

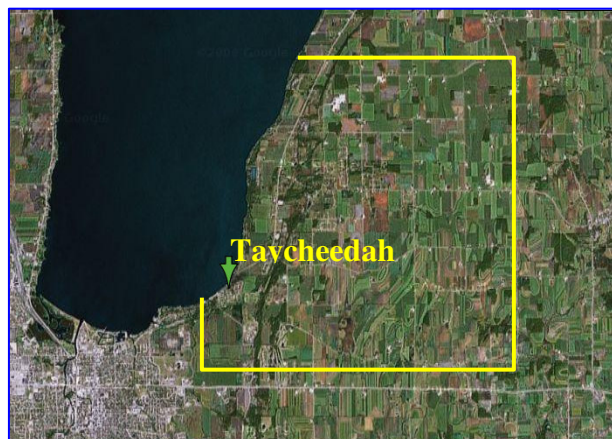
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Existing Land Use

Introduction

Land use is the central chapter of the comprehensive plan. Previous chapters have discussed:

- ✓ Projected population growth;
- ✓ The quality housing 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,
- ✓ Taycheedah's abundant natural resources.



The Land Use section of this comprehensive plan is segmented into *two* chapters. Chapter 9 focuses on existing land uses, regulations, trends, and opportunities. Chapter 10 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 listed below specifically relate to planning for land use:

- ✓ Promotion of the redevelopment of lands with current 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 habitats, lakes, woodlands, open space 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.

To appreciate Taycheedah's rural character, one only needs to look at the landscape. From Lake Winnebago to the Niagara Escarpment and across the rolling farmfields hills, Taycheedah is a beautiful community with wonderful views and expanding development potential. These attributes are echoed in the value statements presented in Chapter 1 and the strengths, weaknesses, opportunities and threats listed in Chapter 2.

Existing Land Use Inventory

The *Existing Land Use Map* was created from information provided by the East Central Wisconsin Regional Planning Commission (ECWRPC), Fond du Lac County, and the Town of Taycheedah. The descriptions of the land use categories illustrated on the *Existing Land Use Map* are as follows.

AGRICULTURAL

Agricultural lands include farm fields, pasture, orchards, and rented cropland. Farmland is abundant in Taycheedah, particularly in the eastern half of Town. Chapter 7 provides more information about agriculture in Taycheedah.

CEMETERIES

Cemetery locations are also illustrated on the *Existing Land Use Map*. A few cemetery profiles are included in the Utilities and Community Facilities Chapter (6).

COMMERCIAL

Commercial land uses are concentrated primarily in the communities of Taycheedah, Peebles, and St. Peter. Chapter 8 profiles economic development opportunities in Taycheedah.

SINGLE-FAMILY RESIDENTIAL

Single-family residential development is spread throughout the Town with the vast majority concentrated within communities and subdivisions in the western portion of the Town. Information about the characteristics and quality of the housing supply is available in Chapter 4.

FARMSTEADS

Farmsteads are a numerous occurrence throughout the Town. They represent the area of a farm property on which the buildings (home, barn, silos etc.) are located.

INDUSTRIAL

Industrial land uses, as shown on the *Existing Land Use Map*, include light and heavy industrial activities. Industrial properties are scattered throughout the community. To learn more about area economic development opportunities, refer to Chapter 8.

INSTITUTIONAL

The Institutional category can include such uses as churches, medical clinics, fire stations, prisons/jails, and the Town Hall. For more information about area churches refer to the Cultural Resources portion of Chapter 7. For information about the local school districts and the prison refer to the Utilities and Community Facilities Chapter: Chapter 6.

MINING

Non-metallic mining operations located in the Town are shown on the Existing Land Use Map. For more information about non-metallic mining, refer to the Agricultural, Natural and Cultural Resources Chapter (7), as well as the Economic Development Chapter (8).

MOBILE HOMES

A few mobile homes are found in the community and identified on the Existing Land Use Map. Additional mobile home park development is not expected in Taycheedah.

MULTIPLE-FAMILY RESIDENTIAL

Multiple-family dwellings are defined as residential units with three or more units per structure. Apartments, quadplexes, and senior housing are each examples of multiple-family dwellings. There is very little multiple-family development in the Town (roughly 3.4%). For more information about housing refer to Chapter 4.

