

State of Wisconsin



2009 Senate Bill 601

Date of enactment: **May 18, 2010**
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2009 WISCONSIN ACT 372

AN ACT *to repeal* 236.13 (1) (c); *to amend* 59.69 (3) (a), 60.62 (1), 62.23 (3) (b), 66.1001 (1) (a) (intro.), 66.1001 (1) (a) 2., 66.1001 (3) (intro.), (g), (h) and (q) and 66.1001 (4) (c); and *to create* 16.965 (5), 60.23 (33), 66.1001 (1) (am), 66.1001 (2m) and 66.1001 (3m) of the statutes; **relating to:** comprehensive planning.

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

SECTION 1. 16.965 (5) of the statutes is created to read:

16.965 (5) The department may, upon application, grant a local governmental unit that has received a grant under sub. (2) and that has not adopted a comprehensive plan under s. 66.1001 an extension of time to adopt a comprehensive plan. During the period of the extension, the local governmental unit shall be exempt from the requirements under s. 66.1001 (3).

SECTION 2. 59.69 (3) (a) of the statutes is amended to read:

59.69 (3) (a) The county zoning agency may direct the preparation of a county development plan or parts of the plan 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. Beginning on January 1, 2010, or, if the county is exempt under s.

66.1001 (3m), the date under s. 66.1001 (3m) (b), if the county engages in any program or action described in s. 66.1001 (3), the development plan shall contain at least all of the elements specified in s. 66.1001 (2).

SECTION 3. 60.23 (33) of the statutes is created to read:

60.23 (33) COMPREHENSIVE PLAN. Adopt or amend a master plan under s. 62.23.

SECTION 4. 60.62 (1) of the statutes is amended to read:

60.62 (1) Subject Except as provided in s. 60.23 (33) and subject to subs. (2), (3) and (4), if a town board has been granted authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning ordinances under s. 61.35.

SECTION 5. 62.23 (3) (b) of the statutes 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 of a master plan. Beginning on January 1, 2010, or, if the city is exempt under s. 66.1001 (3m), the date under s. 66.1001 (3m) (b), if the city engages in any program or action described in s. 66.1001 (3), the master plan shall contain at least all of the elements specified in s. 66.1001 (2). The adoption of

* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

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. 66.1001 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 of the plan by the identifying signature of the secretary of the commission, and a copy of the plan or part of the plan shall be certified to the common council, and also to the commanding officer, or the officer's designee, of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, that is located in or near the city. The purpose and effect of the adoption and certifying of the master plan or part of the plan shall be solely to aid the city plan commission and the council in the performance of their duties.

SECTION 6. 66.1001 (1) (a) (intro.) of the statutes is amended to read:

66.1001 (1) (a) (intro.) "Comprehensive plan" means a guide to the physical, social, and economic development of a local governmental unit that is one of the following:

SECTION 7. 66.1001 (1) (a) 2. of the statutes is amended to read:

66.1001 (1) (a) 2. For a city ~~or a~~ village, or ~~for a~~ town that exercises village powers under s. 60.22 (3), a master plan that is adopted or amended under s. 62.23 (2) or (3).

SECTION 8. 66.1001 (1) (am) of the statutes is created to read:

66.1001 (1) (am) "Consistent with" means furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.

SECTION 9. 66.1001 (2m) of the statutes is created to read:

66.1001 (2m) **EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN.** The enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.

SECTION 10. 66.1001 (3) (intro.), (g), (h) and (q) of the statutes are amended to read:

66.1001 (3) ~~ACTIONS, PROCEDURES~~ ORDINANCES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS. (intro.) Beginning ~~Except as provided in sub. (3m), beginning~~ on January 1, 2010, if a local governmental unit ~~engages in enacts or amends~~ any of the following actions, those ~~actions~~ ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

(g) Official mapping ~~established~~ ordinances enacted or amended under s. 62.23 (6).

(h) Local subdivision ~~regulation~~ ordinances enacted or amended under s. 236.45 or 236.46.

(q) ~~Zoning of shorelands~~ Shorelands or wetlands in shorelands ~~zoning ordinances enacted or amended~~ under s. 59.692, 61.351 or 62.231.

SECTION 11. 66.1001 (3m) of the statutes is created to read:

66.1001 (3m) **DELAY OF CONSISTENCY REQUIREMENT.**

(a) If a local governmental unit has not adopted a comprehensive plan before January 1, 2010, the local governmental unit is exempt from the requirement under sub. (3) if any of the following applies:

1. The local governmental unit has applied for but has not received a comprehensive planning grant under s. 16.965 (2), and the local governmental unit adopts a resolution stating that the local governmental unit will adopt a comprehensive plan that will take effect no later than January 1, 2012.

2. The local governmental unit has received a comprehensive planning grant under s. 16.965 (2) and has been granted an extension of time under s. 16.965 (5) to complete comprehensive planning.

(b) The exemption under par. (a) shall continue until the following dates:

1. For a local governmental unit exempt under par. (a) 1., January 1, 2012.

2. For a local governmental unit exempt under par. (a) 2., the date on which the extension of time granted under s. 16.965 (5) expires.

SECTION 12. 66.1001 (4) (c) of the statutes is amended to read:

66.1001 (4) (c) No comprehensive plan that is recommended for adoption or amendment under par. (b) may take effect until the political subdivision enacts an ordinance or the regional planning commission adopts a resolution that adopts the plan or amendment. The political subdivision may not enact an ordinance or the regional planning commission may not adopt a resolution under this paragraph unless the comprehensive plan contains all of the elements specified in sub. (2). An ordinance may be enacted or a resolution may be adopted 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 or a resolution that is adopted under this paragraph, and the plan to which it relates, shall be filed with at least One copy of a comprehensive plan enacted or adopted under this paragraph shall be sent to all of the entities specified under par. (b).~~

SECTION 13. 236.13 (1) (c) of the statutes is repealed.