

**PROPOSAL BY THE TOWN OF MIDDLETON REGARDING BOUNDARY
PLAN AND AGREEMENT WITH THE CITY OF MIDDLETON**

August 22, 2024

The Town of Middleton proposes the following as terms of a proposed boundary plan and agreement with the City of Middleton:

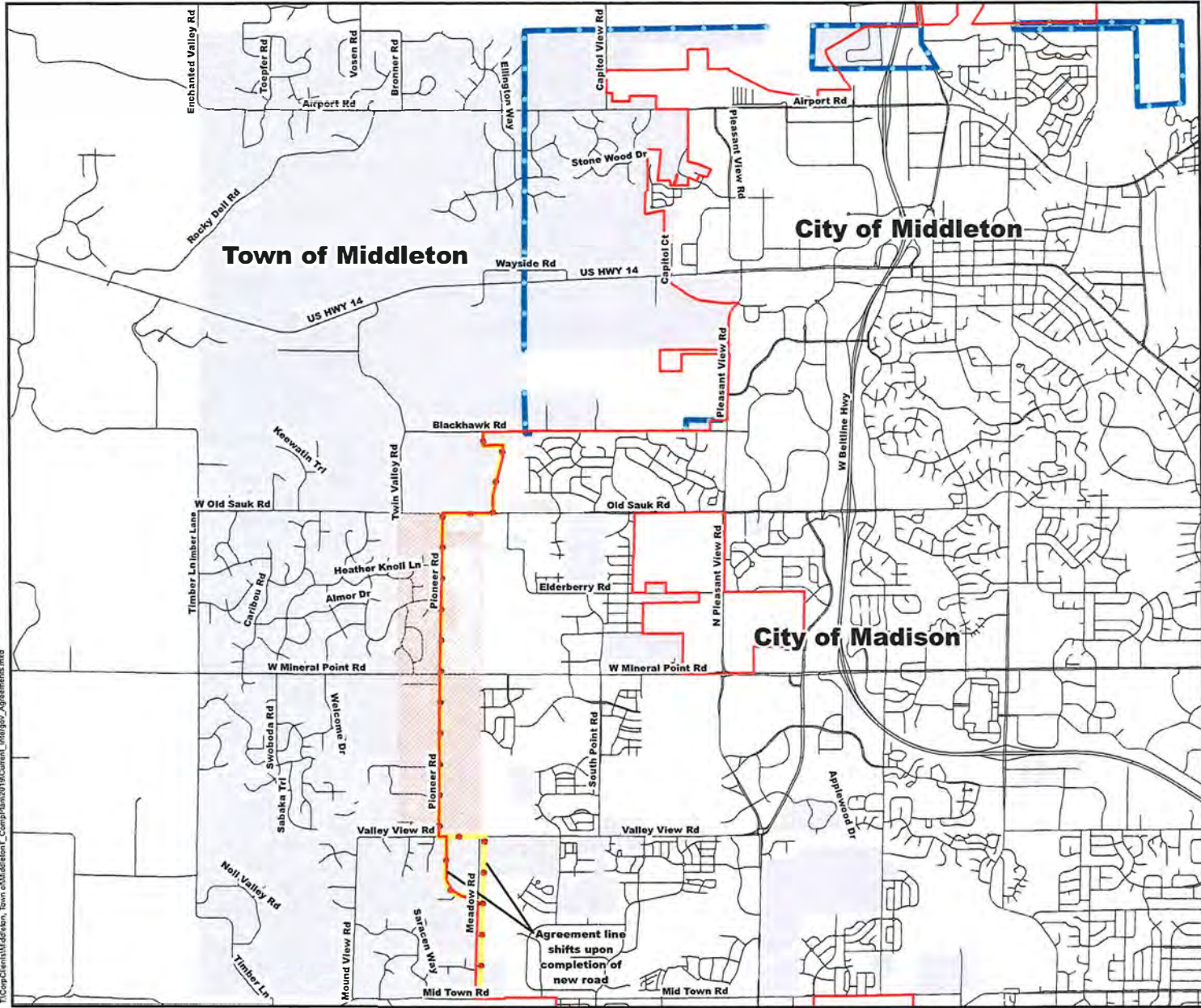
1. Preservation of Current Boundary. Continue current boundary between the Town of Middleton and the City of Middleton without change. There will be no future annexations or attachments by the City of Middleton in the Town of Middleton without the approval of the Town.
2. Extraterritorial Subdivision Review. City of Middleton will not exercise any extraterritorial subdivision (plat and certified survey map) review powers under Chapter 236, Wis. Stats., or under local ordinances adopted under Chapter 236, within the Town of Middleton.
3. Extraterritorial Zoning (Under Chapter 62, Wis. Stats.). City of Middleton will not exercise any extraterritorial zoning powers within the Town of Middleton under section 62.23(7a), Wis. Stats.
4. Airport Zoning (Under Aeronautics Chapter 114, Wis. Stats.). City of Middleton will not modify its current airport zoning ordinance or adopt any new airport zoning provisions under Chapter 114, without the approval of the Town Board, including the adoption of any new or additional restrictions, but waivers, amendments and variances to increase height limits generally, or for certain areas or for specific buildings, are allowed without requiring Town Board approval.
5. Condemnation. City of Middleton will not condemn any interests in land within the Town of Middleton without the consent of the Town of Middleton.
6. Land Acquisition. City of Middleton will not acquire any interests in land, either directly or indirectly, within the Town of Middleton without the consent of the Town of Middleton.
7. Future Meetings. The Town Board and City Council will meet annually to discuss issues of mutual interest that are impacted by the Boundary Plan and Agreement and

to consider possible amendments to the Plan and Agreement, which discussions may include items in paragraphs 1 through 6 above.

8. Term of Agreement. The Boundary Agreement and Plan shall have a term of 60 years.

9. Adoption. This is a proposal and is not legally binding unless formally adopted by the Town of Middleton and the City of Middleton in accordance with the boundary agreement provisions of section 66.0307, Wis. Stats., and approved by the Wisconsin Department of Administration. To the extent that the procedures for formal adoption of the Boundary Agreement and Plan cannot be completed by May 12, 2025 for any reason, the parties will put the agreement into effect by May 12, 2025 on an interim basis by adopting the agreement as an intergovernmental agreement under section 66.0301, Wis. Stats.