RECREATIONAL

Recreational uses include golf courses, parks, trails, and Wisconsin Department of Natural Resources properties among others. Refer to Chapters 6 (Utilities & Community Facilities) and 7 (Agricultural, Natural & Cultural Resources) for more information on recreational opportunities in Taycheedah.

UNDEVELOPED

Areas classified as “undeveloped” include residential subdivision lots that are not yet developed, permanently preserved open spaces within subdivisions, and other areas that are not classified as wooded, wetland or farmland (i.e. shrub covered, open space).

UTILITIES

Utilities include cellular towers, sanitary districts, electric substations, and lands owned by other service providers. More information is provided in Chapter 6.

WATER FEATURES

Water features include ponds, streams, creeks, drains, and Lake Winnebago. To learn more about surface water see Chapter 7.

WOODLANDS

Woodlands are sporadic throughout the Town, concentrated more heavily on the western portion of Taycheedah among the community and subdivision development. They represent about 7.34% of the Town land cover.

Table 21 is a numerical breakdown of the Existing Land Uses in the Town. This table is required by 1999 WI Act 9, Wisconsin’s Smart Growth Law. The net density (total number of dwelling units divided by all residential acres) in the Town is .63 dwelling units/acre (944 housing units/1,507.64 acres).

TABLE 21 CURRENT LAND USE AMOUNT & INTENSITY		
Land Use Type	Amount (in acres)	% of Planning Area (Town Limits)
Agricultural	12724	66.12%
Cemeteries	14	0.07%
Commercial	55	0.29%
Farmsteads	371	1.93%
Industrial	22	0.11%
Institutional	9	0.05%
Mining	78	0.41%
Mobile Homes	9	0.05%
Multiple Family	4	0.02%
Recreational	43	0.22%
Roads	818	4.25%
Single Family	1525	7.92%
Undeveloped	2064	10.73%
Utilities	16	0.08%
Water	112	0.58%
Woodlands	1390	7.22%
Total	19254	100%

Land Use and Development Regulations

TAYCHEEDAH ZONING

The Town of Taycheedah has adopted and enforces its own zoning ordinance. The zoning ordinance organizes the community into different districts. Within each district, specific uses are permitted subject to certain requirements.

Taycheedah’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.

ALTERNATIVE ZONING METHODS

In recent years, the planning profession has developed alternative zoning models based on the building form and performance standards.

1. **Form-Based Zoning.** 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.

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.

- Performance Standards.** Codes based on performance standards seek to regulate based on a particular set of operation standards rather than on particular type of use. Performance standards 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. The *Town of Taycheedah Zoning Ordinance* includes some performance standards², which may benefit the community in the future as it will allow for greater flexibility in land use decisions.

Table 22 provides a breakdown of the different zoning districts found in the Town of Taycheedah. For additional information such as specific permitted and conditional uses refer to the *Town of Taycheedah Zoning Ordinance*.

TABLE 22 TOWN OF TAYCHEEDAH ZONING DISTRICTS ³						
District	Minimum Area	Minimum Frontage	Front Setback	Side Setback	Rear Setback	Dwelling Height
R-1 Single-Family Residential with Public Sewer	<p>½ Acre</p> <p>Minimum lot width of 75 ft. at the building line</p> <p>Minimum lot width of 75 ft. at the water's edge on riparian lots</p>	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	<p>25 Feet</p> <p>Riparian lots shall comply with County and State regulations</p>	<p>32 Feet</p> <p>Cannot exceed 2.5 stories from foundation to peak of roof</p>
R-2 Single-Family Residential without Public Sewer	<p>1½ Acres</p> <p>Minimum lot width of 120 ft. at the building line</p> <p>Minimum lot width of 75 ft. at the water's edge on riparian lots</p>	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	<p>25 Feet</p> <p>Riparian lots shall comply with County and State regulations</p>	<p>32 Feet</p> <p>Cannot exceed 2.5 stories from foundation to peak of roof</p>
R-3 Two-Family Residential with Public Sewer	½ Acre	100 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	<p>25 Feet</p> <p>Riparian lots shall comply with County and State regulations</p>	<p>32 Feet</p> <p>Cannot exceed 2.5 stories from foundation to peak of roof</p>
R-4 Two-Family	<p>1½ Acres</p> <p>Minimum lot width of 100 ft. at the building</p>	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall	<p>25 Feet</p> <p>Riparian lots shall comply with</p>	<p>32 Feet</p> <p>Cannot exceed</p>

