

Zoning 101



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Introduction



Zoning is one of the most common methods of land use control used by local governments. Zoning works by defining a community into districts, regulating uses that are allowed within those districts, and prescribing allowable dimensions such as lot sizes, setbacks and building height. Zoning can help a community to achieve goals outlined in a comprehensive plan including:

- Protecting public health, safety and general welfare.
- Promoting desirable patterns of development.
- Separating incompatible land uses.
- Maintaining community character and aesthetics.
- Protecting community resources such as farmland, woodlands, groundwater, surface water, and historic and cultural resources.
- Providing public services and infrastructure in an economical and efficient manner.
- Protecting public and private investments.

Local governments in Wisconsin decide for themselves whether or not to adopt general zoning, also known as comprehensive zoning. Authority to adopt general zoning is outlined in state statutes and summarized below:

- Cities and villages may adopt general zoning which applies to lands within their municipal boundaries.¹ Cities and villages may also adopt extraterritorial zoning which applies to land in surrounding unincorporated areas.²
- The zoning ordinance and map describe uses that are allowed within each zoning district.

Additional Forms of Zoning

State statutes require communities to administer certain types of zoning as described below:

- **Shoreland zoning** provides development standards near waterways to protect water quality, aquatic and wildlife habitat, shore cover and natural scenic beauty. Wisconsin statutes require counties to exercise shoreland zoning in unincorporated areas.⁶
- **Shoreland-wetland zoning** generally prohibits or severely restricts development in wetlands near waterways. It has the same objectives as shoreland zoning and is required of counties, cities and villages that have received wetland maps from the state.⁷
- **Floodplain zoning** provides location and development standards to protect human life, health and property from flooding. It is required of counties, cities and villages that have been issued maps designating flood prone areas.⁸

Source: UW- Madison Division of Extension

History



1920 – First Wisconsin zoning ordinance created by City of Milwaukee

1923 – Zoning upheld by Wisconsin Supreme Court

1929 – Wisconsin Legislature authorizes zoning to regulate all uses in rural areas

1933 – Oneida County adopts first comprehensive rural zoning ordinance in the United States

1966 – Wisconsin Legislature adopts the Water Resources Act

1968 – Local governments required to administer minimum shoreland and floodplain zoning regulations

1999 – Wisconsin adopts Comprehensive Planning Law and establishes grant program

2010 – Zoning must be consistent with a comprehensive plan

Source: UW- Madison Division of Extension



Organization

Organization of a Zoning Ordinance

Most zoning ordinances are organized in the following manner:

Title, Authority and Purpose. This section lists the state enabling legislation which empowers the community to adopt zoning and outlines the community’s “statements of purpose” or reasons for having zoning.

General Provisions. This section includes definitions of terms and describes the area affected by the ordinance.

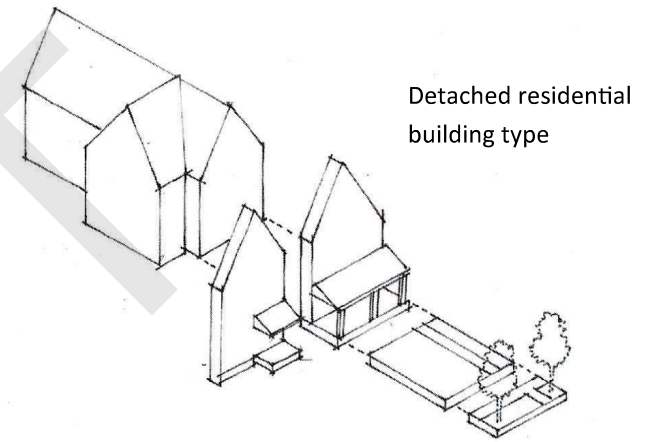
Zoning Districts and Regulations. This section lists and defines each zoning district and sets out rules that apply to land in each district. These rules may include permitted and conditional uses, the density of structural development, dimensions of structures and setbacks, and provisions for open space.

Zoning Nonconformities. This section describes limitations associated with nonconforming uses, structures and lots.

