

1999 DRAFTING REQUEST

Bill

Received: **12/30/1998**

Received By: **shoveme**

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: **shoveme**

May Contact:

Alt. Drafters:

Subject: **Counties
Munis - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Require notice to persons affected by zoning actions

Instructions:

See Attached. Redraft 1997 ASA 1 (s0600/1) to AB 807 (-4488/2).

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
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/2	shoveme 01/13/2000	jgeller 01/13/2000	martykr 01/14/2000	_____	lrb_docadmin 01/14/2000		S&L
/3	shoveme 0 1/26/2000	chanaman 0 1/26/2000	ismith 0 1/26/2000	_____	lrb-docadmin 0 1/26/2000	lrb-docadmin 0 1/26/2000	

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Page 2

FE Sent For:

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Wanted: **As time permits**

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For: **Sheryl Albers (608) 26643531**

By/Representing: **Rep. Albers**

This file may be shown to any legislator: NO

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May Contact:

Alt. Drafters:

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/1			hhagen 01/04/1999	_____	lrb_docadmin 01/04/1999		S&L
/2	shoveme 01/13/2000	jgeller 01/13/2000	martykr 01/14/2000	_____	lrb_docadmin 01/14/2000		

13 MES 1/26/00
FE Sent For:
JLG
1/26/00
13

JB
1/26/00
1/26/00
<END>

JACKET
for
Assembly

1999 DRAFTING REQUEST

Bill

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Wanted: **As time permits**

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By/Representing: **Rep. Albers**

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May Contact:

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/1		12/13 jlg	hhagen 01/4/99	_____	lrb_docadmin 01/4/99		
<p>12MES 1/13/00</p> <p>FE Sent For:</p> <p style="text-align: right;">Kmt 13</p> <p style="text-align: right;">Kmt 14</p> <p style="text-align: center;"><END></p>							

1999 DRAFTING REQUEST

Bill

Received: 12/30/98

Received By: **shoveme**

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: **shoveme**

May Contact:

Alt. Drafters:

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Instructions:

See Attached. Redraft 1997 ASA 1 (s0600/1) to AB 807 (-4488/2).

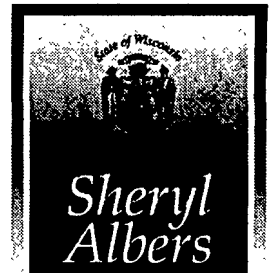
*note to file;
1997 bill had 2 amends
drafted to sub,
AA1 (22228) + AA2 (22229)*

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>
1?	shoveme	1 1/2 jlg					
1/1 NES	12/30/98		1/4	1/15 '98			

FE Sent For:

<END>



To: LRB Drafting
From: Representative Sheryl K. Albers

Date: December 23, 1998
Subject: Drafting of Legislation

Please reconstitute the following pieces of legislation for the 1999 session:

~~AB 757~~
Assembly Substitute Amendment 1 to AB 807 .

Neither bill will require any changes. Thank you.



1997 ASSEMBLY BILL 807

February 19, 1998 - Introduced by Representatives ALBERS, GRONEMUS, JENSEN, SYKORA, SERATTI, GREEN, MUSSER, SPILLNER, AINSWORTH, BRANDEMUEHL, JOHNSRUD, SCHAFER, HAHN, F. LASEE, GUNDERSON, OLSEN, HARSDDORF, OTTE, FREESE and PORTER, cosponsored by Senators WELCH, DRZEWIECKI and SCHULTZ. Referred to Committee on Land Use.

AN ACT to *amend* 59.69 (5) (a), 59.69 (5) (e) 2., 60.61 (4) (b), 60.61 (4) (c) 1., 62.23

(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 (4) (e) and 62.23 (7) (d) 4. of the statutes; **relating to:** requiring notice to persons affected by zoning actions that change the allowable use of their 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 **make** a good faith effort to identify each person whose property is affected by the proposed zoning action in a way that changes the allowable use of the person's property.

ASSEMBLY BILL 807

The political subdivision or subunit of the political subdivision is also required under the bill to mail a written notice to each person so identified, which shall contain a statement that the proposed zoning action may change the allowable use of the person's property and shall provide a comprehensive description of the opportunity for public testimony on the proposed zoning action and the procedures for participating in the development of the proposed action. Any person so identified who does not receive the required written notice is not required to comply with the proposed zoning action.

For further information see the *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:

SECTION 1. 59.69 (5) (a) of the statutes is amended to read:

59.69 (5) (a) When the county zoning agency has completed a draft of a proposed zoning ordinance, it shall hold a public hearing thereon, following publication in the county of a class 2 notice, under ch. 985. If the proposed ordinance has the effect of changing the allowable use of any property, the notice shall include a statement to that effect and the zoning agency shall take the actions described in par. (f). After such hearing the agency may make such revisions in the draft as it considers necessary, or it may submit the draft without revision to the board with recommendations for adoption. Proof of publication of the notice of the public hearing held by such agency shall be attached to its report to the board.

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

59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public hearing on the petition. Notice of the time and place of the hearing shall be given by publication in the county of a class 2 notice, under ch. 985. If an amendment to an ordinance, as described in the petition, would have the effect of changing the allowable use of any property, the notice shall include a statement to that effect and the zoning agency shall take the actions described in par. (f). A copy of the notice shall



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1524/

MES.....

Handwritten initials: JG (FMR)

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Handwritten initials: JG

1 AN ACT...; relating to: requiring notice to persons affected by zoning actions that
2 change the allowable use of their property.

Analysis by the Legislative Reference Bureau

Generally, under current law, if a city, village, town or county (political subdivision) for 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 who has previously notified the political subdivision 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.

