

2011 WISCONSIN LOCAL LAND USE REGULATIONS AND COMPREHENSIVE PLANNING STATUS REPORT

Inventory conducted by Wisconsin Department of Administration (DOA),
Division of Intergovernmental Relations

Prepared by:
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3rd Edition, January 2011

*[Data tables and individual copies of maps](#) in electronic format are enclosed separately.

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Appendix A: [Statutes](#)

Enclosure: [Data tables and individual copies of maps](#) are enclosed separately.

2011 Wisconsin Local Land Use Regulations and Comprehensive Planning Status Report

Executive Summary

The Comprehensive Planning Law (s. 66.1001, Wis. Stats.) enacted in 1999, sometimes referred to as the “Smart Growth Law,” defines the nine elements of a comprehensive plan. It does not decide how a community should grow or be in the future; rather, it specifies the topics that must be addressed in a comprehensive plan. The law also requires that all plans be developed through a public process that includes public participation and a public hearing before adoption. The law emphasizes intergovernmental cooperation and a state-funded grant program has provided strong incentives for coordination with neighboring communities.

According to the Comprehensive Planning Law, beginning on January 1, 2010, if a city, village, town, or county enacts or amends a zoning, shoreland/wetland zoning, subdivision regulation, or official mapping ordinance, the ordinance shall be consistent with that local governmental unit’s comprehensive plan. This statutory requirement, also known as “the 2010 consistency requirement,” is interpreted as applying only to changes made to ordinances, such as revisions or the enactment of new ordinances. The law (enacted in 1999) provided ten years for communities to develop and adopt comprehensive plans before the consistency requirement took effect.

At the same time the Comprehensive Planning Law was passed, a Comprehensive Planning Grant Program was created in the Department of Administration (DOA) to help local governments develop their comprehensive plans. Since 2000, the DOA has provided comprehensive planning grants to 1,171 local governments. Because of incentives for multi-jurisdictional coordination, 90 percent of the local governments receiving comprehensive planning grant funds participated in a multi-jurisdictional grant application.

Since 2007, the Department of Administration has worked with local and regional governments to compile information on comprehensive planning status and certain types of land use regulations exercised by the 1,922 Wisconsin counties, cities, villages, and towns.

As of November 2010, 1,474 local governments had adopted comprehensive plans and an additional estimated 100 had a planning process underway. Many of the remaining units of local government do not exercise zoning, subdivision regulations, official mapping, or shoreland/wetland zoning.

This report, largely based on information self-reported by local and regional governments, is the most recent, thorough state inventory of local comprehensive planning status and land use regulations. This report is not intended as a definitive list of local governments that need to develop a comprehensive plan, rather it is provided as an imperfect informational resource. The decision to develop a comprehensive plan is a local community decision.

Please email Comprehensive Planning Grant Program staff at comp.planning@wisconsin.gov or call 608.267.3369 to provide comments or corrections.

*[Data tables and individual copies of maps](#) in electronic format are enclosed separately.

Background

According to the Comprehensive Planning Law (s. 66.1001, Wis. Stats.), beginning on January 1, 2010, if a local governmental unit enacts or amends any of the below ordinances, the ordinance shall be consistent with that local government's comprehensive plan. According to a May 2010 analysis of the law by Brian Ohm, Chair of UW-Madison's Urban and Regional Planning Program, only zoning, official mapping, and subdivision ordinances enacted or amended *after January 1, 2010* need to be consistent with the local government's comprehensive plan. As ordinances are revised, updated, or otherwise amended, communities need to ensure those changes are consistent with their local comprehensive plan. "Since planning is oriented to the future, only future ordinance changes need to be evaluated for consistency with the comprehensive plan."

- Official mapping ordinances enacted or amended under s. 62.23(6).
- Local subdivision ordinances enacted or amended under s. 236.45 or 236.46.
- County zoning ordinances enacted or amended under s. 59.69.
- City or village zoning ordinances enacted or amended under s. 62.23(7).
- Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- Shorelands or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.531 or 62.231.

Prior to the release of the 1st edition of this report in 2008, state agencies and others involved in technical assistance and outreach for local comprehensive planning lacked a comprehensive and complete, shared information source to reference:

- Which units of local government exercise the above listed land use regulation authorities; and
- Which units of local government are developing a comprehensive plan without a comprehensive planning grant from the Department of Administration (DOA).

Purpose and Scope of Project

There are 1,922 counties, cities, villages, and towns in Wisconsin. A goal of this project was to determine which land use regulations are exercised by each municipality and county, as well as the comprehensive planning status of each of these 1,922 units of local government. Therefore, the project inventoried two types of information: land use regulations and comprehensive planning status. Most of the information gathered was self-reported by local and regional governments.

While tribes and regional planning commissions (RPCs) also develop comprehensive plans and are eligible for comprehensive planning grants, they are not included in the scope of this project because tribes and RPCs are not bound by the 2010 consistency requirement.

Project results provide a “yes,” “no,” or “unknown” answer to the question of which land use regulations listed below are exercised by each of Wisconsin’s 1,922 units of local government:

- Zoning
- Subdivision Regulations
- Official Mapping
- Shoreland/Wetlands in Shorelands Zoning

Project results also provide the comprehensive planning status for each of the 1,922 units of local government. Comprehensive planning status categories are as follows:

- Adopted
- Process Underway
- Not Planning
- Unknown

A goal of this project was to compile all of the available information on comprehensive planning status and regulations listed above into a single resource. This information could be valuable to a wide array of entities involved with comprehensive planning, such as the DOA and other state agencies, academic researchers, UW-Extension agents, regional planning commissions, county governments, and private consultants. However, the decision to develop a comprehensive plan is a local community decision. Some local governments do not exercise land use regulations bound by the consistency requirement and may choose not to develop a comprehensive plan.

While information for each of the categories could not be located for all of the units of local government, it is hoped that subsequent updates will fill in these gaps. Feedback from readers of this report would be appreciated. Please email Comprehensive Planning Grant Program staff at comp.planning@wisconsin.gov or call 608.267.3369 to provide comments or corrections.

Comprehensive Planning Status

The Comprehensive Planning Law (s. 66.1001, Wis. Stats.) defines a comprehensive plan as having at least nine elements and specifies the components that make up each element, as well as the procedures necessary to adopt a plan. Many communities may have land use plans, master plans, or other types of plans that are not comprehensive plans. Because of the specifics of the state law, this report does not include community plans other than comprehensive plans.

As of November 2010, an estimated 84 percent of local governments had either adopted a comprehensive plan or were developing a comprehensive plan. Many of the local governments that have not adopted a comprehensive plan may have done so because they do not exercise land use regulations bound by the 2010 consistency requirement.

The Comprehensive Planning Law requires copies of adopted comprehensive plans to be submitted to the Wisconsin Department of Administration (DOA). This information is continually compiled in the DOA Database of Comprehensive Plans and Grants, which (as of November 2010) was used as the primary source for comprehensive planning status. Information on and weblinks to comprehensive plans received is posted on the Comprehensive Planning Grant Program's webpages (<http://www.doa.state.wi.us/category.asp?linkcatid=746&linkid=128&locid=9>).

Comprehensive planning status information gathered in conjunction with the 2010 land use regulations inventory effort, largely based on information self-reported by local and regional governments, was used to supplement the DOA Database of Comprehensive Plans and Grants. Despite research efforts, a significant percentage of municipalities have an "unknown" status for comprehensive planning.

