TOWN OF MIDDLETON

ORDINANCE NO. 20200518-1

ORDINANCE APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE TOWN OF MIDDLETON

The Town Board of Middleton, Wisconsin, do ordain as follows:

SECTION 1. Pursuant to Sections 62.23, 61.35 and 60.22(3) of the *Wisconsin Statutes*, the Town of Middleton is authorized to prepare and adopt a Comprehensive Plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the *Wisconsin Statutes*.

SECTION 2. The Town Board, by the enactment of an ordinance, formally adopted its Comprehensive Plan on April 6, 2009, following extensive public participation and said Plan was updated and replaced on December 16, 2019 with the Town of Middleton 2040 Comprehensive Plan.

SECTION 3. The Plan Commission, by a majority vote of the entire Commission at a meeting held on February 5, 2020, recommended to the Town Board the adoption of an amendment to change the land use designation of a part of a parcel of land located at 4622 Rocky Dell Road from "Agricultural/Residential" to "Commercial," and to accommodate said change by modification to the Future Land Use Map in the area described on Exhibit "A", and to amend the text in Table 9.4 to specify additional areas for commercial use.

SECTION 4. The Town published a Class 1 public notice not less than 30 days prior to the date of the public hearing and held a public hearing regarding the plan amendment on April 20, 2020.

SECTION 5. The Town Board hereby adopts the amendment recommended by the Plan Commission to change the land use designation of a part of a parcel of land located at 4622 Rocky Dell Road from "Agricultural/Residential" to "Commercial," as depicted on Exhibit "A."

SECTION 6. The Town Clerk is directed to send a copy of this ordinance and the plan amendment to the parties listed in Section 66.1001(4)(b) of the *Wisconsin Statutes*.

SECTION 7. This Ordinance shall take effect upon passage by a majority vote of the full membership of the Town Board and publication or posting as required by law.

Adopted this 18th day of May, 2020.

Ayes 5 Noes 0 Absent 0

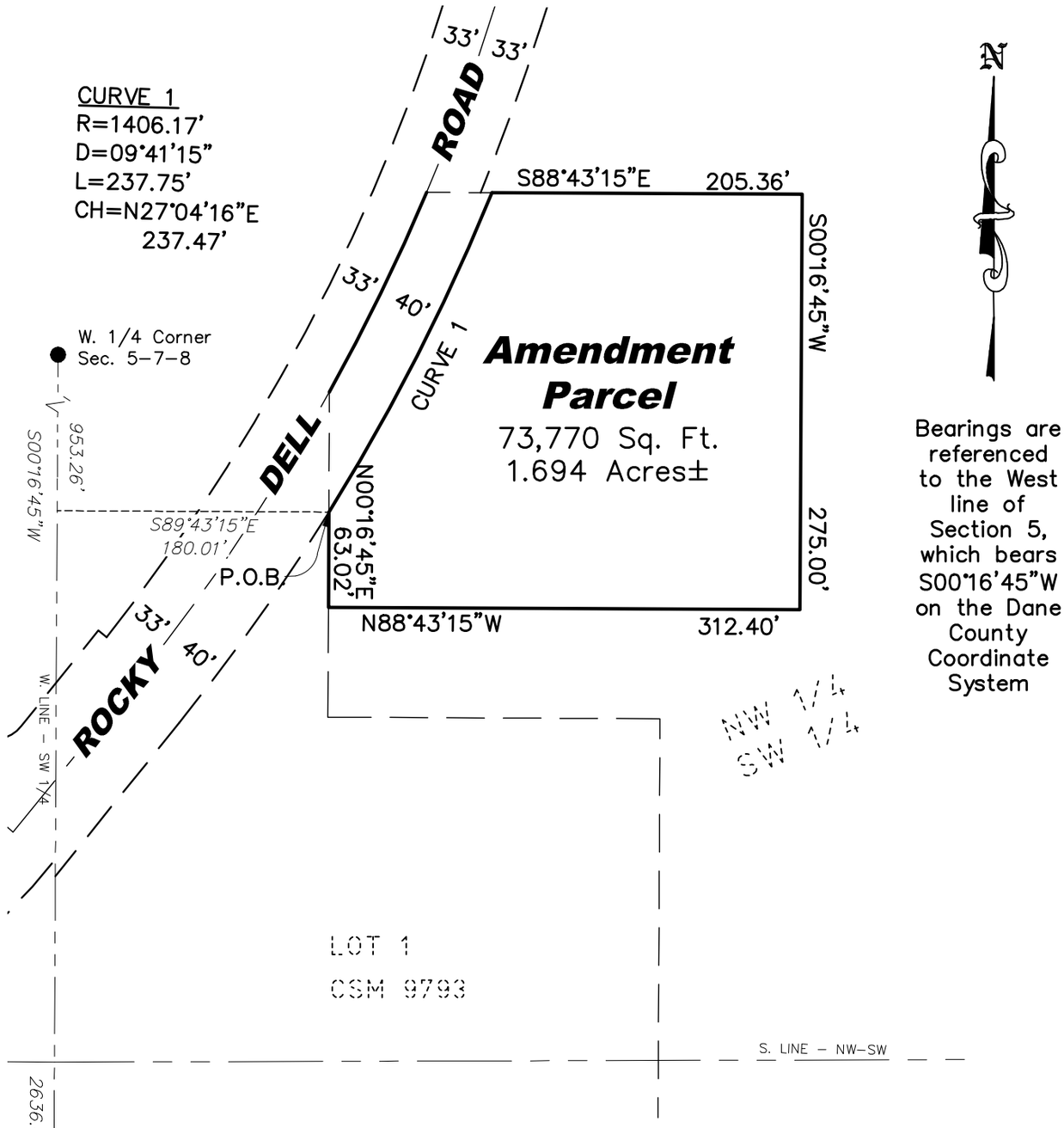
Cynthia L. Richson
Chair, Town of Middleton Board

ATTEST:

Barbara Roesslein
Town Clerk

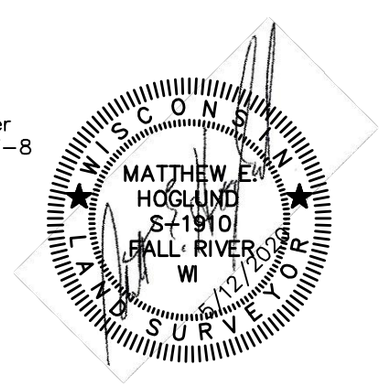
Future Land Use Map Amendment

A part of the NW 1/4 of the SW 1/4 of Section 5, T.7N., R.8E., Town of Middleton, Dane County, Wisconsin



Bearings are referenced to the West line of Section 5, which bears S00°16'45"W on the Dane County Coordinate System

SEE EXHIBIT A FOR LEGAL DESCRIPTION.



