

V. Land Use.

Per Wisconsin Statutes Section 66.1001(2)(h), the land use element of a comprehensive plan 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 [the Issues & Opportunities element], 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 [the Utilities & Community Facilities element], will be provided in the future, consistent with the timetable described in [the Utilities & Community Facilities element], and the general location of future land uses by net density or other classifications.”

Land Use: Summary of Existing Conditions

Please see Appendix 4 for further background research and data required for the land use element of the plan.

The Door County Development Plan, adopted by the Door County Board of Supervisors in 1995, discusses a variety of land use issues facing Door County communities. The plan has been primarily implemented through the Door County Zoning and Land Division Ordinances, which are administered by the county Planning Department and County Resource Planning Committee of the County Board of Supervisors. The county also administers a Floodplain Ordinance. All three are in effect in the Town of Baileys Harbor. The town also had a town plan in place prior to adoption of this plan, adopted in 1993 and updated in 1998, which primarily dealt with town-owned structures and facilities and some land use issues.

Land Use Inventories

Door County Planning Department staff conducted a land use inventory and created land use maps for each of the towns in 1992. According to that inventory/mapping process, Baileys Harbor’s primary land uses at that time – in terms of total acreage comprised of each category of use – were woodland (not including parkland), idle croplands and orchards, active cropland, and residential. Commercial and industrial uses accounted for a combined total of less than 1.5 percent of the town’s total land area.

An updated, simplified land use map created by Baileys Harbor residents and property owners in 2004-2005 (see the 2005 Land Use Inventory and Resources map) revealed that while during the past twelve years the pattern and composition of land uses in the community has not shifted dramatically, the town has had significant increases in

residential development and slight increases in commercial and industrial development. And, as discussed earlier, active agricultural uses have declined in the town.

In general, the town has few – if any – internal land use conflicts or conflicts with neighboring municipalities' adjacent land uses, and does not expect that many will arise over the course of the planning period. Development and re-development in the town have occurred in a relatively logical manner, consistent with Smart Growth guidelines: commercial development has been concentrated in downtown and at the commercially zoned "Peninsula Center" intersection; light industrial development is largely found in one area slightly to the northwest of downtown, which offers opportunity for expansion; and higher density residential development has occurred in or adjacent to downtown, on sewer, or as redevelopment of previous high-density residential properties, also primarily on sewer. Opportunities for future redevelopment – possibly for new economic development initiatives or attainable housing – are primarily found in the downtown "core" area of the community, which is comprised of a mixture of commercial and residential uses, most on sewer.

Land Use Projections and "Smart Growth" Areas

Town officials and residents created the Town of Baileys Harbor future/projected (2025) land use map by creating and reviewing a current (2005) land use map, by reviewing all the background data that had been collected to create the town's Smart Growth plan and Resource Inventory Report, and by discussing and agreeing upon general land use goals for the town. The 2025 map allows adequate areas for projected agricultural, residential, commercial, and industrial land uses for the 20-year planning period (see below for projections). In fact, the future land use map allows for far more industrial and commercial development than would be necessary if the town continued development in these sectors as it has in recent years; the larger acreage allocated for these uses is due to the hope that the town's economic development and housing policies outlined in the plan will bring more jobs and young families to the town.

Baileys Harbor Land Use Maps

The land use designations on the 2005 Land Use Inventory and Resources map depict the primary or predominant land use on existing parcels. Parcel boundaries as of May 2005 are shown. Parcels with no improvements as of May 2005 are also designated with a dot on this map in order to show sites that could potentially be developed. (Note: All tax-exempt properties are depicted without dots. Most tax-exempt parcels in the town do not currently nor will ever contain improvements so should not be viewed as potential development sites.) The 2025 Projected Land Uses map depicts projected primary/predominant land uses for the end of the planning period.

*Both the 2005 and **amended 2025** land use maps may be found following Chapter X, as are maps depicting soils, floodplain areas, wooded areas, wetlands, the town sewer system, and other information helpful when considering land use issues.*

Following is an explanation of the legend categories used on the land use maps. Note that the land use categories are not to be construed as zoning designations for either the current or future land use maps, but rather as guidelines regarding general types of existing and projected development.

Residential: Single-family residences, including mobile/manufactured homes. Note that some single-family residences, particularly in downtown, contain (and are projected to contain) home businesses.

Transitional Residential: Single-family residences, potentially including manufactured homes, developed exclusively through conservation subdivisions (for major land divisions), or conservation CSMs (for minor land divisions).

Multi-family Residential: Primarily non-transient residential uses with two or more dwelling units.

Commercial: Commercial uses, including transient residential uses. Note that some commercial uses, particularly in downtown, contain (and are projected to contain) year-round residences.

Commercial / Residential Mix: Properties within the downtown “core” and Peninsula Center projected to be commercial and/or residential (single- or multi-family) in 2025.

Transportation / Off-street Parking: Public off-street parking lots.

Communications / Utilities: Telephone and sewer services.

Governmental / Institutional: Town-owned buildings (town hall/library, fire department), churches, cemeteries, U.S. Post Office.

Outdoor Recreation / Parks / Nature Study Areas: Town and county parks, campgrounds, golf courses, school-owned lands, lands in conservation ownership that specifically invite recreational or educational public use.

Agricultural / Open Spaces: Agricultural lands (active and fallow) and open space, including individually owned woodlands. Many parcels include (and are projected to include) single-family residences and home businesses.

Industrial: “Light” industrial uses such as warehousing/storage, trade/contractor uses.

Natural Areas / Wildlife Refuges: Lands in conservation ownership for the primary purpose of environmental/habitat protection.

Pedestrian and Bicycle Trails: An interconnected network of trails and pathways providing safe and convenient access for pedestrians and bicyclists to key land use nodes within the community.

