), 60.61
3 (4) (e) and 62.23 (7) (d) 4. of the statutes; relating to: requiring notice to
4 persons affected by zoning actions that change the allowable use of their
5 property.

Analysis by the Legislative Reference Bureau

Generally, under current law, if a city, village, town, or county (political subdivision) or a subunit of a political subdivision wants to propose a new zoning ordinance or if a political subdivision or a subunit of a political subdivision wants to amend an existing ordinance, the political subdivision or the subunit must first hold a public hearing on the proposed ordinance or amendment and provide notice that the hearing will be held.

This bill specifies that a town zoning committee must hold a public hearing and give notice of the hearing on a preliminary report on recommended zoning district boundaries and zoning regulations for such districts and that a town board give notice of a public hearing on a proposed zoning ordinance.

This bill also requires that, if a proposed zoning ordinance, amendment to a zoning ordinance, or zoning district plan, or regulation has the effect of changing the allowable use of any property within the boundaries of the political subdivision, the political subdivision or subunit of the political subdivision must send a notice, which contains a copy of the proposed ordinance or amendment, to each person whose

X
X

ASSEMBLY BILL 271

X ^{the allowable use of which,} property may be affected and who has previously notified the political subdivision in writing, of his or her desire to be placed on a list to receive such a notice. The notice shall also include either a map showing the property affected by the ordinance or amendment, or a description of the property affected and a statement that a map may be obtained from the political subdivision or subunit of the political subdivision. The political subdivision or subunit of the political subdivision may charge a fee for providing the notice. The fee may not exceed the approximate cost of providing the notice. Under the bill, an ordinance or amendment may take effect even if the political subdivision does not comply with the bill's notice requirements. In general, the bill does not apply to first class cities (presently only Milwaukee).

For further information see the *state and 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. If the proposed ordinance
5 has the effect of changing the allowable use of any property, the notice shall include
6 either a map showing the property affected by the ordinance or a description of the
7 property affected by the ordinance and a statement that a map may be obtained from
8 the zoning agency. After such hearing the agency may make such revisions in the
9 draft as it considers necessary, or it may submit the draft without revision to the
10 board with recommendations for adoption. Proof of publication of the notice of the
11 public hearing held by such agency shall be attached to its report to the board.

12 SECTION 2. 59.69 (5) (e) 2. [✓] of the statutes is amended to read:

13 59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public
14 hearing on the petition. Notice of the time and place of the hearing shall be given
15 by publication in the county of a class 2 notice, under ch. 985. If an amendment to

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1 an ordinance, as described in the petition, has the effect of changing the allowable
2 use of any property, the notice shall include either a map showing the property
3 affected by the amendment or a description of the property affected by the
4 amendment and a statement that a map may be obtained from the zoning agency.

5 A copy of the notice shall be mailed by registered mail to the town clerk of each town
6 affected by the proposed amendment at least 10 days prior to the date of such
7 hearing. If the petition is for any change in an airport affected area, as defined in
8 s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or
9 operator of the airport bordered by the airport affected area.

10 **SECTION 3.** 59.69 (5) (f) of the statutes is created to read:

11 59.69 (5) (f) The county zoning agency shall maintain a list of persons who
12 submit a written request to receive notice of any proposed ordinance or amendment
13 that affects the allowable use of the property owned by the person. If the county
14 zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if
15 the agency receives a petition under par. (e) 2., the agency shall send a notice, which
16 contains a copy of the proposed ordinance or petition, to each person on the list whose
17 property ^{the allowable use of which} may be affected by the proposed ordinance or amendment. The notice shall
18 be by mail or in any reasonable form that is agreed to by the person and the agency.
19 The agency may charge each person on the list who receives a notice a fee that does
20 not exceed the approximate cost of providing the notice to the person. An ordinance
21 or amendment that is subject to this paragraph may take effect even if the agency
22 fails to send the notice that is required by this paragraph.