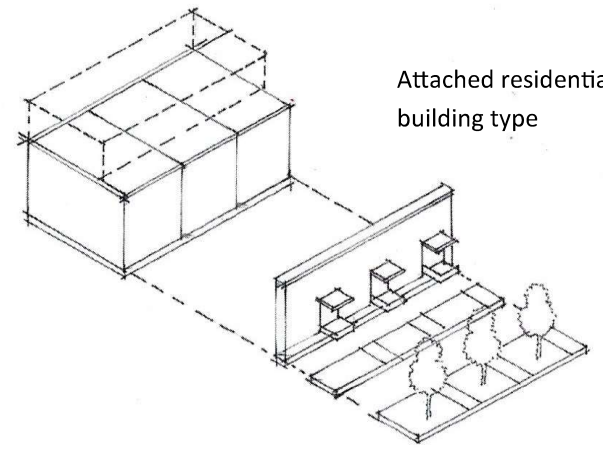
Impact Regulations. This section describes parking, landscaping, signage, historic preservation, environmental and other development regulations designed to mitigate the impacts of development.

Administration and Enforcement. This section outlines the duties of those involved in administering the zoning ordinance, specifies procedures for amending the ordinance, and sets fines for zoning violations. Enforcement techniques generally include refusal of building or occupancy permits, remediation, fines and forfeitures, or court action to force compliance.² Enforcement actions may be initiated by the governing body or an affected landowner.³

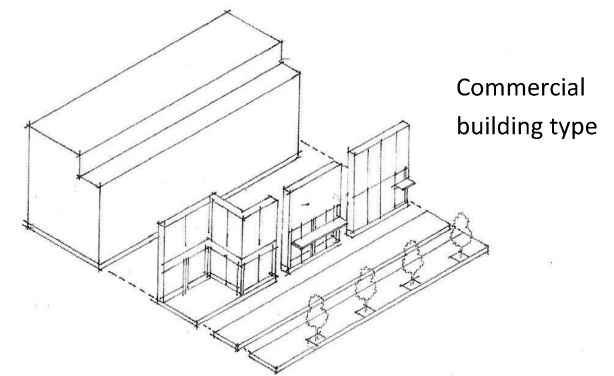
Source: UW- Madison Division of Extension



Detached residential building type



Attached residential building type



Commercial building type

Words, Definitions & Terms



ACCESSORY DWELLING UNITS (ADUs) a small home that is ancillary to a principal dwelling unit on a property.

ARCADE a feature for Retail use where the Facade is a colonnade that overhangs the Sidewalk.

ARCHITECTURAL DESIGN STANDARDS Requirements that specify building materials, details and facade variations.

BLANK WALLS a blank wall is a length of 30 or more feet without openings.

BLOCK FACE all the building Facades on one side of a block

BUILD-TO LINE A horizontal regulation on the lot for where a building must be located.

BY RIGHT a proposal that complies with the code and is permitted and processed administratively, without public hearing.

CIVIC SPACE an outdoor area dedicated for public use.

CONFIGURATION the form of a building, based on its massing, frontage and height.

ENCROACHMENT A structural feature that extends into a yard, space or above a height limit; often used to describe awnings, signs and balconies that project over sidewalks.

FLOOR AREA RATIO (FAR) The ratio of a building's floor area to the size of the lot.

HOME OCCUPATION When a business is located within a residence.

LINER BUILDING A shallow building that is sited in front of parking and service areas.

LIVE WORK a mixed use unit consisting of a commercial and residential uses; intended to be occupied by a business operator who lives in the same structure.

LOT means land occupied by a permitted use including one main building together with its accessory buildings, and the yards and parking spaces and having its principal frontage on a public street.

LOT LINE the boundary that legally and geometrically defines a lot.

MISSING MIDDLE HOUSING A term that refers to small multifamily, live/work and cottage-like residences that are generally more affordable, and their neighborhoods more walkable.

MIXED USE multiple uses within the same building or in multiple adjacent buildings

NONCONFORMING USE means any building or land lawfully occupied by a use per the regulations of the district it is in.
type.

PUBLIC REALM Areas that are not privately owned — including streets, sidewalks, other rights-of-way, open spaces, and public facilities such as parks, green spaces and municipal buildings.