Comprehensive Planning Status

Towns

Adopted	916	73%
Process Underway	94	7%
Not Planning	114	9%
Unknown	131	10%

Total 1255 100%

Cities and Villages

Adopted	501	84%
Process Underway	38	6%
Not Planning	29	5%
Unknown	27	5%

Total 595 100%

Counties

Adopted	57	79%
Process Underway	12	17%
Not Planning	3	4%

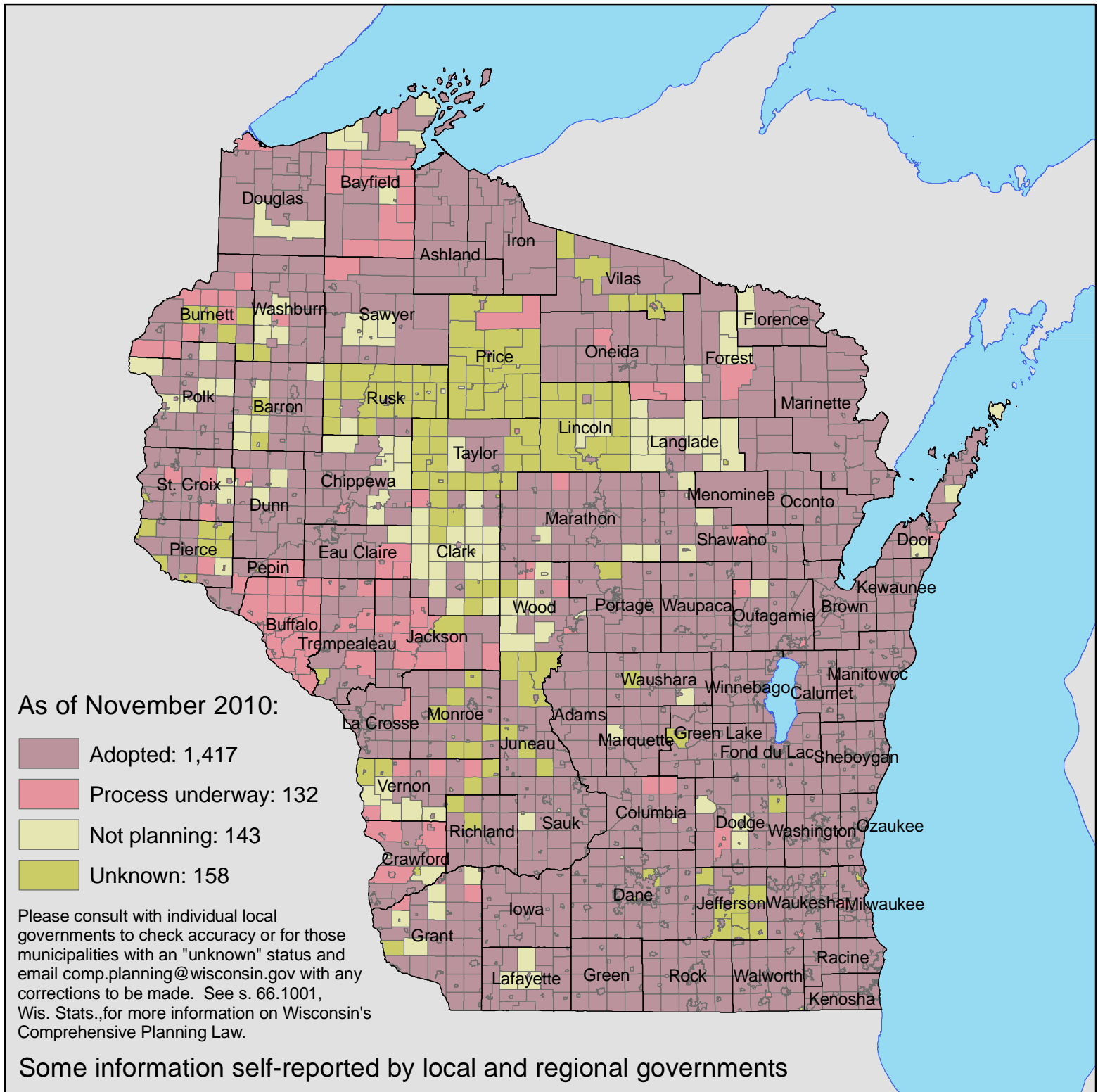
Total 72 100%

(All) Towns, Cities, Villages, and Counties

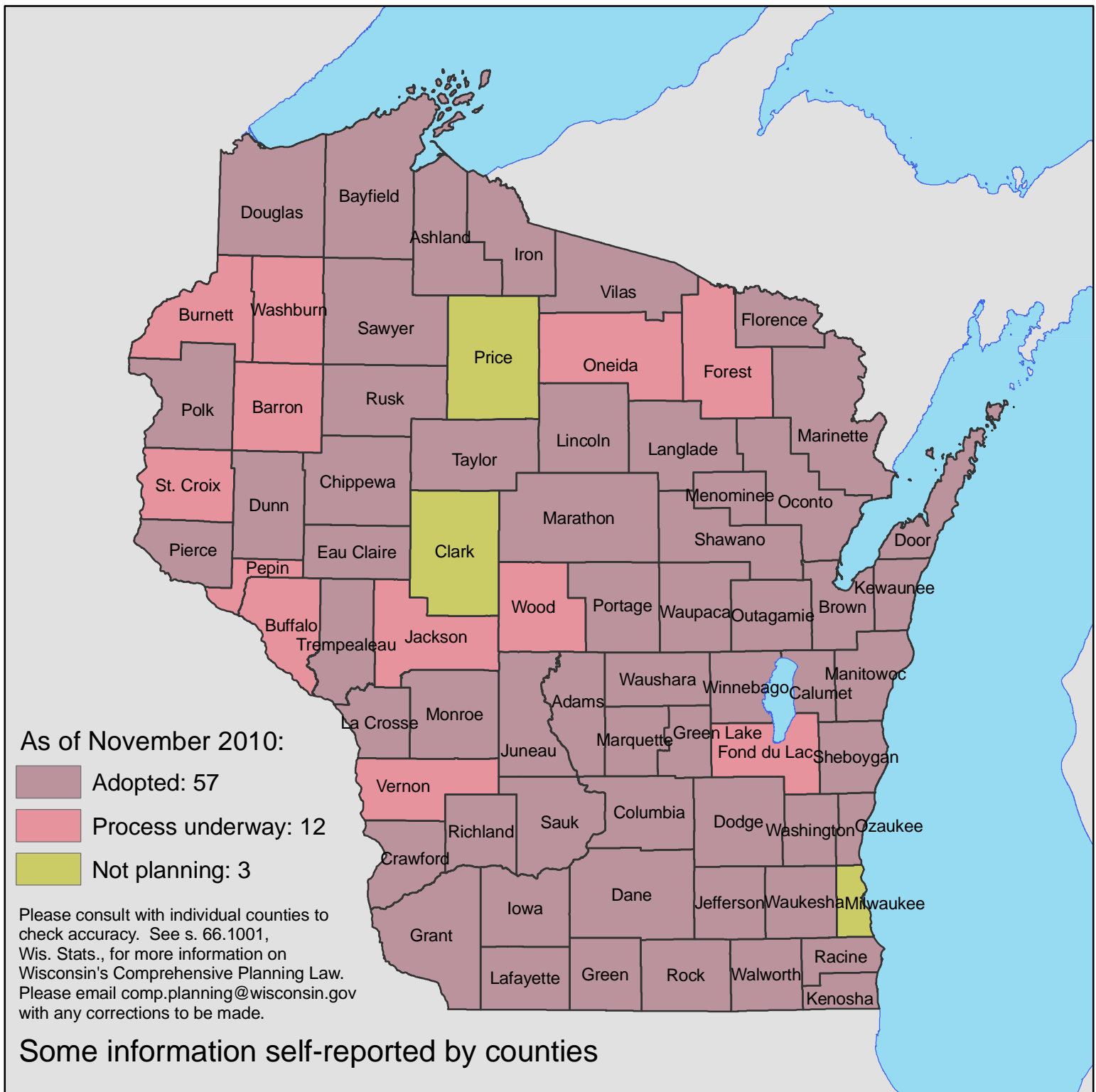
Adopted	1474	77%
Process Underway	144	7%
Not Planning	146	8%
Unknown	158	8%

Total 1922 100%

Cities, Villages, and Towns Comprehensive Planning Status



County Comprehensive Planning Status



Zoning

Zoning regulates what land uses are permitted in specific locations. County zoning ordinances that are required to be consistent with a comprehensive plan are enacted or amended under s. 59.69; city or village zoning ordinances under s. 62.73 (7); and town zoning ordinances under s. 60.61 or 60.62, Wis. Stats. The vast majority of incorporated municipalities (cities and villages) exercise zoning and most county governments do as well. Only a minority of about 20 percent of towns exercise their own town zoning. Most towns have county zoning within their jurisdictions.

County zoning in towns (s. 59.69, Wis. Stats.) is often described as a partnership between county and town, because towns have the authority to decide whether county zoning applies in the town after a comprehensive revision of the county zoning ordinance and the authority to approve or disapprove amendments to a county zoning ordinance. If a town does not fall under county zoning, the town is either unzoned or the town has its own town zoning ordinance, which needs to be consistent with a town comprehensive plan.

