



Fact Sheet: **EXTRATERRITORIAL ZONING (ETZ) JURISDICTION, Ch. 62.23(7a) & 2021 WIS. ACT 198**

July 2022

What is it?

Cities have been given by statute either a 3-mile (if pop. 10,000 or more) or a 1.5-mile extent of zoning control outside their corporate boundaries (city/village islands not included) if the proper cooperative steps with the adjoining town are followed. Villages have been given up to 1.5 miles. 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.

The city/village then may enact an interim zoning ordinance "freezing" existing zoning in all or part of the ETZ jurisdiction. The city/village plan commission updates its existing zoning 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 18 months (with another year's extension possible if approved by the Joint ETZ Committee), without town, county or state approval – though an adopted resolution, publication, and certified mail notices are still required. Once a freeze expires, a city/village must wait at least five years before enacting another freeze.

The real purpose of the freeze 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? Does the state have to sign off?

ETZ can be initiated without town or state approval. However, the final adopted city/village zoning ordinance for the extraterritorial area must be approved by a *majority* of the Joint Extraterritorial Zoning Committee (at least 4 of the 6 total members). Therefore, a new zoning ordinance for the extraterritorial area is impossible without at least one town vote.

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, consequently either would seem to be allowable.

What are some of the benefits of ETZ?

Approximately 20 cities and villages throughout Wisconsin have worked successfully with adjacent towns to create extraterritorial zoning maps and ordinances. Some of the benefits include the following:

- 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.
- Helps avoid multiple communications towers and similar duplications.
- Makes planning for roads, utilities, recreation facilities, etc. easier.
- Coordinates mutual protection of sensitive areas and valued natural resources.

Sources: 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 Atty John Laun; “County & Local Government Land Use Planning & Regulation” by James Schneider, J.D. Compiled by Kevin Struck, Community Development Educator, Sheboygan County.



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