LEGEND

- Sectional Subdivision Line
- Platted Lot Lines
- Existing R/W Line
- Amendment Boundary

GRAPHIC SCALE

0 50 100 200

(IN FEET)

FUTURE LAND USE MAP AMENDMENT

PROJECT NO. WE-14-19 SHEET 1 OF 1

MAY 12, 2020

QUAM ENGINEERING, LLC

Residential and Commercial Site Design Consultants

www.quamengineering.com

4604 Siggelkow Road, Suite A – McFarland, Wisconsin 53558

Phone (608) 838-7750; Fax (608) 838-7752

Exhibit A
Future Land Use Map Amendment
Legal Description

A part of the Northwest 1/4 of the Southwest 1/4 of Section 5, Township 7 North, Range 8 East, Town of Middleton, Dane County, Wisconsin, being more particularly described as follows:

COMMENCING at the West 1/4 corner of said Section 5; thence, along the West line of said Southwest 1/4, South 00°16'45" West, 953.26 feet to a point; thence South 89°43'15" East, 180.01 feet to the most Northerly corner of Lot 1 of Certified Survey Map No. 9793 and the **POINT OF BEGINNING,** being a point on a curve, being concave Northwesterly, having a radius of 1406.17 feet and a chord which bears North 27°04'16" East, 237.47 feet;

thence Northeasterly, 237.75 feet along the arc of said curve through a central angle of 09°41'15";

thence South 88°43'15" East, 205.36 feet;

thence South 00°16'45" West, 275.00 feet;

thence North 88°43'15" West, 312.40 feet to a point on the boundary of aforesaid Lot 1;

thence, along said boundary, North 00°16'45" East, 63.02 feet to the **POINT OF BEGINNING**; containing 73,770 square feet or 1.694 acres, more or less, and is subject to all matters of record and/or fact.

The above described property is to be recorded as Lot 1 of a Certified Survey Map, which upon approval and recording will become the controlling legal description of the land described above. This description is not to be used for conveyance of property.

LAND USE

Land Use

WIS. STATS. § 66.1001(2)(H)

"The Land Use element is a compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. The element shall contain a listing of the amount, type, intensity and net density of existing uses of land in the local governmental unit, such as agricultural, residential, commercial, industrial and other public and private uses. The element shall analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land-use conflicts. The element shall contain projections, based on the background information specified in par. (a), for 20 years, in 5-year increments, of future residential, agricultural, commercial and industrial land uses including the assumptions of net densities or other spatial assumptions upon which the projections are based. The element shall also include a series of maps that shows current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries of areas to which services of public utilities and community facilities, as those terms are used in par. (d), will be provided in the future, consistent with the timetable described in par. (d), and the general location of future land uses by net density or other classifications."

OVERVIEW

During the planning process, many aspects of land use were analyzed with an eye toward developing a future land use plan that makes sense for the Town of Middleton. Existing land development patterns were considered, along with the existence of any brownfield sites. Local real estate forces were considered and used in fashioning the Future Land Use Plan and supporting goals, objectives, and policies. The Town's relationships with Dane County and neighboring municipalities also played an important role when determining how land in the Town could be developed in the coming years.

The terrain of the Town is typified by gently rolling farmland and wooded hillsides. The eastern portion of the Town is relatively flat or comprised of rolling hills formed by glacial moraines, outwash plains and glacial lake bottoms. Most of the prime agricultural soils are located in the central basin areas. As one travels further west, the terrain consists of varied topography with steep slopes, ravines and stream bottoms formed by terminal moraine materials deposited by continental glaciers as well as older, unglaciated terrain. The westernmost portions of the Town lie within what is known as the "driftless area", a portion of Wisconsin that was not covered by glaciers during the most recent period of glaciation.

The Town straddles the watershed divides for Black Earth Creek, Lake Mendota, and the Sugar River. The upper portion of Black Earth Creek, which is a protected watershed and trout stream, traverses the Town. The Upper Black Earth Creek watershed contains many of the Town's most environmentally sensitive sites. This area has been the subject of extensive preservation and conservation efforts over the last four decades.

The size of the Township of Middleton has been continually decreasing due to annexation by the cities of Madison and Middleton. By 2019, the Town had been reduced to approximately 9,433 acres which is about 41 percent of a "standard" 36 square mile or 23,040 acre township. The Town continues to develop in a manner consistent with the Land Division and Subdivision Ordinances in order to maintain the semi-rural character that is preferred by residents. The Town reserves the Transition Area identified in the 2003 Cooperative Plan between itself and the City of Madison as an area within the Town designated for more dense and varied housing development. See Map 8-1 for the location of the Transition Area.

GOALS AND OBJECTIVES

The following goals,objectives and policies are based in part on responses to the 2019 Comprehensive Plan Survey, previous Town plans and documents, and other sources. They have been reviewed and updated as part of the 2019 Plan Update process. Objectives and policies are provided for the future land uses displayed on Map 9-3.

Goal 1: Promote a pattern of development that preserves the high quality of life and the semi-rural character of the Town.

Goal 2: Promote a pattern of development that minimizes potential conflicts between incompatible land uses.

Goal 3: Protect and maintain environmentally sensitive areas in their natural state when making land-use decisions.

General Objectives:

1. Consider a planned pattern of growth that promotes the health, safety and general welfare of Town residents and makes efficient use of land, public services and public facilities.
2. Rezoning and other land use decisions shall be consistent with the recommendations of this Plan.
3. Require that developers address the effects of stormwater runoff so that new developments will not adversely impact existing adjacent lands. Require stormwater runoff and erosion control plans for all proposed subdivisions.

Residential Development Objectives:

1. Encourage well-designed residential development through the use of clustered subdivisions or similar design methods as well as through traditional lot subdivisions.
2. Preserve the semi-rural character of the Town and minimize the visual impact of residential development.
3. Encourage residential development that preserves environmentally sensitive areas.

Residential Development Policies:

1. Encourage the preservation of existing stone rows in good condition, fence lines and tree lines with mature native vegetation as defined by Town Ordinance.
2. Subdivisions and certified surveys should be designed to blend with the natural contours of the land, to improve appearance and to minimize disturbance to the site.
3. Permit the continuation of existing institutional, research and development, and mixed use within the Town limits as permitted development uses.

Commercial Development Objectives:

1. Encourage the development of new retail commercial uses in identified commercial corridors.

Commercial Development Policies:

1. Direct businesses to locate along USH 14, Mineral Point Road and within appropriate Town islands. Businesses may locate elsewhere as permitted by existing zoning and any other applicable county and town regulations.
2. Ensure that all commercial sites are served by adequate roads and other infrastructure.
3. Ensure that all commercial development along USH 14 and County roads maintains consistency with WisDOT and County plans for these corridors, including issues relating to safety, connectivity, and access.
4. Require landscaped buffers to protect residential neighborhoods from adverse impacts associated with proximity to commercial uses, including impacts caused by commercial truck traffic, noise and vehicle emissions.

