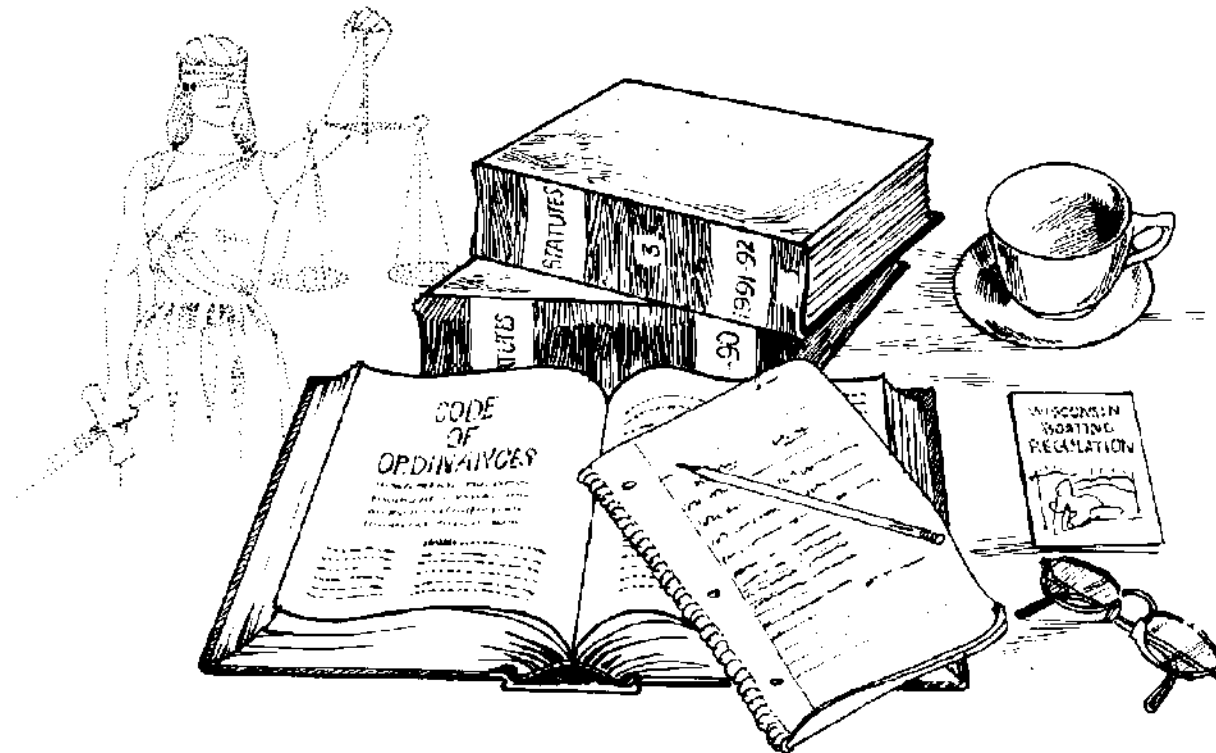


# Role of the Plan Commission



Rebecca Roberts  
Center for Land Use Education  
UW-Stevens Point/Extension



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



Extension  
UNIVERSITY OF WISCONSIN - MADISON

# Three Most Common Land Use Tools



**Comprehensive Plan** describes the future vision of the community and how to achieve that vision.

**Zoning Ordinance** regulates land use, density, and dimensions of lots and structures.

**Subdivision Ordinance** regulates the division of land, street and lot layout, and public improvements.

The background features a series of concentric, overlapping circles and arcs in light gray and white, some solid and some dashed, creating a sense of depth and movement. A prominent blue callout box is centered on the page, containing the text 'Comprehensive Plan'.

# Comprehensive Plan

# Comprehensive Plan

- Statement of community's long-term vision
- Includes goals, objectives, policies, data and maps
- Recommendations to implement plan (i.e. regulations, design guidance, funding, voluntary programs, etc.)



Image: City of New London Plan Commission, <http://communityplanningandconsulting.com>



When we plan at village hall, we're deciding how we want our community to look, function, and feel. We create a comprehensive plan, but this is not just the title of a document, it's the description of a process, too.

– Village of Little Chute

# The Legal Definition

Wisconsin's Comprehensive Planning Law provides structure for the plan and process:

- Address 9 elements
- Include written public participation procedures
- Distribute plan for review and comment
- Plan commission recommends plan
- Governing body adopts plan by ordinance
- Update at least once every 10 years

(Wis Stat. 66.1001)

# Nine Required Elements



Issues & Opportunities



Housing



Transportation



Utilities & Community Facilities



Agricultural, Natural & Cultural Resources



Economic Development



Intergovernmental Cooperation



Land Use



Implementation

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

- Targeted economic development
- Protection of community character or resources
- Cost-effective delivery of services
- Intergovernmental communication and cooperation
- Balance of community interests and private rights
- Fill in the blank \_\_\_\_\_





# 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”

(Wis Stat. 66.1001)

# Guiding Document

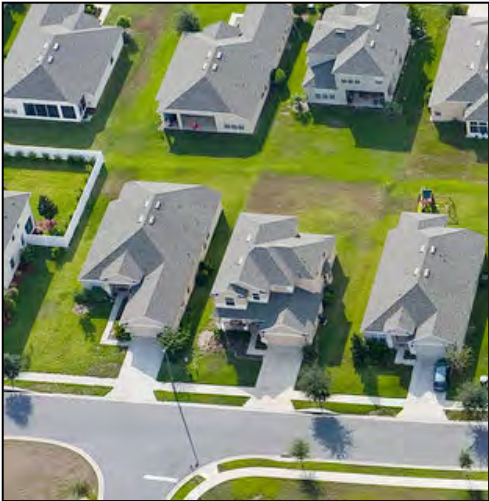


**Comprehensive Plan**

## Regulatory Tools to Implement the Plan



**Zoning Ordinance**



**Subdivision Ordinance**



**Official Map**

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# Subdivision Regulations



- Legal process for dividing land and recording property
- Review for physical layout of new development, connections with existing development, public safety, and adequacy of improvements