Water Trail: A passive trail system, incorporating wayfinding, providing connections between key nodes (Town Core, Ridges Sanctuary, Mud Lake, Cana Island, etc.) on the lake shore for canoeists and kayakers potentially linked to a future County-wide water trail system.

Agricultural Use Projections

Based on local as well as regional trends, agricultural land uses are expected to decline in Baileys Harbor over the 20-year planning period. In fact, both the number of and acreage comprised by agricultural uses have already declined since the most recent National Agriculture Census in 1997. Operators of agricultural uses in Baileys Harbor, like others in northern Door County, face several problems in continuing their agricultural operations, including: high transportation costs, high property tax levels, and strong pressure or financial incentives to develop agricultural land in other ways. Town residents and officials hope to be able to retain an agricultural presence within the town, plan to support existing or new agricultural ventures as fully as possible, and have set up the future land use map so as to allow as much land be agriculturally used in the future as is at present. Realistically, however, much of the land currently used for agricultural purposes will probably become fallow fields and/or be divided into larger lots for residential or other uses during the 20-year planning period.

Residential Use Projections

Demographic trends and housing projections discussed in the Issues and Opportunities chapter of the plan predict that Baileys Harbor will need approximately 200 new housing units during the 20-year planning period to accommodate both year-round and seasonal residents. Based on current residential use configurations, approximately 160 of those new housing units will be single-family residences. Also, approximately 175 of the new units will be owner-occupied (versus renter-occupied).

In 2003, Baileys Harbor's residentially assessed/used properties averaged roughly 4 acres each (7,488 acres assessed residentially divided by 1,825 parcels). This means that the town will need a maximum of 800 acres available over the next 20 years for residential development (some of the new housing units expected will presumably be replacing some existing housing units). The future land use map presented in this plan easily allows for this increase in residential development, given the number of properties that may be re-developed as residential uses (existing agricultural uses, residential uses that may be replaced/redeveloped, commercial properties that may become high-density residential uses, etc.) as well as the amount of vacant land currently available in the town in all zoning districts.

Although it is possible that this growth in residential units will occur evenly in five-year increments between 2005 and 2025, it is more likely, given the expected range of years encompassing the retirement of the "baby boom" generation, that this growth will start off more slowly. Between 2005 and 2010, therefore, the town should expect roughly 25 new housing units using up to 100 acres; between 2010 and 2015, roughly 40 housing units using up to 160 acres; 2015 to 2020, roughly 60 housing units using up to 240 acres; and between 2020 and 2025, roughly 75 housing units using up to 300 acres.

Commercial and Industrial/Manufacturing Use Projections

Currently, a commercially used parcel of land in the Town of Baileys Harbor averages 1.9 acres (275 acres assessed commercially divided by 146 parcels). If the current ratio in the town of residential uses to commercial uses of 12.5:1 were to remain constant over the 20-year planning period, the town would need space for approximately 16 new commercial uses in the town, or just over 30 acres. This new growth, as well as the additional commercial growth town officials are hoping to attract, can more than adequately be accommodated by the projected expansion of

(and potential redevelopment of some parcels within) the town's downtown "core" area and the projected expansion of the Peninsula Center area.

There are no parcels in the town currently assessed as containing "manufacturing" land uses, although a small area of land just to the northwest of downtown is zoned for "light industrial" uses. (The handful of businesses in that area are presumably assessed as "commercial" uses by the state.) On the future land use map for the town, residents and officials have greatly increased the amount of land available for "light industrial" use in this area, based on the economic development policies the town will be pursuing.

"Smart Growth" Areas

Areas identified for "Smart Growth," as defined by the Wisconsin legislation's 14 municipal planning goals, were identified for the Town of Baileys Harbor during the process of establishing goals regarding land use in the town. These are the downtown "core" area, areas served by sewer (much of which overlaps with downtown), the light industrial area just northwest of downtown, and Peninsula Center. Concentrating growth in these areas will allow the town to grow without "sprawling," utilize sewer or planned sewer extensions, expand commercial and industrial uses contiguous to existing such uses, and maintain the rural atmosphere of outlying areas of the town.

Tax Parcels and Values

Baileys Harbor contains 18,391.66 acres. As of August 2003, the Town of Baileys Harbor had 2,433 recorded tax parcels.

The total assessed value of Baileys Harbor real estate for tax purposes, land and improvements, was \$288,082,400 as of August 2003. (The total value for the land in the town was \$142,804,500 while the total value for the improvements was \$145,277,900.)

The estimated fair market value (EFMV) – established annually by the Wisconsin Department of Revenue – of Baileys Harbor real estate as of August 2003, land and improvements, was \$326,233,299. This was \$38,150,899 more than the total value assessed for tax purposes.

(Note that all value figures exclude tax-exempt land and their associated improvements.)

Property Taxes

The total real estate tax paid by Baileys Harbor property owners in 2002 was \$3,585,536. This includes taxes paid to the state, county, and town; local school districts; and Northeast Wisconsin Technical Colleges. The majority of the real estate taxes paid by the town's property owners are paid by non-Door County residents:

Real estate taxes paid in 2002 by non-Door County residents:

\$2,099,305

Real estate taxes paid in 2002 by Door County residents:

\$1,486,231

"Residency" determined by zip code to which tax bill is mailed.

190 parcels in Baileys Harbor, comprising a total of 4,757 acres, are exempt from property taxes. Nearly half of that acreage is owned by the Wisconsin Department of Natural Resources (which pays approximately \$60,000 annually to the town in lieu of property taxes). Another 1,100 or so acres is owned by The Ridges Sanctuary. The balance of the tax-exempt acreage is owned by a variety of entities, including the Town of Baileys Harbor.

