

INTRODUCTION

To understand the character of the Town and Village of Black Creek one only needs to look at the landscape. From the scenic, open farmlands, and quality housing development, Black Creek is a beautiful community, with a strong farming tradition 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.

CURRENT LAND USE INVENTORY

The *Current Land Use Map* was created from information provided by Outagamie County and the East Central Wisconsin Regional Planning Commission (ECWRPC). The Town and Village of Black Creek provided additional updates in 2004. What follows is a description of the land use categories illustrated on the Current Land Use Map.

INDUSTRIAL

Industrial land uses, as shown on the *Current Land Use Map*, include all industrial activities. Industrial properties are currently concentrated the Village of Black Creek. To learn more about the area economic development opportunities, refer to Chapter 8.

RIGHT-OF-WAY

All roadways are shown in black on the *Current Land Use Map*. To learn more about transportation facilities, refer to Chapter 5.

RAILROAD

Canadian National Railroad is the only railroad corridor in the community. To learn more about transportation facilities, refer to Chapter 5.

WATER FEATURES

Water features include ponds, streams, creeks, and drains. The primary water features in the Town and Village are streams and creeks. To learn more about surface waters see Chapter 7.

WOODLANDS/WETLANDS

The woodlands and wetlands are grouped together in one category, since most of the wetlands are incorporated into the woodland areas. These areas cover much of the community and limit development to certain areas. Refer to Chapter 7 for more information.

UNDEVELOPED AREAS

Areas classified here consist of residential subdivision lots that are not yet developed and areas that are not wooded, wetland or farmland (Note: 'Undeveloped' is a term applied by Outagamie County GIS to a certain set of land uses).

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UTILITIES

Utilities include electricity, natural gas, communications, and other service providers. More information is provided in Chapter 6.

COMMERCIAL

Commercial land uses are concentrated primarily within the Village and the southwest section of the Town. Commercial land uses include retail business, restaurants, gasoline stations and service businesses like travel agencies, banks, and auto repair establishments. Chapter 8 profiles economic development opportunities.

CEMETERIES

Cemetery locations are also illustrated on the *Current Land Use Map*. A detailed profile of each cemetery is included in the Utilities and Community Facilities Element (Chapter 6).

INSTITUTIONAL

Institutional uses include churches and schools and medical facilities. For more information about area churches refer to the Culture Resources portion of Chapter 7. For information about the local school districts refer to the Utilities and Community Facilities Chapter, Chapter 6.

QUARRIES

There are a few small quarry/pit operations located around the Town. These areas are shown in dark grey. Refer to the Agricultural, Natural and Cultural Resources Element (Chapter 7) for more information.

RECREATION

Town and Village Parks, as well as privately owned forests, wetlands, and sportsmen clubs fall in this category. For more information on these areas, see Chapters 6 and 7.

AGRICULTURE

The vast majority of the Town is classified as agricultural land. Agricultural lands include all non-irrigated cropland and rented cropland. For additional information about the local agricultural land uses, refer to Chapter 7.

FARMSTEADS/OUTBUILDINGS

Farmsteads/Outbuildings are defined as the residence, barn and other outbuildings associated with a farming operation. Farmsteads do not include cropland areas. For more information about the area farming operations, refer to Chapter 7.

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SINGLE FAMILY HOMES

Single-family residential development is spread throughout the Town with the vast majority on individual plots lining roadways and a growing number forming in planned subdivisions. In the Village, residential subdivisions cover a very significant portion of the community. Information about the characteristics and quality of the housing supply is available in Chapter 4.

MULTI-FAMILY HOMES

Multi-Family homes are consist of more than one family unit per structure. Apartments, duplexes, quadplexes, and senior housing are each examples of multiple family homes. Information about the characteristics and quality of the housing supply is available in Chapter 4.

MOBILE HOMES

There is a small mobile home parks in the Village of Black Creek. There are a few mobile homes scattered around the Town. These mobile homes are illustrated in pink on the *Town/Village Current Land Use Map*, and the mobile home park is shown on the Village map.

CURRENT LAND USE ACREAGE

Land Use	Acreage	Percent of Total
Agricultural	13,980	64.04%
Cemeteries	7	0.03%
Commercial	37	0.17%
Industrial	55	0.25%
Potential Village Park	5	0.02%
Public / Institutional	4	0.02%
Recreational	67	0.31%
Residential	755	3.46%
Transportation & Utilities	64	0.29%
Water	107	0.49%
Woodlands	6,748	31.90%
Total	21,830	100%

Source: Outagamie County Planning & Zoning Department.