REGULATING PLAN a Zoning Map or set of maps that shows the special requirements subject to, particular regulations, often in response to a well defined context.

2040 Comprehensive Plan Land Use



Future Land Use includes twelve (12) categories (*summarized from the 2040 Comprehensive Plan*):

- **Existing Uses:** Existing Uses are noted within each Future Land Use Category to specify that an existing use is always “Allowable” on any property in La Crosse and that no existing property must be changed in order to comply with the Future Land Use Plan.
- **Low-Density Residential:** Low-Density Residential land uses are predominantly made up of one-two story single-family structures but may also include two- and three-unit dwellings that may have been converted from single-family structures. Other housing types such as townhomes and rowhomes may be compatible, especially if developed to fit a single-family mold.
- **Medium-Density Residential:** Medium Density Residential may include more variety of housing types than Low-Density Residential, including townhomes, rowhomes, small multi-family buildings, and large multi family buildings of two-four stories. The uses in this category are interconnected within surrounding neighborhoods as part of a complete neighborhood, providing access to a variety of uses and amenities through enhanced walkability and connectivity.
- **High-Density Residential:** High-Density Residential typically includes multi-family owner-occupied and rental units in structures taller than three stories. Similar to medium- density, high-density is interconnected within surrounding neighborhoods and may be concentrated in areas with major streets connections and employment and commercial areas.
- **Low-Intensity Mixed-Use:** Low-Intensity Mixed-Use may include relatively small existing and planned activity centers that include a variety of uses such as residential, retail, restaurant, service, institutional, and civic uses primarily serving existing neighborhoods and their residents. The design and layout is typically compact, walkable, and nearby transit.
- **High-Intensity Mixed-Use:** High-Intensity Mixed-Use was included to delineate areas of higher-intensity mixed-uses that support an active and vibrant street life. These can be located within the core of Downtown La Crosse, as well as outside of the Downtown core in areas still appropriate for a higher intensity mix of uses.
- **Neighborhood Retail/Commercial:** These areas include walkable, small-business, small format, independent businesses primarily serving walk-up customers from within the neighborhood.
- **Commercial:** Commercial includes professional service uses, corporate, retail, services, and other commercial/consumer based land uses providing consumer and employment opportunities. Commercial can also feature businesses considered “big box” stores, drive-ups, and large format services such as car dealerships.
- **Industrial:** Industrial includes uses involved in manufacturing, wholesale, storage, distribution, transportation, repair/ maintenance, and utilities. These can also include uses typically identified as “nuisance” uses that should not be located in proximity to residential, neighborhood mixed-use, or other non-residential uses due to noise, odor, appearance, traffic, or other potentially adverse impacts. Screening, buffering, and securitization should be deployed to protect surrounding uses wherever possible.
- **Institutional:** Institutional includes government buildings, structures, and campuses, as well as public community.
- **Parks & Open Space:** This category includes public parks, trails, and recreation areas, private recreation uses (such as golf courses), cemeteries, and other natural features that create a park-like setting. The emphasis is on natural and open spaces that provide for recreation and environmental uses.
- **Conservancy, Wetland, & Agricultural:** This category includes wetlands and marshes, greenways and environmental corridors, and other natural areas. These may function as natural drainage or expansion of the Mississippi River corridor. This category includes areas of the City identified as wooded and steep slope areas and also includes any land or parcel used for agricultural purposes. Agricultural uses are typically located at the periphery of the City.

Refer to the 2040 Comprehensive Plan: <https://www.cityoflacrosse.org/home/showpublisheddocument/7655/638345999839030000>

Future Land Use & Building Types



Low-Density Residential



High-Density Residential



Neighborhood Retail/Commercial (Credit: City)



Low-Density Residential



High-Density Residential



Commercial (credit: La Crosse Chamber)



Medium-Density Residential



Low-Intensity Mixed-Use



Institutional (Credit: City)



