



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Senate Bill 283**

**Senate Amendment 1**

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**Current law** authorizes certain local government entities (cities, villages, towns authorized to exercise village powers, and counties) to enact zoning ordinances that regulate 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. These local government “zoning entities,” or a zoning entity such as an authorized city plan commission, board of appeals, town zoning committee or county zoning agency, may issue permits under their zoning authority.

**Senate Bill 283** prohibits zoning entities from conditioning or withholding approval of a permit based upon the property owner entering into a contract, or discontinuing, modifying, extending, or renewing any contract, with a third party (for example, outdoor advertising / billboard companies), under which the third party is engaging in a lawful use of the property. Although this prohibition was intended to apply to all zoning entities, with respect to counties the bill adds the prohibition to a statutory provision that does not apply to the county board of supervisors and that is limited to county zoning agencies with a head appointed by the county executive or county administrator (and thus does not appear to apply to other county zoning agencies without such an appointed head).

**Senate Amendment 1** changes the part of Senate Bill 283 that addresses counties, so that the prohibition described in the previous paragraph applies to zoning entities including the county board of supervisors and any county zoning agency.

### **Legislative History**

Senate Amendment 1 was offered by Senator Brown. On January 17, 2006, the Senate adopted Senate Amendment 1 by voice vote and passed Senate Bill 283, as amended, by voice vote.

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