



## Focus On Comprehensive Planning



For the next few years, the Community Development Education pages of *The Foghorn* will emphasize land use education and information.

UWEX educational support for local and county comprehensive planning projects will include workshops and presentations about a variety of planning, development and

conservation topics.

So, if you're active in a comprehensive planning project, or just want to learn more about land use issues, be watching for each *Foghorn* issue!

Please send your ideas for future articles to [merritt.bussiere@ces.uwex.edu](mailto:merritt.bussiere@ces.uwex.edu) or call me at 920-388-7136.

## What's a Comprehensive Plan?

A comprehensive plan is a legal document that serves as long-range guide for physical development &/or conservation of resources in your community.

Wisconsin's Comprehensive Planning law – found in Chapter 66 of the State Statutes – defines the types of content that local plans must address – economic development, transportation, etc. – but leaves it up to citizens, officials and other plan participants to de-

fine actual plan content.

A good comprehensive plan has a strategic focus – it provides a basis for action. Beginning in 2010, the law requires consistency between your municipality's adopted Comprehensive Plan and land use actions handled through local zoning and subdivision ordinances, and the official map. Managing land use plan-action consistency is a challenge faced by all Kewaunee County municipalities.

## Is Comprehensive Plan Implementation Even Possible?



### TALKING POINTS:

1. Introduction
2. Managing Plan-Action Consistency
3. What's in the Regulatory Tool Box?
4. Zoning Regulations
5. Land Division/Subdivision Regs
6. Other Standard Regulations
7. General Comments

### INTRODUCTION

As your community develops and adopts its local comprehensive plan, you hear these phrases repeated over and over about "implementing your plan" and "plan implementation." Plan implementation means that you act consistent with your community's adopted comprehensive plan.

Some municipalities are already putting the plan and action pieces together, but when January 1, 2010 rolls around, state law will require connecting your adopted comprehensive plan with your local land use actions. Now is the time to begin putting these two pieces – the adopted plan and local land use actions together.

### Plan Implementation Examples:

One way to think about how this works is in terms of local land use discussions, recommendations and decisions:

- When your community's Plan Commission makes a recommendation to the local Board (or Council) on a rezoning request, if you're doing it right, that recommendation is part of plan implementation.

- When the local Board (or Council) takes action on a subdivision proposal, that's also part of implementing your plan.
- When the community applies for a grant from the WI Department of Natural Resources to develop a local park, based on a park concept described in the Comprehensive Plan, that's plan implementation.

**This month's article focuses on zoning as one of the basic regulatory tools available to local government units in Wisconsin.** Future articles will look at subdivision regulations, official maps, and shoreland zoning. These are all specific implementation items identified in Chapter 66.1001(2)(i) of the Wisconsin Statutes. Here's the full list of Actions and Procedures:

### 66.1001(3) Actions, Procedures That Must Be Consistent With Comprehensive Plans.

Beginning on January 1, 2010, if a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's comprehensive plan:

- (a) Official mapping established or amended under s. 62.23 (6).
- (b) Local subdivision regulation under s. 236.45 or 236.46.
- (c) County zoning ordinances enacted or amended under s. 59.69.
- (d) City or village zoning ordinances enacted or amended under s. 62.23 (7).
- (e) Town zoning ordinances enacted or amended under s. 60.61 or 60.62.
- (f) Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351 or 62.231.

Is comprehensive plan implementation possible? Setting aside the legal requirement that takes effect in 2010, the answer is yes. But it means that plan commissioners and local board (council) members must focus on plan-action consistency.

### Managing Plan Action Consistency

A municipality uses the Comprehensive Plan to:

- Establish Visions/Values
- Set Long-Range Goals & Objectives
- Develop Policy Frameworks on issues of concern and opportunity
- Identify & prioritize basic implementation strategies

Then, upon adoption, the municipality takes action based on adopted plan through regulations, programs & other means.

After comprehensive plan adoption, here's a good project-level

focus: Is the proposed use/development...

1. Consistent with the contents of your adopted plan?
2. Appropriate in this zone as a "permitted" or "conditional" (or special) use? If so, what site, structure and other standards apply?
3. Require a division of parcels? If so, what site, infrastructure, neighborhood and other standards apply?
4. What other ordinances, local and otherwise, apply to the proposed use/development?

### What's In the Plan Implementation Toolbox?

Programs:

–Conservation

–Development

Ordinances:

–Zoning<<TODAY'S FOCUS



–Subdivision

–Official Map

–Other Regulatory Tools

Shared Approaches

### ZONING REGULATIONS

#### What is zoning?

- Traditional zoning divides a town into districts that regulate use, and the location and density different development types.
- Traditional zoning designates areas (zones) of acceptable uses and separate those that might conflict - manufacturing is separated from housing developments, etc.
- Within each zone, standards are set affecting site design & structural features

#### What's the rationale behind zoning?

- First called Euclidean Zoning because of a court case (Euclid v. Ambler Realty; 1926)
- Conflict is minimized, it is argued, by locating different uses in separate zones. This will serve the general public health, safety & welfare.
- Early zoning initiatives sought to segregate working people and factories from upper class people and their homes

#### What sorts of beneficial outcomes is zoning designed to bring about?

- Protects property values by limiting uses, activities and physical outcomes that might undermine a given zone's uses
- Can supports comprehensive plan implementation
- May allow community to direct development to minimize public costs
- Can protects neighborhood quality of life, a shared community resource

#### What are the problems inherent in zoning?

- Can promote single- or similar-use sprawl by filling each developable parcel with "what's permitted"
- Lot sizes not flexible therefore:
  - o Creates "cookie-cutter" development
  - o It's challenging to achieve efficient densities
- Hard to mix uses for community benefit, e.g., residential uses near/accessible to retail, schools, services
- Limits social diversity & economic dynamism
- Sets up rigid trade-off: natural resource protection or development

#### How should zoning connect with your adopted Comprehensive Plan?

- Zoning recommendations – made by the plan commission – and zoning decisions – taken by the municipal board or council – link directly with visions, values, goals, policies and strategies identified in your plan.
- Plan Commission and local Board members should always look for consistency between Comprehensive Plan content and local zoning recommendations and actions.

#### What are some alternative approaches to zoning?

- **Overlay zoning** can supplement traditional zoning to address specialized needs, e.g., protection of topography, natural resources & features
- **Incentive zoning** rewards developers who help community meet its development and/or conservation goals within a given zone
- **Performance zoning** – there are two types:
  - ◆ One establishes expectations for certain outcomes over time related to site-related activities like traffic, noise, light, etc. and then rewards or punishes the owner/operator; performance can be tied to permit issuance & renewal; EXAMPLE: Home-based biz in residential neighborhood
  - ◆ The other approach reverses traditional zoning by emphasizing macro site analysis/design on front end, then fits development to site and resource needs via flexible lot sizes, clustering, design standards,
  - ◆ **Planned Unit Development (Floating Zone)** creates flexible options for certain types of development. Generally, a floating zone maintains goals of underlying zone while encouraging:
    - o Creative designs
    - o Natural resources protected
    - o Amenity-rich