

Chapter IX

IMPLEMENTATION ELEMENT

INTRODUCTION

The Comprehensive plan is not effective without a plan for implementation. Both government and the private sector must work together to use the tools in the implementation element as well as the other elements in this plan as a guide for future preservation and development. The implementation element helps connect issues and opportunities, housing, transportation, utilities, and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, and land use.

This element explains programs and tools to be used to help in the implementation of the goals, objective, policies, and recommendations for elements of this comprehensive plan.

IMPLEMENTATION PROGRAMS AND SPECIFIC ACTIONS

Education

In order to carry out the implementation of this plan, continuing education for town board members, plan commissioners, board of appeals members, and interested citizens is a necessary component. The Wisconsin Towns Association, the University of Wisconsin-Extension Local Government Center, and the American Planning Association all offer educational opportunities. The University of Wisconsin-Extension also offers a certificate series for plan commissioners.

Specific Action

Plan Commissioners and town board members attend continuing education workshops to keep informed about planning issues. Plan commissioners complete UW-Extension Planning Commissioner certificate program.

Implementation Time Frame

Annually. Milestone date for completion of certificate by current plan commissioners is 2008. Ongoing for new plan commissioners.

Planning

The citizens of the Town of Byron must be kept informed about the comprehensive plan. Comprehensive planning is a new concept for many citizens. Before, the comprehensive planning law was created, only 28 percent of communities in Wisconsin had a comprehensive or land use plan.

Specific Action

Place the comprehensive plan on the town's website and post plan commission minutes on the site. Update residents about the comprehensive plan at the annual town meeting.

Implementation Time Frame

The milestone date for the town website is 2007. Comprehensive plan updates should be presented at each annual town meeting.

Conventional Zoning

Zoning is used to regulate land uses and implement a comprehensive plan. Zoning ordinances regulate the use of property in order to advance the public health, safety, and welfare. A zoning ordinance consists of a map and text. The map displays the zoning district boundaries and the text describes what can be done in each type of district.

All 21 towns in Fond du Lac County have their own conventional zoning ordinance. The Town of Byron adopted a zoning ordinance in 1982 and amended in 1993, 1994, and 2002. The zoning ordinance has 5 districts. The largest district is exclusive agricultural. The other districts are residence district, multi-family residence district, agricultural transition district, business district, and industrial district. Each district contains a list of permitted and conditional uses, which define rights within the district.

Specific Action

Acquire zoning ordinances for other towns of similar size that are in Metropolitan Planning Organizations in Wisconsin. Focus on towns that are in close proximity to bypass projects like U.S. Highway 151. Review these ordinances and learn what they include in their zoning ordinances.

Specific Action

The Town of Byron will update the zoning ordinance to be consistent with comprehensive plan.

Implementation Time Frame

January 1, 2010.

Shoreland Zoning

The Fond du Lac County Planning Department administers a shoreland zoning ordinance for all navigable waters in unincorporated areas in the county including the Town of Byron. The ordinance is enforced within 1,000 feet of the ordinary high water mark of navigable lakes, ponds, and flowages, and within 300 feet of the ordinary high water mark of navigable rivers or streams or to the landward side of a floodplain, whichever distance is greater. The shoreland zoning ordinance has 3 districts. They are shoreland-wetland district, recreational-residential district, and general purpose district. The ordinance requires a land use permit and the county zoning administrator manages and enforces the ordinance.

Specific Action

The Town of Byron will continue to participate in county shoreland zoning.

Implementation Time Frame

Not Applicable

Flood Plain Zoning Ordinance

The Fond du Lac County Planning Department administers a flood plain zoning ordinance. The ordinance sets guidelines, restrictions, and criteria for development within the 100-year floodplain. The ordinance has a floodway district, floodfringe district, and general floodplain district. The ordinance requires a land use permit and the county zoning administrator manages and enforces the ordinance.

Specific Action

The Town of Byron will continue to participate in county flood plain zoning.

