

1969 Senate Bill 105

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CHAPTER 481, LAWS OF 1969

AN ACT to amend 59.97 (5) (i) and (k) and 62.23 (7) (b); and to create 59.97 (5) (hm) of the statutes, relating to disapproval by town boards of county zoning ordinances.

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

SECTION 1. 59.97 (5) (hm) of the statutes is created to read:

59.97 (5) (hm) If a town affected by the proposed amendment disapproves of the proposed amendment, the town board of such town may file a certified copy of the resolution adopted by such board disapproving of the petition with the agency prior to or at the public hearing. If the town board of the town affected in the case of an ordinance relating to the location of boundaries of districts file such a resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the agency may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.

SECTION 2. 59.97 (5) (i) and (k) of the statutes are amended to read:

59.97 (5) (i) As soon as possible after such public hearing, the agency shall act, *subject to par. (hm)* on such petition either approving, modifying and approving, or disapproving of the same. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the county board with its recommendations. If the agency after its public hearing shall recommend denial of the petition it shall report its recommendation directly to the county board with its reasons for such action. Proof of publication of the notice of the public hearing held by such agency and proof of the giving of notice to the town clerk of such hearing shall be attached to either such report. *Notification of town board resolutions filed under par. (hm) shall be attached to either such report.*

(k) *If any such amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved at the public hearing by the town board of the town affected in the case of an ordinance relating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The county clerk shall record in his office the date on which such ordinance becomes effective and he shall notify the town clerk of all towns affected by such ordinance of such effective date and also insert such effective date in the proceedings of the county board. Any other such amendatory ordinance when so*

adopted shall within 7 days thereafter be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by such ordinance are located. If after 40 days from the date of such adoption a majority of such towns have not filed certified copies of resolutions disapproving such amendment with the county clerk, or if, when a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall thereupon be in ~~full force and effect~~ in effect in all of the towns affected by the ordinance. Any such ordinance relating to the location of boundaries of districts shall within 7 days after adoption by the county board be transmitted by the county clerk by registered mail only to the town clerk of the town in which the lands affected by such change are located and shall become effective 40 days after the adoption of the ordinance by the county board unless such town board ~~shall~~ prior to such date ~~file~~ files a certified copy of a resolution disapproving of such ordinance with the county clerk ~~provided that if~~. ~~If such town board shall approve of such~~ approves the ordinance, said ordinance shall become effective upon the filing of the resolution of the town board approving same with the county clerk. The county clerk shall record in his office the date on which such ordinance becomes effective and he shall notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

SECTION 3. 62.23 (7) (b) of the statutes is amended to read:

62.23 (7) (b) For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. *The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in (c), will over a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in such districts the regulations need not be uniform.*

Approved February 24, 1970.
