

## CHAPTER 9 – IMPLEMENTATION

---

---

### INTRODUCTION

Due to this being the Town of Mitchell’s first comprehensive plan, it will be important that the Town quickly understand the connection between planning and land use controls (e.g., zoning and subdivision ordinances). Planning by itself accomplishes little; only when the recommendations made in the plan are *implemented* through actions – such as amending a map, adopting a new policy, or revising an ordinance, for example – does real change come about.

#### 66.1001(2)(i)

*Implementation element.* A compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in pars. (a) to (h). The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

This chapter also provides information on the Comprehensive Plan amendment/update process and its overall use by the Town of Mitchell. More detailed information on various statutory powers that the Town may utilize to implement this 20-Year Comprehensive Plan are also included in this chapter (under specific powers, the plan has identified recommendations for the Town to consider in order to best bring about the vision identified in Chapter 1 of this document).

State law requires all units of government exercising land use control authority to have a comprehensive plan in place. The adopted plan must include all nine elements identified in section 66.1001, Wisconsin Statutes, and land use control decisions made by the unit of government must be consistent with the adopted plan. The Town of Mitchell currently exercises the following land use control mechanisms:

- ◆ Review of land divisions (Chapter 72, Mitchell Code of Ordinances)
- ◆ Review of condominium developments (Chapter 72, Mitchell Code of Ordinances)
- ◆ Setting of minimum lot and yard sizes (Chapter 74, Mitchell Code of Ordinances)
- ◆ Issuance of building permits and enforcement of the Uniform Dwelling Code (Chapter 74, Mitchell Code of Ordinances) and
- ◆ Control of the siting or development of:
  - Driveways (Chapter 22, Mitchell Code of Ordinances)
  - Mobile home parks (Chapter 62, Mitchell Code of Ordinances)
  - Farm animals or farm-type animals on certain non-farm properties (Chapter 79, Mitchell Code of Ordinances)

- Sludge storage facilities and land spreading of sludge (Chapter 93, Mitchell Code of Ordinances)
- Sexually oriented businesses (Chapter 94, Mitchell Code of Ordinances) and
- Non-metallic mineral extraction activities (Chapter 96, Mitchell Code of Ordinances).  
In addition, the Town has recently developed ordinances for outside wood burning furnaces, cell/communication towers, and wind energy systems.

This chapter of the Town's Comprehensive Plan will consist of the following five major subsections:

- ◆ The relationship between the comprehensive plan and land use controls;
- ◆ Recommendations for changes to the Town's existing land use controls and any proposed additions to be adopted;
- ◆ How to adopt this plan and the amendments to it;
- ◆ How to assure consistency among the various plan elements; and
- ◆ How the Town can measure its progress in achieving the vision identified in the Plan for its future.

### **ROLE OF THE COMPREHENSIVE PLAN**

Wisconsin Statute 66.1001 (3) stipulates that the land controls governing a community be consistent with the community's adopted comprehensive plan. The Town of Mitchell Plan Commission's primary responsibility is to implement this Comprehensive Plan and to ensure that all supporting Town ordinances are consistent with the Plan. When reviewing any petition or when amending any land controls within the Town, the Plan shall be reviewed, and a recommendation will be derived from its vision statement, goals, objectives, policies, programs, and Potential Future Land Use Maps. If a decision is one that needs to be made in which it is inconsistent with the Comprehensive Plan, then before the decision can take effect, the Comprehensive Plan must be amended to include this change in policy.

### **ROLE OF LOCAL OFFICIALS**

#### **Elected Officials**

The Town's elected officials are the Chairperson, Supervisors, Clerk, and Treasurer. The Chairperson and Supervisors constitute the Town Board, the Town's legislative / decision making body. The Clerk and Treasurer are the Town's administrative, non-decision making, officials.

In making their decisions on issues facing the Town, the Town Board must do so from the standpoint of the overall impact on the Town, tempered by site specific factors. In this task, the Board needs to balance their own judgment on the matter at hand with the recommendations made by adopted plans and policies, the objectives of the applicant as shown in the applicant's request to the Town, the technical advice from Town staff and consultants, and the politically neutral recommendations from its advisory boards or commissions.

This comprehensive plan will provide much of the background, factual information the Board needs in making its decisions. The information from the applicant and the analysis from the Plan Commission will provide much of the site specific information for the Board. Thus, while the prime responsibility of implementing and updating a comprehensive plan falls on the shoulders of the Town Plan Commission, the Town Board also needs to become familiar with this important

community plan and see that community support and resources are maintained to ensure the comprehensive plan stays current and viable.

### **Elected or Appointed Official(s).**

The Town of Mitchell uses both its elected Clerk and appointed Building Inspector to provide the day to day administration of its existing land use control regulations. Such officials interact with the residents and existing or potential property owners in the Town. When appropriate, the Town also uses its appointed Town Engineer and Town Attorney to assist in administering its land use regulations. While they have no decision making powers regarding the content of regulations, they do interpret and advise residents and property owners on the various ordinance requirements. As they are administering the Town's land use control regulations, their interpretations and advice needs also to be in accordance with an adopted comprehensive plan. Thus it is essential for them to be familiar with any adopted comprehensive plan.

### **Appointed Officials.**

#### **Plan Commission.**

A Town Plan Commission is a recommending body; its recommendations are used by the Town Board in making its decisions. The powers and duties of the Town Plan Commission are set by Wisconsin Statutes and in Chapter 54, Mitchell Code of Ordinances, which established it. Overall, the Town Plan Commission should promote good planning practices in the Town and keep the public and Town Board well-informed on planning issues. Members of the Plan Commission need to become familiar with the Plan's maps and text as well as its stated vision statements, goals, objectives, policies, and programs.

