



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0247/1
EVM&KRP:amn

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 768**

January 23, 2024 - Offered by Representative HURD.

1 **AN ACT** *to amend* 62.23 (7a) (a) and 236.02 (5); and *to create* 60.001 (1m), 60.10
2 (1) (h), 60.86 and 236.45 (2) (ar) of the statutes; **relating to:** extraterritorial
3 zoning in certain towns and requiring the towns' subdivision ordinances to
4 accommodate future higher density development.

Analysis by the Legislative Reference Bureau

This bill allows certain towns to designate themselves as “urban towns,” a designation that would limit the effect of extraterritorial zoning and plat approval and requires a town designated as an urban town to use “shadow platting” to plan for future higher density development.

Under the bill, a town that meets all of the following may designate itself as an “urban town” upon approval by the town meeting:

1. The town has a population of more than 5,000 and a population density of 750 persons in any one square mile.
2. The town provides law enforcement service.
3. The town has enacted a subdivision ordinance.
4. The town has enacted a zoning ordinance or is subject to county zoning.
5. Items 1. to 4. are certified by the Department of Administration.

Under the bill, a town that has been designated as an urban town is not subject to extraterritorial zoning or extraterritorial plat approval by a neighboring city or

village. Also under the bill, a town that has been designated as an urban town must, in its subdivision ordinance, require that “shadow plats” be recorded for certain divisions of land within the urban town’s qualified territory that occur after the designation. “Shadow plat” is defined in the bill as a conceptual map of a division of land, in the form of a plat or certified survey map, that shows potential future higher density development of the land. Under the bill, a shadow plat must be recorded for each new parcel created in the urban town’s qualified territory that is 0.5 acre or larger and must show certain information, including future division of the parcel into smaller lots no larger than 0.25 acre each, potential future streets, and easement locations for potential future utilities. In addition, the urban town’s subdivision ordinance must prohibit, with one exception specified in the bill, the erecting of a structure within 10 feet of any lot line shown on a shadow plat.

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

1 **SECTION 1.** 60.001 (1m) of the statutes is created to read:

2 60.001 (1m) “Qualified urban town territory” means the territory of an urban
3 town designated under s. 60.10 (1) (h) that is within 3 miles of the corporate limits
4 of a 1st, 2nd, or 3rd class city, or 1.5 miles of a 4th class city or a village if any of the
5 following applies to the entire territory of the urban town satisfying the proximity
6 requirement under this subsection:

7 (a) 1. The territory has an average of more than 30 housing units per quarter
8 section, as determined by the department of administration under par. (b), excluding
9 any mercantile, manufacturing, or public utility developed areas, publicly owned
10 land, and areas where residential development is impracticable due to geographic
11 features, perpetually restricted development rights, or state law, as determined by
12 the department of administration under par. (b).

13 2. The territory has an assessed value for real estate tax purposes more than
14 25 percent of which is attributable to existing or potential mercantile,

1 manufacturing, or public utility uses, as determined by the department of
2 administration under par. (b).

3 (b) Upon request by an urban town designated under s. 60.10 (1) (h) for a
4 determination under par. (a), within 60 days of the request, the department of
5 administration shall provide the determination.

6 **SECTION 2.** 60.10 (1) (h) of the statutes is created to read:

7 60.10 (1) (h) *Urban town designation.* Designate the town as an urban town
8 if all of the following apply:

9 1. The town has a population of more than 5,000 and a population density of
10 750 persons in any one square mile.

11 2. The town provides law enforcement service in one of the manners provided
12 under s. 60.56 (1) (a) 1. to 4.

13 3. The town has enacted a subdivision ordinance under s. 236.45 (2) (ac).

14 4. The town has enacted a zoning ordinance under s. 60.61 or 60.62 or is subject
15 to county zoning under s. 59.69.

16 5. The department of administration has issued a certification under this
17 subdivision. Upon request by a town for a certification that subs. 1. to 4. are
18 satisfied with regard to the town, within 60 days of the request, the department of
19 administration shall issue the certification or notify the town that subs. 1. to 4. are
20 not satisfied with regard to the town.

