

Introduction

Land use, both existing and future, is the central element of a comprehensive plan. Previous chapters have discussed:

- Projected population growth;
- The quality of the current housing stock available in the Town and potential future housing needs;
- Transportation network challenges with increasing population growth;
- Available utilities and community facilities;
- Local business choices and economic growth opportunities; and,
- Kaukauna's natural resources and recreational opportunities, among others.



The Land Use information portion of this comprehensive plan is segregated into two chapters. This chapter focuses on existing land uses, regulations, trends, and opportunities. *Chapter 10: Future Land Use* discusses desired development patterns, community design standards, and coordination with other required plan chapters. Chapter 10 also includes the *Future Land Use Map*.

Of the 14 local planning goals provided in the Comprehensive Planning Law, those below specifically relate to planning for land use:

- Promotion of the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures.
- Encouragement of neighborhood designs that support a range of transportation choices.
- Protection of natural areas, including wetlands, wildlife habitat, lakes, woodlands, open spaces and ground water resources.
- Protection of economically productive areas, including farmland and forests.
- Encouragement of land uses, densities and regulations that promote efficient development patterns and relatively low municipal, state governmental and utility costs.
- Preservation of cultural, historical and archaeological sites.
- Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
- Balancing individual property rights with community interests and goals.
- Planning and development of land uses that create or preserve varied and unique urban and rural communities.

Existing Land Use Inventory

The Existing Land Use Map (on page 9-5) was created from information provided by the Town of Kaukauna, Outagamie County, East Central Wisconsin Regional Plan Commission, WisDOT, and WDNR, among others. The descriptions of the land use categories illustrated on the Existing Land Use Map are as follows.

AGRICULTURE/VACANT/OPEN SPACE

Agricultural lands, vacant lands, and open spaces are the dominant land use category in the Town of Kaukauna accounting for more than 80% of the Town's total land base (or 14.7 square miles). This category includes active and fallow agricultural lands, remnant prairies, non-wooded non-farmed land, and undeveloped lands. *Chapter 7: Agricultural, Natural, and Cultural Resources* provides detailed descriptions of existing agricultural lands and open spaces.



COMMERCIAL

Commercial land uses are found in various locations in the community but are concentrated within the hamlet of Kaukauna and along the USH 41 corridor. *Chapter 8: Economic Development* provides a description of the various current commercial land uses as well as desired future commercial development.

INDUSTRIAL

Industrial land uses in Kaukauna are located in the southeast portion of the Town along and adjacent to the USH 41 corridor.

PUBLIC/INSTITUTIONAL

The Public/Institutional category includes such land uses as schools, medical clinics, fire stations, and governmental offices. For detailed information related to public and institutional land uses please refer to *Chapter 6: Utilities & Community Facilities*.



RECREATIONAL

Recreational uses may include parks, wildlife areas, and golf courses, among others. Additional information related to recreational resources can be found in *Chapter 6: Utilities & Community Facilities* and *Chapter 7: Agricultural, Natural, and Cultural Resources*.

RESIDENTIAL

Residential land uses represent just more than 3% of the total land base and are scattered throughout the Town. Most housing in Kaukauna occurs as single-family homes on large lots, although a few small subdivisions are located in the east and southeast parts of the Town. Please refer to *Chapter 4: Housing* for additional information related to residential land uses in Kaukauna.



TRANSPORTATION SYSTEM (ROADS, HIGHWAYS, RAIL LINES, AND TRAILS)

Detailed information on the road network can be found in *Chapter 5: Transportation*. The total mileage for existing transportation facilities include:

Federal highways – 6.01 miles
State Highways – 3.78 miles
County Highways – 16.18 miles
Town Roads – 34.00 miles
Total – 59.97



UTILITIES

Utilities include power generation, cellular towers, sanitary districts, electric substations, and lands owned by other service providers. More information is provided in *Chapter 6: Utilities & Community Facilities*.

WATER

Water features include lakes and ponds, but do not include rivers, streams, creeks, and wetlands. Please refer to *Chapter 7: Agricultural, Natural, and Cultural Resources* for additional information on the Town's surface water resources.