23 **SECTION 4.** 60.61 (4) (b) of the statutes is amended to read:

24 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
25 town zoning committee shall recommend zoning district boundaries and appropriate

ASSEMBLY BILL 271

SECTION 4

1 regulations and restrictions for the districts. In carrying out its duties, the town
2 zoning committee shall develop a preliminary report and hold a public hearing on the
3 report before submitting a final report to the town board. The town zoning committee
4 shall give notice of the public hearing on the preliminary report and of the time and
5 place of the public hearing on the report by a class 2 notice under ch. 985. If the town
6 zoning committee makes a substantial change in its report following the public
7 hearing, it shall hold another public hearing on the report. After the final report of
8 the town zoning committee is submitted to the town board, the board may adopt an
9 ordinance under sub. (2) following a public hearing held by the board on the proposed
10 ordinance. The town board shall give notice of the public hearing on the proposed
11 ordinance and of the time and place of the public hearing on the ordinance by a class
12 2 notice under ch. 985. If the proposed ordinance has the effect of changing the
13 allowable use of any property, the notice shall include either a map showing the
14 property affected by the ordinance or a description of the property affected by the
15 ordinance and a statement that a map may be obtained from the town board.

16 **SECTION 5.** 60.61 (4) (c) 1. of the statutes is amended to read:

17 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the
18 board may alter, supplement or change the boundaries or regulations established in
19 the ordinance if a public hearing is held on the revisions. The board shall give notice
20 of any proposed revisions in the zoning ordinance and of the time and place of the
21 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
22 would have the effect of changing the allowable use of any property, the notice shall
23 include either a map showing the property affected by the amendment or a
24 description of the property affected by the amendment and a statement that a map
25 may be obtained from the town board. The board shall allow any interested person

ASSEMBLY BILL 271

1 to testify at the hearing. If any proposed revision under this subdivision would make
2 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
3 shall mail a copy of such notice to the owner or operator of the airport bordered by
4 the airport affected area.

5 **SECTION 6.** 60.61 (4) (e) of the statutes is created to read:

6 60.61 (4) (e) The town board shall maintain a list of persons who submit a
7 written request to receive notice of any proposed ordinance or amendment that
8 affects the allowable use of the property owned by the person. If the town zoning
9 committee completes a final report on a proposed zoning ordinance and the town
10 board is prepared to vote on the proposed ordinance under par. (b) or if the town board
11 is prepared to vote on a proposed amendment under par. (c) 1., the town board shall
12 send a notice, which contains a copy of the proposed ordinance or amendment, to each
13 person on the list whose property ^{the allowable use of which} may be affected by the proposed ordinance or
14 amendment. The notice shall be by mail or in any reasonable form that is agreed to
15 by the person and the town board. The town board may charge each person on the
16 list who receives a notice a fee that does not exceed the approximate cost of providing
17 the notice to the person. An ordinance or amendment that is subject to this
18 paragraph may take effect even if the town board fails to send the notice that is
19 required by this paragraph.

20 **SECTION 7.** 62.23 (7) (d) 1. a. of the statutes is amended to read:

21 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
22 the board of public land commissioners, or if the city has neither, the city plan
23 committee of the city council shall prepare and recommend a district plan and
24 regulations for the city. Following the formulation of tentative recommendations a
25 public hearing shall be held by, at the council's option, the council, the plan

ASSEMBLY BILL 271

SECTION 7

1 commission, the board of public land commissioners or the plan committee. At least
2 10 days' prior written notice of any such hearings shall be given to the clerk of any
3 municipality whose boundaries are within 1,000 feet of any lands included in the
4 proposed plan and regulations but failure to give such notice shall not invalidate
5 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the
6 tentative recommendations and hearings thereon must be made once during each of
7 the 2 weeks prior to such hearing. If the proposed district plan and regulations have
8 the effect of changing the allowable use of any property within the city, the notice
9 shall include either a map showing the property affected by the plan and regulations
10 or a description of the property affected by the plan and regulations and a statement
11 that a map may be obtained from the city council.

