

State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1932/12

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Amended

2005 BILL

today

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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* *and comprehensive plans* 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 or amendment to a zoning ordinance, 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 whose

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property, the allowable use of which, may be affected and who has 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. Under the bill, an ordinance or amendment may take effect even if the political subdivision does not comply with the bill's notice requirements. In general, the bill does not apply to first class cities (presently only Milwaukee).

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

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1 an ordinance, as described in the petition, has the effect of changing the allowable
2 use of any property, the notice shall include either a map showing the property
3 affected by the amendment or a description of the property affected by the
4 amendment and a statement that a map may be obtained from the zoning agency.

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

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

11 59.69 (5) (f) The county zoning agency shall maintain a list of persons who
12 submit a written request to receive notice of any proposed ordinance or amendment
13 that affects the allowable use of the property owned by the person. If the county
14 zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if
15 the agency receives a petition under par. (e) 2., the agency shall send a notice, which
16 contains a copy of the proposed ordinance or petition, to each person on the list whose
17 property, the allowable use of which, may be affected by the proposed ordinance or
18 amendment. The notice shall be by mail or in any reasonable form that is agreed to
19 by the person and the agency. The agency may charge each person on the list who
20 receives a notice a fee that does not exceed the approximate cost of providing the
21 notice to the person. An ordinance or amendment that is subject to this paragraph
22 may take effect even if the agency fails to send the notice that is required by this
23 paragraph.

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

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1 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
2 town zoning committee shall recommend zoning district boundaries and appropriate
3 regulations and restrictions for the districts. In carrying out its duties, the town
4 zoning committee shall develop a preliminary report and hold a public hearing on the
5 report before submitting a final report to the town board. The town zoning committee
6 shall give notice of the public hearing on the preliminary report and of the time and
7 place of the public hearing on the report by a class 2 notice under ch. 985. If the town
8 zoning committee makes a substantial change in its report following the public
9 hearing, it shall hold another public hearing on the report. After the final report of
10 the town zoning committee is submitted to the town board, the board may adopt an
11 ordinance under sub. (2) following a public hearing held by the board on the proposed
12 ordinance. The town board shall give notice of the public hearing on the proposed
13 ordinance and of the time and place of the public hearing on the ordinance by a class
14 2 notice under ch. 985. If the proposed ordinance has the effect of changing the
15 allowable use of any property, the notice shall include either a map showing the
16 property affected by the ordinance or a description of the property affected by the
17 ordinance and a statement that a map may be obtained from the town board.

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

19 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the
20 board may alter, supplement or change the boundaries or regulations established in
21 the ordinance if a public hearing is held on the revisions. The board shall give notice
22 of any proposed revisions in the zoning ordinance and of the time and place of the
23 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
24 would have the effect of changing the allowable use of any property, the notice shall
25 include either a map showing the property affected by the amendment or a

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1 description of the property affected by the amendment and a statement that a map
2 may be obtained from the town board. The board shall allow any interested person
3 to testify at the hearing. If any proposed revision under this subdivision would make
4 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
5 shall mail a copy of such notice to the owner or operator of the airport bordered by
6 the airport affected area.

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

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

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

23 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
24 the board of public land commissioners, or if the city has neither, the city plan
25 committee of the city council shall prepare and recommend a district plan and

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

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

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

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1 property affected by the changes or a description of the property affected by the
2 changes and a statement that a map may be obtained from the city council.

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

4 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning
5 ordinance after first submitting the proposed amendments to the city plan
6 commission, board of public land commissioners or plan committee for
7 recommendation and report and after providing the notices as required in subd. 1.
8 b. of the proposed amendments and hearings thereon. In any city which is not located
9 in whole or in part in a county with a population of 500,000 or more, if the proposed
10 ~~amendment~~ amendments would make any change in an airport affected area, as
11 defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner
12 or operator of the airport bordered by the airport affected area. A hearing shall be
13 held on the proposed amendments by, at the council's option, the council, the plan
14 commission, the board of public land commissioners or the plan committee. If the
15 proposed amendments have the effect of changing the allowable use of any property
16 within the city, the notice shall include either a map showing the property affected
17 by the amendments or a description of the property affected by the amendments and
18 a statement that a map may be obtained from the city council. If the council does not
19 receive recommendations and a report from the plan commission, board of public
20 land commissioners or plan committee within 60 days of submitting the proposed
21 amendments, the council may hold hearings without first receiving the
22 recommendations and report.