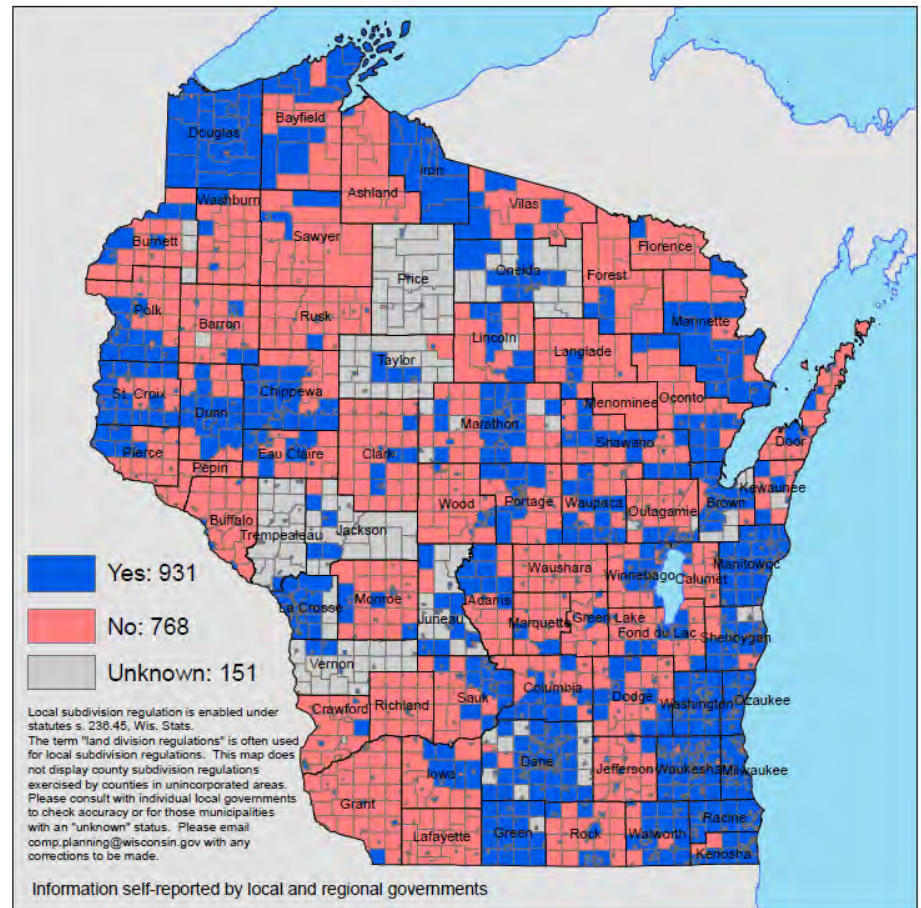
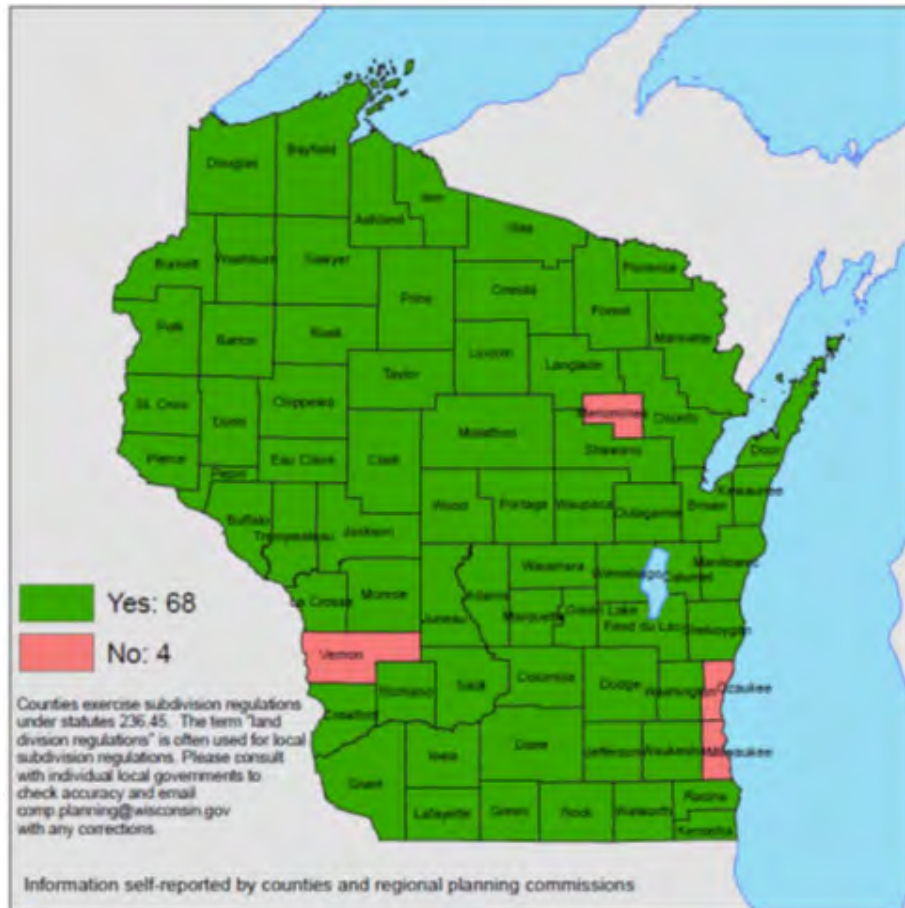
# State Subdivision Law



- State provides minimum standards for subdivisions (Wis. Stat. ch. 236)
  - Subdivision = creation of 5 or more parcels of 1½ acre or less within a 5-year period
  - State reviews for surveying, layout, mapping and plat submittal requirements

# Local Subdivision Regulations

- Counties, towns, cities, villages may also adopt local ordinances (Wis. Stat. 236.45)



# Local Subdivision Regulations



- Local ordinances may define subdivision differently (typically in terms of number or size of parcels created)
- Local ordinances may impose additional requirements (typically public improvements)
- When review authority overlaps, the most restrictive provision applies

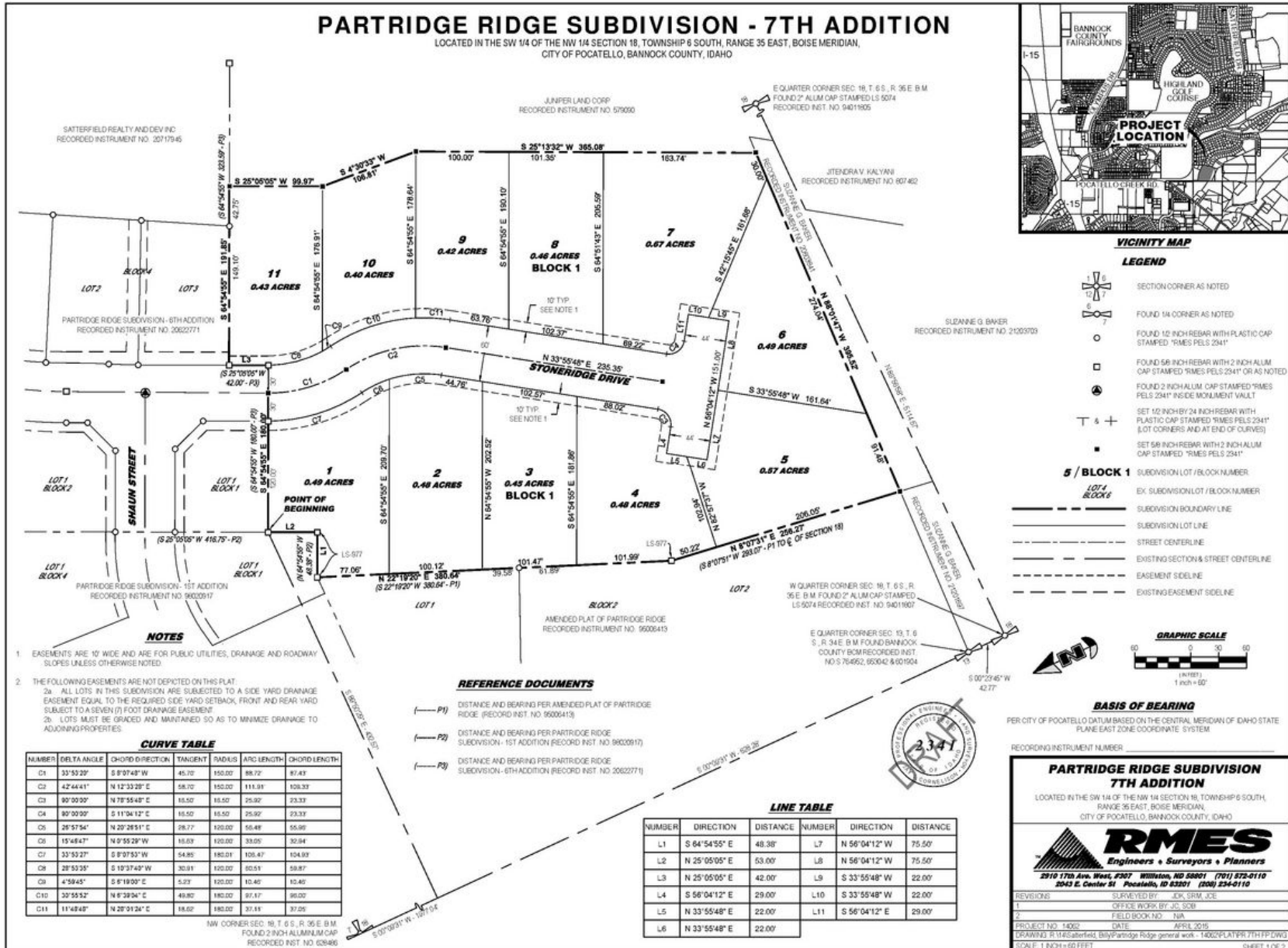
# Local Subdivision Regulations

- Basic requirements and design standards related to:
  - Roads
  - Sewer and water lines
  - Fire hydrants
  - Drainage systems
  - Sidewalks
  - Street signs, lights
  - And more...





