



Planning and Zoning 101



Rebecca Roberts
rroberts@uwsp.edu
715-346-4322



Center for Land Use Education
College of Natural Resources
University of Wisconsin - Stevens Point



Extension
UNIVERSITY OF WISCONSIN-MADISON



Show of hands – who is here?

- Town, County, City, Village
- Local official, staff, community member
- Experience with zoning

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Comprehensive Plan

Purpose

Planning allows a community to anticipate, balance and decide how to meet its needs:

- Protection of community resources and character
- Targeted economic development or public investments
- Cost-effective delivery of services
- Intergovernmental communication and cooperation
- Balance of community interests and private rights
- And so forth...



Comprehensive Plan (Wis Stat. 66.1001)

- Guide to physical, social, and economic development
- Provides guidance over 20-year period
- Includes goals, objectives, policies, data and maps
- Programs and actions to implement plan



Nine Required Elements



Issues & Opportunities



Housing



Transportation



Utilities & Community Facilities



Agricultural, Natural & Cultural Resources



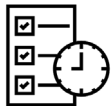
Economic Development



Intergovernmental Cooperation



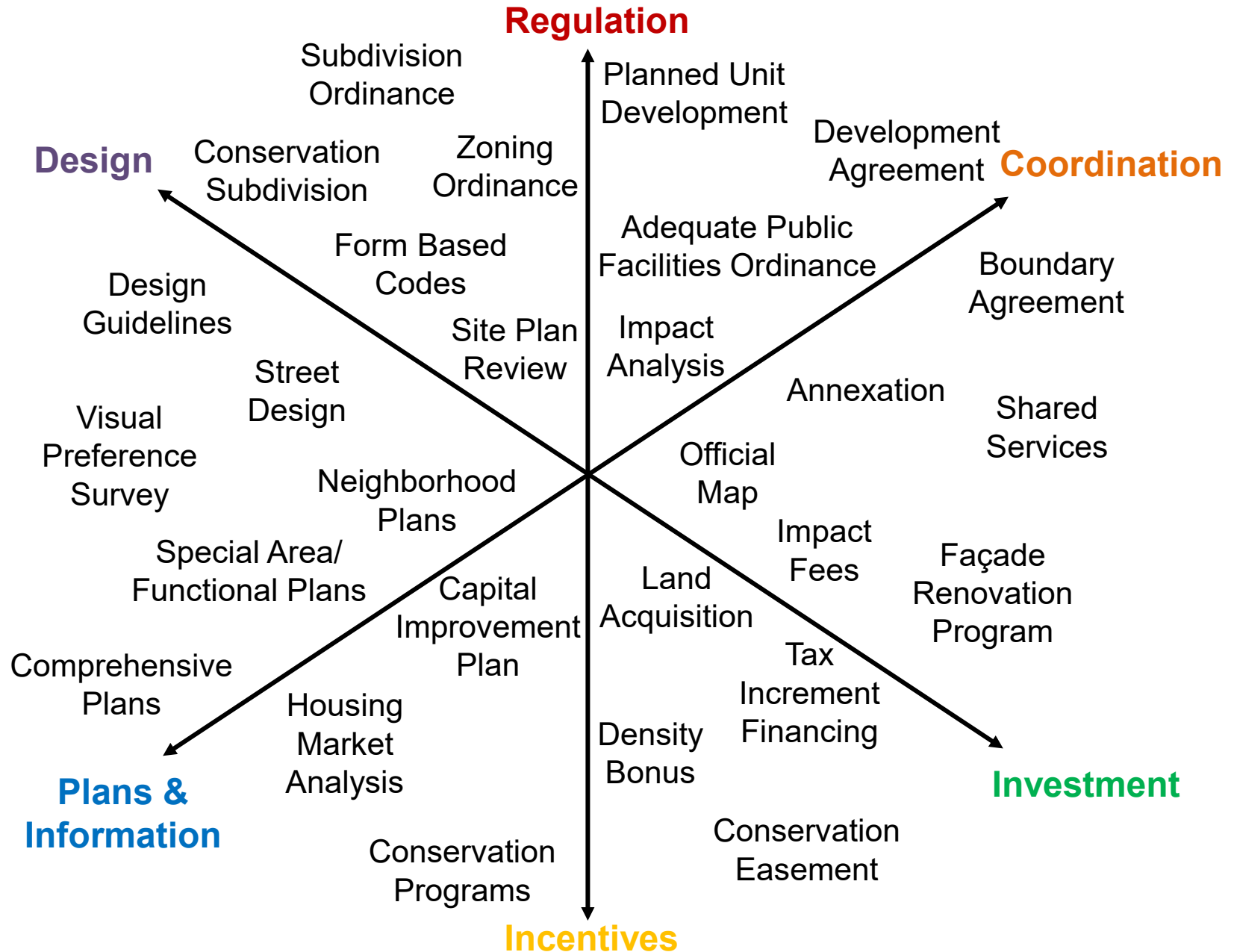
Land Use



Implementation



Range of Implementation Tools





Guiding Document



Comprehensive Plan

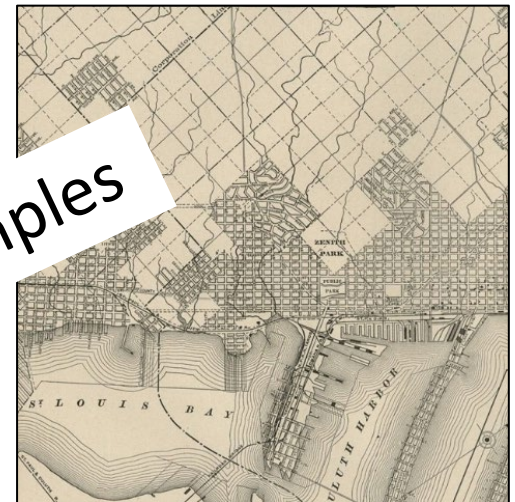
Regulatory Tools to Implement the Plan



Zoning Ordinance



Subdivision Ordinance



Official Map



Consistency Requirement

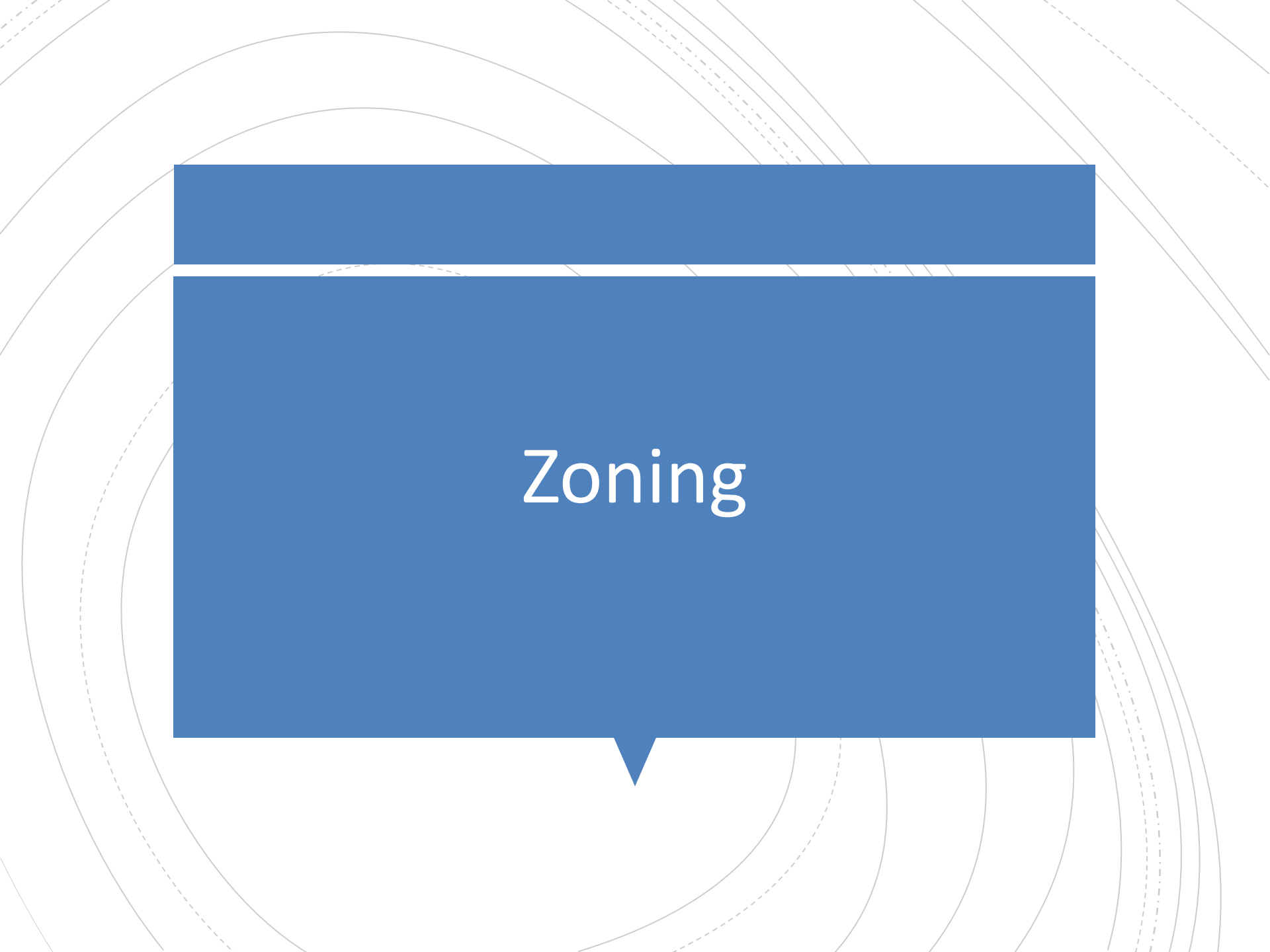
- New or amended zoning, land division, and official mapping ordinances must be consistent with an adopted comprehensive plan
- Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan”



UPDATES
COMING!

2025 Wis Act 173
primarily impacting
cities/villages
(effective 1-1-28)

(Wis Stat. 66.1001)

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Zoning

Why do we have zoning?

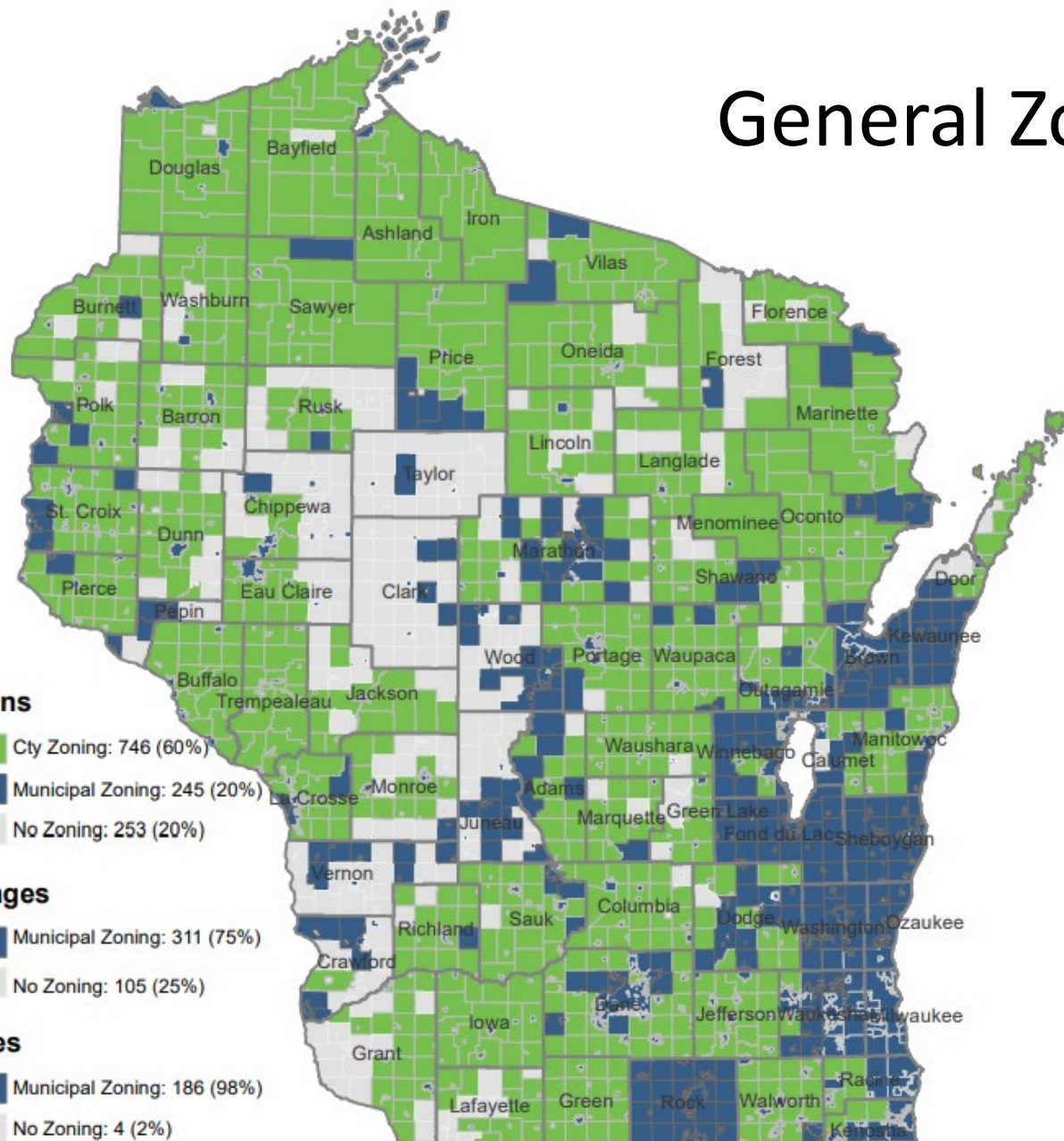


Zoning is one tool to achieve community goals such as:

- Public health, safety, and welfare
- Natural resource protection
- Community character and aesthetics
- Protection of public and private investments



