

9. Implementation

9.1 Introduction

The Implementation element includes a compilation of programs and specific actions to be completed in a stated sequence. These programs and specific actions will be used to implement the goals, objectives, policies, and recommendations contained within the eight other elements of this plan.

The Implementation element also includes a section on mechanisms to measure progress that will allow the community to determine if it is successfully implementing its comprehensive plan. In addition, this element describes how all of the plan elements will be integrated and made consistent. It also establishes update and amendment procedures.

Implementation Framework

Comprehensive plans establish the general policy framework for decision making. The Wisconsin comprehensive planning law defines the elements of a comprehensive plan. The law also requires that actions of local governments engaging in official mapping, subdivision regulation, zoning, or zoning of shorelands and wetlands must be “consistent with” the comprehensive plan by January 1, 2010. Therefore, any local governmental unit that wants, for example, to regulate the subdivision of land or regulate land use through zoning or any other means is required to have a comprehensive plan. Adoption of this comprehensive plan meets the intent of the legislation.

Citizen Participation

Citizen participation is an important step required throughout the planning process. It is also an essential implementation tool. Citizens and local officials must be made aware of the goals of their comprehensive plan when they consider and make decisions such as reviewing a land division request. The more participation, the more ownership the plan or any implementation tool will likely receive. In addition, a public hearing is always required before an ordinance of any type can take effect.

Planning and Implementation

Just as the comprehensive plan does not work independently of other community documents, the implementation element does not work independently of the other elements in the plan. In fact, the implementation element is one of the best ways to demonstrate the integration of all the elements. Through implementation, the connectivity among community issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural, and cultural resources, economic development, intergovernmental cooperation, and land use is realized. Decisions should be made based on the knowledge that one decision can affect all the elements involved and there are direct and indirect effects of all actions.

9.2 Local Action Plan

An action plan is intended to jump start the implementation process and to provide continued focus over the long term. During the comprehensive planning process, a framework for implementation and necessary action items was identified. This will serve to guide the many steps that must be taken to put the plan in motion. The following action plan outlines those major steps that are suggested and recommends a timeline for their completion. Further detail can also be found within the respective planning element.

Plan Adoption and Update Actions

1. Task: Pass a resolution recommending adoption of the comprehensive plan by the City Council (Implementation Element).
Responsible Party: Plan Commission
Timing: Spring 2008
2. Task: Adopt the comprehensive plan by ordinance (Implementation Element).
Responsible Party: City Council
Timing: Spring 2008
3. Task: Review the comprehensive plan for performance in conjunction with the budgeting process (Implementation Element).
Responsible Party: Plan Commission
Timing: Annually
4. Task: Conduct a comprehensive plan update (Implementation Element).
Responsible Party: Plan Commission, City Council
Timing: Every 10 years

Intergovernmental Cooperation Actions

1. Task: Review land divisions in the extraterritorial area and evaluate their impact on road connectivity and city services (Transportation element and Utilities and Community Facilities Element).
Responsible Party: Plan Commission
Timing: On-going
2. Task: Coordinate lot sizes, proposed density of development, and the use of lands in the extraterritorial area in accordance with the long term growth management strategy of the City of Menasha (Land Use Element).
Responsible Party: Plan Commission
Timing: On-going
3. Task: Explore the desirability/feasibility of extraterritorial zoning with the neighboring towns as an alternative to county zoning where applicable. (Land Use Element, Intergovernmental Cooperation Element).
Responsible Party: Plan Commission

Timing: Within two years of plan adoption for initial review, subsequent review on-going.

4. Task: Monitor the impacts of the respective boundary agreements on the city's physical growth as well as service delivery. The terms of the boundary agreements should be reassessed several years prior to the termination dates. If the agreements continue to serve the interests of the participating entities they should be renewed. If they are not, the agreements should be terminated or amended to better serve the needs of the participating entities.

Responsible Party: Plan Commission and Common Council

Timing: Town of Menasha Boundary agreement – prior to November 2, 2018; Town of Harrison Boundary agreement – prior to September 1, 2029.

Ordinance Development and Update Actions

1. Task: Complete an assessment of the municipal codes and identify areas that need to be updated and revised in accordance with the goals of the Comprehensive Plan. Key areas needing review include the text and map of the Zoning Ordinance, the Nuisance Ordinances, the Driveway Ordinance, and the Historic Preservation Ordinance, and the Traditional Neighborhood Development Ordinance. Further details about each specific ordinance can be found in section 9.3 of this document.

Responsible Party: Plan Commission

Timing: Within two years of plan adoption

2. Task: Complete a review of the subdivision ordinance to evaluate what is required of developers and ensure that the city is limiting its liabilities and costs in the development of new subdivisions (Land Use Element).

Responsible Party: Plan Commission

Timing: With two years of plan adoption, in conjunction with zoning ordinance review

3. Task: The city should explore the feasibility of creating a stormwater utility to plan, manage and finance stormwater programs, practices and facilities (Utilities and Community Facilities Element; Agricultural, Natural and Cultural Resources Element).

Responsible Party:

Timing: Within one year of plan adoption

Strategic Planning Actions

1. Task: Create annual capital improvement plan for all city assets (Utilities and Community Facilities Element).

Responsible Party: City Staff and City Council

Timing: Create within two years of plan adoption and update annually

Changes to Applicable Land Use Controls

The remainder of the Implementation element will review regulatory and non-regulatory implementation tools and review their current use in the community as well as provide

recommendations for their use in the future. All of the community’s existing land use controls are discussed and any recommended changes are provided.

