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## The Patch-work Quilt of Town Zoning in Wisconsin

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The application of general zoning authority in Wisconsin towns (the "unincorporated" areas of the state -- areas located outside the borders of incorporated cities and villages) can vary significantly from town to town and county to county. The map on the reverse side summarizes the current status of town zoning in Wisconsin. It is based on data originally gathered in 1998 by the Department of Urban & Regional Planning. Staff from the Office of Land Information Services in the Wisconsin Department of Administration recently updated the data and created the map.

Land in some towns falls under a county general zoning ordinance. In other towns, land may be zoned under a town general zoning ordinance. Still other towns are unzoned -- neither a county nor town general zoning ordinance applies. [Special zoning, such as county shoreland and floodplain zoning ordinances, apply in towns regardless of the status of general zoning in the town.] The different arrangements for zoning town lands permitted under Wisconsin law, often a source of confusion for many, are briefly summarized below.

### County Zoning

Many counties have a county general zoning ordinance. This ordinance applies to a particular town only if the town board decides to have it apply. The town board has the authority to approve or disapprove certain amendments proposed to a county zoning ordinance that affect the town.

In some counties with a county general zoning ordinance, all the towns have voted to have the county ordinance apply. Examples include Ashland, Buffalo, Dane, Douglas, Green, Iowa, Iron, Jefferson, Kenosha, La Crosse, Oconto, Price, Trempealeau, and Walworth Counties.

Other counties with a county general zoning ordinance, present mixed approaches. Some towns adopt the county zoning ordinance, other towns adopt their own zoning ordinance, and other towns choose to have neither the county nor a town zoning ordinance apply. Examples include Adams, Barron, Bayfield, Burnett, Calumet, Chippewa, Columbia, Dodge, Door, Dunn, Eau Claire, Florence, Forest, Grant, Jackson, Langlade, Lafayette, Lincoln, Manitowoc, Marathon, Marquette, Monroe, Oneida,

Outagamie, Pepin, Pierce, Polk, Portage, Racine, Richland, Rusk, St. Croix, Sauk, Sawyer, Shawano, Vilas, Washburn, Waukesha, Waupaca, Waushara, and Winnebago Counties.

In order for a town to adopt its own zoning when a county has a zoning ordinance, town electors must pass a resolution at an annual town meeting directing the town board to exercise village powers. The town then proceeds to develop and pass a town general zoning ordinance. The county board must also approve the town zoning ordinance and all amendments to the town ordinance.

### No County Zoning

Some counties do not have a general zoning ordinance. These counties include Brown, Clark, Crawford, Fond du Lac, Rock, Juneau, Kewaunee, Washington, Ozaukee, Sheboygan, Taylor, Vernon, Wood, and Marinette Counties.

When there is no county zoning, a town can either have no zoning or adopt its own zoning ordinance in one of two ways. Under a seldom used procedure, a town board petitions the county board to adopt a county ordinance. If, within approximately one year, the county board has not passed the ordinance, the town is free to adopt its own ordinance.

The more frequently used procedure for adopting town zoning requires that town electors pass a resolution at an annual town meeting directing the town board to exercise village powers. The town then proceeds to consider and pass a town general zoning ordinance. No county board approval is required. In some of the counties with no county zoning, all of the towns have adopted their own zoning ordinances. In other counties with no county zoning, only a few towns have adopted their own zoning ordinance.