General Zoning for Towns

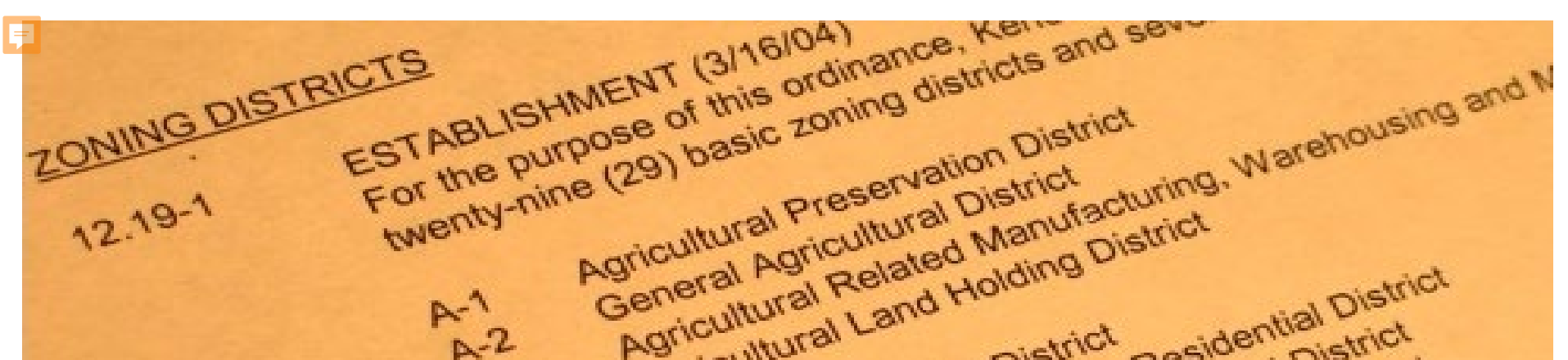


Option 1:
County Zoning
746 (60%)

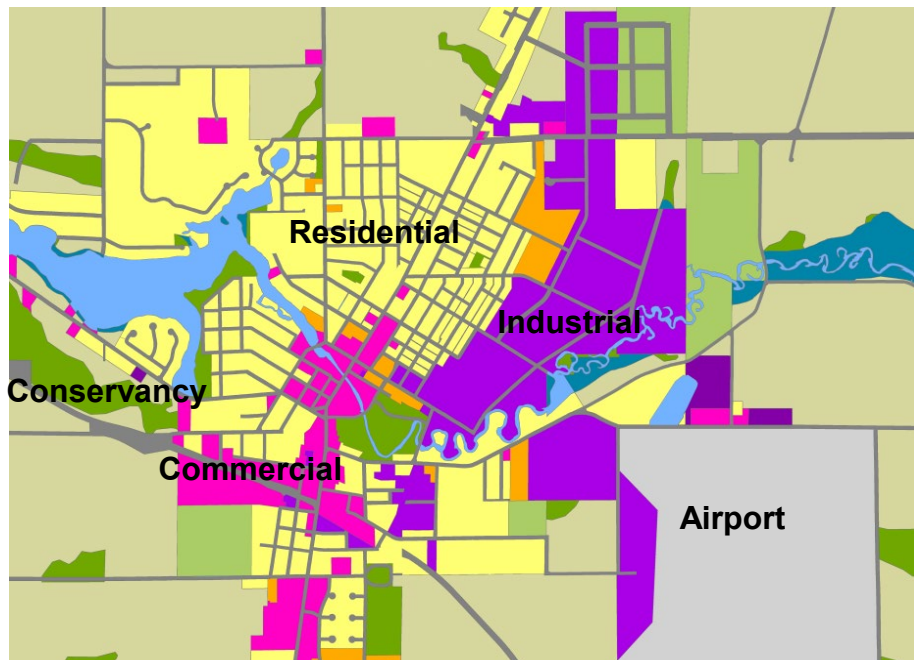
Option 2:
Town Zoning
245 (20%)

Option 3:
No Zoning
253 (20%)

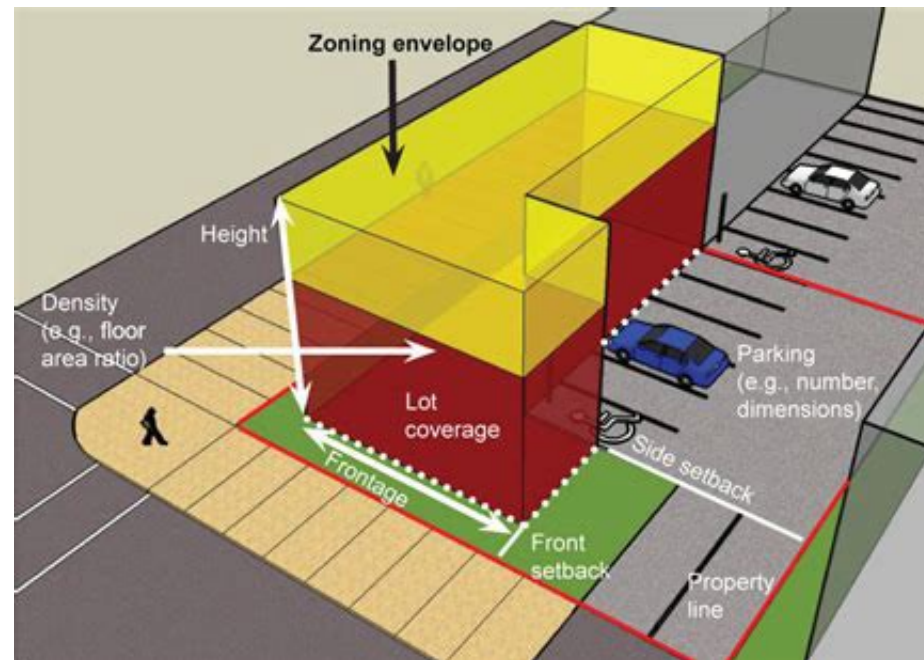
Cities, villages, and towns adopt general zoning ordinances under s. 62.23(7), 60.61 or 60.62. Counties and towns adopt county general zoning under s. 59.69. Those seeking the most current data may consult the [Comp Plan and Land Regs Inventory spreadsheet](#), which continues to be updated. They may also visit the local government website or contact the clerk for information on its comp plan and land regulations. Please email comp.planning@wisconsin.gov with any corrections.



Map – Divides the community into zoning districts



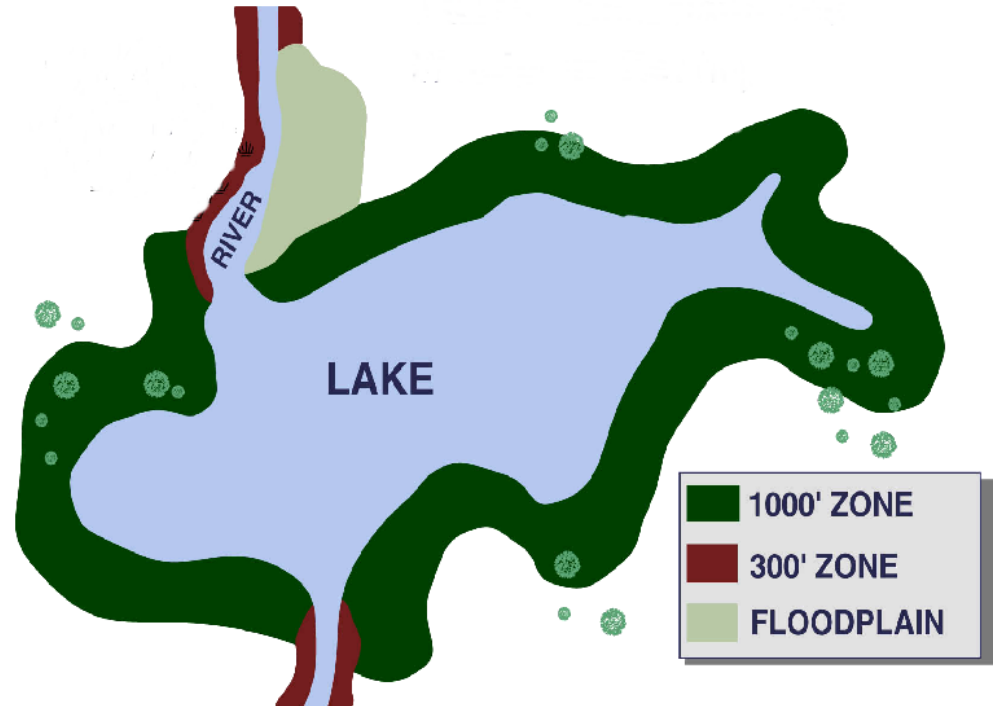
Text – Describes suitable uses and regulations that apply within each district or community wide



Special Forms of Zoning

- Shoreland zoning
- Floodplain zoning
- Wellhead protection
- Airport protection
- Historic overlay
- Bluff or steep slopes
- Farmland preservation
- Extraterritorial zoning

Stand-alone ordinance or “overlay” district in which additional rules are created to protect a specific area or resource.