WOODLANDS

Woodlands and forested areas are dispersed throughout the community with the largest concentrations located within the Apple Creek corridor. Woodlands account for more than 7% of the total land base and are the second largest land uses following Agricultural/Vacant/Open Spaces. For more information related to woodlands, please refer to *Chapter 7: Agricultural, Natural, and Cultural Resources*.

Land Use by Acreage and Percentage

Table 23 provides a numerical breakdown of existing land uses in Kaukauna. This table is required by 1999 WI Act 9, Wisconsin's Comprehensive Law. Data was provided by Outagamie County Planning Department. As the table shows, the agricultural/vacant/open space category is the largest, encompassing more than 80% of the Town's land base. Woodlands are next largest current land use at just more than 7%. All developed land uses combined (commercial, public/institutional, residential, etc.) account for just 9% of the land base (1,064.4 acres).

Table 23: Existing Land Uses by Total Acreage and Percentage of Total Acreage, 2009.		
Land Use Type	Amount (acres)	Amount (percentage)
Agricultural/Vacant/Open Space	8,646.02	79.86%
Commercial	29.0	0.26%
Industrial	14.9	0.13%
Public/Institutional	8.8	0.01%
Recreational	8.3	0.01%
Residential	379.9	3.50%
Transportation	589.4	5.40%
Transportation Utilities	31.9	0.28%
Utilities	2.3	0.01%
Water	292.2	2.60%
Woodlands	822.8	7.60%
Total	10,825.56 (16.91 square miles)	100%
Land Use Type	Amount (linear miles)	Amount (percentage)
Roads	60.0	100%
- Federal Highways	6.0	10.0%
- State Highways	3.8	6.3%
- County Highways	16.2	27.0%
- Town Roads	34.0	56.7%
Rivers and Streams	53.1	n/a
Rail Road	3.2	n/a
Source: Outagamie County Planning Department and Existing Land Use Map, 2009.		

EXISTING LAND USE MAP TO BE
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Land Use and Development Regulations

KAUKAUNA ZONING

The Town of Kaukauna administers and enforces its own Zoning Ordinance. The zoning ordinance organizes the community into different districts within which specific uses are permitted subject to certain requirements. Others are allowed under conditional use permits.

Kaukauna's zoning code follows a traditional Euclidean¹ model that seeks to segregate uses by type and establishes dimensional requirements related to lot size, setbacks and building height. As new uses are created over time, they are listed specifically in the zones in which they are permitted. To be effective, this type of code must list every possible use and establish a zone in which that use would be appropriate. Euclidean codes are based on a philosophy that separation of uses will create a safer, healthier environment.

The Zoning Map appears on page 9-7. Table 24 (on page 9-8) provides a description of the zoning districts found in the Town of Kaukauna.

ALTERNATIVE ZONING METHODS

In recent years, the planning profession has developed alternative zoning models based on building form and performance standards. These models may provide a better means of addressing more complex land uses such as mixed-use than the traditional model. Additional information on alternative zoning methods can be found in *Chapter 10: Future Land Use*.

Form-based zoning codes regulate a community based on the appearance rather than the type of use. Different elements of form-based zoning include building line, landscaping, lighting, signage, building size, building materials and building design.

Performance Standards (or Performance-based Zoning) seek to regulate based on a particular set of operation standards rather than on particular type of use. They provide specific criteria for limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire hazards, wastes, traffic impacts and visual impacts of a use. With this approach, the proposed use is not a factor in development. If all operation standards can be met, any use can be permitted adjacent to another. Some communities are also using hybrid-zoning codes that combine performance and form-based zoning criteria to regulate land use.

These alternative zoning methods may become desirable should the Town of Kaukauna pursue mixed-use development opportunities in the community.

¹ Reference to Euclid vs. Amber Realty Company, 1926 U.S. Supreme Court Decision, which serves as the foundation for zoning practice in the United States.

