

**CHAPTER 11  
LAND USE CONTROLS AND INVENTORY**

TABLE OF CONTENTS

<b>CHAPTER 11 - LAND USE CONTROLS AND INVENTORY .....</b>	<b>11-1</b>
Introduction.....	11-1
Existing Land Use Controls.....	11-1
Planning Documents .....	11-1
Land Use Regulations .....	11-4
Ordinances .....	11-4
Official Map.....	11-6
Erosion Control Plan.....	11-6
Current Land Use Inventory .....	11-7
Town Area .....	11-7
Land Use Types and Amount .....	11-7

# **Chapter 11 - LAND USE CONTROLS AND INVENTORY**

---

---

## **INTRODUCTION**

Preparing an existing land use (2006) inventory is necessary to identify all current types of land use within the Town of Wilson. For the Town of Wilson's Comprehensive Plan, it is important to determine any current land use patterns underway within the town. Collecting and analyzing the land use controls utilized at each level of government will provide an overview of the regulations used to make past land use decisions. Through the review of past land use trends and current land use controls, that information will be used as the foundation for creating the town's future land use plan (Chapter 2 of this document).

## **EXISTING LAND USE CONTROLS**

Each of the land use controls (e.g., development plans, zoning ordinances, etc.) are noted and briefly discussed in this section. Individually and/or collectively, they may influence or restrict the location and type of development within many areas of the Town of Wilson and its extraterritorial boundary. These controls should be reviewed periodically to ensure they promote and guide the town's future land use plan.

## **Planning Documents**

### **Comprehensive Plans**

This 20 Year Comprehensive Plan for the Town of Wilson serves as an update to the Land Use Plan completed in October of 2002 by Mid-American Planning Services, Inc.

Within the area, the Town of Holland has a comprehensive plan that is not Smart Growth compliant. The Town of Lima does not have a plan. The Village of Oostburg does not have a plan in place. The Village of Kohler is completing a comprehensive plan that will meet Smart Growth requirements. The cities of Sheboygan Falls and Sheboygan have plans but do not meet Smart Growth compliance. These plans provide reference information on the future development/preservation intentions of these five communities. Any changes to existing land use occurring in these communities can have a direct impact on the town's recommended land use plan. For this reason, the intergovernmental cooperation element of this comprehensive plan is instrumental in providing an avenue for communication among these communities and may help limit conflicts during future land use decisions.

### **Farmland Preservation Plan**

In 1977, Wisconsin's Farmland Preservation Act became law. The Farmland Preservation Program was developed in the late 1970's. The goals of the program include; land conservation,

adopted in 1979 and 1985, soil classifications, farmlands as they existed in the original plans, land use data, population figures, municipal service areas, zoning, and public input.

Several categories were established in the plan to accomplish the goal of preserving farmland and planned urban growth. These categories include:

***Farmland Preservation***-- The agricultural lands are areas which should be maintained in agricultural use. These agricultural preservation areas typically belong to one of three categories:

1. Stable agricultural areas
2. Potentially productive agricultural areas
3. Transitional agricultural areas

Stable agricultural areas (A-1) are generally comprised of soil classes I and II as defined by the Natural Resources Conservation Service (NRCS). These two classes are identified as having few to some limitations that would restrict agricultural use or require some conservation practices. Potentially productive agricultural areas (A-1) are generally comprised of class III soils as defined by NRCS. These are typically marginal agricultural soils or soils suited for special crops. These areas can be farmed with proper soil conservation practices.

***Agriculture Transition Areas***-- Agricultural areas in transition (A-T) are those that are changing or have the potential to change from agricultural to non-farm uses in the near future. Farm parcels in these areas are generally small, with scattered residential land uses that can interfere with farm operations. Some transition areas overlap with urbanized growth areas. Other transition areas are within the boundaries of sanitary districts or abut lands in incorporated villages and cities.

***Environmentally Significant Areas***-- It is recommended that significant environmental features be preserved for their natural aesthetics and scenic values as well as their environmental attributes, including storage and transmission of flood waters, natural temperature and wind modification, water cleansing properties, valuable wildlife and fish habitat, spawning grounds, and unique flora and fauna. These include floodways, wetlands, woodlands, and State or County owned lands that are valuable for natural drainage, wildlife habitat, or as recreation or educational areas.