Land Use	Acres	Percent of Total
Agricultural/Vacant/Open Space	246	38.08%
Commercial	15	2.31%
Industrial	24	3.70%
Public / Institutional	22	3.40%
Recreational	34	5.32%
Residential	143	22.21%
Transportation	75	11.61%
Roads	25	3.89%
Utilities	<1	0.02%
Water	4	0.63%
Woodlands	57	8.87%
Total	646	100%

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Source: Outagamie County Planning & Zoning Department.

ZONING REGULATIONS

The Town and Village of Black Creek each administer and enforce zoning regulations within their respective jurisdictions. The Town’s ordinance was recently updated to comply with Wisconsin’s new Farmland Preservation zoning regulations (Chapter 91, Wis. Stats.). Each community utilizes a conventional zoning ordinance based upon the designation of zoning districts within which a number of permitted and conditional uses are permissible. Tables 9.3 and 9.4 list the districts within the ordinances and provide brief descriptions of district regulations.

District Name	Permitted Uses	Minimum Size	Minimum Width	Max. lot buildings coverage	Front Yard Setback	Side Yard Setback	Rear Yard Setback
FP/AED Farmland Preservation/ Exclusive Agricultural District	Productive agricultural lands by limiting encroachment of non-agricultural development.	No minimum lot size. Minimum lot size for Nonfarm Residences is one acre.	Farm = NA Home = 120 ft	NA	37 ft for homes	12 ft for homes	25 ft for homes.
AGD General Agricultural District	Farming and agricultural related uses with the knowledge that some non-agricultural uses will develop.	4 Acres Existing residential structure and farm dwellings not less than 43,556 sq. ft.	200 ft Home = 120 ft	NA	37 ft 37 ft for homes	12 ft for homes	25 ft for homes
RSF Single Family Residential District	Single Family Uses in a subdivision plat with public sewer.	7,200 sq. ft.	60 ft.	30%	25 ft.	6 ft.	25 ft.
	Single Family Uses in a subdivision plat without public sewer.	43,556 sq. ft.	120 ft.	15%	37 ft.	12 ft.	35 ft.
	Single Family Uses not in a subdivision plat with public sewer.	9,000 sq. ft.	75 ft.	20%	25 ft.	7 ft.	25 ft.
	Single Family Uses not in a subdivision plat without public sewer.	43,556 sq. ft.	120 ft.	15%	37 ft.	12 ft.	35 ft.
RTF Residential Two-Family District	Two Family Uses served by public sewer.	10,800 sq. ft.	150 ft.	30%	37 feet	12 ft	25 ft.
	Two Family Uses not served by public sewer	65,334 sq. ft.	240 ft	15%	37 ft.	12 ft.	25 ft.
RMF Multi-Family Residential District	High density residential areas with multi- family or apartment development	10,000 sq ft 3+ stories 20,000 sq ft	90 ft. 3 + stories 100 ft.	Not less than 30% of lot shall be landscaped	25 ft	20 ft 3+ stories 25 ft	25 ft.
CL Local Commercial District	Localized commercial markets by encouraging grouping of commercial establishments	10,000 sq. ft No sewer 43,556 sq. ft.	90 ft.	25%.	37 ft.	20 ft.	50 ft.
CR Regional Commercial District	Commercial market in areas that are highly developed or expected to be.	12,000 sq. ft.	100 ft.	25%	37 ft	20 ft	50 ft.
CP Planned Commercial Office District	Large-scale commercial development with access to major arterial streets	2 acres	200 ft.	35%	25 ft.	25 ft	25 ft.

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IND Industrial District	Manufacturing located next to major thoroughfares.	12,000 sq. ft.	100 ft.	35%	37 ft	20 ft.	25 ft
CAO Critical Areas Overlay	Same as underlying zoning district.	Same as underlying zoning district.	Same as underlying zoning district.	Same as underlying zoning district.	Same as underlying zoning district.	Same as underlying zoning district.	Same as underlying zoning district.

Table 9.4: Village of Black Creek Zoning Districts.