Agriculture Development Objectives:

1. Encourage agriculture and open space uses.
2. Permit development of agricultural land for residential purposes.

Agriculture Development Policies:

1. Allow the continuation of existing agricultural and open space land uses in areas planned for future residential or commercial development, as shown on the Future Land Use Map.
2. Refer to Chapter 6: Agriculture and Natural Resources for further information regarding agriculture development policies.

Transportation Objectives:

1. Encourage the provision of well-spaced access points from large subdivisions onto the arterial and collector street system. Particular attention should be afforded to the design of the street systems serving the extension of existing subdivisions.

Transportation Development Policies:

1. Refer to Section 4: Transportation for further information regarding transportation development objectives and policies.

Environmental Protection Objectives:

1. Require environmentally responsible development on land suitable for development.
2. New development should not negatively impact the natural environment or existing property.
3. Promote land uses, densities and regulations that protect the Town's valued resources and recognize existing physical limitations to development (e.g. steep slopes, woodlands, wetlands and water resources, etc.).

Environmental Protection Policies:

1. Permit recreational activities such as trails in publicly and private-owned conservancy areas if compatible with wetlands and other natural resource protection.
2. Encourage native plantings or existing quality vegetation to be utilized and maintained in landscaping plans for new and existing developments.
3. Encourage the clustering of lots to maintain large, interconnected areas of green space that provide recreational and ecological functions.

4. Identify and protect groundwater recharge areas from inappropriate development.

The Town recognizes that parts of it are identified as "Rural Development and Transitional Areas," in the Dane County Comprehensive Plan, and that this designation has the following policies that accompany it:

- Continue to promote limited, compact, and efficient development;
- Encourage the use of conservation design, Transfer of Development Rights, site planning, design review and other techniques to ensure compatibility with agricultural, natural resource and open space use, and with neighboring communities;
- Develop opportunities and guidelines for limited, multi-family senior housing in unincorporated Rural Development and Transitional Areas to serve local aging populations, and;
- Continue to refer to town plans adopted by the county board for detailed land use policies within Rural Development and Transitional Areas.

The Town reserves the "Transition Area" identified in the 2003 City of Madison and Town of Middleton Cooperative Plan as an area designated for more varied and dense development. The Town will consider permitting owner-occupied attached multi-family housing, senior housing, and/or denser detached single family housing in this area.

As a whole, the Town is committed to preserving valuable natural resources and open space, and protecting the semi-rural identity of the area through conservancy development, strong developer open space requirements and protection standards, and the provision of multi-use trails.

EXISTING LAND USE

An understanding of the Town's existing land use pattern is important before planning a future land use pattern. Information from the Dane County land use inventory – a project undertaken on a 5-year cycle by Dane County and the Capital Area Regional Plan Commission to map land uses based primarily on aerial photography - was utilized along with spot field checks and consultation with Town staff and Plan Commission.

Table 9-1 summarizes existing land uses in the Town as of 2015, and Map 9-1 provides a visual depiction of these uses. The map and table depict data from the year 2015. The land use categories are established by Dane County. Note: The specific acreages and balance of land uses is expected to change over time. Several changes in land use and infrastructure have occurred in the Town since 2015 that may not be reflected in this summary. A new inventory will be done in 2020 which can provide updated data for this Plan.

The latest data reveals the Town is approximately 9,433 acres. According to the Dane County inventory, at approximately 27 percent of the Town's land area, agricultural uses made up the largest land use category. Typical agricultural uses in the Town include the farming of corn and alfalfa and tree farming. The amount of land in the Town that is used for agricultural purposes has declined as residential development increases. As the cities of Madison and Middleton continue to grow westward, it is expected that there will be continued pressure for additional residential

development within the Town. The next largest land use categories were single-family residential (approximately 26 percent) woodland (approximately 17 percent), and vacant land (approximately 14 percent). Commercial uses cover only a small portion of the land area, at less than one percent of the Town's entire acreage.

EXISTING LAND USE PLANS AND REGULATIONS

The Town is influenced by a variety of land use regulations exercised by different jurisdictions. These include the following:

Town of Middleton Land Division and Subdivision Regulations

All subdivisions and certified surveys in the Town of Middleton must conform to the Town's Land Division and Subdivision Code (Chapter 15 of Town Ordinances). The Code sets forth technical requirements for plats and certified surveys, required lot sizes, specifies required improvements and design standards and provides for park and public land dedications.

New development (CSM or Plat) in the Town is subject to the Land Division and Subdivision Ordinance and shall have a maximum gross density ranging from one (1) dwelling unit per 50,000 square feet for Cluster Subdivisions in the Transition Area to one (1) dwelling unit per 75,000 square feet for Traditional Subdivisions outside the Transition Area (see below).

Section 15.06 of the Town Ordinances establishes a Transition Area within the Town along the boundary line with the City of Madison. This Transition Area lies south of Old Sauk Road and east of a line one-half mile west of and parallel to Pioneer Road and Pioneer Road extended southward. In effect, this Transition Area is bounded on the west by the western section lines of Sections 20, 29 and 32. Part of the Transition Area is subject to the 2003 Cooperative Plan between the Town and the City discussed later in this chapter and in Appendix 8. The ordinance establishes a set of requirements for cluster subdivisions within the Town's Transition Area. For further information, refer to Chapter 15 of the Town Ordinances.

Table 9-1: Existing Land Uses (2019)

Classification	Acres	%
Agricultural	2,527	26.8%
Commercial	78	0.8%
Under Construction	21	0.2%
Industrial	75	0.8%
Institutional/Governmental	74	0.8%
Recreation	529	5.6%
Residential	2,429	25.8%
Transportation	601	6.4%
Communications/Utilities	20	0.2%
Open Space/Vacant Land	1,354	14.4%
Mineral Extraction	117	1.2%
Water	58	0.6%
Woodlands	1,551	16.5%
TOTAL	9,433	100.0%

Source: Dane County Land Information Office

Tumbledown Neighborhood Plan

The Tumbledown Neighborhood Plan was drafted in 2005. It provides future land use recommendations for a neighborhood near the proposed Pioneer Pointe subdivision plat, bordered by Mineral Point Road to the north, Pioneer Road to the east and Valley View Road to the south. The neighborhood abuts the Cherrywood subdivision to the west. The Tumbledown planning area consists of approximately 517 total acres. The Plan recommends a mixture of single family residential, commercial, and greenway/park land, which was taken into account when preparing this chapter. However, evolving conditions over the years, including the closure of the Golf Course in 2018 have prompted the Town to consider flexibility for future development in this area, including the incorporation of more residential land use.