If the political subdivision or subunit of the political subdivision does not provide a copy of the notice to a person who requested to be on the list of people to whom such notices must be sent, and the political subdivision enacts an ordinance or an amendment to an ordinance that is substantially similar to the ordinance or amendment that is, or should have been, described in the requested notice, the person may commence an action in circuit court for a declaratory judgment that the notice was not sent out. If such a judgment is issued, the ordinance or amendment to an ordinance does not apply to, and may not be enforced against the person or the person's 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:

1



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 807**

March 16, 1998 - Offered by **COMMITTEE ON LAND USE.**

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.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 59.69 (5) (a) of the statutes is amended to read:

7 59.69 (5) (a) When the county zoning agency has completed a draft of a
8 proposed zoning ordinance, it shall hold a public hearing thereon, following
9 publication in the county of a class 2 notice, under ch. 985. If the proposed ordinance
10 has the effect of changing the allowable use of any property, the notice shall include
11 either a map showing the property affected by the ordinance or a description of the
12 property affected by the ordinance and a statement that a map may be obtained from

PROOF w/STATS.

1 the zoning agency. After such hearing the agency may make such revisions in the
2 draft as it considers necessary, or it may submit the draft without revision to the
3 board with recommendations for adoption. Proof of publication of the notice of the
4 public hearing held by such agency shall be attached to its report to the board.

5 **SECTION 2.** 59.69 (5) (e) 2. of the statutes is amended to read:

6 **59.69 (5) (e) 2.** Upon receipt of the petition by the agency it shall call a public
7 hearing on the petition. Notice of the time and place of the hearing shall be given
8 by publication in the county of a class 2 notice, under ch. 985. If an amendment to
9 an ordinance, as described in the petition, has the effect of changing: the allowable
10 use of any property, the notice shall include either a map showing: the property
11 affected by the amendment or a description of the property affected by the
12 amendment and a statement that a map may be obtained from the zoning agency.

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

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

19 59.69 (5) (f) The county zoning agency shall maintain a list of persons who wish
20 to receive notice of any proposed ordinance or amendment that affects the allowable
21 use of the person's property. If the county zoning agency completes a draft of a
22 proposed zoning ordinance under par. (a) or if the agency receives a petition under
23 par. (e) 2., the agency shall send a notice, which contains a copy of the proposed
24 ordinance or petition, to each person on the list in any reasonable form that is
25 requested by the person. The agency may charge each person on the list a fee for the

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1 notice that does not exceed the approximate cost of providing the notice to the person.
 2 If the agency does not send the notice to any person who requested it and the board
 3 enacts an ordinance or an amendment to an ordinance that is substantially similar
 4 to the ordinance or amendment that is, or should have been, described in the
 5 requested notice, the person may commence an action in the circuit court where the
 6 property is located for a declaratory judgment that the agency did not send the
 7 requested notice to the person. If the court issues the requested declaratory
 8 judgment, the ordinance or amendment to an ordinance does not apply to, and may
 9 not be enforced against, the person or the person's property. If the court that is
 10 requested to issue a declaratory judgment finds that the agency has a list showing
 11 the names of all persons who requested the notice described in this [✓] paragraph that
 12 includes the person's name, and the form in which the person requested the notice,
 13 the court shall presume that the notice was sent.

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

15 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
 16 town zoning committee shall recommend zoning district boundaries and appropriate
 17 regulations and restrictions for the districts. In carrying out its duties, the town
 18 zoning committee shall develop a preliminary report and hold a public hearing on the
 19 report before submitting a final report to the town board. The town zoning committee
 20 shall give notice of the public hearing: on the preliminary report and of the time and
 21 place of the public hearing: on the report by a [✓] class 2 notice under ch. 985. If the town
 22 zoning committee makes a substantial change in its report following the public
 23 hearing, it shall hold another public hearing on the report. After the final report of
 24 the town zoning committee is submitted to the town board, the board may adopt an
 25 ordinance under sub. (2) following a public hearing held by the board on the proposed

PROOF ³ /STATS.

1 ordinance. The town board shall give notice of the public hearing on the proposed
2 ordinance and of the time and place of the public hearing on the ordinance by a class
3 2 notice under ch. 985. If the proposed ordinance has the effect of changing: the
4 allowable use of any property, the notice shall include either a map showing the
5 property affected by the ordinance or a description of the property affected by the
6 ordinance and a statement that a map may be obtained from the town board.

7 **SECTION 5.** 60.6 1 (4) (c) 1. of the statutes is amended to read:

8 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the
9 board may alter, supplement or change the boundaries or regulations established in
10 the ordinance if a public hearing is held on the revisions. The board shall give notice
11 of any proposed revisions in the zoning ordinance and of the time and place of the
12 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
13 would have the effect of changing the allowable use of any property, the notice shall
14 include either a map showing: the property affected by the amendment or a
15 description of the property affected by the amendment and a statement that a map
16 may be obtained from the town board. The board shall allow any interested person
17 to testify at the hearing. If any proposed revision under this subdivision would make
18 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
19 shall mail a copy of such notice to the owner or operator of the airport bordered by
20 the airport affected area.

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

22 60.61 (4) (e) The town board shall maintain a list of persons who wish to receive
23 notice of any proposed ordinance or amendment that affects the allowable use of the
24 person's property. If the town zoning committee completes a final report on a
25 proposed zoning ordinance and the town board is prepared to vote on the proposed

PR⁰⁰ F W/STATS.

