

## 1999 ASSEMBLY BILL 872

1     **AN ACT** *to repeal* 66.0295 (4) (c) 1. and 2.; *to renumber and amend* 66.0295 (4)  
2           (c) (intro.); *to amend* 1.13 (3), 16.965 (4) (intro.), 20.505 (1) (z), 59.69 (3) (a),  
3           62.23 (2), 62.23 (3) (b), 66.0295 (2) (h), 66.0295 (4) (b) (intro.), 66.0295 (4) (b) 2.,  
4           66.034 (3) (title), 66.034 (3) (a) and 66.034 (3) (b); and *to create* 66.0295 (4) (b)  
5           5. and 66.0295 (4) (b) 6. of the statutes; **relating to:** requirements for enacting  
6           comprehensive plans, requirements for comprehensive subdivision ordinances,  
7           the applicability of traditional neighborhood development ordinances, the  
8           timing of transportation planning grants and making an appropriation.

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*Analysis by the Legislative Reference Bureau*

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

9           **SECTION 1.** 1.13 (3) of the statutes, as created by 1999 Wisconsin Act 9, is  
10          amended to read:

**ASSEMBLY BILL 872****SECTION 1**

1           1.13 (3) ~~Each state agency shall ensure that, consistently~~ Consistently with  
2 other laws, ~~each state agency,~~ whenever it administers a law under which a local  
3 governmental unit prepares a plan, ~~the actions of the~~ is encouraged to design its  
4 planning requirements in a manner that makes it practical for local governmental  
5 unit under the plan are designed to further the goals specified in sub. (2), to the  
6 extent practical units to incorporate these plans into local comprehensive plans  
7 prepared under s. 66.0295.

8           **SECTION 2.** 16.965 (4) (intro.) of the statutes, as created by 1999 Wisconsin Act  
9 9, is amended to read:

10           16.965 (4) (intro.) In determining whether to approve a proposed grant, ~~greater~~  
11 ~~precedence~~ preference shall be accorded to applications of local governmental units  
12 that contain all of the following elements:

13           **SECTION 3.** 20.505 (1) (z) of the statutes, as created by 1999 Wisconsin Act 9,  
14 is amended to read:

15           20.505 (1) (z) *Transportation planning grants to local governmental units.*  
16 ~~From~~ Biennially, from the transportation fund, the amounts in the schedule to  
17 provide transportation planning grants to local governmental units under s.  
18 16.9651. All moneys received from the federal government and transferred from the  
19 appropriation account under s. 20.395 (3) (ix) shall be credited to this appropriation  
20 account.

21           **SECTION 4.** 59.69 (3) (a) of the statutes, as affected by 1999 Wisconsin Act 9, is  
22 amended to read:

23           59.69 (3) (a) The county zoning agency may direct the preparation of a county  
24 development plan or parts thereof for the physical development of the  
25 unincorporated territory within the county and areas within incorporated

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1 jurisdictions whose governing bodies by resolution agree to having their areas  
2 included in the county's development plan. The plan may be adopted in whole or in  
3 part and may be amended by the board and endorsed by the governing bodies of  
4 incorporated jurisdictions included in the plan. The county development plan, in  
5 whole or in part, in its original form or as amended, is hereafter referred to as the  
6 development plan. The Beginning on January 1, 2010, if the county engages in any  
7 program or action described in s. 66.0295 (3), the development plan shall contain at  
8 least all of the elements described specified in s. 66.0295 (2).

9 **SECTION 5.** 62.23 (2) of the statutes, as affected by 1999 Wisconsin Act 9, is  
10 amended to read:

11 **62.23 (2) FUNCTIONS.** It shall be the function and duty of the commission to  
12 make and adopt a master plan for the physical development of the city, including any  
13 areas outside of its boundaries which in the commission's judgment bear relation to  
14 the development of the city provided, however, that in any county where a regional  
15 planning department has been established, areas outside the boundaries of a city  
16 may not be included in the master plan without the consent of the county board of  
17 supervisors. The master plan, with the accompanying maps, plats, charts and  
18 descriptive and explanatory matter, shall show the commission's recommendations  
19 for such physical development, and shall, as described in sub. (3) (b), contain at least  
20 the elements described in s. 66.0295 (2). The commission may from time to time  
21 amend, extend or add to the master plan or carry any part or subject matter into  
22 greater detail. The commission may adopt rules for the transaction of business and  
23 shall keep a record of its resolutions, transactions, findings and determinations,  
24 which record shall be a public record.