9.3 Regulatory Land Use Management Tools

Regulatory tools stem from local government’s responsibility and authority to protect public health, safety, and welfare. Most regulatory tools are in the form of ordinances. The following regulatory tools were reviewed and discussed as part of the comprehensive plan process:

Conventional Zoning

Under Wisconsin Statutes, counties, cities, villages, and towns with village powers are authorized to adopt zoning ordinances. Zoning is one method of implementing or carrying out the comprehensive plan. Zoning regulates the use of land, lot size, density, and the height and size of structures. A conventional zoning ordinance is probably the most commonly used land use implementation tool, especially in villages and cities. Under conventional zoning, districts (defined areas of consistent use and density) are established which typically follow parcel boundaries and legal descriptions. Each district or zoning category contains a list of permitted and conditional uses which define “rights” within the district. In Wisconsin, towns are either “under” their respective county’s zoning ordinance, administer their own zoning ordinance, or do not administer zoning.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha’s zoning ordinance was last recodified in 1989. Numerous amendments have been made since then to update and clarify the ordinance. Several additional zoning districts have been created and new requirements and procedures have been implemented. These changes were undertaken with an eye toward improving the quality of development and reducing land use impacts on the environment. Several changes were also made to ease administration of zoning procedures.

In addition to the zoning ordinance the City of Menasha maintains the following other sections in its code of ordinances:

- ◆ Government and Administration
- ◆ Finance and Public Records
- ◆ Administrative Determinations Review
- ◆ Public Safety
- ◆ Public Works
- ◆ Licensing and Regulation
- ◆ Health and Sanitation
- ◆ Public Utilities
- ◆ Motor Vehicles and Traffic
- ◆ Offenses and Nuisances
- ◆ Parks and Navigable Waters
- ◆ Subdivision Regulations
- ◆ Building Code

Recommendation(s):

Given that the code of ordinances has not been revisited as a whole in more than 15 years, there is a need for recodification in the near future. The city should continue to review and update its land development codes to keep pace with emerging development trends and practices.

Timeline: Within two years of plan adoption.

Subdivision Ordinance

Achieving the goals, objectives, and policies of the comprehensive plan will be significantly influenced by how land will be divided and developed in the future. Pursuant to Section 236 of the Wisconsin Statutes, a community may adopt an ordinance creating the authority to review the subdivision of land within its corporate limits. A land division ordinance is a tool to control how, when, and if farmland, woodlands, and open spaces will be divided and developed while protecting the needs and welfare of the community. It also regulates how new lots will be made ready for future development, such as providing for adequate access (required roads, driveways), wastewater treatment, and water supply.

The impact of land division regulations is more permanent than zoning (which regulates the type of development that takes place on a parcel) because once land is divided into lots and streets are laid out, development patterns are set. Local review and regulation of future divisions of land can therefore be effective tools to encourage the development of a transportation network that is efficient and provides vehicular as well as pedestrian linkages between neighborhoods and other destinations. Local review authority also helps ensure that topography, site, drainage, and other development-related impacts are properly configured to align with utilities and public services.

A community can require a new land division be in conformance with its comprehensive plan as a basis of approval. The key to implementing this objective is twofold. First, the ordinance should clearly state that consistency with the community's comprehensive plan is a criterion of approval. Secondly, the ordinance should contain a provision requiring the proponent for a land division to submit a clear and concise letter of intent as part of the land division application. The letter of intent submitted as part of the application record can be used to decide if the lot proposed to be created will adequately accommodate the future use of the property.

Development of a local land division ordinance could also incorporate "low-impact" or "sustainable" (such as LEED for Neighborhood Development) guidelines and standards to help implement the plan goals, objectives, and policies supporting protection of the community's open spaces, natural features, drainageways. LEED and low-impact design (LID) and sustainable subdivisions are intended to be an alternative approach to the conventional lot-by-lot division of land which spreads development evenly throughout a tract of land without regard to the natural features of the area. Specifically, LID involves identifying important natural features, placing buildings and roadways in areas less sensitive to disturbance, and designing a stormwater management system that creates a relationship between development and natural hydrology. The attention to natural hydrology, stormwater "micromanagement," nonstructural approaches, and landscaping results in a more attractive, multifunctional landscape with development and maintenance costs comparable to or less than conventional strategies. Sustainable design incorporates conservation and design elements of LID, but takes design a step further by evaluating location, density, reduced automobile dependence, proximity to housing and jobs, walkability, energy efficiency and a host of other criteria.

The development and ultimate success of a local land division ordinance in plan implementation will require the community to address regulatory, administrative, and intergovernmental considerations. Adoption of the local land division ordinance must be consistent with state statutes and will require local administration (e.g., application review, fee collection, public hearings, inspection, enforcement, etc.).

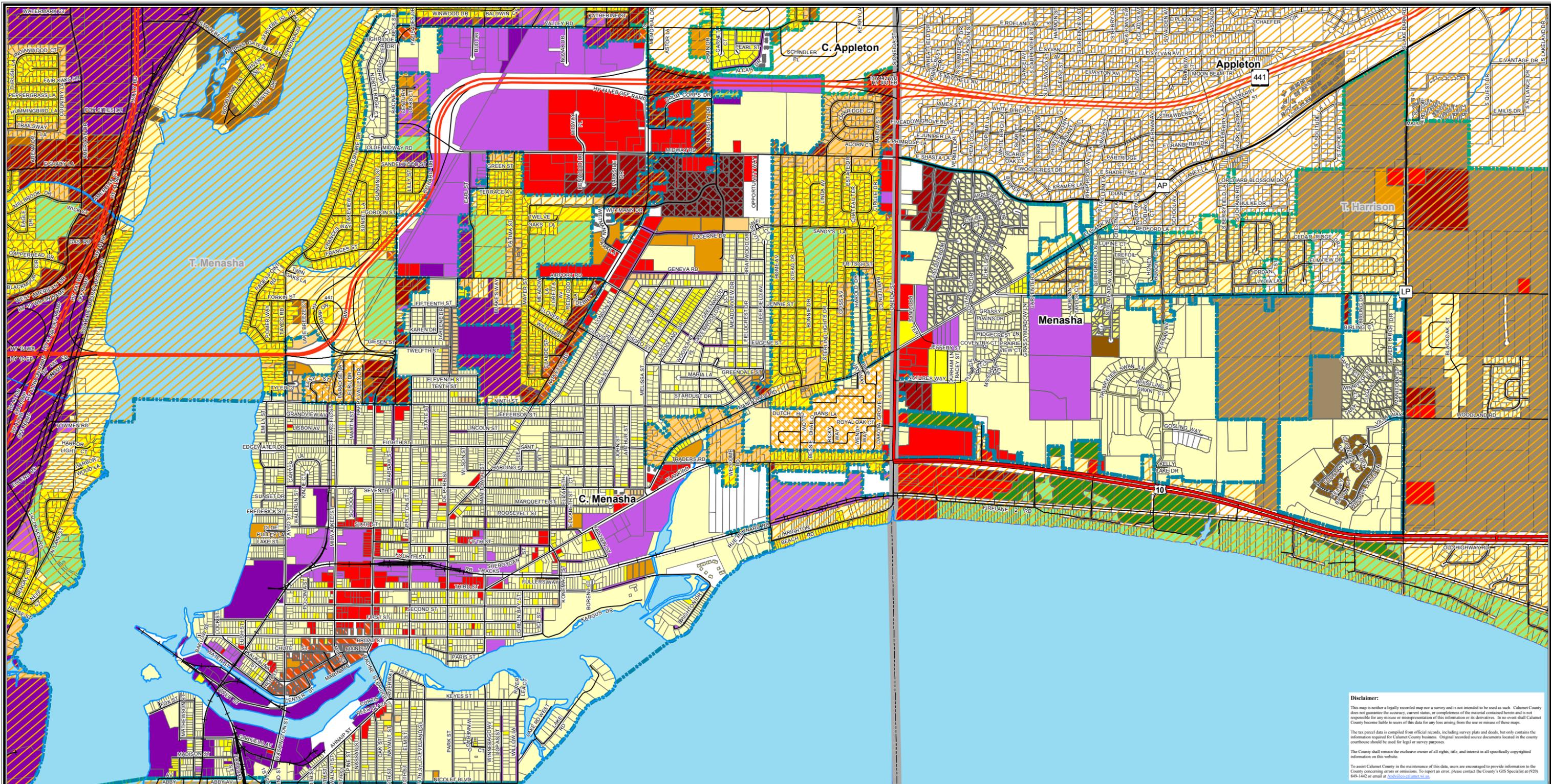
Communities must remember a land division ordinance only affects new development and redevelopment which requires a land division. New uses on existing parcels remain unregulated.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has a Subdivision Ordinance which was last revised in 1989.