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

24 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a
25 written request to receive notice of any proposed zoning action that may be taken

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1 under subd. 1. a. or b. or 2. that affects the allowable use of the person's property.
2 If the plan commission, the board of public land commissioners, or city plan
3 committee of the city council completes action on any tentative recommendations
4 that are noticed under subd. 1. a., proposed changes to a proposed district plan and
5 regulations that are submitted under subd. 1. b., or proposed amendments that are
6 submitted under subd. 2., and the city council is prepared to vote on the tentative
7 recommendations, proposed changes to a proposed district plan, and regulations or
8 proposed amendments, the city council shall send a notice, which contains a copy of
9 the tentative recommendations, proposed changes to a proposed district plan, and
10 regulations or proposed amendments, to each person on the list whose property, the
11 allowable use of which, may be affected by the tentative recommendations or
12 proposed changes or amendments. The notice shall be by mail or in any reasonable
13 form that is agreed to by the person and the city council. The city council 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 subdivision may take effect even if the city council fails to send
17 the notice that is required by this subdivision.

18 (END)

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LEGISLATIVE REFERENCE BUREAU

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Under the current law commonly known as "Smart Growth," before a political subdivision ~~(any city, village, town, or county)~~ may enact an ordinance adopting a comprehensive plan, the political subdivision must hold a public hearing and provide written notice of the hearing to certain persons, specified by statute, at least 30 days before the hearing.

This bill requires that, if the proposed ordinance has the effect of changing the allowable use of any property within the boundaries of the political subdivision, the political subdivision must send a notice, at least 30 days before the hearing ~~and~~ ^{and that} which contains a copy of the proposed ordinance to each person whose property the allowable use of which may be affected and who has previously notified the political subdivision in writing of his or her desire to be placed on a list to receive such a notice. The political subdivision may charge a fee for providing the notice. The fee may not exceed the approximate cost of providing the notice. Under the bill as it applies to Smart Growth, an ordinance may take effect even if the political subdivision does not comply with the bill's notice requirements, unless the political subdivision intentionally fails to provide the notice.

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SECTION 1. 66.1001 (4) (f) of the statutes is created to read:

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

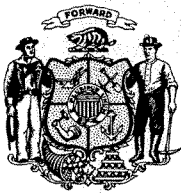
SECTION 2. 66.1001 (6) of the statutes is amended to read:

66.1001 (6) COMPREHENSIVE PLAN MAY TAKE EFFECT. Notwithstanding sub. (4), a comprehensive plan, or an amendment of a comprehensive plan, may take effect

even if a local governmental unit fails to provide the notice that is required under sub. (4) (e) or (f), unless the local governmental unit intentionally fails to provide the notice.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327.

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State of Wisconsin
2005 - 2006 LEGISLATURE

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2005 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., 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.

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 or amendment to a zoning ordinance, 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 whose

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property, the allowable use of which, may be affected and who has 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. Under the bill, an ordinance or amendment may take effect even if the political subdivision does not comply with the bill's notice requirements. In general, the bill does not apply to first class cities (presently only Milwaukee).

Under the current law commonly known as "Smart Growth," before a political subdivision may enact an ordinance adopting a comprehensive plan, the political subdivision must hold a public hearing and provide written notice of the hearing to certain persons, specified by statute, at least 30 days before the hearing.