As mentioned above, towns have the authority to disapprove (“veto”) amendments to the county zoning ordinance (text changes and rezonings) that they disagree with. Because this town authority appears in s. 59.69, Wis. Stats., if towns wish to exercise this authority they will need to do so consistent with a comprehensive plan. As a result, the Wisconsin Towns Association recommended that towns under county zoning adopt a comprehensive plan in order for such towns to retain their authority to approve/disapprove changes to county zoning beginning in 2010. One option for a town may be to adopt the county plan. Without an adopted plan, someone may bring a lawsuit challenging a town’s authority to exercise this power.

Towns

Town Zoning	242	19%
County Zoning	767	61%
No Zoning	246	20%
<i>Total</i>	<i>1255</i>	<i>100%</i>

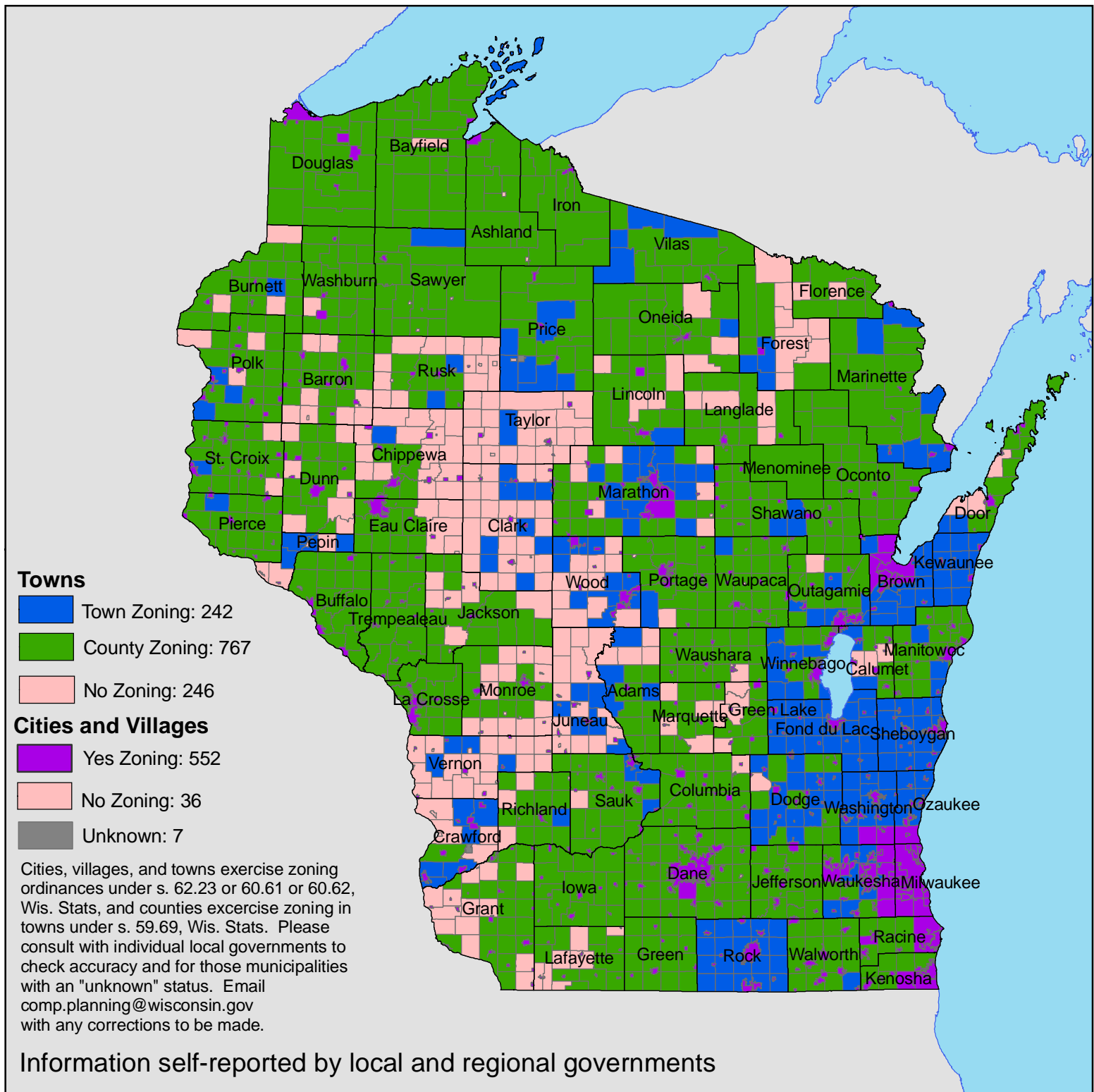
Cities and Villages

Yes	552	93%
No	36	6%
Unknown	7	1%
<i>Total</i>	<i>595</i>	<i>100%</i>

Counties

Yes	57	79%
No	15	21%
<i>Total</i>	<i>72</i>	<i>100%</i>

Zoning in Cities, Villages, and Towns



County Zoning

County	County Zoning
ADAMS	yes
ASHLAND	yes
BARRON	yes
BAYFIELD	yes
BROWN	no
BUFFALO	yes
BURNETT	yes
CALUMET	yes
CHIPPEWA	yes
CLARK	no
COLUMBIA	yes
CRAWFORD	no
DANE	yes
DODGE	yes
DOOR	yes
DOUGLAS	yes
DUNN	yes
EAU CLAIRE	yes
FLORENCE	yes
FOND DU LAC	no
FOREST	yes
GRANT	yes
GREEN	yes
GREEN LAKE	yes
IOWA	yes
IRON	yes
JACKSON	yes
JEFFERSON	yes
JUNEAU	no
KENOSHA	yes
KEWAUNEE	no
LA CROSSE	yes
LAFAYETTE	yes
LANGLADE	yes
LINCOLN	yes
MANITOWOC	yes

County	County Zoning
MARATHON	yes
MARINETTE	yes
MARQUETTE	yes
MENOMINEE	yes
MILWAUKEE	no
MONROE	yes
OCONTO	yes
ONEIDA	yes
OUTAGAMIE	yes
OZAUKEE	no
PEPIN	no
PIERCE	yes
POLK	yes
PORTAGE	yes
PRICE	yes
RACINE	yes
RICHLAND	yes
ROCK	no
RUSK	yes
SAUK	yes
SAWYER	yes
SHAWANO	yes
SHEBOYGAN	no
ST. CROIX	yes
TAYLOR	no
TREMPEALEAU	yes
VERNON	no
VILAS	yes
WALWORTH	yes
WASHBURN	yes
WASHINGTON	no
WAUKESHA	yes
WAUPACA	yes
WAUSHARA	yes
WINNEBAGO	yes
WOOD	no

Counties exercise zoning ordinances under s. 59.69, Wis. Stats. County zoning only applies in towns that have adopted county zoning. Please consult with individual local governments to check accuracy and email comp.planning@wisconsin.gov with any corrections.

Information self-reported by counties and regional planning commissions

Nov. 30, 2010

Local Subdivision Regulations

Subdivision regulations regulate the division of land parcels into smaller parcels for sale and development. Subdivision regulations are a common form of land use regulation and appear to be more frequently exercised by towns than town zoning. The majority of incorporated municipalities and counties exercise subdivision regulations, but slightly less than zoning.

Zoning and subdivision regulations can be exercised for similar sorts of land use controls. For instance, both zoning and subdivision regulations can address issues of lot size. However, the requirements and procedures for regulating subdivisions provided under the Wisconsin statutes are very different from the statutory requirements for zoning. For example, towns do not need county approval to adopt subdivision regulations. Likewise, counties do not need town approval for county subdivision regulations.