Medium-Density Residential

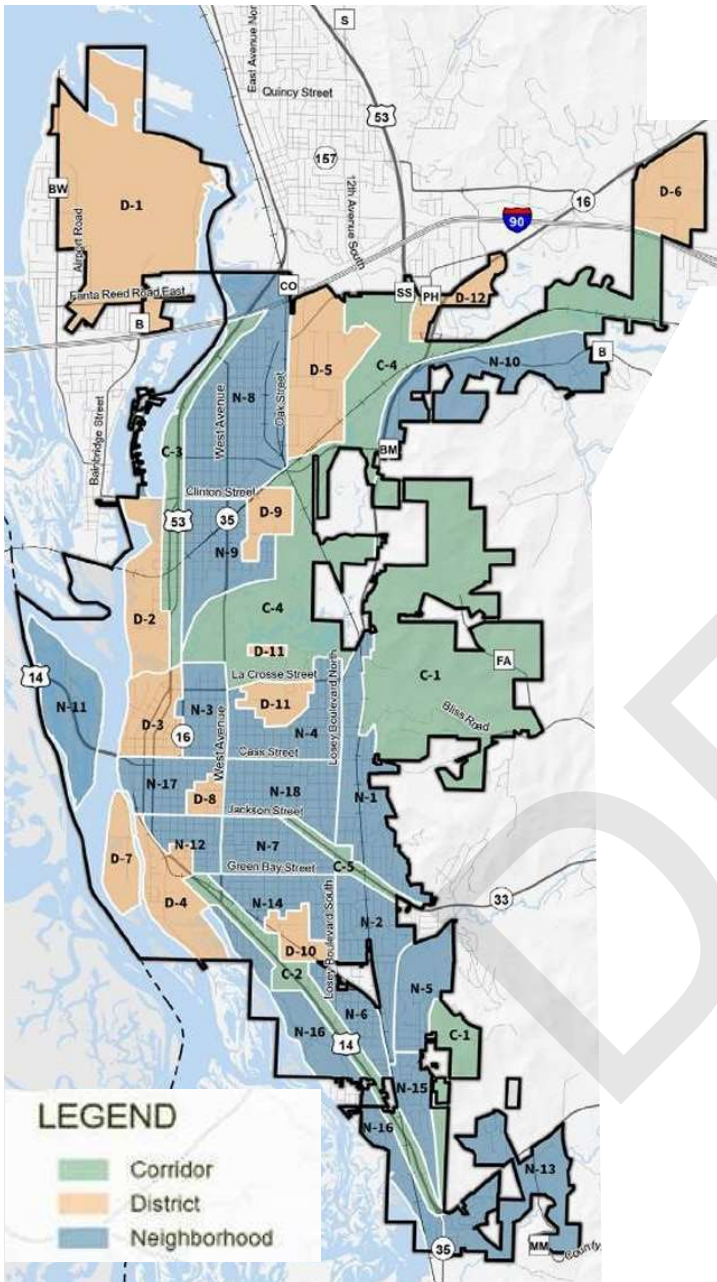


High-Intensity Mixed-Use



Industrial

2040 Comprehensive Plan



The **Comprehensive Plan** sets forth the vision of future land uses within the City of La Crosse. Future land use is based on the “Neighborhood, District and Corridor Framework” (NDC), a system devised by the Congress for New Urbanism (CNU).

How does NDC Work? The intent of the NDC model is to encourage walkable, compact communities that are rich with amenities and celebrate the history of the built environment and the preservation of natural features, all while respecting the fabric of communities. NDC proposes three fundamental classifications that organize La Crosse into a mix of uses rather than isolated land uses.

Neighborhoods:

La Crosse neighborhoods have distinct identities, housing characteristics, unique history, and geographic features. They are typically compact, pedestrian-friendly, and mixed-use. Neighborhoods may contain a number of supporting uses and activities that serve residents, such as parks, schools, libraries, small-scale retail, and other services. Neighborhood associations were consulted during the creation of this comprehensive plan to help identify the vision and land uses within La Crosse's neighborhoods.

