

IMPLEMENTATION OF MASTER AND COMPREHENSIVE PLANS

Wisconsin's comprehensive planning law requires that county and local general zoning ordinances; county, city, and village shoreland and floodplain zoning ordinances; county and local subdivision ordinances, and local official mapping ordinances enacted or amended on or after January 1, 2010, be consistent with the comprehensive plan adopted by the unit of government enacting or amending an ordinance (see Section 66.1001(3) of the *Wisconsin Statutes*). This fact sheet describes the type of ordinances used to help implement comprehensive plans.

General Zoning Ordinances

Zoning is one of the major plan implementation devices available to a community. The primary function of zoning should be to implement the community's master or comprehensive plan. A second important function of zoning should be to protect desirable existing development. Zoning authority is granted to cities, villages, and towns with village powers under Section 62.23(7) of the *Wisconsin Statutes*, and to counties under Section 59.69 of the *Statutes*.

A zoning ordinance is a law that regulates and restricts the use of property in the public interest. The ordinance typically divides a community into districts to confine or promote certain land uses in areas well suited to those uses. Zoning ordinances typically include a list of land uses that are allowed in each district subject to issuance of a building permit (principal uses) and uses that may be allowed subject to approval of a conditional use permit (conditional uses). Within a given zoning district, the ordinance sets forth requirements for the height, size, shape, and placement of structures on sites, with the intention of assuring adequate light, air, and open space for each building; reducing fire hazards; preventing traffic congestion and the overloading or underuse of utility systems; and enforcing community design standards. Zoning may also be used to protect and preserve natural resources.

A zoning ordinance typically consists of two parts. The first part, the text, consists of regulations that apply to each of the various zoning districts, together with related procedural, administrative, and legal provisions. The second part, the map, shows the boundaries of the various districts to which the regulations apply.

Shoreland and Floodplain Zoning Ordinances

Shoreland and floodplain ordinances enforce the requirements of Chapters NR 115 (shoreland rules for counties), NR 116 (floodplain regulations for all levels of government), and NR 117 (shoreland rules for cities and villages) of the *Wisconsin Administrative Code*. Shorelands are those areas lying within 1,000 feet of the shoreline—referred to as the ordinary high-water mark--of navigable lakes, ponds, or flowages, or within 300 feet of the shoreline of navigable rivers or streams, or to the landward side of the 100-year recurrence interval floodplain if the floodplain extends more than 300 feet from the river or stream.

Shoreland zoning has the goal of protecting water quality, fish and wildlife habitat, recreation, and natural beauty. To accomplish these goals, the statewide minimum standards for county shoreland zoning ordinances in NR 115 create a 35-foot vegetated buffer strip and a 75-foot building setback around navigable waters, control the intensity of development around navigable waters, and protect wetlands within shorelands. Shoreland areas in unincorporated (town) areas are regulated by the county shoreland zoning ordinance.

NR 117 requires cities and villages to protect wetlands located within the shoreland area. In addition, county ordinance requirements that applied to shoreland areas annexed by a city or village after May 7, 1982, continue in effect after the land is annexed, unless the city or village has stricter requirements than the county. Shoreland regulations are either adopted as part of a city or village zoning ordinance or as a separate ordinance.

NR 116 sets forth regulations for areas that have been or may be covered by floodwaters during the regional flood. The regional flood is defined as a flood with a one percent chance of being equaled or exceeded in any given year, which is also referred to as the 100-year flood. The goal of Wisconsin's floodplain management program is to protect people and property from unwise development in the floodplain, and to minimize the costs associated with floods. These costs include rescue, relief, and clean-up operations, temporary housing for displaced residents, and business interruption. Floodplain regulations are enforced by counties for unincorporated (town) areas and by cities and villages for areas within the city or village. Typically, floodplain regulations are adopted as part of a county, city, or village zoning ordinance; although they may be adopted as a separate ordinance or as part of a combined shoreland and floodplain zoning ordinance.

Land Division Ordinances

A land division ordinance is a public law that regulates the division of land into smaller parcels. Much of the form and character of a community is determined by the quality of its land divisions and the standards that are built into them. Land division ordinances provide for public oversight of the creation of new parcels and help ensure that new development is appropriately located; lot size minimums specified in zoning ordinances are observed; arterial street rights-of-way are appropriately dedicated or reserved; access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities; adequate land for parks, drainageways, and other open spaces is appropriately located and preserved; street, block, and lot layouts are appropriate; and adequate public improvements are provided. Land division ordinances can be enacted by cities, villages, and towns. Counties may also adopt land division ordinances to regulate land divisions in unincorporated (town) areas. Cities and villages also have "extraterritorial" plat approval jurisdiction over subdivisions proposed near their municipal boundaries.

Chapter 236 of the Wisconsin Statutes sets forth general requirements governing the division of land, including, among others, surveying and monumenting requirements, necessary approvals, recording procedures, and requirements for amending or changing subdivision maps. The Statutes also grant authority to county and local governments to review subdivision maps, commonly referred to as plats, with respect to local ordinances. Chapter 236 also authorizes county and local governments to adopt their own land division ordinances, which may be more restrictive than State requirements. County and local land division ordinances often establish basic design standards and improvements required in new land divisions, such as the width of street rights-of-way and pavement; the installation of curbs, gutters, sidewalks, street lamps, and street trees; and the dedication of land for public parks, streets, or trails.

Official Mapping Ordinances

Official mapping authority, granted under Section 62.23(6) of the Wisconsin Statutes to cities, villages, and towns with village powers, is an important but not widely used plan implementation tool. An official map, which must be adopted as an ordinance by the governing body, is one of the most effective and efficient devices to reserve land for future public use, and to ensure that such lands are dedicated to the public when an area is subdivided. An official map is intended to identify the location and width of existing and proposed public streets, highways, parkways, drainageways and airports, and the location and extent of railway rights-of-way, public transit facilities, parks, and playgrounds. An official map for a city or village may include those areas within the extraterritorial plat approval jurisdiction of the city or village.

Summary prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Model land division and official map ordinances are on the SEWRPC web site at www.sewrpc.org