Local Subdivision Regulations

Towns

Yes	438	35%
No	675	54%
Unknown	142	11%

Total 1255 100%

Cities and Villages

Yes	493	83%
No	93	16%
Unknown	9	2%

Total 595 100%

Counties

Yes	68	94%
No	4	6%

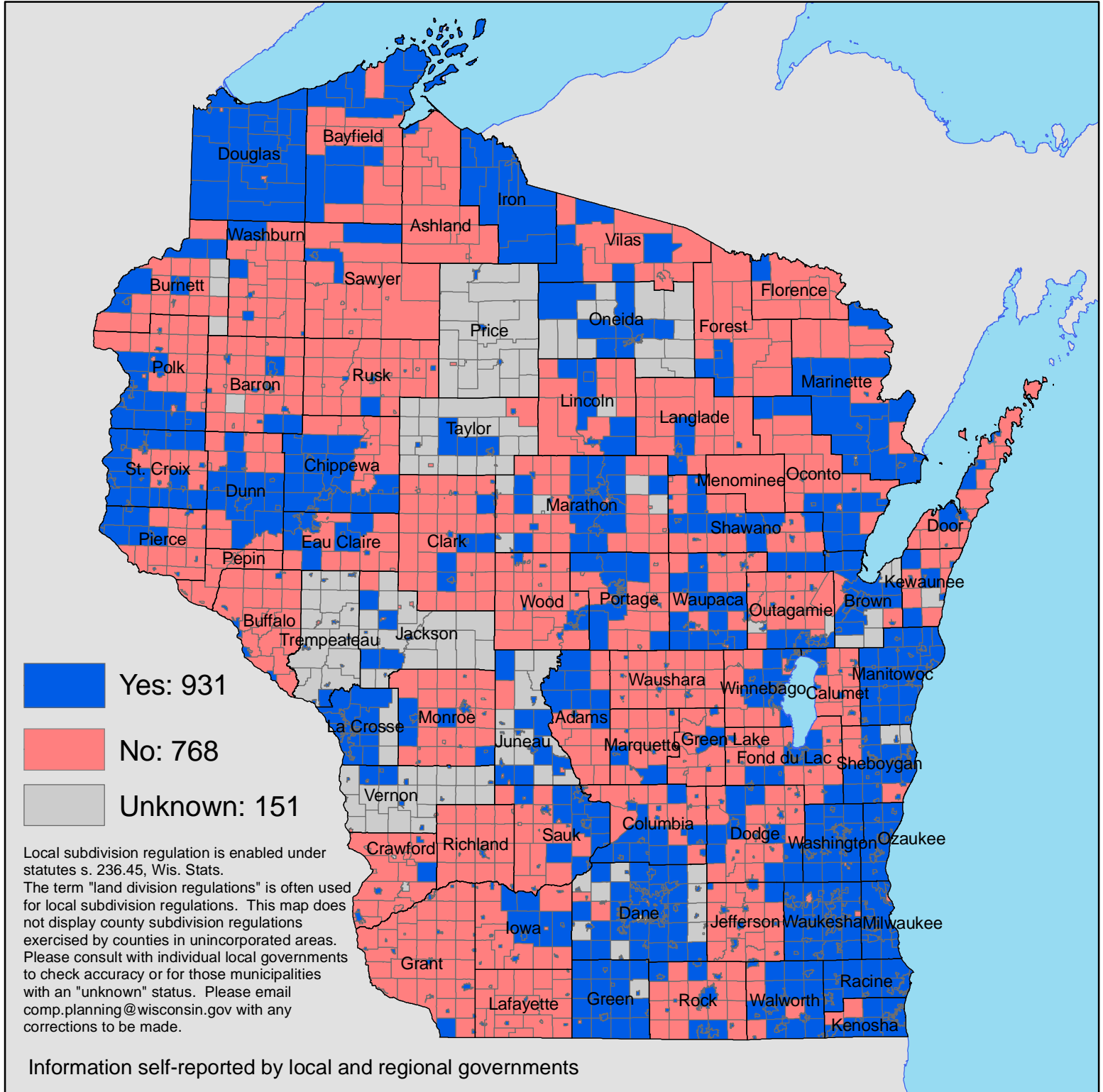
Total 72 100%

(All) Towns, Cities, Villages, and Counties

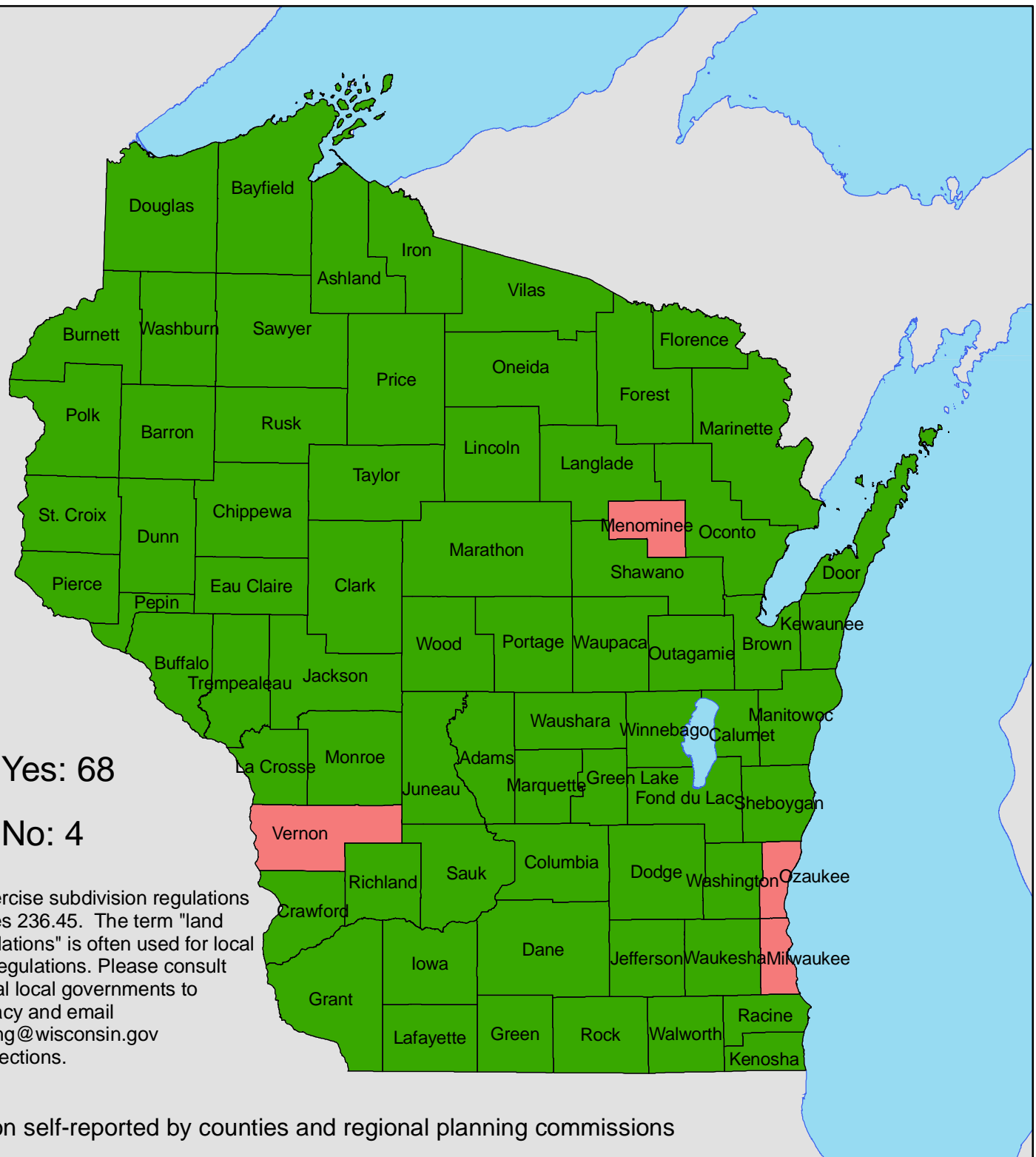
Yes	999	52%
No	772	40%
Unknown	151	8%

Total 1922 100%

Cities, Villages, and Towns Exercising Subdivision Regulations



Counties Exercising Subdivision Regulations



Official Mapping

Official maps appear to be an infrequently used regulation and development tool in Wisconsin. An official map is referred to in s. 62.23 (6), Wis. Stats., as a map that designates planned streets, highways, historic districts, parks, railroad right-of-ways, public transit facilities, waterways, and other public facilities laid out, adopted, and established by law. This section of the statutes may be used by cities, villages, and towns with village powers. Town official mapping is enabled under s. 60.61(2)(e). Counties have limited official mapping authority under s. 236.46, a statute enabling county plans for the location of future streets, highways, and parkways.