Dane County Land Division Regulations

All subdivisions and certified surveys must comply with the Dane County Chapter 75 Land Division and Subdivision Ordinance. In those instances where the County and Town Subdivision Ordinances differ, applicants must comply with the more restrictive regulation.

Dane County Comprehensive Plan

Dane County considers both the Town and County Comprehensive Plans when reviewing plat applications and requests for zoning changes. It is anticipated that this Comprehensive Plan will be adopted by Dane County and incorporated into the Countywide Comprehensive Plan, as is common practice.

Extraterritorial Zoning and Plat Review Jurisdictions

Incorporated cities and villages in Wisconsin have the ability to exercise extraterritorial zoning and plat review powers for unincorporated areas within certain distances of their municipal boundaries. First class, second class (i.e. Madison) and third class cities (i.e. Middleton) and villages can exercise these powers within a three mile radius, while fourth-class cities and villages can exercise these powers within one and one-half miles.

Where the boundaries of multiple extraterritorial jurisdictions overlap, the jurisdictional boundaries are divided on a line all points of which are equidistant from the boundaries of each municipality concerned. No more than one municipality may exercise extraterritorial power over any one area. Historically, the Cities of Madison and Middleton have used Blackhawk Road (extended westward) as an informal boundary between their respective extraterritorial jurisdictions.

The City of Madison formerly had extraterritorial jurisdiction extending three miles from the City border, covering much of the Town. As part of the 2003 Cooperative Plan, the City shall not exercise extraterritorial jurisdiction west of the boundary line of the agreement for zoning, official mapping or otherwise. The City does retain extraterritorial jurisdiction over several other areas of Town territory. For further detail, refer to the City of Madison and Town of Middleton Cooperative Plan dated September 29, 2003. Additional information is also available in the Intergovernmental Agreement chapter and Map 8-1 in Appendix 8.

The City of Middleton retains extraterritorial jurisdiction over portions of the Town, but

only for land divisions (not zoning). There is a less comprehensive boundary agreement between the Town and the City of Middleton. Under this 1994 agreement, the City agreed not to exercise its extraterritorial jurisdiction west of a line established by the agreement. For additional information, refer to the Intergovernmental Cooperation Agreement between the Town of Middleton and the City of Middleton, dated May 12, 1994.

The Village of Cross Plains also has a 1.5-mile extraterritorial plat review boundary which extends into the northwest corner of the Town along Airport Road.

Dane County Zoning, Shoreland and Floodplain Management/Soil Erosion Control Regulations

All proposed development in the Town must comply with the Dane County Code of Ordinances including Zoning (Chapter 10), Shoreland and Floodplain Management (Chapter 11) and Soil Erosion Control (Chapter 14). In 2019, after months of collaboration between the County and Town, the County overhauled its Zoning Ordinance and established new zoning districts, including some customized districts for the Town that were intended to accommodate existing land uses and Town lot size policies. The current zoning designations for the Town, as of July 2019, are depicted on Map 9.2 in Appendix 9.

The Town's policy is to rezone plat and CSM lots under 5 acres in size to SFR-08 Single Family Residential. Where possible, this will be done annually with a rezone petition submitted by the Town to Dane County, for lands subdivided over the previous year.

Central Urban Service Area Delineation

The Capital Area Regional Planning Commission (CARPC), Madison Metropolitan Sewerage District (MMSD), the Dane County Planning Division, and the Wisconsin Department of Natural Resources (WDNR) collaborate to guide regional development in Dane County. The Vision 2020: Dane County Land Use and Transportation Plan was adopted in 1997 and updated in 2008 and 2017. A key part of this plan is the Central Urban Service Area delineation, which regulates the areas that may be served by public sanitary sewer and water. Extensions of public sanitary sewer service beyond the approved Central Urban Service Area boundaries require an amendment of the regional plan and the Urban Service Area (USA) boundary. The current Urban Service Boundary, as of July 2019, is depicted on Map 8-1 in Appendix 8.

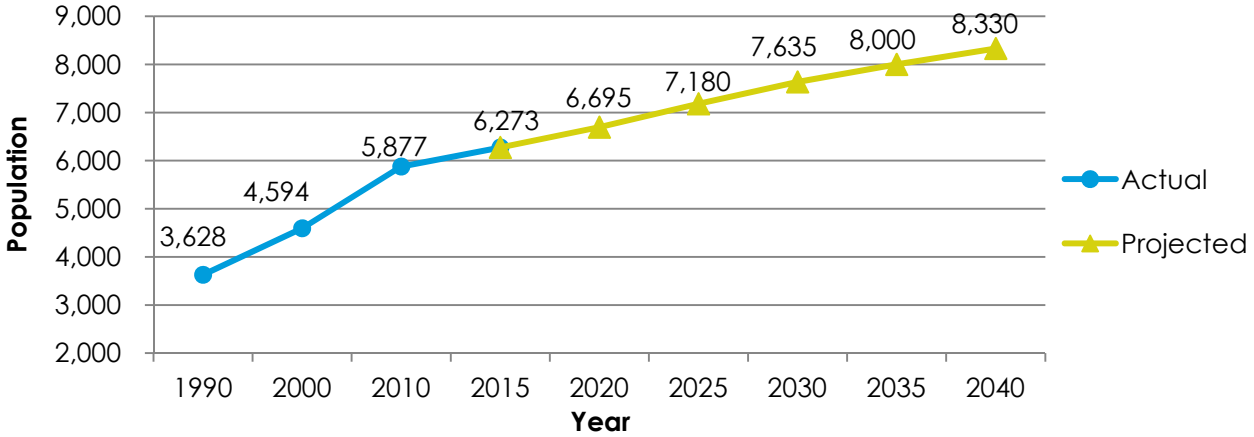
Other than the Seybold Road area, the Town does not have any areas served by sanitary sewer, and does not proactively seek to serve new areas with sewer. In 2019 it requested a USA amendment in collaboration with the City of Madison, to serve new residential development in the Tumbledown Neighborhood. The Town's general policy is to allow extensions of urban services, if requested by a land owner or developer and if the costs of such an extension are borne entirely by the party requesting the extension (as opposed to being borne by Town taxpayers). The Town made an exception for residential development in the Tumbledown Neighborhood area because of soil conditions that are not amenable to septic service.

DEVELOPMENT FACTORS

There are a number of physical conditions that limit or restrict land development within and around communities. Existing development or structures can limit future development potential. Other physical factors include conditions that favor a particular use (such as agriculture), or environmental features that make construction more difficult. Examples of these are soils classified as prime farmland, steep topography (having a slope greater than 20 percent), and hydric soils. Physical features such as these do not necessarily prevent development from occurring, though they may pose significant challenges. However, delineating land as wetland can prohibit development from taking place.