# Plat = a map of a subdivision



**VICINITY MAP**

**LEGEND**

- SECTION CORNER AS NOTED
- FOUND 1/4" CORNER AS NOTED
- FOUND 1/2" INCH REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341" OR AS NOTED
- FOUND 5/8" INCH REBAR WITH 2" INCH ALUM. CAP STAMPED "RMES PELS 2341" OR AS NOTED
- FOUND 2" INCH ALUM. CAP STAMPED "RMES PELS 2341" (LOT CORNERS AND AT END OF CURVES)
- SET 1/2" INCH BY 24" INCH REBAR WITH PLASTIC CAP STAMPED "RMES PELS 2341" (LOT CORNERS AND AT END OF CURVES)
- SET 5/8" INCH REBAR WITH 2" INCH ALUM. CAP STAMPED "RMES PELS 2341"

**5 / BLOCK 1** SUBDIVISION LOT / BLOCK NUMBER

**LOT 1 BLOCK 1** EX. SUBDIVISION LOT / BLOCK NUMBER

- SUBDIVISION BOUNDARY LINE
- SUBDIVISION LOT LINE
- STREET CENTERLINE
- EXISTING SECTION & STREET CENTERLINE
- EASEMENT SIDELINE
- EXISTING EASEMENT SIDELINE

**GRAPHIC SCALE**

(1"=100')

1 inch = 60'

**BASIS OF BEARING**

PER CITY OF POCATELLO DATUM BASED ON THE CENTRAL MERIDIAN OF IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM

RECORDING INSTRUMENT NUMBER

**PARTRIDGE RIDGE SUBDIVISION  
7TH ADDITION**

LOCATED IN THE SW 1/4 OF THE NW 1/4 SECTION 18, TOWNSHIP 6 SOUTH,  
RANGE 35 EAST, BOISE MERIDIAN,  
CITY OF POCATELLO, BANNOCK COUNTY, IDAHO

**RMES**  
Engineers • Surveyors • Planners

2310 17th Ave. West, #207 Williston, ND 58801 (701) 875-0110  
2043 E. Center St. Pocatello, ID 83201 (208) 234-0110

REVISIONS	SURVEYED BY: J.K. SRM, J.C.E.
1	OFFICE WORK BY: J.C. SOB
2	FIELD BOOK NO.: N/A
PROJECT NO.: 14002	DATE: APRIL 2015
DRAWING: R:\1402\alterid, Bility\Partridge Ridge general work - 1402\PLAT\PR7TH\7P.DWG	
SCALE: 1"=60' FEET	SHEET 1 OF 2

# Certified Survey Map (CSM)

Expedited process for land divisions that do not meet state or local definition of subdivision (based on number or size):

- Survey, monument, and map by professional land surveyor
- CSM dedicating streets or other land must be submitted to governing body – 90 days to act
- Filed with county register of deeds



# Who does what?



- Subdivision plats must be referred to the plan commission for review and recommendation.
- The governing body may delegate preliminary or final plat approval authority to the plan commission.
- Final plats dedicating streets, highways or other lands must be approved by the governing body.

(Wis. Stat. 62.23(5) and 236.10(3))

# For More Information

## Plat Review

<http://doa.wi.gov/platreview>

[Platting News](#)

[Plat Review Documents](#)

[Platting Manual](#)

[Platting Statutes & Rules](#)

[Intergovernmental Relations](#)

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## Contact Us

### Email

[plat.review@wisconsin.gov](mailto:plat.review@wisconsin.gov)

### Phone

[\(608\)266-3200](tel:(608)266-3200)

## Wisconsin Platting Manual

[Full Manual Nov. 2016](#)

[Order Form to Buy Manual](#)

### Manual Sections

A-E 7 updating for May 2016 changes

[Annexation August 2016](#)

[Assessor's Plats Jan. 2016](#)

### Cemetery Plats

[Certificates Nov. 2016](#)

[Condo Plats \(updated 2009\)](#)

[Correction Instruments](#)

[Certified Survey Maps \(CSM\) Jan. 2016](#)

[Discontinuances](#)

[Easements](#)

[Example Plats Dec. 2014](#)

[Local Plats Dec. 2014](#)

[Lots & Outlots Dec. 2014](#)

[Mapping Requirements Dec. 2014](#)

[Monuments Dec. 2014](#)

[Recording Dec. 2014](#)

[Review Process Dec. 2014](#)

[Restriction Release](#)

[Submittals Dec. 2014](#)

[Time Limits Dec. 2014](#)

[Streets Dec. 2014](#)

[Subdivisions & Water Dec. 2014](#)

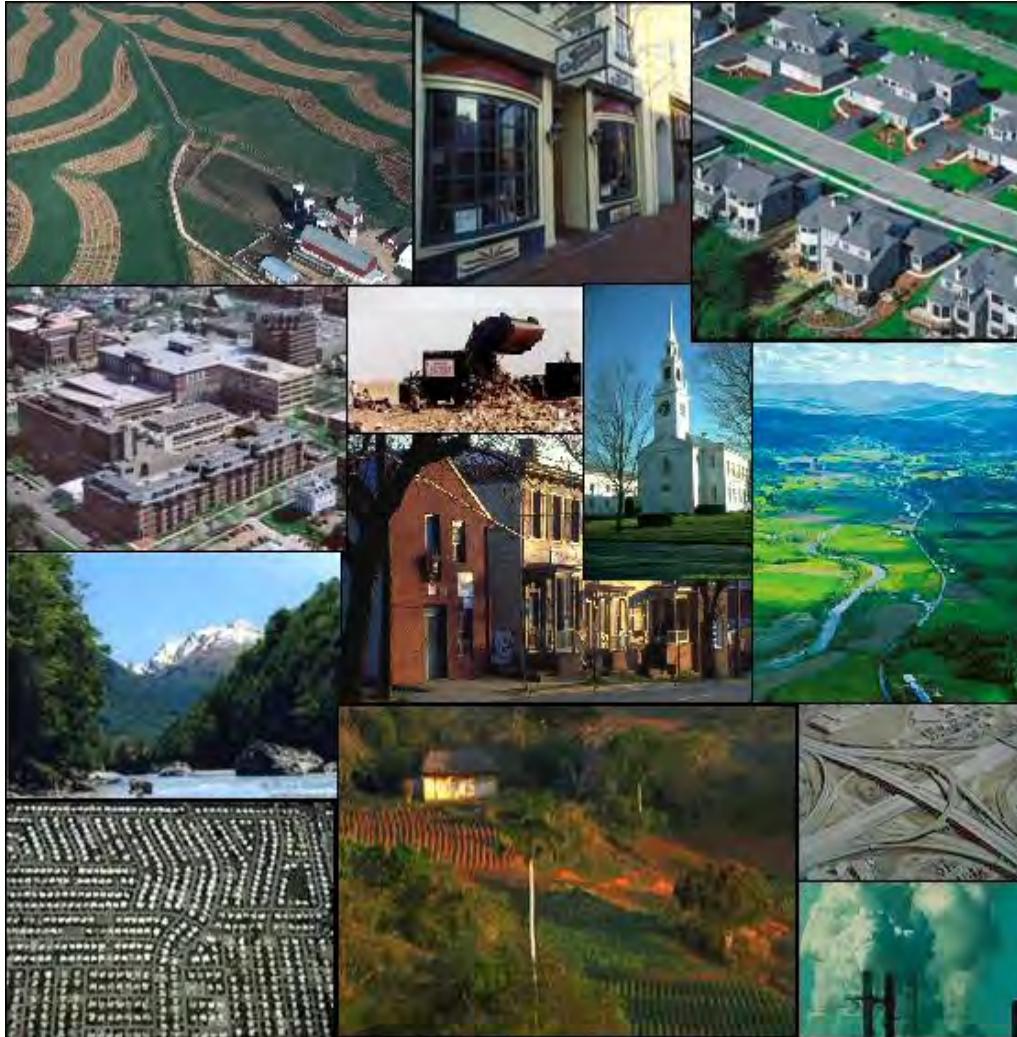
[Vacations Jan. 2016](#)

<https://doa.wi.gov/Pages/LocalGovtsGrants/WisconsinPlattingManual.aspx>

The background features a series of concentric, overlapping circles and arcs in light gray, some solid and some dashed, creating a sense of depth and movement. A prominent blue callout box is centered on the page, containing the word 'Zoning' in white text. The callout box has a rectangular body and a small triangular pointer at the bottom center.