² Performance standards found in the *Taycheedah Zoning Ordinance* include: noise, vibration, glare and heat, odor, fire and explosive hazards, air pollution, hazardous pollutants, radioactivity and electrical disturbances, and refuse.

³ Subject to Change. Consult the Town of Taycheedah Zoning Ordinance for Current Requirements.

Residential without Public Sewer	line Minimum lot width of 75 ft. at the water's edge on riparian lots			any one side be less than 10 feet	County and State regulations	2.5 stories from foundation to peak of roof
R-5 Single-Family and Two-Family Residential with Public Sewer	1½ Acres Minimum lot width of 80 ft. at the building line Minimum lot width of 75 ft. at the water's edge on riparian lots	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	25 Feet Riparian lots shall comply with County and State regulations	32 Feet Cannot exceed 2.5 stories from foundation to peak of roof
District	Minimum Area	Minimum Frontage	Front Setback	Side Setback	Rear Setback	Dwelling Height
R-6 Single-Family and Two-Family Residential without Public Sewer	20,000 sq. ft. for a single-family unit 1½ Acres for a two-family unit Minimum lot width of 100 ft. at the building line Minimum lot width of 75 ft. at the water's edge on riparian lots	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	25 Feet Riparian lots shall comply with County and State regulations	32 Feet Cannot exceed 2.5 stories from foundation to peak of roof
R-7 Lakeside Single-Family Residential	10,000 sq. ft. for a single-family unit Minimum lot width of 65 ft. at the building line Minimum lot width of 65 ft. at the high water mark	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	25 Feet Riparian lots shall comply with County and State regulations Lakeshore lots shall have a minimum setback of 75 from the ordinary high water mark	32 Feet Cannot exceed 2.5 stories from foundation to peak of roof
R-8 Residential Estate	5 acres for a single-family unit	150 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	25 Feet Riparian lots shall comply with County and State regulations	32 Feet

MFR Multiple-Family Residential District	15,000 sq. ft.; 3,500 sq. ft. for each multi-family unit on public sewer 40,000 sq. ft.; 3,500 sq. ft. for each multi-family unit not on public sewer No more than 12 units per acre and at least 20% of the area shall be open space	100 Feet	100 feet from the center of public streets or highways and 30 feet from the lot line in a platted subdivision	25 feet for each building	30 Feet for each building Setback from any navigable waterway shall be 75 feet	35 Feet or 2.5 stories from the foundation to the peak of the roof
C-1 Conservancy District	1.5 acres	***	20 feet	20 ft.; structures used for housing animals must be 100 ft. from lot line	20 feet	35 feet from the foundation to the peak of the roof
District	Minimum Area	Minimum Frontage	Front Setback	Side Setback	Rear Setback	Dwelling Height
A-1 Exclusive Agricultural	5 acres Minimum lot size for an additional residence under Subsection (c)(2) is 20,000 sq. ft.	***	***	10 feet from farm dwellings and accessory structures to the nearest lot line For livestock housing structures this setback is 100 feet from the nearest lot lines	10 feet from farm dwellings and accessory structures to the nearest lot line For livestock housing structures this setback is 100 feet from the nearest lot lines	***
A-T Agricultural Transition	5 acres Minimum lot size for an additional structure under Subsection (c)(2) is 20,000 sq. ft.	***	***	10 feet from farm dwellings and accessory structures to the nearest lot line For livestock housing structures 100 feet from the nearest lot lines	10 feet from farm dwellings and accessory structures to the nearest lot line For livestock housing structures 100 feet from the nearest lot lines	***
B-1 Business District with Public Sewer	½ Acre Minimum lot width of 80 ft. at the building line Minimum lot width of 75 ft. at the water's edge on riparian lots	50 Feet	***	Sum of both sides shall not be less than 25 feet; nor shall any one side be less than 10 feet	25 Feet Riparian lots shall comply with County and State regulations	Not to exceed 60 feet
B-2 B-2 Business	1½ Acres		***	Sum of both sides shall not	25 Feet	32 feet & Can not exceed 2.5 stories from