Future growth in the Town is limited by several factors. One such factor is the prevalence of steep topography in certain areas. These steep slopes are most prevalent along the Black Earth Creek Corridor and in the area of the glacial terminal moraine in the southwestern portion of the Town. Development is also limited in areas identified as 100-year floodplains. These floodplains are concentrated primarily along Black Earth Creek and near the Pheasant Branch Creek in the northeastern corner of the Town. Wetlands within the Town, as identified by the Wisconsin Department of Natural Resources, are concentrated almost entirely along the Black Earth Creek Corridor. Maps 6-1 and 6-2 depict environmental factors throughout the Town that may affect or limit land uses.

Figure 9-2: Town Population Trends



Source: US Census, Wisconsin DOA Projections

LAND USE FORECASTS

Population Forecast

Figure 9-2 summarizes the population projections from the Wisconsin Department of Administration (DOA) for the Town over the length of this Comprehensive Plan's planning horizon. The number of new residents is projected in five-year increments. The DOA projects the Town population to grow from 6,273 as of January 1, 2016 to 8,330 in 2040. This would mean 1,906 new residents by 2040 (an average projected annual increase of 76 new residents per year).

Housing Forecast

Nationally, the average household size has been declining steadily for a number of decades. This trend is also evident throughout much of Wisconsin and in the Town of Middleton. According to the U.S. Census, the average household size for the Town fell from 2.93 residents per household in the year 2010 to 2.84 residents per household in the year 2017. This trend is expected to continue in the coming decades.

Table 9-3 shows the anticipated number of households in 2010 (latest Census), 2017 (latest ACS estimates), and 2040 (the end of the planning horizon). This data is useful for determining the number of housing units that will be needed to accommodate these new residents. The 2017 ACS Five-Year Estimate of the Town's housing units is 2,165, of which 2,089 are owner-occupied. The Department of Administration projects this number to increase by 39 percent to 3,016 in 2040. This means the Town will need to build an additional 851 units, or 37 new units per year to keep up with projected demand.

Table 9-3: Housing Forecasts

Town of Middleton	Avg. HH Size	Past	Future	Growth (%)
2040 (WDOA Projection)	2.75	-	3,016	-
2017 (ACS Estimate)	2.84	2,165	-	39%
2010 (Census)	2.93	1,996	-	51%

Source: Wisconsin DOA, ACS

Employment Forecast

The Town is predominantly residential, with only small pockets of commercial and industrial land uses. In turn, many of these commercial and industrial areas are located in Town islands or other areas designated to be annexed to the City of Madison by intergovernmental agreement. The Town does not anticipate being an employment center over the length of this Plan. Any anticipated growth in commercial and industrial areas is planned to be located primarily in existing commercial and industrial areas and along the USH 14 corridor. Therefore, it is not pertinent to this Plan to forecast employment growth for establishments within the Town.

Land Use Forecast

The land area needed to accommodate new housing was calculated by multiplying the number of additional housing units needed over the next twenty years by an average lot size of 1.06 acres. This figure is based upon the average size of Town lots with residential uses according to the 2015 Existing Land Use inventory. With an additional 851 housing units forecast to be needed, the future land use map should provide a minimum of approximately 902 acres for residential development before infrastructure and open space is taken into account. This value was then adjusted upward by 30 percent to account for infrastructure (e.g. roads) and open space. As a result, a minimum of approximately 1,263 acres will be necessary to address new residential uses forecast to occur over the next twenty years.

It should be noted that these forecasts are intended for planning purposes only. It is important to stay abreast of actual development levels and update these forecasts as more current information becomes available and to account for actual development activity and shifts in the housing market.

FUTURE LAND USE MAP

Through the Town Ordinances and the zoning powers exercised by Dane County, the Town has the ability to guide future growth in a manner that enhances its residents' quality of life and is consistent with its long-term vision. However, misguided or inappropriate use of these tools can lead to undesirable results, including unnecessary land use conflicts, inefficient service delivery, a decreased quality of life and other potential problems.

The Future Land Use Map included as Map 9-3 in Appendix 9~~, and~~ is intended to illustrate the Town's vision and guide future growth over the next 20 years and beyond. It will serve as a guide for the Plan Commission and Town Board when making land use, zoning and infrastructure related decisions. The map will also provide direction for property owners and developers when making decisions about the future of their property in the Town. The Future Land Use Map uses land use categories that generally correspond to classifications defined by the Dane County Zoning Ordinance. Similar zoning classifications were consolidated into broader land use categories for the purposes of this map. The future land use categories do not have the authority of zoning classifications. However, zoning and land division decisions must be consistent with this Plan and the Future Land Use Map and associated policies of this Plan.

As noted elsewhere in this document, it will be important to periodically review and update this Plan, and the Future Land Use Map, to ensure that local development preferences are maintained.

The City of Madison has adopted numerous neighborhood development plans for neighborhoods throughout the City. Several of these plans include land currently located within the Town. Per the 2003 Cooperative Plan, all areas covered by these plans will be annexed to the City by the year 2042. The land use plans of each of these neighborhood development plans have been adapted and incorporated into the Town's Future Land Use Map. As of July 2019, the following City of Madison neighborhood development plans cover areas currently within the Town:

- Blackhawk
- Elderberry
- Junction
- Pioneer
- Midtown
- Raymond

As shown on Map 9-3, the majority of the Town is intended to remain a mixture of agricultural and low-density residential development. The largest land use category is Residential, which is intended to protect the semi-rural character of the Town. This category is intended to allow for a mixture of residential, institutional, and agricultural uses, in order to accommodate community institutional uses that serve neighborhoods (such as schools and municipal buildings) as well as the continued use of lands for agriculture. It is not intended that all areas covered by the Residential category be developed for strictly residential use.

Commercial development is planned for existing commercial locations (including lands with existing commercial zoning) and along the USH 14 corridor. The total acreages designated for each future land use category are outlined in Table 9-5.