TOWN MAPS



Comprehensive Plan

Map 8-1 Current Intergovernmental Agreements

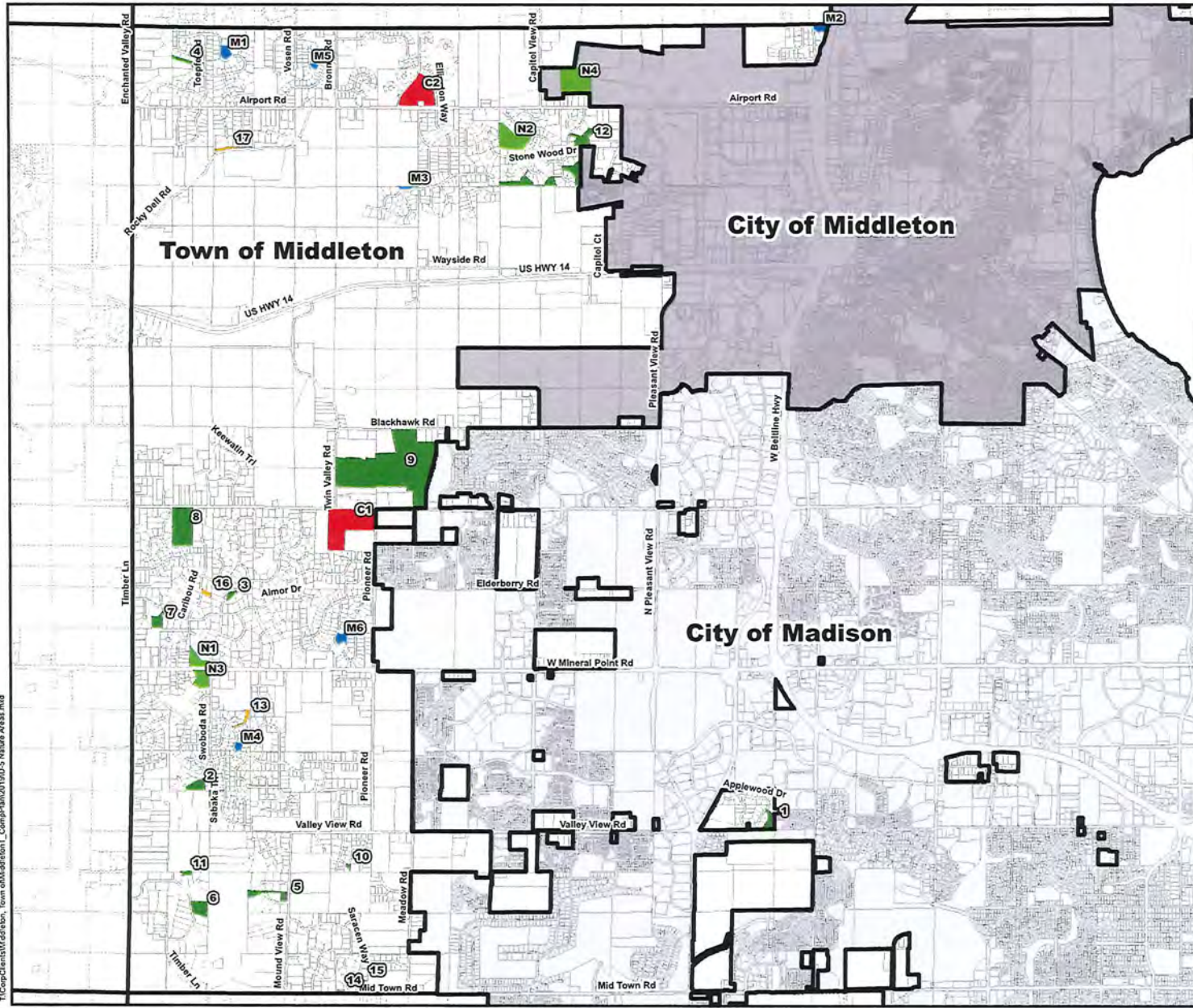
October 9, 2019

- Legend**
- Existing Urban Service Area (CARPC Sewer & Water Service Area)
 - Extraterritorial Jurisdictional Limit Agreement (City of Middleton)
 - Intergovernmental Boundary Line (City of Madison)
 - Intergovernmental Agreement Transition Area (City of Madison)
 - Parcels
 - Town of Middleton

Data Source: Dane County, CARPC

0 0.25 0.5 1 Miles

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Comprehensive Plan

Map 5-3: Town-Owned Parks, Nature Areas, & Conservancies

October 9, 2019

Legend

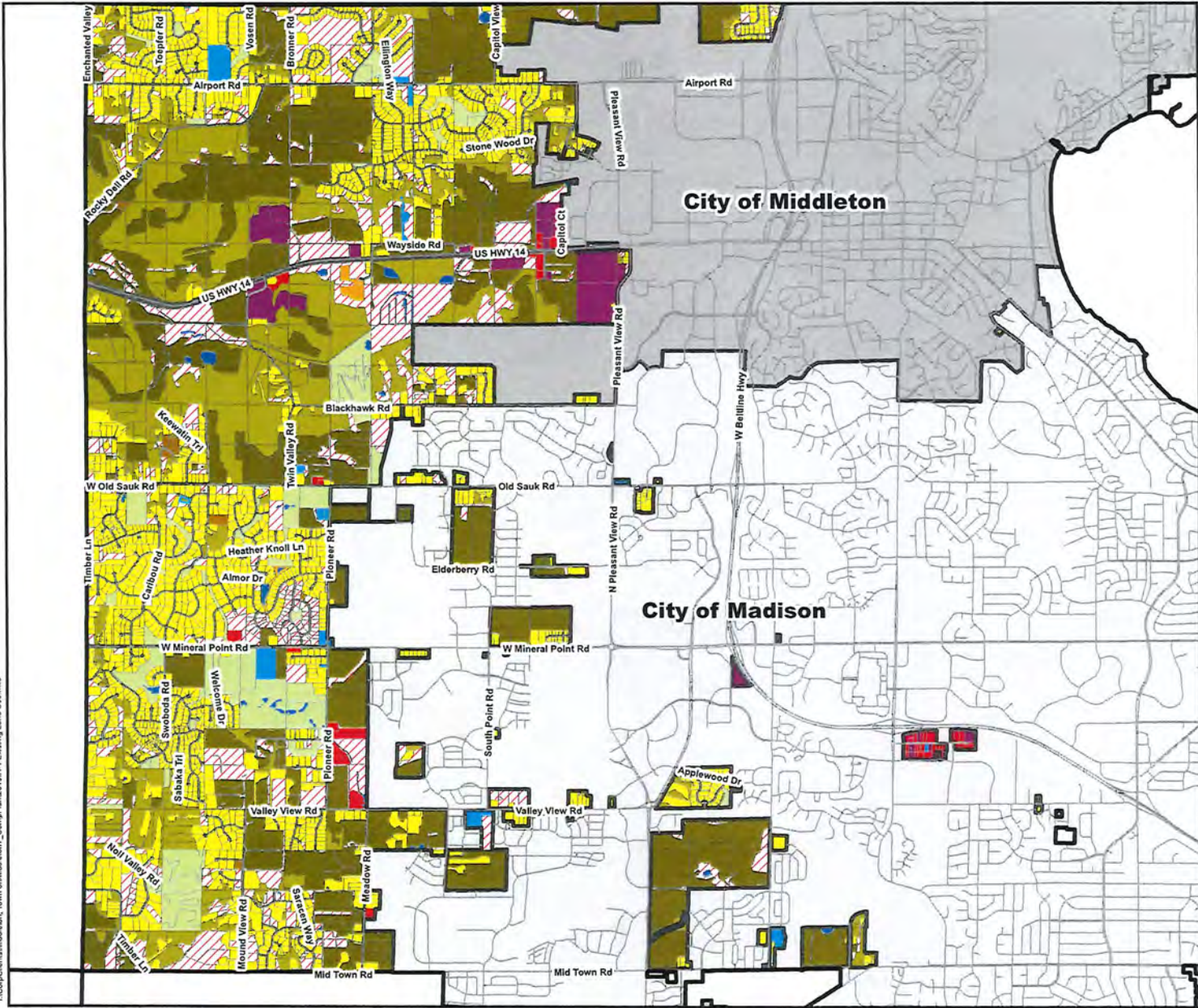
- Parcels
 - City of Madison
 - City of Middleton
 - Named Nature Areas / Conservancies
 - Other Areas Dedicated to the Town
 - Community Park
 - Neighborhood Park
 - Mini Park
1. Applewood Hills
 2. Cherrywood Nature Area
 3. Chenywood Acres Oak Savannah Conservancy
 4. Enchanted Valley Conservancy Area
 5. Moraine Highland Conservancy
 6. Noll Valley Oak Savannah
 7. Pheasant Point Woods
 8. Goth Park
 9. Pope Farm Park
 10. Valley Woods
 11. White Oak Woodland
 12. Hickory Woods Conservancy Area
13. Public Area Between Mathias and Kempfer Streets
 14. Glacier's Woods, Outlot 3
 15. Glacier's Woods, Outlot 4
 16. Pheasant Point 1, Outlot 2
 17. Pine Manor Estates, Outlot 1
- C1. Pioneer Park
 - C1. Settler's Prairie Park
- M1. Enchanted Valley Park
 - M2. Murphy Park
 - M3. Summit Park
 - M4. Vickiann Park
 - M5. Vossen Memorial Park
 - M6. Spruce Hollow Park
- N1. Cherrywood Acres Park
 - N2. Hickory Woods Park
 - N3. Voss Park
 - N4. Ed Tallard Park