Zoning

# Purpose of 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

# Zoning

## Counties

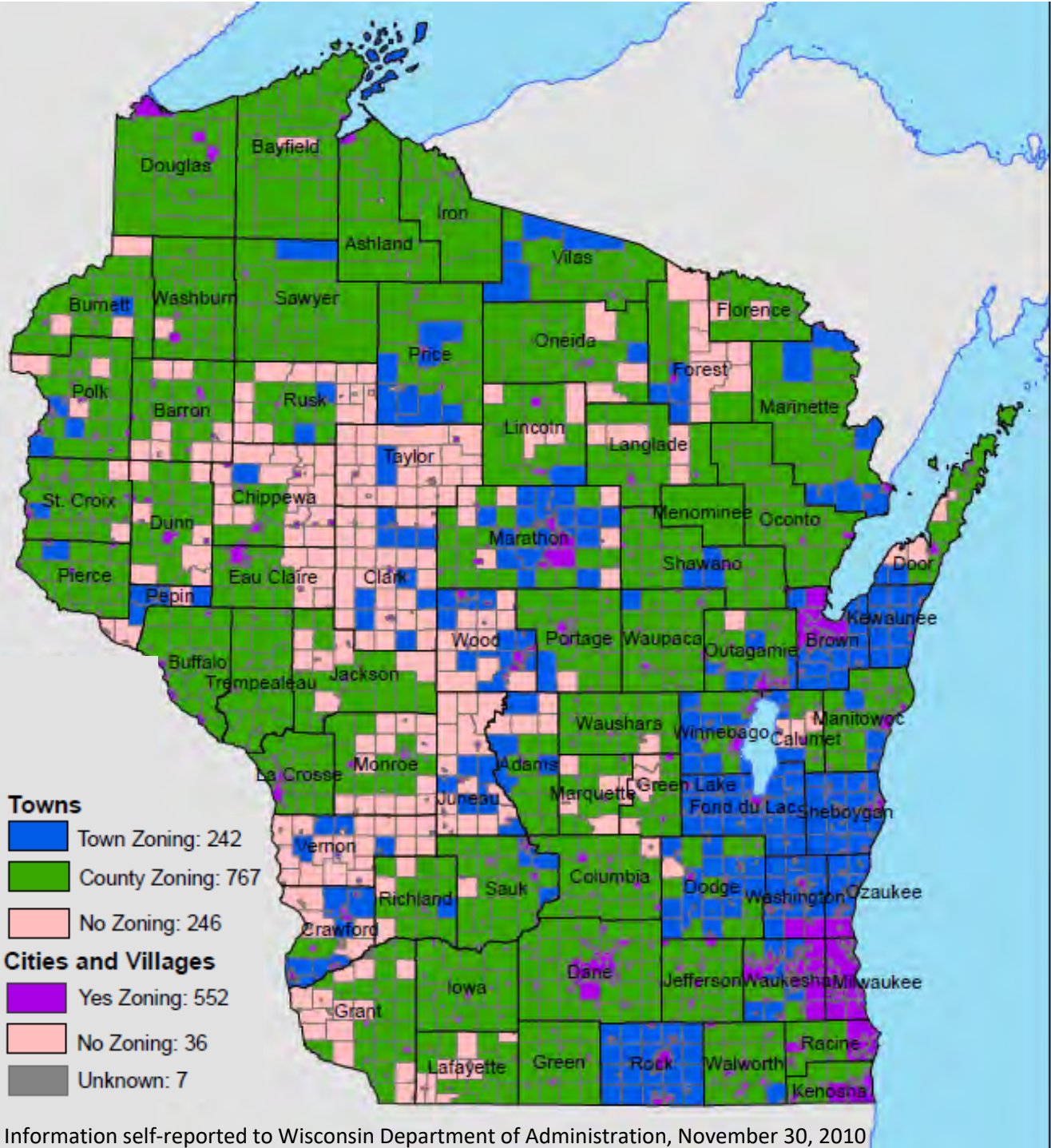
- May adopt general zoning in unincorporated areas
- Required to administer shoreland/wetland zoning

## Towns

- May adopt general zoning (if no county zoning or with county approval following adoption of village powers)

## Cities/Villages

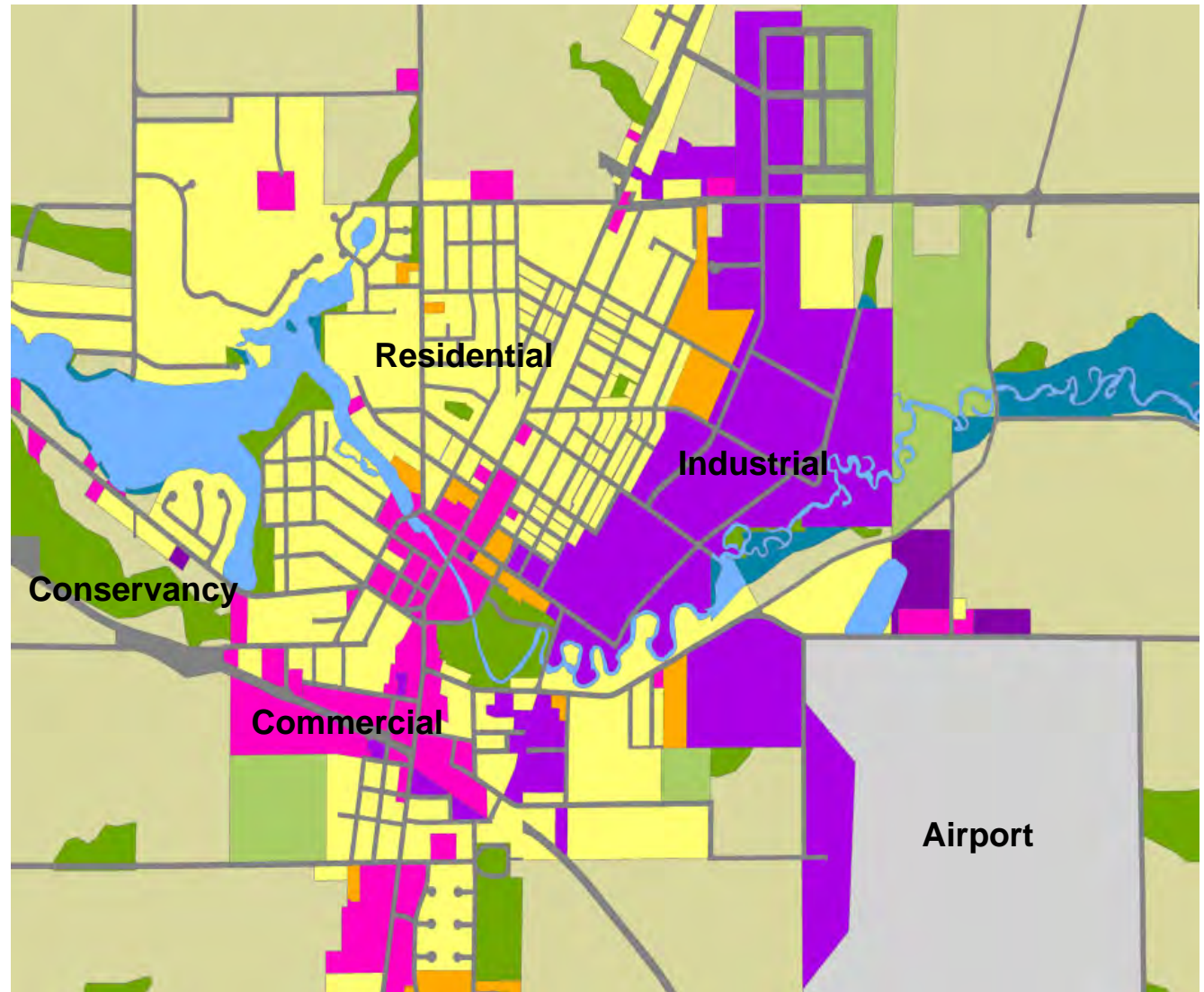
- May adopt general zoning
- May adopt extra-territorial zoning extending 1.5-3 miles beyond boundaries
- May have shoreland or floodplain zoning - required in some circumstances