Implementation Time Frame

Not Applicable

Extraterritorial Zoning

Wisconsin Statute, 62.23(7a), extraterritorial zoning, allows first (population of 150,000 or more), second (population of 39,000 to 149,000), and third class cities (population of 10,000 to 38,999) to create a zoning jurisdiction 3 miles beyond their corporate limits. Fourth class cities and villages with populations under 10,000 may create a zoning jurisdiction 1.5 miles beyond their corporate limits. The following process must be implemented to create extraterritorial zoning.

- The governing body of a city or village must adopt and publicize a resolution that establishes their intent to exercise zoning authority within their extraterritorial jurisdiction.
- A joint extraterritorial zoning committee is established that includes three representatives from the city or village and three members from each of the towns included in the proposed area to be zoned.
- The extraterritorial zoning committee works with the entire plan commission of the city or village to develop a recommended zoning plan.
- A public hearing must be held on the recommended zoning plan for the extraterritorial zoning district.
- The six member joint committee votes and a simple majority of yes votes is required to present the extraterritorial plan to the local governing body.
- The village board or city council votes to adopt the extraterritorial plan.

The Village of Lomira could exercise extraterritorial zoning 1.5 miles beyond its corporate limits and the City of Fond du Lac could develop extraterritorial zoning 3 miles beyond its corporate limits. If created, both extraterritorial zoning districts would include large portions of the Town of Byron. To date, both the Village of Lomira and City of Fond du Lac have not utilized extraterritorial zoning.

Specific Action

The Town of Byron shall not support the use of extraterritorial zoning within its borders.

Implementation Time Frame

Not Applicable

Official Maps

Towns, cities, and villages may adopt official maps. These maps, which are adopted by ordinance or resolution, often show existing and planned streets, highways, historic districts, parkways, parks, playgrounds, railroad rights of way, waterways, and public transit facilities. Official maps are not used very often in Wisconsin due to the fact that few communities plan in detail anything but major thoroughfares and parks in advance of development of a neighborhood.

Specific Action

None

Implementation Time Frame

Not Applicable

Sign Ordinances

A sign ordinance restricts the type, size, and location of signs within a town. It also can restrict the use of materials that are used to construct signs. The purpose is to restrict clutter and preserve aesthetics. The Town of Byron regulates signs for business purposes in its zoning ordinance under business districts. The ordinance sets set back and size requirements for advertising and announcement signs that advertise goods or services offered by a specific business conducted on the premises where the sign is located. However, the ordinance does not regulate billboards.

Specific Action

The Town of Byron should amend their zoning ordinance to include a billboard ordinance.

Implementation Time Frame

January 2008

Automobile, Tire, and Junk Ordinance

Fond du Lac County regulates the storage and disposal of automobiles, tires, and junk to prevent the proliferation of junkyards, tire piles, and dumps. The county code enforcement officer and the Sheriff's Department enforce the ordinance.

Specific Action

The Town of Byron will continue to collaborate with Fond du Lac County with regards to the regulation of automobiles, tires, and junk.

Implementation Time Frame

Not Applicable

Stormwater Management

The Town of Byron does not have a stormwater management ordinance. An ordinance would help protect water quality and water supply.

Specific Action

The Town of Byron shall cooperate with neighboring local government jurisdictions and Fond du Lac County in developing a stormwater management plan.

Implementation Time Frame

January 2011

Land and Water Resource Management

The Fond du Lac County Land and Water Conservation Department administers a land and water resource management program for Fond du Lac County under Wisconsin Statute, 92.10. The purpose of this planning program is to conserve long-term soil productivity, protect the quality of related natural resources, enhance water quality, and focus on severe soil erosion problems.

Specific Action

The Town of Byron will continue to collaborate with the Fond du Lac County Land and Water Conservation Department with regards to soil erosion and water quality issues.

Implementation Time Frame

Ongoing

Historic Preservation Ordinances

Historic preservation ordinances are developed to protect historic buildings and districts. Counties, towns, villages, and cities have authority to enact historic preservation ordinances. The National Register of Historic Places recognizes properties of local, state, and national significance. The Wisconsin State Register of Historic Places parallels the National Register. Most of the properties in Wisconsin listed on the National Register are also on the State Register.