Data Sources: Dane County LIO



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T:\Comp\GIS\GIS\Map\Town of Middleton\2019\1-1 Existing Land Use.mxd



TOWN OF MIDDLETON
Wisconsin
Comprehensive Plan

Map 9-1: Existing Land Use*

* This land use data is from 2015 and represents the most current land use available. Municipal boundaries are based on 2019 data. Numerous land divisions have occurred since 2015 and are not reflected on this map, though some land use discrepancies identified by the Town Plan Commission have been updated. The land use data will be amended when Dane County and CARPC complete the next land use inventory beginning in 2020.

Legend

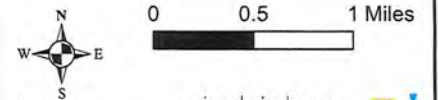
Town of Middleton Existing Land Use

- Residential
- Commercial
- Industrial
- Institutional/Governmental
- Communications/Utilities
- Agriculture
- Recreation
- Transportation
- Under Construction
- Open Space/ Vacant Land
- Water
- Woodlands

Municipality

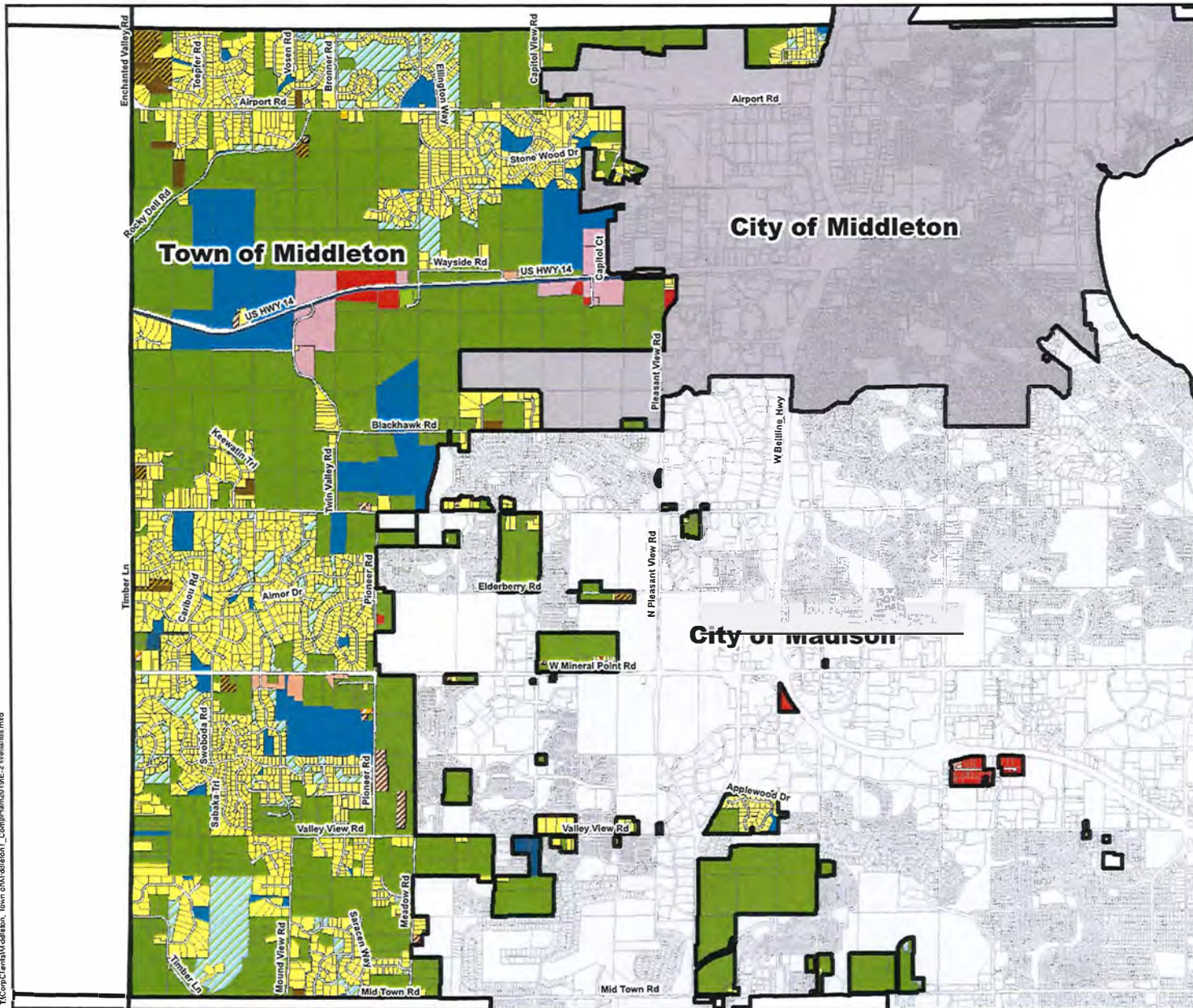
- City of Madison
- City of Middleton

Data Sources:
 Dane County Land Information Office, Town of Middleton



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 planners engineers advisors

T:\Comp\Central\Middleton_Town of Middleton\2019\Map 9-2\Map 9-2_Existing.mxd



TOWN OF MIDDLETON Wisconsin

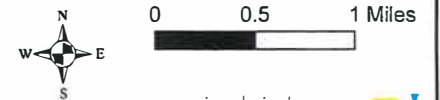
Comprehensive Plan Map 9-2: Existing Zoning