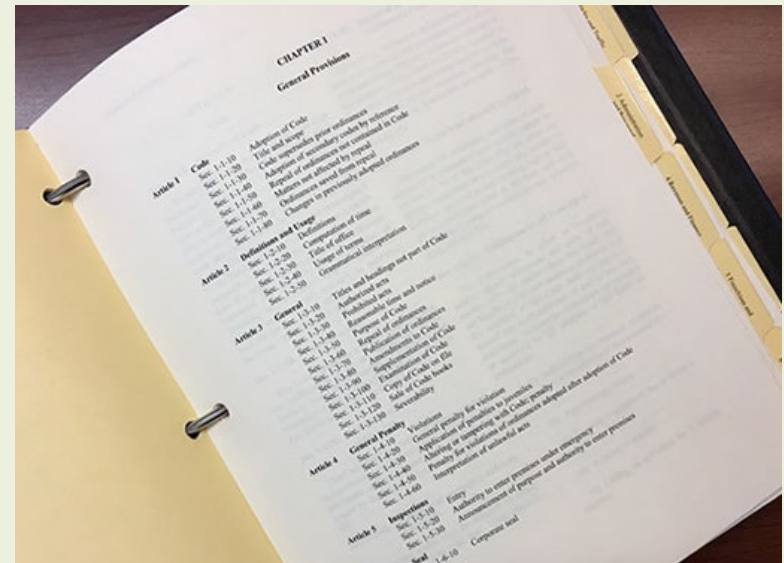


Ex. Shoreland, Wetland, Floodplain Zoning



General Zoning Ordinance Organization

- Purpose statements
- Zoning districts
- Allowed uses
- Dimensional standards
- Development standards
- Administrative procedures



Section 1.1 Section Heading

A. Subsection Heading

1. Paragraph heading.

a. Subparagraph heading.

(1) Clause.



Purpose Statements

- Purpose statements provide justification for regulations
- Help elected and appointed officials, zoning staff, and courts interpret and apply regulations
- Statements may be found in several locations throughout ordinance
 - Introduction
 - Zoning Districts
 - Conditional Uses

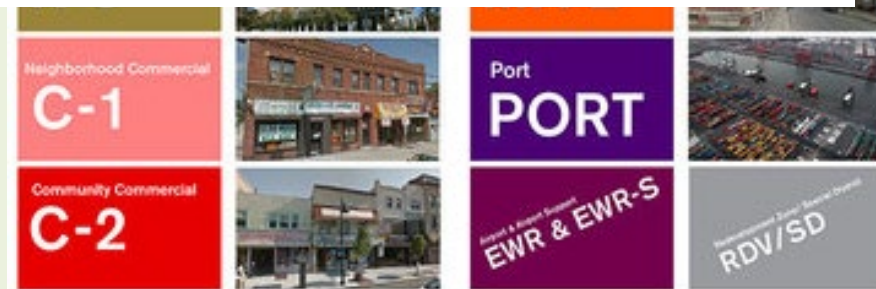
LEGAL BASIS:
PROTECT HEALTH, SAFETY,
WELFARE OF CITIZENS



Zoning Districts



A standard set of general zoning districts does not exist. Communities may use similar nomenclature but set their own uses and standards.



Residential

R-1	One Family
R-2	1-2 Family
R-3	1-3 Family/Townhouse
R-4	Multifamily Low-Rise
R-5	Multifamily Mid-Rise
R-6	Multifamily High-Rise

Commercial

C-1	Neighborhood
C-2	Community
C-3	Regional

Industrial

I-1	Light
I-2	Medium
I-3	Heavy

Mixed-Use

MX-1	Low-Density RES/COMM
MX-2	Med-Density Res/Comm/Ind
MX-3	High-Density Res/Comm/Ind

Other

INST	Institution
PARK	Parks/Open Space
CEM	Cemetery
EWR/-S	Aiport/Airport Support
PORT	Port Industrial
RDV	Redevelopment Zone



Allowed Uses

Many communities moving from prescriptive list of uses to use-based classification system

Permitted Uses

- adult day-care homes
- bakery
- barber shop or salon
- bed and breakfast inn
- bicycle shop
- bookstore
- candy, pastry, ice cream, or snack shop
- child day-care homes
- copy center
- delicatessen
- financial institution
- florist
- fruit and vegetable market
- general office
- gift shop
- hardware/garden supply store
- health and fitness facility
- hotel/motel
- instructional services
- laundry and dry cleaning
- medical clinic
- neighborhood retail establishments
- multi-family dwelling units
- pharmacy
- place of worship
- plant nurseries, sales & greenhouses
- police, fire or rescue station
- post office
- printing and publishing
- restaurants
- retail sales
- single-family, attached dwelling unit
- single-family, detached dwelling unit
- theaters
- video rental store

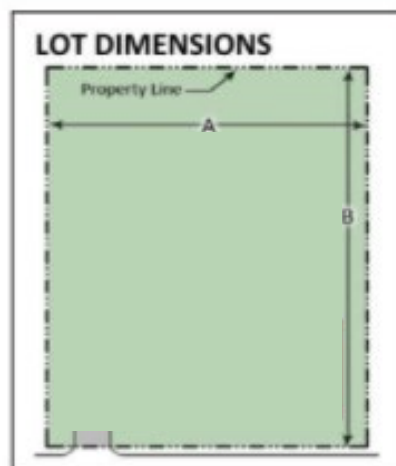
Conditional Uses

- automobile service station
- car wash
- motor vehicle repair
- retail gasoline sales
- veterinary



