

## 2005 ASSEMBLY BILL 620

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., 62.23 (7) (d) 2. and 66.1001 (6); and *to create* 59.69  
3           (5) (f), 60.61 (4) (e), 62.23 (7) (d) 4. and 66.1001 (4) (f) of the statutes; **relating**  
4           **to:** requiring notice to persons affected by zoning actions and comprehensive  
5           plans that change the allowable use of their property.

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*Analysis by the Legislative Reference Bureau*

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*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

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1 either a map showing the property affected by the ordinance or a description of the  
2 property affected by the ordinance and a statement that a map may be obtained from  
3 the zoning agency. After such hearing the agency may make such revisions in the  
4 draft as it considers necessary, or it may submit the draft without revision to the  
5 board with recommendations for adoption. Proof of publication of the notice of the  
6 public hearing held by such agency shall be attached to its report to the board.

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

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

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

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

21 59.69 (5) (f) The county zoning agency shall maintain a list of persons who  
22 submit a written request to receive notice of any proposed ordinance or amendment  
23 that affects the allowable use of the property owned by the person. If the county  
24 zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if  
25 the agency receives a petition under par. (e) 2., the agency shall send a notice, which

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1 contains a copy of the proposed ordinance or petition, to each person on the list whose  
2 property, the allowable use of which, may be affected by the proposed ordinance or  
3 amendment. The notice shall be by mail or in any reasonable form that is agreed to  
4 by the person and the agency. The agency may charge each person on the list who  
5 receives a notice a fee that does not exceed the approximate cost of providing the  
6 notice to the person. An ordinance or amendment that is subject to this paragraph  
7 may take effect even if the agency fails to send the notice that is required by this  
8 paragraph.

9 **SECTION 4.** 60.61 (4) (b) of the statutes, as affected by 2005 Wisconsin Act ....  
10 (Assembly Bill 399), is amended to read:

11 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the  
12 town zoning committee shall recommend zoning district boundaries and appropriate  
13 regulations and restrictions for the districts. In carrying out its duties, the town  
14 zoning committee shall develop a preliminary report and hold a public hearing on the  
15 report before submitting a final report to the town board. The town zoning committee  
16 shall give notice of the public hearing on the preliminary report and of the time and  
17 place of the public hearing on the report by a class 2 notice under ch. 985. The town  
18 zoning committee shall consider any comments made, or submitted, by the  
19 commanding officer, or the officer's designee, of a military base or installation, with  
20 at least 200 assigned military personnel or that contains at least 2,000 acres, that  
21 is located in or near the town. If the town zoning committee makes a substantial  
22 change in its report following the public hearing, it shall hold another public hearing  
23 on the report. After the final report of the town zoning committee is submitted to the  
24 town board, the board may adopt an ordinance under sub. (2) following a public  
25 hearing held by the board on the proposed ordinance. The town board shall give

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1 notice of the public hearing on the proposed ordinance and of the time and place of  
2 the public hearing on the ordinance by a class 2 notice under ch. 985. If the proposed  
3 ordinance has the effect of changing the allowable use of any property, the notice  
4 shall include either a map showing the property affected by the ordinance or a  
5 description of the property affected by the ordinance and a statement that a map may  
6 be obtained from the town board. A copy of an adopted ordinance shall be sent to the  
7 commanding officer, or the officer's designee, of any military base or installation,  
8 with at least 200 assigned military personnel or that contains at least 2,000 acres,  
9 that is located in or near the town.

10 **SECTION 5.** 60.61 (4) (c) 1. of the statutes, as affected by 2005 Wisconsin Act ...

11 (Assembly Bill 399), 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, and shall consider any comments made, or submitted, by  
22 the commanding officer, or the officer's designee, of a military base or installation,  
23 with at least 200 assigned military personnel or that contains at least 2,000 acres,  
24 that is located in or near the town. If any proposed revision under this subdivision  
25 would make any change in an airport affected area, as defined in s. 62.23 (6) (am) 1.

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1 b., the board shall mail a copy of such notice to the owner or operator of the airport  
2 bordered by the airport affected area.

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

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

18 **SECTION 7.** 62.23 (7) (d) 1. a. of the statutes, as affected by 2005 Wisconsin Act  
19 .... (Assembly Bill 399), 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. The

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1 entity holding the hearing shall consider any comments made, or submitted, by the  
2 commanding officer, or the officer's designee, of a military base or installation, with  
3 at least 200 assigned military personnel or that contains at least 2,000 acres, that  
4 is located in or near the city. At least 10 days' prior written notice of any such  
5 hearings shall be given to the clerk of any municipality whose boundaries are within  
6 1,000 feet of any lands included in the proposed plan and regulations, and to the  
7 commanding officer, or the officer's designee, of any military base or installation,  
8 with at least 200 assigned military personnel or that contains at least 2,000 acres,  
9 that is located in or near the city, but failure to give such notice shall not invalidate  
10 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the  
11 tentative recommendations and hearings thereon must be made once during each of  
12 the 2 weeks prior to such hearing. If the proposed district plan and regulations have  
13 the effect of changing the allowable use of any property within the city, the notice  
14 shall include either a map showing the property affected by the plan and regulations  
15 or a description of the property affected by the plan and regulations and a statement  
16 that a map may be obtained from the city council.

