

State of Wisconsin



2025 Assembly Bill 453

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to repeal 66.1001 (3m); to renumber 66.1001 (1) (am); to renumber and amend 66.1001 (2) (h), 66.1001 (3), 66.10016 (3) and 66.10016 (4); to amend 59.69 (3) (a), 62.23 (3) (b), 66.1001 (2m) (title), 66.1001 (2m) (a), 66.1002 (2) (intro.) and 66.1105 (6) (g) 1. (intro.); to repeal and recreate 66.1001 (3) (title); to create 66.1001 (1) (am) 2., 66.1001 (2) (h) 4., 66.1001 (3) (b), 66.1001 (3) (c), 66.10016 (3) (b), 66.10016 (4) (b), 66.10016 (5) and 66.1105 (2) (cs) of the statutes; **relating to:** required approvals of rezoning requests related to residential development, applications for certain approvals related to residential housing development, contents of and consistency of local ordinances with local comprehensive plans, certain tax incremental district project costs related to residential development, and tax incremental district lifespan extension.

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

SECTION 1. 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. To the extent that the development plan applies to unincorporated areas of a county with the population described in s. 60.23 (34), it applies only to those unincorporated areas that are subject to county zoning. 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 2. 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 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

* Section 991.11, WISCONSIN STATUTES: 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."

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 3L. 66.1001 (1) (am) of the statutes is renumbered 66.1001 (1) (am) 1.

SECTION 3n. 66.1001 (1) (am) 2. of the statutes is created to read:

66.1001 (1) (am) 2. This paragraph applies only to towns and counties.

SECTION 4. 66.1001 (2) (h) of the statutes is renumbered 66.1001 (2) (h) (intro.) and amended to read:

66.1001 (2) (h) *Land-use element.* (intro.) A compilation of objectives, policies, goals, maps, and programs to guide the future development and redevelopment of public and private property. In this paragraph, determinations of the net density of lands shall exclude only those portions of the lands that are wetlands, that are included in a 100-year floodplain, or that are owned by the federal government, a local governmental unit, as defined in s. 20.931 (1) (a), or a state agency, as defined in s. 20.931 (1) (c), and are not intended for redevelopment. The element shall ~~contain~~ do all of the following:

1. 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~~

2. Analyze trends in the supply, demand, and price of land, opportunities for redevelopment, and existing and potential land-use conflicts. ~~The element shall contain~~

3. Contain projections, based on the background information specified in par. (a), for 20 years, 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~~

5. 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 5. 66.1001 (2) (h) 4. of the statutes is created to read:

66.1001 (2) (h) 4. For 20 years, in 5-year increments, identify the areas in which residential land use is projected and, for each of these areas and increments, specify the minimum and maximum net density of residences, expressed in residential units per acre, that will be authorized. This subdivision does not apply to a town or county.

SECTION 6. 66.1001 (2m) (title) of the statutes is amended to read:

66.1001 (2m) (title) EFFECT OF ENACTMENT OF A COMPREHENSIVE PLAN, CONSISTENCY REQUIREMENTS.

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

66.1001 (2m) (a) ~~The~~ Notwithstanding sub. (2) (h) 4., the enactment of a comprehensive plan by ordinance does not make the comprehensive plan by itself a regulation.

SECTION 8. 66.1001 (3) (title) of the statutes is repealed and recreated to read:

66.1001 (3) (title) CONSISTENCY REQUIREMENTS.

SECTION 9. 66.1001 (3) of the statutes is renumbered 66.1001 (3) (a), and 66.1001 (3) (a) (intro.), as renumbered, is amended to read:

66.1001 (3) (a) (intro.) ~~Except as provided in sub. (3m), beginning~~ Beginning on January 1, 2010 ~~the effective date of this paragraph [LRB inserts date],~~ if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan:

SECTION 10. 66.1001 (3) (b) of the statutes is created to read:

66.1001 (3) (b) 1. An ordinance enacted or amended under par. (a) is consistent with the comprehensive plan if the ordinance permits a land use that is expressly identified for the land affected by the ordinance enacted or amended under par. (a) in the adopted land use map contained in the comprehensive plan.

2. An ordinance under par. (a) is not inconsistent with the comprehensive plan solely because it permits additional land uses beyond those identified in the plan.