This Plan recommends the Plan Commission do an annual or biennial (once every two-years) review of the vision statements, goals, objectives, policies, and programs to keep them current. From time to time, in order to keep the Plan current and thus a valuable planning tool, the Plan Commission will be called upon to make recommendations for amendments to the Plan and to ensure that existing and proposed ordinances or other land use controls are consistent with the adopted plan. In addition, the Plan Commission will need to update the comprehensive plan at least once every 10 years (section 66.1001(2)(i), Wisc. Stats.).

The Town Plan Commission's primary responsibility is to implement the comprehensive plan and ensure that supporting Town ordinances are consistent with the Plan. The Plan Commission also needs to review any petitions for ordinance changes or amendments to any land use controls in the Town to ensure they are consistent with or derived from the Plan's vision statements, goals, objectives, programs, and General Plan Design. If a proposal comes up that is inconsistent with the comprehensive plan, then before a decision in favor of that proposal can take effect, the comprehensive plan must be amended to include it.

### **Board of Appeals.**

Unlike the Plan Commission, the Board of Appeals is a quasi-judicial body. It is required by State law and has the powers to interpret the wording of a land use control ordinance; review an administrative decision where it is believed the administrative official made an error in applying a land use control ordinance to a particular property; and issue variances from the terms of an ordinance when it finds that strict enforcement would cause a hardship or be unnecessarily

burdensome on the property in question. Depending upon the Town ordinance establishing the Board of Appeals, it may also be granted the power to issue conditional use (special exception) permits. Like the recommendations of the Plan Commission and the decisions of the Town Board, the decisions of the Board of Appeals need to be consistent with the Town's adopted comprehensive plan.

## **LAND USE PLANNING CONTROLS RECOMMENDATIONS**

### **Zoning Ordinance.**

While the Town of Mitchell has a number of land use control regulations, it does not now have a zoning ordinance. This Plan recommends the Town adopt such an ordinance with text and map provisions that are in harmony with the findings and recommendations in this Plan. Such an ordinance should be adopted under the Town's village powers (sections 60.10(2)(c), 60.22(3), 61.35, and 62.23(7), Wisc. Stats.); its vision will be the current day and its authority will be immediate upon adoption and posting. As such, there will be instances where the zoning and current uses of a parcel will conflict with the future uses shown in this Plan. It would not be prudent to immediately make a current use non-conforming to meet some future preferred land use. Much of the timing of re-zonings to meet this Plan will depend heavily on market forces, the current political climate, and the accuracy of the Plan's assumptions. In preparing the zoning ordinance map, the Plan Commission and Town Board will need to judge when re-zonings will occur, for it is not the intent that the zoning ordinance is a direct reflection of the Plan in all instances. The comprehensive plan looks out to the future while the ordinance deals with the present day.

### **Number and Type of Districts.**

This Plan recommends the Town adopt a zoning ordinance that includes a total of eight districts, three agricultural and two residential districts, and one district each for business or commercial and manufacturing or industrial uses, recreational uses, and institutional uses. Each district will have regulations on minimum lot sizes, allowed uses, and required setbacks. The following material details the Plan's recommendations for each of these eight districts.

### **AG-1 Large Parcel General Agricultural District.**

The purpose of this district is to provide a zoning district that will allow land owners to receive farmland preservation tax credits from the State.

### **Permitted Uses.**

Uses permitted by right in this district are:

- ◆ Farm homes and buildings (the farmstead);
- ◆ Fields for crop production, pasture lands, or CRP lands;
- ◆ Fish, fur, or game farms;
- ◆ Grain storage, drying, or roasting;
- ◆ Forest or woods;
- ◆ Animal feeding operations not subject to ATCP 51, Wisconsin Administrative Code with fewer than 1 animal unit per acre;
- ◆ Greenhouses or plant nurseries;

- ◆ Housing for temporary farm workers;
- ◆ One- or two-family residences that score 5 or more points on the residential siting scoring system (see appendix E)
- ◆ Private shooting ranges; and
- ◆ Dog kennels.

### **Accessory Uses.**

Uses which are generally accessory or incidental to permitted uses in this district are:

- ◆ Manure storage facilities;
- ◆ Solar or wind energy facilities for personal use;
- ◆ Retail sales outlet for fish or game farm or for agricultural products raised on this property or other property in the Town under the same ownership;
- ◆ Machine or welding shops related to the agricultural use; and
- ◆ Home based businesses<sup>1</sup>, such as music teaching, daycare facilities, or service offices, if the business:
  - Occupies either no more than 25% of the home or, if in a normal accessory structure, no more than 25% of the total floor area of all the structures on the property;
  - Employs no more than 2 people who are not residents of the home;
  - Either requires no special equipment or, if requiring specialized equipment, the specialized equipment does not produce excessive noise, waste, or pollution;
  - May require specialized utility services;
  - Has customers and truck delivery services which only occasionally come to the business.

### **Conditional Uses.**

The uses permitted if certain conditions are met are:

- ◆ Target shooting / hunt clubs if most of their fields continue to be used to raise crops;
- ◆ Animal feeding operations not subject to ATCP 51 with up to 1 animal unit per acre;
- ◆ Schools, churches, and cemeteries;
- ◆ Contractor's shop or warehouse;
- ◆ Solar and wind energy facilities and communications towers for commercial use (a bond or other financial security will be required to assure the dismantling of the facility or tower if its use is ever discontinued);
- ◆ Non-metallic mining operations;
- ◆ Sludge Storage facilities;
- ◆ Home based businesses including rental storage in an existing barn or other outbuilding, bed and breakfast operations, and similar if they generally met the requirements for accessory uses except that the business:
  - Employs up to 4 people who are not residents of the home;
  - Has customers and truck delivery services visiting the business frequently, but not daily; or

---

<sup>1</sup> A home based business is a business, other than farming, that is carried out on residential or farm property that is clearly incidental to the residential or farm use and has little or no adverse affects on neighboring property.