Assessed Land Use Categories

The three primary categories of land use assessed in the town are “residential,” at just over 40 percent of all the land in the town; “agricultural,” at just under 12 percent; and “swamp/waste,” at just over 9 percent. Roughly 27 percent of the town’s land area is tax-exempt and not categorized. The remaining 12 percent of the town’s land area is a mixture of assessment types, including commercial and various forest cropland programs.

“Residential” parcels, including those with and those without improvements, comprise over 7,400 acres and pay the majority of the real estate taxes paid in the town (over \$3.1 million in 2002). Residential parcels have, however, the highest totals for assessed value and estimated fair market value of any land use assessment category.

Trends in the Supply, Demand, and Price of Land

All of the information in this section was taken from or calculated using information from the Door County Board of REALTORS Multiple Listing Service sales records as of September 9, 2003. (Roughly 90% of all real estate sold in Door County is listed with the Multiple Listing Service.) All figures are for Baileys Harbor real estate sold; information on more recent active listings is in the next section. Figures for 1999 and 2003 are for partial years: 1999, August 23 through December 31; and 2003, January 1 through September 5.

The following chart illustrates the number and types of properties sold in Baileys Harbor from 1999 through 2003.

Number of Real Estate Sales By Real Estate Class and Type

| Real Estate Class and Type | 1999 | 2000 | 2001 | 2002 | 2003 | TOTAL |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Commercial/industrial | 1 | 1 | 1 | 1 | 0 | 4 |
| Condominium, Residential | 2 | 9 | 9 | 5 | 4 | 29 |
| Condominium, Hotel | 0 | 5 | 3 | 4 | 2 | 14 |
| Condominium, Dockominium | 0 | 1 | 0 | 1 | 0 | 2 |
| Condominium, Storage | 0 | 0 | 0 | 0 | 1 | 1 |
| Condominium, Other * | 4 | 0 | 0 | 0 | 0 | 4 |
| Land, Inland ** | 21 | 32 | 28 | 21 | 21 | 123 |
| Land, Waterfront ** | 1 | 1 | 2 | 4 | 0 | 8 |
| Residential, Inland | 6 | 10 | 16 | 15 | 8 | 55 |
| Residential, Waterfront | 4 | 5 | 8 | 8 | 3 | 28 |
| TOTAL | 39 | 64 | 67 | 59 | 39 | 268 |

* All four “condominiums, other” were commercially zoned properties.

** Land, inland and waterfront, is vacant land.

For the top four categories of sales – inland land, inland residential, residential condominium, and residential waterfront – both the median and average sold prices in 2003 were higher than the median and average sold prices in 1999.

Recent Real Estate Listings

All of the information in this section was taken from or calculated using information from the Door County Board of REALTORS Multiple Listing Service records as of September 17, 2003.

In September of 2003 in Baileys Harbor there were a total of 294 properties listed for sale. The following chart shows the top five categories of properties listed for sale at that time, the number in each category, and the listing price range, average, and median.

| | Number Listed | Listing Price, Range | Listing Price, Average | Listing Price, Median |
|--------------------------|---------------|----------------------|------------------------|-----------------------|
| Condominium, residential | 102 | \$25,900 to 369,900 | \$254,141 | \$264,900 |
| Land, inland | 88 | \$26,900 to 289,000 | \$71,111 | \$64,900 |
| Condominium, hotel | 49 | \$72,500 to 164,900 | \$98,069 | \$97,900 |
| Residential, inland | 21 | \$95,000 to 694,900 | \$278,990 | \$244,900 |
| Residential, waterfront | 12 | \$189,900 to 985,000 | \$505,192 | \$425,450 |

Community Design

Land Use is the key element of the comprehensive plan. It serves as the primary guidance tool for the Town Board and Plan Commission in implementing the Town of Baileys Harbor Comprehensive Plan. Like a blueprint for a building renovation, the land use element of the comprehensive plan serves as a guide to construct, or *design*, the future Town of Baileys Harbor...identifying and describing the tools necessary to achieve the community’s preservation and development goals. As such, this chapter is segmented into three broad focus areas:

- Community Design Considerations. The underlying issues guiding future development in the community. Presented and discussed in varying detail the other chapters, these are the primary areas of focus of the comprehensive plan.
- Community Design Approaches. The broad strategies and philosophies used to guide future development in Baileys Harbor and address the community design considerations.
- Community Design Tools. The specific tools used to affect the change desired by the community. The two most important of these are the land division/subdivision and zoning ordinances, although design, lighting, landscaping and signage ordinances, among others, may prove useful.

Community Design Considerations

Community design is an important component of planning and plays a significant role in determining quality of life in a community. Elements of community design may include

architectural standards, open space and natural resource protection, signage and lighting guidelines, and building setbacks, among others. Ordinances provide the primary means by which local governments can implement community design requirements. Of those, the zoning and subdivision ordinances are the two most common and, arguably, most influential.

Property Rights

The issue of private property rights versus community need underlies every comprehensive planning effort. Those rights have been respected, to the greatest extent feasible, throughout this planning effort. This plan illustrates planned development patterns for all property owners to understand and use to make their own personal development decisions. Should a landowner disagree with the Future Land Use Map, or another aspect of this plan, he or she has the right to petition the Town for an amendment to the document. All amendments will occur through a public process, including a public hearing, as specified in the Comprehensive Planning Law (66.1001, State Stats.).