Recommendation(s): The city should consider establishing a requirement that all land divisions or combinations be done by subdivision plat or certified survey map. The city should consider establishing criteria to evaluate proposals for street designs that do not meet current standards. Further, the city should consider the adoption of Low-Impact or Sustainable design standards. The Subdivision Ordinance should be revised at the same time as the Zoning Ordinance.

Timeline: Within two years of plan adoption.



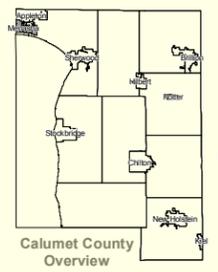
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Existing Land Use and Zoning Regulations

City of Menasha, Calumet & Winnebago Counties

Map date: 2006
 Calumet County LIO
 206 Court St
 Chilton, WI 53014
 920-849-1442
 1 inch equals 1,988 feet

Railroad	Lakes	Town of Harrison Zoning	Conservancy (CON)	Town of Menasha Zoning	Heavy Industrial (M-2)	City of Menasha Zoning	Single-Family Residence (R-1)
Federal Highways	Parcel Boundaries	Exclusive Ag (A-1)	Industrial (I)	Agri-Business (A-1)	Mobile Home (MH-1)	General Commercial (C-1)	Single Family Low Density Residence (R-1A)
State Highways	City of Menasha Boundary	Transitional Ag (A-2)	Residential (R-1)	General Farming (A-2)	Institutional and Recreational Park (P-1)	Central Commercial (C-2)	Two-Family Residence (R-2)
County Highways	Other Municipal Boundaries	General Ag (A-3)	Residential (R-2)	Local Service (B-1)	Rural Residential (R-1)	Business and Office (C-3)	Multi-Family, Zero Lot Line Residence (R-2A)
Local Roads	County Line	Local and Neighborhood Commercial (C-1)	Multi-Family Residential (R-3)	Community Business (B-2)	Suburban Residential (R-2)	Business Park (C-4)	Multi-Family, Medium Density Residence (R-3)
City Streets		Community and Area Wide Commercial (C-2)	Residential Planned Development (R-4)	General Business (B-3)	Two Family Residential (R-3)	Heavy Industrial (I-1)	Multi-Family, High Density Residence (R-4)
Rivers		Commercial/Light Industrial (C-3)	Recreational (REC)	Business Park (B-4)	Multiple Family Residential (R-4)	General Industrial (I-2)	Planned Unit Development (PUD)
				Planned Commercial Business (B-5)	Planned Residential (R-5)	Mobile Home (MH)	
				Light Industrial (M-1)			



Map 9-1

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Official Maps

Cities, villages, and towns may adopt official maps. These maps, adopted by ordinance or resolution, may show existing and planned streets, highways, historic districts, parkways, parks, playgrounds, railroad rights of way, and public transit facilities. The map may include a waterway only if it is included in a comprehensive surface water drainage plan. No building permit may be issued to construct or enlarge any building within the limits of these mapped areas except pursuant to conditions identified in the law.

Official maps are used most frequently to designate major thoroughfares and parks in advance of the development of a neighborhood.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha's official map was last updated in March of 1996.

Recommendation(s): The city should update the official map and continue updating as changes occur.

Timeline: Concurrent with revision of zoning ordinance, within two years of plan adoption.

Community Design Guidelines

Community design guidelines are often implemented to help enhance community appearance and protect natural resources. In recent years, however, community design has taken a more comprehensive approach. For example, low-impact design (LID) and sustainable subdivisions both involve identifying important natural features, placing buildings and roadways in areas less sensitive to disturbance, and designing a stormwater management system that creates a relationship between development and natural hydrology. Sustainable design takes it a step further by evaluating criteria such as location, density, reduced automobile dependence, proximity to housing and jobs, walkability, and energy efficiency.

Another way of influencing community design is through zoning ordinances such as Traditional Neighborhood Development (TND). A TND ordinance is a set of standards which allows for a variety of housing types and land uses in a defined area. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. A TND is served by a network of paths, streets and lanes suitable for pedestrians as well as vehicles. This provides residents the option of walking, biking or driving to places within their neighborhood. Present and future modes of transit are also considered during the planning stages.