- Is located in a specialized building on the farm.

### **Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot or parcel size is 35 acres.

### **Setback Requirements.**

In this district, the building and structure setback requirements are:

- ◆ General
  - Street setback (front yard) – 100-feet from the centerline of public roads
  - Side and rear yard setbacks – 10-feet or the height of the building or structure, whichever is greater
- ◆ Special situations, for all setbacks:
  - Buildings or structures housing animals (including dog kennels), 100-feet minimum
  - Solar or Wind energy or telecommunications structures, the height of the structure plus 10-feet.

### **AG-2 Animal Intensive Agricultural District.**

The purpose of this district is to allow land owners to operate confined animal feeding operations (in accordance with ATCP 51) and to be eligible to receive farmland preservation tax credits from the State.

### **Permitted Uses.**

Uses permitted by right are the same as for the AG-1 district.

### **Accessory Uses.**

Uses which are generally accessory or incidental to permitted uses are the same as for the AG-1 district.

### **Conditional Uses.**

The uses permitted if certain conditions are met are the same as for the AG-1 district except for the following changes:

- ◆ Delete “Animal feeding operations not subject to ATCP 51 . . .” and
- ◆ Replace it with “Confined animal feeding operations subject to ATCP-51”

### **Minimum Lot or Parcel Size Requirements.**

In this district the minimum parcel size is 35 acres

### **Setback Requirements.**

The building and structure setback requirements for this district are the same as in the AG-1 district except:

- ◆ Buildings housing animals is split into those for confined animal feeding operations and for other operations with the setback for the other operations being the same as in the AG-1 district and for confined animal feeding operations it is set at 500 feet

### **AG-3 Smaller Parcel General Agricultural District.**

The purpose of this district is to provide for agricultural pursuits as well as related residences on smaller agricultural parcels in the Town.

**Permitted Uses.**

Uses permitted by right in this district are

- ◆ The same as for the AG-1 district, plus
- ◆ Boarding stables

**Accessory Uses.**

Uses which are generally accessory or incidental to permitted uses are the same as for the AG-1 district with the addition, to the list of home based businesses, bed and breakfast establishments.

**Conditional Uses.**

The uses permitted if certain conditions are met are the same as for the AG-1 district except:

- ◆ Delete bed and breakfast establishments; and
- ◆ Delete non-metallic mining operations.

**Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot or parcel size is 10 acres.

**Setback Requirements.**

The building and structure setback requirements for this district are the same as for the AG-1 district.

**R-1 Small Lot Residential District.**

The purpose of this district is to provide for residential uses on the existing smaller lot developments in the Town.

**Permitted Uses.**

Uses permitted by right in this district are:

- ◆ Single family residences
- ◆ Agricultural fields (but not the raising of horses or farm-type or exotic animals)

**Accessory Uses.**

Uses which are generally accessory or incidental to permitted uses in this district are:

- ◆ Buildings or uses normally incidental to the residence on the property such as a garage or storage shed for use by the occupants of the residence;
- ◆ Keeping of up to 3 normal household pets (for example: dogs, cats, birds, and similar)
- ◆ Home based businesses such as music teaching or service offices if the business:
  - Occupies no more than 25% of the home;
  - Employs no more than 1 person who is not a resident of the home;
  - Does not require any special equipment or utility services; and
  - Has customers and truck delivery services only occasionally come to the business
- ◆ Personal use greenhouse
- ◆ Solar energy system for personal use

**Conditional Uses.**

The uses permitted if certain conditions are met include:

- ◆ Public or private schools;
- ◆ Keeping or raising of 4 or more dogs or other household pets;
- ◆ Truck gardening and a farm stand (retail sales outlet) for the agricultural products raised on the property;
- ◆ Home based businesses such as antique shop, day care facilities, veterinarian or pet care businesses (without boarding facilities), or light manufacturing operations if the business:
  - Occupies no more than 25% of the home;
  - Employs no more than 1 person who is not a resident of the home;
  - Does not require any specialized equipment or utility services; and
  - Has customers and truck delivery services only occasionally coming to the business.

**Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot or parcel size is the size of the parcel as it existed on March 23, 1998.

**Setback Requirements.**

In this district, the building and structure setback requirements are the same as in the AG-1 district except the street setback (front yard) is reduced to 75-feet from the centerline of public roads or private road easements.

**R-2 Large Lot Residential District.**

The purpose of this district is to provide a place for one- and two-family residential uses on lots that meet the current minimum lot requirements in the Town.

**Permitted Uses.**

Uses permitted by right in this district are:

- ◆ Single family and duplex (two-family) residences
- ◆ Agricultural fields (but not the raising of horses or farm-type or exotic animals)
- ◆ Tree farming

**Accessory Uses.**

Uses which are generally accessory or incidental to the permitted uses by right in this district are:

- ◆ Buildings or uses normally incidental to the residence(s) on the property such as a garage or storage shed for use by the occupants of the residence;
- ◆ Keeping of up to 3 normal household pets (for example: dogs, cats, birds, and similar)
- ◆ Personal use greenhouses;
- ◆ Home based businesses such as music teaching, daycare facilities, antique shop, or service offices if the business:
  - Occupies either no more than 25% of the home or, if in a normal accessory structure, no more than 25% of the total floor area of all the structures on the property;
  - Employs no more than 2 people who are not residents of the home;

- Either requires no special equipment or, if it does, the specialized equipment does not produce excessive noise, waste, or pollution;
- May require specialized utility services;
- Has customers and truck delivery services only occasionally coming to the business
- ◆ Truck gardens and buildings incidental to an agricultural use on the property such as a retail sales outlet (farm stand) for sale of the agricultural products raised on this property; and
- ◆ Solar energy system for personal use.