1 ordinance under par. (b) ✓ or if the town board is prepared to vote on a proposed
2 amendment under par. (c) 1. ✓, the town board shall send a notice, which contains a
3 copy of the proposed ordinance or amendment, to each person on the list in any
4 reasonable form that is requested by the person. The town board may charge each
5 person on the list a fee for the notice that does not exceed the approximate cost of
6 providing the notice to the person. If the town board does not send the notice to any
7 person who requested it and the board enacts an ordinance or an amendment to an
8 ordinance that is substantially similar to the ordinance or amendment that is, or
9 should have been, described in the requested notice, the person may commence an
10 action in the circuit court where the property is located for a declaratory judgment
11 that the town board did not send the requested notice to the person. If the court
12 issues the requested declaratory judgment, the ordinance or amendment to an
13 ordinance does not apply to, and may not be enforced against, the person or the
14 person's property. If the court that is requested to issue a declaratory judgment finds
15 that the town board has a list showing the names of all persons who requested the
16 notice described in this paragraph ✓ that includes the person's name, and the form in
17 which the person requested the notice, the court shall presume that the notice was
18 sent.

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

20 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
21 the board of public land commissioners, or if the city has neither, the city plan
22 committee of the city council shall prepare and recommend a district plan and
23 regulations for the city. Following the formulation of tentative recommendations a
24 public hearing shall be held by, at the council's option, the council, the plan
25 commission, the board of public land commissioners or the plan committee. At least

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

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

12 62.23 (7) (d) 1. b. The council may make changes in the tentative
13 recommendations after first submitting the proposed changes to the plan
14 commission, board of public land commissioners or plan committee for
15 recommendation and report and after publishing a class 2 notice, under ch. 985, of
16 the proposed changes and hearings thereon as well as the notice to the clerk of any
17 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes
18 may be held by, at the council's option, the council, the plan commission, the board
19 of public land commissioners or the plan committee. If the proposed changes to the
20 proposed district plan and regulations have the effect of changing the allowable use
21 of any property within the city, the notice shall include either a map showing the
22 property affected by the changes or a description of the property affected by the
23 changes and a statement that a map may be obtained from the city council.

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

PROOF w/STATS

PROOF w/STATS.

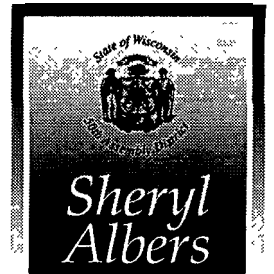
1 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning
 2 ordinance after first submitting the proposed amendments to the city plan
 3 commission, board of public land commissioners or plan committee for
 4 recommendation and report and after providing the notices as required in subd. 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 would make any change in an airport affected area, as defined in sub.
 8 (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of
 9 the airport bordered by the airport affected area. A hearing shall be held on the
 10 proposed amendments by, at the council's option, the council, the plan commission,
 11 the board of public land commissioners or the plan committee. If the proposed
 12 amendment has the effect of changing the allowable use of any property within the
 13 city, the notice shall include either a map showing the property affected by the
 14 amendments or a description of the property affected by the amendments and a
 15 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 wish to
 22 receive notice of any proposed zoning action that may be taken under subd. 1. a. or
 23 ✓ ✓ b. or 2. that affects the allowable use of the person's property. If the ✓ plan commission,
 24 the board of public land commissioners or city plan committee of the city council
 25 completes action on any tentative recommendations that are noticed under subd. 1.

1 a., proposed changes to a proposed district plan and regulations that are submitted
2 under subd. 1. b. or proposed amendments that are submitted under subd. 2. and the
3 city council is prepared to vote on the tentative recommendations, proposed changes
4 to a proposed district plan and regulations or proposed amendments, the city council
5 shall send a notice, which contains a copy of the tentative recommendations,
6 proposed changes to a proposed district plan and regulations or proposed
7 amendments, to each person on the list in any reasonable form that is requested by
8 the person. The city council may charge each person on the list a fee for the notice
9 that does not exceed the approximate cost of providing the notice to the person. If
10 the city council does not send the notice to any person who requested it and the city
11 council enacts an ordinance or an amendment to an ordinance that is substantially
12 similar to the ordinance or amendment that is, or should have been, described in the
13 requested notice, the person may commence an action in the circuit court where the
14 property is located for a declaratory judgment that the city council did not send the
15 requested notice to the person. If the court issues the requested declaratory
16 judgment, the ordinance or amendment to an ordinance does not apply to, and may
17 not be enforced against, the person or the person's property. If the court that is
18 requested to issue a declaratory judgment finds that the city council has a list
19 showing the names of all persons who requested the notice described in this
20 subdivision that includes the person's name, and the form in which the person
21 requested the notice, the court shall presume that the notice was sent.

22 (END)



To: LRB Drafting
From: Representative Sheryl K. Albers

Date: December 16, 1999
Subject: 1999 LRB 1524

Please amend LRB 1524, which is the language of Substitute Amendment 1 to 1997 AB 807, to include the two simple amendments to the 1997 substitute (AA1 and AA2 to ASA1 to 1997 AB 807). I've attached copies for your reference.

Note that I will need this bill draft ready for introduction by the end of December.

Thank you.

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 807**

March 16, 1998 - Offered by COMMITTEE ON LAND USE.

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.

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6 **SECTION 1.** 59.69 (5) (a) of the statutes is amended to read:
7 59.69 (5) (a) When the county zoning agency has completed a draft of a
8 proposed zoning ordinance, it shall hold a public hearing thereon, following
9 publication in the county of a class 2 notice, under ch. 985. If the proposed ordinance
10 has the effect of changing the allowable use of any property, the notice shall include
11 either a map showing: the property affected by the ordinance or a description of the
12 property affected by the ordinance and a statement that a map may be obtained from

1 the zoning agency. After such hearing the agency may make such revisions in the
2 draft as it considers necessary, or it may submit the draft without revision to the
3 board with recommendations for adoption. Proof of publication of the notice of the
4 public hearing held by such agency shall be attached to its report to the board.