ZONING MAP TO BE INSERTED
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Table 24: Town of Kaukauna Zoning Districts. ²		
Districts	Permitted Uses	Minimum Lot Size
Exclusive Agriculture	Dairying, floriculture, grazing, livestock and poultry, nurseries and orchards, crops, roadside stands, among others.*	35 acres (with 1-acre parcel allowable under certain conditions)
Resource Conservation	Farming, boat landings, fish hatcheries, forest and game management, hunting and fishing clubs, navigation, park and recreation areas, streambank protection, swimming beaches, wilderness and wildlife areas, hiking and nature trails, wild crop harvesting.	n/a
Rural Residential Development	Single-family dwellings, churches, schools, libraries, general farming, nurseries and greenhouses, parks and playgrounds, accessory buildings, among others.*	?
Commercial	All list in Rural residential District, two-family residences, retail businesses and service, motor vehicles sales, clinics, among others.*	?
Light Industrial	All uses permitted in Commercial, numerous others.*	?
Heavy Industry	Residential, educational, institutional, hazardous uses, wrecking and storage yards, telecommunications towers.*	?
* Please refer to the Town of Kaukauna Zoning Ordinance for detailed descriptions of permitted and conditional uses within the zoning districts. Source: Town of Kaukauna Zoning Ordinance, 2009.		

SHORELAND ZONING ORDINANCE³

The Outagamie County Shoreland Zoning Ordinance governs all activities within shoreland areas in the County and requires land use permits for certain activities that occur within 1,000 feet of a lake, pond, or flowage, 300 feet on both sides of a navigable river, stream, or creek, and the landward side of the 100-year floodplain. Activities requiring a permit include, but are not limited to, construction of buildings, decks, and patios, removal of shoreline vegetation, filling and grading of property, and various other activities that can affect the quality of shorelines and water.

² Subject to Change. Consult the Town of Kaukauna Zoning Ordinance for current requirements.

³ Source: Much of the text included in this section was excerpted from the Fond du Lac County website, <http://www.fdlco.wi.gov/Index.aspx?page=285>, 2009.

SUBDIVISION REGULATIONS

Outagamie County administers and enforces the Land Division/Subdivision Ordinance in Kaukauna. Issues covered include but are not limited to technical requirements, design standards for plats, certified survey maps, and land-only condominiums, variances, and required improvements and dedications (i.e. street improvements, utility easements, sanitary sewer, etc.). The Town has the statutory authority to adopt its own subdivision ordinance and assume administrative and enforcement responsibilities for land divisions and subdivisions in the community.

EXTRATERRITORIAL PLAT REVIEW

The City of Kaukauna and Village of Wrightstown may exercise extraterritorial plat review authority over lands within 1 ½ miles of their corporate boundaries (see box on following page). The Town will continue to work with the City and Village to ensure that growth patterns are consistent with future growth and development plans.

What is Extraterritorial Plat Review?

A city or village automatically has extraterritorial plat review that applies to the neighboring town if they have a subdivision ordinance or an *Official Map*. The goal of plat review is to ensure that adjacent town/city/village land uses are compatible. The city or village may regulate the subdivision of land within the extraterritorial jurisdiction of that municipality (i.e. within 1.5 miles of a Village or 4th class City, and 3 miles of a 1st, 2nd, or 3rd class City boundary).

Extraterritorial zoning allows for the city or village to actually extend their *zoning* into the town for the applicable 1.5 or 3 miles.

Source: Ohm, Brian. Guide to Community Planning in Wisconsin, 1999.

- Establish Joint Extraterritorial Zoning Committees. One must be established for each participating community, with three members appointed from each committee.
- An initial draft extraterritorial zoning ordinance is developed.
- The initial draft extraterritorial ordinance must be reviewed by each Joint Extraterritorial Zoning Committee. Each Joint Extraterritorial Zoning Committee will comment on the initial draft and a second draft can then be produced.
- A majority of each Joint Extraterritorial Zoning Committee must vote in favor of the proposed regulations prior to setting a public hearing.
- After the hearing, the City Council or Village Board adopts the regulations. The final adopted City ordinance for the extraterritorial area must also be approved by a majority of the Joint Extraterritorial Zoning Committee members.

Once in effect, the criteria for approving or denying extraterritorial zoning requests may include:

- The location, nature, and size of the proposed use.
- The size of the site in relation to the proposed use.