17 **SECTION 8.** 62.23 (7) (d) 1. b. of the statutes, as affected by 2005 Wisconsin Act  
18 .... (Assembly Bill 399), is amended to read:

19 62.23 (7) (d) 1. b. The council may make changes in the tentative  
20 recommendations after first submitting the proposed changes to the plan  
21 commission, board of public land commissioners or plan committee for  
22 recommendation and report and after publishing a class 2 notice, under ch. 985, of  
23 the proposed changes and hearings thereon as well as the notice to the clerk of any  
24 contiguous municipality and to the commanding officer, or the officer's designee, of  
25 any military base or installation, with at least 200 assigned military personnel or

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1 that contains at least 2,000 acres, that is located in or near the city, as required in  
2 subd. 1. a. Hearings on the proposed changes may be held by, at the council's option,  
3 the council, the plan commission, the board of public land commissioners or the plan  
4 committee. The entity holding the hearing shall consider any comments made, or  
5 submitted, by the commanding officer, or the officer's designee, of a military base or  
6 installation, with at least 200 assigned military personnel or that contains at least  
7 2,000 acres, that is located in or near the city. If the proposed changes to the proposed  
8 district plan and regulations have the effect of changing the allowable use of any  
9 property within the city, the notice shall include either a map showing the property  
10 affected by the changes or a description of the property affected by the changes and  
11 a statement that a map may be obtained from the city council.

12 **SECTION 9.** 62.23 (7) (d) 2. of the statutes, as affected by 2005 Wisconsin Act ...  
13 (Assembly Bill 399), is amended to read:

14 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning  
15 ordinance after first submitting the proposed amendments to the city plan  
16 commission, board of public land commissioners or plan committee for  
17 recommendation and report and after providing the notices as required in subd. 1.  
18 b. of the proposed amendments and hearings thereon. In any city which is not located  
19 in whole or in part in a county with a population of 500,000 or more, if the proposed  
20 amendment amendments would make any change in an airport affected area, as  
21 defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner  
22 or operator of the airport bordered by the airport affected area. A hearing shall be  
23 held on the proposed amendments by, at the council's option, the council, the plan  
24 commission, the board of public land commissioners or the plan committee. The  
25 entity holding the hearing shall consider any comments made, or submitted, by the

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1 commanding officer, or the officer's designee, of a military base or installation, with  
2 at least 200 assigned military personnel or that contains at least 2,000 acres, that  
3 is located in or near the city. If the proposed amendments have the effect of changing  
4 the allowable use of any property within the city, the notice shall include either a map  
5 showing the property affected by the amendments or a description of the property  
6 affected by the amendments and a statement that a map may be obtained from the  
7 city council. If the council does not receive recommendations and a report from the  
8 plan commission, board of public land commissioners or plan committee within 60  
9 days of submitting the proposed amendments, the council may hold hearings without  
10 first receiving the recommendations and report.

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

12 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a  
13 written request to receive notice of any proposed zoning action that may be taken  
14 under subd. 1. a. or b. or 2. that affects the allowable use of the person's property.  
15 If the plan commission, the board of public land commissioners, or city plan  
16 committee of the city council completes action on any tentative recommendations  
17 that are noticed under subd. 1. a., proposed changes to a proposed district plan and  
18 regulations that are submitted under subd. 1. b., or proposed amendments that are  
19 submitted under subd. 2., and the city council is prepared to vote on the tentative  
20 recommendations, proposed changes to a proposed district plan, and regulations or  
21 proposed amendments, the city council shall send a notice, which contains a copy of  
22 the tentative recommendations, proposed changes to a proposed district plan, and  
23 regulations or proposed amendments, to each person on the list whose property, the  
24 allowable use of which, may be affected by the tentative recommendations or  
25 proposed changes or amendments. The notice shall be by mail or in any reasonable



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1 form that is agreed to by the person and the city council. The city council may charge  
2 each person on the list who receives a notice a fee that does not exceed the  
3 approximate cost of providing the notice to the person. An ordinance or amendment  
4 that is subject to this subdivision may take effect even if the city council fails to send  
5 the notice that is required by this subdivision.

6 **SECTION 11.** 66.1001 (4) (f) of the statutes is created to read:

7 66.1001 (4) (f) A political subdivision shall maintain a list of persons who  
8 submit a written request to receive notice of any proposed ordinance, described  
9 under par. (c), that affects the allowable use of the property owned by the person. At  
10 least 30 days before the hearing described in par. (d) is held a political subdivision  
11 shall provide written notice, including a copy of the proposed ordinance, to all such  
12 persons. The notice shall be by mail or in any reasonable form that is agreed to by  
13 the person and the political subdivision. The political subdivision may charge each  
14 person on the list who receives a notice a fee that does not exceed the approximate  
15 cost of providing the notice to the person.

16 **SECTION 12.** 66.1001 (6) of the statutes is amended to read:

17 66.1001 (6) COMPREHENSIVE PLAN MAY TAKE EFFECT. Notwithstanding sub. (4),  
18 a comprehensive plan, or an amendment of a comprehensive plan, may take effect  
19 even if a local governmental unit fails to provide the notice that is required under  
20 sub. (4) (e) or (f), unless the local governmental unit intentionally fails to provide the  
21 notice.

22 (END)