Public and private spaces have equal importance, creating a balanced community that serves a wide range of home and business owners. The inclusion of civic buildings and civic space -- in the form of plazas, greens, parks and squares -- enhances community identity and value.

City of Menasha Status/Recommendation(s)

Status: The city does not currently incorporate LID or sustainable guidelines or standards in its code of ordinances. However, the city has adopted a Traditional Neighborhood Development ordinance, per requirements by state statutes. This ordinance only applies to developments 100 acres or more in size. The city recently created a Sustainability Board. The board is exploring Leadership in Energy Efficiency and Design for Neighborhood Development (LEED-ND) standards for development and redevelopment projects.

Recommendation(s): In an effort to help meet statutory requirements related to stormwater quality and to meet certain comprehensive plan goals related to sustainability, the city should consider the addition of language in its land division ordinance which would set standards and guidelines for LID and/or sustainable neighborhood design. The city should also consider the adoption of language in its zoning/development code that would set standards and guidelines for LID and/or sustainable development on a lot-by-lot basis. A review of the Traditional Neighborhood Development ordinance should be completed for consistency with the comprehensive plan, any proposed LID and/or sustainable neighborhood design ordinances, and should allow for application in smaller subdivisions and redevelopment activities. LEED-ND principles should be applied to developments wherever practicable.

Timeline: Concurrent with revision of zoning ordinance, within two years of plan adoption.

Historic Preservation Ordinances

Historic preservation ordinances are meant to protect historic buildings and districts. Counties, towns, cities, and villages have express authority to enact historic preservation ordinances. In addition, the Wisconsin Legislature has determined that historic preservation is such an important objective that all cities and villages that contain any property listed on either the national register of historic places or the state register of historic places must enact a historic preservation ordinance to regulate historic or archeological landmarks and historic districts in an effort to preserve those landmarks.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha adopted a Historic Preservation Ordinance and created the Historic Landmarks Commission in 1995 with the goal to "protect, enhance, perpetuate, and continue the use of improvements of special character, special historic interest or value." The Historic Preservation Committee, a predecessor to the Landmarks Commission commissioned an intensive survey which was completed in 1986. The intensive survey was "intended for use by the City and the community in planning development projects and establishing a local preservation agenda."

Recommendation(s): The ordinance should be updated to include standard procedural processes for accepting properties and neighborhoods as landmarks. A re-survey of the

1986 intensive survey should be completed to further and focus preservation efforts (at the time of plan development, the city received a grant from the Wisconsin Historical Society to complete this objective).

Timeline: Concurrent with revision of the Zoning Ordinance, within two years of plan adoption.

Design Review; Signage, Landscaping, Lighting and Site Plan Regulations

Design review involves the review and regulation of the design of buildings and their sites. Design review standards are often included as part of zoning and subdivision ordinances. They seek to protect communities from development which would detract from the appearance of the community and reduce property values. Such an ordinance is especially recommended for communities with buildings of historic or architectural importance and where tourism is a major economic activity.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has incorporated site plan review regulations into the zoning ordinance. This ordinance establishes standards and criterion for new development and some types of remodeling/reuse. The following broad categories of site use and development are addressed by the ordinance.

- ♦ Site grading and drainage
- ♦ Erosion control and stormwater management
- ♦ Parking and access
- ♦ Landscaping and screening
- ♦ Refuse and recycling management
- ♦ Building material and design for commercial, industrial and multi-family uses
- ♦ Lighting

Recommendation(s): The city should continually review its site design standards for multi-family residential, commercial, industrial, and institutional development to help protect and enhance the visual quality of the community.

Timeline: On-going.

Building, Mechanical, Housing, and Sanitary Codes

Cities, villages, towns, and counties may enact building and sanitary codes. Building codes set standards for the construction of buildings in a community and ensure that new and altered construction will be safe. These codes must conform to the state building, plumbing, and electrical codes. Housing codes define standards for the use and maintenance of dwelling units. To enforce the codes, inspections are required by the local municipality. This code is concerned with keeping housing from falling into dilapidation and thus keeping neighborhoods from falling into blight.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha's housing and building codes were adopted in 1989 and by reference include UDC standards. Minimal, if any, local changes have been made to the building and housing codes.

Recommendation(s): The city should review both the building and housing codes for consistency with the comprehensive plan and community goals and make changes where inconsistencies occur.

Timeline: Within two years of plan adoption.

Erosion/Stormwater Control Ordinances

Water pollution degrades surface waters making them unsafe for drinking, fishing, swimming, and other activities. As authorized by the Clean Water Act, the federal Environmental Protection Agency (EPA) implemented the National Pollutant Discharge Elimination System (NPDES) permit program which controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The NPDES permit program is administered by the Wisconsin Department of Natural Resources (DNR) and subjects municipalities to standards with the overall goal of improving water quality. Phase II of these standards took effect in March of 2005 through administrative rules published by the DNR. These rules require substantial reduction in the amount of sediment and other pollutants entering surface waters.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha is subject to Phase II of the EPA's Municipal Separate Storm Sewer (MS4) standards for stormwater management and erosion control as part of the NPDES permit program.

Menasha has made strides toward compliance with the new far-reaching requirements. The city is nearing completion of its stormwater management plan and staff has completed drafts of both stormwater management and erosion control ordinances. The city is also a member of the Northeast Wisconsin Stormwater Consortium (NEWSC), which is assisting the city with its educational initiatives on these matters. There are significant long-term cost implications associated with these programs that the city will need to address.

Recommendation(s): The city should explore the feasibility of creating a stormwater utility to plan, manage and finance stormwater programs, practices and facilities.

Timeline: Within one year of plan adoption.

Performance Zoning

Performance zoning is a method of managing development that permits controlled development while also being sensitive to the landscape. It tries to regulate the impacts of land uses, rather

than the uses themselves, by outlining general goals for developers that they can meet in different ways. Landowners are permitted a wide variety of uses, so long as they meet certain numeric standards such as a certain density, a certain amount of open space, or certain noise, smell, or lighting level standards.

City of Menasha Status/Recommendation(s)

Status: The city does not currently use performance zoning.