Table 9-4 Future Land Use Classifications

Land Use Category	General Description
Residential / Agricultural	This category is intended for areas that are currently used, or planned to be used, for residential use. It generally includes existing platted lots and areas anticipated to be developed (platted) within the next 10 to 20 years. It also includes areas that are currently used for agricultural or rural residential use, but which may transition to non-agricultural residential uses. Development densities are governed by the Town's Subdivision Ordinance provisions for clustered and traditional subdivisions. The Residential category also specifically includes lands within the Town Ordinance Transition Area (established by the Town Subdivision Ordinance), and the City of Madison Transition Area (established by the intergovernmental Cooperative Plan), which are areas intended for focusing slightly more on dense residential development. For lands that will remain in the Town for the foreseeable future, densities are intended to be similar to those that currently exist in the Town. For those lands covered by the 2003 City of Madison – Town of Middleton Cooperative Plan and/or City neighborhood plans, this category may allow a mixture of low to high densities. Suitable zoning districts: SFR-08, AT-5, SFR-08, RR-2, RR-4, RR-8, RM-16 • SFR-08 (Single-Family Residential – Small Lot) The Town generally intends to use this zoning for platted or CSM lots under 5 acres that are developed for residential use, and which do not include existing agricultural uses such as farm crops or livestock. • AT-5 (Ag Transition) The Town intends to use AT-5 zoning for un-platted lands and CSM lots over 5 acres in size, as well as to accommodate properties with existing agricultural uses. • RR districts are for lots intended to maintain a mix of residential and small-scale farming uses, with limited livestock. • RM-16 (Rural Mixed Use) would accommodate certain agricultural uses.
Institutional	Intended for schools, churches, cemeteries, local government facilities, utilities and other parcels that are owned by a public, utility, or religious entity. Institutional land uses may also be allowed in other areas of the Town, not just those mapped as "institutional". Suitable zoning districts: Flexible. County zoning does not maintain a district specific to public uses and institutions. Rather, these uses are typically listed as permitted or conditional uses in other zoning districts.
Commercial	Commercial areas are intended to recognize existing commercial uses and provide room for future business uses. Commercial development is typically located along main thoroughfares (major arterials and collectors) in the Town. Appropriate uses include, but are not limited to: offices, gas stations, landscaping and contractor operations, service and repair shops, warehousing/storage, retail stores, indoor fitness and recreation uses, restaurants, as well as municipal or utility facilities. (continued →)

	This category also includes lands currently zoned as LC Limited Commercial under Dane County's comprehensive zoning ordinance that became effective on January 17, 2019. This category also includes lands within the Boundary Adjustment Area per the 2003 City of Madison – Town of Middleton Cooperative Plan. In those areas, future land uses are subject to the provisions of the Cooperative Plan (see below). Suitable zoning districts: LC, GC, HC, MI. • LC (Limited Commercial) would accommodate contractor, landscaping and similar limited low-traffic commercial uses that are compatible with both agriculture and residential uses • Other zoning districts are intended for more intensive non-residential land uses.
Commercial Recreation	This district includes privately-owned recreation lands, such as golf courses, ski facilities, and the like. Suitable zoning districts: RE / Recreational (The Town generally uses RE zoning for privately-owned recreation and open space uses).
Public Recreation	This district recognizes federal, state, county and town lands that are managed as parkland and for forestry, resource protection, wildlife management and other uses consistent with the mission of the controlling agency. Lands dedicated as private outlots or conservation areas are also included in this category. These lands may or may not be open to the public. Suitable zoning districts: NR-C / Natural Resource Conservancy (The Town generally uses NR-C zoning for public recreation and open space uses.)
Transition Area (Town Ordinance § 15.06) – see Map 8-1	Area comprised of lands within ½ mile west of the centerline of Pioneer Road, between Old Sauk Road and Mid-Town Road. The Town Ordinance encourages cluster subdivisions in this area. New unsewered lots in Transition Area cluster subdivisions shall have minimum lot sizes of 25,000 square feet. New sewered lots in this area shall have a minimum lot size of 12,000 square feet, with another 2,000 square feet for each additional dwelling unit. New lots in Transition Area cluster subdivisions must be at least 80 percent of the size of abutting lots or parcels three acres in size or less. The maximum gross development density for subdivisions is one dwelling unit per 50,000 square feet.
Intergovernmental Transition Area (City of Madison) – see Map 8-1	Area comprised of lands within ¼ mile of the centerline of Pioneer Road. The 2003 Cooperative Plan regulates the land uses in the area by: • Development limited to residential land uses and associated improvements. • Residential densities limited to 4 units per net acre. • Number of units in an attached multi-family residential structure is limited to 4. • Height of residential structures shall be limited to 35-feet as measured from the finished grade on the street side of the building. • Private driveway access to new development shall be prohibited from Pioneer Road unless approved by the Town and City. • The Town and City shall work to preserve environmental corridors; development within these corridors is prohibited.

	• An 80-foot wide landscaped building setback shall be provided as a condition of development approval.
Boundary Adjustment Area (City of Madison) – see Map 8-1	Area established by the 2003 City of Madison – Town of Middleton Cooperative Plan, intended for attachment to the City of Madison by 2042 (or a later date, if the intergovernmental agreement is extended). Key policies: • New construction in Town on private water wells and on-site septic will be generally limited to one principal use building on existing lots; • Lots 5 acres or more may be split into only 2 lots for residential purposes without requiring attachment to the City; • Any other development may only occur subject to attachment to the City.

The total acreages designated for each future land use category are outlined in Table 9-5. This reflects the relative share of each category on the map but does not suggest a limit on the amount of land that may be zoned for each type of use.

Table 9-5: Future Land Uses

Classification	Acres	%
Residential/Agricultural	6,787	72.0%
Public Recreation	1,233	13.1%
Commercial	604	6.4%
Commercial Recreation	124	1.3%
Institutional/Governmental	92	1.0%
Transportation	587	6.2%
TOTAL	9,427	100.0%

Source: Dane County GIS

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Appendix 9: Land Use

HISTORY OF ANNEXATIONS AND DETACHMENTS

Over the years the Town of Middleton has been reduced in size due to annexations by the cities of Madison and Middleton. Most of the northeastern corner of the original township has been annexed by the City of Middleton. Much of the eastern one-half of the southern portion of the original township has been annexed by the City of Madison. Per the 2002 Intergovernmental Agreement and the 2003 Cooperative Plan between the Town and the City of Madison, the City will eventually annex all areas south of Blackhawk Road and east of Pope Farm Park and Pioneer and Meadow Roads. All land within this area that has not already been annexed by the City by the year 2042 will become part of the City at that time.

The Town also has an intergovernmental agreement in place with the City of Middleton. This agreement was signed in 1994. The City of Middleton agreed not to exercise its extraterritorial jurisdiction "west of a line running from the point between Sections 4 and 5 on the northern border of the Town, to the point between Sections 32 and 33 on the southern border of the Town." The Town agreed to make development and land use decisions for all areas subject to the City's extraterritorial jurisdiction in accordance with the Town's Land Use Plan of 1994. For additional information, refer to Chapter 8: Intergovernmental Cooperation,.

LAND SUPPLY AND DEMAND

The Town's Existing Land Use Map was updated in July 2019 using 2015 Dane County data for land use and the latest Dane County data for corporate limits. According to this map, there are approximately 1,479 acres of "open space/vacant land", 2,437 acres of "agricultural land" and 1,565 acres of "woodland" within the Town. This land is scattered throughout the Town, with the greatest concentration near the Black Earth Creek corridor. Due to environmental constraints and ordinances, not all of these lands are suitable for residential, commercial or industrial development.

A review of the local Multiple Listing Service (MLS) provided a snapshot of local real estate trends. In August 2019, there were approximately 96 single-family homes for sale in the Town, with the cost of these homes ranging in price from $120,000 to $2,300,000 (including vacant, buildable lots).