This bill requires that, if the proposed ordinance has the effect of changing the allowable use of any property within the boundaries of the political subdivision, the political subdivision must send a notice at least 30 days before the hearing that contains a copy of the proposed ordinance to each person whose property the allowable use of which may be affected and who has previously notified the political subdivision in writing of his or her desire to be placed on a list to receive such a notice. The political subdivision may charge a fee for providing the notice. The fee may not exceed the approximate cost of providing the notice. Under the bill *as it applies to Smart Growth*, an ordinance may take effect even if the political subdivision does not comply with the bill's notice requirements, unless the political subdivision intentionally fails to provide 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

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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
20 submit a written request to receive notice of any proposed ordinance or amendment
21 that affects the allowable use of the property owned by the person. If the county
22 zoning agency completes a draft of a proposed zoning ordinance under par. (a) or if
23 the agency receives a petition under par. (e) 2., the agency shall send a notice, which
24 contains a copy of the proposed ordinance or petition, to each person on the list whose
25 property, the allowable use of which, may be affected by the proposed ordinance or

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

as affected by 2005 Wisconsin Act 399, sp. out

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

8 60.61 (4) (b) Before the town board may adopt an ordinance under sub. (2), the
9 town zoning committee shall recommend zoning district boundaries and appropriate
10 regulations and restrictions for the districts. In carrying out its duties, the town
11 zoning committee shall develop a preliminary report and hold a public hearing on the
12 report before submitting a final report to the town board. The town zoning committee
13 shall give notice of the public hearing on the preliminary report and of the time and
14 place of the public hearing on the report by a class 2 notice under ch. 985. *INS 4-14* If the town
15 zoning committee makes a substantial change in its report following the public
16 hearing, it shall hold another public hearing on the report. After the final report of
17 the town zoning committee is submitted to the town board, the board may adopt an
18 ordinance under sub. (2) following a public hearing held by the board on the proposed
19 ordinance. The town board shall give notice of the public hearing on the proposed
20 ordinance and of the time and place of the public hearing on the ordinance by a class
21 2 notice under ch. 985. If the proposed ordinance has the effect of changing the
22 allowable use of any property, the notice shall include either a map showing the
23 property affected by the ordinance or a description of the property affected by the
24 ordinance and a statement that a map may be obtained from the town board. *INS 4-24*

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

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1 60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the
2 board may alter, supplement or change the boundaries or regulations established in
3 the ordinance if a public hearing is held on the revisions. The board shall give notice
4 of any proposed revisions in the zoning ordinance and of the time and place of the
5 public hearing on them by a class 2 notice under ch. 985. If the proposed amendment
6 would have the effect of changing the allowable use of any property, the notice shall
7 include either a map showing the property affected by the amendment or a
8 description of the property affected by the amendment and a statement that a map
9 may be obtained from the town board. The board shall allow any interested person
10 to testify at the hearing. ^{FNS5-10} If any proposed revision under this subdivision would make
11 any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board
12 shall mail a copy of such notice to the owner or operator of the airport bordered by
13 the airport affected area.

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

15 60.61 (4) (e) The town board shall maintain a list of persons who submit a
16 written request to receive notice of any proposed ordinance or amendment that
17 affects the allowable use of the property owned by the person. If the town zoning
18 committee completes a final report on a proposed zoning ordinance and the town
19 board is prepared to vote on the proposed ordinance under par. (b) or if the town board
20 is prepared to vote on a proposed amendment under par. (c) 1., the town board shall
21 send a notice, which contains a copy of the proposed ordinance or amendment, to each
22 person on the list whose property, the allowable use of which, may be affected by the
23 proposed ordinance or amendment. The notice shall be by mail or in any reasonable
24 form that is agreed to by the person and the town board. The town board may charge
25 each person on the list who receives a notice a fee that does not exceed the

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1 approximate cost of providing the notice to the person. An ordinance or amendment
2 that is subject to this paragraph may take effect even if the town board fails to send
3 the notice that is required by this paragraph.