October 9, 2019

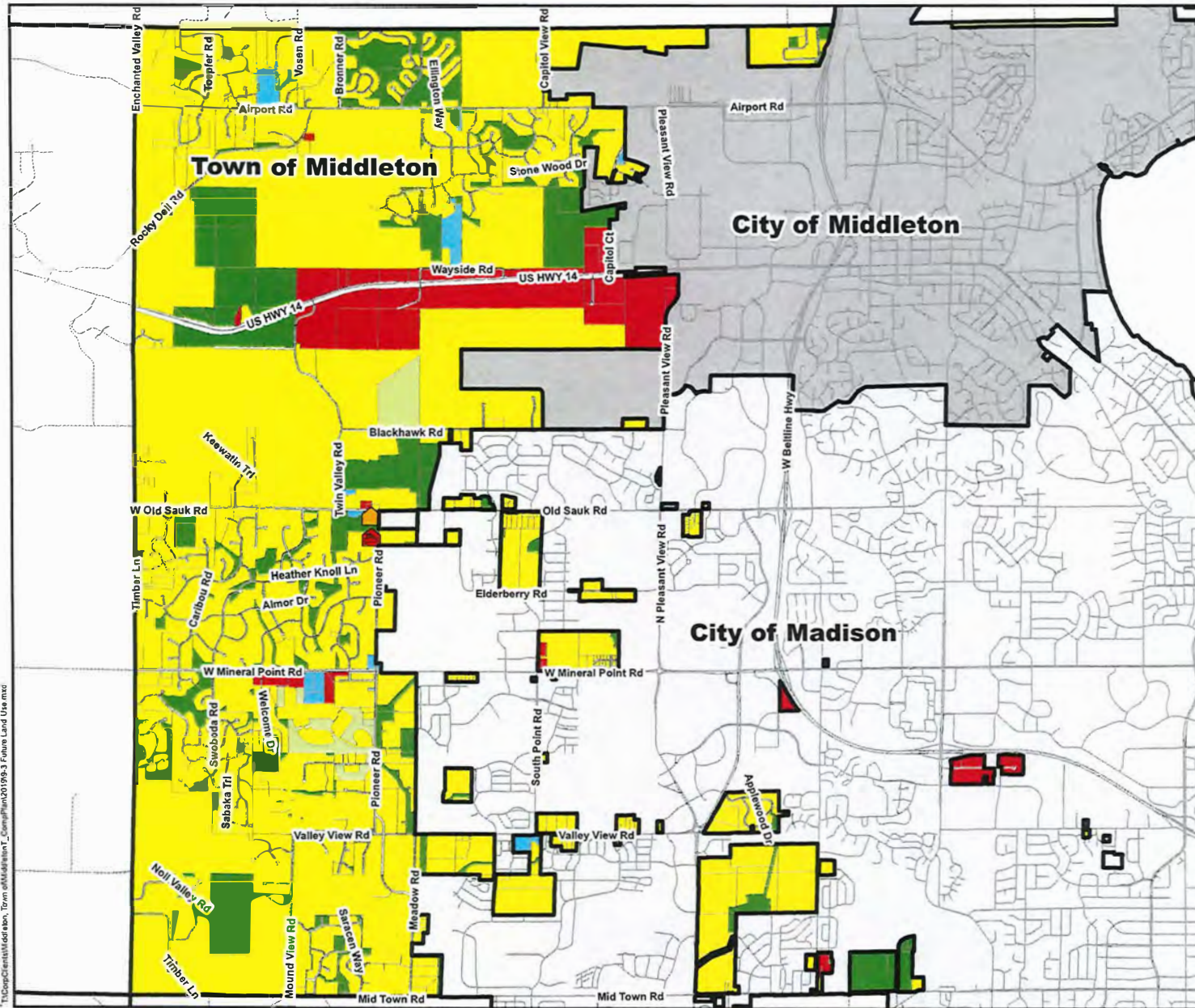
Legend

- City of Madison
- City of Middleton
- Parcels
- Town of Middleton Zoning**
 - AT-35 (Agriculture Transition)
 - AT-5 (Agriculture Transition, 5 Acres)
 - GC (General Commercial)
 - HC (Heavy Commercial)
 - LC (Limited Commercial)
 - MI (Manufacturing and Industrial)
 - NR-C (Natural Resources - Conservation)
 - RE (Recreational)
 - RR-1 (Rural Residential 1-2 Acres)
 - RR-2 (Rural Residential 2-4 Acres)
 - RR-4 (Rural Residential 4-8 Acres)
 - SFR-08 (Single Family Residential Sm Lots)
 - SFR-1 (Single Family Residential 1-2 Acres)
 - TFR-08 (Two Family Residential Sm Lots)
 - UTR (Utility, Transportation and ROW)

Source: Dane County LIO



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planners engineers advisors



TOWN OF
MIDDLETON
Wisconsin
Comprehensive Plan

**Map 9-3: Future
 Land Use 2019**

Legend



Facilities

-  Fire Station #2
-  Town Hall

Town of Middleton Future Land Use

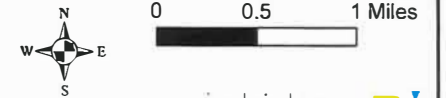
-  Commercial
-  Institutional
-  Public Recreation
-  Transportation
-  Commercial Recreation
-  Residential/Agricultural