<p>District without Public Sewer</p>	<p>Minimum lot width of 120 ft. at the building line Minimum lot width of 75 ft. at the water's edge on riparian lots</p>	<p>50 Feet</p>		<p>be less than 25 feet; nor shall any one side be less than 10 feet</p>	<p>Riparian lots shall comply with County and State regulations</p>	<p>foundation to peak of roof</p>
<p>I-1 Industrial District</p>	<p>20,000 sq. ft. Minimum 100 feet in width at building line Buildings and accessory structures may not cover more than 50% of the area</p>	<p>***</p>	<p>60 feet; or the average of surrounding buildings if built in established districts; but not less than 15 feet from right-of-way</p>	<p>15 feet or greater; no accessory building shall project into the required side yard space.</p>	<p>Not less than 25 feet. There shall be space within this setback for the loading and unloading of vehicles.</p>	<p>***</p>

Source: *Town of Taycheedah Zoning Ordinance*

4/27/2009

ZONING MAP HERE

SUBDIVISION REGULATIONS

The *Town of Taycheedah Subdivision Ordinance* outlines procedures for land division, technical requirements, design standards for plats and certified survey maps, park and public land dedication, variances, and required improvements (i.e. street improvements, curb and gutter, sidewalks⁴ etc.). The ordinance also includes provisions for open spaces (park and public lands) in subdivisions, but provides limited guidance for such development design and objectives. The Housing Chapter (4) of this plan outlines some potential changes to the ordinance for local consideration.

EXTRATERRITORIAL PLAT REVIEW

The City of Fond du Lac has extraterritorial plat review authority at this time, but Taycheedah and Fond du Lac have mapped planning/growth areas. The *Town of Taycheedah 1997 Comprehensive Plan* shows anticipated Town and City growth areas. Growth areas are also illustrated on the *Future Land Use Map* in this plan.

The Town will continue to work with the City to ensure growth patterns are consistent with this and future plans.

EXTRATERRITORIAL ZONING

Currently, extraterritorial zoning is not in effect in the Town of Taycheedah. There are no plans to establish extraterritorial zoning at this time. The **process for adopting an extraterritorial zoning ordinance⁵** is as follows:

- ✓ Joint Extraterritorial Zoning Committees must be established for each participating community. Specifically, a Joint Extraterritorial Zoning Committee that includes three members from the City of Fond du Lac and three members from the Town of Taycheedah (and three members from another other town included in the ordinance) would need to be established.
- ✓ 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 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. Consequently, the Extraterritorial Zoning Ordinance cannot be approved without at least one Town member vote.

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

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 and 3 miles of a 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.

⁴ Other required improvements include: sanitary sewerage, water supply facilities, stormwater, utilities, street trees, signage, erosion control and easements

⁵ A zoning ordinance that guides growth within the unincorporated area within 3 miles of the corporate limits of a first, second, or third-class city; or within 1.5 miles of a fourth class city or village. The purpose is to ensure growth that is compatible with current uses. The Town must approve the zoning ordinance for it to take effect.

- ✓ 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 involved and the acreage of productive agricultural land to be converted to non-agricultural use by the proposed use.
- ✓ The compatibility of the proposed use with existing uses on adjacent land.
 - The proposed use shall not force a significant change in accepted practices on surrounding lands devoted to farm or forest use.
 - The proposed use shall not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
- ✓ The harmony of the proposed use with the future development of the district.
 - The proposed use shall not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
 - Availability of adequate public facilities to accommodate the development shall either presently exist or be provided within a reasonable time.
 - The provision of public facilities to accommodate development will not place an unreasonable fiscal impact on the City or the Town.
- ✓ Existing topography, drainage, soil types, and vegetative cover.
- ✓ Whether development will result in undue water or air pollution, cause unreasonable soil erosion, stormwater runoff, or have an unreasonably adverse effect on environmental corridors and the Niagara Escarpment.
- ✓ Compatibility with the Town of Taycheedah Comprehensive Plan.