as affected by 2005 Wisconsin Act ... (AS 399), Sp. out

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

5 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
6 the board of public land commissioners, or if the city has neither, the city plan
7 committee of the city council shall prepare and recommend a district plan and
8 regulations for the city. Following the formulation of tentative recommendations a
9 public hearing shall be held by, at the council's option, the council, the plan
10 commission, the board of public land commissioners or the plan committee. *INS 6-10* At least
11 10 days' prior written notice of any such hearings shall be given to the clerk of any
12 municipality whose boundaries are within 1,000 feet of any lands included in the
13 proposed plan and regulations *INS 6-13* but failure to give such notice shall not invalidate
14 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the
15 tentative recommendations and hearings thereon must be made once during each of
16 the 2 weeks prior to such hearing. If the proposed district plan and regulations have
17 the effect of changing the allowable use of any property within the city, the notice
18 shall include either a map showing the property affected by the plan and regulations
19 or a description of the property affected by the plan and regulations and a statement
20 that a map may be obtained from the city council.

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

22 62.23 (7) (d) 1. b. The council may make changes in the tentative
23 recommendations after first submitting the proposed changes to the plan
24 commission, board of public land commissioners or plan committee for
25 recommendation and report and after publishing a class 2 notice, under ch. 985, of

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1 the proposed changes and hearings thereon as well as the notice to the clerk of any
 2 contiguous municipality ^{INS 7-2} as required in subd. 1. a. Hearings on the proposed changes
 3 may be held by, at the council's option, the council, the plan commission, the board
 4 of public land commissioners or the plan committee. ^{INS 7-4} If the proposed changes to the
 5 proposed district plan and regulations have the effect of changing the allowable use
 6 of any property within the city, the notice shall include either a map showing the
 7 property affected by the changes or a description of the property affected by the
 8 changes and a statement that a map may be obtained from the city council.

9 **SECTION 9.** 62.23 (7) (d) 2. of the statutes ^{as affected by 2005 Wisconsin Act 399 (AB399) sprout} is amended to read:

10 62.23 (7) (d) 2. The council may adopt amendments to an existing zoning
 11 ordinance after first submitting the proposed amendments to the city plan
 12 commission, board of public land commissioners or plan committee for
 13 recommendation and report and after providing the notices as required in subd. 1.
 14 b. of the proposed amendments and hearings thereon. In any city which is not located
 15 in whole or in part in a county with a population of 500,000 or more, if the proposed
 16 ~~amendment~~ amendments would make any change in an airport affected area, as
 17 defined in sub. (6) (am) 1. b., the council shall mail a copy of such notice to the owner
 18 or operator of the airport bordered by the airport affected area. A hearing shall be
 19 held on the proposed amendments by, at the council's option, the council, the plan
 20 commission, the board of public land commissioners or the plan committee. ^{INS 7-20} If the
 21 proposed amendments have the effect of changing the allowable use of any property
 22 within the city, the notice shall include either a map showing the property affected
 23 by the amendments or a description of the property affected by the amendments and
 24 a statement that a map may be obtained from the city council. If the council does not
 25 receive recommendations and a report from the plan commission, board of public

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1 land commissioners or plan committee within 60 days of submitting the proposed
2 amendments, the council may hold hearings without first receiving the
3 recommendations and report.

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

5 62.23 (7) (d) 4. The city council shall maintain a list of persons who submit a
6 written request to receive notice of any proposed zoning action that may be taken
7 under subd. 1. a. or b. or 2. that affects the allowable use of the person's property.
8 If the plan commission, the board of public land commissioners, or city plan
9 committee of the city council completes action on any tentative recommendations
10 that are noticed under subd. 1. a., proposed changes to a proposed district plan and
11 regulations that are submitted under subd. 1. b., or proposed amendments that are
12 submitted under subd. 2., and the city council is prepared to vote on the tentative
13 recommendations, proposed changes to a proposed district plan, and regulations or
14 proposed amendments, the city council shall send a notice, which contains a copy of
15 the tentative recommendations, proposed changes to a proposed district plan, and
16 regulations or proposed amendments, to each person on the list whose property, the
17 allowable use of which, may be affected by the tentative recommendations or
18 proposed changes or amendments. The notice shall be by mail or in any reasonable
19 form that is agreed to by the person and the city council. The city council may charge
20 each person on the list who receives a notice a fee that does not exceed the
21 approximate cost of providing the notice to the person. An ordinance or amendment
22 that is subject to this subdivision may take effect even if the city council fails to send
23 the notice that is required by this subdivision.