Municipality

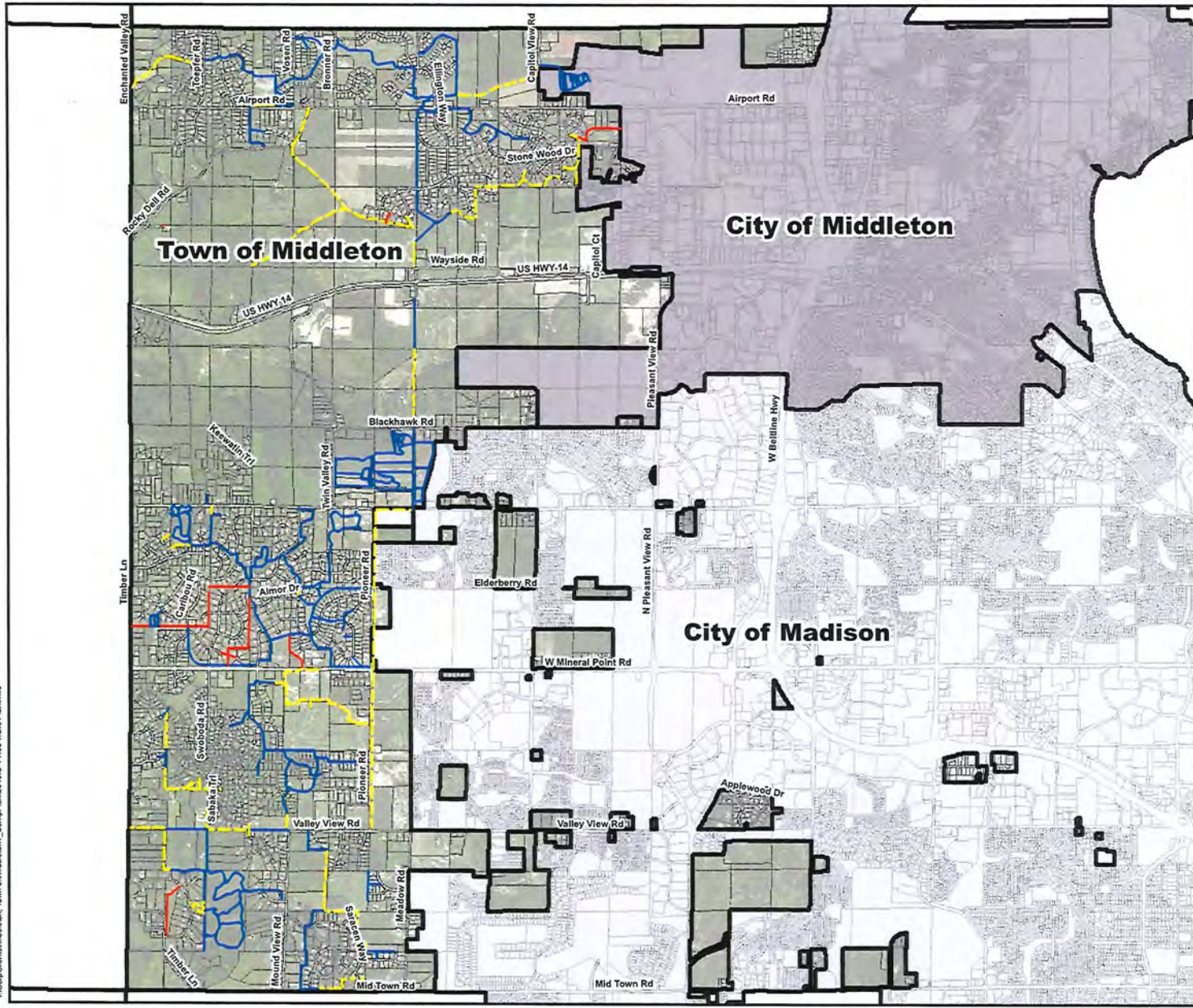
-  City of Madison
-  City of Middleton

Amended by Town Board Resolution: May 18, 2020

Date Sources:
 Dane County Town of Middleton



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 planners engineers architects



TOWN OF MIDDLETON Wisconsin

Comprehensive Plan

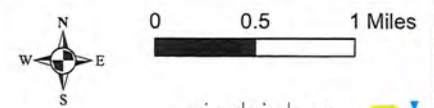
Map 5-4: Recreational Trails

October 9, 2019

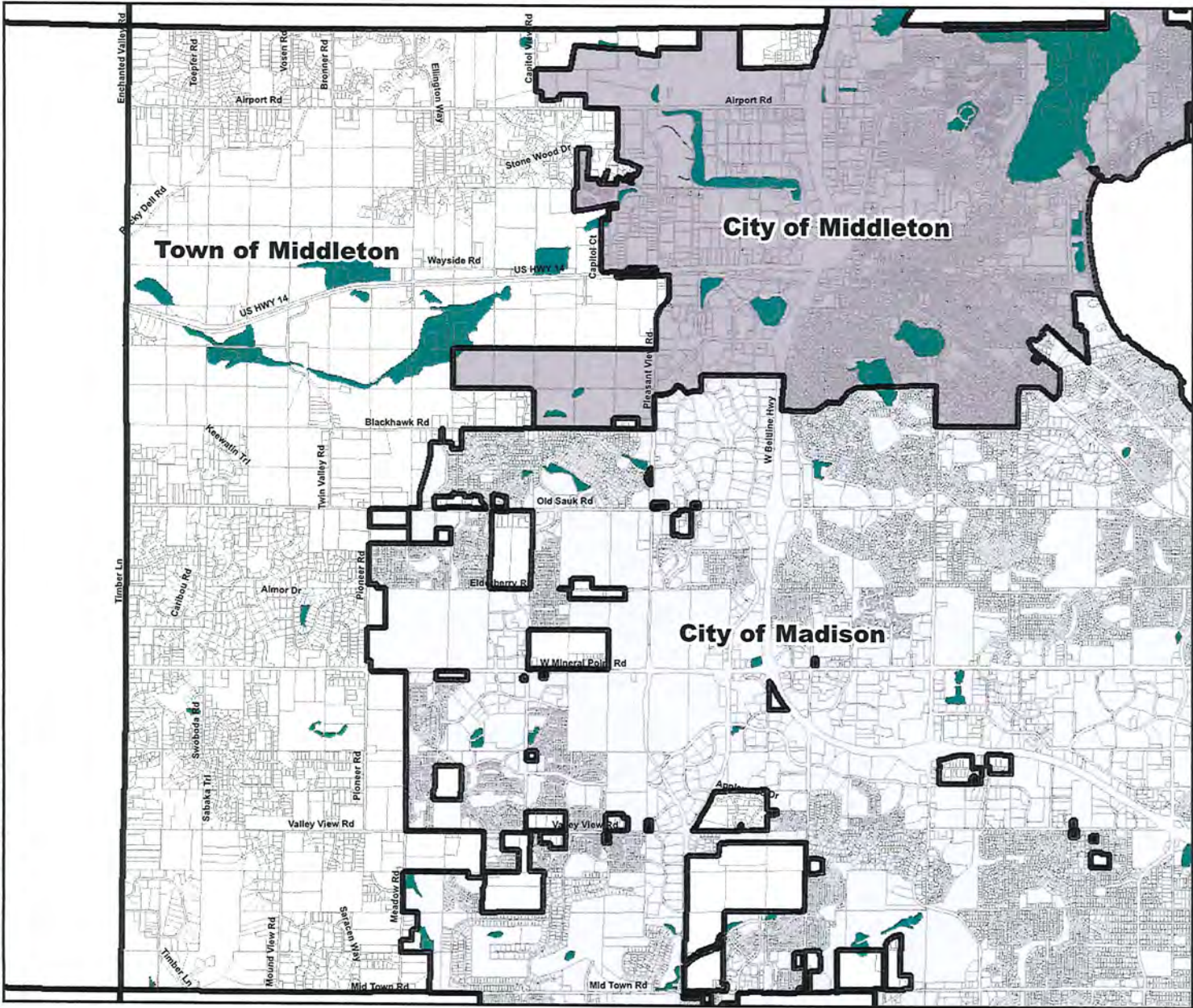
Legend

- Planned Trail - Corridors shown are only general in location and direction
- Improved Trail
- Not Improved Trail - Land or rights have been acquired
- Town of Middleton
- City of Madison
- City of Middleton
- Parcels