The Town of Byron does not have any sites or properties listed on the State or National Register. The Wisconsin Architecture and History Inventory (AHI) developed by the Wisconsin Historical Society provides information on historic and architecturally significant properties in Wisconsin. The AHI compiles data on buildings, structures, and objects that contribute to Wisconsin's history. The majority of properties in this database are privately owned. These properties currently display any special status or benefits. According to the AHI, the Town of Byron has 59 properties. A description of these properties can be viewed at <http://www.wisconsinhistory.org/ahi/summary.asp>

Specific Action

The Town of Byron will collaborate with local and state historical societies and landowners to identify sites and buildings with historic, archeological, or cultural significance within the town. The town will work with interested landowners to develop a historical preservation ordinance.

Implementation Time Frame

Completion of inventory, June 2009. Development of ordinance, January 2011.

Subdivision Ordinance

The impact of subdivision regulations is more permanent than zoning. Once land is divided into lots and streets are constructed the development pattern is set. Failure to plan for the proper subdivision of land can lead to extra tax burdens, traffic problems, and a loss of a sense of community. Wisconsin State Statutes Chapter 236 sets minimum requirements and procedures for subdivisions. It defines a subdivision as 5 or more lots of 1.5 acres or less. Both the Town of Byron and Fond du Lac County have subdivision ordinances that go beyond the minimum state requirements. The Wisconsin Department of Administration also reviews subdivision plats and the Wisconsin Department of Transportation becomes involved if a subdivision has an entrance or departure that abuts a state highway

Site Plan Regulations

The Town of Byron regulates the site planning of structures through its zoning ordinance.

Specific Action

The Town of Byron will continue to regulate site plans for structures through its zoning ordinance

Implementation Time Frame

Not Applicable

Design Review

Design review involves the review and regulation of the design of buildings and their sites. Its purpose is to protect communities from unsightly development, which would detract from the appearance of the community and reduce property values.

Specific Action

The Town of Byron has design review guidelines in its zoning ordinance.

Implementation Time Frame

Not Applicable

Building and Housing Codes

Towns, counties, cities, and villages may create building and housing codes. Building codes are a set of regulations that create standards for the construction of new buildings in a community. These codes ensure that new buildings and altered buildings will be safe when completed. The codes must conform to the state building, plumbing, and electrical codes. Housing codes define standards for how a dwelling unit is to be used and maintained after it is built. This code is concerned with keeping housing from falling into dilapidation and thus keeping neighborhoods from falling into blight. The Town of Byron has a building inspector that enforces the state codes. The town has not adopted its own building or housing code.

Specific Action

The Town of Byron has a building inspector that enforces the uniform dwelling code as required by state statute.

Implementation Time Frame

Ongoing

Private Onsite Wastewater Treatment Systems (POWTS)

In 2000, the Wisconsin Department of Commerce implemented Wisconsin Administrative Code Comm. 83 pertaining to POWTS. In 2004, Fond du Lac County began implementing a new program as required by Wisconsin Administrative Code Comm 83.54 Management Requirements and Comm. 83.55 Reporting Requirements. This program requires that all pre-1980 POWTS in Fond du Lac County be inspected and placed on a maintenance schedule. All homeowners with pre-1980 POWTS or holding tanks must comply by having their systems inspected and serviced by a licensed professional. A filing fee is required to be submitted to Fond du Lac County along with an inspection and maintenance report.

Specific Action

The Town of Byron will continue to cooperate with Fond du Lac County.

Implementation Time Frame

Not Applicable

Sanitary District

A town board or the Department of Natural Resources creates Town sanitary districts for the purposes of constructing and operating public water supply, sewage treatment, storm sewers, drainage improvements, and solid waste disposal facilities. The districts have the power to acquire property, levy special assessments, and collect charges for services.

Specific Action

The Town of Byron should study the feasibility of creating a sanitary district in the future to allow for higher density development.