5 **SECTION 2.** 59.69 (5) (e) 2. of the statutes is amended to read:

6 59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public
7 hearing on the petition. Notice of the time and place of the hearing shall be given
8 by publication in the county of a class 2 notice, under ch. 985. If an amendment to
9 an ordinance, as described in the petition, has the effect of changing the allowable
10 use of any property, the notice shall include either a map showing the property
11 affected by the amendment or a description of the property affected by the
12 amendment and a statement that a map may be obtained from the zoning agency.

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

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

19 59.69 (5) (f) The county zoning agency shall maintain a list of persons who wish
20 to receive notice of any proposed ordinance or amendment that affects the allowable
21 use of the person's property. If the county zoning agency completes a draft of a
22 proposed zoning ordinance under par. (a) or if the agency receives a petition under
23 par. (e) 2., the agency shall send a notice, which contains a copy of the proposed
24 ordinance or petition, to each person on the list in any reasonable form that is
25 requested by the person. The agency may charge each person on the list a fee for the

1 notice that does not exceed the approximate cost of providing the notice to the person.
2 If the agency does not send the notice to any person who requested it and the board
3 enacts an ordinance or an amendment to an ordinance that is substantially similar
4 to the ordinance or amendment that is, or should have been, described in the
5 requested notice, the person may commence an action in the circuit court where the
6 property is located for a declaratory judgment that the agency did not send the
7 requested notice to the person. If the court issues the requested declaratory
8 judgment, the ordinance or amendment to an ordinance does not apply to, and may
9 not be enforced against, the person or the person's property. If the court that is
10 requested to issue a declaratory judgment finds that the agency has a list showing
11 the names of all persons who requested the notice described in this paragraph that
12 includes the person's name, and the form in which the person requested the notice,
13 the court shall presume that the notice was sent.

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

15 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
16 town zoning committee shall recommend zoning district boundaries and appropriate
17 regulations and restrictions for the districts. In carrying out its duties, the town
18 zoning committee shall develop a preliminary report and hold a public hearing on the
19 report before submitting a final report to the town board. The town zoning committee
20 shall give notice of the public hearing on the preliminary report and of the time and
21 place of the public hearing: on the report by a class 2 notice under ch. 985. If the town
22 zoning committee makes a substantial change in its report following the public
23 hearing, it shall hold another public hearing on the report. After the final report of
24 the town zoning committee is submitted to the town board, the board may adopt an
25 ordinance under sub. (2) following a public hearing held by the board on the proposed

1 ordinance. The town board shall give notice of the public hearing: on the proposed
2 ordinance and of the time and place of the public hearing: on the ordinance by a class
3 2 notice under ch. 985. If the proposed ordinance has the effect of changing the
4 allowable use of any nronerty. the notice shall include either a man showing the
5 pronerty affected by the ordinance or a descrintion of the nronerty affected by the
6 ordinance and a statement that a man may be obtained from the town board.

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

8 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the
9 board may alter, supplement or change the boundaries or regulations established in
10 the ordinance if a public hearing is held on the revisions. The board shall give notice
11 of any proposed revisions in the zoning ordinance and of the time and place of the
12 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
13 would have the effect of changing the allowable use of any nronerty, the notice shall
14 include either a man showing the property affected by the amendment or a
15 descrintion of the nronerty affected by the amendment and a statement that a man
16 may be obtained from the town board. The board shall allow any interested person
17 to testify at the hearing. If any proposed revision under this subdivision would make
18 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
19 shall mail a copy of such notice to the owner or operator of the airport bordered by
20 the airport affected area.

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

22 60.6 1 (4) (e) The town board shall maintain a list of persons who wish to receive
23 notice of any proposed ordinance or amendment that affects the allowable use of the
24 person's property. If the town zoning committee completes a final report on a
25 proposed zoning ordinance and the town board is prepared to vote on the proposed

1 ordinance under par. (b) or if the town board is prepared to vote on a proposed
2 amendment under par. (c) 1., the town board shall send a notice, which contains a
3 copy of the proposed ordinance or amendment, to each person on the list in any
4 reasonable form that is requested by the person. The town board may charge each
5 person on the list a fee for the notice that does not exceed the approximate cost of
6 providing the notice to the person. If the town board does not send the notice to any
7 person who requested it and the board enacts an ordinance or an amendment to an
8 ordinance that is substantially similar to the ordinance or amendment that is, or
9 should have been, described in the requested notice, the person may commence an
10 action in the circuit court where the property is located for a declaratory judgment
11 that the town board did not send the requested notice to the person. If the court
12 issues the requested declaratory judgment, the ordinance or amendment to an
13 ordinance does not apply to, and may not be enforced against, the person or the
14 person's property. If the court that is requested to issue a declaratory judgment finds
15 that the town board has a list showing the names of all persons who requested the
16 notice described in this paragraph that includes the person's name, and the form in
17 which the person requested the notice, the court shall presume that the notice was
18 sent.

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

20 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
21 the board of public land commissioners, or if the city has neither, the city plan
22 committee of the city council shall prepare and recommend a district plan and
23 regulations for the city. Following the formulation of tentative recommendations a
24 public hearing shall be held by, at the council's option, the council, the plan
25 commission, the board of public land commissioners or the plan committee. At least

1 10 days' prior written notice of any such hearings shall be given to the clerk of any
2 municipality whose boundaries are within 1,000 feet of any lands included in the
3 proposed plan and regulations but failure to give such notice shall not invalidate
4 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the
5 tentative recommendations and hearings thereon must be made once during each of
6 the 2 weeks prior to such hearing. If the nronosed district nlan and regulations have
7 the effect of changing: the allowable use of anv property within the city, the notice
8 shall include either a ma0 showing: the nronerty affected by the nlan and regulations
9 or a descrintion of the nronerty affected by the plan and regulations and a statement
10 that a man may be obtained from the city council.