WASTE DISPOSAL AND CONTAMINATED SITES

Identification of brownfield sites is an important consideration in forming an appropriate land use plan, in fostering economic development, and in ensuring a clean and healthy environment. Cleanup and redevelopment of brownfield sites can return abandoned or underutilized properties to the tax rolls and to productive use. Redevelopment of brownfield sites also contributes toward optimal use of existing infrastructure.

To identify brownfield sites, a number of sources were used:

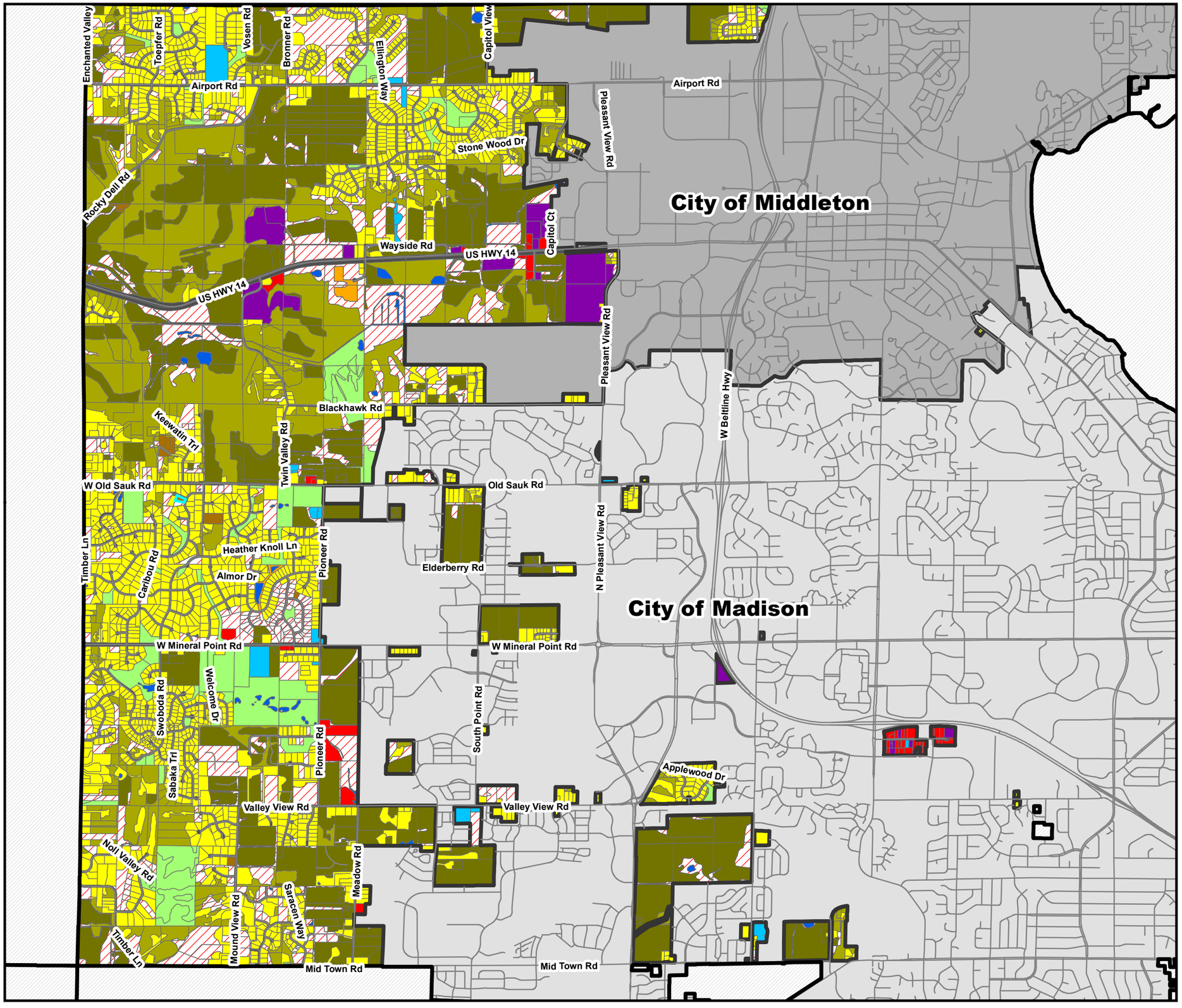
- Wisconsin Department of Natural Resources (WDNR) Bureau of Remediation and Redevelopment Tracking System (BRRTS)
- Environmental Protection Agency's (EPA) Superfund Listing
- Local knowledge

As an initial step in identifying brownfield sites, the BRRTS database was searched to identify contaminated sites within the Town. The WDNR maintains the BRRTS database that catalogs all contaminated properties known to the WDNR and other activities related to the investigation and cleanup of contaminated soil or groundwater in Wisconsin. As of August, 2019 there were ten sites in the BRRTS database located within the Town of Middleton.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is a Federal policy created to address abandoned hazardous waste sites. The Federal Environmental Protection Agency administers the Superfund program to carry out CERCLA policy. The Superfund process involves steps taken to assess sites, place them on the National Priorities List, and establish and implement appropriate cleanup plans. The Refuse Hideaway Landfill is the only site within the Town included on the Superfund list of sites. Refer to Appendix 5 for further detail regarding the Refuse Hideaway Landfill.

LAND USE CONFLICTS

Conflicts often develop over time when certain land uses are located inappropriately, or adequate buffering is not provided between conflicting land uses. Sometimes industrial or commercial land uses have characteristics including noise, dust, odors and truck traffic that can potentially be viewed as a nuisance by surrounding residents. The Town of Middleton is not immune to these types of conflicts, some of which are discussed earlier in this section.