**ASSEMBLY BILL 872****SECTION 6**

1           **SECTION 6.** 62.23 (3) (b) of the statutes, as affected by 1999 Wisconsin Act 9, is  
2 amended to read:

3           62.23 **(3)** (b) The commission may adopt the master plan as a whole by a single  
4 resolution, or, as the work of making the whole master plan progresses, may from  
5 time to time by resolution adopt a part or parts thereof, ~~any such part to correspond~~  
6 ~~with one or more of the elements specified in s. 66.0295 of a master plan.~~ Beginning  
7 on January 1, 2010, if the city engages in any program or action described in s.  
8 66.0295 (3), the master plan shall contain at least all of the elements specified in s.  
9 66.0295 (2). The adoption of the plan or any part, amendment or addition, shall be  
10 by resolution carried by the affirmative votes of not less than a majority of all the  
11 members of the city plan commission. The resolution shall refer expressly to the  
12 elements under s. 66.0295 and other matters intended by the commission to form the  
13 whole or any part of the plan, and the action taken shall be recorded on the adopted  
14 plan or part thereof by the identifying signature of the secretary of the commission,  
15 and a copy of the plan or part thereof shall be certified to the common council. The  
16 purpose and effect of the adoption and certifying of the master plan or part thereof  
17 shall be solely to aid the city plan commission and the council in the performance of  
18 their duties.

19           **SECTION 7.** 66.0295 (2) (h) of the statutes, as created by 1999 Wisconsin Act 9,  
20 is amended to read:

21           66.0295 **(2)** (h) *Land-use element.* A compilation of objectives, policies, goals,  
22 maps and programs to guide the future development and redevelopment of public  
23 and private property. The element shall contain a listing of the amount, type,  
24 intensity and net density of existing uses of land in the local governmental unit, such  
25 as agricultural, residential, commercial, industrial and other public and private

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1 uses. The element shall analyze trends in the supply, demand and price of land,  
2 opportunities for redevelopment and existing and potential land–use conflicts. The  
3 element shall contain projections, based on the background information specified in  
4 par. (a), for 20 years ~~with detailed maps~~, in 5–year increments, of future residential,  
5 agricultural, commercial and industrial land uses including the assumptions of net  
6 densities or other spatial assumptions upon which the projections are based. The  
7 element shall also include a series of maps that shows current land uses and future  
8 land uses that indicate productive agricultural soils, natural limitations for building  
9 site development, floodplains, wetlands and other environmentally sensitive lands,  
10 the boundaries of areas to which services of public utilities and community facilities,  
11 as those terms are used in par. (d), will be provided in the future, consistent with the  
12 timetable described in par. (d), and the general location of future land uses by net  
13 density or other classifications.

14 **SECTION 8.** 66.0295 (4) (b) (intro.) of the statutes, as created by 1999 Wisconsin  
15 Act 9, is amended to read:

16 66.0295 (4) (b) (intro.) The ~~planning plan~~ commission or other body of a local  
17 governmental unit that is authorized to prepare or amend a comprehensive plan may  
18 recommend the adoption or amendment of a comprehensive plan only by adopting  
19 a resolution by a majority vote of the entire commission. The vote shall be recorded  
20 in the official minutes of the ~~planning plan~~ commission or other body. The resolution  
21 shall refer to maps and other descriptive materials that relate to one or more  
22 elements of a comprehensive plan. One copy of an adopted comprehensive plan, or  
23 of an amendment to such a plan, shall be sent to all of the following:

24 **SECTION 9.** 66.0295 (4) (b) 2. of the statutes, as created by 1999 Wisconsin Act  
25 9, is amended to read:

**ASSEMBLY BILL 872****SECTION 9**

1           66.0295 (4) (b) 2. ~~Every~~ The clerk of every local governmental unit that is  
2 adjacent to the local governmental unit which is the subject of the plan that is  
3 adopted or amended as described in par. (b) (intro.).