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

ASSEMBLY BILL 399

SECTION 6

The town zoning committee
 shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the town. If the town zoning committee makes a substantial change in its report following the public hearing, it shall hold another public hearing on the report. After the final report of the town zoning committee is submitted to the town board, the board may adopt an ordinance under sub. (2) following a public hearing held by the board on the proposed ordinance. A copy of an adopted ordinance shall be sent to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the town.

no score

no score

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

60.61 (4) (c) 1. After the town board has adopted a town zoning ordinance, the board may alter, supplement or change the boundaries or regulations established in the ordinance if a public hearing is held on the revisions. The board shall give notice of any proposed revisions in the zoning ordinance and of the time and place of the public hearing on them by a class 2 notice under ch. 985. The board shall allow any interested person to testify at the hearing, and shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the town. If any proposed revision under this subdivision would make any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area.

SECTION 8. 62.23 (1) (a) of the statutes is amended to read:

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INS
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INS
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ASSEMBLY BILL 399

SECTION 9

1 commission, and a copy of the plan or part of the plan shall be certified to the common
 2 council, and also to the commanding officer, or the officer's designee, of any military
 3 base or installation, with at least 200 assigned military personnel or that contains
 4 at least 2,000 acres, that is located in or near the city. The purpose and effect of the
 5 adoption and certifying of the master plan or part of the plan shall be solely to aid
 6 the city plan commission and the council in the performance of their duties.

7 **SECTION 10.** 62.23 (7) (d) 1. of the statutes is amended to read:

8 62.23 (7) (d) 1. a. Upon the request of the city council, the city plan commission,
 9 the board of public land commissioners, or if the city has neither, the city plan
 10 committee of the city council shall prepare and recommend a district plan and
 11 regulations for the city. Following the formulation of tentative recommendations a
 12 public hearing shall be held by, at the council's option, the council, the plan
 13 commission, the board of public land commissioners or the plan committee. The

14 entity holding the hearing shall consider any comments made, or submitted, by the
 15 commanding officer, or the officer's designee, of a military base or installation, with
 16 at least 200 assigned military personnel or that contains at least 2,000 acres, that
 17 is located in or near the city. At least 10 days' prior written notice of any such

18 hearings shall be given to the clerk of any municipality whose boundaries are within
 19 1,000 feet of any lands included in the proposed plan and regulations, and to the

20 commanding officer, or the officer's designee, of any military base or installation,
 21 with at least 200 assigned military personnel or that contains at least 2,000 acres,
 22 that is located in or near the city, but failure to give such notice shall not invalidate

23 such district plan or regulations. Publication of a class 2 notice, under ch. 985, of the
 24 tentative recommendations and hearings thereon must be made once during each of
 25 the 2 weeks prior to such hearing.

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Plain 23

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ASSEMBLY BILL 399

1 b. The council may make changes in the tentative recommendations after first
 2 submitting the proposed changes to the plan commission, board of public land
 3 commissioners or plan committee for recommendation and report and after
 4 publishing a class 2 notice, under ch. 985, of the proposed changes and hearings
 5 thereon as well as the notice to the clerk of any contiguous municipality and to the
 6 commanding officer, or the officer's designee, of any military base or installation,
 7 with at least 200 assigned military personnel or that contains at least 2,000 acres,
 8 that is located in or near the city, as required in subd. 1. a. Hearings on the proposed
 9 changes may be held by, at the council's option, the council, the plan commission, the
 10 board of public land commissioners or the plan committee. The entity holding the
 11 hearing shall consider any comments made, or submitted, by the commanding
 12 officer, or the officer's designee, of a military base or installation, with at least 200
 13 assigned military personnel or that contains at least 2,000 acres, that is located in
 14 or near the city.