Source: Dane County LID



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Comprehensive Plan

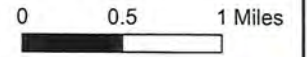
Map 6-2: DNR Wetlands Inventory

October 9, 2019

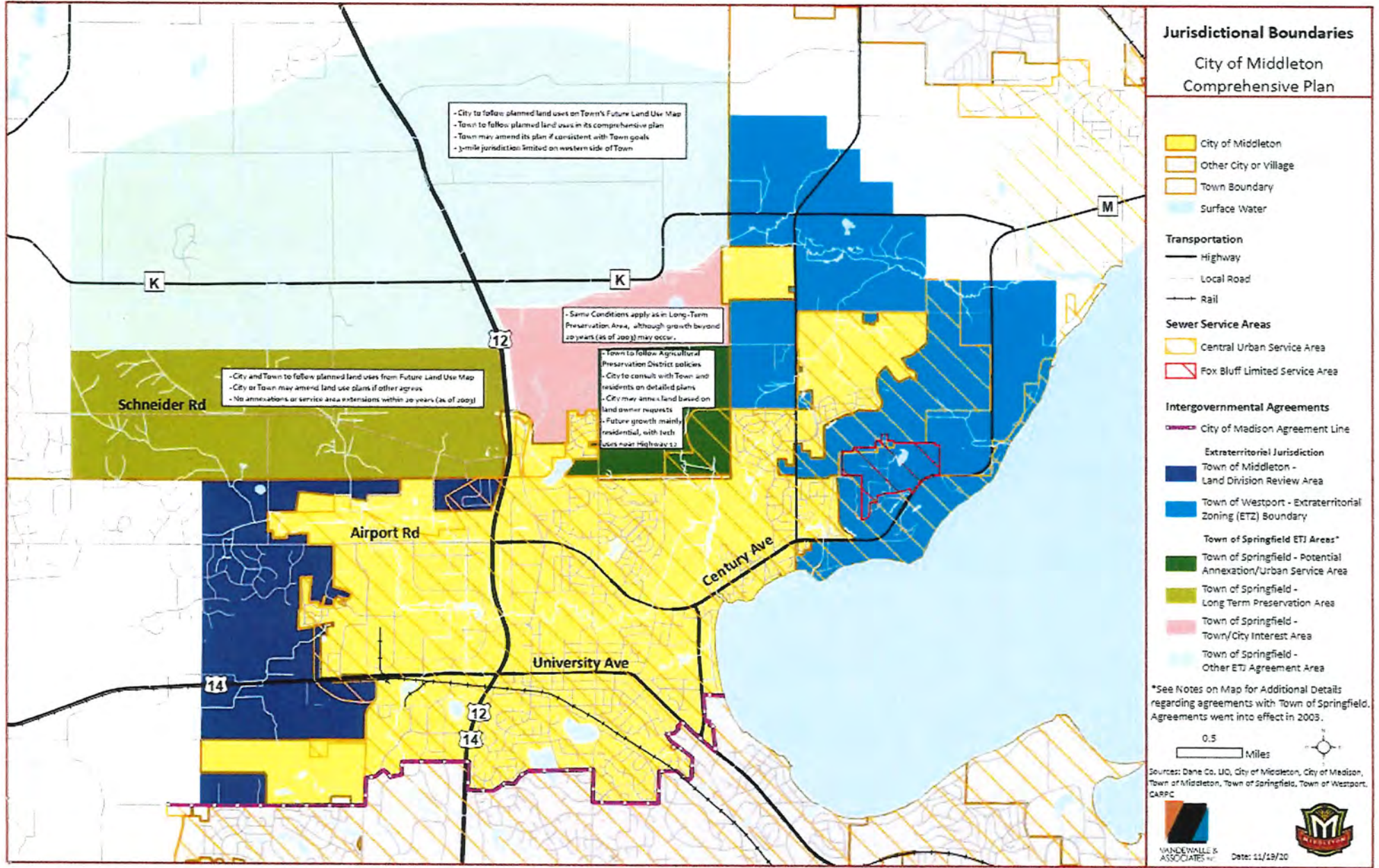
Legend

- Parcels
- Wetlands (July 2019)
- Town of Middleton
- City of Madison
- City of Middleton