There is less awareness of official maps relative to zoning and local subdivision ordinances. Official maps as a regulatory tool are often confused with other sorts of maps that may have an official title, such as an “official” zoning map or a transportation map. In this report, this land use regulation category has the largest number of local governments with an “unknown” status.

Adding to the confusion, a unit of local government may have an official map on the books but not exercise it or use it as a land-use regulation tool. This official map may be antiquated; however, if it was adopted by ordinance it could still carry legal weight and is one of the land use regulations listed in the Comprehensive Planning Law as being subject to the 2010 consistency requirement.

Official Mapping

Towns

Yes	181	14%
No	752	60%
Unknown	322	26%
<i>Total</i>	<i>1255</i>	<i>100%</i>

Cities and Villages

Yes	315	53%
No	259	44%
Unknown	21	4%
<i>Total</i>	<i>595</i>	<i>100%</i>

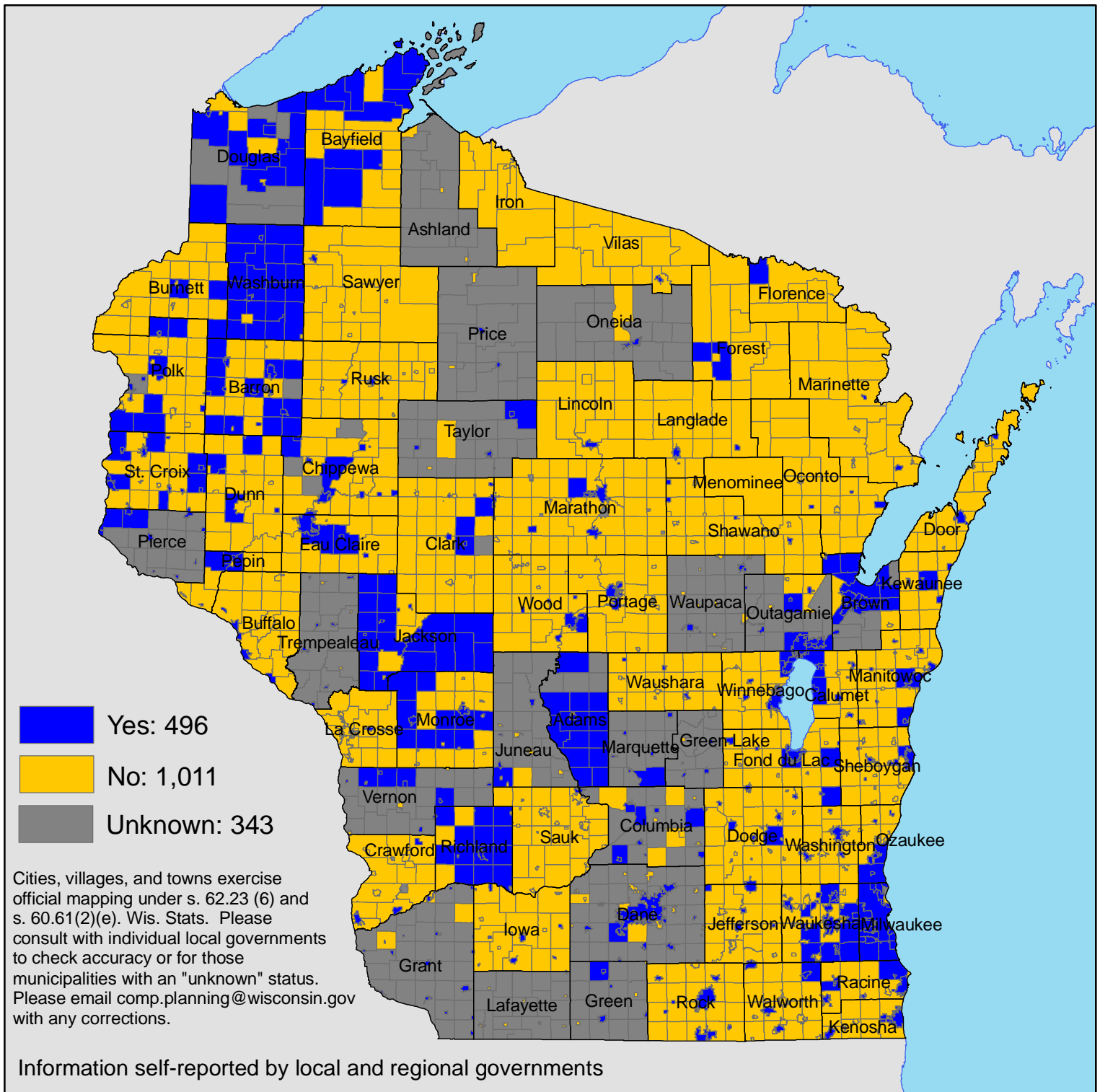
Counties

Yes	21	29%
No	48	67%
Unknown	3	4%
<i>Total</i>	<i>72</i>	<i>100%</i>

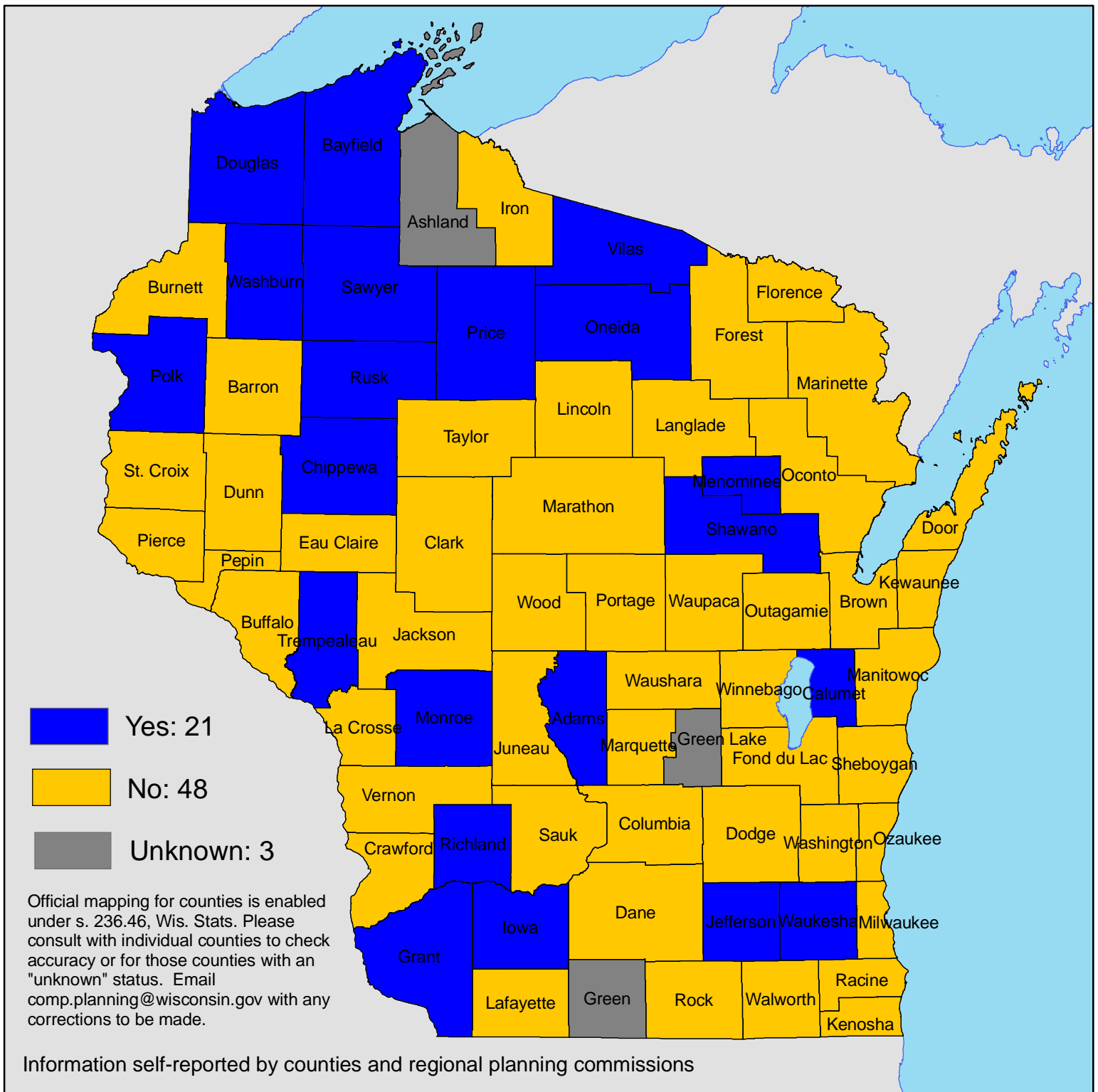
(All) Towns, Cities, Villages, and Counties

Yes	517	27%
No	1059	55%
Unknown	346	18%
<i>Total</i>	<i>1922</i>	<i>100%</i>

Cities, Towns, and Villages With Official Maps



Counties With Official Maps



Zoning of Shorelands or Wetlands in Shorelands

This report refers to shoreland/wetland zoning when the Comprehensive Planning Law's 2010 consistency requirement actually includes "shoreland or wetlands in shorelands zoning ordinances enacted or amended under s. 59.692, 61.351, or 62.231" (Wis. Stats.). Statute 59.692 addresses county shoreland zoning ordinances. Statute 61.351 and s. 62.231 address zoning of wetlands in shorelands in cities and villages with wetlands 5 acres or greater in shoreland areas.