The following significant environmental areas within Sheboygan County are recommended for protection through an *Environmental Corridor Overlay District*:

1. Floodways (floodplains are subject to periodic flooding and hence are not suited for urban type development; however they are well suited for open space use and acceptable for agriculture).
2. Surface waters (streams, rivers, lakes).
3. Wetlands designated on the Sheboygan County Wetland Inventory Maps.
4. Woodlands more than 10 acres in size that are not being farmed or harvested (not in pasture or not under State Woodland Tax Programs).
5. Conservancy areas as designated by County Shoreland-Floodplain zoning and individual Town zoning.
6. County, State, and Town recreational lands more than 10-acres in size.

7. Historical, cultural, educational, scientific, and unique geologic and architectural areas of regional, state, local, or national significance. (An Inventory of historic and cultural resources in Sheboygan County can be found in the *Sheboygan County Natural Areas and Critical Resources Plan* adopted in January 2005)

Protection of the resources found in environmental areas (Environmental Overlay District) is critical to preventing serious, often irreversible environmental degradation. For example, as one of the most productive, complex ecosystems found in nature, wetlands retain water during high water periods, thereby reducing flooding, runoff rates, volumes, and maintaining base flow amounts in surface waters. Wetlands also enhance water quality in adjacent surface waters and ground water by filtering out pollutants. They are the “kidneys of the world.” Wetlands also provide wildlife habitat, fish spawning areas, and maintain a diverse and often rare plant and animal population.

In Sheboygan County, some environmental areas are protected through land use controls other than Exclusive Agricultural Zoning ordinances. The Sheboygan County Shoreland-Floodplain Ordinance, Sanitary Ordinance, and Subdivision Ordinance, protect environmentally sensitive areas, protect the groundwater and drinking water supply from pollutants, and help promote the orderly development of land throughout the County.

**Exclusion Areas**-- The original plans (1979 and 1985) recommended that all developed or developing lands be excluded from agricultural preservation regardless of underlying soil characteristics. Exclusion areas consist of any of the following: incorporated municipalities (except for the Village of Glenbeulah), subdivisions, concentrations of development, areas presently receiving sanitary sewer service, lands larger than 10 acres in size that are zoned by a Town ordinance in a district other than A-1, including airports, schools, businesses, cemeteries, non-metallic mining areas, utilities, and roads. Generally, Exclusion Areas are existing, zoned, or planned activities (that may be adjacent to lands identified as Farmland Preservation areas) that are incompatible with agricultural uses. Development will be encouraged in or adjacent to Exclusion areas, where nearby land uses are, or will be, similar in nature. This includes public property, floodplains, wetlands and woodlands areas. Conservancy areas should be protected as development occurs by minimizing the loss of productive lands and natural vegetation to the extent possible.

In summary, the districts that were identified through the planning process and shown on the plan map include Agriculture Preservation, Agriculture Transition, Environmental Overlay, and Exclusion. Because farmland does not always only include tillable land, land that is shown on the Farmland Preservation Plan map as agriculture preservation areas and are covered by an environmental overlay district are still considered to be agriculture preservation areas.

Map 11.1 illustrates the locations of the farmland preservation categories for the Town of Wilson. Refer to the Sheboygan County Farmland Preservation Plan for a more detailed explanation of categories to determine which areas are eligible for tax credits.

### **Park and Outdoor Recreation Plan**

The Sheboygan County adopted a Comprehensive Outdoor Recreation and Open Space Plan in 2004. The plan which meets the eligibility requirements for participation in Federal Land and Water Conservation Fund (LAWCON) grant program. LAWCON provides grants to assist in the provision of outdoor recreation facilities.

It is important for the town to have identified their planning initiatives within this park plan in order for park and recreation projects to be eligible for federal funding assistance.

### **Local Plans**

The Town of Wilson has undertaken the preparation of several plans during the past several years to guide the preservation and development activities within the town. These following plans will be integrated, as appropriate, into the town's comprehensive plan.

1. *Town of Wilson General Plan* prepared by Gary L. Peterson and Associates in February, 1977.
2. *Town of Wilson Land Use Plan* prepared by Landscape Architects, Inc. in 1997.
3. *Amendment to Town of Wilson Land Use Plan* completed by Mid-American Planning Services, Inc. in October 2002.

### **Land Use Regulations**

#### **Town Zoning Ordinance**

The *Town of Wilson Zoning Ordinance* was updated in December, 2005. The purpose of the zoning ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the town.

For detailed information on the town's zoning districts including the town's zoning map, regulations, restrictions, permitted uses, please consult the *Town of Wilson Zoning Ordinance*.