District Name	Permitted Uses	Minimum Lot Size	Minimum Lot Width	Min. lot buildings coverage	Front Yard Setback	Side Yard Setback	Rear Yard Setback
R-1 Single Family Residential District	Single-family dwellings with one (1) private garage for per parcel.	10,000 sq. ft.	90 ft.	1,100 sq. ft.	25 ft.	10 ft.	30 ft.
R-2 Two-Family Residential District	Single or Two family dwelling with private garage space for up to four (4) cars per parcel.	6,000 sq. ft.	90 ft.	1 bedroom-600 sq. ft. 2 bedroom-800 sq. ft. 3 bedroom-1,000 sq. ft.	25 ft.	10 ft.	25 ft.
R-3 Multiple-Family Residential District	All R-1 uses plus Multiple-family residential buildings with rooming for up 4 guests.	Single Family – 8,500 sq. ft. Two Family – 6,000 sq. ft. Multi-Family – 3,500 sq. ft.	90 ft.	1 bedroom-600 sq. ft. 2 bedroom-800 sq. ft. 3 bedroom-1,000 sq. ft.	30 ft.	10 ft.	25 ft.
C-1 General Commercial District	An area located within a compact and centralized area to meet the business and commercial needs of the Village.	N/A	70 ft.	Maximum of 15,000 sq. ft.	15 ft.	9 ft.	25 ft.
C-2 Highway Commercial District	Provide goods to travelers or business associated with motor vehicle or highway transportation.	N/A	100 ft.	N/A	25 ft.	10 ft.	20 ft.
I-1 Industrial	An area for manufacturing and industrial activities.	N/A	100 ft.	N/A	40 ft.	20 ft.	20 ft.
PUD Planned Unit Development District	Designed to promote environmental design in the Village, while allowing diversification and variation in implementing a comprehensive and cohesive unified project	N/A	N/A	N/A	N/A	N/A	N/A
CON Conservation District	Preserve the natural state of scenic areas and prevent uncontrolled residential development.	N/A	N/A	N/A	N/A	N/A	N/A
A-1 Agricultural District	Help conserve good farming areas and prevent uncontrolled residential development.	N/A	150 ft.	N/A	40 ft.	9 ft.	25 ft.

SUBDIVISION REGULATIONS

The purpose of a subdivision ordinance is to regulate and control the division of land to:

- Further the orderly layout and use of land;
- Prevent the overcrowding of land;
- Lesson the congestion on streets and highways; and
- Facilitate adequate provision for water, sewage and other public improvements.

A subdivision ordinance includes technical requirements, design standards for plats and certified survey maps, and required improvements (i.e. stormwater detention, public and private sewage, land dedication).

The Outagamie County Subdivision Ordinance outlines procedures for land division, technical requirements, design standards for plats and certified survey maps, and outlines required improvements (i.e. stormwater detention, public and private sewage, land dedication). The county ordinance also includes provisions for cluster developments (i.e. conservation-subdivisions), but provides little guidance for such development design and objectives. To obtain a copy of the county ordinance, contact the Outagamie County Planning / Zoning Department.

The Town of Black Creek has drafted, but not yet adopted, a Land Division and Subdivision Regulations ordinance. Once adopted, the ordinance will govern the creation of parcels through Certified Survey Maps and subdivision plats consistent with state statutes. The document includes procedures for the review and approval of conservation subdivisions in the Town.

The Village of Black Creek has a rudimentary subdivision ordinance that was adopted in the 1980s. The Village uses its zoning ordinance to establish minimum lot sizes and use requirements. The Village also has ordinances specifying road design requirements, utility connection requirements and the like. The development of a separate subdivision ordinance is seen as duplicative and unnecessary in the Village.

Each time an application for a new subdivision is prepared, the Village Plan Commission reviews it for consistency with local codes. The Plan Commission will then make a recommendation to the Village Board. Typically, these recommendations include conditions deemed necessary to protect public health, safety and welfare. This site plan review-based model works well for the Village.

EXTRATERRITORIAL PLAT REVIEW

Extraterritorial plat review (EPR) is granted by statute to all villages and cities in Wisconsin. Authority under EPR allows for the review of subdivision plats within 1.5 miles of city/village boundaries (for cities and villages of less than 10,000 persons), or 3 miles for those with populations of 10,000 or more. EPR applies automatically if the city or village adopts a subdivision ordinance or an official map. The town does not approve the subdivision ordinance for the city or village. The city or village may waive its extraterritorial plat approval jurisdiction if it does not want to exercise it.