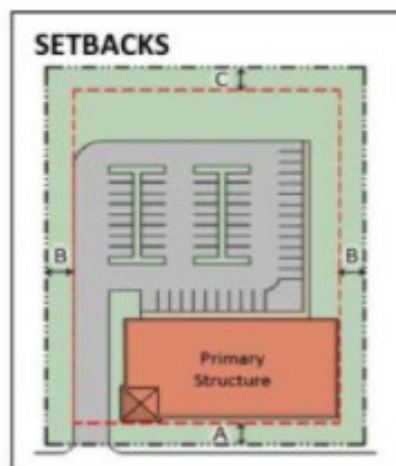
Dimensional Standards

Dimensional Standards



A. Minimum Lot Width:
60 feet

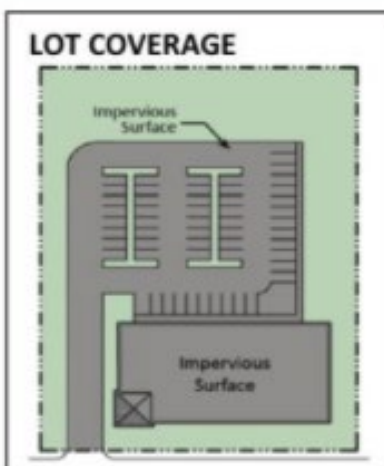
B. Minimum Lot Depth:
100 feet



A. Maximum Front Building Setback: Min. 25' setback from 441, max. 15' setback from internal street

B. Minimum Side Building Setback: 5 feet

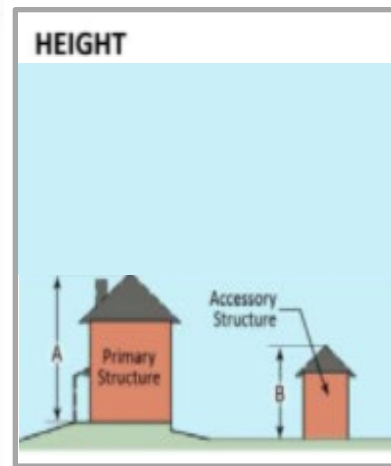
C. Minimum Rear Building Setback: 10 feet



Maximum Impervious Surface Coverage:
80%

Maximum FAR (Floor Area Ratio): 2.0

Minimum Common Open Space: 15%



Maximum Structure Height:

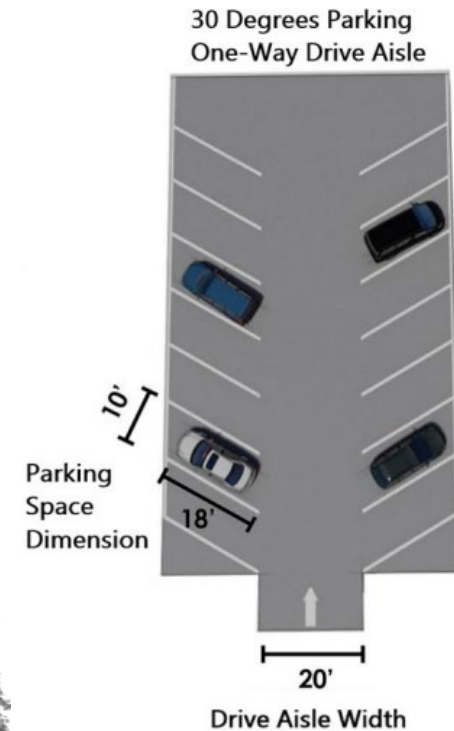
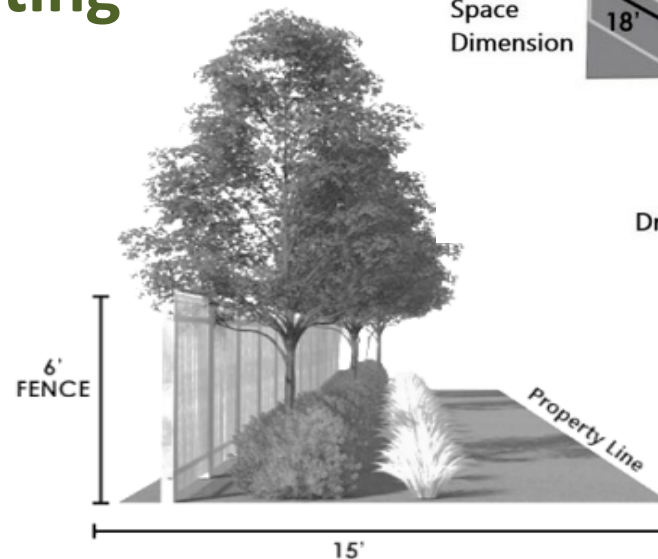
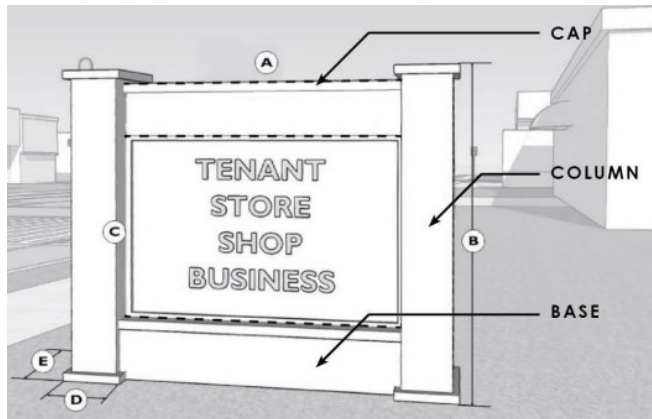
A. Primary: 45 feet *

B. Accessory: 35 feet *



Development Standards

Parks and Open Space
Stormwater Management
Buffers, Fencing, Screening
Landscaping, Tree Protection
Parking, Signage, Lighting





Administrative Procedures

Division IV: Administration and Permits

Chapter 17.30 Planning Authorities Division IV, Page 1

- 17.30.010 Purpose Division IV, Page 1
- 17.30.020 City Council Division IV, Page 1
- 17.30.030 Planning Commission Division IV, Page 1
- 17.30.040 Community Development Director Division IV, Page 2
- 17.30.050 Zoning Administrator Division IV, Page 3
- 17.30.060 Summary of Review Authorities for Decisions and Appeals Division IV, Page 4

Chapter 17.31 Common Procedures Division IV, Page 5

- 17.31.010 Purpose Division IV, Page 5
- 17.31.020 Application Forms and Fees Division IV, Page 5
- 17.31.030 Pre-Application Review Division IV, Page 6
- 17.31.040 Review of Applications Division IV, Page 6
- 17.31.050 Environmental Review Division IV, Page 7
- 17.31.060 Public Notice Division IV, Page 7
- 17.31.070 Conduct of Public Hearings Division IV, Page 8
- 17.31.080 Timing and Notice of Action and Findings Required Division IV, Page 9

Figure 90-550-1
Conditional Uses



Common Zoning Decisions

1. **Permitted Use** – use that is listed and allowed by-right within a given zoning district
2. **Conditional Use** – use that is listed and allowed provided it meets local ordinance requirements and conditions imposed
3. **Zoning Amendment / Rezone** – change to zoning ordinance text or map
4. **Variance** – relaxation of an ordinance standard that may be allowed by zoning board when state standards are met
5. **Administrative Appeal** – contested decision or interpretation of zoning ordinance

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Establishment of Districts, Uses and Standards

Uses for each district:

Permitted Use

Use is listed and allowed by right in all parts of the zoning district

Granted by zoning administrator

Conditional Use

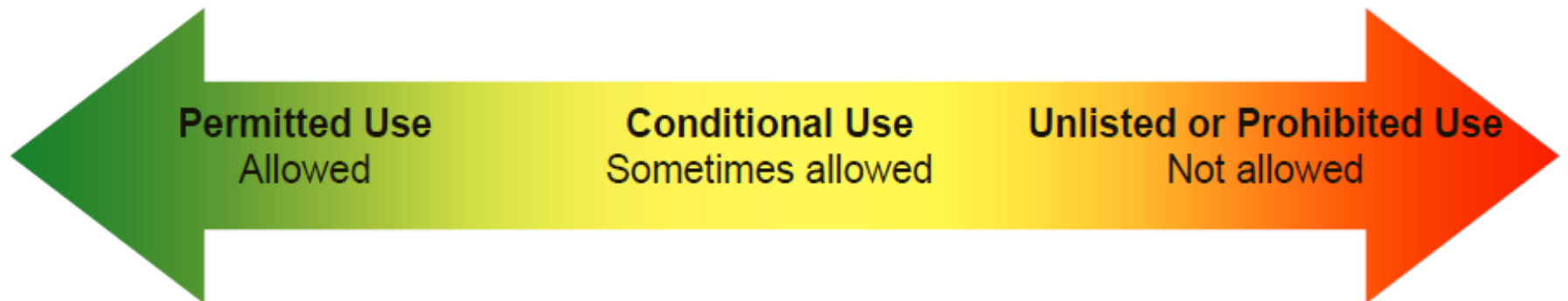
Use is listed for the district and allowed if they meet ordinance standards and attached conditions