- The location of the site with respect to existing or future road access.
- The agricultural productivity of the lands to be converted to non-agricultural use.
- The compatibility of the proposed use with existing uses on adjacent land.
- The harmony of the proposed use with the future development of the district.
 - a. Availability of adequate public facilities to accommodate the development shall either presently exist or be provided within a reasonable time.
 - b. The provision of public facilities to accommodate development will not place an unreasonable fiscal impact on the City/Village or the Town.
- Existing topography, drainage, soil types, and vegetative cover.
- Whether development will result in undue water or air pollution, cause erosion, excessive stormwater runoff, or have an unreasonably adverse effect on environmental corridors and the Fox River.
- Compatibility with the Town of Kaukauna Comprehensive Plan.

Trends in Supply, Demand, and Price of Land

RESIDENTIAL DEVELOPMENT

Residential development accounts for less just more than three percent of the Town's total land area. As discussed in *Chapter 8: Economic Development*, residential is the costliest land use in terms of tax revenue needed to maintain the services and infrastructure associated with that form of development.

Single-family homes account for a disproportionate percentage of all housing units in Kaukauna. The most glaring needs, at present and in the future, are affordable housing and housing for seniors. Currently, those residents seeking or requiring alternative forms of housing must look outside of Kaukauna.

FARMING

Throughout the planning process, residents have expressed a strong desire to retain farming as a significant component of the Town's landscape and economy. However, the local farming economy has continued to see the number of area farms decrease. This can be attributed to diminished farm product returns, aging farmers seeking retirement through land sales, and demand for rural housing. Simple economics also plays a role in the loss of farmland. Farmers have the choice to either rent their farmland or sell their land at development premiums. Long-term agricultural uses are most likely to continue in the central and western portions of the Town away from the Highway 41 corridor.

Preservation of rural character is contingent upon successful efforts to retain farmland. *Chapter 7: Agricultural, Natural and Cultural Resources* and *Chapter 12 Implementation* provide additional detail about strategies to preserve farming, including:

- Encouraging landowners to pursue opportunities to partner with land trusts charged with the protection of natural areas and farmland;

- Encouraging landowners to consider conservation-based development options to preserve farmland;
- Establishing an Agriculture Committee to minimize farmland conflicts through negotiation and open communication;
- Establishing networks, through the Agriculture Committee, to connect farmers who are considering selling their property with other farmers who would like to acquire additional property; and,
- Evaluating the merits of implementing a transfer and/or purchase of development rights program.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

As has been demonstrated throughout this plan, commercial and industrial development represents a small portion of land use within the community. Local resident sentiment would like to see only slight increases in business activity, clustered in identified growth areas (CR N/USH 41 intersection and adjacent to the hamlet of Kaukauna)

Though representing a relatively small fraction of land in the Town, commercial activities are important to the residents of Kaukauna. Local businesses not only reduce the frequency of trips out of Town for shopping needs, but also employ residents and provide tax revenue. By carefully locating appropriate and desired commercial development within identified growth areas residents can enjoy a greater variety of choice for local shopping and a boost in employment, while simultaneously preserving the rural nature of the Town, providing convenient access to motorists and Town residents, and avoiding conflict with neighboring land uses.

DEMAND

The population of the Town is projected to grow significantly during the next twenty years (by 41.7%, from 1,239 to 1,756). The increased population in combination with a declining number of people living in each household, will result in a demand for additional housing (please refer to *Chapter 4: Housing*). Providing housing options for all stages of life and all lifestyles will be important to meet future resident demand. By providing some choices, the Town may accommodate the housing demands of families, seniors, and other year-round residents.

TRENDS IN LAND AND HOUSING PRICES

Land prices in the Town are expected to steadily rise as more people continue to relocate to Kaukauna to take advantage of its great location, natural resources, proximity to the Fox Cities, and other amenities.

Opportunities for Redevelopment

Opportunities for redevelopment are typically found in urban environments. As a rural community, Kaukauna has limited areas in need of, or desirable for, redevelopment. Most existing structures in the Town are in good condition with few properties meeting the legal definition of blighted.