### **Conditional Uses.**

The uses permitted if certain conditions are met are:

- ◆ Private shooting ranges;
- ◆ Animal feeding operations not subject to ATCP 51 with up to 1 animal unit per acre;
- ◆ Schools, churches, and cemeteries
- ◆ Meeting halls
- ◆ Wind energy facilities for personal use
- ◆ Plant nurseries
- ◆ Home based businesses including such light industrial uses as rental storage in an existing outbuilding, contractors shop or warehouse, or machine shop; bed and breakfast operations; Veterinarian office or pet care facility; and similar if they generally met the requirements for accessory uses except that the business:
  - Employs no more than 4 people who are not residents of the home;
  - Has customers and truck delivery services visiting the business frequently, but not daily; and
  - Is located in a specialized building on the property.

### **Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot size is:

- ◆ 3 acres for a single family residence
- ◆ 6 acres for a duplex (two-family) residence
- ◆ 5 acres for a single family residence if there is the keeping of horses or farm-type or exotic animals (the number of animals is subject to the Town's current regulations on the number of animals able to be kept on such property)
- ◆ 10 acres for a single family residence in a woodlot

### **Setback Requirements.**

The building and structure setback requirements for this district are the same as for the AG-1 district except the street setback is stated as being from the centerline of the public road or private road easement.

### **BC-1 Business or Commercial and Manufacturing or Industrial District.**

The purpose of this district is to provide for business or commercial uses and for the existing industrial parcels in the Town where their impact on neighboring properties can be shown to be minimal.

**Permitted Uses.**

There are no uses permitted by right in this district, all uses are conditional.

**Accessory Uses.**

Uses that are clearly incidental to a conditional use that has been authorized for a property would be allowed as an accessory use.

**Conditional Uses.**

The uses permitted if certain conditions are met include:

- ◆ Restaurants, meeting halls, or taverns;
- ◆ Commercial storage or mini-storage facilities;
- ◆ Automobile sales, service, or repair;
- ◆ Stand along day care facilities, offices, or music teaching;
- ◆ Commercial greenhouses or plant nurseries;
- ◆ Veterinarian or pet care facilities or boarding stables;
- ◆ Retail shops;
- ◆ Motel or other transient rental lodgings;
- ◆ Machine or welding shops; or
- ◆ Light manufacturing activities conducted completely within an enclosed building or structure and having no outside storage of raw materials or products (either partially or fully finished).

**Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot size is 3-acres.

**Setback Requirements.**

In this district, the building and structure setback requirements are as in the AG-1 district.

**P-1 Park and Recreational District.**

The purpose of this district is to recognize the land in recreational uses in the Town including those within the Kettle Moraine State Forest, Wisconsin DNR and U.S. Fish and Wildlife Services' properties, and the Town Park.

**Permitted Uses.**

The uses permitted by right in this district are:

- ◆ Agricultural fields (but not the raising of animals);
- ◆ Forests or woodlands;
- ◆ Recreational facilities such as
  - ball fields,
  - lookout towers,
  - boat launch,
  - dog training fields, or
  - hiking, biking, snowmobile, or horseback riding trails;
- ◆ Picnic facilities including waysides and shelters;
- ◆ Playground equipment

- ◆ Interpretive signs.

**Accessory Uses.**

Uses which are generally accessory or incidental to the permitted uses, for example, a storage building for a ball field, parking lots, restroom facilities, and similar.

**Conditional Uses.**

The uses permitted if certain conditions are met are:

- ◆ Seasonal dwelling

**Minimum Lot or Parcel Size Requirements.**

In this district the minimum lot size is 6-acres.

**Setback Requirements.**

In this district, the building and structure setback requirements are:

- ◆ Street setback (front yard) – 100 feet from the centerline of a public road
- ◆ Side and rear yard setbacks – 10-feet or the height of the building or structure, whichever is greater.

**IN-1 Institutional District.**

The purpose of this district is to recognize the lands occupied by the Kettle Moraine Correctional Institute.

**Permitted Uses.**

The use permitted by right in this district is a state prison

**Accessory Uses.**

The uses which are generally accessory or incidental to the permitted use such as guard towers, waste water treatment plant including its own sludge storage facility, and similar.

**Conditional Uses.**

The uses permitted if certain conditions are met are school facilities and private shooting ranges.

**Minimum Lot or Parcel Size Requirements.**

In this district the minimum parcel size is 40 acres.

**Setback Requirements.**

In this district the setback requirements are as in the AG-1 district.