4           **SECTION 10.** 66.0295 (4) (b) 5. of the statutes is created to read:

5           66.0295 (4) (b) 5. The regional planning commission in which the local  
6 governmental unit is located.

7           **SECTION 11.** 66.0295 (4) (b) 6. of the statutes is created to read:

8           66.0295 (4) (b) 6. The public library that serves the area in which the local  
9 governmental unit is located.

10          **SECTION 12.** 66.0295 (4) (c) (intro.) of the statutes, as created by 1999 Wisconsin  
11 Act 9, is renumbered 66.0295 (4) (c) and amended to read:

12          66.0295 (4) (c) No ~~recommended~~ comprehensive plan that is ~~adopted or~~  
13 ~~amended~~ recommended for adoption or amendment under par. (b) may take effect  
14 until the local governmental unit enacts an ordinance that adopts the plan or  
15 amendment ~~is enacted as an ordinance by the local governmental unit~~. The local  
16 governmental unit may not enact an ordinance under this paragraph unless the  
17 comprehensive plan contains all of the elements specified in sub. (2). An ordinance  
18 may be enacted under this paragraph only by a majority vote of the members-elect,  
19 as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted  
20 under this paragraph, and the plan to which it relates, shall be filed with at least all  
21 of the following: entities specified under par. (b).

22          **SECTION 13.** 66.0295 (4) (c) 1. and 2. of the statutes, as created by 1999  
23 Wisconsin Act 9, are repealed.

24          **SECTION 14.** 66.034 (3) (title) of the statutes, as created by 1999 Wisconsin Act  
25 9, is amended to read:

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1           66.034 (3) (title) CITY, ~~AND~~ VILLAGE AND TOWN REQUIREMENTS.

2           **SECTION 15.** 66.034 (3) (a) of the statutes, as created by 1999 Wisconsin Act 9,  
3 is amended to read:

4           66.034 (3) (a) Not later than January 1, 2002, every city and village, ~~and every~~  
5 ~~town~~ with a population of at least 12,500 shall enact an ordinance ~~under s. 62.23 (7)~~  
6 that is similar to the model traditional neighborhood development ordinance that is  
7 developed under sub. (2) (a) if the ordinance is approved under sub. (2) (b), although  
8 the ordinance is not required to be mapped.

9           **SECTION 16.** 66.034 (3) (b) of the statutes, as created by 1999 Wisconsin Act 9,  
10 is amended to read:

11           66.034 (3) (b) A city or village ~~that comes into existence, or town~~ whose  
12 population reaches at least 12,500, after January 1, 2002, shall enact an ordinance  
13 ~~under s. 62.23 (7)~~ that is similar to the model traditional neighborhood development  
14 ordinance that is developed under sub. (2) (a) if the ordinance is approved under sub.  
15 (2) (b) not later than the first day of the 12th month beginning after the city ~~or village~~  
16 ~~comes into existence or after the town's~~ city's or village's population reaches at least  
17 12,500, although the ordinance is not required to be mapped.

18           **SECTION 17. Appropriation changes.**

19           (1) TRANSPORTATION PLANNING GRANTS TO LOCAL GOVERNMENTAL UNITS. In the  
20 schedule under section 20.005 (3) of the statutes for the appropriation to the  
21 department of administration under section 20.505 (1) (z) of the statutes, as affected  
22 by the acts of 1999, the dollar amount for fiscal year 2000–01 is increased by an  
23 amount equal to the amount, if any, of the moneys under that appropriation that  
24 were allocated for the purpose of transportation planning grants to local  
25 governmental units under section 16.965 of the statutes and that lapsed to the

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**SECTION 17**

1 general fund on July 1, 2000, for the purpose of transportation planning grants to  
2 local governmental units under section 16.965 of the statutes.

3 (END)