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Plain

INS
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Plain

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15 SECTION 11. 62.23 (7) (d) 2. of the statutes is amended to read:

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

ASSEMBLY BILL 399

SECTION 11

the board of public land commissioners or the plan committee. The entity holding the hearing shall consider any comments made, or submitted, by the commanding officer, or the officer's designee, of a military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. If the council does not receive recommendations and a report from

the plan commission, board of public land commissioners or plan committee within 60 days of submitting the proposed amendments, the council may hold hearings without first receiving the recommendations and report.

SECTION 12. 66.1001 (2) (g) of the statutes is amended to read:

66.1001 (2) (g) *Intergovernmental cooperation element.* A compilation of objectives, policies, goals, maps, and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider, to the greatest extent possible, the maps and plans of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, with which the local governmental unit shares common territory. The element shall incorporate any plans or agreements to which the local governmental unit is a party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

(END)

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Barman, Mike

From: LRB.Legal
Sent: Friday, July 15, 2005 7:52 AM
To: Barman, Mike
Subject: FW: Submitted: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions?body=

-----Original Message-----

From: Waldrop, Joyce
Sent: Thursday, July 14, 2005 3:39 PM
To: LRB.Legal
Subject: Submitted: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions?body=

Please prepare fiscal note for above proposal

Joyce Waldrop, Research Assistant
Chief of Staff/ Committee Clerk
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

Northrop, Lori

From: Waldrop, Joyce
Sent: Monday, July 25, 2005 12:36 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions

It has been requested by <Waldrop, Joyce> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions

Barman, Mike

From: Waldrop, Joyce
Sent: Monday, August 01, 2005 5:50 PM
To: LRB.Legal
Subject: Submitted: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions?body=

Would you please prepare a fiscal note for the above proposal.

Joyce Waldrop
Research Assistant
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

Barman, Mike

From: Barman, Mike
Sent: Tuesday, August 02, 2005 8:00 AM
To: Waldrop, Joyce
Subject: FE Request ... RE: Submitted: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions?body=

Joyce -

*You already requested an early fiscal estimate be prepared for this draft (07/15/2005). It was assigned to DOA. DOA submitted a fiscal estimate and a copy was e-mailed to you and Rep. Albers (07/29/2005). If you misplaced your e-mail ... let me know and I will re-send it to you.
Thanks*

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin - Legislative Reference Bureau
(Legal Section - Front Office)
1 East Main, Suite 200 Madison, WI 53703

-----Original Message-----

From: Waldrop, Joyce
Sent: Monday, August 01, 2005 5:50 PM
To: LRB.Legal
Subject: Submitted: LRB 05-1932/3 Topic: Requiring notice to persons affected by zoning actions?body=

Would you please prepare a fiscal note for the above proposal.

Joyce Waldrop
Research Assistant
Representative Sheryl Albers
50th Assembly District
Rm. 15N State Capitol
e-mail jwaldrop@legis.state.wi.us
Ph. 608/266-8531

Memo

To: Senator Representative Albers

(The Draft's Requester)

Per your request: ... the attached fiscal estimate was prepared for your unIntroduced 2005 draft.

LRB Number: LRB -1932

Version: " / 3 "

Fiscal Estimate Prepared By: (agency abbr.) DOA

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

Entered In Computer And Copy Sent To Requester Via E-Mail: 07 / 29 / 2005

* * * * *

To: LRB – Legal Section PA's

Subject: *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Lynn) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Lynn) to process.

THIS DRAFT WAS INTRODUCED AS: 2005 _____

Barman, Mike

From: Barman, Mike
Sent: Friday, July 29, 2005 12:17 PM
To: Rep.Albers
Cc: Waldrop, Joyce
Subject: LRB 05-1932/3 (un-introduced) (FE by DOA - attached - for your review)



FE_Albers.PDF