All counties, except for Milwaukee County, exercise shoreland zoning under s. 59.692, Wis. Stats. If a county does not adopt a sufficient shoreland zoning ordinance, the Department of Natural Resources is required to adopt an ordinance for the county. Milwaukee County is not required to have shoreland zoning because it does not have any unincorporated areas.

Cities and villages with wetlands of 5 acres or greater in shoreland areas are also required to zone for them. If a city or village does not adopt the required wetland ordinance, the Department of Natural Resources may adopt an ordinance for the respective village or city.

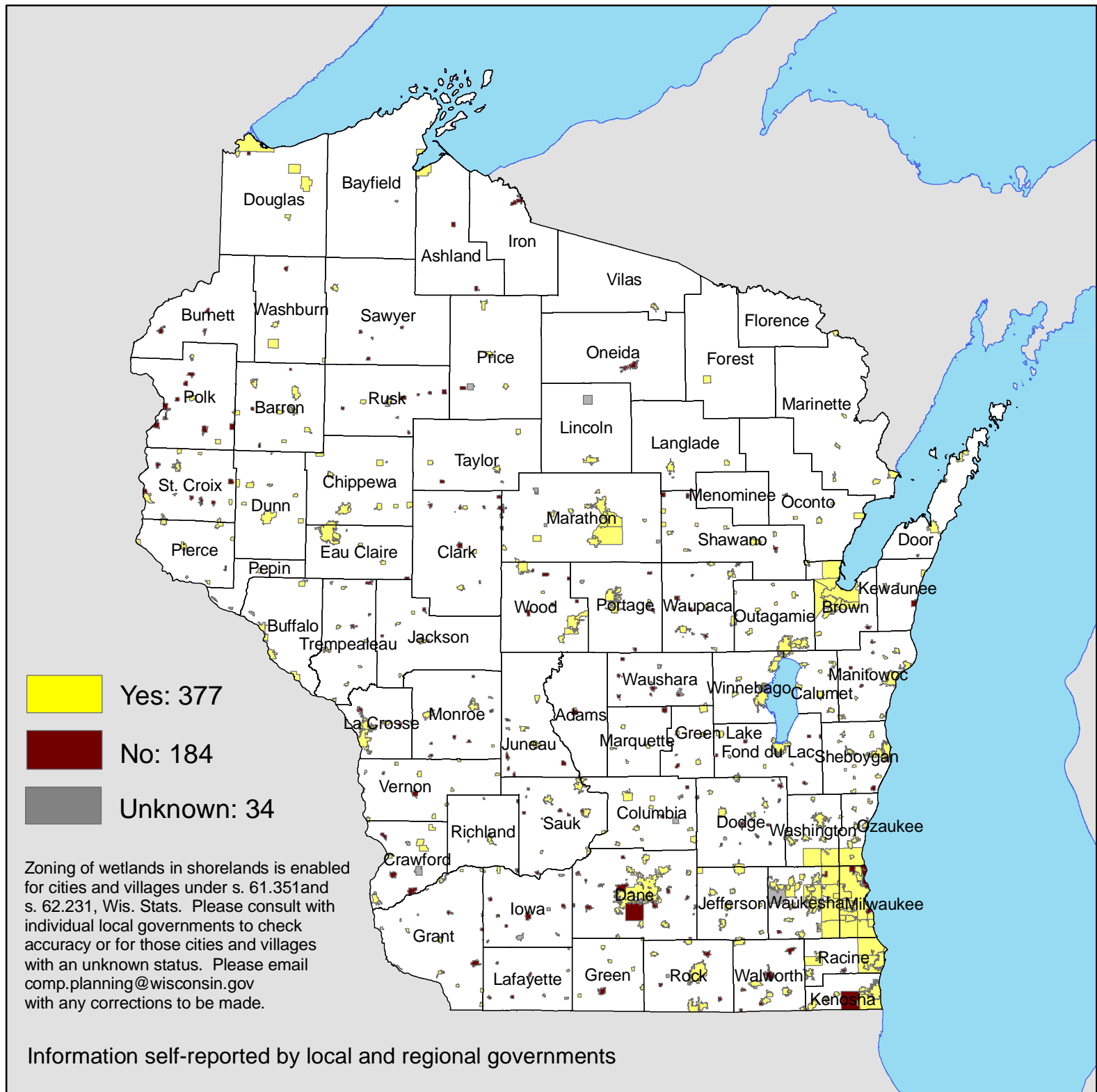
Cities and Villages

Yes	377	63%
No	184	31%
Unknown	34	6%
<i>Total</i>	595	100%

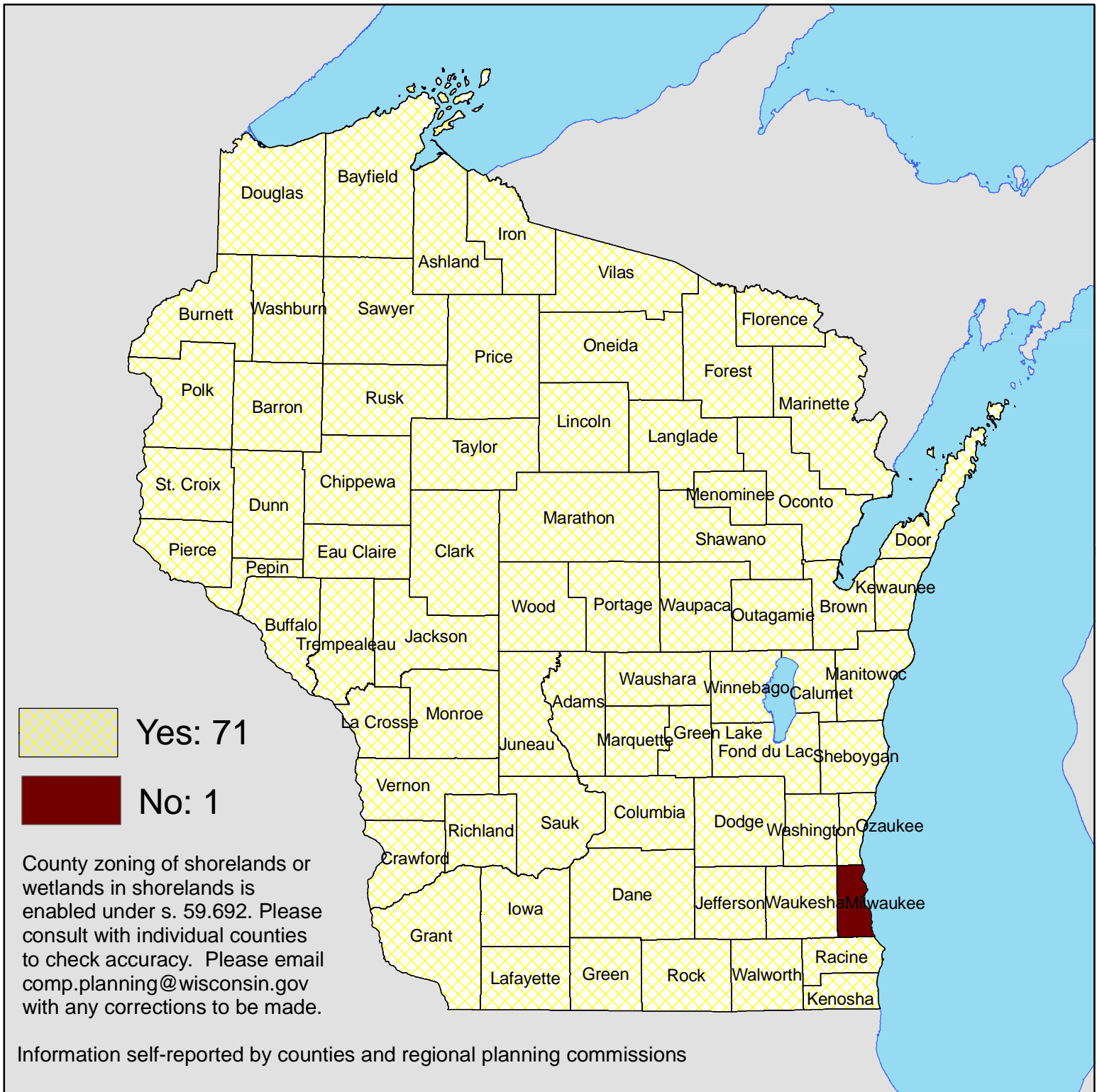
Counties

Yes	71	99%
No	1	1%
<i>Total</i>	72	100%

Cities and Villages Exercising Zoning of Wetlands in Shorelands



Counties Exercising Shoreland Zoning



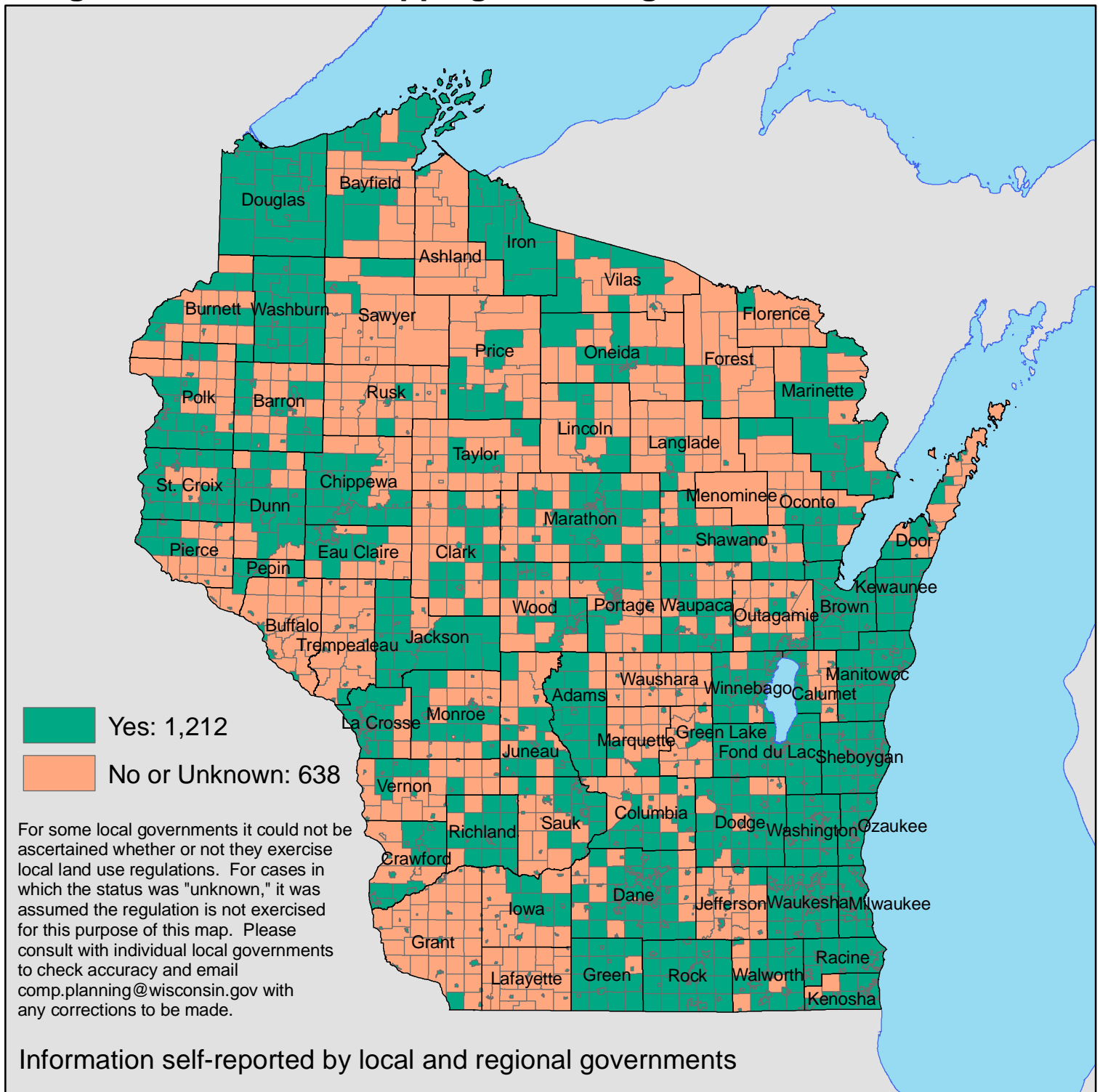