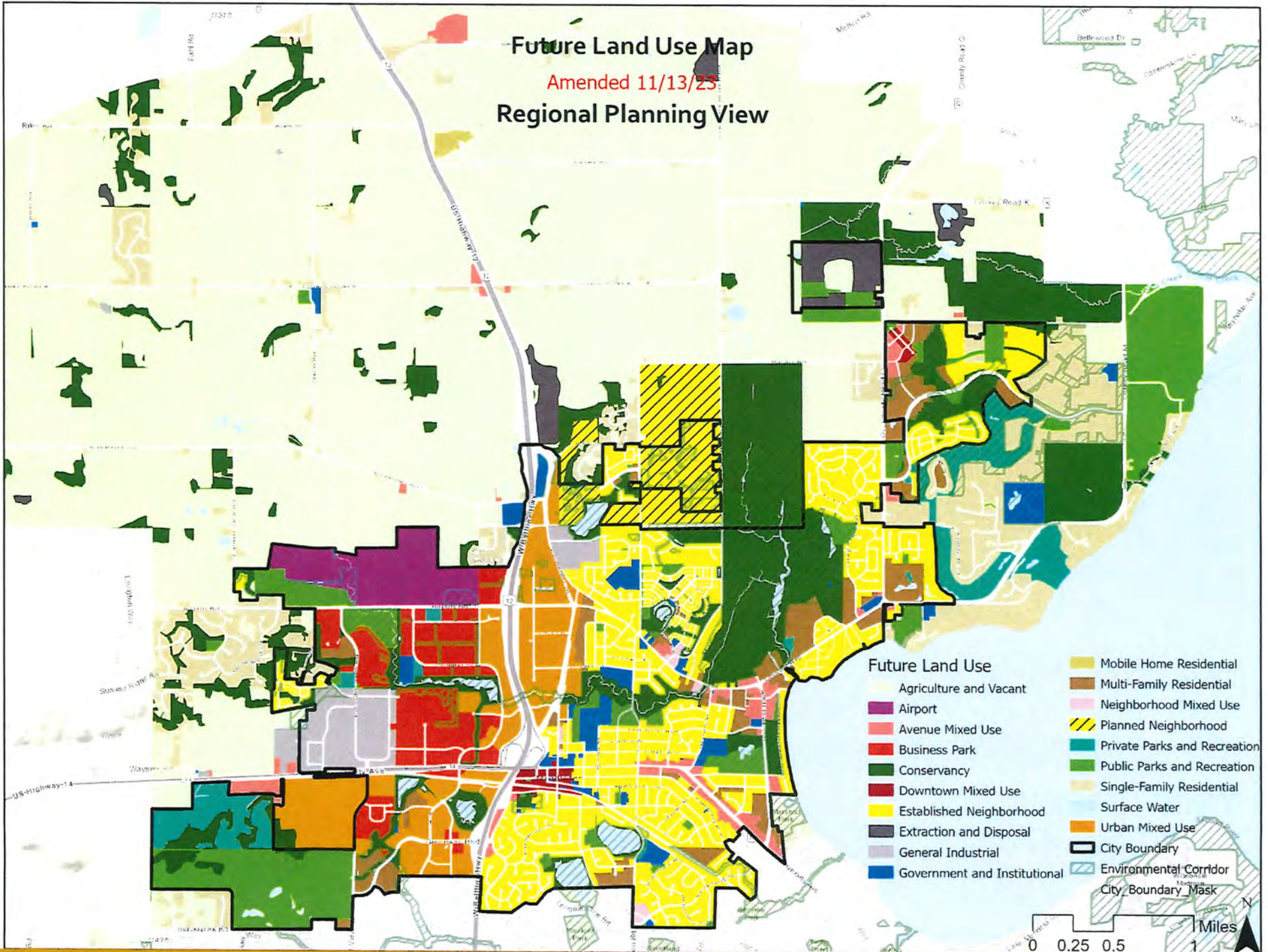
Source: Dane County LID, WDNR



CITY MAPS



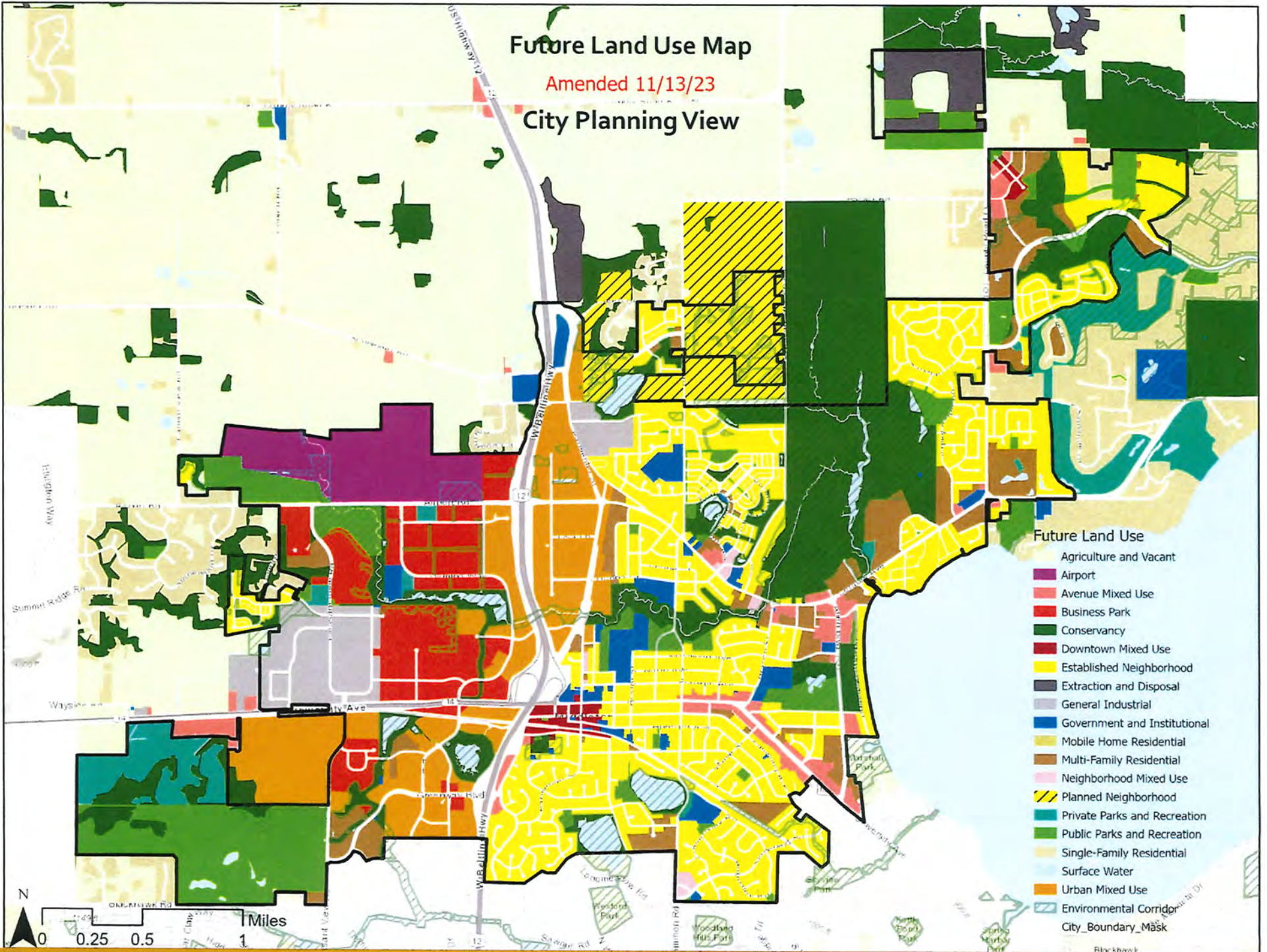
Future Land Use Map
 Amended 11/13/23
 Regional Planning View



Future Land Use Map

Amended 11/13/23

City Planning View



AIRPORT ZONING ORDINANCE

Section 10.02.83: Airport Height Limit Overlay Zoning District

- b. The principal building is constructed or placed within a distance equal to the average setback of the principal buildings on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.
- (b) Vegetative Buffer Zone. A vegetative buffer zone shall extend the entire length of the shoreline and 35 feet inland. Existing vegetation within the vegetation buffer zone shall be maintained except as follows:
 1. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
 2. Vegetation may be removed in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

Section 10.02.83: Airport Height Limit Overlay Zoning District

- (1) Statutory Authorization. This Section is adopted pursuant to Wis. Stats. § 114.136.
- (2) Definitions.
 - (a) "Airport". Middleton Municipal Airport—Morey Field, which is located in Section 3, Town 7 North, Range 8 East, in the City of Middleton, Dane County, Wisconsin.
 - (b) "Nonconforming use". Any structure which does not conform to the provisions of this Ordinance or an amendment thereto, as of the effective date of this ordinance.
 - (c) "Person". Any individual, firm, partnership, corporation, company, limited liability company, limited liability partnership, association, joint stock associations, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
 - (d) "Structure". Any object, including a mobile object, constructed, installed or located by a person.
 - (e) "Height". The elevation above Mean Sea Level of the top of the structure, including any appurtenance installed thereon.
 - (f) "Permit". Written permission from the City of Middleton on a form provided by the City stating that the proposed structure site either conforms to this Section or has been granted a variance, per subsection (6).
- (3) Airport Height Restriction Areas. All zones established by this section are as shown on the map dated September 4, 2003 entitled, "Height Limitation Zoning Map, Morey Airport, Dane County, Wisconsin," which is attached hereto and adopted as part of this Section.
- (4) Nonconforming Uses
 - (a) Not Retroactive. The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by subsection (6). Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this Section, and if such is diligently prosecuted.
 - (b) Removal by Purchase. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

Section 10.02.83: Airport Height Limit Overlay Zoning District

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- (5) Airport Height Limitations. No structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in subsection (3) of this Section. Any structure constructed, altered, or located in violation of this Section shall be removed at the owner's expense.
- (6) Permits
- (a) Future Uses. No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (3) of this Section until the owner or his or her agent shall have applied in writing and obtained a permit from the City Zoning Administrator. Application for such permit shall indicate the purpose for which the permit is desired, with sufficient information to permit the Zoning Administrator to determine whether such structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- (b) Existing Uses. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in subsection (6)(a) authorizing such change, replacement or repair. Such permit shall be granted if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.
- (c) Exemptions. Permits are not required for structures less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary, for structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and for structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.
- (d) Posting. Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
- (e) Variances. Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant a variance from the terms of this ordinance. Such variance shall not be contrary to the public interest or create a hazard to the safe, normal operation of aircraft.
- (7) Administration. It shall be the duty of the City Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made on a form provided by the Zoning Administrator. Applications for permits and applications for variances shall be granted or denied within 45 days of the date of filing. Applications for variances shall include evidence of Federal Aviation Administration review of the proposed construction (FAA Form 7460-1, "Notice of Proposed Construction"). Appeals shall be transmitted by the Zoning Administrator to the Board of Appeals for hearing and decision.
- (8) Board of Appeals. The City Zoning Board of Appeals, as established under Section 10.10.13, shall:
- (a) Hear and decide appeals from any determination made by the Zoning Administrator in the enforcement of this Ordinance; and
- (b) Hear and decide specific variances.
- (9) Appeals and Review.
- (a) Aggrieved Person. Any person aggrieved or affected by any decision or action of the Zoning Administrator made in the administration of this Section may appeal such decision or action to the Board of Appeals.
- (b) Procedure. Any appeal taken pursuant to this section shall be in conformity with the procedure established by the applicable Wisconsin Statutes (Wis. Stats. § 114).

