



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Assembly Bill 562

Assembly Amendment 1

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2011 ASSEMBLY BILL 562

2011 Assembly Bill 562 (the bill) authorizes a city, village, or town (municipality) to enact a development moratorium ordinance on land development,¹ rezoning, conditional use permits, or subdivision or other division of land by plat or certified survey map, if the municipality has done both of the following:

- Enacted a comprehensive plan; is in the process of preparing a comprehensive plan; is in the process of preparing a comprehensive plan in response to a substantial change in conditions in the municipality; or is exempt from the requirement.
- Adopted a resolution, accompanied by a written report, that states at least one of the following:
 - The moratorium is needed to prevent a *shortage in, or the overburdening of, public facilities* located in the municipality and that the shortage or overburdening would otherwise occur during the period in which the moratorium would be in effect. The written report must be from a registered engineer stating that in his or her opinion, the possible shortage or overburdening of public facilities justifies the need for a moratorium.
 - The moratorium is needed to address a *significant threat to the public health or safety that is presented by a proposed or anticipated land development*. The written report

¹ Under the bill, “land development” means “the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.” [s. 66.0617, Stats.]

must be from either a registered engineer or public health professional stating that in his or her opinion, the proposed or anticipated land development presents such a significant threat to the public health or safety that the need of the moratorium is justified.

The ordinance authorizing the development moratorium must include at least all of the following elements:

- A statement describing the problem giving rise to the need for the moratorium.
- A statement of the specific action that the municipality intends to take to alleviate the need for the moratorium.
- The length of time during which the moratorium is to be in effect, not to exceed 12 months. The municipality may amend the ordinance to extend the moratorium for an additional six months, if necessary, to address the problem giving rise to the need for the moratorium.
- A statement describing the area in which the ordinance applies.
- An exemption for any land development that would have no impact, or slight impact, on the problem giving rise to the need for the moratorium.

Prior to enactment of the ordinance, the municipality must hold at least one public hearing discussing it, noticed by a Class 1 notice at least 30 days before the hearing.

The bill first applies to any land development plan that is submitted to a municipality on the effective date of the bill, unless the municipality and a developer agree to apply the municipality's development moratorium ordinance retroactively.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes the following changes to the bill:

- Removes any reference to land development or application for a building permit or conditional use permit. Instead, the moratorium ordinance applies only to a request for zoning; a plat or certified survey map; or a subdivision plat or land division.
- Limits the number of extensions that a municipality may issue to extend the moratorium to one six-month extension.

LEGISLATIVE HISTORY

On March 2, 2012, Representative Steineke introduced Assembly Amendment 1. On March 7, 2012, the Assembly Committee on Housing voted to recommend adoption of Assembly Amendment 1 by a vote of Ayes, 8; Noes, 0; and voted to recommend passage of the bill, as amended, by a vote of Ayes, 7; Noes, 1.

MS:jb;jal