

1999 Assembly Bill 872

Date of enactment: **May 10, 2000**
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1999 WISCONSIN ACT 148

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

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

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

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

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

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

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

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

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

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts thereof for the physical development of the unincorporated territory within the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to having their areas included in the county's development plan. The plan may be adopted in whole or in part and may be amended by the board and endorsed by the governing bodies of incorporated jurisdictions included in the plan. The county development plan, in whole or in part, in its original form or as amended, is hereafter referred to as the development plan. The Beginning on January 1, 2010, if the county engages in any

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

program or action described in s. 66.0295 (3), the development plan shall contain at least all of the elements described specified in s. 66.0295 (2).

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

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

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

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

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

66.0295 (2) (h) *Land-use element.* A compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of

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

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

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

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

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

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

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

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

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

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

66.0295 (4) (c) No ~~recommended~~ comprehensive plan that is ~~adopted or amended~~ recommended for adoption or amendment under par. (b) may take effect until the

~~local governmental unit enacts an ordinance that adopts the plan or amendment is enacted as an ordinance by the local governmental unit.~~ The local governmental unit may not enact an ordinance under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted under this paragraph only by a majority vote of the members-elect, as defined in s. 59.001 (2m), of the governing body. An ordinance that is enacted under this paragraph, and the plan to which it relates, shall be filed with at least all of the following: entities specified under par. (b).

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

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

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

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

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

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

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

SECTION 17. Appropriation changes.

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