

## 2023-2025 Ch. 17 Zoning Ordinance Update

I. **Zoning Definition:** The regulation of land uses and where uses can occur in relation to property lines and other nearby land uses. General zoning provisions include dimension standards like height, building area, and setbacks, as well as land use, building, and parking performance standards. The purpose of the ordinance is to balance individual land use rights with the public interest, so that individual owners' actions do not negatively affect the land use rights of their neighbors and the greater community. A zoning ordinance is the primary tool/policy utilized to achieve the long-term vision established, by residents, in communities' plans.

II. **Update Purpose:** *Proactively Modernizing & Clarifying Requirements to Increase Compliance with Statutes, Reduce Non-Conformities, & Incorporate Public Feedback.*

- 2022 Comprehensive Plan update and public feedback recommended updates to the ordinance.
- Much of the ordinance predates 1993. Last update was 13 years ago. First discussed a larger update with towns while short-term rental provisions were drafted and adopted in 2023. It's necessary to modernize some standards to better accommodate changing priorities & needs of residents.
- State laws have changed since the last update (2012). Corporation Council has concerns over our lack of compliance with newer laws like 2017 Act 67 regarding conditional uses (CUPs).
- More clarifying language reduces the need for staff interpretation of "grey areas" and improves transparency for residents.
- Some modern uses are not addressed by current policies. Proposed changes proactively address uses that are becoming popular (ex. data centers, solar, breweries/distilleries, wedding barns).
- Proposed changes incorporate requests zoning staff and the Board of Adjustment (BOA) have consistently heard from residents since the last ordinance update (ex. increases to allowed agricultural building size). Some proposed changes that reduce dimensional requirements will remove restrictive non-conforming status from thousands of buildings and reduce the need for variances at thousands of properties.

III. **Summary of Proposed Changes:**

- Greater dimensional standard flexibility. Reduces need for variances and removes non-conforming status from thousands of parcels. (ex. minor reductions in lot width minimums when served by public sewer to encourage connections, minor increases to height maximums in some districts, minor increases to accessory building square footage maximums)
- Detailed definitions of terms and procedures to reduce the need for interpretation and improve clarity. Improves consistency in application of policies.
- Removed 50% of value limitation on maintenance and reinvestment in nonconforming structures unless they are in the floodplain. Statutes (Act 67) have preempted this restriction.
- Corrects typos and formatting errors. New hyperlinks in the table of contents to improve document navigation. Hyperlinks to state statutes referenced.
- Codifies standards/conditions for Administrative Conditional Use Permits (CUPs) for Base Farm Tract (BFT) residences regarding where homes must be sited in farm preservation areas to prevent loss of farmland.
- Codifies more standards/conditions for Planned Unit Developments (PUDs).
- Added conditions to more conditional uses listed in districts to increase consistency and comply with state statutes 2017 WI Act 67.
- Updates CUP provisions to include more language from state statutes (e.g. CUPs must be approved if requested conditions are met).

- Removes County Board approval requirement for CUPs to increase review efficiency. Final approval at Planning, Resources, and Development Committee (PRD) gives town recommendations more significance.
- Listed more authorized and conditional uses listed in the Public & Institutional, Recreation and Natural Resources, Commercial, Light Industrial, and Industrial districts to include more similar uses and reduce the need for staff to interpret which uses can be allowed.
- Added purpose statements to all districts to assist staff and elected officials in making findings to support their determination and ensure that the purposes of districts are supported by proposed uses.
- Standards to remove non-conforming status of several structures in the Holland Air Park.
- Zero-lot line option for duplexes to support owner occupancy rather than just renter occupancy.
- Increases agricultural building square footage allowed on parcels 10.01 acre to 34.9 acres in size.
- Flexible mixed use dimensional standards in Commercial District. Reduces non-conformities and allows for traditional town centers (e.g. Mindoro, St. Joe's Ridge).
- Added distinction between camping cabins, camping units, and campgrounds to increase flexibility for camping while preventing increases in residential dwelling density in farm preservation areas.
- Detailed BOA procedures. Consistent with state statutes.
- Detailed standards/checklist for review and approval of public hearing items. Increases transparency and assists with elected officials' determinations at public hearings, mitigating potential legal challenges to CUPs and variances.

#### **IV. Proposed Changes Do Not...**

- ...change the zoning map.
- ...add any new, or remove any existing, districts from the ordinance.
- ...remove any uses already authorized in districts.
- ...remove town review authority. (Limitations on denial authority regarding CUPs are in State statutes, and the ordinance must be consistent with statutes.)
- ...increase staff discretion to interpret "grey areas" in the ordinance.

#### **V. Update Timeline (2022 – 2025):**

- *September 2022*: Comprehensive plan update adopted with recommendations for staff to review ordinances and research best practices.
- *Spring 2023*: Consulted towns on new short term rental standards, discussed need for larger update to zoning ordinance.
- *May 2023 - November 2023*: Zoning staff review to incorporate requests of residents and permittees. Evaluation of ways to support recommendations of comprehensive plans. Changes proposed based on research of other ordinances and best practices for managing rural development (ex. farmland preservation, limiting sprawl, conformance with state statutes).
- *February 27, 2025*: Proposed updates presented at the Quarterly Towns Assoc. Meeting
- *February 2024 – June 2025*: Public meetings held at PRD meetings and work sessions to review and draft updates with elected officials.
- *Spring 2025*: Corporation Counsel review of draft.
- *May – June 2025*: Public comment period.
- *June 30, 2025*: PRD Public Hearing
- *July 17, 2025*: County Board 1<sup>st</sup> consideration

- *August 17, 2025 (TENTATIVE):* County Board adoption if no significant changes are requested
- *October 1, 2025:* DATCP/State deadline to recertify zoning ordinance to maintain farmland preservation tax credits.

**VI. Ways to Provide Feedback**

- Provide comments to [dconstant@lacrossecounty.org](mailto:dconstant@lacrossecounty.org) , 608-789-7806, and your County Board Supervisor prior to June 30, 2025.
- No town action is required, but if any town board would like more information about the update or would like to share comments, please contact [dconstant@lacrossecounty.org](mailto:dconstant@lacrossecounty.org) or 608-789-7806. Planning and Zoning staff may be available to present updates to town boards by invitation.
- Attend public hearing June 30, 2025 at 4:30 PM to provide comments directly to the County PRD Committee.
- Informational Presentation July 7, 2025 at 6PM at County Board Planning Meeting.