**Administration.**

This Plan recommends the Town appoint one or more of its existing administrative personal (for example, the elected Town Clerk or the appointed Town Building Inspector) to administer the Town zoning ordinance. Administrative duties include:

- ◆ Answering questions from Town residents, property owners, or others with interest in the land about:
  - The current zoning on a parcel and what the ordinance allows to be developed in that district,
  - What this Plan says about future uses of a property, and Applying the criteria in the regulations regarding allowing
  - Applying the criteria in the regulations regarding allowing:
    - ◆ horses or exotic or farm animals in the R-2 and AG-3 districts or
    - ◆ non-farm residences in the AG-1 or AG-2 districts;
- ◆ Providing information, including any necessary application or petition forms, to residents, property owners, or others interested in a parcel about how to go about:
  - Amending the zoning ordinance whether by changing the zoning on a parcel (a zoning map amendment) or requesting a change to the ordinance text,
  - Seeking ordinance flexibility from the Plan Commission and/or Town Board when strict application of the criteria for allowing animals in the R-2 or AG-3 districts or non-farm residences in the AG-1 or AG-2 districts results in a negative finding where there are special conditions on the property,
  - Requesting a conditional use permit,
  - When it is needed and how to have this Plan amended,
  - Requesting a variance or interpretation from the Board of Appeals; and
- ◆ Scheduling and arranging for any necessary legal ad publications and postings for appearances before the Town Board, Board of Appeals, or Plan Commission for residents, property owners, or others interested in the land who are requesting ordinance or plan amendments or action by the Board of Appeals.

### **Flexibility.**

This Plan recommends, the Town of Mitchell adopt an ordinance establishing a Board of Appeals but, believing the issuance of conditional use permits are an administrative or legislative action rather than a judicial or quasi-judicial action, it recommends the Board of Appeals not be given the power to issue conditional use permits. This Plan also recommends the Town of Mitchell, in addition to this statutorily required means of providing flexibility<sup>2</sup>, incorporate within its zoning ordinance specific provision allowing the Town Board and/or Plan Commission to allow under unusual circumstances:

- ◆ New non-farm residences in the AG-1 and AG-2 districts which do not meet the point system developed by the Plan Commission for allowing such uses; and
- ◆ Horses or exotic or farm animals on land in the R-2 or AG-3 districts which do not meet the requirements for such uses established in the Zoning Ordinance.

### **Incorporation of Other Regulations.**

---

<sup>2</sup> Section 62.23(7) *Wisconsin Statutes*, requires zoning ordinances to allow continuation of non-conforming building, lots, or uses, including the repair and possible expansion of them; a means for a person to seek a variance from the provisions of the ordinance; a means to allow special exception (or conditional) uses; and a means for a person to seek clarification on an ordinance provision where they disagree with the administrator's interpretation of that provision.

**Existing Town Code Provisions.**

This Plan recommends that the Town of Mitchell incorporate within its zoning ordinance the land use components from its existing codes as follows:

**Building Code.**

Incorporate the provisions from this code (Chapter 72) regarding minimum lot size and yard (setback) requirements within the district regulations in the Zoning Ordinance.

**Mobile Home Parks.**

The provisions in this code (Chapter 62) regarding the siting / licensing of a mobile home park are to be rescinded; this plan recommends against having mobile home parks in the Town.

**Allowing Farm and Farm-type Animals in Certain Districts.**

The provisions of Chapter 79 dealing with allowing farm- and farm-type-animals in the R-2 and AG-3 districts are to be incorporated fully in the zoning ordinance.

**Sludge Spreading Licensing and Storage Facilities.**

The provision of Chapter 93 dealing with the siting of sludge storage facilities would be incorporated in the Zoning Ordinance. The licensing of sludge spreading operations would remain in Chapter 93.

**Sexually Oriented Business.**

The licensing provision of Chapter 94 would remain in Chapter 94 and the Chapter amended to include reference to requiring conformance with the Town's Zoning Ordinance.

**Mineral Extraction Regulations.**

The provisions of Chapter 96 would be incorporated within the conditional use procedures for the AG-1 and AG-2 districts of the Zoning Ordinance.

**Outdoor Wood Furnaces****Cell/Communication Towers****Wind Energy Systems****Other Types of Regulations.**

**Sign Regulations.** Many communities are finding themselves having to regulate signs especially along transportation corridors. As signs become bolder, have brighter illumination directed at them, are larger, or are clustered in greater numbers, the sides of roadways become places of growing confusion as each sign attempts to capture motorists' attention. The regulation of signs may be taken in either a separate ordinance or as part of a zoning ordinance. Should the Town wish to regulate signs, this Plan would recommend such regulations be included in the zoning ordinance.

This Plan is not recommending the adoption of sign regulations; it recommends the Town of Mitchell after adopting its zoning ordinance have the Plan Commission undertake a study to determine:

- ◆ The existing number and types of signs in the Town;
- ◆ Whether such signs are now creating confusion among motorists; and
- ◆ Whether the Town wishes to adopt regulations within its zoning code to regulate signs.

### **Design Review.**

Design review can accompany many different development aspects and assist a Town in achieving the identified look and character expressed within its vision statements and goals. Such regulations can be part of a separate ordinance or of a zoning ordinance.

This Plan is not recommending setting up a separate design review committee but it does recommend the Town adopt design review regulations for two specific areas:

- ◆ Condominium developments; and
- ◆ As part of its point system for allowing non-farm residences within the AG-1 and AG-2 districts.

### **Communications Tower Siting Regulations.**

While federal law places limitations on local regulation of the siting of communications towers, it does allow municipalities to adopt reasonable regulations in keeping with the local character.

This Plan recommends the Town of Mitchell adopt within its Zoning Ordinance regulations for the siting and use of communication towers in the Town including regulations requiring the posting of a bond or other security to assure the removal of such facilities should they ever cease to be used.

### **Subdivision Ordinance.**

Chapter 236, Wisconsin Statutes, regulates the division of land into lots for the purpose of sale or building development and Chapter 703, Wisconsin Statutes, regulates the development or creation of condominiums. Under their provisions, Towns are authorized to enact ordinances to regulate the subdivision of land or the platting and development of condominiums within their borders. An ordinance regulating subdivisions and/or condominiums is related to a zoning ordinance in that the zoning ordinance regulates lot size, density, and use of land, while an ordinance regulating subdivisions and/or condominiums stipulates the rules for platting, or mapping, newly created lots or developments, streets, easements, and open areas. Most importantly, an ordinance regulating subdivisions and/or condominiums can be used to implement the comprehensive plan. A basis of approval of a subdivision or a condominium development is its conformance or consistency with the local comprehensive plan. An ordinance regulating subdivisions and/or condominiums also allows the Town to encourage well designed neighborhoods and ensure creation of adequate land records.