The purpose of extraterritorial plat approval jurisdiction is to help cities and villages influence the development pattern of areas outside the city/village boundaries that may be annexed. In addition, it helps cities and villages protect land use near its boundaries from conflicting uses outside the city/village limits. A town and/or the county may also have a subdivision ordinance that applies in the extraterritorial area. If there is a conflict in the requirements of the various ordinances, the proposed subdivision must comply with the most restrictive requirements.

EXTRATERRITORIAL ZONING

Under Section 62.23(7a) of State Statutes, a city or village may enact an extraterritorial zoning ordinance and map for adjoining unincorporated areas lying within its extraterritorial area (3 miles for those with populations of 10,000 and more; 1.5 miles for those less than 10,000). The limits of extraterritorial zoning are the same as those for extraterritorial plat review. Unlike extraterritorial plat review authority, which is automatically granted by statute, a city or village must follow a procedure that involves the adjoining town before enacting a permanent extraterritorial zoning ordinance and map,

In order to exercise their extraterritorial zoning powers, a city or village must have created a plan commission and adopted a zoning ordinance for the land within its corporate limits. Three major steps are involved in the adoption of an extraterritorial zoning ordinance:¹

1. Adoption of Extraterritorial Resolution

The governing body of the city or village adopts and publicizes a resolution which establishes its intent to exercise its zoning authority within all or part of its extraterritorial jurisdiction. The resolution must include a description of the area to be zoned.

2. Development of Extraterritorial Plan and Recommendations

The governing body directs its plan commission to formulate tentative recommendations for the extraterritorial district plan and regulations. The statute requires referral of the extraterritorial zoning resolution to the adopting municipality's plan commission. Actual hearings, recommendations, and decisions regarding the final zoning plan are made and conducted by a joint extraterritorial zoning committee.

The joint extraterritorial zoning committee is composed of three city or village representatives and three members from each of the towns included within the area proposed to be zoned. Representatives from the city or village may be the three citizen members of the local plan commission or any three plan commissioners designated by the mayor or village president. The three representatives from each town involved are appointed by the respective town boards. They must be residents of the town and possess "recognized experience and qualifications." and must be residents of the appointing town.

Once a tentative or recommended plan has been formulated, the joint committee must hold a public hearing on its proposal. The joint committee must approve the recommendations by vote of a majority of the six members. The zoning plan and district regulations are then sent to the governing body of the municipality.

3. Adoption

The final plan and regulations need to be adopted. Once it has received the extraterritorial zoning plan as approved by the joint committee, the governing body of the municipality may adopt the regulations as received or request changes. Any changes proposed by the legislative body must be reapproved by the joint committee and go through a process of notice and public hearing.

¹ Excerpted from Guide to Community Planning in Wisconsin, Brian Ohm, University of Wisconsin-Madison, 1999.

The governing body of the municipality adopting the initial resolution to zone outside its corporate limits may adopt an interim extraterritorial zoning ordinance. The interim ordinance freezes existing zoning or uses in the area during the period in which the extraterritorial ordinance is being prepared. It is valid for two years after its enactment and may be extended for another year if the joint committee so recommends.

OFFICIAL MAP

The official map is one of the oldest plan implementation devices at the disposal of the local communities. It is also one of the most effective and efficient devices to manage the problem of reserving land for future public use. Section 62.23(6) of the Wisconsin Statutes provides that the governing body of any local municipality may establish an official map for the precise identification of right-of-way lines and site boundaries of streets, highways, waterways, and parkways, and the location and extent of railway right-of-ways public transit facilities, and parks and playgrounds. Such a map has the force of law and is deemed to be final and conclusive with respect to the location and width of both existing and proposed streets, highways, waterways, and parkways, the location and extent of railway right-of-ways public transit facilities, and parks and playgrounds. The Statutes further provide that the official map may be extended to include areas beyond the corporate limits but within the extraterritorial plat approval jurisdiction of the municipality.

The official map is thus intended to implement the community's master plan of streets, highways, parkways, parks, and playgrounds. Its basic purpose is to inhibit the construction of buildings or structures and their associated improvements on land that has been designated for future public use. The official map is a plan implementation device that operates on a communitywide basis in advance of land development and can thereby effectively assure the integrated development of the street and highway system. Unlike subdivision control, which operates on a plat-by-plat basis, and acts on development proposals, the official map can operate over the entire community in advance of development proposals. The official map is a useful device to achieve public acceptance of long-range plans, since it serves legal notice of the government's intention to all parties concerned well in advance of any actual improvements. It thereby voids the altogether too common situation of development being undertaken without knowledge or regard for the long-range plan. Thus it can help avoid public resistance when plan implementation becomes imminent.