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

12 62.23 (7) (d) 1. b. The council may make changes in the tentative
13 recommendations after first submitting the proposed changes to the plan
14 commission, board of public land commissioners or plan committee for
15 recommendation and report and after publishing a class 2 notice, under ch. 985, of
16 the proposed changes and hearings thereon as well as the notice to the clerk of any
17 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes
18 may be held by, at the council's option, the council, the plan commission, the board
19 of public land commissioners or the plan committee. If the proposed changes to the
20 proposed district plan and regulations have the effect of changing the allowable use
21 of anv nronerty within the city, the notice shall include either a man showing the
22 pronerty affected by the changes or a descrintion of the nronerty affected by the
23 changes and a statement that a man may be obtained from the city council.

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

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 would make any change in an airport affected area, as defined in sub.
8 (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of
9 the airport bordered by the airport affected area. A hearing shall be held on the
10 proposed amendments by, at the council's option, the council, the plan commission,
11 the board of public land commissioners or the plan committee. If the proposed
12 amendment has the effect of changing the allowable use of any nronerty within the
13 city, the notice shall include either a map showing: the property affected by the
14 amendments or a description of the nronerty affected by the amendments and a
15 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 wish to
22 receive notice of any proposed zoning action that may be taken under subd. 1. a. or
23 b. or 2. that affects the allowable use of the person's property. If the plan commission,
24 the board of public land commissioners or city plan committee of the city council
25 completes action on any tentative recommendations that are noticed under subd. 1.

1 a., proposed changes to a proposed district plan and regulations that are submitted
2 under subd. 1. b. or proposed amendments that are submitted under subd. 2. and the
3 city council is prepared to vote on the tentative recommendations, proposed changes
4 to a proposed district plan and regulations or proposed amendments, the city council
5 shall send a notice, which contains a copy of the tentative recommendations,
6 proposed changes to a proposed district plan and regulations or proposed
7 amendments, to each person on the list in any reasonable form that is requested by
8 the person. The city council may charge each person on the list a fee for the notice
9 that does not exceed the approximate cost of providing the notice to the person. If
10 the city council does not send the notice to any person who requested it and the city
11 council enacts an ordinance or an amendment to an ordinance that is substantially
12 similar to the ordinance or amendment that is, or should have been, described in the
13 requested notice, the person may commence an action in the circuit court where the
14 property is located for a declaratory judgment that the city council did not send the
15 requested notice to the person. If the court issues the requested declaratory
16 judgment, the ordinance or amendment to an ordinance does not apply to, and may
17 not be enforced against, the person or the person's property. If the court that is
18 requested to issue a declaratory judgment finds that the city council has a list
19 showing the names of all persons who requested the notice described in this
20 subdivision that includes the person's name, and the form in which the person
21 requested the notice, the court shall presume that the notice was sent.

22 (END)

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 807**

March 24, 1998 - Offered by Representative POWERS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 2: delete lines 2 to 13.

3 **2.** Page 5, line 6: delete the material beginning with "If" and ending with the
4 period on line 18.

5 **3.** Page 8, line 9: delete the material beginning with "If" and ending with the
6 period on line 21.

7 (END)

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 807**

March 24, 1998 - Offered by Representative POWERS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 19: delete "wish" and substitute "submit a written request".

3 **2.** Page 2, line 24: after "list" insert ". The notice shall be by mail or".

4 **3.** Page 2, line 25: delete "requested by the person" and substitute "agreed to
5 by the person and the agency".

6 **4.** Page 4, line 22: delete "wish" and substitute "submit a written request".

7 **5.** Page 5, line 3: after "list" insert ". The notice shall be by mail or".

8 **6.** Page 5, line 4: delete "requested by the person" and substitute "agreed to
9 by the person and the town board".

10 **7.** Page 7, line 21: delete "wish" and substitute "submit a written request".

11 **8.** Page 8, line 7: after "list" insert ". The notice shall be by mail or".

1 **9.** Page 8, line 7: on lines 7 and 8, delete "requested by the person" and
2 substitute "agreed to by the person and the city council".

3 (END)



1999 BILL

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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 who has

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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.

~~If the political subdivision or subunit of the political subdivision does not provide a copy of the notice to a person who requested to be on the list of people to whom such notices must be sent, and the political subdivision enacts an ordinance or an amendment to an ordinance that is substantially similar to the ordinance or amendment that is, or should have been, described in the requested notice, the person may commence an action in circuit court for a declaratory judgment that the notice was not sent out. If such a judgment is issued, the ordinance or amendment to an ordinance does not apply to, and may not be enforced against the person or the person's 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:

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:

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1 59.69 (5) (e) 2. Upon receipt of the petition by the agency it shall call a public
2 hearing on the petition. Notice of the time and place of the hearing shall be given
3 by publication in the county of a class 2 notice, under ch. 985. If an amendment to
4 an ordinance, as described in the petition, has the effect of changing the allowable
5 use of any property, the notice shall include either a map showing the property
6 affected by the amendment or a description of the property affected by the
7 amendment and a statement that a map may be obtained from the zoning agency.
8 A copy of the notice shall be mailed by registered mail to the town clerk of each town
9 affected by the proposed amendment at least 10 days prior to the date of such
10 hearing. If the petition is for any change in an airport affected area, as defined in
11 s. 62.23 (6) (am) 1. b., the agency shall mail a copy of the notice to the owner or
12 operator of the airport bordered by the airport affected area.

