



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 351
[2009 Senate Bill 314]

Walkable Communities

2009 Wisconsin Act 351 was developed by the Joint Legislative Council's Special Committee on Performance-Based Disease Management Programs for Large Populations. The Act contains several provisions designed to facilitate the development of communities that are pedestrian and bicycle friendly.

Traditional Neighborhood Development Ordinances

A traditional neighborhood development is a compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

A conservation subdivision is a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

Current law requires the University of Wisconsin (UW)-Extension to develop a model ordinance for a traditional neighborhood development and an ordinance for a conservation subdivision. The model ordinance was completed on January 1, 2001.

Current law also requires every city and village with a population of at least 12,500 to enact an ordinance that is similar to the model traditional neighborhood development ordinance by January 1, 2002. A city or village whose population reaches at least 12,500, after January 1, 2002, must enact an ordinance that is similar to the model traditional neighborhood development within one year.

The Act requires all communities with a population of 12,500 or more to report to the Department of Administration (DOA), by January 1, 2011, whether they are in compliance with the statutory requirement to enact an ordinance that is similar to the model traditional neighborhood development ordinance.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

The Act also encourages a city or village whose population reaches 12,500 after January 1, 2011, to report to DOA, within 18 months after reaching that population size, whether it has enacted a model traditional neighborhood development ordinance.

The Act also encourages communities with populations smaller than 12,500 to enact ordinances similar to the model traditional neighborhood development ordinance.

Mixed-Use Zoning

Current law authorizes cities, villages, counties, and, to a limited extent, towns, to enact zoning ordinances. A town may enact a more robust zoning ordinance if a town meeting authorizes the town board to exercise powers relating to villages and conferred on village boards by statute.

The Act clarifies that a municipality that is authorized to enact a zoning ordinance may establish mixed-use districts that allow any combination of uses such as industrial, commercial, public, or residential uses, in a compact urban form.

State Housing Strategy Plan

Current law requires the Department of Commerce (Commerce) to prepare a comprehensive five-year state housing strategy plan and to update it every year. Commerce must submit the plan to the federal Department of Housing and Urban Development.

The state housing strategy plan must include all of the following:

- A statement of housing policies and recommendations.
- An evaluation and summary of housing conditions and trends in the state, including housing stock and housing cost analyses, general population and household composition demographic analyses, and housing and demographic forecasts.
- An evaluation of housing assistance needs.
- A discussion of major housing issues, including housing production, housing and neighborhood conservation, housing for persons with special needs, fair housing and accessibility, and housing affordability.
- Housing policies that set the general framework for the state's housing efforts.
- Strategies for utilizing federal funding and for coordinating federal and state housing efforts.
- Specific recommendations for public and private action that contribute to the attainment of housing policies under the plan.

Under current law, the Wisconsin Housing and Economic Development Authority (WHEDA) must exercise its powers and perform its duties related to housing consistent with the state housing strategy plan created by Commerce.

Under current law, Commerce must prepare a report on every proposed administrative rule that directly or substantially affects the development, construction, cost, or availability of housing in

Wisconsin before the Legislature acts on it. Among other things, the report must discuss the proposed rule's effect on the policies, strategies, and recommendations of the state housing strategy plan.

Under current law, Commerce must prepare a report on any bill that is introduced in the Legislature that directly or substantially affects the development, construction, cost, or availability of housing in Wisconsin. The report must discuss the bill's effects on housing, including its effect on the policies, strategies, and recommendations of the state housing strategy plan.

The Act adds another required element to the state housing strategy plan. It requires Commerce to include in the plan strategies and specific recommendations for public and private action that will facilitate the inclusion of bicycle-oriented and pedestrian-oriented design in residential developments and mixed-use developments that include residential elements.

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