Preserving Rural Character

What is “*rural character*”? For every community, the answer is somewhat different. In the town of Baileys Harbor based on survey data collected directly from citizens and landowners, rural character means a blend of:

- Preserved open spaces, including forests, wetlands, and prairies
- Unobstructed views of Lake Michigan
- Clean air and clean water
- A compact Town Core area
- Interconnected environmental corridors
- Development in harmony with the natural landscape

To maintain these features, the Future Land Use maps provide a preferred development pattern for the future of the community. This chapter describes the land-use tools (zoning and subdivision ordinances, architectural design, streetscaping, etc.) necessary to implement the plan. The plan also identifies tools that individual landowners may use to maintain farmland and open areas (i.e., land trusts, easements, conservation design, etc.).

Thriving Downtown¹

Research shows that a healthy and vibrant downtown boosts the economic health and quality of life in a community. It creates jobs, incubates small businesses, reduces sprawl, protects property values and increases the community’s options for goods and services. A healthy downtown is a symbol of community pride and history. Survey data collected directly from citizens and landowners identified a thriving Town Core as a high priority.

Strategies for maintaining a healthy, vibrant downtown include:

¹ Portions of the text included in this section have been excerpted from *Solutions for America*, www.solutionsforamerica.org, 2009.

- Aim for a multifunctional downtown. Successful downtowns attract a wide range of individuals by affecting housing, work, shopping, culture, entertainment, government and tourist attractions.
- Develop a broad strategy for revitalizing downtown areas. Blueprints for improving downtown areas must address several areas at once. A 1999 census of programs by the Local Initiatives Support Corporation finds that “supporting community development in the next 10 years needs to mean supporting the whole community development agenda — the human, social and economic dimensions as well as the physical.” Downtown revitalization should include not only new housing and commercial businesses, but also after-school programs, anticrime initiatives, youth development and employment services, arts, recreational opportunities and multi-modal transportation systems.
- Create partnerships. Downtown revitalization encompasses a wide range of activities. Therefore, it requires the cooperation of local government, chambers of commerce, the private sectors, civic organizations and other key institutions.
- Pay particular attention to attracting commercial business. Businesses are often more comfortable and familiar working in suburban areas than downtown. Downtowns should provide guidance with financing, parking areas, zoning and building design.
- Focus on developing the unique qualities of downtowns. Downtowns have an advantage in terms of their historical value and compact, walking-friendly size. Development should focus on these strengths by preserving historical architecture and promoting traditional architecture through zoning and adaptive reuse of existing structures. Downtowns should also improve and standardize pedestrian walkways through installation of attractive lights, benches and landscaping in order to draw shoppers and other traffic.
- Maintain and develop genuine public spaces. The legacies of urban renewal programs are downtowns with fewer sidewalks, more car traffic and more “dead spaces” such as parking lots, highway ramps and vacant buildings. As a result, pedestrian activity and public gathering in many cities is discouraged. Careful planning through widening sidewalks, encouraging mass transit, and landscaping can encourage “on-street” activities such as commerce and dining and widen the public sphere, promoting community.
- Make strategies locally based and flexible. Downtown revitalization programs must be flexible in terms of goals and adapt their strategies to local needs. Market research aids in helping communities determine which projects match local demand. It is also crucial to take advantage of the particular skills of residents and local program coordinators.
- Secure multiple sources of funding. Although it is important to secure funding from a variety of sources, assistance from local governments is particularly important for long-term project sustainability.
- Get local governments involved in several areas. The National Main Street Center of the National Trust for Historic Preservation conducts an annual survey of organizations in communities that are revitalizing their downtown and commercial districts. Four of the five factors most helpful to development cited in the survey -- securing favorable zoning codes, retaining government offices, increasing housing stock, and approving historic preservation codes -- all require local government involvement. Governments can use their regulatory powers to

make it easier for a wide variety of small businesses to locate downtown, as well as help preserve existing housing and promote new, affordable housing.

For additional information related to downtown revitalization, visit the University of Wisconsin-Extension Center for Community and Economic Development at www.uwex.edu/ces/cced/.

Healthy Neighborhoods

Although tourism plays a significant role in the economy of the community, it is the year-round residents and the residential neighborhoods that provide the critical market for long-term economic well-being. Design, access, safety, beauty, recreation and nature are all crucial elements in sustaining healthy neighborhoods. The *American Planning Association* and *Urban Land Institute* have identified seven benchmarks of a great neighborhood:

- Has a variety of functional attributes that contribute to a resident's day-to-day living (residential, commercial or mixed uses)
- Accommodates multimodal transportation (pedestrians, bicyclists and drivers)
- Has design and architectural features that are visually interesting
- Encourages human contact and social activities
- Promotes community involvement and maintains a secure environment
- Promotes sustainability and responds to climactic demands
- Has a memorable character

Community Identity: Gateways Features, Wayfinding and Landscaping

The gateway and wayfinding system, in conjunction with the landscaping theme, will be a major identifying element in the town of Baileys Harbor. Gateway features provide a visual sense of place and are often related to a community's natural resources, existing architecture or local cultural heritage. Gateways identify entry points and, when used in conjunction with a wayfinding system, allow residents and visitors to easily navigate to key destination points within the community.

Thematic landscaping, or landscaping utilizing a consistent design and species mix, when located at entry points and along major transportation routes, provides an effective means of enhancing local identity. This may be particularly important at the periphery of the town, where an identifiable landscape would aid in informing residents and visitors that they are entering Baileys Harbor. A unifying landscape theme, perhaps based upon regionally native species, will provide one component of identifiable and inexpensive gateway features for the town.

- STH 57 Image Corridor. Highway 57 is the primary ingress/egress route for the Town of Baileys Harbor. The commercial development patterns associated with conventional highway corridors would conflict with the scenic beauty of Baileys Harbor. Within the image corridor, standards will be set regarding signage, landscaping, open space preservation, building design, and building spacing, among others, to ensure that future development occurs consistent with the community's goal of preserving and enhancing rural character. The Town will

work with willing landowners to identify opportunities for revitalization of current land uses.

