
Wisconsin Legislative Council

ACT MEMO



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2025 Wisconsin Act 173 [2025 Assembly Bill 453]

Changes to Comprehensive Plans, Requests to Change Zoning Classifications, and Tax Incremental Districts

Generally, 2025 Wisconsin Act 173 makes changes to comprehensive plans, requests to change zoning classifications, and certain aspects of tax incremental districts (TIDs).

Comprehensive Plans

Under current law, unless an exception applies, ordinances enacted or amended by a political subdivision that affect land use must be consistent with the political subdivision's comprehensive plan, and the comprehensive plan must have all the required planning elements.

Act 173 requires the land use element of the comprehensive plan of a city or village to identify, in five-year increments spanning 20 years, the areas in which residential land use is projected and to specify the minimum and maximum net density of residences that will be authorized. If a city or village enacts or amends certain zoning and local subdivision ordinances, those ordinances must be consistent with its comprehensive plan including incorporating residential net density standards into the ordinances. An ordinance is consistent with the comprehensive plan for a city or village if the ordinance permits a land use that is expressly identified for the land in the land use map of the comprehensive plan. The act specifies that these changes do not apply to a town or county.

Under the act, if a person submits to a city or village an application for a residential housing development permit or a request to change an existing zoning classification, and the comprehensive plan does not include net density requirements for areas in which residential land use is projected, the city or village must amend its comprehensive plan to include net density within 180 days. The application must certify that the land subject to the application is not located in a farmland preservation zoning district, an agricultural enterprise area, and is not subject to a farmland preservation agreement. For an amendment to add net density requirements in response to a request to change a zoning classification, a city or village does not need to follow otherwise required comprehensive planning procedures.

Request to Change a Zoning Classification

Act 173 requires a city or village to approve a request to change a zoning classification of land that is required in order to proceed with a residential housing development within 90 days, if the following are satisfied:

- The proposed change is for an area identified on the political subdivision's comprehensive plan as projected for residential land use.
- The proposed change is for an area that is adjacent or close in proximity to existing development.

- Either the proposed net density range of the residences in the housing development falls within the net density range specified in the comprehensive plan, or the political subdivision has not added net density to the comprehensive plan by the 180-day deadline described in the section above.¹
- Current housing supply in the political subdivision does not meet existing or forecasted housing demand within the next five years, as provided in the comprehensive plan.
- Certification that the proposed change is for an area that is not located with a farmland preservation zoning district or agricultural enterprise area and is not subject to a farmland preservation agreement.

The act creates an extension to the 90-day deadline if requested by the requestor of the zoning classification change. It also specifies that this request cannot be made to a town or county, nor does it apply to the extraterritorial zoning jurisdiction of a city or village.

The requestor may specify its preferences regarding the zoning classification, building setback requirements, lot width or frontage requirements, lot size requirements, and building size or bulk requirements. If the specified zoning classification allows the net density of residences proposed in the residential housing development, the land must be reclassified into that classification.

The act allows the denial of a request to change a zoning classification if the city or village demonstrates that the denial is necessary to prevent a shortage in or overburdening of public facilities, or to address a significant threat to the public health or safety. A city or village may also deny a request to change a zoning classification or a permit for a residential housing development for one year if it issues a request for proposals for a qualifying residential development with a specific net density range that aligns with the comprehensive plan,² and no person responds to the request, with certain specified exceptions. The act also specifies that these provisions do apply to a town or county.

Lastly, if a person is aggrieved by a political subdivision's failure to approve a request to change a zoning classification, either by the 90-day deadline or the extended time frame when requested, the requestor may seek relief through an action for mandamus and may recover court costs including reasonable attorney fees.

TIDs

The act defines newly platted residential development, for purposes of mixed-use TIDs, to mean residential development on a parcel that has not previously been the site of permanent structures other than agricultural structures. It also increases the housing extension currently available for certain TIDs at the end of their lifespan, from one to two years.

Effective date: January 1, 2028.

For a full history of the bill, visit the Legislature's [bill history page](#).

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¹ If the 180-day update deadline is triggered by the request, then the 90-day timeline for the city or village to approve a request to change a zoning classification may begin only after the 180-day deadline.

² A qualifying residential development is defined as 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.