Information self-reported to Wisconsin Department of Administration, November 30, 2010

A zoning ordinance contains two parts:

Zoning Map  
divides the  
community  
into districts

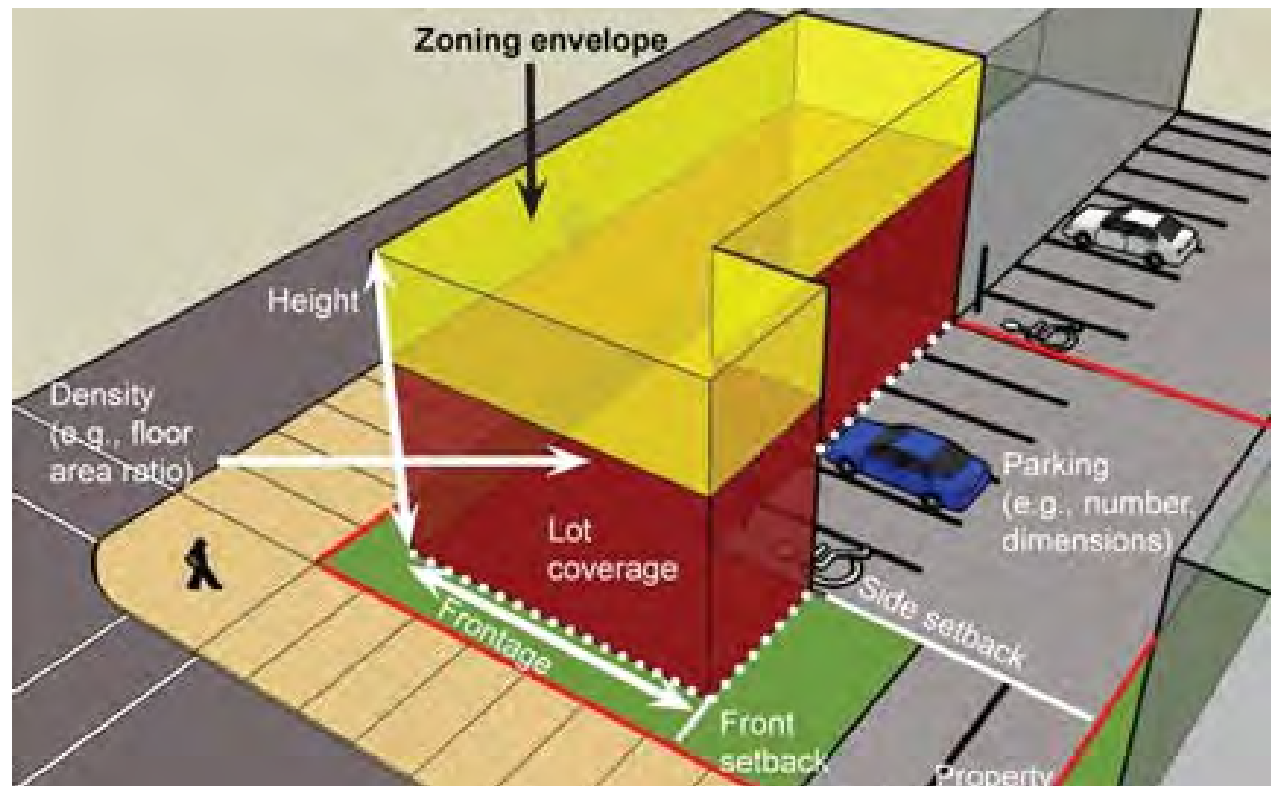
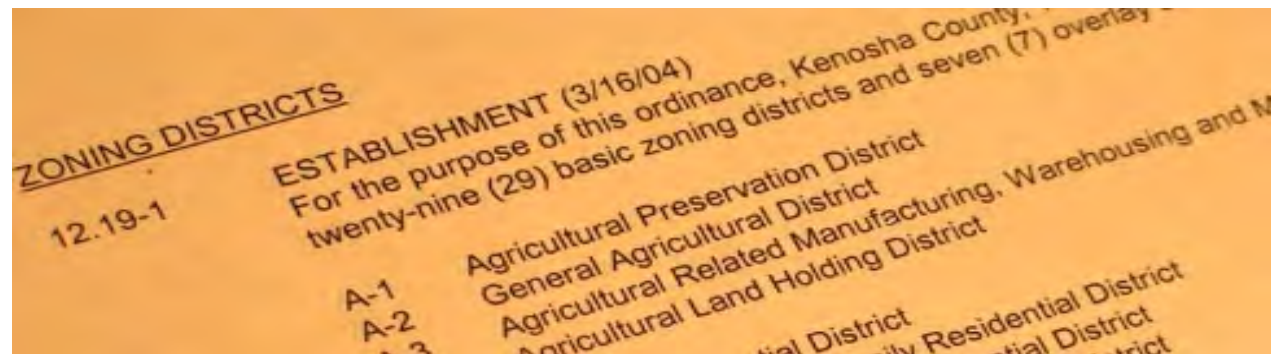




# A zoning ordinance contains two parts:

## Zoning Text

- purpose
- uses allowed in each district
- dimensional standards i.e. lot size, density, setbacks, etc.
- requirements related to parking, signage, landscaping, etc.
- authority and procedures



# 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

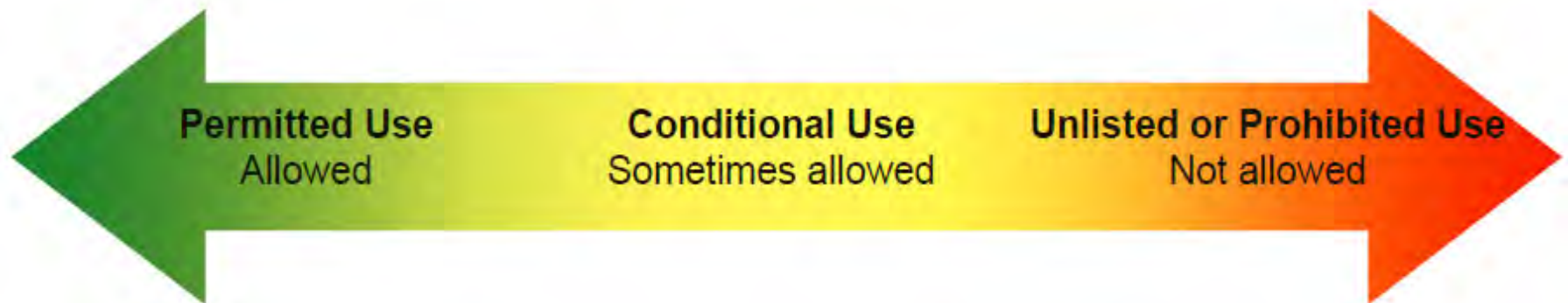
Use is listed for the district and may be allowed if suited to the location

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

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# Conditional Uses

# Conditional Uses

- May be assigned to zoning board, plan commission, or governing body
- Ordinance must list specific uses allowed in each district and decision criteria
- Permit may be granted or denied based on ability to meet ordinance standards
- Conditions may be attached



# Conditional Uses

## Local government responsibilities:

- Review proposal against ordinance standards
- Support decision to approve or deny the permit, and to attach conditions, with **substantial evidence**
- Conditions must relate to the ordinance purpose
- Ordinance requirements and conditions must be **reasonable**, and to the extent practicable, **measurable**

# Conditional Uses

## Applicant responsibilities:

- Provide **substantial evidence** supporting the application
- Demonstrate that the requirements and conditions established by the local government are or shall be satisfied



# Substantial Evidence

“Substantial Evidence” means:

- facts and information, other than merely personal preferences or speculation
- directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit
- that reasonable persons would accept in support of a conclusion

See (Wis Stat. 59.69(5e), 60.61(4e), 60.62(4e), 62.23(7)(de))

# Conditional Uses

## Permit decision

- If the applicant meets or agrees to meet all requirements and conditions specified in the ordinance or imposed by the local government, the local government shall grant the conditional use permit

# Application and Decision Forms

**Decision**

If an applicant for a conditional use permit meets, or agrees to meet, all of the requirements found in the zoning ordinance and all conditions imposed on the permit, the local government is required to grant the permit.

