

State of Wisconsin



2003 Assembly Bill 608

Date of enactment: April 13, 2004
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2003 WISCONSIN ACT 233

AN ACT *to repeal* 66.1001 (3) (a) to (f), 66.1001 (3) (i), 66.1001 (3) (m) to (p), 66.1001 (3) (r) and 66.1001 (3) (s); *to amend* 66.1001 (2) (i), 66.1001 (3) (intro.), 66.1001 (4) (c) and 66.1001 (4) (d) (intro.); and *to create* 66.1001 (1) (c) and 66.1001 (5) of the statutes; **relating to:** making changes to the comprehensive planning statute known as Smart Growth.

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

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

66.1001 (1) (c) "Political subdivision" means a city, village, town, or county that may adopt, prepare, or amend a comprehensive plan.

SECTION 2. 66.1001 (2) (i) of the statutes is amended to read:

66.1001 (2) (i) *Implementation element.* A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, ~~sign regulations, erosion and storm water control ordinances, historic preservation ordinances, site plan regulations, design review ordinances, building codes, mechanical codes, housing codes, sanitary codes~~ or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan.

The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

SECTION 3. 66.1001 (3) (intro.) of the statutes is amended to read:

66.1001 (3) ACTIONS, PROCEDURES THAT MUST BE CONSISTENT WITH COMPREHENSIVE PLANS. (intro.) Beginning on January 1, 2010, ~~any program or action of~~ if a local governmental unit that affects land use engages in any of the following actions, those actions shall be consistent with that local governmental unit's comprehensive plan, including all of the following:

SECTION 4. 66.1001 (3) (a) to (f) of the statutes are repealed.

SECTION 5. 66.1001 (3) (i) of the statutes is repealed.

SECTION 6. 66.1001 (3) (m) to (p) of the statutes are repealed.

SECTION 7. 66.1001 (3) (r) of the statutes is repealed.

SECTION 8. 66.1001 (3) (s) of the statutes is repealed.

SECTION 9. 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 ~~local governmental unit~~ political subdivision enacts an ordinance or the regional planning

* Section 991.11, WISCONSIN STATUTES 2001-02 : 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].

commission adopts a resolution that adopts the plan or amendment. The local governmental unit 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 all of the entities specified under par. (b).

SECTION 10. 66.1001 (4) (d) (intro.) of the statutes is amended to read:

66.1001 (4) (d) (intro.) No local governmental unit political subdivision may enact an ordinance or no regional planning commission may adopt a resolution

under par. (c) unless the local governmental unit political subdivision or regional planning commission holds at least one public hearing at which the proposed ordinance or resolution is discussed. That hearing must be preceded by a class 1 notice under ch. 985 that is published at least 30 days before the hearing is held. The local governmental unit political subdivision or regional planning commission may also provide notice of the hearing by any other means it considers appropriate. The class 1 notice shall contain at least the following information:

SECTION 11. 66.1001 (5) of the statutes is created to read:

66.1001 (5) **APPLICABILITY OF A REGIONAL PLANNING COMMISSION'S PLAN.** A regional planning commission's comprehensive plan is only advisory in its applicability to a political subdivision and a political subdivision's comprehensive plan.