Decided by zoning board, plan commission, or governing body

Prohibited Use

Use is not listed for the district or is expressly prohibited

May apply for rezone or use variance, if allowed





Ex. Residential District

Permitted Uses



Conditional Uses



Prohibited Uses



Sample Use Table

P Permitted
 C Conditional
 - Prohibited

Zoning District	A1 Intense Agriculture	A2 Light Agriculture	RR Rural Residential	R1 Single Family	R2 Multi Family	C1 Commercial
Livestock facility	P	C	-	-	-	-
Residential poultry and beekeeping	P	P	P	C	C	-
Agricultural tourism	C	C	C	-	-	C
Agriculture-related business	P	P	C	-	-	C
Roadside stand	P	P	P	-	-	C

Which types of uses are most controversial in your community?



Gravel pits or quarries



Frac sand operations



Large livestock farms



Solar or wind farms



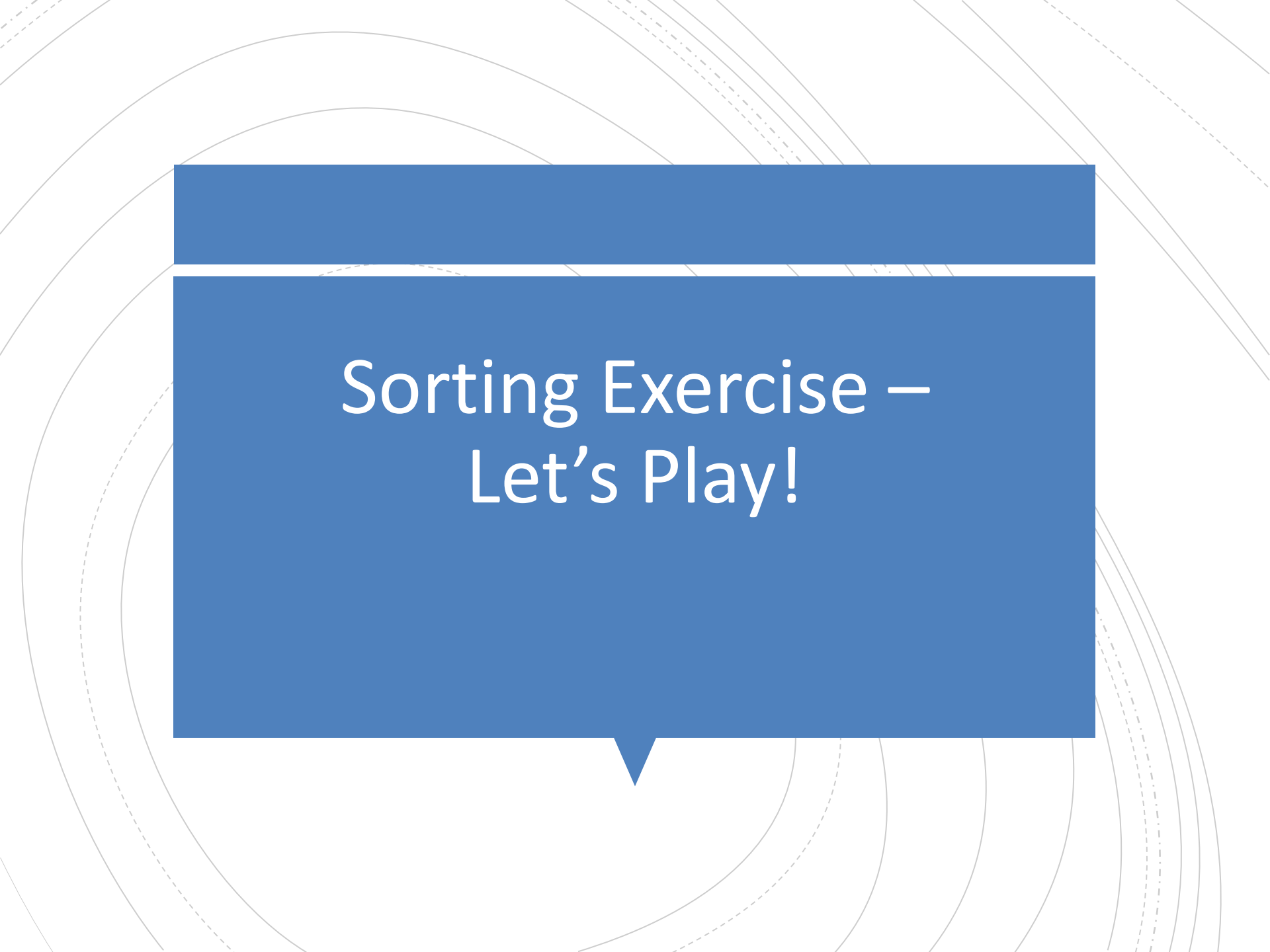
Shooting ranges



Campgrounds



Other

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Sorting Exercise – Let's Play!

Land Use Sorting Exercise

Always OK

Let's discuss

Never OK

Residential subdivision	Large livestock operation	Bar	Racetrack	Salvage yard	K12 school
Mobile homes	Organic farm	Sit-down restaurant	Adult entertainment	Landfill	Church
Group home	Dog kennel	Drive-thru restaurant	Campground	Non-metallic mining	Park
Apartment	Wedding barn	Hardware store	Shooting range	Artisan manufact	Solar farm



What are your concerns?

- Specific uses
- Placement or mix within community
- Density of development
- Siting on a given parcel
- Impacts on water, agriculture, forests, etc.
- Ability to provide infrastructure or services

Choices

1. Zoning district

2. Permitted, conditional, or prohibited use

3. Density and dimensional standards

4. Development standards

Ex. Sawyer County Zoning Ordinance

- Kennel allowed in RR-2, A-1 and A-2 zoning districts with conditional use permit

6.8 KENNEL FOR SMALL DOMESTIC ANIMALS

A kennel for small domestic animals shall meet the following minimum requirements:

6.81 Lot size - five (5) acres.

6.82 Lot width - 200 feet.

6.83 Side yard setback - 50 feet.

6.84 Back yard setback - 50 feet.

6.85 Front yard setback-Section 4.21 Setback Requirements on Highways and Roads.

6.86 Sanitary facilities provided for under Section 2 of the Sawyer County Private Sewage System Ordinance.

6.87 Perimeter fencing. Minimum height of five (5) feet with minimum depth underground of twelve (12) inches; minimum fence gauge of eleven (11).