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

14 59.69 (5) (f) The county zoning agency shall maintain a list of persons who ^{submit a written} ~~wish~~
15 to receive notice of any proposed ordinance or amendment that affects the allowable
16 use of the person's property. If the county zoning agency completes a draft of a
17 proposed zoning ordinance under par. (a) or if the agency receives a petition under
18 par. (e) 2., the agency shall send a notice, which contains a copy of the proposed
19 ordinance or petition, to each person on the list ^{The notice shall be by mail on} in any reasonable form that is
20 ~~requested by the person~~ ^{agreed to by the person and the agency}. The agency may charge each person on the list a fee for the
21 notice that does not exceed the approximate cost of providing the notice to the person.

22 ~~If the agency does not send the notice to any person who requested it and the board~~
23 ~~enacts an ordinance or an amendment to an ordinance that is substantially similar~~
24 ~~to the ordinance or amendment that is, or should have been, described in the~~
25 ~~requested notice, the person may commence an action in the circuit court where the~~

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1 property is located for a declaratory judgment that the agency did not send the
2 requested notice to the person. If the court issues the requested declaratory
3 judgment, the ordinance or amendment to an ordinance does not apply to, and may
4 not be enforced against, the person or the person's property. If the court that is
5 requested to issue a declaratory judgment finds that the agency has a list showing
6 the names of all persons who requested the notice described in this paragraph that
7 includes the person's name, and the form in which the person requested the notice,
8 the court shall presume that the notice was sent.

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

10 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
11 town zoning committee shall recommend zoning district boundaries and appropriate
12 regulations and restrictions for the districts. In carrying out its duties, the town
13 zoning committee shall develop a preliminary report and hold a public hearing on the
14 report before submitting a final report to the town board. The town zoning committee
15 shall give notice of the public hearing on the preliminary report and of the time and
16 place of the public hearing on the report by a class 2 notice under ch. 985. If the town
17 zoning committee makes a substantial change in its report following the public
18 hearing, it shall hold another public hearing on the report. After the final report of
19 the town zoning committee is submitted to the town board, the board may adopt an
20 ordinance under sub. (2) following a public hearing held by the board on the proposed
21 ordinance. The town board shall give notice of the public hearing: on the proposed
22 ordinance and of the time and place of the public hearing on the ordinance by a class
23 2 notice under ch. 985. If the proposed ordinance has the effect of changing the
24 allowable use of any property, the notice shall include either a map showing the

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1 property affected by the ordinance or a description of the property affected by the
 2 ordinance and a statement that a map may be obtained from the town board

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

4 60.61 (4)(c) 1. After the town board has adopted a town zoning ordinance, the
 5 board may alter, supplement or change the boundaries or regulations established in
 6 the ordinance if a public hearing is held on the revisions. The board shall give notice
 7 of any proposed revisions in the zoning ordinance and of the time and place of the
 8 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
 9 would have the effect of changing the allowable use of any property, the notice shall
 10 and shall include the property affected by the amendment or a
 11 description of the property affected by the amendment and a statement that a map
 12 may be obtained from the town board The board shall allow any interested person
 13 to testify at the hearing. If any proposed revision under this subdivision would make
 14 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
 15 shall mail a copy of such notice to the owner or operator of the airport bordered by
 16 the airport affected area.

submit a written request

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

18 60.61 (4) (e) The town board shall maintain a list of persons who ~~wish~~ to receive
 19 notice of any proposed ordinance or amendment that affects the allowable use of the
 20 person's property. If the town zoning committee completes a final report on a
 21 proposed zoning ordinance and the town board is prepared to vote on the proposed
 22 ordinance under par. (b) or if the town board is prepared to vote on a proposed
 23 amendment under par. (c) 1., the town board shall send a notice, which contains a
 24 copy of the proposed ordinance or amendment, ^{The notice shall be by mail or} to each person on the list, in any
 25 reasonable form that is ~~requested by the person~~. The town board may charge each-

agreed to by the person and the town board

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1 . person on the list a fee for the notice that does not exceed the approximate cost of
2 providing the notice to the person. If the town board does not send the notice to any
3 person who requested it and the board enacts an ordinance or an amendment to an
4 ordinance that is substantially similar to the ordinance or amendment that is, or
5 should have been, described in the requested notice, the person may commence an
6 action in the circuit court where the property is located for a declaratory judgment
7 that the town board did not send the requested notice to the person. If the court
8 issues the requested declaratory judgment, the ordinance or amendment to an
9 ordinance does not apply to, and may not be enforced against, the person or the
10 person's property. If the court that is requested to issue a declaratory judgment finds
11 that the town board has a list showing the names of all persons who requested the
12 notice described in this paragraph that includes the person's name, and the form in
13 which the person requested the notice, the court shall presume that the notice was
14 sent.

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

16 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
17 the board of public land commissioners, or if the city has neither, the city plan
18 committee of the city council shall prepare and recommend a district plan and
19 regulations for the city. Following the formulation of tentative recommendations a
20 public hearing shall be held by, at the council's option, the council, the plan
21 commission, the board of public land commissioners or the plan committee. At least
22 10 days' prior written notice of any such hearings shall be given to the clerk of any
23 municipality whose boundaries are within 1,000 feet of any lands included in the
24 proposed plan and regulations but failure to give such notice shall not invalidate
25 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the

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1 tentative recommendations and hearings thereon must be made once during each of
2 the 2 weeks prior to such hearing. If the proposed district plan and regulations have
3 the effect of changing the allowable use of any property within the city, the notice
4 shall include either a map showing the property affected by the plan and regulations
5 or a description of the property affected by the plan and regulations and a statement
6 that a map may be obtained from the city council.

