



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 237

**Senate
Amendment 1**

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Under *current law*, a zoning agency (e.g., a county zoning agency, town zoning committee, village board, or city plan commission) of a county, city, village, or town authorized to enact zoning ordinances may issue a conditional use permit. A conditional use permit authorizes a property owner to put property to a use permitted under the applicable zoning ordinance as long as certain conditions are met.

Under *2003 Senate Bill 237*, a county zoning agency, city council, city plan commission, city plan committee of the city council, board of appeals, and by statutory reference village presidents, village boards, and village officials may not do any of the following:

- Withhold approval of a conditional use permit based on a reason that is not directly related to the requested conditional use permit.
- Condition the approval of a conditional use permit on the property owner taking some action or refraining from some action with respect to an existing use of the property, or any improvements to the property, that are not directly related to the requested conditional use permit.

Senate Amendment 1 adds “town board” and “town zoning committee” to the specified zoning agencies that may not withhold or condition approval of a conditional use permit under the specified circumstances, and replaces the specified circumstances in the original bill (bulleted above) with a prohibition stating that the specified zoning agencies may not:

- Condition or withhold approval of a conditional use permit based upon the property owner entering into a contract, or discontinuing, modifying, extending, or renewing any contract, with a third party under which the third party is engaging in a lawful use of the property.

Legislative History

On February 2, 2004, the Senate Committee on Homeland Security, Veterans and Military Affairs and Government Reform introduced Senate Amendment 1; recommended adoption of Senate Amendment 1 by a vote of Ayes 5, Noes 0; and recommended passage of 2003 Senate Bill 237, as amended, by a vote of Ayes 4, Noes 1.

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