Dark Skies

In recent years, a movement has spread across the country related to outdoor lighting and its effect on nighttime darkness. Baileys Harbor believes that its rural character includes the dark skies overhead that make it possible to enjoy the stars at night. To that end, the Town may seek to promote lighting choices that:

- Keep glare to a minimum;
- Discourage the use of direct uplighting in any application;
- Place outdoor lighting only where it is needed and when it is needed (i.e., use motion detectors);
- Use alternatives to constant dusk-to-dawn lighting whenever possible; and
- Eliminate light trespassing onto neighboring properties and roadways.

These restrictions may be enforced through the zoning or subdivision regulations or a stand-alone outdoor lighting ordinance.

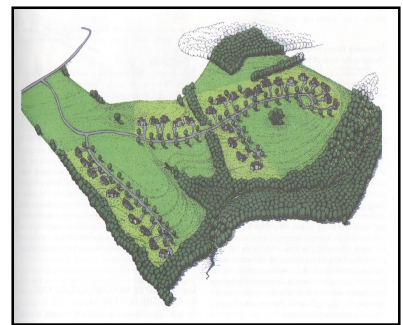
Community Design Approaches

Community design principles are integral to the future of Baileys Harbor. The use of community design can ensure that new development will blend harmoniously with existing development and the natural environment, while providing for development patterns that promote a high quality of living.

Conservation Development

The landscape of Baileys Harbor offers an array of natural features including rolling hills and diverse topography, scenic views of Lake Michigan, woodlands, streams, and wetlands. Preserving the rural character of the community is one of the key goals of the comprehensive plan. To accommodate future demand for year-round and seasonal housing while maintaining the integrity of the Baileys Harbor natural environment, the Town will encourage *conservation design*. Conservation design will allow the Town to:

- Protect rural character by maintaining natural areas, woodlands, scenic views, open undeveloped areas and farm fields, while addressing desired residential and commercial development needs;
- Lower the cost of development by reducing the amount of impervious surface, minimizing stormwater management requirements, shortening permit review time frames, and addressing the desire for community parks and open space;



Conventional (top) and conservation (bottom) subdivision design, Arendt, 1995

- Create natural corridors of green space between developments that can be utilized by wildlife and have the potential to be used as trail or walkway areas to improve connections between developments; and
- Preserve agricultural lands, including orchards, to ensure that they remain an economically viable component of the town landscape.

New Urbanism

New Urbanism is an international planning movement to reform the design of the built environment. Its goals are to raise the quality of life and standard of living by creating better places to live. New urbanism is the revival of the lost art of place making. Communities that conform to the principles of new urbanism possess:

- Walkability: Most things are within a 10-minute walk (1/4 mi.). Pedestrian friendly street designs encourage a greater use of bicycles, inline skates and walking as daily transportation;
- Connectivity: an integrated grid network of streets with few or no dead ends and cul-de-sacs;
- Mixed Uses: a variety of differing land uses within the community, within neighborhoods, and even within given buildings;
- Housing Diversity: a variety of housing alternatives providing residential living choices for all demographic groups;
- Quality Architectural and Design Guidelines: emphasizing beauty, comfort, quality of life and sense of place; and
- Sustainability: energy-efficient streets and proximity of residential to commercial that encourage walking and bicycling; development that occurs in harmony with the existing natural and built environment.

What Makes a Neighborhood Walkable?

A center: Walkable neighborhoods have a discernable center, whether it's a shopping district, a main street or a public space.

Density: The neighborhood is compact enough for local businesses to flourish and for public transportation to run frequently.

Mixed income, mixed use: Housing is provided for everyone who works in the neighborhood: young and old, singles and families, rich and poor. Businesses and residences are located near each other.

Parks and public space: There are plenty of public places to gather and play.

Pedestrian-centric design: Buildings are placed close to the street to cater to foot traffic, with parking lots relegated to the back.

Nearby schools and workplaces: Schools and workplaces are close enough that most residents can walk from their homes.

Traditional Neighborhood Development (TND)

The comprehensive planning law defines a traditional neighborhood development as compact, mixed-use neighborhoods where residential, commercial and civic buildings are in close proximity to one another. TND is a planning concept based on the principles of new urbanism and promotes a development scheme compatible with traditional small towns. TND principles advocate:

- Compact Development. TND areas have a higher density than traditional single-family subdivision, allowing for greater amounts of preserved open space. Compact development is oriented around people, not automobiles.

- Mixed Uses. TND includes a mixture of land uses. Nonresidential development is interspersed with residential land uses. Mixed-use development promotes walking and bicycling since many desired destinations are in close proximity to housing. Mixing land uses is also an effective strategy for broadening the tax base in communities that don't desire significant commercial development.
- Housing Choice. TND promotes varied housing types to accommodate households of all ages, incomes and sizes. This translates into varying lot sizes and varying housing types which may include single-family residences, townhomes, duplexes, housing for seniors or a combination thereof.
- Multimodal transportation. TND provides for access through an interconnected network of streets, paths and trails to accommodate multiple forms of transportation including walking, bicycling and driving.
- Cultural and Environmental Sensitivity and Design. TND can foster a sense of community identity. Under TND, the design of buildings and their placement receives special attention. Provision of adequate open spaces, well-planned design guidelines, the use of indigenous vegetation and the incorporation of environmentally responsive wastewater treatment and stormwater management systems allow for land uses conducive with the rural landscape.

Community Design Tools

Zoning Ordinance

The primary purpose of zoning is to identify the permitted and conditional land uses allowed on a given parcel or within a given district. It does not guide the way in which a parcel transitions from one land use to another. That process is governed by the subdivision ordinance.

