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Truth in Planning Law Changes Planning and Zoning for Municipalities

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Wisconsin's recently enacted 2025 Act 173, commonly referred to as the "Truth in Planning" law, introduces important changes to the relationship between comprehensive planning and zoning for municipalities. Act 173 represents a meaningful shift in Wisconsin land use law and reflects broader policy objectives related to housing availability and affordability. By requiring municipalities to plan for residential development in a more detailed and transparent manner, the legislature intended the updated statutes to reduce uncertainty and facilitate the construction of new housing. Local governments should be mindful of how their planning decisions may affect housing supply and regional economic conditions. Municipalities that approach implementation proactively will be better positioned to comply with the statute while advancing local planning and development objectives.

Prior law effectively required political subdivisions administering mapping, subdivision, and zoning ordinances to adopt comprehensive plans that included a land use element. The law required zoning decisions to be consistent with those plans. However, even when zoning decisions were consistent, the law did not force approvals. Many political subdivisions therefore denied controversial zoning applications, even though such applications were consistent with their adopted comprehensive plans. Wisconsin's legislators recognized that these denials created uncertainty for developers, who could find themselves spending time and money preparing residential developments based on a subdivision's comprehensive plan, only to be denied the necessary authorization at the proverbial goal-line.

Act 173 takes the current statute, Wis. Stat. Chapter 66, and places stronger emphasis on a political subdivision's comprehensive plan by requiring a greater level of detail in the planning process for residential development. The new law directs cities and villages to identify where residential development will occur over a twenty-year planning horizon, broken into five-year increments, with minimum and maximum residential density ranges for those planned growth areas. The law establishes a 90-day limit for granting a residential zoning request, and generally requires approval for residential zoning decisions that comply with the comprehensive plan. Additionally, Act 173 more clearly defines newly platted residential development as, *"…residential development on a parcel that has not previously been the site of permanent structures other than structures used solely for agricultural purposes."* This term was previously undefined within the law regarding mixed-use tax incremental districts. The law also extends the time in which a municipality may extend a tax incremental district for affordable housing to up to 2 years.

The practical effect of these requirements is that comprehensive plans will now function as more concrete guides for future development rather than general policy documents. Cities and villages must ensure that their zoning ordinances align with the density ranges and growth areas identified in their plans. Residential zoning decisions inconsistent with adopted plans will likely be more vulnerable to legal challenges, and the ability to rely on discretionary zoning decisions may be more limited.

Implementing Act 173 will require coordination among planning staff, governing bodies, and community stakeholders. Municipalities should thoroughly review their land use element, including projecting housing demand, mapping future residential growth areas, and evaluating infrastructure capacity. Public engagement will be especially important because the comprehensive plan will carry greater legal and practical significance under the new law.

From a legal perspective, municipalities that do not align their zoning ordinances with their comprehensive plans may face increased risk. Challengers to zoning decisions now have another arrow for their quiver and may focus on whether those denials are consistent with the adopted plan and the statutory requirements of Act 173. Conversely, municipalities that undertake careful planning and maintain clear alignment between plans and zoning regulations will be in a stronger position to defend their land use decisions, and are likely to become a more attractive place of development and increased economic growth.

Considering these changes, local governments should begin planning efforts well in advance of the statutory deadline. Early action will allow municipalities to develop defensible, data-driven plans and to make any necessary comprehensive plan and zoning amendments in an orderly manner. Training for planning commissions, elected officials, and staff may also be beneficial to ensure a clear understanding of the new requirements.

Although the law does not take immediate effect, municipalities should be aware that compliance will be required by January 1, 2028. This transition period provides an opportunity to review and update comprehensive plans and zoning codes. Local governments should begin evaluating whether their current plans contain the level of specificity required under the statute and whether existing zoning districts permit the densities contemplated in future growth areas.

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