The Wisconsin planning enabling legislation requires that all land use related actions (regulations, etc.) of local governmental units must be consistent with their adopted comprehensive plan. A portion of the town's zoning ordinance is intended to "... implement the community's comprehensive plan or plan components." As a result, Wilson's zoning ordinance shall be reviewed and updated to be made consistent with this adopted comprehensive plan and any subsequent updates to this plan.

### **Ordinances**

#### **Subdivision Controls**

The *Subdivision Ordinance for the Town of Wilson* was updated in May, 2006. The purpose of this ordinance is to promote public health, safety, convenience, and general welfare of the town. These regulations are designed to facilitate adequate provision for transportation, water, sewerage and other public requirements. The regulations are made with reasonable consideration to, among other things, maintain the character of the town with the intent of preserving the value of buildings placed upon land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the town.

In addition to the town's Zoning Ordinance, its Subdivision Ordinance shall also be reviewed and updated to be made consistent with this comprehensive plan and any subsequent updates to this plan. Refer to the *Subdivision Ordinance of the Town of Wilson* for more information.

#### **Shoreland-Floodplain Ordinance**

The Sheboygan County Shoreland-Floodplain Zoning Ordinance (Chapter 72) was last amended in March 2006 and is in the process of being updated. The ordinance was initially adopted pursuant to Wisconsin State § 59.971 in order to satisfy the requirements of Wisconsin State

§§ 59.971 and 87.30, and to implement Wisconsin State. §§ 59.97, 59.99, 144.26, and 236.45. Uncontrolled use of the shorelands, wetlands, and floodplains, and pollution of the navigable waters of Sheboygan County would adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. The legislature of Wisconsin has delegated responsibility to the County to further the maintenance of safe and healthful conditions; control flooding and protect against costly flood damages; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures, and land uses; discourage development in erosion hazard areas, particularly along the coast of Lake Michigan; and preserve shore cover and natural beauty, and this responsibility is hereby recognized by Sheboygan County.

Areas regulated by this Ordinance shall include all lands that would be inundated by the regional flood and/or the five hundred- (500-) year flood for certain critical use facilities; and shorelands and wetlands of all navigable waters, as "navigable waters" is defined in Wisconsin State § 144.26(2)(d) in the unincorporated areas of Sheboygan County which are:

(a) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages, or to the outer perimeter of contiguous mapped wetlands which extend beyond the one thousand (1,000) feet above and for which the applicable town board has filed a consent resolution in accordance with Wisconsin State § 59.97(5) assigning zoning authority to Sheboygan County for the specific shoreland-wetlands identified on a map made a part of that resolution. Upon filing, such maps shall supplement the official shoreland zoning maps described in Section 72.24 of this Code.

(b) Within three hundred (300) feet of the ordinary high water mark of navigable waterways, or to the landward side of a floodplain, whichever is greater, or to the outer perimeter of contiguous mapped wetlands which extend beyond the three hundred (300) feet above and for which the applicable town board has filed a consent resolution in accordance with Wis. Stat. § 59.97(5) assigning zoning authority to Sheboygan County for the specific shoreland-wetlands identified on a map made a part of that resolution. Upon filing, such maps shall supplement the official shoreland zoning maps described in Section 72.24 of this Code.

Lakes, ponds, flowages, or waterways in Sheboygan County shall be presumed to be navigable if they are designated on the shoreland and wetland maps described in Sections 72.24, 72.25, 72.26, and 72.27 of this Code. If evidence to the contrary is presented (i.e. that they are navigable or that they are not navigable), the Department shall make the determination whether or not the waters in question are navigable under the laws of Wisconsin. The Department shall also make the determination of the location of the ordinary high water mark. The Department may contact the Southeast District Headquarters of the DNR for assistance in the determination of navigability or the location of the ordinary high water mark.

The shorelands and floodplains in the unincorporated areas of Sheboygan County are hereby divided into the following districts:

- (a) Shoreland-Wetland District.
- (b) Shoreland District.
- (c) Floodway District.
- (d) Flood Fringe District.
- (e) General Floodplain District.

The boundary of the floodplain districts (Map 5.8) includes the floodway, floodfringe, and other floodplain districts, and any areas designated as floodplains on the Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) from 1980.

### **Sanitary Regulations**

These regulations were adopted by Sheboygan County in 2000 pursuant to the authorization in Wisconsin State §§ secs. 59.70(1), 59.70(5), 145.04, 145.19, .20, .245. This Ordinance was adopted to promote and protect public health and safety by assuring the proper siting, design, installation, inspection, management, and maintenance of private sewage systems. The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated and incorporated areas of Sheboygan County, as provided in Wisconsin State § sec. 59.70(6). The ordinance requires a sanitary permit from the county for any private sewage systems. No person shall install, perform work on, or reconnect a structure to a private sewage system unless the owner of the property holds a valid sanitary permit.