There are potential benefits to approving an extraterritorial zoning ordinance, including:

- ✓ Can provide for smoother transitions between rural and urban land uses.
- ✓ Can reduce conflicting land uses, which can reduce citizen complaints and protect property values.
- ✓ Can help to promote intergovernmental cooperation and communication.
- ✓ Can help to avoid multiple communications towers and similar duplications.
- ✓ Can make planning for roads, utilities, recreation facilities, etc. easier.
- ✓ Allows for coordination related to protection of sensitive areas and valued natural resources.

Trends in Supply, Demand, and Price of Land

RESIDENTIAL DEVELOPMENT

Residential development (including farmsteads) accounts for 9.84% (1,948 acres) of the land in the Town. From a tax base standpoint, however, it accounts for a far greater percentage of the local tax revenue. This signifies its importance to the Town. The majority of the more than 3666 people who live in the Town are content with the quality of residential neighborhoods being developed and want to see rural-county loving continue as a primary land use in the Town of Taycheedah.

Official WDOA household projections through 2025 estimate the number of households in the Town will increase to 1,834. That translates into roughly 20 new single-family homes being constructed each year over the 20-year period 2006-2026. Although the current housing decline will likely affect these numbers to some degree.

As discussed in Chapter 4: Housing, the majority of the local housing supply in Taycheedah is single-family homes. In the community survey, responses clearly indicate residents have little desire for multi-

family housing choices (i.e. rental properties, high-density developments, and other “urban” uses found in the nearby City of Fond du Lac). Support was also expressed by residents that took part in the SWOT exercise conducted as part of the Kick-Off Meeting in 2006. However, development patterns in the Town have resulted in a high percentage of single-family homes. If residents desire some other type of living (i.e. townhomes, condos, etc.) they have to move. This situation is particularly challenging to the elderly and baby-boomers entering retirement, who may prefer townhomes, condos, or senior complexes that do not require the maintenance that a single-family homes does. Responses to the community survey demonstrated some support for senior housing development in Taycheedah. Presently, the Town permits multi-family dwellings in most zoning districts as either a permitted or conditional use⁶. It is possible, if market conditions are right, that a developer may seek to create a senior housing development to capitalize on the quiet, rural setting within a close proximity to area medical services provided in Fond du Lac.

FARMING

In the community survey and at the public meetings, residents expressed a strong desire to retain farmland. Simultaneously, the local farming economy has continued to see the number of area farms decrease. This can be attributed to consolidation, as well as 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 for several thousand dollars an acre. Long-term agricultural uses are most likely to continue in the easternmost reaches of the township, where development pressures have not been as substantial. The continuation of farmland in the westernmost areas of the Town will require dedicated farmers committed to farming.

Preservation of rural character is contingent upon successful efforts to retain farmland. The Implementation and Agricultural, Natural and Cultural Resources Chapters provide additional detail about strategies, including:

- ✓ Encouraging landowners to pursue opportunities to partner with land trusts charged with protection of natural areas and farmland;
- ✓ Encouraging landowners to consider cluster and 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,
- ✓ Considering transfer and purchase of development rights program opportunities.

⁶ Zones that do not permit multi-family units include R-7 Lakeside Single-Family, C-1 Conservancy, A-1 Exclusive Agricultural, A-T Agricultural Transition, B-1 Business with Public Sewer, B-2 Business without Public Sewer, and I-1 Industrial.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

As has been demonstrated throughout this plan, commercial and industrial development represents a small portion of the community in comparison to residential development. Local resident sentiment would like to see increased commercial and business opportunities clustered in identified growth areas.

Though representing a small fraction of land in the Town, commercial and industrial activities are becoming more common, especially along USH 151. With the recent expansion this highway and growth in the communities on the west side of Town (as well as in northeast Fond du Lac), commercial and industrial development demands will likely increase near this corridor. It is important to properly locate future commercial and industrial developments in areas that provide convenient access to motorists and Town residents and do not conflict with neighboring land uses.