This Plan recommends, the Town of Mitchell:

- ◆ Continue to enforce its subdivision ordinance, Chapter 72, Property Development Regulations, Mitchell Code of Ordinances;

- ◆ Amend sections 72.11 to include requiring persons proposing a simplified land division, minor or major subdivision, or condominium plat to explicitly show how their proposal conforms with the adopted comprehensive plan;
- ◆ Amend section 72.24 B., 1., 2., and 3., to remove the specific lot width and size requirements and to instead reference the Town’s zoning ordinance for these requirements; and
- ◆ Consider amending sections 72.03 and 72.06 to lodge the granting of variances with the Board of Appeals rather than with the Town Board.

### **Building Code Ordinance.**

Building codes help to ensure that buildings constructed, remodeled, altered, or added to in the Town meet some minimum standards. The Town of Mitchell has enforced various area- or state-wide residential building codes since 1975 and since April 2000 has enforced the State’s Uniform Dwelling Code including the issuance of state seals for new one- and two-family residences. At the same time, the Town has issued permits for commercial, industrial, and institutional construction but does not inspect such activity.

This Plan recommends, the Town of Mitchell:

- ◆ Continue to enforce its Building Code and Permit Regulations, Chapter 74, Mitchell Code of Ordinances;
- ◆ Amend section 74.12 to require all applicants for any permits required by section 74.03 to show the proposed work is in conformance with the Town’s zoning and other land development codes;
- ◆ Amend sections 74.24 A., and B. and 74.25 A., to remove the specific lot and setback requirements and to require the conformance with lot and setback requirements established in the Town’s zoning code;
- ◆ Consider amending section 74.14 to acknowledge the Town’s Board of Appeals as the board to hear appeals and variance requests for the Town’s building code.

### **Official Map.**

A Town Board, exercising Village powers, under 62.23(6), Wisconsin Statutes, may adopt an Official Map for the Town. An Official Map “show[s the locations of] the streets, highways, parkways, parks and playgrounds [in the Town;] . . . the exterior lines of planned new streets, highways, parkways, parks, or playgrounds[;] or [where] to widen, narrow, extend, or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks, or playgrounds.” Once an area is identified on an Official Map, no building permit may be issued for that site unless the map is amended. An Official Map makes potential buyers of land aware that the land has been designated for public use thus helping to ensure that when the Town acquires the land for these mapped streets, etc., the land will be sold at vacant land prices. It also establishes the locations of future streets that land developers must use unless the map is amended. Such establishment should reduce the possibility of properties becoming essentially landlocked when the logical, or less costly, way of serving such a parcel is developed for residential, commercial, or industrial use.

This Plan recommends, given the rural character of the Town, the Town of Mitchell begin the official mapping process in specific areas where it anticipates development to take place.

**Historic Preservation Ordinance.**

An historic preservation ordinance can assist a Town in protecting its culture and history. It provides for identification, protection, enhancement, maintenance, and use of buildings, structures, objects, sites, and districts within the Town that reflect the special elements of the Town's historical, architectural, archeological, cultural, or aesthetic heritage. It can also set standards for alterations, restoration, demolition, or design of new construction to ensure that the features or districts maintain their historical significance. In addition, historic preservation can increase the economic benefits to the Town and its residents; protect, or even increase, property values; and enhance the overall visual character of the Town.

This Plan recommends the Town of Mitchell hold off on developing any such ordinance at this time although it may wish to explore such an option in the future.

**Erosion and Storm Water Control Ordinance(s).**

A Town Board, exercising Village powers, may, under 61.354, Wisconsin Statutes, adopt construction site erosion control and storm water management ordinance(s). The purposes of such ordinances are to protect water quality and to minimize the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams, or wetlands. Sheboygan County has adopted an Erosion Control ordinance which the Town of Mitchell requires subdividers and developers of condominiums to meet (see sections 72.22 and 72.25, Mitchell Code of Ordinances). The Town of Mitchell will need to work with Sheboygan County to ensure strict compliance with its erosion and storm water control codes in the Town. Such compliance is important for protection of the Town's ground and surface waters. Uncontrolled erosion and storm water runoff can have detrimental and wide ranging impacts on health and property values.

This Plan recommends, the Town of Mitchell:

- ◆ Consider amending its driveway and culvert regulations (in chapters 22 and 74, Mitchell Code of Ordinances) to specifically require such land disturbing activities to also conform with the County's erosion control ordinance;
- ◆ Work with the County to develop, adopt, and ensure compliance by developers for erosion control and storm water management.

This plan is not recommending the Town of Mitchell undertake this responsibility itself although it may wish to explore such an option in the future.

**Floodplain and Sanitary Code Ordinances.**

Sheboygan County has adopted both floodplain and sanitary codes for all unincorporated areas of the County, including the Town of Mitchell. The County's Shoreland – Floodplain Ordinance regulates development within designated floodplain areas and adjacent to navigable streams and lakes in the County. These regulations overlay local zoning requirements and limit development within the identified areas. The County's sanitary code regulates the placement and use of various on-site waste-water treatment options. The Town of Mitchell will need to work with Sheboygan County to ensure strict compliance with its sanitary and flood plain development codes in the Town. Such compliance is important for protection of the Town's ground and

surface waters. Uncontrolled waste water can have detrimental and wide ranging impacts on health and property values.