Implementation Time Frame

January 2020

Impact Fees

Towns, villages, cities, and counties can impose impact fees. Impact fees are financial contributions imposed on a developer by a local government as a condition of development approval. Impact fees help shift a portion of the capital cost burden of new development to developers in an effort to make a development responsible for serving itself rather than raising taxes on existing development. Local governments can use impact fees to finance highways, sewage treatment facilities, storm and surface water handling facilities, parks and recreation, solid waste and recycling, fire and police protection, and libraries.

Specific Action

The Town of Byron should establish an impact fee for new residential developments.

Implementation Time Frame

January 2010

Cooperative Boundary Agreements

Under Wisconsin Statute, 66.0307, communities can develop cooperative boundary agreements. Cooperative boundary agreements provide communities the flexibility to determine the issues that need to be resolved, the size of the agreement area, the responsibility for services, the duration of the agreement, and how the boundaries are determined. With an adopted boundary agreement the rules of annexation no longer apply. Communities work together to agree on their own rules. Requirements of boundary agreements include:

- Providing broad notice to area residents and jurisdictions.
- Preparing a cooperative plan that describes the public services, facilities, and infrastructure that is to be provided, the layout of neighborhoods, the boundary changes agreed to, conditions, and the duration of the agreement.
- Holding a public hearing on the proposed agreement
- Holding an advisory referendum, if requested
- Gaining approval from the Department of Administration, Municipal Boundary Review

Specific Action

The Town of Byron shall establish a cooperative boundary agreement with the City of Fond du Lac and the Village of Lomira.

Implementation Time Frame

City of Fond du Lac, January 2012

Village of Lomira, January 2015

Capital Improvements Program

Capital improvements are those projects that require the expenditure of public funds for the acquisition, construction, or replacement of public buildings, roads, and highways, heavy equipment, and parks and open space. In a capital improvements program needs are identified and listed for a 4 to 6 year period. Capital Improvements programs allow communities to plan for capital expenditures and minimize unplanned expenses.

Specific Action

The Town of Byron should develop a capital improvements program

Implementation Time Frame

January 2009

Intergovernmental Cooperation

Any municipality may contract with other municipalities for the receipt or furnishing of services or joint exercise of power or duties require or authorized by law. It should be noted that the term “municipality” means the state, counties, cities, villages, towns, school districts, sanitary districts, public library systems, and regional planning commissions. In most cases, the requirements set forth for intergovernmental agreements are minimal. The Town of Byron contracts with four fire departments for fire protection and emergency medical services. The Brownsville Fire Company, Eden Fire Department, Lomira Fire Department, and Oakfield Fire Department provide these services to the town. This sharing of service increases efficiency by sharing costly fire equipment among several communities

Specific Action

The Town of Byron will continue agreements with surrounding communities for police, fire, and emergency medical services.

Implementation Time Frame

The town will review agreements on an annual basis.

INTEGRATION AND CONSISTENCY OF PLAN ELEMENTS

Integration and consistency of all the elements is necessary for success. This document is not a land use plan. It is a comprehensive plan. As shown in the land use chapter, all nine elements of this plan are interdependent. The Town of Byron will use the entire document as a guide in making good decisions.

MEASUREMENT OF PLAN SUCCESS

This is the first comprehensive plan for Byron. This plan will be evaluated and measured keeping the citizens of Byron involved and informed about the planning implementation process. Citizen surveys will be utilized every five years to gather both quantitative and qualitative data about resident’s satisfaction with plan implementation. The town will also evaluate success by reviewing the plan for consistency on a regular basis and evaluating how the plan is assisting local officials with development and preservation decisions.

PROCESS FOR UPDATING THE COMPREHENSIVE PLAN

The Comprehensive Planning Law requires that a plan be updated no less than once every 10 years. For accuracy and consistency, this plan should be reviewed once every three years and updated to include implemented tasks and any significant data changes. Amendments or changes to this plan require a petition to the town board. The petition should specify what change is requested and the reason for it. Amending the plan without sound reason or ignoring the plan as though it does not have a role in producing compatible development are costly mistakes that have been made in the past by local government bodies.