Section 10.02.84: Downtown Design Overlay Zoning District

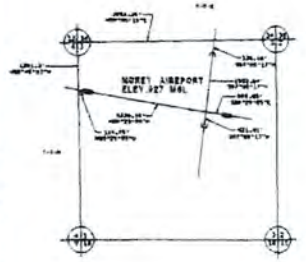
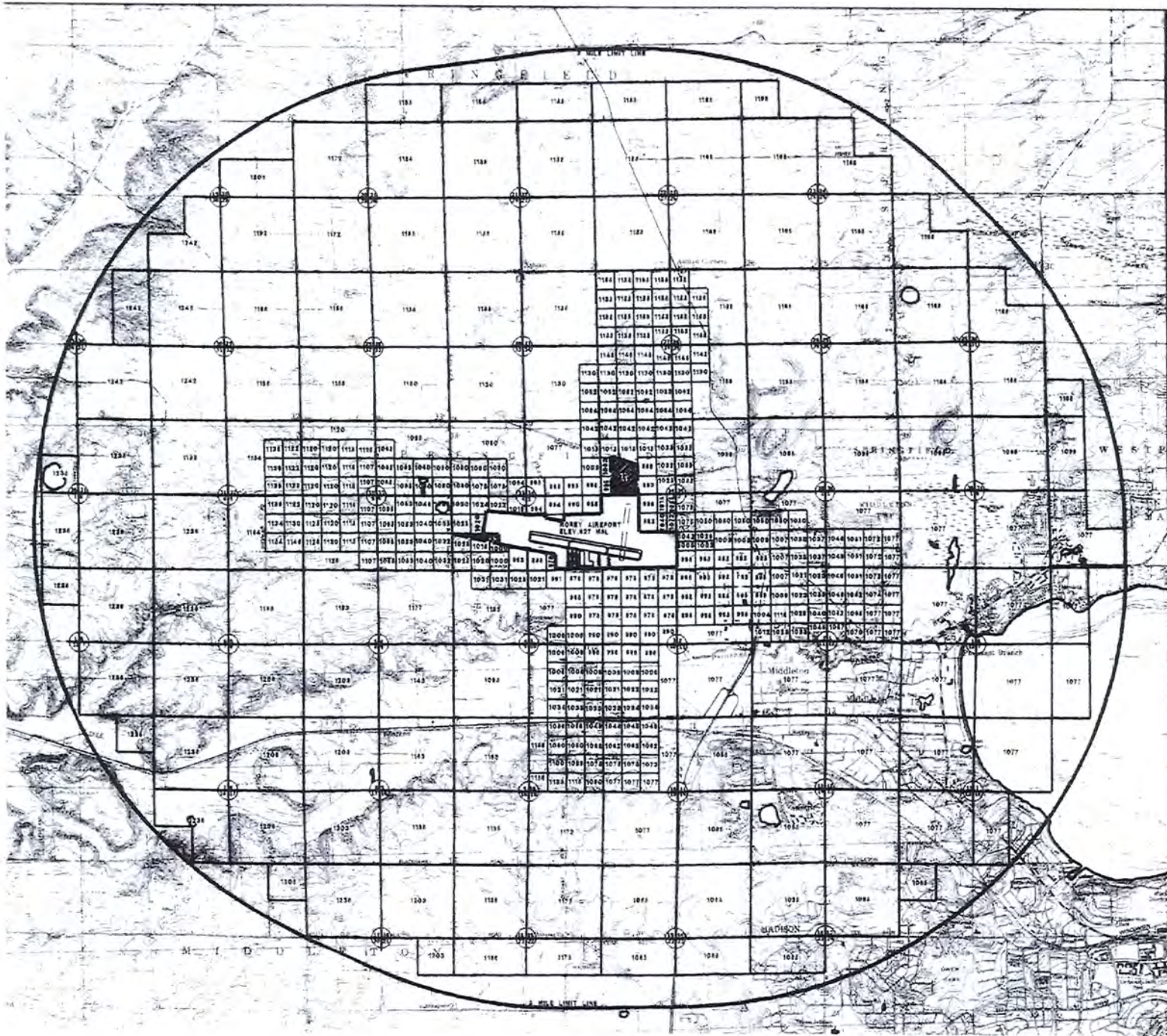
- (c) Meetings. In reviewing appeals under this Section, all meetings and hearings of the Zoning Board of Appeals shall be open to the public. Notice of all meetings of the Zoning Board of Appeals under this Section shall be given to the applicant, the Zoning Administrator and to the Clerk of the municipality where the property of the aggrieved person is located, if that property is outside the corporate limits of the City of Middleton. The Zoning Board of Appeals shall conduct a public hearing on each such matter that comes before it, preceded by publication of a Class 1 notice.
- (10) Fees. Permit and appeal fees shall be paid in the amount set forth in the Fee Schedule under Section 3.12 of the City of Middleton Municipal Code.
- (11) Penalties. Any person violating any of the provisions of this Section shall, upon conviction, be subject to a forfeiture as set forth in Section 30.04 of the City of Middleton Municipal Code.
- (12) Severability. If any of the provisions of this Section or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable.
- (13) Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.
- (14) Effect. This Section shall take effect and be in force upon passage and publication. This Section supersedes any previous Section regulating the height of structures in the vicinity of the airport.

Section 10.02.84: Downtown Design Overlay Zoning District

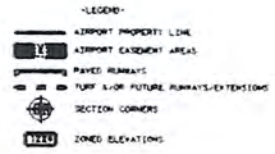
- (1) Purpose. This district is intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area, as defined by the mapped boundaries of the Downtown Design Overlay Zoning District.
- (2) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Design Overlay Zoning District.
- (a) All design requirements for renovation, design alteration, and project review within the Downtown Overlay Zoning District can be found in Section 10.07.50 Special Areas.

Section 10.02.85: Environmental Corridor Overlay Zoning District

- (1) Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils which are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the City of Middleton.
- (2) District boundary. The Environmental Corridor (EC) Overlay District encompasses those areas delineated as environmental corridors by the Capital Area Regional Planning Commission (CARPC), as amended from time to time; archaeological and historical sites mapped by the State Historic Preservation Office (SHPO) or the Wisconsin Historical Society; any drainageway mapped by the Wisconsin Department of Natural Resources, CARPC or United States Geological Survey (USGS); and any drainageway of concern as determined by the City Engineer. The boundaries are depicted on the Official Zoning Map. Refinement of these boundaries is required by on-site delineation:



- NOTES:
1. ZONE BOUNDARIES ARE SECTION AND QUARTER-SECTION LINES EXCEPT THOSE WHERE STREET CENTER LINES ARE USED FOR BOUNDARIES.
 2. HEIGHT LIMITATIONS SHOWN REPRESENT ELEVATIONS PERMISSIBLE ABOVE MEAN SEA LEVEL, IN FEET.
 3. ZONING MAP DEVELOPED IN ACCORDANCE WITH WISCONSIN STATE STATUTES CHAPTER 114.134.



HEIGHT LIMITATION ZONING MAP
 MIDDLETON MUNICIPAL AIRPORT - MOLINE FIELD
 MIDDLETON, WISCONSIN
 DATE: 11-15-1964
 BY: WISCONSIN BUREAU OF AERONAUTICS