3. With regard to the comprehensive plan, in determining consistency under par. (a), only the adopted land use map and the corresponding land use category descriptions in the comprehensive plan may be considered.

4. Subdivisions 1. to 3. do not apply to a town or county.

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

66.1001 (3) (c) 1. Beginning on the effective date of this subdivision [LRB inserts date], if a political subdivision enacts or amends any of the ordinances under par. (a) or adds lands by annexation or consolidation intended for residential development, the political subdivision shall do all of the following:

a. Ensure that the comprehensive plan of the political subdivision includes the material required under sub. (2) (h) 4.

b. Ensure that the residential net density standards specified under sub. (2) (h) 4. are incorporated into the ordinance.

2. If a person submits to a political subdivision an application for a permit, as defined in s. 66.10016 (1) (a), or a request for a change to an existing zoning classification, and the submission or request is related to a residential housing development, as defined in s. 66.10016 (1) (c), and the comprehensive plan of the political subdivision does not include the material required under sub. (2) (h) 4., the political subdivision shall amend its comprehensive plan to include the material required under sub. (2) (h) 4. within 180 days of receiving the application.

3. Subsection (4) does not apply to the amendment of a comprehensive plan under this paragraph.

4. This paragraph does not apply to a town or county.

SECTION 12. 66.1001 (3m) of the statutes is repealed.

SECTION 13. 66.10016 (3) of the statutes is renumbered 66.10016 (3) (a) and amended to read:

66.10016 (3) (a) If a person submits a complete application for a permit related to a residential housing development meeting all existing requirements that must be satisfied to obtain the permit at the time the application is filed, the political subdivision shall grant the application. An application is deemed complete under this ~~subsection~~ paragraph if it complies with form and content requirements. As part of an application, the applicant shall certify that the lands subject to the application are not located within a farmland preservation zoning district, not subject to a farmland preservation agreement, and not located within an agricultural enterprise area. An applicant that provides a false certification under this paragraph is liable for any costs incurred by the political subdivision to reverse or remedy the rezoning and is not entitled to recover any costs under sub. (4) (a) or (b). An application is filed under this ~~subsection~~ paragraph on the date that the political subdivision receives the application.

SECTION 14. 66.10016 (3) (b) of the statutes is created to read:

66.10016 (3) (b) 1. Notwithstanding s. 66.1001

(2m) (a), and except as provided in subds. 4. and 5., sub. (5), and s. 66.1001 (3) (c) 2., if a person submits a request for a change to a zoning classification of land that is required to proceed with a residential housing development and all of the following are satisfied, the political subdivision shall grant the request within 90 days:

a. The proposed change is for an area identified in the political subdivision's comprehensive plan as projected for residential land use under s. 66.1001 (2) (h) 4.

b. The proposed change is for an area that is adjacent to or in close proximity to existing development such that the area may be reasonably served by existing infrastructure and public services.

c. Either the proposed minimum and maximum net density of residences in the residential housing development falls within the minimum and maximum net density for the area specified under s. 66.1001 (2) (h) 4. for the current 5-year increment or the comprehensive plan does not include the material required under s. 66.1001 (2) (h) 4. and the political subdivision has not complied with s. 66.1001 (3) (c) 2.

d. Current housing supply in the political subdivision does not meet existing housing demand or forecasted housing demand within the next 5 years, as provided in the comprehensive plan.

e. The requester certifies in writing that the proposed change is for an area that is not located within a farmland preservation zoning district or agricultural enterprise area or subject to a farmland preservation agreement. A requester that provides a false certification under this subd. 1. e. is liable for any costs incurred by the political subdivision to reverse or remedy the rezoning and is not entitled to recover any costs under sub. (4) (a) or (b).

2. In a request under subd. 1., the requester may specify its preferences regarding any of the following:

a. The zoning classification provided in the political subdivision's zoning ordinance into which the land should be reclassified.

b. Building setback requirements.

c. Lot width or frontage requirements.

d. Lot size requirements.

e. Building size or bulk requirements.

3. If a request is granted by action of subd. 1., the requester specified a zoning classification under subd. 2. a., and the zoning classification allows the net density of residences in the proposed residential housing development, the land subject to the request is reclassified into that classification.