Door County administers and enforces zoning in the Town of Baileys Harbor. The County's zoning ordinance is based upon a traditional (or Euclidean) model of zoning. Euclidean zoning is based upon the separation of uses...residential located with residential, commercial with commercial, etc. Under a Euclidean zoning model, a Planned Unit Development (PUD) or similar zoning overlay is used to allow for mixed-use and other nontraditional forms of development. This is necessary since the mixing of land uses runs contrary to the very principles of conventional zoning. A PUD is essentially a tool that disregards the existing zoning requirements in order to allow for a desired development pattern. In other words, the PUD recognizes the ineffectiveness of the traditional zoning model, at least as it relates to development outside of pure conventional zoning classifications.

What's the Difference between a Zoning Ordinance and a Comprehensive Plan?

Zoning is a regulatory tool established to identify the permitted and conditional uses allowed on a given parcel within a specific zoning district. It is a very specific document.

Comprehensive plans are vision-based guidance documents developed with high levels of public participation. The Future Land Use Map provided at the conclusion of this chapter presents a vision for future development patterns. It will serve as a guide for addressing rezoning requests.

Wisconsin's Comprehensive Planning law requires that all land-use decisions be consistent with that local government's comprehensive plan. Upon the plan's adoption, all local land-use tools (including zoning and subdivision ordinances) must be consistent with that plan.

Alternatives exist to the conventional Euclidean model, including performance and form-based zoning. The advantage of performance and form-based zoning strategies is particularly relevant to mixed-use districts. Performance and form-based zoning regulate the impact and design characteristics of different uses, rather than limiting the types of uses allowed, in a district or community. In other words, a given commercial or industrial use is compatible with residential uses as long as the former does not negatively affect the latter (through noise, pollution, increased traffic, etc.). As a result, communities relying on these newer models are creating mixed-use communities with a variety of different land uses established in close proximity. This pattern of development creates an environment that promotes walking and bicycling as well as increasing opportunities for community interaction. It also expands the local tax base much more effectively than purely residential development.

Another tool useful in implementing plans, particularly those based upon the preservation of open space and historical places is overlay zoning. Overlay zones are designed to protect important resources and sensitive areas. Wisconsin's mandated floodplain zoning program is an example of overlay zoning. The requirements of overlay zoning apply in addition to the underlying zoning regulations. The underlying zoning regulates the type of uses permitted, such as residential or commercial, while the overlay zone imposes specific requirements to provide additional protection. Overlay zoning may also be used to allow for mixed-use and infill development within established zoning districts.

Land Division/Subdivision Ordinance²

Unlike zoning, which identifies and defines the allowable uses for a parcel of land, land division and subdivision refers to the manner in which a parcel or parcels transition from one use to another (often from agricultural or open space to residential or commercial). Land division and subdivision regulations provide the procedures and standards for dividing a large parcel of land into smaller parcels for sale and development. Subdivision regulations require a developer to meet certain conditions in order to record a plat. As with zoning, subdivision regulation is a land-use control used to implement a comprehensive plan. However, the regulations governing the division of land are different from zoning regulations in two primary areas.

First, while zoning regulations are meant to govern the use of property, subdivision regulations address the quality of development (the availability of public services, services the subdivider must provide, the layout of the site, etc.). The way in which lands are divided plays a key role in the orderly development of a community. Properly administered subdivision regulations can be more useful in achieving planning goals than zoning ordinances. The impact of subdivision regulations is more permanent than zoning. Once land is divided into lots, and streets are laid out, development patterns are set. Subdivision ordinances often give a community its only opportunity to ensure that new neighborhoods are properly designed. Failure to plan for the subdivision of land is felt in many areas such as tax burdens, the high cost of extending utilities, street and traffic problems, overcrowded schools, health hazards caused by wastewater treatment systems unsuited to a particular area, loss of natural resources, and a declining sense of community.

² Much of the narrative appearing in this section was excerpted from *Guide to Community Planning in Wisconsin*, Brian Ohm, 1999.

Second, the requirements and procedures for regulating subdivisions provided under Wisconsin statutes are very different from the statutory requirements for zoning. Though it has three separate zoning enabling laws for cities/villages, towns, and counties, Wisconsin has only one local enabling law for local subdivision regulation. That law is found in Chapter 236 of the Wisconsin Statutes. This single enabling law provides the authority to adopt subdivision regulations and is very different from the authority for zoning. For example, towns do not require county approval to adopt subdivision regulations. Likewise, counties do not need town approval for the county subdivision regulations to apply within that town unless the town in question has adopted its own subdivision ordinance.

The design standards included within a land division ordinance provide a community with the tools necessary to protect public health and safety, preserve natural resources, and enhance quality of life. Design standards may be included in narrative or graphic form to provide developers and other interested parties with examples of the types of development and design acceptable to the community. At a minimum, a land division ordinance will govern how a subdivision is laid out (lot size and shape, access, open space, etc.), and the design of necessary improvements (road widths, sidewalk locations, tree plantings, etc.). A land division ordinance may also incorporate a variety of design standards including, but not limited to:

- Protecting Open Space. The ordinance may specify standards that limit construction on natural features that are unsuitable or undesirable for development.
- Roads and Streets. The ordinance may specify the standards for the design and construction of streets and related improvements within the subdivision. These standards may include street widths, intersection design, maximum grades, and length of cul-de-sacs, among others.
- Configuration of blocks and lots. The ordinance may provide standards for the size and location of blocks and lots.
- Parks and Open Space. The ordinance may specify the amount and type of open space dedication required for new development and the location and dimensional standards for different types of parks.

In addition to the standards above, the ordinance can establish requirements for stormwater management and construction-site erosion control, wastewater treatment, potable water systems, lake and stream shore plats, trees and landscaping, lighting and others. All town ordinances related to water quality and wastewater treatment must be consistent with applicable state standards.

