



1999 ASSEMBLY BILL 739

February 10, 2000 - Introduced by Representatives ALBERS, MUSSER, OWENS, AINSWORTH and SKINDRUD, cosponsored by Senators WELCH, SCHULTZ and ROESSLER. Referred to Committee on Conservation and 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.

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

ASSEMBLY BILL 739

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

ASSEMBLY BILL 739

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

ASSEMBLY BILL 739**SECTION 4**

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:

ASSEMBLY BILL 739

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) 1., 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

ASSEMBLY BILL 739

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

ASSEMBLY BILL 739

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.

ASSEMBLY BILL 739

SECTION 10

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)