Based on the above findings of fact, conclusions of law, and the record in this matter, the permit is:

- Approved, with the conditions stated above.
- Denied, for the following reasons:

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---

Signature of local government

Date

# Zoning – Relief Mechanisms

1. **Variance** – allowed “violation” of an ordinance standard (decided by zoning board of adjustment/appeals)
2. **Ordinance Amendment** – change to the zoning ordinance map or text (adopted by governing body with advisory recommendation from plan commission)
3. **Appeal** – contested decision or interpretation of the zoning ordinance (decided by zoning board or circuit court)

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# Variances

# Zoning – Variances

**Use variance** permits a landowner to put property to an otherwise prohibited use

**Area variance** allows modification of a physical, dimensional or locational requirement (such as setback, frontage, height, bulk or density)

# Zoning – Variances

The applicant has burden of proof to show that all **three statutory tests** are met:

1. unnecessary hardship
2. due to conditions unique to the property
3. not contrary to public interest

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# Ordinance Amendments and Rezones



# Zoning Amendments

Map amendment – change to district boundaries

Text amendment – change to district regulations (i.e. allowed uses, setback, etc.)

## Legislative decision

- Must be reasonable and constitutional
- Consistent with comprehensive plan
- Rezone standards may be listed in zoning ordinance

# Sample Rezoning Standards

- ✓ The amendment is consistent with the comprehensive plan.
- ✓ The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole.
- ✓ The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services
- ✓ The amendment will not have a significant adverse impact on the natural environment (i.e. air, water, noise, stormwater management, soils, wildlife, vegetation, etc.)  
or the impact could be mitigated by improvements on the site or in the immediate vicinity.

# Consistency Requirement

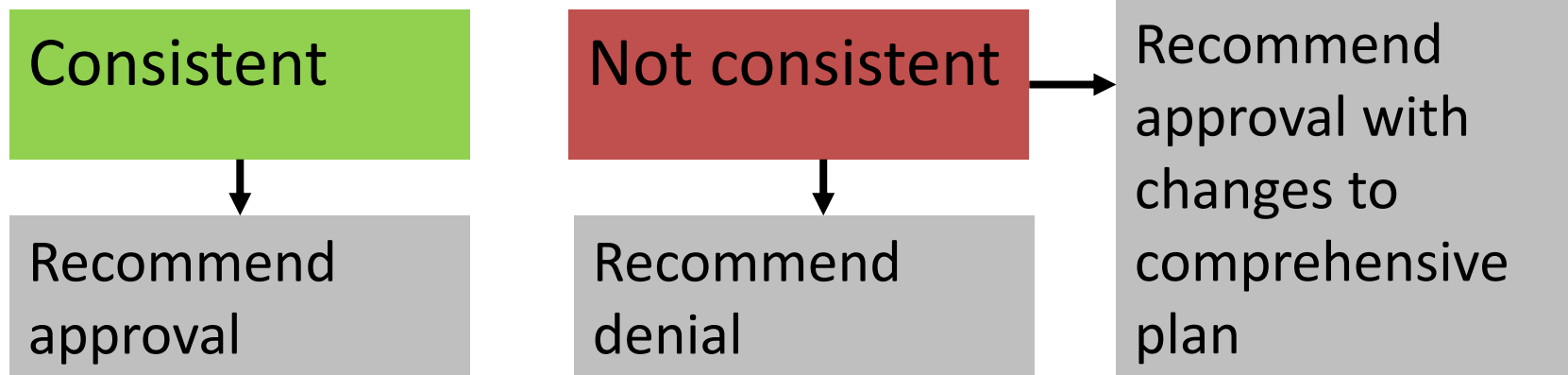
- New or amended zoning, land division, and official mapping ordinances must be consistent with an adopted comprehensive plan
- Consistent means “furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan”

(Wis Stat. 66.1001)

# Determining Consistency

## Rezone Example:

1. Look to future land use map
2. Look to text of comprehensive plan
3. Determine if proposal is consistent with plan

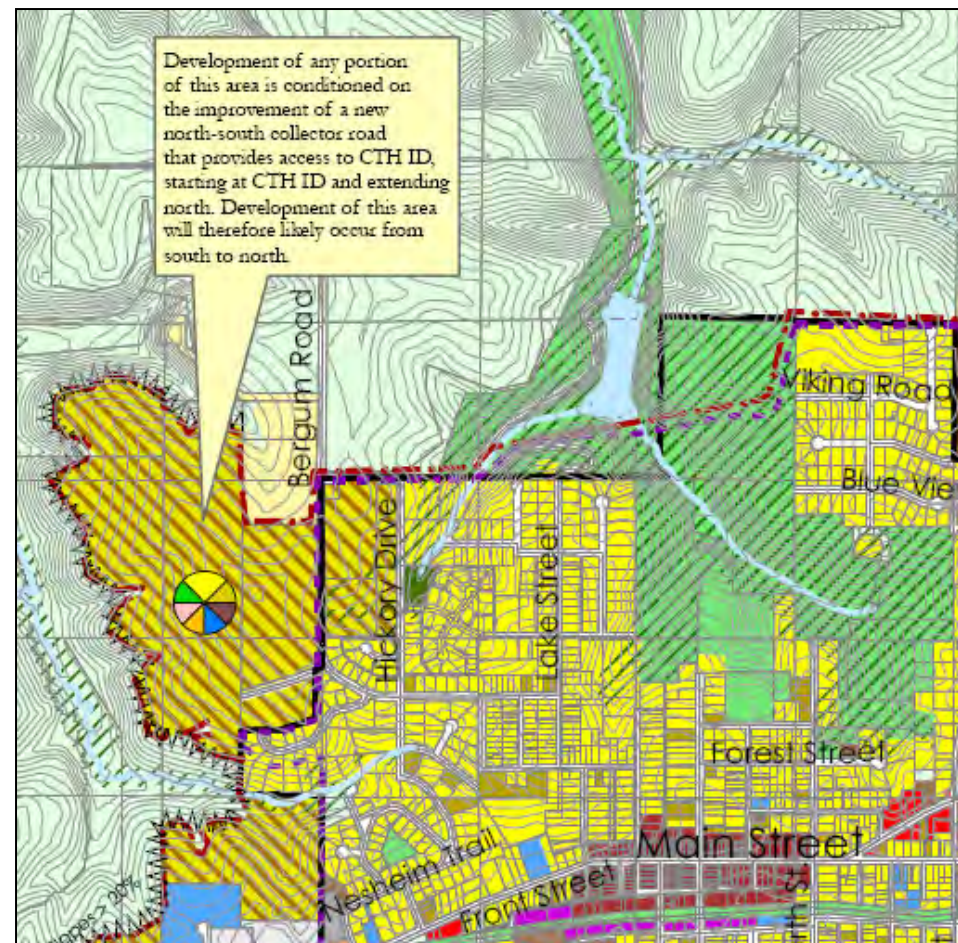


# Determining Consistency

Review planning maps for guidance on zoning

- One or more maps may show desired growth over time
- Development conditions may be expressed on map

*“development of this area is conditioned on the improvement of a new north-south collector road”*

