



2013 SENATE BILL 314

September 24, 2013 - Introduced by Senators LASEE and GUDEx, cosponsored by Representatives MURPHY, BARCA, JACQUE, STEINEKE, BEWLEY, BERNIER, BALLWEG, PETRYK and VRUWINK. Referred to Committee on Government Operations, Public Works, and Telecommunications.

1 **AN ACT** *to create* 66.10015 of the statutes; **relating to:** the effect of changes in
2 requirements for development-related permits or authorizations on persons
3 who apply for the permits or authorizations.

Analysis by the Legislative Reference Bureau

Under current law, a city, village, or town that is authorized to exercise village powers or a county (political subdivision) is authorized to enact zoning ordinances that regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures, and land for various purposes. Also under current law, case law provides that where substantial rights have vested, zoning ordinances cannot be applied retroactively.

Under this bill, if a person has submitted an application for a permit or authorization for building, zoning, driveway, stormwater, or other activity related to residential, commercial, or industrial development (approval), the political subdivision must approve, deny, or conditionally approve the application based on regulations, ordinances, rules, or other properly adopted requirements in effect at the time the application for an approval is submitted to the political subdivision (existing requirements). In addition, if a project requires more than one approval or approvals from more than one political subdivision, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project are applicable to all subsequent approvals required for the project.

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Under this bill, an application for approval is submitted upon delivery of the application to the political subdivision or deposit of the application with the U.S. Postal Service for mailing by certified mail. An application for approval expires 60 days after filing if the application does not comply with form and content requirements, the political subdivision provides notice of the noncompliance, and the applicant fails to remedy the noncompliance.

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

1 **SECTION 1.** 66.10015 of the statutes is created to read:

2 **66.10015 Limitation on development regulation authority. (1)**

3 DEFINITIONS. In this section:

4 (a) “Approval” means a permit or authorization for building, zoning, driveway,
5 stormwater, or other activity related to residential, commercial, or industrial
6 development.

7 (b) “Existing requirements” means regulations, ordinances, rules, or other
8 properly adopted requirements of a political subdivision that are in effect at the time
9 the application for an approval is submitted to the political subdivision.

10 (c) “Political subdivision” means a city, village, town, or county.

11 **(2) USE OF EXISTING REQUIREMENTS.** (a) Except as provided under par. (b) or s.
12 66.0401, if a person has submitted an application for an approval, the political
13 subdivision shall approve, deny, or conditionally approve the application solely based
14 on existing requirements. An application is filed under this section on the date that
15 the applicant delivers the application to the political subdivision or deposits the
16 application with the U.S. postal service for mailing by certified mail in an envelope
17 addressed to the political subdivision.

18 (b) If a project requires more than one approval or approvals from more than
19 one political subdivision, the existing requirements applicable in each political

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1 subdivision at the time of filing the application for the first approval required for the
2 project shall be applicable to all subsequent approvals required for the project.

3 (c) An application for an approval shall expire not less than 60 days after filing
4 if all of the following apply:

5 1. The application does not comply with form and content requirements.

6 2. Not more than 10 days after filing, the political subdivision provides the
7 applicant with written notice of the noncompliance. The notice shall specify the
8 nature of the noncompliance and the date on which the application will expire if the
9 noncompliance is not remedied.

10 3. The applicant fails to remedy the noncompliance before the date provided in
11 the notice.

12 **SECTION 2. Initial applicability.**

13 (1) This act first applies to an application for an approval that is submitted on
14 the effective date of this subsection.

15 (END)