12 **SECTION 8.** 62.23 (7) (d) 1. b. of the statutes is amended to read:

13 62.23 (7) (d) 1. b. The council may make changes in the tentative
14 recommendations after first submitting the proposed changes to the plan
15 commission, board of public land commissioners or plan committee for
16 recommendation and report and after publishing a class 2 notice, under ch. 985, of
17 the proposed changes and hearings thereon as well as the notice to the clerk of any
18 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes
19 may be held by, at the council's option, the council, the plan commission, the board
20 of public land commissioners or the plan committee. If the proposed changes to the
21 proposed district plan and regulations have the effect of changing the allowable use
22 of any property within the city, the notice shall include either a map showing the
23 property affected by the changes or a description of the property affected by the
24 changes and a statement that a map may be obtained from the city council.

25 **SECTION 9.** 62.23 (7) (d) 2. of the statutes is amended to read:

ASSEMBLY BILL 271

1 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning
2 ordinance after first submitting the proposed amendments to the city plan
3 commission, board of public land commissioners or plan committee for
4 recommendation and report and after providing the notices as required in subd. 1.
5 b. of the proposed amendments and hearings thereon. In any city which is not located
6 in whole or in part in a county with a population of 500,000 or more, if the proposed
7 ~~amendment~~ amendments would make any change in an airport affected area, as
8 defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner
9 or operator of the airport bordered by the airport affected area. A hearing shall be
10 held on the proposed amendments by, at the council's option, the council, the plan
11 commission, the board of public land commissioners or the plan committee. If the
12 proposed amendments have the effect of changing the allowable use of any property
13 within the city, the notice shall include either a map showing the property affected
14 by the amendments or a description of the property affected by the amendments and
15 a statement that a map may be obtained from the city council. If the council does not
16 receive recommendations and a report from the plan commission, board of public
17 land commissioners or plan committee within 60 days of submitting the proposed
18 amendments, the council may hold hearings without first receiving the
19 recommendations and report.

20 **SECTION 10.** 62.23 (7) (d) 4. of the statutes is created to read:

21 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a
22 written request to receive notice of any proposed zoning action that may be taken
23 under subd. 1. a. or b. or 2. that affects the allowable use of the person's property.

24 If the plan commission, the board of public land commissioners, or city plan
25 committee of the city council completes action on any tentative recommendations

ASSEMBLY BILL 271

SECTION 10

1 that are noticed under subd. 1. a., proposed changes to a proposed district plan and
2 regulations that are submitted under subd. 1. b., or proposed amendments that are
3 submitted under subd. 2., and the city council is prepared to vote on the tentative
4 recommendations, proposed changes to a proposed district plan, and regulations or
5 proposed amendments, the city council shall send a notice, which contains a copy of
6 the tentative recommendations, proposed changes to a proposed district plan, and
7 regulations or proposed amendments, to each person on the list whose property ^{the allowable use of which} may
8 be affected by the tentative recommendations or proposed changes or amendments.
9 The notice shall be by mail or in any reasonable form that is agreed to by the person
10 and the city council. The city council may charge each person on the list who receives
11 a notice a fee that does not exceed the approximate cost of providing the notice to the
12 person. An ordinance or amendment that is subject to this subdivision may take
13 effect even if the city council fails to send the notice that is required by this
14 subdivision.

15

(END)

Shovers, Marc

From: Gruber, Ryan
Sent: Friday, April 29, 2005 12:14 PM
To: Shovers, Marc
Subject: LRB 1932/1

Hi Marc,

I spoke to Rep. Ward's office, and I guess we don't need the ag siting language that I discussed in the email I sent you on March 31st. The other change discussed in that email, regarding notices sent under 66.1004, is still good.

- Ryan

Shovers, Marc

From: Gruber, Ryan
Sent: Thursday, March 31, 2005 12:00 PM
To: Shovers, Marc
Subject: Changes to LRB 1932/1

Hi Marc,

A few changes to LRB 1932/1...

Expand the list of notices to be sent to those who have voluntarily requested notices to include the following:

Notices sent under 66.1004 - intent is to allow people to receive notice of changes to a comprehensive plan that may affect allowable use

Notices sent regarding changes to agricultural siting - basically, any notices that may be sent as a result of proposed actions under 2003 Act 235.

As always, let me know if you have questions - especially on the ag siting stuff. I tried to be as clear as possible, but agriculture isn't really my issue...

Ryan Gruber
Research Assistant
Office of Rep. Sheryl Albers

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Madison, WI 53708-8952
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608.282.3650 (fax)