6.88 Living quarters on same premises as kennel; occupancy restricted to property owner-operator.

6.89 Subject to the provisions of Chapter 174 of the Wisconsin Statutes.

Choices

1. Zoning district
2. Permitted, conditional, or prohibited use
3. Density and dimensional standards
4. Development standards

Examples

- Non-metallic mining
- Campgrounds
- Mix of uses (ex. residential and commercial in downtown)

Common Ordinance Standards

No harm to public health or safety

Compatible with surrounding uses

Site access and traffic safety

Consistent with comprehensive plan

Adequate utilities and public facilities

Drainage and stormwater management

No harm to environment

Neighborhood character

Property values

Aesthetics

CUP standards must be reasonable and to the extent possible measurable

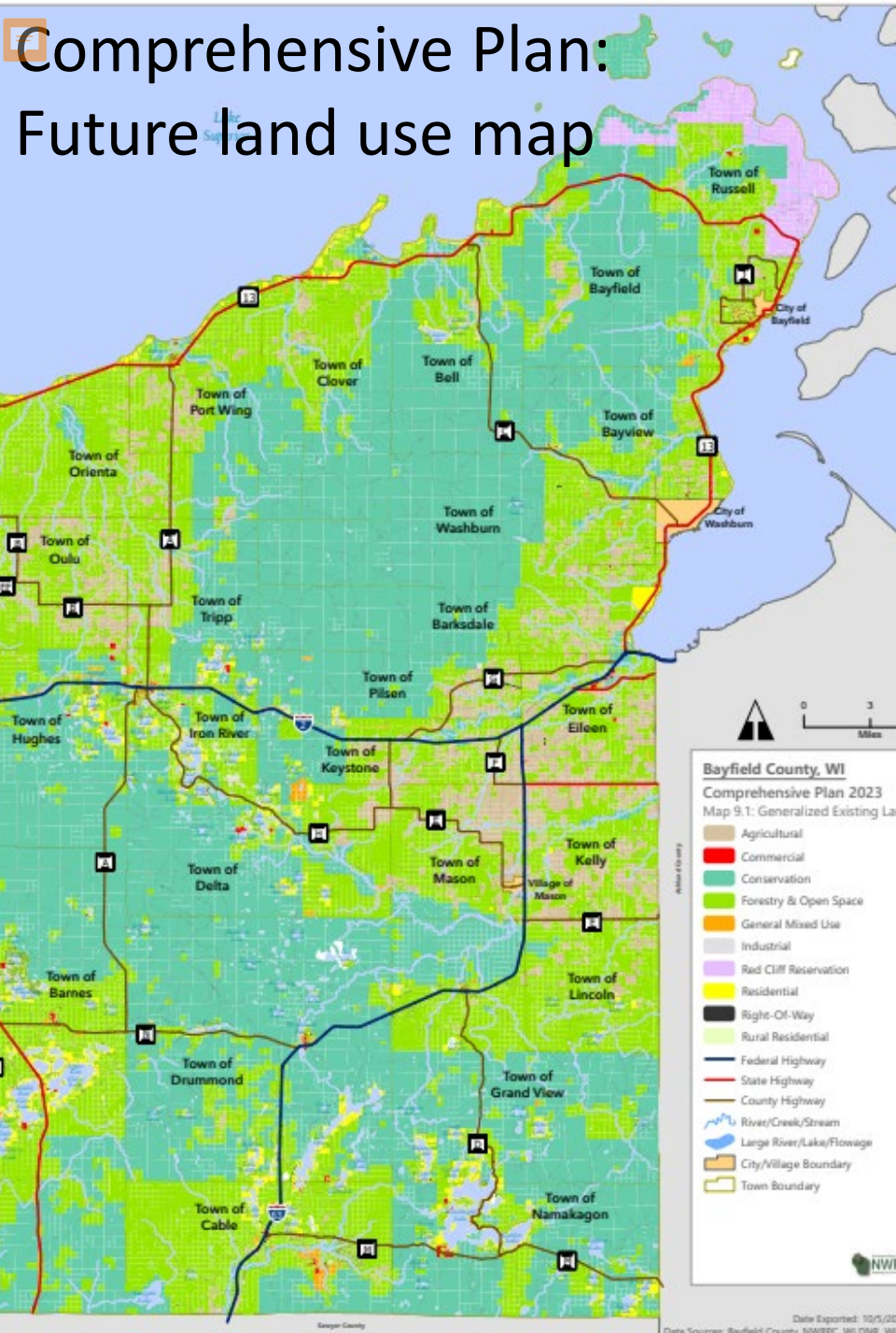
Consider adding specific standards for commonly granted uses

Two recent unpublished court cases have supported these factors. But use with caution!

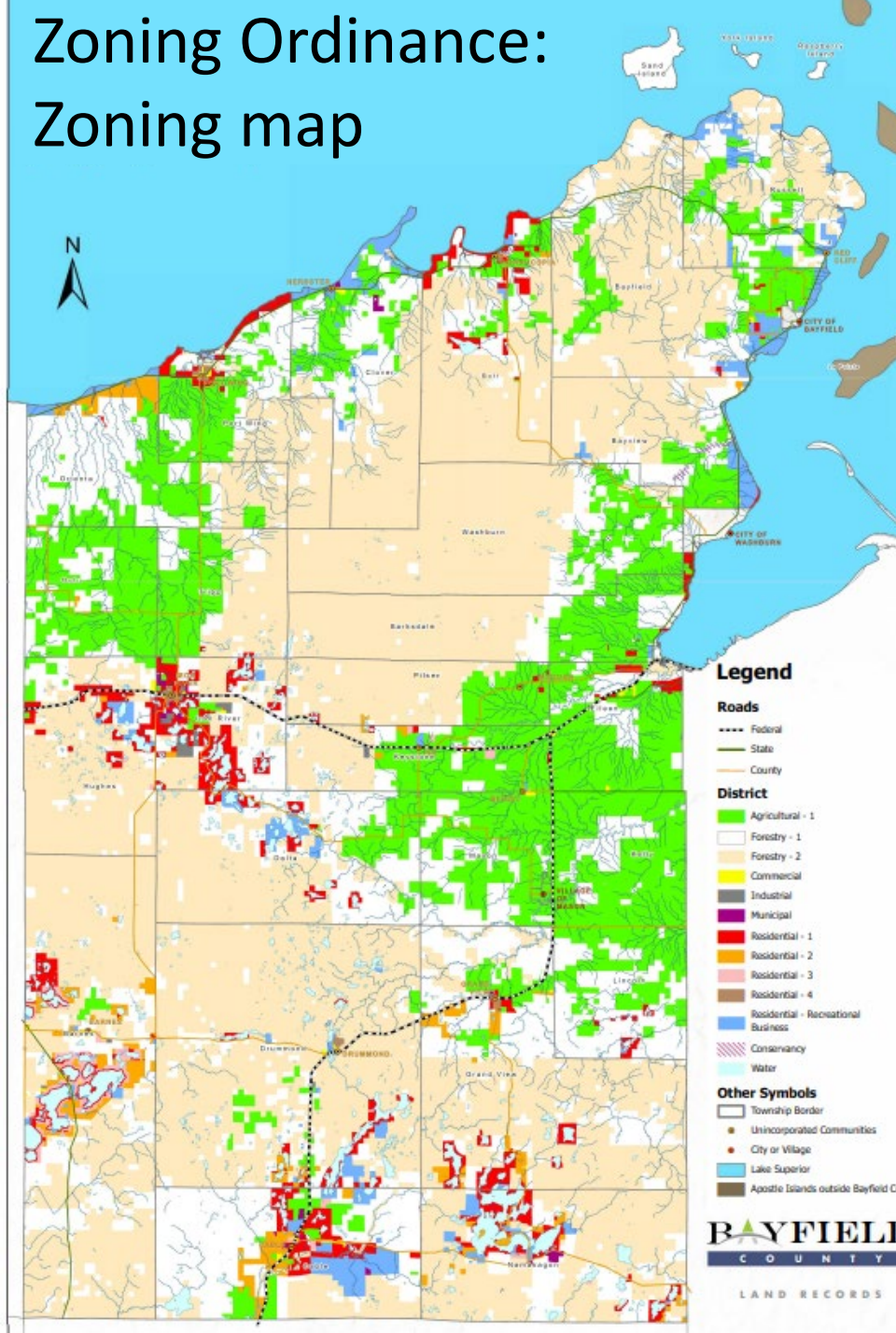
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Maps, maps,
everywhere maps!