This Plan is not recommending the Town of Mitchell take over responsibilities for these codes. Rather it recommends the Town work with the County on seeing to their enforcement and stay informed about any future changes to either code requirements which could affect Town residents or their lands.

### **ECONOMIC DEVELOPMENT COMMITTEE**

An Economic Development Committee (EDC) is a not-for-profit organization representing the interests of both the public and private sectors in a Town. EDCs are formed to handle the municipality's economic development activities and to act as a bridge between the public and private sectors. Typical activities undertaken by an EDC include commercial and industrial development, business retention and recruitment activities, and tourism development and promotion activities. A council of directors, representing a broad range of community interests, working with its staff sets the policies for the EDC and is responsible for any actions taken.

This Plan is not recommending the Town of Mitchell create such an organization at this time.

### **PUBLIC INVESTMENT ACTIVITIES**

#### **Development Review Cost-Recovery.**

The Town of Mitchell's existing land use control ordinances all include filing fees and in some instances, licensing fees. The Town's stated policy, as first articulated by the Ordinance Review Committee in their report of recommendations, is for a developer or petitioner who is asking the Town of Mitchell to act on a proposed land division, condominium development, or a change to its land development ordinances should bear the costs to the Town for such review and not the general property tax payer of the Town.

With this long standing Town policy in mind, this Plan recommends the Town of Mitchell institute, within any ordinances amended or adopted to implement this Plan, the requirement that any person, etc., who requests the Town to review a proposal under the ordinances bear the cost to the Town for such review. Any fees established as part of such ordinance amendments or adoptions should be calculated based on a best estimate for those Town costs which can be estimated (such as the cost of any required legal ads, postings, required mailing, etc.) and then, as for the Town's subdivision ordinance, require reimbursement for those costs (such as for a Town Attorney review, Town engineering consultant review, etc.) which cannot be easily estimated.

#### **Capital Improvements Programming.**

Many communities, in addition to their annual listing of capital projects to be included in each year's budget, will prepare a mid-range (3- to 5-year time frame) listing of capital project needs.

Such a listing is then reviewed annually and amended as needed to reflect current estimates of future needs. Such a listing allows the community to better estimate and plan for future financial needs and to then use such estimates in the annual review of capital projects to be undertaken.

This Plan recommends the Town of Mitchell consider adopting such a procedure.

## **INTERGOVERNMENTAL COOPERATION**

### **Coordination of Policies and Programs.**

The Town of Mitchell is located at the far western edge of Sheboygan County, sharing its western border with Fond du Lac County. It is bordered by 5 towns in Sheboygan County (Greenbush, Plymouth, Lyndon, Sherman, and Scott) and 3 in Fond du Lac County (Forest, Osceola, and Auburn). As part of its intergovernmental cooperation efforts, Mitchell has kept these various units of government apprised of its planning work and has invited them to work with the Town on comprehensive planning. As the Towns of Lyndon and Mitchell began preparing their comprehensive plans at the same time, Mitchell and Lyndon have met during the planning work and have agreed to continue meeting at least once a year to coordinate activities. The Town has also worked with Sheboygan County in its plan preparation.

This Plan recommends that the Town of Mitchell continue working with Sheboygan County on its plan preparations and where possible incorporate those parts of the County plan(s) which apply to the Town.

### **Boundary Agreements.**

As the Town of Mitchell is not now bordered by any cities or villages (which can take land from a town and incorporate the land into the city or village), the Town has not entered into any boundary agreements. The nearest boundary for the Village of Cascade is 1.25 miles to the east; and that for the City of Plymouth is 2.75 miles to the northeast.

This Plan recommends the Town of Mitchell continue monitoring annexation activities in Cascade and Plymouth and, when either appear interested in expanding towards the Town, to work with them in establishing formal boundary agreements.

## **ADOPTING AND UPDATING THE COMPREHENSIVE PLAN**

### **INITIAL ADOPTION:**

The Town of Mitchell has used its Plan Commission to prepare this first comprehensive plan for the Town. In keeping with the requirements of section 66.1001(4), Wisconsin Statutes, the Town Board has adopted, and the Plan Commission has followed, a written public participation plan. The Town has also identified and kept informed of its work on this comprehensive plan: the adjacent municipalities and counties<sup>3</sup>; the state and federal governmental agencies who own

---

<sup>3</sup> The Towns of Greenbush, Plymouth, Lyndon, Sherman, Scott, Forest, Osceola, and Auburn and Sheboygan and Fond du Lac Counties

lands within the Town<sup>4</sup>; the appropriate transportation agencies<sup>5</sup>; and the Bay-Lake Regional Planning Commission.

To complete the work on this Comprehensive Plan:

- ◆ The Plan Commission will
  - Hold at least one public informational meeting on the draft plan and
  - Need, by majority vote of the entire membership, to pass a resolution adopting the plan and recommending it to the Town Board; and
- ◆ The Town Board, after holding at least one public hearing, would then adopt the Plan by ordinance.

### **SUBSEQUENT AMENDMENT:**

Updating this Plan would follow the same procedures as for initial adoption. Such updates may be of the entire plan or for one or more of the nine elements. Updating may also include the incorporation of plans or parts of plans prepared by other units of government (such as Sheboygan County, Bay-Lake Regional Planning Commission, state or federal agencies that own land in the Towns, etc.) or by other Town committee such as the Town Park Committee or the School Remodeling Committee.

This Plan recommends, the Town of Mitchell:

- ◆ Continue to use the Town's Plan Commission to oversee updating of its Comprehensive Plan; and
- ◆ As new information is learned or changed situations come about, update those parts of the adopted comprehensive plan as needed to incorporate this new information or changed situations.