### **Official Map**

An official map is intended to implement a town, village, or city master plan for streets, highways, parkways, parks and playgrounds, and drainageways. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use. The Town of Wilson does not maintain an Official Map. The town utilizes the county's zoning map to guide development within the town.

### **Erosion Control Plan**

This ordinance is adopted by the Town Board of the Town of Wilson under the authority granted by Wisconsin State § 60.627. This ordinance supersedes all conflicting and contradictory erosion control regulations previously enacted under Wisconsin State § 60.62. Except as specifically provided for in Wisconsin State §§ 60.627, and § 60.62 applies to this ordinance and to any amendments to this ordinance.

The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body. The requirements of this ordinance do not pre-empt more stringent stormwater management and erosion control requirements that may be imposed by any of the following:

- (a) WDNR administrative rules, permits or approvals including those authorized under Wisconsin State §§ 281.16 and 283.33.
- (b) Targeted non-agricultural performance standards promulgated in rules by the WDNR under NR 151.004, Wisconsin Administrative Code. The Town Board of the Town of Wilson finds runoff from construction sites carries a significant amount of sediment and other pollutants to the Waters of the State in the Town of Wilson.

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to Waters of the State in the Town of Wilson. This ordinance applies to land

disturbing and land developing activities on lands within the boundaries and jurisdiction of the Town of Wilson.

## **CURRENT LAND USE INVENTORY**

### **Town Area**

Of the approximate 14,684 acres that comprise the Town of Wilson, 2,415 acres, or 16 percent is developed (Table 11.1). Of the 2,415 acres of developed land, single family residential covers nearly 750 acres, or 31 percent. Recreational areas such as Kohler-Andrae Park constitute another 744 acres while transportation (I 43) covers an additional 330 acres.

Of the town's undeveloped land (84 percent), 8,203 acres is croplands/pastures. This is 56 percent of the town's total undeveloped land area. Woodlands cover 2,390 acres and other natural areas (1,583 acres) comprise the third largest undeveloped category within the town.

### **Land Use Types and Amount**

A detailed field inventory of land uses in the Town of Wilson was completed by the Bay-Lake Regional Planning Commission in early 2006. Map 11.2 displays the land use within the town. Appendix L contains the Town of Wilson's detailed land use calculations.

The following list of land use categories is based on a methodology created by the Bay-Lake Regional Planning Commission for conducting land use inventory only. This list is *not* intended to create specific definitions for regulatory purposes.

***Residential***--Use of land for non-transient-occupant dwelling units, both transportable and permanent structures. Uses are broken into the following subcategories: *Single Family, Two Family, Multi-Family, Mobile Home* and *Group Quarters*.

***Commercial***--Use of land for retail sales or trade of goods and/or services, including enclosed participatory sports, lodging, and commercial head offices.

***Industrial***--Use of land for fabrication of products, for wholesaling of products, for long-term storage of products and for extraction (mining) or transformation of materials.

***Transportation***-- Use of land corridors for the movement of people or materials, including related terminals and parking facilities. Uses include motor vehicle, air, marine, rail and non-motorized-related transportation.

***Communication/Utilities***--Use of land for generation, processing, and/or transmission of electronic communication or of water, electricity, petroleum or other transmittable products, and for the disposal, waste processing and/or recycling of by-products.

***Institutional/Governmental Facilities***--Use of land for public and private facilities for education, health, or assembly; for cemeteries and related facilities; and for all government facilities used for administration or safety except public utilities and areas of outdoor recreation.

***Outdoor Recreation***--Use of land for out-of-doors sports and general recreation facilities, for camping or picnicking facilities, for nature exhibits, and for the preservation or protection of historical and other cultural amenities.

***Agriculture/Silviculture***--Use of land for growth or husbandry of plants and animals and their products and for associated facilities such as sheds, silos and other farm structures.



This category also includes the cropland and pasture areas where the land is primarily used for the cultivation of plants in addition to grasses for grazing.

**Natural Areas**--Water areas; land used primarily in a natural state for their natural functions including wetlands, grasslands and prairies, and woodlands; land undergoing change from natural areas to another land use; and conservancy areas.