DEMAND

As is reflected in state and local population projections, the Town's population is expected to steadily increase significantly over the next 20 years (by over almost 22%, or 850 people). Accordingly, this increase will result in rising demand for housing. New construction will be important to meet local demand. Moreover, providing housing for all stages of life and all lifestyles will be important to meet resident demand. By providing some choices, the Town can accommodate the housing demands of families, retirees, and others in need of local housing.

TRENDS IN LAND AND HOUSING PRICES

Land prices in the Town are expected to steadily rise as more and more people continue to move to the community to take advantage of its great location, natural resources, and other amenities such as Lake Winnebago.

Annexation

In Wisconsin, cities and villages cannot instigate annexations. Town landowners have to petition for annexation; then cities and villages have to determine whether or not they are willing to annex those parcels.

On April 22, 2004, the Governor signed SB 87 (2003 Wisconsin Act 317), which prohibits a city or village from annexing any town territory unless the city or village agrees to pay the town, for five years, an amount equal to the property taxes that the town imposed on that land in the year in which the annexation was finalized. In many instances, residents wish to have their land annexed into cities or villages for the following reasons:

- ✓ Municipal sewer and water
- ✓ Library / Pool / Garbage collection
- ✓ Annexation will increase the marketability and value of their property
- ✓ The annexing municipality is more willing than the Town to address their concerns

There are also many reasons that towns prefer to have their lands stay in the *town* as opposed to becoming part of an incorporated municipality:

What's a Growth Boundary?

A growth boundary represents the planned limit of urban growth for a 10 or 20-year period. These growth lines help the Town to plan for its own growth and development and help limit conflicts between incorporated and unincorporated communities.

- ✓ Residents prefer the rural setting (larger lots, more open space, more natural areas, open views etc.);
- ✓ Lower taxes;
- ✓ Are satisfied with the current level of services (wells, septic, garbage removal); and,
- ✓ Enjoy increased freedoms of land use.

METHODS OF ANNEXATION⁷

There are several ways that annexations can occur.

The first method is *Unanimous Approval*. This method is the most common form of annexation. It involves direct annexation by a single property owner or group of property owners that wish to have their property taken into a village or city, commonly for the provision of municipal services such as sewer and water. Under this method, all of the property owners and electors living in the property(ies) sign a petition that is submitted to the clerks of each town, village, city and school district affected by the annexation⁸. The city council or village board can then adopt the annexation ordinance by a two-thirds vote.

The second most common method, although used far less than unanimous approval, is *Direct Annexation*. This process is more open to the community. It begins by the electors and property owners wishing to be annexed publishing a class 1 notice⁹ of the intent to circulate an annexation petition. This petition has to be signed by a majority of electors in the territory area as well as the owners of one-half the real property in value or in land area. The petition must be sent within 5 days of publication to the following: clerk of all affected municipalities, school districts affected, and owners of land within the proposed territory. The village or city must again have a two-thirds vote to adopt the annexation ordinance. In this case, however, if there are electors in the territory that do not want the annexation to go through, they may challenge it by petitioning for a referendum that is held in the area proposed for annexation. For this referendum vote to occur, 20% of the electors must sign the referendum petition.

There is also *Annexation by Referendum*. Although rarely used, it is a very open process that allows all community residents to have a say in the annexation. To begin, there is a referendum on the issue of annexation. The petition has to be signed by at least 20% of the electors in the territory to be annexed. The actual annexation referendum is then voted on by all of the electors of the town. The success or failure of this vote decides whether or not the process continues.

A village or city can also annex territory they own that lies within a town (Annexation of Owned Territory). When referring to a property “island,” they may do so unilaterally. When referring to a property peninsula, however, they cannot do so unilaterally. In addition, since the land is an island within a town, the village or city cannot use the property for a purpose that contrasts to the applicable county or town zoning ordinance.

Finally, there is *Annexation by Court-Ordered Referendum*. Under this rarely utilized method, a village or city initiates an annexation proceeding by asking the circuit court to order a referendum on the issue.

⁷ SOURCE: Brian Ohm, *Guide to Community Planning in Wisconsin*, online at: <http://www.lic.wisc.edu/shapingdane/resources/planning/library/book/contents.htm>

⁸ If the annexation is taking place in a county with a population of 50,000 or greater the petitioner must send within 5 days of submitting the petition to the clerks the following: a copy of the petition, a scale map of the area, and a legal description of the property to be annexed to the Municipal Boundary Review for advice. This holds true for the Direct Annexation Method as well.