Recommendation(s): Although not immediately needed, it is possible that performance zoning could be useful within the planning period. The city should periodically monitor the needs of the community and assess whether or not performance zoning is an appropriate tool to adopt.

Timeline: On-going.

Overlay Zoning

Overlay zones allow special regulations within all or a portion of a zoning district or several districts. This type of zoning can be helpful if there is one particular resource that needs to be protected a consistent way, regardless of what district it is located in.

City of Menasha Status/Recommendation(s)

Status: The city does not currently have any overlay zoning districts.

Recommendation(s): There are areas in the city, particularly along the shoreline or in the downtown area that might be enhanced with the use of overlay zoning. The city should continue to monitor the conditions and if appropriate work towards adoption of zoning overlay districts.

Timeline: On-going.

Extraterritorial Zoning

Any city or village that has a plan commission may exercise extraterritorial zoning power in the unincorporated areas surrounding the city or village. The extraterritorial zoning power may be exercised in the unincorporated areas located within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village. Extraterritorial zoning may be initiated by a city or village adopting a resolution and providing notice of the extraterritorial area to be zoned. The city or village may unilaterally adopt an interim zoning ordinance to preserve existing zones or uses for up to two years while a comprehensive zoning plan is being prepared. A joint committee, consisting of three city or village plan commission members and three town members must approve of the plan and regulations by majority vote. Extraterritorial zoning is not commonly used in the state of Wisconsin.

City of Menasha Status/Recommendation(s)

Status: The city does not currently engage in extraterritorial zoning.

Recommendation(s): The city should explore the desirability/feasibility of extraterritorial zoning with the neighboring towns as an alternative to county zoning where applicable.

Timeline: Within two years of plan adoption.

Planned Unit Developments (PUDs)

Planned unit developments (also sometimes referred to as “planned development districts”) allow developers to vary some of the standards in local zoning ordinances to provide for innovative approaches that may allow for better design and arrangement of open space to protect natural resources. PUDs require flexibility from both the developer and local government.

City of Menasha Status/Recommendation(s)

Status: The city has three projects that were advanced under PUD zoning standards. Each of these developments are residential and were designed to achieve a distinctive character related to the attributes of the respective sites.

Recommendation(s): The city should continue to explore opportunities where this would be an appropriate tool to encourage development.

Timeline: On-going.

Extraterritorial Plat Review

Cities and villages that have adopted a subdivision ordinance or official map can exercise extraterritorial plat approval jurisdiction for three miles beyond the corporate limits of a first, second, or third class city and one and one-half miles beyond the limits of a fourth class city or village. Specifics relative to Extraterritorial Plat Review can be found under Wis. Stats. S.236.02(5).

City of Menasha Status/Recommendation(s)

Status: The city reviews plats in the extraterritorial area and plans to continue to do this in the future.

Recommendation(s): None at this time.

Timeline: On-going.

Driveway/ Access Control Ordinance

Driveway ordinances are developed to establish standards for driveways that will provide for safe and adequate access from private development to public right-of-ways, and also to maintain appropriate access spacing, access-point design, and total number of access points to public roads. In addition, a driveway ordinance provides an opportunity for local review to ensure that the driveway is providing proper access for the type and scale of the development. The term “driveway” is generally defined to mean private driveway, road, field road, or other means of travel through any part of a private parcel of land which connects or will connect with any public roadway. The ordinance typically only impacts new driveways or driveways which serve major land use modifications. Use of a driveway or “access” ordinance to regulate land use is limited but a significant number of municipalities throughout the state, due to the requirement to service existing development for emergency purposes (i.e., fire, ambulance), have adopted driveway ordinances. Many counties have adopted access control ordinances to regulate private access to county trunk highways.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha is subject to access control limitations on portions of state trunk highways that lie within the city. Calumet and Winnebago counties also have adopted access control ordinances that apply to county trunk highways. Although the city does not have an access control ordinance, it has the ability to regulate the number and spacing of access control points through its site plan review process. The city regulates the width of driveway openings through its driveway ordinance. Driveway openings are managed via a street use permitting process administered by the Engineering Department.

Recommendation(s): The city’s current ordinance does not require hard surfaces in the driveway apron, nor does it have minimum requirements for construction standards of either gravel or paved driveways. No building permit is required for new driveways, reconstruction or additions to driveways. The city should consider amending its driveway ordinance to include the above-noted standards.

Timeline: Concurrent with revisions to the Zoning Ordinance, within two years of plan adoption.

Cooperative Boundary Agreements

Cooperative boundary agreements can reduce some of the conflict regarding boundary issues, including annexation, that often arise between cities and their unincorporated neighbors. The Legislature has provided express enabling authority for these agreements which may take several forms depending up on the governing statute used to create the boundary agreement.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has boundary agreements with the Town of Menasha, the Town of Harrison, Waverly Sanitary District and the City of Appleton. The agreements with the Towns of Menasha and Harrison will be expiring within the planning period. The Waverly Sanitary District and City of Appleton agreements are indefinite and may only be modified, amended, and/or expanded by mutual consent of both parties.

Recommendation(s): The city should monitor the impacts of the respective boundary agreements on the city's physical growth as well as service delivery. The terms of the boundary agreements should be reassessed several years prior to the termination dates. If the agreements continue to serve the interests of the participating entities they should be renewed. If they are not, the agreements should be terminated or amended to better serve the needs of the participating entities.

Timeline: Town of Menasha Boundary agreement – prior to November 2, 2018; Town of Harrison Boundary agreement – prior to September 1, 2029.

Annexation

The state has granted cities and villages the power to annex. The power to extend municipal boundaries into adjacent unincorporated (town) lands allows a community to control development on its periphery.

Contrary to popular belief, annexation occurs at the request of town residents, not at the request of the incorporated municipality. Petitions for annexation are filed by the town landowners and the village or city acts upon the annexation petition.