Local Governments Exercising Zoning, Subdivision Regulations, Official Mapping, or Shoreland/Wetland Zoning

Approximately 95 percent of counties, cities, and villages are estimated to exercise land use regulations that are subject to the Comprehensive Planning Law's 2010 consistency requirement. Only half of towns are thought to exercise such land use regulations. Most towns that do not exercise their own land use regulations have counties exercising county land use regulations within their town jurisdictions.

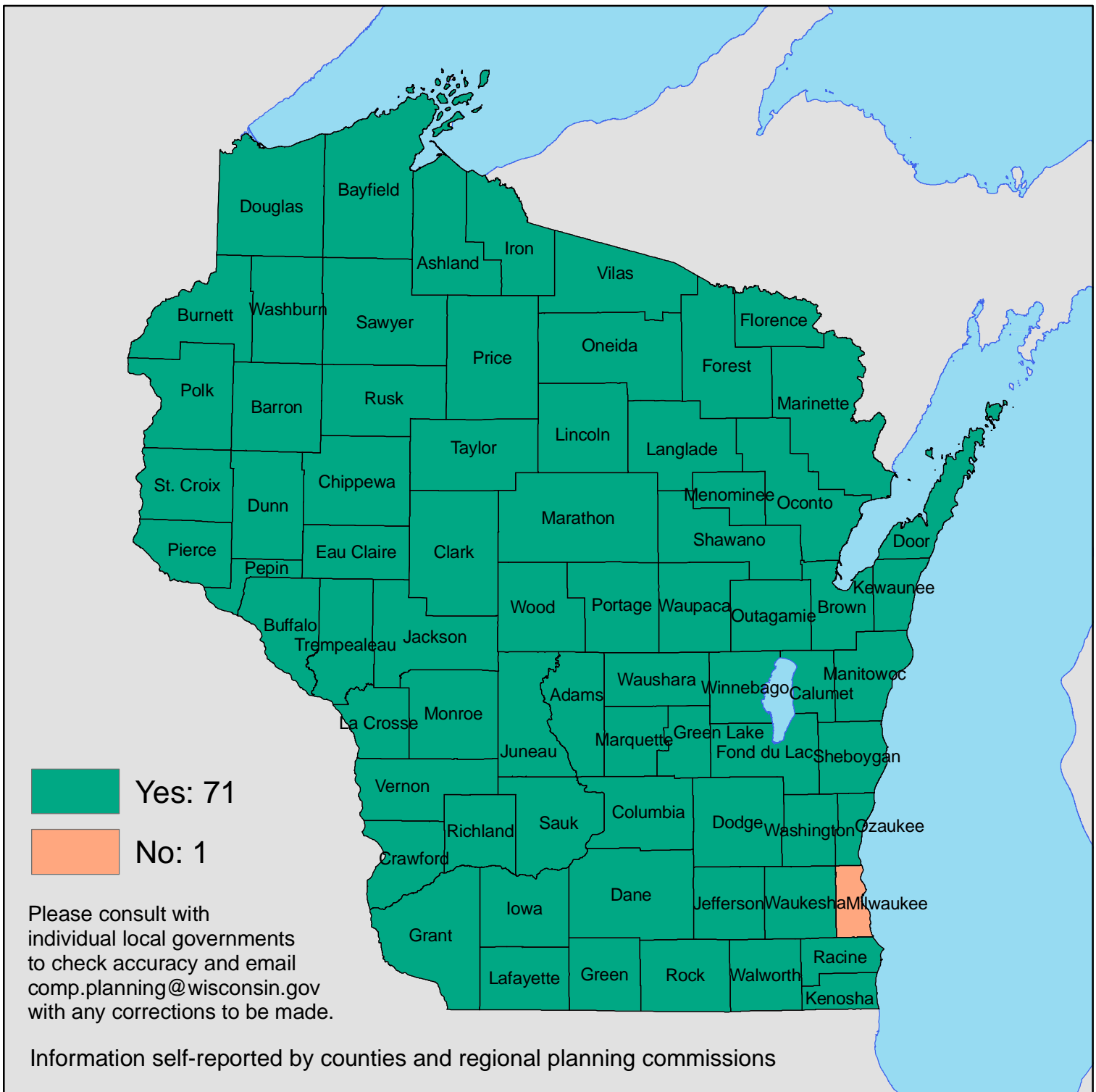
The land use regulations listed below are those that are subject to the consistency requirement. For the purposes of the below table and following maps, it was assumed that a given land use regulation is not exercised if it had an "unknown" status for the respective category. For example, official mapping had a significant number of local governments with an "unknown" status and the assumption was made that those local governments do not exercise this type of land use regulation.