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

8 **62.23 (7) (d) 1. b.** The council may make changes in the tentative
9 recommendations after first submitting the proposed changes to the plan
10 commission, board of public land commissioners or plan committee for
11 recommendation and report and after publishing a class 2 notice, under ch. 985, of
12 the proposed changes and hearings thereon as well as the notice to the clerk of any
13 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes
14 may be held by, at the council's option, the council, the plan commission, the board
15 of public land commissioners or the plan committee. If the proposed changes to the
16 proposed district plan and regulations have the effect of changing the allowable use
17 of any property within the city, the notice shall include either a map showing: the
18 property affected by the changes or a description of the property affected by the
19 changes and a statement that a map may be obtained from the city council.

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

21 **62.23 (7) (d) 2.** The council may adopt amendments to an existing zoning
22 ordinance after first submitting the proposed amendments to the city plan
23 commission, board of public land commissioners or plan committee for
24 recommendation and report and after providing the notices as required in subd. 1.
25 b. of the proposed amendments and hearings thereon. In any city which is not located

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1 in whole or in part in a county with a population of 500,000 or more, if the proposed
 2 amendment would make any change in an airport affected area, as defined in sub.
 3 (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of
 4 the airport bordered by the airport affected area. A hearing shall be held on the
 5 proposed amendments by, at the council's option, the council, the plan commission,
 6 the board of public land commissioners or the plan committee. If the proposed
 7 amendment has the effect of changing the allowable use of any property within the
 8 city, the notice shall include either a map showing: the property affected by the
 9 amendments or a description of the property affected by the amendments and a
 10 statement that a map may be obtained from the city council. If the council does not
 11 receive recommendations and a report from the plan commission, board of public
 12 land commissioners or plan committee within 60 days of submitting the Proposed
 13 amendments, the council may hold hearings without first receiving the
 14 recommendations and report.

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

16 62.23 (7) (d) 4. The city council shall maintain a list of persons who ^{submit a written} wish to
 17 receive notice of any proposed zoning action that may be taken under subd. 1. a. or
 18 b. or 2. that affects the allowable use of the person's property. If the plan commission,
 19 the board of public land commissioners or city plan committee of the city council
 20 completes action on any tentative recommendations that are noticed under subd. 1.
 21 a., proposed changes to a proposed district plan and regulations that are submitted
 22 under subd. 1. b. or proposed amendments that are submitted under subd. 2. and the
 23 city council is prepared to vote on the tentative recommendations, proposed changes
 24 to a proposed district plan and regulations or proposed amendments, the city council
 25 shall send a notice, which contains a copy of the tentative recommendations,

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The notice shall be by mail or
↑

1 proposed changes to a propose district plan and regulations or proposed
2 amendments, to each person on the list in any reasonable form that is requested by
3 ~~the person.~~ *agreed to by the person and the city council* The city council may charge each person on the list a fee for the notice
4 that does not exceed the approximate cost of providing the notice to the person. If

~~5 the city council does not send the notice to any person who requested it and the city
6 council enacts an ordinance or an amendment to an ordinance that is substantially
7 similar to the ordinance or amendment that is, or should have been, described in the
8 requested notice, the person may commence an action in the circuit court where the
9 property is located for a declaratory judgment that the city council did not send the
10 requested notice to the person. If the court issues the requested declaratory
11 judgment, the ordinance or amendment to an ordinance does not apply to, and may
12 not be enforced against, the person or the person's property. If the court that is
13 requested to issue a declaratory judgment finds that the city council has a list
14 showing the names of all persons who requested the notice described in this
15 subdivision that includes the person's name, and the form in which the person
16 requested the notice, the court shall presume that the notice was sent.~~

17

(END)

-- SUBMITTAL
FORM

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 01/14/2000

To: Representative Albers

Relating to LRB drafting number: LRB- 1524

Topic

Require notice to persons affected by zoning actions

Subject(s)

Counties, Munis - miscellaneous

1. JACKET the draft for introduction SA - 25 Jan 00
in the Senate or the Assembly X (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of th

2. REDRAFT. See the changes indicate
A revised draft will be submitted for y

3. Obtain FISCAL ESTIMATE NOW,
If the analysis indicates that a fiscal es
increases or decreases existing appropri
revenues, you have the option to requ
introduce the proposal without the fisc

*Marc,
See highlight
on attached page.
Hope you'll see the
light at the end of the
tunnel soon!
[Signature]*

_____ is an appropriation or
_____ fiscal liability or
_____ you choose to
_____ red automatically upon

introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Marc E. Shovers, Senior Legislative Attorney
Telephone: (608) 266-O 129



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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.

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
16 an ordinance, as described in the petition, has the effect of changing the allowable
17 use of any property, the notice shall include either a map showing the property





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TAUDET
for Assembly

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 who has

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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.

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
16 an ordinance, as described in the petition, has the effect of changing the allowable
17 use of any property, the notice shall include either a map showing the property

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1 affected by the amendment or a description of the property affected by the
2 amendment and a statement that a map may be obtained from the zoning agency.

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

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

9 59.69 (5) (f) The county zoning agency shall maintain a list of persons who
10 submit a written request to receive notice of any proposed ordinance or amendment
11 that affects the allowable use of the person's property. If the county zoning agency
12 completes a draft of a proposed zoning ordinance under par. (a) or if the agency
13 receives a petition under par. (e) 2., the agency shall send a notice, which contains
14 a copy of the proposed ordinance or petition, to each person on the list. The notice
15 shall be by mail or in any reasonable form that is agreed to by the person and the
16 agency. The agency may charge each person on the list a fee for the notice that does
17 not exceed the approximate cost of providing the notice to the person.