⁹ Class 1 Notice – Publish a notice **one** time in the newspaper designated by the municipality’s governing body as the official newspaper of public record for the area.

Ordinance Issues and Concerns

The *1997 Town of Taycheedah Comprehensive Plan* contained goals, objectives and recommendations with respect to Land Use. Several of these refer to orderly and planned development; with one specifically calling for the application of Planned Unit Developments (refer to box at right). Table 23 on the following page lists a complete summary of the goals, objectives and recommendations contained in the 1997 Plan.

What's a Planned Urban/Unit Development (PUD)?

A PUD is planned and built as a unit with varying land uses and densities that are subject to more flexible setback, design and open space requirements than a traditional zoning ordinance would typically allow.

For example, 200 acres of land currently zoned single-family residential could be used for single-family, multi-family, a school, shopping center and church under PUD zoning. The increase in density allows for energy savings (less driving), savings on infrastructure and construction costs (shorter streets and utility lines) and an increased sense of place and feeling of community.

PUDs are sometimes called "mini-communities" or "new towns," as they can be up to several hundred acres and include most amenities required for day-to-day life.

Sources: Smith, Herbert. *The Citizen's Guide to Zoning*, 1983.
Ohm, Brian. *Guide to Community Planning in Wisconsin*, 1999.

TABLE 23 1997 LAND USE GOALS, OBJECTIVES & RECOMMENDATIONS	
Goals and Objectives	Recommendations
Consider the need to preserve the unique local natural resources when making development decisions, including but not limited to Lake Winnebago, the "Ledge," and agricultural lands	This policy should be used for all development projects. Each project should be analyzed for consistency with this policy.
Encourage residential development to occur only in areas planned for that use.	Re-zone areas in conformance with the Land Use Plan as requested at the time of development. Re-zoning to residential uses should not create inconsistencies with the Plan.
Utilize zoning as a tool to promote orderly development.	Ensure the Zoning Ordinance and Map are consistent with the Comprehensive Land Use Plan. Future zoning changes should also be consistent.
Consider existing zoning when reviewing zone change proposals to ensure compatibility with the area.	Zone change proposals should always be analyzed in relation to the surrounding properties. Compatibility will ensure that property values will not be negatively affected.
Discourage spot zoning.	Prohibit spot zoning.
Encourage and seek out the cooperation of other jurisdictions in the implementation of the Town plan.	Ensure that each adjacent town, Fond du Lac County and the City of Fond du Lac receive a copy of the Final Comprehensive Plan. Request their cooperation in the implementation of the Plan.
Provide for Planned Unit Developments (PUDs).	Planned Unit Developments should be allowed as a conditional use in appropriate zoning districts.
Require more design built into future developments.	Promote PUDs, cluster developments, and other innovative ideas tailored to the specific sites.
Develop at appropriate densities in sewer service areas.	The zoning ordinance should allow for PUDs and be consistent with the Land Use Plan. Development should occur on public sewer.
Follow a formal application procedure.	Applications should be developed that set forth requirements for all the information the Town needs to make an informed decision on all projects.
Involve other affected parties including but not limited to the schools.	Send a copy of development applications to affected parties and agencies for their review and comment. Consider their comments and suggestions.
Encourage and utilize citizen input in land use determinations.	Ensure that proper public noticing and publication is done. Allow members of the public to comment. Consider their comments accordingly. Misinformation should be responded to with the correct information, probably utilizing newsletters.
Utilize the subdivision ordinance to guide subdivision development.	The standards and procedures set up in the subdivision regulations are important to follow.
Establish specific guidelines for zone changes.	List in the record the reasons for every zoning change approval or disapproval to formulate guidelines for reviewing changes.
Be diligent in applying the Town policies fairly and equitably.	Follow recommendations for a formal application procedure.

Town & Village / City Land Disputes¹⁰

Land and border disputes between towns and villages / cities are all too common today. Wisconsin statutes provide authority to local governments to try and resolve these disputes and share services. Below are descriptions of various methods for dispute resolution.