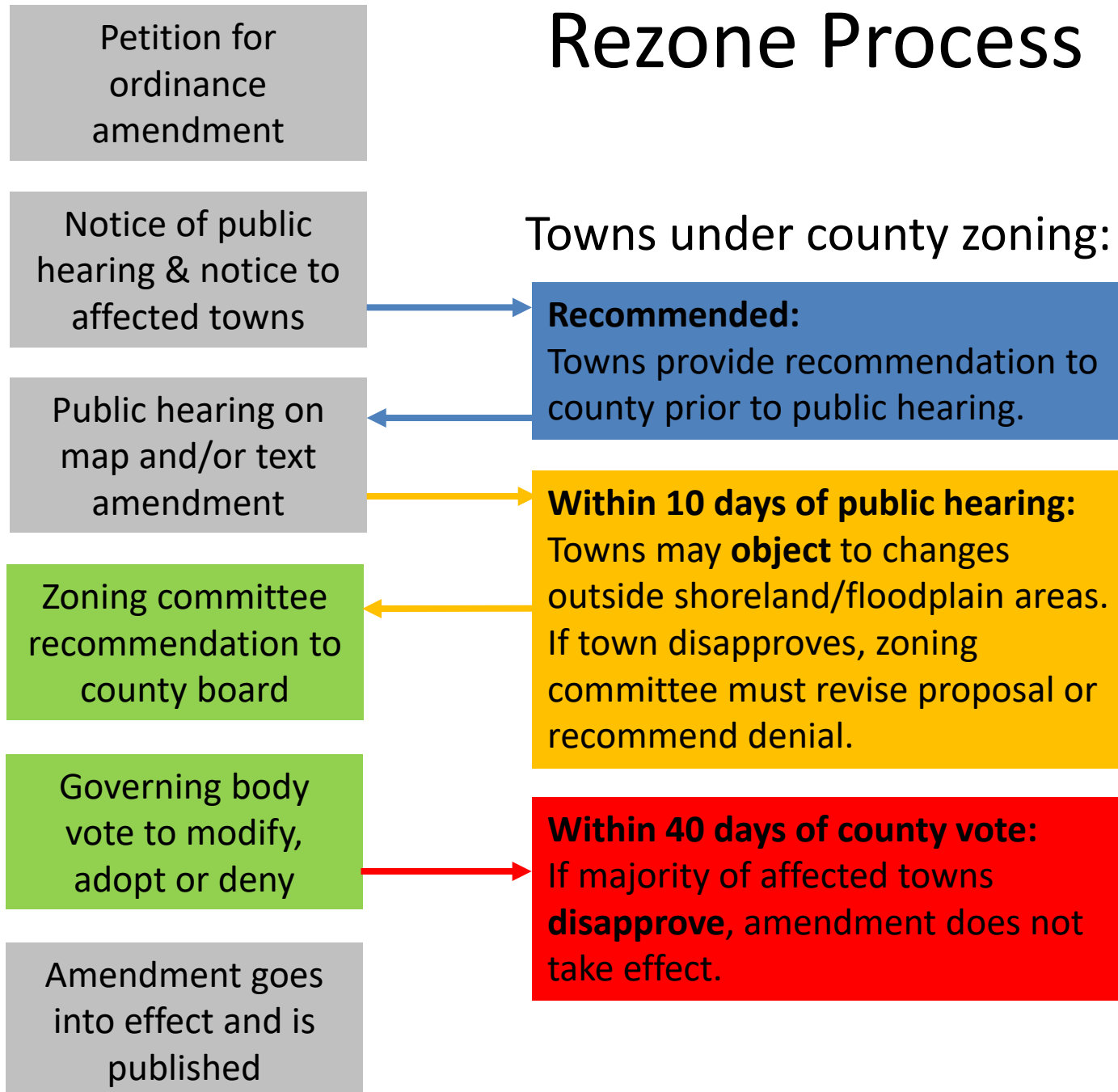


# Determining Consistency

Review plan text for guidance on zoning

Future Land Use Category (shown on Map 6-1)	General Description of Land Uses Allowed	Typical Implementing Zoning Districts	Lot Size and/or Density Range	Development Policies (see also Village zoning, subdivision, stormwater management, official map, and other ordinances)
Commercial	High-quality indoor retail, commercial service, office, health care, and institutional buildings on sites with generous landscaping and modest lighting and signage; served by a public sewer system (except for A-B district)	B-2 General Business (preferred) B-3 Highway Business PUD Planned Unit Development A-B Agricultural Business (in ETZ and other rural settings)	Per associated zoning district requirements	<ol style="list-style-type: none"> <li>1. In addition to zoning requirements, meet commercial design policy in the Economic Development chapter.</li> <li>2. Time rezoning to when public sanitary sewer and water services available and a specific development proposal is offered.</li> <li>3. Assure that development provides access and an attractive rear yard appearance and existing and future development behind these sites.</li> <li>4. Require developments to address off-site traffic, environmental, and neighborhood impacts.</li> </ol>
Downtown	Mix of specialty retail, restaurants, service, office, institutional, and mainly upper-story residential uses, in a pedestrian-oriented environment and mixed use buildings, with on-street parking, minimal setbacks, and buildings compatible with a downtown setting	B-1 Central Business District (preferred) PUD Planned Unit Development	See Chapter 3: Downtown for density and other site utilization recommendations for the Downtown and specific sites within it Also see B-1 requirements	<ol style="list-style-type: none"> <li>1. Encourage uses most appropriate for the Village downtown area to develop or remain there.</li> <li>2. Pay special attention to design and scale when considering approvals in the Downtown.</li> <li>3. Preserve the architectural and historic character of the core downtown historic buildings.</li> <li>4. See the Downtown chapter for more specific land use, redevelopment, and revitalization recommendations.</li> </ol>
Office/Research	High-quality indoor professional office, research, development, and testing uses, health care facilities and other institutional uses, support uses such as day care, health club,	O-R Office and Research District (preferred) PUD Planned Unit Development	Per associated zoning district requirements	<ol style="list-style-type: none"> <li>1. Design and approve developments within Office/Research areas to result in higher-end "office park" or "office/research campus" setting.</li> <li>2. Encourage warehousing and manufacturing uses to locate away from lands designated for Office/Research use, except</li> </ol>

# Rezone Process



# Recommendation Form

**PIERCE COUNTY WISCONSIN**

**DEPARTMENT OF LAND MANAGEMENT & RECORDS**

Zoning: 715/273-6747 Planning: 715/273-6746 Fax: 715/273-6864

Pierce County Courthouse

414 W. Main Street P.O. BOX 647

Ellsworth, Wisconsin 54011

## Town Recommendation Form

**Request:**  Conditional Use Permit  Plat Approval – Concept, Preliminary, Final (Circle One)  
 Map Amendment - (Rezone)  Other- \_\_\_\_\_

**Applicant/Agent:**

Name \_\_\_\_\_

Site Address (if applicable) \_\_\_\_\_

**Property Description:** \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼, Section \_\_\_\_\_, T \_\_\_\_\_ N, R \_\_\_\_\_ W, Lot \_\_\_\_\_, Block \_\_\_\_\_,

Subdivision \_\_\_\_\_ Town of \_\_\_\_\_

Computer # \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Parcel # \_\_\_\_\_

