



## 2005 ASSEMBLY BILL 558

July 12, 2005 - Introduced by Representative ALBERS. Referred to Committee on Property Rights and Land Management.

1     **AN ACT** *to amend* 59.69 (2) (bm); and *to create* 60.61 (4) (e) and 62.23 (7) (gm)  
2             of the statutes; **relating to:** limiting the reasons for which a local government  
3             may withhold approval of a permit.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a city, village, town that is authorized to exercise village powers (municipality), or county is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of population; and the location and use of buildings, structures, and land for various purposes.

Also under current law a municipality or county, or a body that handles zoning issues such as a city plan commission, board of appeals, or county zoning agency (zoning entity), may issue permits under their zoning authority.

Under this bill, no zoning entity may condition or withhold approval of a permit that it may issue under its zoning authority based on the property owner entering into, discontinuing, modifying, extending, or renewing a contract with a third party under which the third party is engaging in a lawful use of the property.

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:***

**ASSEMBLY BILL 558**

1           **SECTION 1.** 59.69 (2) (bm) of the statutes is amended to read:

2           59.69 (2) (bm) The head of the county zoning agency appointed under sub. (10)  
3 (b) 2. shall have the administrative powers and duties specified for the county zoning  
4 agency under this section, and the county zoning agency shall be only a  
5 policy-making body determining the broad outlines and principles governing such  
6 administrative powers and duties and shall be a quasi-judicial body with  
7 decision-making power that includes but is not limited to conditional use, planned  
8 unit development, and rezoning. The building inspector shall enforce all laws,  
9 ordinances, rules, and regulations under this section. The county zoning agency may  
10 not condition or withhold approval of a permit under this section based upon the  
11 property owner entering into a contract, or discontinuing, modifying, extending, or  
12 renewing any existing contract, with a 3rd party under which the 3rd party is  
13 engaging in a lawful use of the property.

14           **SECTION 2.** 60.61 (4) (e) of the statutes is created to read:

15           60.61 (4) (e) Neither the town board nor the town zoning committee may  
16 condition or withhold approval of a permit under this section based upon the  
17 property owner entering into a contract, or discontinuing, modifying, extending, or  
18 renewing any contract, with a 3rd party under which the 3rd party is engaging in a  
19 lawful use of the property.

20           **SECTION 3.** 62.23 (7) (gm) of the statutes is created to read:

21           62.23 (7) (gm) *Permits.* Neither the city council, nor the city plan commission,  
22 nor the city plan committee of the city council, nor the board of appeals may condition  
23 or withhold approval of a permit under this section based upon the property owner  
24 entering into a contract, or discontinuing, modifying, extending, or renewing any

**ASSEMBLY BILL 558**

1 contract, with a 3rd party under which the 3rd party is engaging in a lawful use of  
2 the property.

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to an application for a permit that is filed on the  
5 effective date of this subsection.

6 (END)