¹⁰ SOURCE: UW-Extension Local Government Center

INTERGOVERNMENTAL AGREEMENTS (SEC. 66.30)

This law allows what are termed “municipalities” to enter into cooperative agreements. The “municipalities” include cities, villages, towns, counties, school districts, lake and sanitary districts, and other governmental entities as well as Indian tribes. The law discusses certain activities that are common under this legislation.

- ✓ Allows for joint planning whereby one or more communities can contract with another governmental unit such as a county or regional planning commission, or a private consultant to prepare a comprehensive plan. This can result in savings, increased agreement over normally contested issues and consistency across jurisdictional borders;
- ✓ Allows for sharing of public services among neighboring communities; and,
- ✓ Can be applied to make boundary agreements. For instance, a town may allow the annexation of a portion of its land over a planning period in return for a village / city to leave the remainder of the community in tact. Another example could be the establishment of a growth boundary, by which a village or city delimits its future growth to ensure towns that the village will not annex their land beyond a certain point in the future.

BOUNDARIES FIXED BY COURT JUDGMENT (SEC. 66.027)

This applies to towns, villages and cities with boundary disputes. The municipalities can contest the validity of an annexation, consolidation, incorporation or detachment under this law. Courts may settle cases by demarcating the common boundary with approval of the boundary by both municipalities. If either is unhappy with the boundary, the line can be challenged through a referendum after at least 20% of the electors in the affected area sign a petition. The final judgment is binding to future governing bodies. There are several obvious drawbacks to this process, however:

- ✓ It is reactive, not proactive;
- ✓ Can be costly;
- ✓ The scope of agreements under this law have not been specified under the statutes nor have they been interpreted by the courts;
- ✓ Decisions are not necessarily based on a well thought-out plan; and,
- ✓ There is the possibility of a referendum.

BOUNDARIES AGREEMENTS UNDER A COOPERATIVE PLAN (SEC. 66.023)

This allows villages, cities and neighboring towns to determine boundaries and enter into service agreements under a cooperative plan that is approved by the WDOA (Wisconsin Department of Administration). The plans are legally binding for all involved. The plans can freeze boundaries, allow phased boundary changes, or permit boundary changes if certain requirements are met.

There are many requirements that must be met as a part of the plan adoption process, including:

- ✓ The plan has to address boundaries and services, physical development, environmental issues and affordable housing for residents;
- ✓ The plan has to be in compliance with state, federal and local regulations and ordinances;
- ✓ The duration of the plan has to be at least 10 years, and can be extended by the WDOA;

- ✓ Notice must be given to adjacent units of government about public hearings and the possibility of an advisory referendum (all electors are involved in this advisory referendum, unlike those in the Court Judgment where only area electors are involved in a binding referendum).
- ✓ WDOA has to approve any plan before it goes into effect.

Although some chastise this method for being too comprehensive and taking too much time, there are many benefits of this method that make it attractive:

- ✓ Any boundary changes will have legal backing;
- ✓ No litigation required;
- ✓ Concurs with state and federal laws and regulations;
- ✓ Includes extensive public participation; and,
- ✓ Is proactive.

TAX REVENUE SHARING AGREEMENTS (SEC. 66.028)

This section of the statute allows towns, villages and cities to compose agreements by which 2 or more municipalities and or Indian tribes may share in revenue created by new growth. The revenues come from taxes such as property and room taxes, and “special charges” like impact fees. This specific law is broad in scope providing municipalities and Indian tribes with a degree of flexibility. The law speaks for cooperation instead of competition between communities. For example, instead of a village or city competing with a town for a new business, or requiring annexation of the town land if the lot will require sewer and water service, the village or city could provide the service for a portion of the revenues coming from that new development and allow the property to remain within the town limits. These agreements must be for at least 10 years.

Opportunities for Redevelopment

Opportunities for redevelopment are typically identified in urban environments. As a rural community, few areas of the town are actually developed – much of the community is wooded, farmland, or undeveloped. Accordingly, opportunities for redevelopment are limited in the Town of Taycheedah. Existing structures in the Town are in good condition, and there are no areas meeting the standards definition of blighted at this time.