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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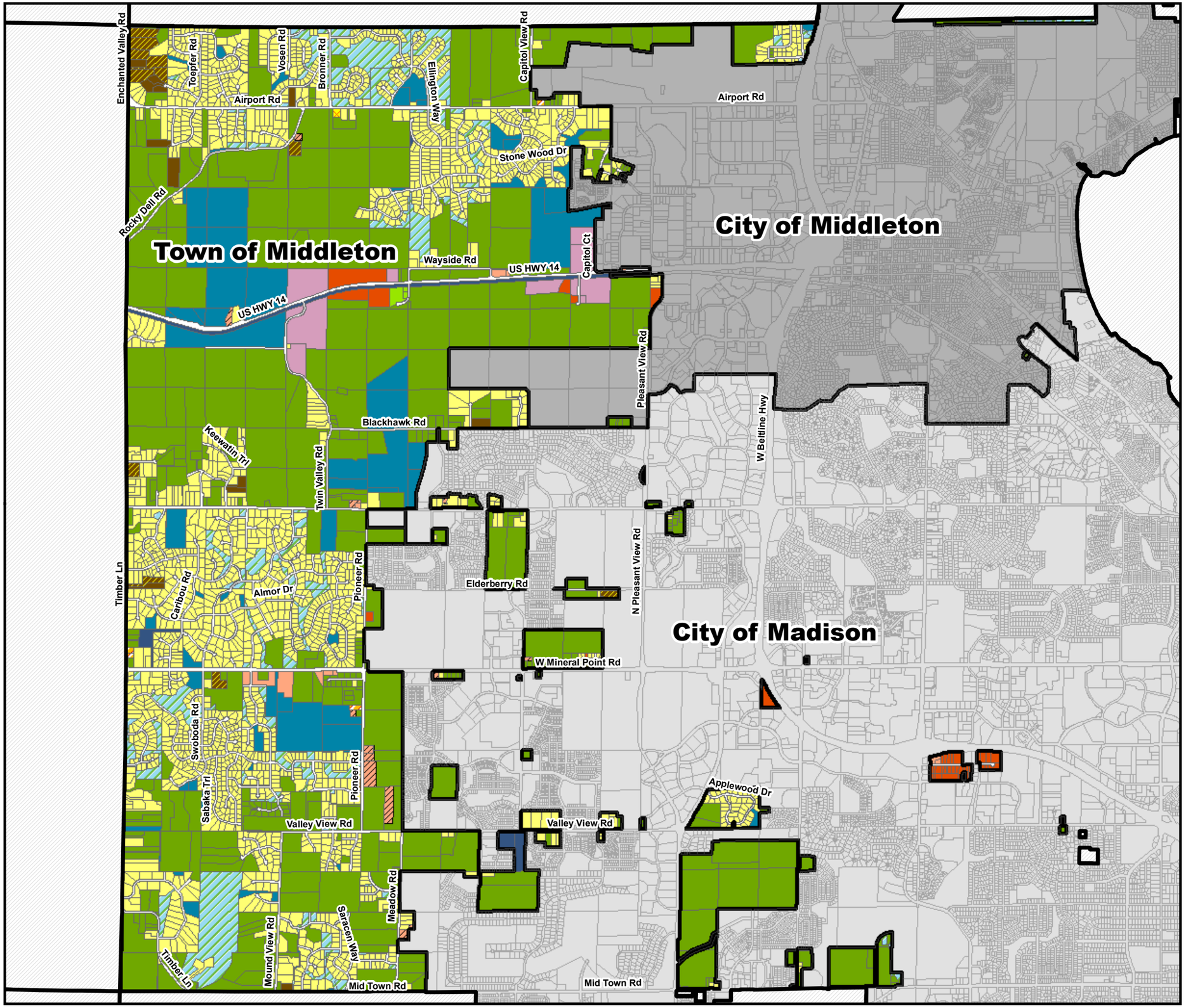

TOWN OF MIDDLETON Wisconsin

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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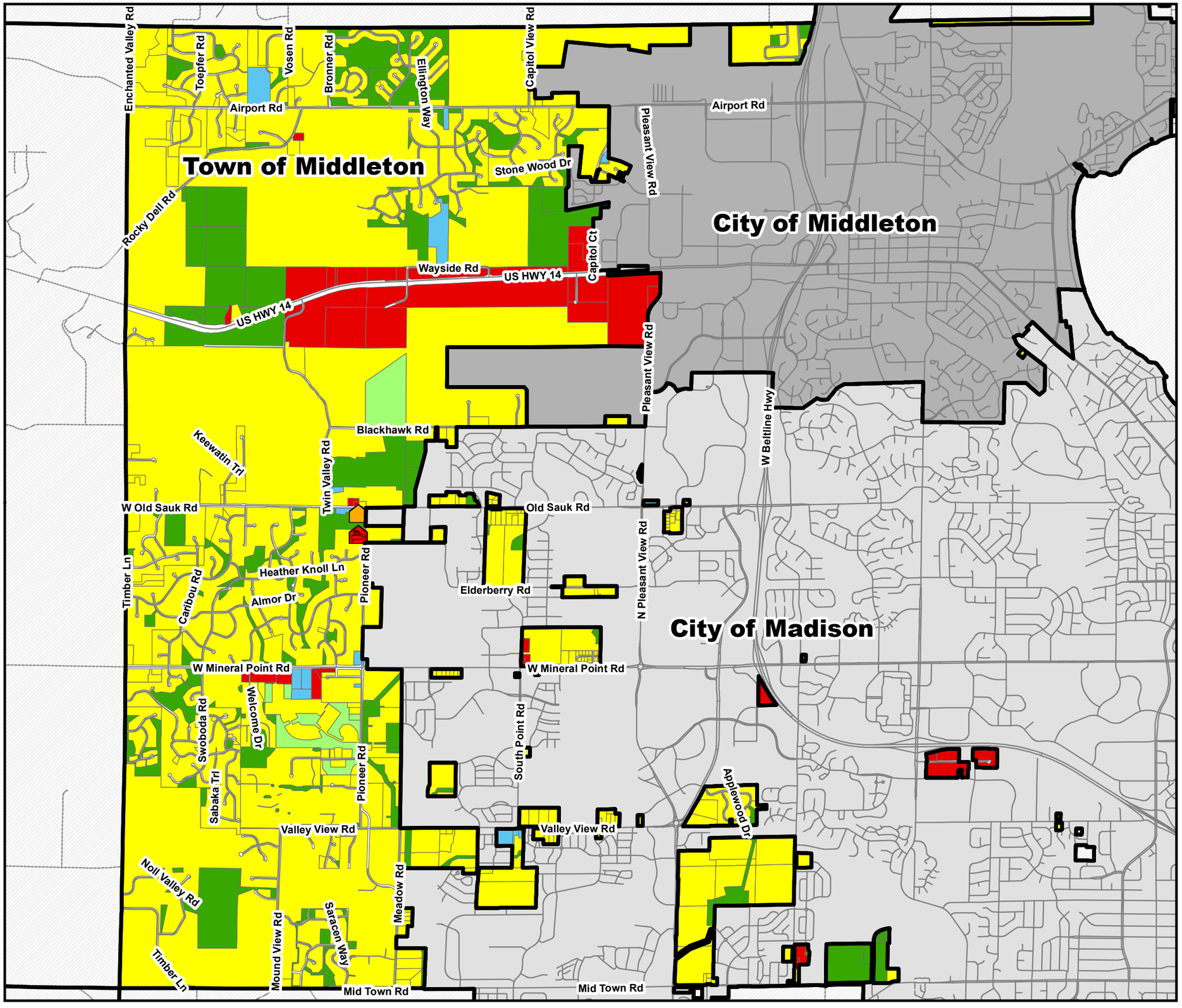

TOWN OF MIDDLETON Wisconsin

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

Data Sources:
Dane County, Town of Middleton

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