Design Ordinance

A design ordinance sets architectural and design requirements for building materials, colors, styles, sizes, roof types, building lines (similar to setback), landscaping, lighting, signage and other. Design ordinances can be used to promote traditional neighborhood and new urbanist approaches to development. Communities use design ordinances to ensure that new development is compatible with existing development, functional and visually appealing. Moreover, design ordinances are used to create or enhance a

consistent community image. Typically, design ordinances describe a pallet of materials, designs and requirements, allowing for flexibility and creativity in the design process.

New design ordinances provide specific parameters to regulate building location (e.g., to preserve scenic views of lakes and open spaces, allow for adequate light infiltration, etc.). Moreover, design ordinances can be used to implement standards intended to revitalize existing areas that have deteriorated, or are in the process of deterioration. As referenced earlier in this section, an important aspect of successful design ordinances is ensuring the flexibility to allow for new materials and ideas that are compatible with the overall community image. This is best achieved with the creation of an architectural review committee charged with the responsibility of weighing conformance with the code against originality in design, harmony with surrounding structures, topography and aesthetic considerations.

An effective design ordinance will include:

- Streetscape Roofline and Roof Shapes. The upper edges of building roofs, or rooflines, visually define the height of the building and/or streetscape. The visual continuity of these urban design elements should be maintained, if warranted, and building development or redevelopment with nonconforming roof lines should be discouraged.
- Selection of Materials and Colors. Selection of materials and colors for both architectural and landscape design should be based upon material and color unity,, the atmosphere and character desired, the material and color composition of surrounding buildings and landscape features, the materials' and colors' compatibility with other materials and colors, and climatic considerations. Conflicting material use and relationships should be avoided.
- Architectural Details. Architectural details and building ornamentation (if present) often represent historic elements of architecture and are important components of the overall character of a community. The distinctiveness of older residential and commercial buildings are directly associated with their architectural details. Unsympathetic design changes can impact both the architectural character of a building and the overall community appearance. Significant architectural details, where they exist, should not be lost in rehabilitation or "modernization" of buildings. Remodeling efforts should attempt to retain architectural details. However, efforts to transform an existing building into an earlier period through the use of details that were not originally used on the structure do not maintain any original architecture. Consequently, an introduction of modern detail or a mixture of old and new parts on buildings should be avoided, to preserve the overall visual character of the building.

A Design Ordinance may prove to be an in valuable tool in maintaining the forested entrances to Baileys Harbor as well as preserving scenic views of Lake Michigan.

Design Review³

Many communities in Wisconsin have adopted design review processes. These processes usually involve the review of individual development proposals by a special body such as the plan commission, an architectural review board, a design review

³ Text excerpted from *Guide to Community Planning in Wisconsin*, Brian Ohm, UW-Extension, 2009.

committee or a historic preservation commission. Design review allows a community to influence the layout and appearance of buildings and open space as an area is developed. Traditional zoning and planning only address community character and design in very limited and indirect ways, such as zoning that provides setback requirements. Other regulations attempt to establish standards for "aesthetic nuisances" such as junkyards.

Design review processes require that the community outline the purpose for the guidelines and outline the steps of the review to improve the objectivity, consistency and fairness of the design review process. The following points are recommended in crafting design guidelines:

- Design guidelines should clearly define what each community means by compatibility with its character or harmony with existing surroundings.
- A communitywide design study should precede the determination of community character or image that is to be protected, enhanced or created.
- Surveys of citizens' perceptions of the character or image of the community should be conducted to form a basis for design guidelines.
- Except for smaller communities, application of public design control should be limited to specially designated areas.
- Content and organization of design guidelines should be simple and focused, with clear priorities for criteria and standards, but they should not be overly specific.
- Design guidelines should include non-aesthetic standards for things like public safety.
- Descriptive design criteria and standards should be illustrated.
- The interpretation of compatibility with community character or harmony should be broad enough to include various contextual relationships.

Once developed, these guidelines can be used by a special committee designated to review development proposals to insure that they meet the spirit of the guidelines. The committee charged with design review should be small. Some members of the committee should have design experience. Members need to be able to clearly articulate what is expected of project proposers on design issues. Members also need to be familiar with the community and planning policies in general.

To be successful, members of the design review committee must involve the entire community in the development of the guidelines. Members of the design review committee should also continually educate elected officials, developers and the public about the importance of design review on the character of the community.

Access Control Ordinance⁴

As communities expand, increased development along arterial highways generates more and more demand for driveways and intersecting local roads to serve abutting and nearby businesses, industries and neighborhoods. Without access planning and management, arterials become increasingly congested and safety is compromised. Access management, through an access control ordinance, is the process of planning

⁴ Text excerpted from *Guide to Community Planning in Wisconsin*, Brian Ohm, UW-Extension, 2009.

and maintaining appropriate access spacing, access-point design, and total number of access points to a highway system. The goals of access management are to:

- Protect the public investment in highway facilities
- Protect the function of state (and county) highways
- Preserve operational safety, capacity and efficiency
- Promote orderly development of adjacent properties
- Minimize long-range adverse impacts of future improvements
- Minimize maintenance costs
- Delay or eliminate the need to expand or relocate a facility

In implementing access management, a balance must be sought between the interests of highway users and the owners or occupants of nearby lands; public investments in highway improvement and maintenance; and desirable land development. This balance requires that access reasonably and suitably accommodates landowners' use of their property. The intent of access management is to allow adequate, safe and reasonably convenient access to land and land uses, consistent with the interest of public safety and the preservation of the public investment in the highway facility.