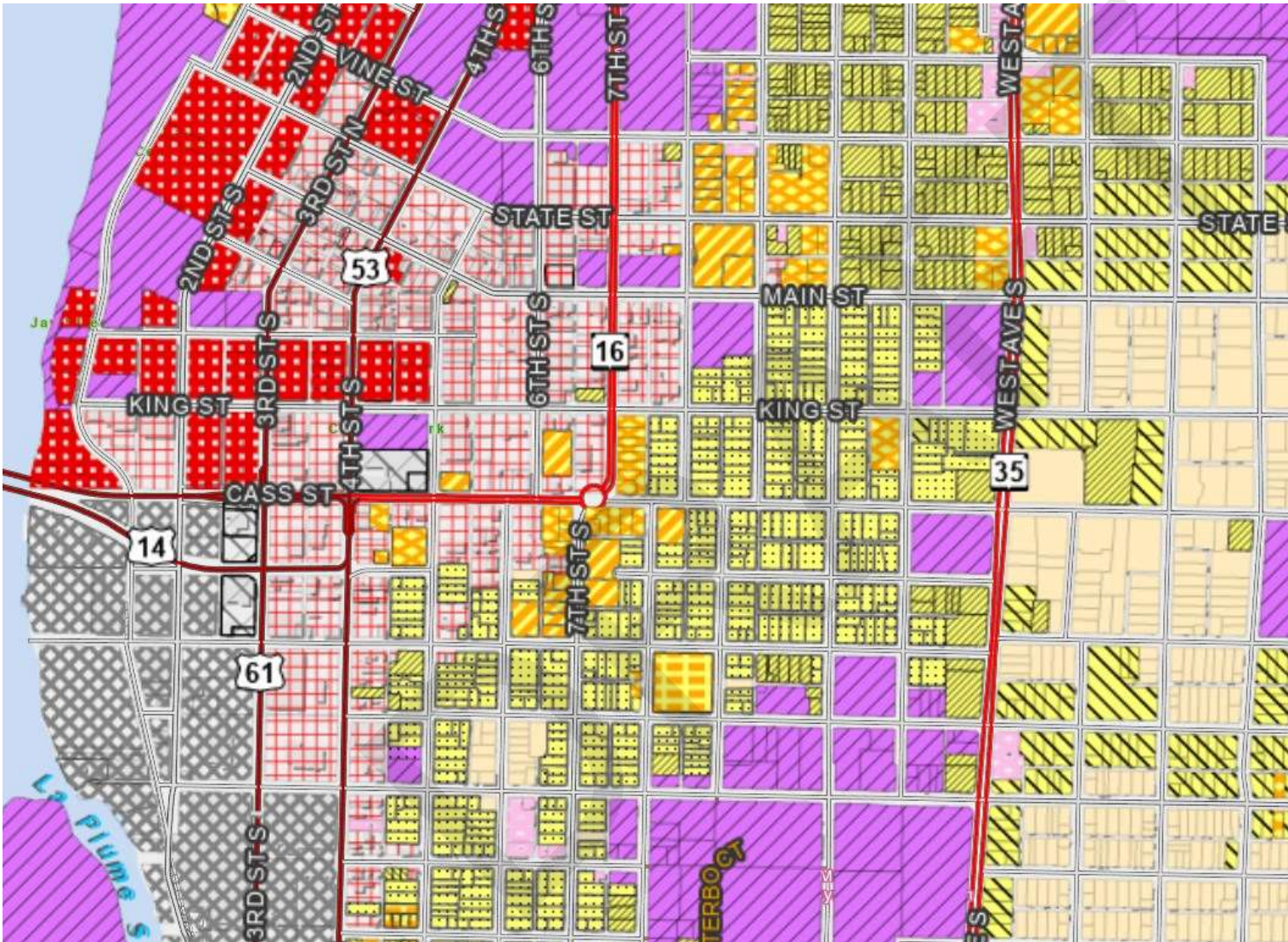
Districts:

Districts are larger areas where the City, property owners, developers, and investors should concentrate business, commercial, and industrial activity and expansion over the next twenty years. Districts may emphasize a special single use or purpose, but may contain a variety of other uses and activities. For example, a shopping district may have primarily commercial uses with a few small-scale industrial uses mixed in. La Crosse's districts are based on types of dominant uses, include overlapping neighborhoods, and have generally larger geographic extents.

Corridors:

Corridors are linear areas that provide connectivity between the neighborhoods and districts. Corridors can accommodate a variety of land uses, including natural, recreational, and cultural uses. They can range from boulevards and rail lines to rivers and parkways. La Crosse has several major corridors identified based on transportation and environmental features.