Zoning District \_\_\_\_\_ Acreage \_\_\_\_\_

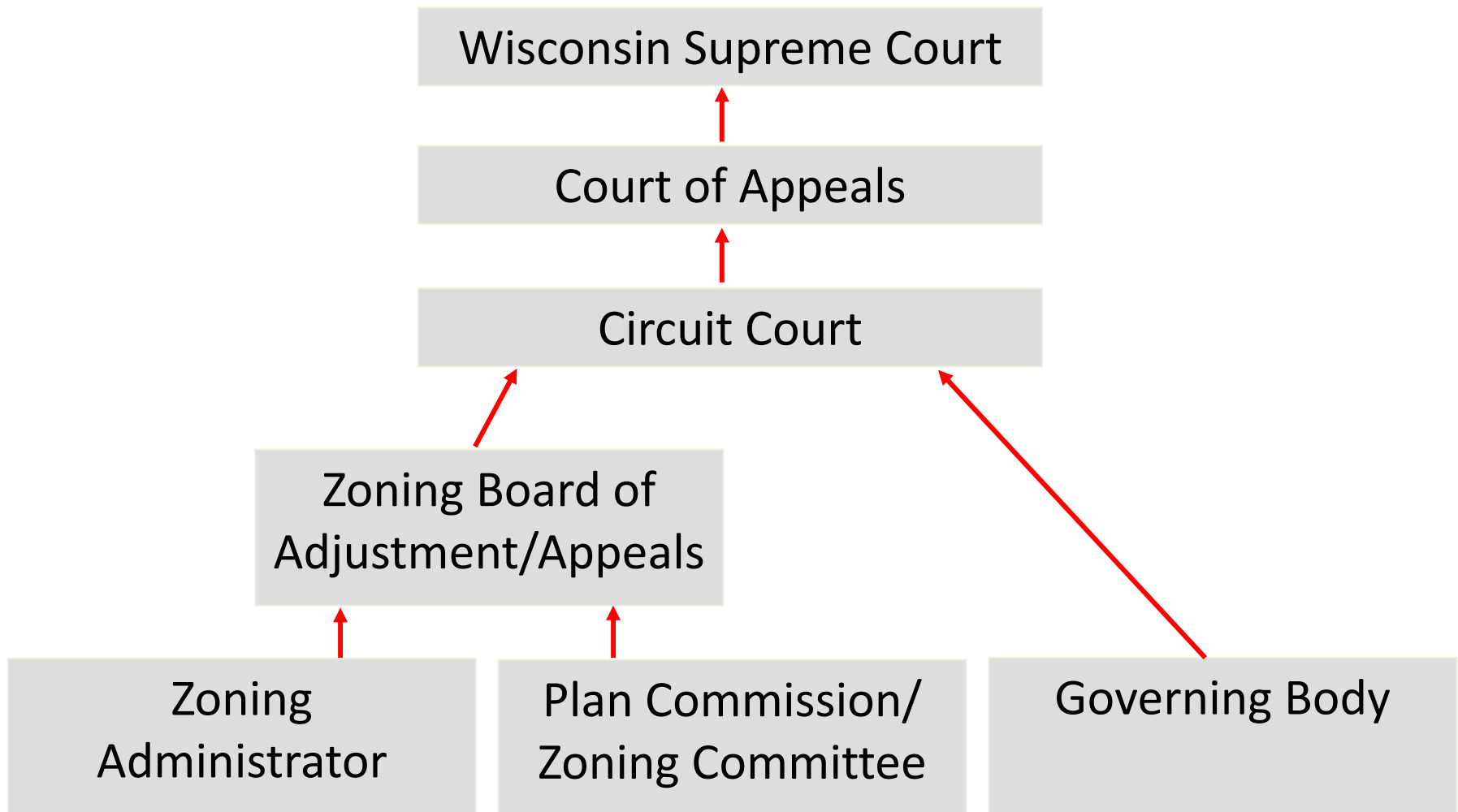
A town recommendation is required as part of the application for a rezone (map amendment) or a conditional use permit. This recommendation is necessary whether a town has adopted a comprehensive plan or has not. Pierce County will seek to further each Town's planning goals when considering the establishment of conditionally permitted uses and when considering approval of a request for a rezone or map amendment.



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# Appeals and Legally Defensible Decisions

# Appeal of Zoning Decisions



# Legally Defensible Decisions

Courts defer to local decision makers when these tests are met:



Authority

Are you empowered by statute or ordinance to act on the matter?



Proper procedures

Did you follow proper procedures?  
(notice, open meeting, public hearing)



Proper standards

Did you apply the proper standards?  
(ordinance, state statute, case law)



Rational basis

Were you unbiased? Could a reasonable person reach the same conclusion?



Evidence

Do facts in the record support your decision?

# Let's Review - Types of Decisions



## Legislative

Exercise broad discretion in making policy.

Example:

- Plans
- Ordinances
- Amendments
- Rezones

Responsibility of governing body, with recommendation of plan commission.



## Quasi-Judicial

Exercise limited discretion in evaluating proposals and applying policy.

Example:

- Conditional Use
- Variance
- Administrative Appeal

Assigned to governing body, plan commission, or zoning board.



## Administrative

Apply clear and objective standards while handling routine ministerial duties.

Example:

- Permitted Use

Handled by the zoning administrator or staff.

# Who Does What?

- Legislative
- Quasi-judicial
- Administrative

Governing Body



Ordinance adoption or amendment

Conditional uses

Plan Commission



Policy recommendations

Conditional uses

Planning and Zoning Staff



Technical support

Permitted uses

Zoning Board of Adjustment / Appeals



Administrative appeals

Conditional uses

Variances

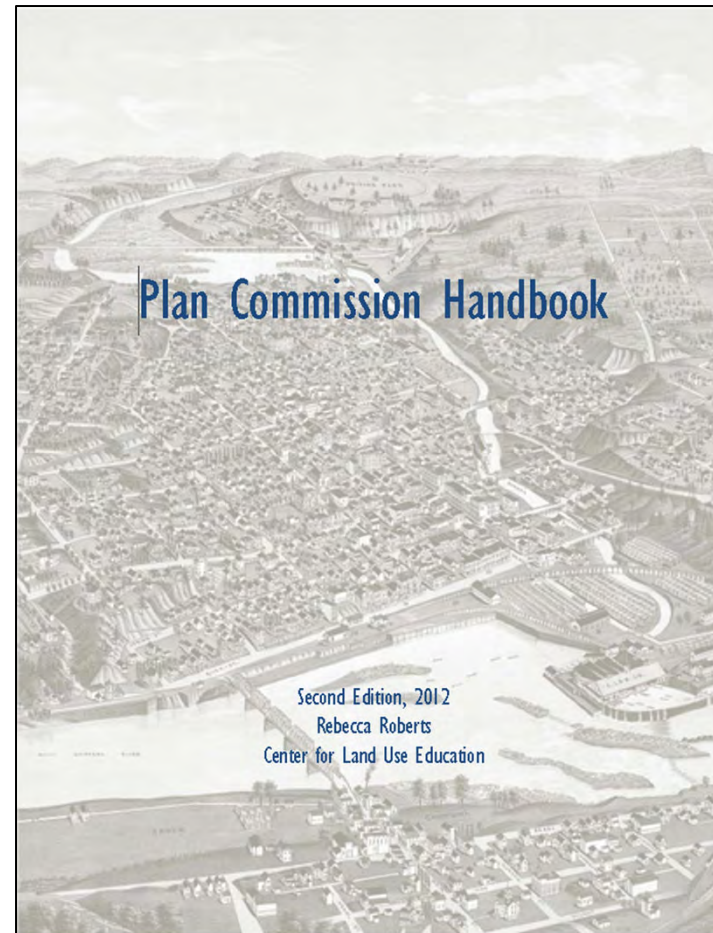
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# Recommended Resources

# Plan Commission Handbook

- I. Introduction to the Plan Commission
- II. Procedural Responsibilities
- III. Community Planning
- IV. Public Participation
- V. Plan Implementation
- V. Ordinance Administration
- VI. Zoning Regulations
- VII. Subdivision Regulations

Includes forms, worksheets, glossaries  
and recommended resources



# Land Use Training & Resources



**Land Use Training & Resources**  
Division of Extension

Search...



[Home](#) [Preparing for a Digital Future »](#) [Plan Commission Training »](#) [Zoning Board Training »](#) [Resources »](#) [About Us](#)



## Preparing for a Digital Future

Information and community examples to assist in improving digital communication through your municipal website. Drive citizens to important information, hold remote meetings and conduct online training.



## Plan Commission Training

Plan Commission Training is designed to orient new members and interested citizens to the roles and responsibilities of the plan commission and to serve as a refresher for veteran members of the commission.



## Zoning Board Training

Zoning Board Training is designed to provide an introduction for new zoning board members and staff to zoning board roles, procedures and standards

<https://fyi.extension.wisc.edu/landusetraining/>



*Thank You!*

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



**Extension**  
UNIVERSITY OF WISCONSIN - MADISON