	Local Governments Exercising Zoning, Subdivision Regulations, Official Mapping, or Shoreland/Wetland Zoning	Total Number of Local Government Type	Percentage of Total Number of Local Government Type
Towns	648	1255	52%
Cities and Villages	564	595	95%
Counties	71	72	99%
(All) Towns, Cities, Villages, and Counties	1283	1922	67%

Cities, Villages, and Towns Exercising Zoning, Subdivision Regulations, Official Mapping, or Zoning of Wetlands in Shorelands



Counties Exercising Zoning, Shoreland Zoning, Subdivision Regulations, or Official Mapping



Methodology

Data-Gathering Approach for 3rd Edition,

2011 Wisconsin Local Land Use Regulations and Comprehensive Planning Status Report

Staff relied primarily on the inventory information compiled for the 1st Edition and 2nd Editions released June 2008 and November 2009 respectively. Staff used several sources to update and improve upon information for the 3rd Edition. These sources were:

- Feedback and corrections from November 2009 report
- Feedback from RPCs, counties, and municipalities in response to inquiry
- Land use regulation questions from 2010 grant applications
- Plans submitted to the Department of Administration up to November 2010
- Land use regulations information listed within the text of comprehensive plans received since November 2009
- Wisconsin State Law Library online index <http://wsll.state.wi.us/ordinances.html>

Data-Gathering Approach for 2nd Edition,

2009 Wisconsin Local Land Use Regulations and Comprehensive Planning Status Report

Staff relied primarily on the inventory information compiled for the 1st Edition released June 2008. The report requested readers to respond with feedback for any gaps or inaccuracies in the data. Staff used several sources to update and improve upon information for the 2nd Edition. These sources were:

- Feedback and corrections from June 2008 report
- Feedback from RPCs, counties, and municipalities in response to inquiry
- Land use regulation questions from 2008 and 2009 grant applications
- 2009 grant awards for comprehensive planning status info
- Plans submitted to the Department of Administration up to August 2009
- Land use regulations information listed within the text of comprehensive plans received since August 2007
- List of local governments exercising exclusive agricultural zoning received from DATCP
- Wisconsin State Law Library online index <http://wsll.state.wi.us/ordinances.html>

Data-Gathering Approach for 1st Edition,

2008 Wisconsin Local Land Use Regulations and Comprehensive Planning Status Report

Top-down: Comprehensive Planning Grant Program staff first inventoried what information had already been collected by state agencies. Staff then gathered centralized information from regional planning commissions and subsequently from counties if necessary, and in some cases at the municipal level. Staff budgeted time to gather as much data as possible within the May - August 2007 timeframe.

Data Collection Levels

4. State
3. Regional Planning Commission (RPC)
2. County
1. Municipality

4. State: The state-level data had already been collected or continually maintained: DOA Database of Comprehensive Plans and Grants (thru April 2008), DOA 2006 Comprehensive Planning Activities Survey results, UW-Extension Center for Land Use Education (CLUE) 2006

study of zoning in unincorporated areas, CLUE 2007 updated report on county comprehensive planning status, and a table of information collected from comprehensive planning grant applications 2001-2007.

3. Regional Planning Commission (RPC): Each RPC was contacted and provided with an Excel table form (blank) of the information requested. The blank form was intended to help RPCs better conceptualize what information was sought. The tables listed each unit of local government with their FIPS codes (common code for municipal and county identification) and the categories of land use regulations and comprehensive planning status sought.

The data collection date and original source information was requested as well in order to avoid receiving antiquated information. For example, staff wanted to avoid getting old state-collected data in an RPC file. However, most RPC information did not come with a date collected or source information.

2. County: Counties were contacted in cases where the RPC could not provide complete data, which was nearly always the case. Possible county agencies/departments contacted included the planning department, zoning department, land information officer, county conservation department, and UW-Extension agent.

As with the RPCs, each county contacted was provided with an Excel table form (blank) of the information requested. The blank form was intended to help counties better conceptualize what information was being sought. The tables listed each unit of local government with their FIPS codes and the categories of land use regulations and comprehensive planning status sought.

1. Municipal Level: This level pertained mainly to cities and villages because most counties had information on land use regulations and comprehensive planning status for towns. Staff frequently located ordinances on municipal websites, which will likely become more common in the future.

Staff used the Wisconsin.gov directory for assistance in locating municipal websites http://www.wisconsin.gov/state/core/wisconsin_cities_towns_and_villages.html; and the State Elections Board website was also a source for municipal contact information <http://elections.state.wi.us/section.asp?linkid=158&locid=47> (scroll to reference section at bottom).

In addition, staff used indexes of municipal ordinance links on two websites:

Wisconsin State Law Library

<http://wsll.state.wi.us/ordinances.html>

Municode.Com

http://www.municode.com/resources/code_list.asp?stateID=49

In some cases, the information was gathered over the phone. This required the staff member calling to have knowledge of land use regulations and relevant statutes to be able to ask questions or describe a local subdivision regulation ordinance, zoning ordinance, or official map.

Data Analysis for 1st Edition,

2008 Local Land Use Regulations and Comprehensive Planning Status Report

Because there was so much data from various sources and levels of government, guidelines for analysis had to be developed in order to resolve data conflicts or contradictions and to systemically compile the data and form summary results tables. Two separate hierarchies were developed for the two types of data sought: land use regulations exercised and comprehensive

planning status. The respective hierarchies for the two types of information reflect the relative certainty of the information gained relative to the other sources.

The data hierarchy for land use regulation inventory data analysis was as follows (from top to bottom in the order listed):

- County / Municipal
- RPC
- Previous State Sources:
 - 2006 CLUE study of zoning in unincorporated areas
 - 2006 DOA Comprehensive Planning Activities Survey results
 - 2001-2007 comprehensive planning grant application form information

The data hierarchy for comprehensive planning status data analysis was as follows (from top to bottom in the order listed):

- DOA Database of Comprehensive Plans and Grants (This states with certainty whether a local government has received a grant or submitted a final plan - more than half of the units of local government fall into this category)
- County / Municipal
- RPC
- 2007 CLUE updated report on county comprehensive planning status

Results

The summary results tables were exported into Excel and a spreadsheet of the project results was created and is available with this report. The spreadsheet includes FIPS codes so that the information can be easily linked to other tables and information for further research and analysis. <http://www.doa.state.wi.us/category.asp?linkcatid=750&linkid=128&locid=9>

Future Maintenance

This inventory report should be updated on a regular basis. Sources could include:

- The DOA Database of Comprehensive Plans and Grants records comprehensive plans submitted to the DOA.
- The DOA has also conducted surveys on land use regulations and comprehensive planning status and may continue to do so in the future.
- Other agencies, such as the UW-Extension Center for Land Use Education (CLUE), periodically track land use regulations and comprehensive planning status.
- Readers of this report may provide feedback.

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