**Other Natural Areas**--Wetlands, grassland/prairies, and woodlands not categorized elsewhere.

**Water**--Open water areas, including natural and impounded lakes and streams.

Table 11.1: 2006 Land Use, Town of Wilson

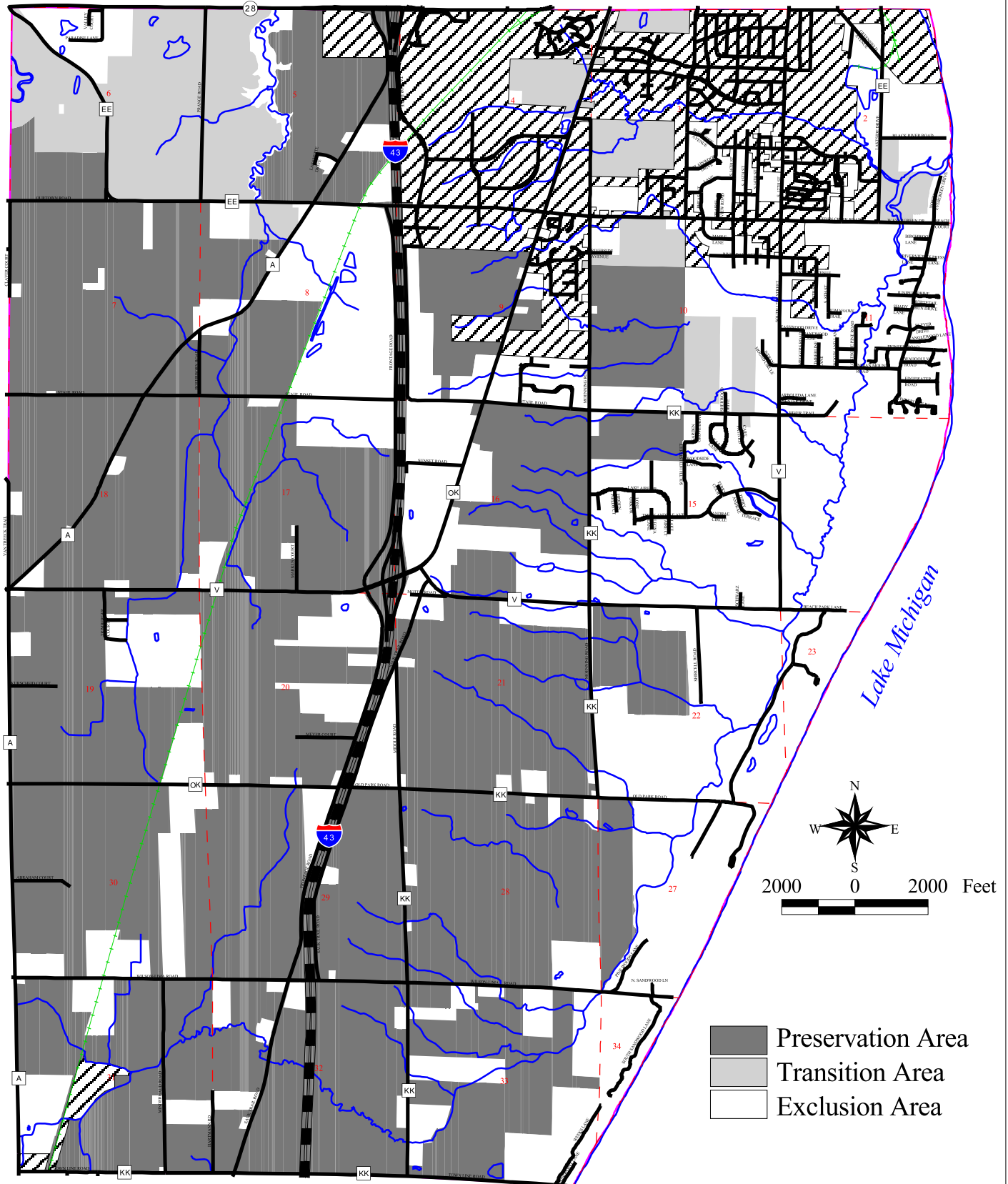
Land Use Type	Total (Acres)	Developed Land (Percent)	Total Land (Percent)
<b>DEVELOPED</b>			
Residential	747.8	30.96	5.09
Single Family	736.8	30.51	5.02
Two, Multi, & Mobile Homes	6.4	0.26	0.04



# Farmland Preservation Plan

Map 11.1

## Town of Wilson Sheboygan County, Wisconsin



Source: Town of Wilson; Sheboygan County; Bay-Lake Regional Planning Commission, 2007.