### **COMPREHENSIVE PLAN INTERNAL CONSISTENCY**

The Plan Commission developed this comprehensive plan as a unified whole with supportive goals, objectives, policies, and programs. It used community surveys and nominal group sessions to identify key issues within each of the nine elements of the Plan. Using these issues along with factual information regarding natural features, past population and housing data, and infrastructure information, the Commission developed a set of goals, objectives, policies, and programs to determine a desired vision used throughout the planning process. The Plan Commission used the identified vision, goals, and strategies expressed within this Plan to determine the General Plan Design as well as the implementation actions the Town will undertake throughout the 20-year planning period.

When preparing any amendments to the Plan or its individual elements, the Plan Commission should undertake an overall review of all nine elements, along with their identified goals, objectives, policies, and programs, in order to ensure consistency within and between elements.

---

<sup>4</sup> The Wisconsin Department of Natural Resources Fish and Wildlife Service, the Superintendent of the Northern Unit of the Kettle Moraine State Forest, the Wisconsin Department of Corrections, the U.S. Fish and Wildlife Service

<sup>5</sup> District 3, Wisconsin Department of Transportation and Sheboygan County Highway Department

## MEASURING PROGRESS: IMPLEMENTATION STEPS / TIME LINE AND ACTION PLAN

The following outlines the time line to implement the recommendations contained within this Plan.

### **WITHIN 3-MONTHS OF PLAN ADOPTION**

- ◆ Adopt a Zoning Ordinance for the Town including the designation of an administrative official or officials;
- ◆ Adopt the changes to Chapters 39,40,41,42, 62, 72, 74, 79, 93, 94, and 96, Mitchell Code of Ordinances, required as a result of adopting a zoning ordinance;
- ◆ Establish a Board of Appeals for the Town by adopting an ordinance creating the Board and describing its powers and duties;
- ◆ Review the work of the School Remodeling Committee
  - for possible incorporation of their recommendations into this Plan
  - including any revisions needed to the Plan to incorporate it
- ◆ Adopt design review provisions for condominiums and the point system for residential structures in agricultural areas.

### **WITHIN 6-MONTHS OF PLAN ADOPTION**

- ◆ Complete the inventory of existing signs in the Town and determine if sign review authority is needed in the Town;
- ◆ Determine if the Town needs to amend its driveway and culvert ordinance (Chapters 22 and 74, Mitchell Code of Ordinances) to include erosion control regulations;
- ◆ Determine if the Town will adopt an Official Map for the Town or a part of the Town;
- ◆ Determine if the Town will use capital improvements programming in its budgeting;
- ◆ Determine if the Town should adopt for condominium developments a park land dedication ordinance (or ordinance provisions within existing Chapter 72) which would include provisions for payment of fees-in-lieu of land similar to the County's provisions for land subdivided

### **WITHIN 1-YEAR OF PLAN ADOPTION**

- ◆ If recommended, adopt an Official Map for the Town or for a part of the Town;
- ◆ If recommended, adopt a sign review ordinance, or amendment to an existing ordinance for the Town;
- ◆ Review the County comprehensive plan, or plan elements, for possible incorporation in the Town's Plan;
- ◆ Complete the inventory and mapping of unique natural features in the Town
  - determine if ordinance provisions are needed to conserve some or all of the mapped features, and
  - review the use of cluster or conservancy development procedures for such lands;

- ◆ Meet with federal and state agencies' representatives to discuss use of the property they own within the Town; and

### **EACH YEAR**

- ◆ Meet with neighboring Towns to coordinate and discuss land use decisions along the Town borders;
- ◆ Meet with Sheboygan County planning officials to discuss and coordinate land use issues;
- ◆ Meet with school district representatives to discuss educational issues;
- ◆ Review the services provided by the fire departments, ambulance service, and first responders serving the Town; and
- ◆ Review funding sources available for purchase or development of recreational resources

### **EVERY 2-YEARS**

- ◆ Review the Plan vision statements, goals, objectives, policies, and programs to determine if they need to be amended in light of current conditions in the Town;
- ◆ Review developments that have occurred in the Town
  - to see if they are consistent with the Town's desire to preserve prime agricultural lands while allowing farmers some development on their lands and
  - to determine if the growth rate is as projected in the Plan;
- ◆ Work with Sheboygan County, neighboring municipalities (including if appropriate Fond du Lac County planning and highway departments), and state agencies on the development of interconnecting trails; and
- ◆ Review police protection in the Town to determine if changes in this service are needed.

### **EVERY 5-YEARS**

- ◆ Design and administer a survey of Town residents on land use or other issues facing the Town and
- ◆ Review Town provided services for their adequacy.

### **OTHER TIME PERIODS**

#### **Within 2-years of Plan Adoption**

- ◆ Complete inventory of historic properties or districts
  - Determine if ordinance provisions are necessary to conserve such resources and
  - If recommended, adopt an ordinance, or ordinance provisions, for conserving such resources;
- ◆ Prepare educational material for Town residents and property owners on the preservation of historic and cultural resources

#### **Within 6-years of Plan Adoption**

- ◆ Review the Census reported 2010 population and housing information for the Town and update this Plan to include the updated figures and
- ◆ Review the Town's land use plan element for possible changes based on Census reports

**As Needed**

- ◆ Meet with representatives of utility service providers (for example, Plymouth Utilities, We Energies, Verizon, U.S. Cellular, etc.) to review the adequacy of such utilities in the Town and their plans for improvements or extensions and
- ◆ Work with Sheboygan County and the Eastern Shores Library System on the preparation of their 5-year library services plan