Annexations typically follow one of two procedures. The simplest form is a “direct” annexation where a landowner petitions the city or village to annex his/her property. Following notification of the Wisconsin Department of Administration and the town, county and school district wherein the property lies, the city or village may adopt an ordinance annexing the property. The second method, called a “majority” annexation requires the person seeking to annex to file a “notice of intent” to circulate an annexation petition and following a prescribed period of time, an annexation petition. The aforementioned parties are notified as well as all of the landowners identified in the petition. Under this method at least 51% of the landowners or landowners owning 51% of the value of the land must sign the annexation petition. The city or village may then annex the property in its entirety by ordinance.

Wisconsin Act 317 – Revisions to Annexation Procedures

Under this Act, which was enacted in April of 2004, no city or village may annex any territory if none of the city's or village's territory is in the same county as the territory to be annexed. The Act also requires cities and villages to make payments for five years to towns that lose territory due to annexations. Cities and villages will have to pay the town from which the land is annexed, the amount of the town tax for the annexed property. The Act gives an exemption from this payment for cities and villages that have boundary agreements with the neighboring towns.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha boundary agreements with the Towns of Menasha and Harrison and Waverly Sanitary district identify “growth areas” within which the city may annex territory. Annexations taking place under the boundary agreements must still follow statutory procedure. Upon receipt of an annexation petition, city departments and others are asked to comment on the effect the annexation may have on facilities and services. The common council assesses these impacts and may accept or reject the annexation based on what it feels best meets the needs of the community.

Recommendation(s): The city should use the comprehensive plan to guide decisions for annexation.

Timeline: On-going.

Specialized Ordinances

Given specific issues and needs within a particular community, a number of “specialized” ordinances may be required to regulate local public health and safety concerns, protect private property, and avoid public nuisances. The following ordinances have received increased attention due to local issues.

Telecommunications Ordinance

Ordinances can be used to minimize the visual effects of towers, maximize the capacity of existing towers, and reduce impacts to adjacent properties. Local governments cannot unilaterally prohibit cell towers by ordinance, zoning, or any other means. However, local governments can enact ordinances to prohibit towers from certain specially identified areas, regulate tower height, specify minimum setbacks, require collocation strategies, and encourage landscaping and disguising techniques. An important benefit of having a telecommunications ordinance is that it provides decision-making consistency and decreases the chances of discrimination against a particular company. The ordinance provides a basis for conditional use provisions or denials. The Telecommunications Act of 1996 requires all denials to be in writing and supported by sufficient evidence. Telecommunication ordinances seek to balance business and industry needs with community character, aesthetics, and resident needs.

City of Menasha Status/Recommendation(s)

Status: The city does have a telecommunications ordinance which appears to be sufficient for the planning period.

Recommendation(s): None.

Timeline: None.

Renewable Energy Ordinance

Ordinances can be used to minimize the visual effects of renewable energy sources and reduce impacts to adjacent properties. While local governments cannot prohibit the use of renewable energy sources, local governments can enact ordinances to prohibit these sources from certain specially identified areas, regulate height, specify minimum setbacks, require collocation strategies, and encourage landscaping and disguising techniques.

City of Menasha Status/Recommendation(s)

Status: The city does not currently have an ordinance that addresses the use of renewable energy sources.

Recommendation(s): Given the increase in usage of renewable energy sources, it is appropriate that there be an ordinance in place which helps define what types of sources are appropriate to addresses issues such as size, placement, setbacks, and screening required.

Timeline: Concurrent with revisions to the Zoning Ordinance, within two years of plan adoption.

Nuisance Ordinance

Wisconsin statutes authorize municipalities to enact ordinances to abate nuisances. These ordinances are directed at protecting public health, safety and welfare, and often cover a variety of actions, uses and conditions.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has adopted a nuisance ordinance that broadly segregates nuisances into two categories – those affecting health, and those affecting peace and safety. The Community Development Director, Public Works Director and the Health Officer are given jurisdiction over specific categories of ordinances.

Recommendation(s): Consideration should be given to updating the nuisance ordinance and including how nuisances are defined and a further breakdown of enforcement procedures and responsibilities.

Timeline: This should take place within the next two years concurrent with the recodification of Menasha’s code of ordinances.

Other Ordinances

The Wisconsin Towns Association also recommends that all towns, villages, and cities should strongly consider adopting the following “basic” ordinances. Most of these ordinances are considered nuisance type ordinances. They include:

1. An ordinance to regulate specific operations (e.g., nude dancing)
2. An ordinance to regulate mobile homes and mobile home parks

3. An ordinance on town and city/village board/council meeting procedures and town board and village/city administration of the community
4. An ordinance regulating billboards.
5. An ordinance regulating events and large assemblages.
6. An ordinance to regulate fire control and reimbursement for fire costs.
7. An ordinance to regulate vehicle road weight limits, truck routes, and other road uses.
8. An ordinance to regulate use of roadways by snowmobiles, ATVs, and horses.
9. An ordinance to regulate dogs running at large.
10. An ordinance to regulate unlicensed motor vehicles.
11. An ordinance to regulate landspreading of certain wastes.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has adopted a broad array of ordinances intended to protect property, public health, safety and welfare. Since last recodified in 1988, the city has adopted well over 500 ordinances, as well as added, modified, or deleted sections. These amendments were made in response to new statutory requirements changing community needs or other factors.

Recommendation(s): The city should recodify its ordinances to eliminate obsolence, repeal conflicting language, improve organization, update statutory references, and generally improve the body of ordinances governing the city.

Timeline: The code of ordinances should be recodified in the next two years.

Intergovernmental Agreements

Any municipality may contract with other municipalities to receive or furnish services or jointly exercise power or duties required or authorized by law. The term “municipality” is defined to include the state, counties, cities, villages, towns, school districts, sanitary districts, public library systems, regional planning commissions, and other governmental and quasi-governmental entities. The requirements and procedures set forth for intergovernmental agreements are minimal. Such arrangements can prove useful in the implementation of a plan by facilitating efficient provision of public facilities and services.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha currently has intergovernmental agreements in place as outlined in Chapter 7 of this document.

Recommendation(s): The city should continue to evaluate current agreements to ensure that they are of benefit to the city and should pursue new opportunities as they arise.

Timeline: On-going.

9.4 Non-Regulatory Land Use Management Tools

There are several non-regulatory options available to local municipalities to influence local land use. The following tools were considered as part of the planning process.