Zoning Map—Partial Example

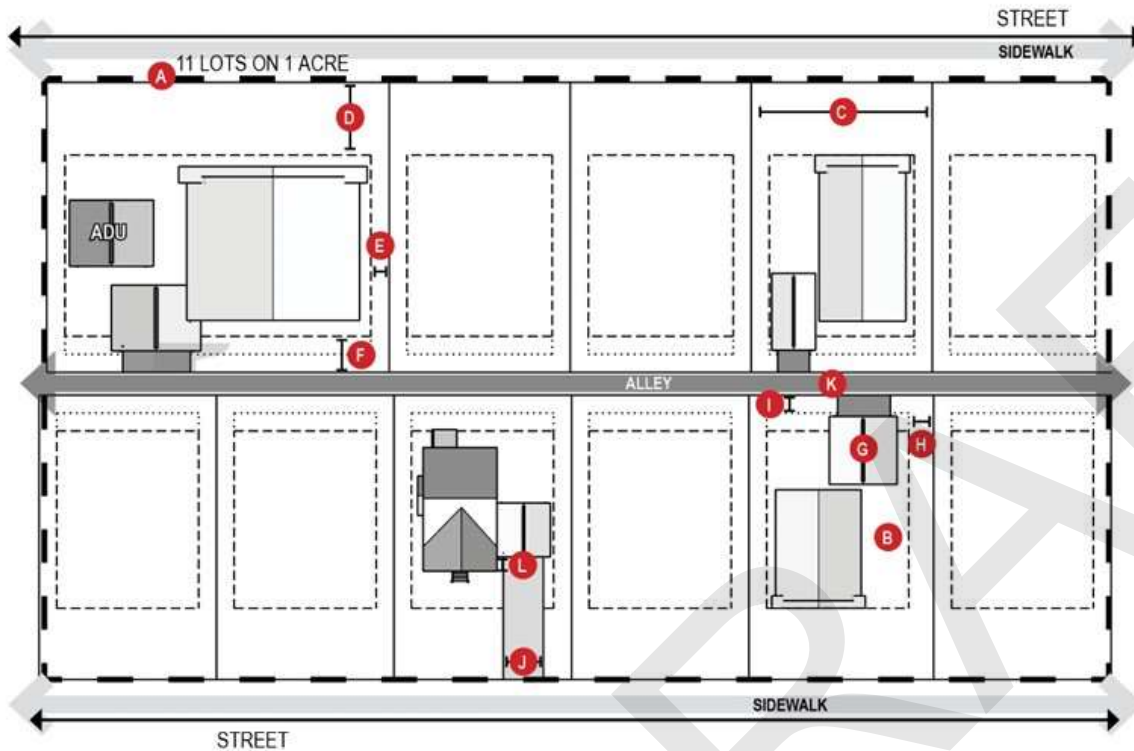


Zoning

Zoning Information

-  R1 - SINGLE FAMILY
-  R2 - RESIDENCE
-  WR - WASHBURN RESIDENTIAL
-  R3 - SPECIAL RESIDENCE
-  R4 - LOW DENSITY MULTIPLE
-  R5 - MULTIPLE DWELLING
-  R6 - SPECIAL MULTIPLE
-  PD- PLANNED DEVELOPMENT
-  TND - TRADITIONAL NEIGHBORHOOD
-  C1 - LOCAL BUSINESS
-  C2 - COMMERCIAL
-  C3 - COMMUNITY BUSINESS
-  M1 - LIGHT INDUSTRIAL
-  M2 - HEAVY INDUSTRIAL
-  PS - PUBLIC AND SEMI-PUBLIC
-  PL - PARKING LOT
-  UT - PUBLIC UTILITY
-  CON - CONSERVANCY
-  FW - FLOODWAY
-  A1 - AGRICULTURAL
-  EA

Dimensional Standards



Typical Lot Regulations

- A: Lot area
- B: Buildable area
- C: Lot width
- D: Front yard/setback
- E: Side yard/setback
- F: Rear yard/setback
- G: Accessory building
- H/I: Parking setback
- J: Driveway width
- K: Alley width
- L: Front loaded garage stepback from main structure



Possible Housing Types



HOUSE HACKS
Entrepreneurial adaptations to an existing home that diversify housing options or generate an income.