4. a. Subdivision 1. does not apply to a request that does not identify the proposed minimum and maximum net density of residences in the residential housing development.

b. A request for a change to a zoning classification

of land that satisfies the requirements of subd. 1. may be denied by the political subdivision if the political subdivision demonstrates that the denial is necessary to prevent a shortage in, or the overburdening of, public facilities located in the political subdivision or to address a significant threat to the public health or safety.

c. This paragraph does not apply to lands within a farmland preservation zoning district, lands subject to a farmland preservation agreement, or lands within an agricultural enterprise area, as certified by the requester under subd. 1. e.

d. This paragraph does not apply to lands within the extraterritorial zoning jurisdiction of a city or village, as described under s. 62.23 (7a).

e. This paragraph does not apply to a town or county.

5. The 90-day limit for granting a request under subd. 1. shall be extended by the political subdivision at the request of the person requesting a change to a zoning classification of land.

SECTION 15. 66.10016 (4) of the statutes is renumbered 66.10016 (4) (a) and amended to read:

66.10016 (4) (a) A person aggrieved by a political subdivision's failure to approve an application under sub. (3) (a) or a request under sub. (3) (b) may seek relief through an action for mandamus as provided in ch. 783. If the court finds that the political subdivision improperly failed to approve the application under sub. (3) (a) or the request under sub. (3) (b), the court shall issue a writ of mandamus ordering the political subdivision to approve the application or request. For purposes of any mandamus claim filed under this subsection, substantial damages or injury shall be assumed.

SECTION 16. 66.10016 (4) (b) of the statutes is created to read:

66.10016 (4) (b) In an action for mandamus under par. (a) based upon a political subdivision's failure to approve a request under sub. (3) (b), the petitioner may recover court costs and reasonable attorney fees attributable to the failure to approve the request within the time frame provided in sub. (3) (b) 1. or 5. of submission of the request.

SECTION 17. 66.10016 (5) of the statutes is created to read:

66.10016 (5) In this subsection "qualifying residential development" means a residential development that is reasonably expected to receive sewerage and sanitary water services from a public utility and that is not reasonably believed to be environmentally contaminated. If a political subdivision issues a request for proposals for a qualifying residential development that specifies

minimum and maximum net density of residences in the development that are within the densities specified for the area in the political subdivision's comprehensive plan, and no person responds to the request by the date provided in the request for submissions, sub. (3) (b) does not apply in that political subdivision for one year after the last date on which responses were to be accepted. A response under this subsection includes a response that does not include a qualifying residential development proposal if the response is from a person with the capability to construct a qualifying residential development in the requesting political subdivision and the response explains with specificity the person's economic reasons for not submitting a proposal. This subsection does not apply to a town or county.

SECTION 18. 66.1002 (2) (intro.) of the statutes is amended to read:

66.1002 (2) MORATORIUM ALLOWED. (intro.) Subject to the limitations and requirements specified in this section, a municipality may enact a development moratorium ordinance if the municipality has enacted a comprehensive plan, is in the process of preparing its comprehensive plan, or is in the process of preparing a significant amendment to its comprehensive plan in response to a substantial change in conditions in the municipality, ~~or is exempt from the requirement as described in s. 66.1001 (3m)~~; and if at least one of the following applies:

SECTION 19. 66.1105 (2) (cs) of the statutes is created to read:

66.1105 (2) (cs) "Newly platted residential development" means residential development on a parcel that has not previously been the site of permanent structures other than structures used solely for agricultural purposes.

SECTION 20. 66.1105 (6) (g) 1. (intro.) of the statutes is amended to read:

66.1105 (6) (g) 1. (intro.) After the date on which a tax incremental district created by a city pays off the aggregate of all of its project costs, and notwithstanding the time at which such a district would otherwise be required to terminate under sub. (7), a city may extend the life of the district for ~~one year~~ up to 2 years if the city does all of the following:

SECTION 21. Initial applicability.

(1) This act first applies to an application for a permit, as defined in s. 66.10016 (1) (a), or a request for rezoning made on the effective date of this subsection.

SECTION 22. Effective date.

(1) This act takes effect on January 1, 2028.