Acquisition Tools

Land Acquisition

Communities and non-profit conservation organizations can acquire land for conservation purposes simply by purchasing it outright. This is recommended when public access to the property is required.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has purchased land for the purpose of conservation, most notably the Heckrodt Wetland Reserve and the Menasha Conservancy.

Recommendation(s): The city should continue to monitor opportunities and, where appropriate, look at the possibility of further land acquisitions. Specifically, the wetlands adjacent to the Menasha Conservancy should be acquired as they become available to expand and consolidate wetlands within the conservancy.

Timeline: On-going.

Conservation Easements

Conservation easements limit land to specific uses and thus protect it from development. These voluntary legal agreements are created between private landowners (grantors) and qualified land trusts, conservation organizations, or government agencies (grantees). Conservation easements may be purchased but are frequently donated by conservation-minded landowners. Grantors can receive federal tax benefits as a result of donating easements. Grantees are responsible for monitoring the land and enforcing the terms of the easements. Easements can be tailored to the unique characteristics of the property and the interests of the landowner. Easements may apply to entire parcels of land or to specific parts of a property. The easement is recorded with the deed to the property to limit the future uses of the land as specified in the easement. Land protected by conservation easements remains on the tax roll and is privately owned and managed.

City of Menasha Status/Recommendation(s)

Status: The city does not currently use conservation easements.

Recommendation(s): While this is not a tool that is currently utilized, it could have applications within the planning period. The city should monitor the possible effectiveness and of this tool and use if appropriate.

Timeline: On-going.

Purchase of Development Rights (PDR)

The purchase of development rights is a land conservation tool that communities can use to protect important natural resources such as farmland, hillsides, and wetlands. Under a PDR program, a unit of government (city, village, town, county, or state) or a non-profit conservation organization (such as a land trust) purchases a conservation easement that limits the use of the land to accomplish a certain purpose, including protecting the land from development. The rights purchased are recorded in a conservation easement. PDR programs are voluntary and participants retain ownership of their land. They can sell or transfer their property at any time; but, because of the easement, the land is permanently protected from certain types of development.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha does not use PDR programs.

Recommendation(s): It is not anticipated that there will be a need for this type of program within the planning period.

Timeline: No action needed.

Fiscal Tools

Capital Improvements Program (CIP)

The capital improvements program is a way of implementing issues related to capital facilities specified in a plan. Capital improvements are those projects which require the expenditure of public funds for the acquisition, construction, or replacement of various public buildings such as police and fire halls, schools, and city/village/town halls, roads and highways, water and sewer facilities, and parks and open space.

A capital improvements program is a listing of proposed public projects according to a schedule of priorities, usually over a five year programming period. A CIP allows local communities to plan for capital expenditures and minimize unplanned expenses. Sources of funding for capital improvements include impact fees, subdivision requirements, special assessments, and revenue or general obligation bonding.

The usefulness of the CIP depends upon the community properly budgeting for expenditures as part of the community's annual capital improvements budget.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha does not have a comprehensive CIP. Street improvement needs/expenditures are planned over a five year period. The city completed a comprehensive public facility assessment in 2002 and is carrying out specific improvements through the annual budget process.

Recommendation(s): The use of a CIP is beneficial to a city of the size and complexity of Menasha. It enables all city expenditures to be viewed simultaneously and allows the city to better plan for future expenditures. It is recommended that the City create a CIP.

Timeline: Within two years of plan adoption, no later than the fall 2010 budgeting process.

Impact Fees

Cities, villages, towns, and counties may impose impact fees. Impact fees are financial contributions imposed on developers by a local government as a condition of development approval.

Impact fees are one response to the growing funding gap in infrastructure dollars between revenues and needs. Impact fees help shift a portion of the capital cost burden of new development to developers in an effort to make new development responsible for serving itself rather than raising taxes on existing development. Local governments can use impact fees to finance highways and other transportation facilities, sewage treatment facilities, storm and surface water handling facilities, water facilities, parks and other recreational facilities, solid waste and recycling facilities, fire and police facilities, emergency medical facilities, and libraries. However, impact fees cannot be used to fund school facilities. Furthermore, counties cannot use impact fees to fund highways and other transportation related facilities.

City of Menasha Status/Recommendation(s)

Status: The City of Menasha has not adopted an impact fee ordinance to garner funds for new public facilities or other improvements. Although technically not an impact fee, the city has adopted a Parkland Dedication ordinance which requires the developer to contribute a certain amount of land to compensate for the increased demand for parks posed by new development. At the city's option, the developer may pay a fee in lieu of donating land.

Recommendation(s): The city should continue to implement its parkland dedication ordinance requirements and should explore the application of development impact fees. The impact on future development should be verified prior to substituting such a program.

Timeline: Within two years of plan adoption.

Tax Increment Financing Districts

TIF can help a municipality undertake a public project to stimulate beneficial development or redevelopment that would not otherwise occur. It is a mechanism for financing local economic development project in underdeveloped and blighted areas. Taxes generated by the increased property values pay for land acquisition or needed public works. The original Tax Incremental Financing (TIF) program was created in 1975. Most recent changes in 2004 have generally expanded the program and added additional flexibility and opportunity. TIF is authorized under 66.1105 Wis. Stats. for cities and villages and under 60.85 Wis. Stats. for towns.

City of Menasha Status/Recommendation(s)

Status: The city currently has eleven Tax Increment Finance Districts. Of the eleven, eight are redevelopment districts located in the downtown or near-downtown area. There are two industrial districts in the Midway corridor, and a mixed-use district in the Oneida Street corridor. Together, these districts have generated over \$55 million in new tax base for the city.

Recommendation(s): The city should continue to monitor the effectiveness of this development tool and use when appropriate to encourage development.

Timeline: On-going.

9.5 Integration and Consistency of Planning Elements

Comprehensive planning legislation requires that the Implementation element describe how each of the nine elements of the comprehensive plan will be integrated and made consistent with the other elements of the plan. The planning process that was used to create the *City of Menasha Year 2030 Comprehensive Plan* required all elements of the plan to be produced in a simultaneous manner. No elements were created independently from the other elements of the plan, thereby minimizing threat of inconsistency. There are no known inconsistencies within the plan or individual elements or between goals, objectives, policies, and recommendations.