Neither the Town, nor the Village, of Black Creek have adopted an official map. Soon after adoption of this plan, an official map should be developed to facilitate the proper implementation of this plan and any supporting extraterritorial zoning regulations. The Official Maps developed by each community should show all existing property and street right-of-way lines, as well as proposed right-of-way lines and site boundaries of streets, future collectors, highways, waterways, and parkways, railways, public transit facilities, parks and playgrounds within the extraterritorial boundaries.

TRENDS IN SUPPLY, DEMAND, AND PRICE OF LAND

RESIDENTIAL DEVELOPMENT

The Town has a strong desire to carefully regulate the location of future residential development to ensure that future growth will not have a negative impact on the Town's rural character, interfere with farming operations, or result in significant increases in service needs and costs. Scattered rural development

translates directly into increased potential for conflicts with adjacent farms (i.e. odors, lighting, etc.), interrupts scenic views and character of rural areas, and may also increase the potential impacts of arsenic. It also costs more for the Town to provide road maintenance (including snowplowing), garbage collection and other amenities to residents that are scattered throughout the Town than it does for residents living in a more compact area.

Areas immediately adjacent to the Village provide the greatest opportunity for new housing in the Town. While some of this development may be annexed to the Village, the Town will continue to enjoy the tax benefits of any such annexations in accordance with 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.

Development immediately adjacent to the Village could have access to water and sewer service. Additional space is available for expansion, but current policies do not allow for service extension beyond the Village limits. In order for development to remain in the Town and receive municipal water and sewer service a shared services agreement between the Town and Village needs to be developed.

SUPPLY/TRENDS IN FARMING

As discussed in the Agricultural, Natural and Cultural Resources Element Chapter, older area farmers are retiring. Furthermore, the poor farm economy discourages people from becoming farmers. The result is a diminished pool of local family farmers. This leads to pressure to sell and convert farmland to more profitable uses to improve the sale price.

Fortunately, the Black Creek Community sees this plan as a tool to protect farmland by directing development to the Village and outlining strategies for cost-effective farming. It is hoped that this strategy will improve demand for farmland acreages in the Town in order to prevent sprawling residential development patterns.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Commercial and industrial development is concentrated primarily in the Village. In particular, these uses are found along STH 47 and STH 54. This pattern of development is expected to continue in the future. Accordingly, the *Future Land Use Maps* recommend a pattern of development that supports infill and expansion of these areas. For this reason, the Village will seek to:

- Infill new commercial/industrial development along STH 47 and STH 54;
- Enhance the appearance of the STH 47 corridor;
- Promote additional Downtown development; and
- Utilize any new business park development as a means to grow the local economy.

DEMAND

Quality schools, parks and the small town atmosphere bring people to Black Creek. As is reflected in state and local population projections, the population is expected to steadily, though modestly, increase over the next 20 years.

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Given low vacancy rates, new housing construction will be important to meet local demand. Moreover, providing housing for all stages of life will also be important to address changing demand from the aging population base. Offering a variety of local housing types, including single-family homes, duplexes and multiple family housing is necessary. By providing choices, Black Creek can accommodate the housing demands of families, single individuals, retirees, young professionals and others in need of local housing.

With a growing residential base, demand for additional businesses will soon follow. The greatest challenge to the Village will be to entice industrial development to the community to support the local tax base and provide quality employment opportunities for employment. Providing space in an industrial park is only one element in attracting industrial development. To be effective, the community will need to market itself. More specific attributes and strategies are outlined in the Economic Development Element.

OPPORTUNITIES FOR REDEVELOPMENT

In the Black Creek community, opportunities for redevelopment are most prevalent in the Village. Specifically, opportunities for redevelopment exist along STH 47, the new rail to trail development and in industrial development expansion. Additional information about these opportunities is discussed in the Economic Development and Future Land Use Chapters.

Most areas of the Town are classified as undeveloped (as per Outagamie County GIS) or farmland areas. Accordingly, opportunities for redevelopment are limited.

When redevelopment opportunities arise, the Town and Village will rely on zoning requirements, site plan review, and other existing tools to oversee such events.