- ATTACHED ADU
- DETACHED ADU
- SHARED HOUSE
- GUEST SUITE
- GUEST HOUSE
- HOUSE ON WHEELS
- FLEX SHED

COMMERCIAL INCUBATION
Low-cost ways to grow and validate an early-stage business.

- HOME OFFICE / WORKSHOP
- MARKET TENT
- PUSH CART
- TRAILER
- TRUCK
- TEMPORARY EVENT
- POP-UP SHOP

COMPACT SINGLES
One-unit dwellings that fit on small infill lots alone or in combination with other buildings.

- KIOSK
- MAKERSPACE
- SKINNY HOUSE
- COTTAGE
- SEMI-DETACHED
- ROWHOUSE
- TOWNHOUSE

MIDDLE HOUSING
Multi-unit residential buildings that blend well with detached homes.

- STACKED DUPLEX
- SIDE-BY-SIDE DUPLEX
- FRONT-BACK DUPLEX
- APT HOUSE (RENO)
- HOME CONVERSION
- APT HOUSE (NEW)
- SMALL APT

NEIGHBORHOOD NODE
Walkable neighborhood destinations like corner stores and workspaces. 1-3 storeys, mixed-use or commercial.

- STACKED FLATS
- WALK-UP APT
- COURTYARD APT
- ALLEY TOWNHOUSES
- SHOPHOUSE (GRANDFATHERED)
- LIVE/WORK
- MAINSTREET LITE

COMBO
Creative tactics or building combinations that solve for a common development scenario.

- MAINSTREET (GRANDFATHERED)
- SHOP
- MULTI-TENANT COMMERCIAL
- SMALL MAINSTREET MIXED
- LARGE MAINSTREET MIXED
- PARKING LOT MARKET
- BOOTLEG SHOPHOUSE

STEP BUILDINGS
Small-scale
Time-enhanced
Entrepreneurial
Purposeful

- BOOTLEG TRIPLEX
- DETACHED TRIPLEX
- GUEST VILLAGE
- DOUBLE DUPLEX
- DUPLEX COURT
- COTTAGE SQUARE
- COTTAGE COURT



Much of the form and character of a community is determined by the design of subdivisions and the standards by which they are built. State statutes regulate the technical and procedural aspects of dividing land for development and provide minimum standards for subdivisions related to sanitation, street access and layout.

Local communities (counties, towns, cities and villages) may also adopt local land division or subdivision regulations. Local ordinances may be more restrictive than the state with regard to the number or size of lots regulated. Local ordinances tend to focus on the density, layout and design of new developments. They may also require developers to provide public improvements such as roads, storm sewers, water supply systems, landscaping or signage. If a local community does not exert control over local land divisions, the result may be excessive or premature division of land, poor quality or substandard development, or partial or inadequate infrastructure development.

Among its many purposes, land division regulations can help a community to:

- Address health and safety issues such as stormwater runoff and emergency access.
- Ensure new development is adequately served by public facilities such as roads and parks.
- Provide for the efficient placement and delivery of public services and facilities.
- Promote neighborhood designs that meet the needs of residents.
- Ensure accurate legal descriptions of properties.
- Avoid disputes regarding the sale, transfer or subdivision of land.
- Protect other community interests outlined in a comprehensive plan or local ordinance.



State Defined “Subdivision” – a division of a lot, parcel or tract of land by the same owner that creates 5 or more parcels or building sites of 1½ acre or less, *or* successive divisions of land by the same owner within a five year period that result in 5 or more parcels of 1½ acre or less.

Wis. Stat. § 236.02(12)

Local “Land Division” – local ordinances may be more restrictive than the state definition with regard to the number or size of lots regulated. This publication will generally use the term “land division” to refer to all such developments.

Wis. Stat. § 236.45

Contact Information



Contact Us

City of La Crosse City Hall

400 La Crosse St

La Crosse, WI 54601

Contact Us

info@forwardlacrosse.org

(608) 789-7512

www.cityoflacrosse.org



ZONING
CODE
UPDATE

