

EXTRATERRITORIAL ZONING (ETZ)

What is it?

Cities and villages have been given by statute (Ch. 62.23(7a)) either a 3-mile (if pop. 10,000 or more) or a 1.5-mile extent of zoning control outside their corporate boundaries if the proper cooperative steps with the adjoining town are followed. This allows a city/village to exercise land use control over new development that otherwise might be incompatible with a city/village's future growth.

What is the broad administrative process to initiate ETZ? A city/village must first have an existing zoning ordinance. Before the existing ordinance can be extended into the extraterritorial area, the city/village must describe by an adopted resolution the area to be zoned and its intent to expand its ordinance, publish the resolution within 15 days, and mail a certified copy of the resolution and map to any affected town clerks and the county clerk.



Development on the urban fringe is sometimes not compatible with a city or village's envisioned growth and design standards. (Photo courtesy of Kevin Struck)

The city/village then enacts an interim zoning ordinance "freezing" existing zoning in all or part of the ETZ jurisdiction. The city/village plan commission updates its existing ordinance to include parcels in the ETZ and a Joint Extraterritorial Zoning Committee (3 city/village members and 3 town members) is created to vote on the update. If a

majority of the Joint Committee votes in favor of the proposed regulations, a public hearing is held, after which the city/village council/board may adopt the new regulations. Administrative and enforcement roles for the ETZ may be negotiated between the city/village and the town.

Can a city or village "freeze" the town's local zoning?

Yes, but only within a specified portion of the ETZ. Referred to as an interim zoning ordinance, a "freeze" may be enacted for up to two years, without town, county or state approval – though an adopted resolution, publication, and certified mail notices are still required.

The real purpose is to give the city/village plan commission time to revise its zoning ordinance within the proposed extraterritorial zoning area. Since this action prevents a town from making any zoning changes within the ETZ

while the freeze is in effect, it is recommended that a city/village consult with the town before taking this step.

Must a town agree to ETZ?

The Joint Extraterritorial Zoning Committee consists of 3 city/village members and 3 town members. The final adopted city/village zoning ordinance for the extraterritorial area must be approved by a majority of the members. Actual zoning classifications and decisions are impossible without at least one town vote. Consequently, imposing an ETZ freeze on a town is rarely successful in the long-term, since such an action usually puts the town in a defensive posture – which is unlikely to foster cooperation.

Does a city/village's ETZ replace or overlay (add on to) the existing town zoning?

The statutes do not stipulate one or the other, so either would seem to be allowable.

What are some of the benefits of ETZ?

- Provides for smoother transitions between rural and urban land uses.
- Reduces conflicting land uses, which lessens citizen complaints and protects property values.
- Promotes intergovernmental cooperation and communication – but only if ETZ is enacted after mutual discussion and agreement.
- Makes planning for roads, utilities, recreation facilities, etc. easier.
- Coordinates mutual protection of sensitive areas and natural resources.

[Sources for section on extraterritorial zoning jurisdiction: Wisconsin Department of Administration – Office of Land Information Services; "Using Extraterritorial Zoning to Protect a Municipality's Interests Outside its Boundaries: A Case Study" by Attorney John Laun; "County & Local Government Land Use Planning & Regulation" by James Schneider, J.D. Compiled by Kevin Struck, Growth Management Educator, University of Wisconsin-Extension]