Over time, the threat of inconsistency between the plan and existing conditions will increase, requiring amendments and/or updates to be made. Likewise, additional plans regarding specific features within the community may also be developed (e.g., outdoor recreation plan, downtown development plan) again creating prospects for inconsistency. The process used to develop any further detailed plans should be consistent with this *City of Menasha Year 2030 Comprehensive Plan*.

9.6 Mechanism to Measure Progress

Comprehensive planning legislation requires that the implementation element provide a mechanism to measure community progress toward achieving all aspects of the comprehensive plan. An acceptable method is to evaluate two primary components, policies and recommendations. Both are listed within each identified plan element (usually the last sections within each element).

To measure the effectiveness of an adopted policy, the community must determine if the policy has met the intended purpose. For example, the City of Menasha has listed a policy under Section 3, Transportation Element, Policy #11 which states, "Residential development proposals will be designed to include an efficient system of internal circulation for all vehicles, non-motorized traffic and pedestrians including the provision for external collector streets, on-street bike lanes, sidewalks, and trails where applicable, to feed all traffic onto external arterial roads and highways. Dead-end roads and cul-de-sacs should be avoided to the extent practical." To determine whether the policy is achieving the community's intention a "measure" must be established. In the case of this policy, the measure is simply to see if residential developments

meet these criteria. Each listed policy within each element should be reviewed periodically to determine the plan's effectiveness.

Likewise, recommendations listed within each element can be measured. For recommendations, the ability to "measure" progress toward achievement is very straight forward in that the recommendations have either been implemented or not.

To ensure the plan is achieving intended results, periodic reviews should be conducted by the Plan Commission and results reported to the governing body and the public.

9.7 Comprehensive Plan Amendments and Updates

The City of Menasha should regularly evaluate its progress toward achieving the goals, objectives, policies, and recommendations within the comprehensive plan. It may be determined that amendments are needed to maintain the effectiveness and consistency established within the plan. Amendments are minor changes to the overall plan and should be done after careful evaluation to maintain the plan as a tool upon which decisions are based.

According to comprehensive planning legislation, the same process that was used to adopt the plan shall also be used when amendments are made. The city should be aware that as more compliant plans are developed, the amendment procedure may be clarified or changed and should therefore be monitored.

Comprehensive planning statutes require that the comprehensive plan be updated at least once every 10 years. An update requires revisiting the entire planning document. Unlike an amendment, an update often includes a substantial re-write of the text, an updating of the inventory and tables, and substantial changes to maps, if necessary. The plan update process should be planned for in a similar manner as was allowed for the initial creation of this plan, including sufficient time and funding allotments. State statutes should also be monitored for any changes and new or deleted language.

9.8 Implementation Goals and Objectives

Following are the goals and objectives developed by the City of Menasha regarding implementation.

Goal: Promote consistency between plan recommendations, ordinances, and other land use regulations.

Objectives

1. Develop an "action plan" as part of the implementation element to assist the Plan Commission, City Council, and other jurisdictions with the administration of the comprehensive plan.
2. Support increased enforcement of existing ordinances as necessary.

3. Encourage citizen participation in order to increase local input in the decision making process.
4. Encourage review and update of municipal codes for possible relevance to local conditions.
5. Conduct annual reviews of the comprehensive plan for consistency with the goals, objectives, maps, policies and programs contained within and amend when appropriate.

9.9 Implementation Policies and Recommendations

Policies and recommendations build on goals and objectives by providing more focused responses and actions to the goals and objectives. Policies and recommendations become the tools that the community should use to aid in making land use decisions. Policies and recommendations that direct action using the words “will” or “shall” are advised to be mandatory and regulatory aspects of the implementation of the comprehensive plan. In contrast, those policies and recommendations that direct action using the word “should” are advisory and intended to serve as a guide.

1. All proposed development shall be reviewed for consistency with the Comprehensive Plan.
2. The Plan Commission shall have the responsibility to make recommendations to the Common Council regarding land use and development proposals.
3. The Plan Commission has the responsibility to review and make a recommendation on any proposed amendments to the zoning ordinance, official map, shoreland zoning ordinance, and subdivision ordinance, etc. affecting the community.
4. The action plan located within the comprehensive plan will be updated when tasks are accomplished and new items will be added when appropriate.
5. The annual review of the comprehensive plan may be done in a committee format with public involvement including citizens, landowners, community officials and staff to evaluate the plan in an unbiased manner.
6. When the comprehensive plan is updated with new census data, data that indicate significant change within the ten-year period will be re-examined and evaluated and necessary strategies to address the issue will be amended to the plan.
7. Elements of the plan that may be found to be vague or unsubstantiated will be adjusted to ensure the plan’s effectiveness and reduce possibilities of litigation.
8. Areas of the plan that are likely to be disputed or litigated in the future will be reviewed by the attorney to ensure his/her knowledge of the plan and offer suggestions to reduce conflict.

9. Unique or community specific implementation strategies that prove to be effective in achieving their goals will be discussed with neighboring communities.
 10. State of Wisconsin comprehensive planning statutes will be monitored by the Associate Planner to ensure that statute changes, additions, or deletions are appropriately accounted for with respect to the city comprehensive plan.
 11. If the city experiences substantial land use or land use regulation changes within the planning period, maps that represent these features will be updated to ensure the most accurate information is utilized in community decision making.
 12. Maps will be used in coordination with established community goals and objectives to ensure the consistency between the comprehensive plan's text as well as maps and/or other graphics.
1. Two years prior to the mandatory ten year plan update (or earlier if necessary), the city will evaluate the availability of funds for updating the comprehensive plan. If adequate funds are not available then a strategy will be developed to ensure that sufficient funds are available for a comprehensive plan update.
 2. State statutes, regulations, and administrative codes which change over the planning period will be evaluated against the comprehensive plan for consistency.
1. The city shall evaluate and make changes to ordinances that contradict the goals, objectives and policies of the comprehensive plan within 24 months of plan adoption.

9.10 Implementation Programs and Resources

Plan implementation programs have been identified under the previous plan elements.