21 **SECTION 3.** 60.86 of the statutes is created to read:

22 **60.86 Effect of urban town designation.** The designation of a town as an
23 urban town under s. 60.10 (1) (h) does not affect any agreement with another
24 municipality, as defined in s. 66.0301 (1) (a), to which the town is a party.

25 **SECTION 4.** 62.23 (7a) (a) of the statutes is amended to read:

1 62.23 (7a) (a) Extraterritorial zoning jurisdiction means the unincorporated
2 area, other than qualified urban town territory, as defined in s. 60.001 (1m), within
3 3 miles of the corporate limits of a first, second or third class city, or ~~1-1/2~~ 1.5 miles
4 of a fourth class city or a village. The unincorporated area subject to extraterritorial
5 zoning jurisdiction includes areas that are either surrounding or entirely
6 surrounded by a single city or village. Wherever extraterritorial zoning jurisdictions
7 overlap, the provisions of s. 66.0105 shall apply and any subsequent alteration of the
8 corporate limits of the city by annexation, detachment or consolidation proceedings
9 shall not affect the dividing line as initially determined under s. 66.0105. The
10 governing body of the city shall specify by resolution the description of the area to
11 be zoned within its extraterritorial zoning jurisdiction sufficiently accurate to
12 determine its location and such area shall be contiguous to the city. The boundary
13 line of such area shall follow government lot or survey section or fractional section
14 lines or public roads, but need not extend to the limits of the extraterritorial zoning
15 jurisdiction. Within 15 days of the adoption of the resolution the governing body
16 shall declare its intention to prepare a comprehensive zoning ordinance for all or part
17 of its extraterritorial zoning jurisdiction by the publication of the resolution in a
18 newspaper having general circulation in the area proposed to be zoned, as a class 1
19 notice, under ch. 985. The city clerk shall mail a certified copy of the resolution and
20 a scale map reasonably showing the boundaries of the extraterritorial jurisdiction
21 to the clerk of the county in which the extraterritorial jurisdiction area is located and
22 to the town clerk of each town, any part of which is included in such area.

23 **SECTION 5.** 236.02 (5) of the statutes is amended to read:

24 236.02 (5) “Extraterritorial plat approval jurisdiction” means the
25 unincorporated area, other than qualified urban town territory, as defined in s.

1 60.001 (1m), within 3 miles of the corporate limits of a first, second, or third class city,
2 or ~~1-1/2~~ 1.5 miles of a fourth class city or a village.

3 **SECTION 6.** 236.45 (2) (ar) of the statutes is created to read:

4 236.45 (2) (ar) 1. In this paragraph:

5 a. “Qualified urban town territory” has the meaning given in s. 60.001 (1m).

6 b. “Shadow plat” means a conceptual map of a division of land, in the form of
7 a plat or certified survey map, that shows potential future higher density
8 development of the land.

9 c. “Urban town” means a town designated as an urban town under s. 60.10 (1)
10 (h).

11 2. Ordinances under par. (ac) enacted by an urban town shall require that, for
12 any division of land that occurs after the urban town is designated as an urban town,
13 a shadow plat shall be recorded, in the same manner as a plat is recorded under par.
14 (am), for each parcel in the urban town’s qualified urban town territory created by
15 the division that is 0.5 acre or larger. The shadow plat for the parcel shall show all
16 of the following:

17 a. Lot lines for future lots, which shall be 0.25 acre each or less in size, except
18 that one remnant lot of the parcel may be larger than 0.25 acre and smaller than 0.5
19 acre in size.

20 b. If the parcel is created as part of a subdivision, potential future streets and
21 easement locations for potential future utilities.

22 c. A statement that no structure may be erected within 10 feet of any lot line
23 under subd. 2. a.

24 3. Ordinances under par. (ac) enacted by an urban town shall prohibit the
25 erecting of a structure that violates a setback requirement included in a shadow plat

1 under subd. 2. c., unless the structure is the first structure erected on the parcel to
2 which the shadow plat applies.

3 (END)