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

19 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
20 town zoning committee shall recommend zoning district boundaries and appropriate
21 regulations and restrictions for the districts. In carrying out its duties, the town
22 zoning committee shall develop a preliminary report and hold a public hearing on the
23 report before submitting a final report to the town board. The town zoning committee
24 shall give notice of the public hearing on the preliminary report and of the time and
25 place of the public hearing on the report by a class 2 notice under ch. 985. If the town

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

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

12 **60.61 (4) (c) 1.** After the town board has adopted a town zoning ordinance, the
13 board may alter, supplement or change the boundaries or regulations established in
14 the ordinance if a public hearing is held on the revisions. The board shall give notice
15 of any proposed revisions in the zoning ordinance and of the time and place of the
16 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
17 would have the effect of changing the allowable use of any property, the notice shall
18 include either a map showing the property affected by the amendment or a
19 description of the property affected by the amendment and a statement that a map
20 may be obtained from the town board. The board shall allow any interested person
21 to testify at the hearing. If any proposed revision under this subdivision would make
22 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
23 shall mail a copy of such notice to the owner or operator of the airport bordered by
24 the airport affected area.

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

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1 60.61 (4) (e) The town board shall maintain a list of persons who submit a
2 written request to receive notice of any proposed ordinance or amendment that
3 affects the allowable use of the person's property. If the town zoning committee
4 completes a final report on a proposed zoning ordinance and the town board is
5 prepared to vote on the proposed ordinance under par. (b) or if the town board is
6 prepared to vote on a proposed amendment under par. (c) l., the town board shall
7 send a notice, which contains a copy of the proposed ordinance or amendment, to each
8 person on the list. The notice shall be by mail or in any reasonable form that is agreed
9 to by the person and the town board. The town board may charge each person on the
10 list a fee for the notice that does not exceed the approximate cost of providing the
11 notice to the person.

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

13 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
14 the board of public land commissioners, or if the city has neither, the city plan
15 committee of the city council shall prepare and recommend a district plan and
16 regulations for the city. Following the formulation of tentative recommendations a
17 public hearing shall be held by, at the council's option, the council, the plan
18 commission, the board of public land commissioners or the plan committee. At least
19 10 days' prior written notice of any such hearings shall be given to the clerk of any
20 municipality whose boundaries are within **1,000** feet of any lands included in the
21 proposed plan and regulations but failure to give such notice shall not invalidate
22 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the
23 tentative recommendations and hearings thereon must be made once during each of
24 the 2 weeks prior to such hearing. If the proposed district plan and regulations have
25 the effect of changing the allowable use of any property within the city, the notice

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1 shall include either a map showing the property affected by the plan and regulations
2 or a description of the property affected by the plan and regulations and a statement
3 that a map may be obtained from the city council.

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

5 62.23 (7) (d) 1. b. The council may make changes in the tentative
6 recommendations after first submitting the proposed changes to the plan
7 commission, board of public land commissioners or plan committee for
8 recommendation and report and after publishing a class 2 notice, under ch. 985, of
9 the proposed changes and hearings thereon as well as the notice to the clerk of any
10 contiguous municipality as required in subd. 1. a. Hearings on the proposed changes
11 may be held by, at the council's option, the council, the plan commission, the board
12 of public land commissioners or the plan committee. If the proposed changes to the
13 proposed district plan and regulations have the effect of changing the allowable use
14 of any property within the city, the notice shall include either a map showing the
15 property affected by the changes or a description of the property affected by the
16 changes and a statement that a map may be obtained from the city council.

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

18 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning
19 ordinance after first submitting the proposed amendments to the city plan
20 commission, board of public land commissioners or plan committee for
21 recommendation and report and after providing the notices as required in subd. 1.
22 b. of the proposed amendments and hearings thereon. In any city which is not located
23 in whole or in part in a county with a population of 500,000 or more, if the proposed
24 amendment would make any change in an airport affected area, as defined in sub.
25 (6) (am) 1. b., the council shall mail a copy of such notice to the owner or operator of

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1 the airport bordered by the airport affected area. A hearing shall be held on the
2 proposed amendments by, at the council's option, the council, the plan commission,
3 the board of public land commissioners or the plan committee. If the proposed
4 amendment has the effect of changing the allowable use of any property within the
5 city, the notice shall include either a map showing the property affected by the
6 amendments or a description of the property affected by the amendments and a
7 statement that a map may be obtained from the city council. If the council does not
8 receive recommendations and a report from the plan commission, board of public
9 land commissioners or plan committee within 60 days of submitting the proposed
10 amendments, the council may hold hearings without first receiving the
11 recommendations and report.

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

13 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a
14 written request to receive notice of any proposed zoning action that may be taken
15 under subd. 1. a. or b. or 2. that affects the allowable use of the person's property.
16 If the plan commission, the board of public land commissioners or city plan
17 committee of the city council completes action on any tentative recommendations
18 that are noticed under subd. 1. a., proposed changes to a proposed district plan and
19 regulations that are submitted under subd. 1. b. or proposed amendments that are
20 submitted under subd. 2. and the city council is prepared to vote on the tentative
21 recommendations, proposed changes to a proposed district plan and regulations or
22 proposed amendments, the city council shall send a notice, which contains a copy of
23 the tentative recommendations, proposed changes to a proposed district plan and
24 regulations or proposed amendments, to each person on the list. The notice shall be
25 by mail or in any reasonable form that is agreed to by the person and the city council.

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1 The city council may charge each person on the list a fee for the notice that does not
2 exceed the approximate cost of providing the notice to the person.

3 (END)