Comprehensive Plan: Future land use map

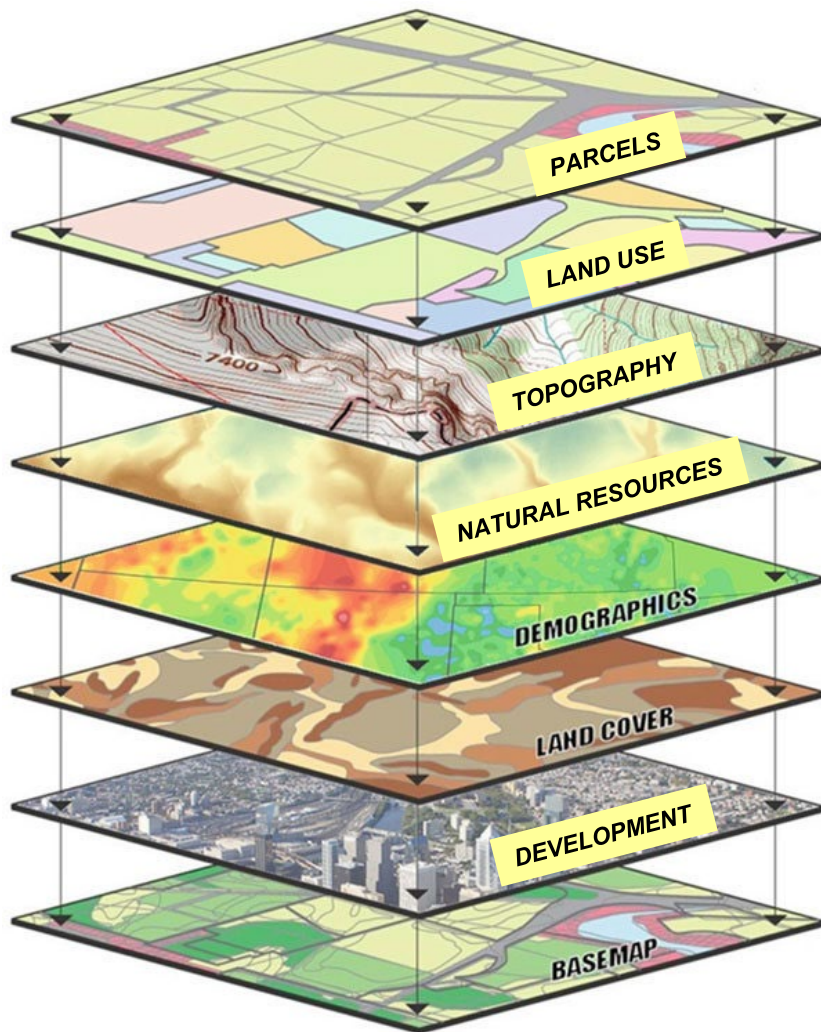


Zoning Ordinance: Zoning map

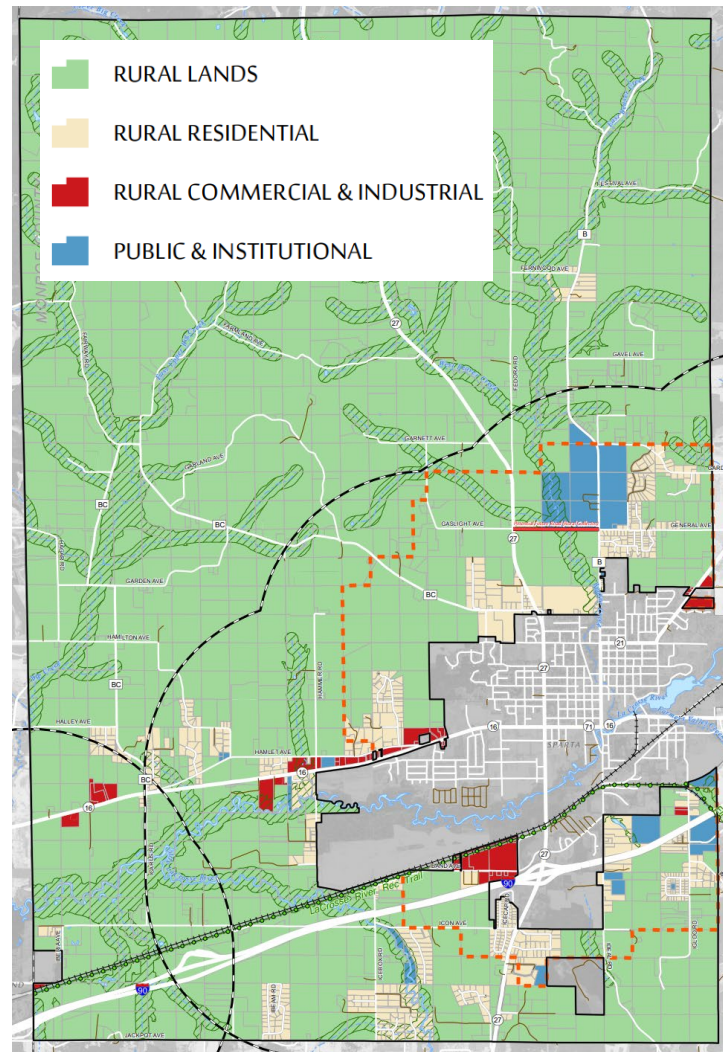


Developing the future land use map

Basemaps

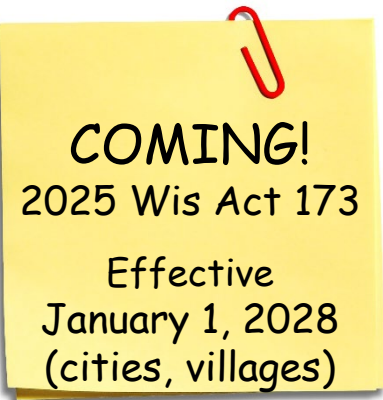


Future land use map





Rezoning Requests



COMING!
2025 Wis Act 173
Effective
January 1, 2028
(cities, villages)

Effective Jan 1, 2028

If a city or village receives a request to rezone land for residential development, it must grant the request within 90 days if all of the following are satisfied:

- Current housing supply does not meet existing or forecasted demand in next 5-year period
- Area is identified in the comprehensive plan for residential use
- Proposal falls within min/max net density specified in plan
- Located near existing development and can be reasonably served by existing infrastructure and services
- Not located in farmland preservation district/agreement/AEA



Takeaways

For cities and villages

- Update comprehensive plan to include future residential projections, depict on maps, and include min/max density
- In most cases, rezones for residential development must be granted if shown on future land use map
- **Future land use map and descriptions** have gained importance! (change to consistency)

Countywide implications

- Discuss sewer service area planning, cooperative boundary agreements, extraterritorial zoning and other tools to manage growth