Sign Ordinance

A sign ordinance is another design tool available to the Town to protect and preserve the rural character of the community. Sign ordinances provide the mechanism for regulating the size, color, style, location and lighting for signs and billboards located within Baileys Harbor. The sign ordinance will also allow for the effective implementation of an integrated community wayfinding system.

Amended Future Land Use Map

The Amended Future Land Use map, as well as the 2005 Current Land Use Map and 2005 Future Land Use Map, can be found immediately following *Chapter X: Implementation*. The maps will be used to guide future preservation and development activities within the Town of Baileys Harbor.

How was the Amended Future Land Use Maps Developed?

The Amended Future Land Use map began with the 2025 Future Land Use Map created during the 2005 planning process. From that base map:

- The results of the Community Survey, Vision Exercise, and Cognitive Mapping Forum, as well as input from the Town Board, Plan Commission and general public were utilized to guide the proposed revisions.
- Market considerations were used to guide the most appropriate locations for future mixed-use and transitional residential development.
- Key community land use nodes were identified in order to develop the proposed Pedestrian and Bicycle Trails as well as the Scenic water Trail.
- A 200' riparian corridor was overlaid upon perennial and intermittent streams in the Town.

How Will the Future Land Use Maps be Used?

The Future Land Use maps are planning tools to be used by the Town Board and Plan Commission to guide future zoning revisions, land and subdivision applications, and other local land-use decisions in accordance with the Comprehensive Planning law (66.1001 State Stats.). The law states:

If a local governmental unit engages in any of the following actions, those actions shall be consistent with that local governmental unit's comprehensive plan:

- *Official mapping established or amended under s. 62.23(6)*
- *Local subdivision regulation under s. 236.45 or 236.46*
- *County zoning ordinances enacted or amended under s. 59.69*
- *City or village zoning ordinances enacted or amended under s. 62.23(7)*
- *Town zoning ordinances enacted or amended under s. 60.61 or 60.62*
- *Zoning of shorelands or wetlands in shorelands under s. 59.692, 61.351, or 62.231*

Developers, landowners and residents should understand that the Future Land Use Map is intended to guide development to certain areas where facilities and services are currently available, or areas desired and ideally suited to certain land uses. It is important to note, however, that a plan is not a static document. It must evolve to reflect current conditions. If not regularly reviewed and amended, it will become ineffective over time. Applications for rezoning and development that are inconsistent with the plan and Future Land Use Map must still be considered. In some situations, it may be desirable to amend the plan (and map) to accommodate a compatible but previously unplanned use. Likewise, a change in county or regional policy, technological advances, the economic situation, or the natural environment may affect the plan.

Any change to the plan (including the plan maps) must be considered in the context of all nine required plan elements, including the visions, goals and policies expressed in this document. If an amendment is to be approved, the process must include a formal public hearing and plan distribution per the requirements of the Wisconsin Comprehensive Planning law. Any amendment must be reviewed by the Plan Commission and approved by the Town Board before such development is permitted.

Description of Proposed Land-Use Changes

The Amended Future Land Use Map is the primary guidance tool for planning in Baileys Harbor. As per statutes, it will be used to evaluate future land-use changes and proposals. It must be understood, however, that the Future Land Use maps *are not* zoning maps. Comprehensive plans and, by extension, plan maps are broad-brush guidance documents.

This section provides a brief description of the proposed future land-use changes identified on the Amended Future Land Use Map. It is understood that detailed definitions of these areas, particularly the Transitional Residential District, will be determined during revisions to the Door County Zoning Ordinance and the potential development of the Town of Baileys Harbor Subdivision Ordinance.

Mixed Use – 17.65 acres

The Amended Future Land Use Map includes two additional mixed-use areas totaling just under eighteen acre. The northern most of the two entails 3.92 acres of land adjoining STH 57 north of Park Road. The southern area lies west of Ward Street and expands the existing Mixed-Use area by 13.73 acres. Mixed-use development within these areas, as well as the areas identified on the 2025 Future Land Use Map, may include residential and commercial land use within the same structure, on the same site, or on adjacent sites.

Transitional Residential District – 648.26 acres

The purpose of the Transitional Residential District (TRD) is to create an intermediary buffer between the more densely developed areas of the Town Core and the less densely developed areas along the southern lakefront and interior of the community. The TRD allows for residential development consistent with the goal of preserving rural character and a wooded southern entrance to the Town Core. All minor land divisions (through certified survey maps) and subdivision plats within the TRD would be required to follow the principals of conservation design.

Pedestrian / Bicycle Trails – 22.59 miles (within existing road rights-of-way)

The proposed trail system appearing on the Amended Future Land Use Map (dashed brown lines) will provide linkages between key destinations nodes and provide access to bicyclists and pedestrians.

Water Trails – 31.48 Miles

The proposed water trail, identified by dashed blue lines on the map, is intended to create an additional recreation destination opportunity in Baileys Harbor and will provide canoeists and kayakers with a safe and clearly identified route connecting key nodes along the Town's lakeshore. The water trail would incorporate a wayfinding system entailing land-based and on-water signage guiding paddlers along the trail.

200' Riparian Corridor

The proposed 200' stream corridor would extend 100' from the high-water mark on each side of perennial streams (encompassing County shoreland setbacks) and is intended to improve surface and ground water quality, preserve wildlife habitat, and mitigate potential future flooding. The corridor is applicable to future development and will not be imposed upon existing landowners.

Land Use: Vision Statement

Baileys Harbor is committed to a community-led planning process in directing its future growth. Town officials wish to meet the needs of residents and enhance the well-being of the business community while maintaining small-town rural character, encouraging compatible land uses, and protecting natural resources for future generations.

Land Use: Goals, Objectives, and Policies

The goals, objectives, and policies related to Land Use in the Town of Baileys Harbor can be found in *Chapter X: Implementation*.