

Preface

Objective Characteristics of Areas in the Town of Liberty Grove Zoned Heartland and Natural

Community change is inevitable. Powerful external forces often drive physical and social changes in towns. Identifying the most important contributing factors to perceptions of community character reframes conversations about potential changes around objective measures rather than vague notions that may result in blanket resistance to change. Identifying objective characteristics of the Town can help local government officials and community members establish goals and priorities for community growth and change without resorting to indefinite appeals to protect the established character.

2017 Wisconsin Act 67 effective November 29, 2017, added new requirements to the issuance of conditional use permits. Act 67 mandates that “any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.” Substantial evidence must be set forth by both the applicant for the conditional use as well as by the municipal entity deliberating on the issuance of a conditional use.

“Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that a reasonable person would accept in support of a conclusion and also pertains to a

local government's decision to approve or deny a conditional use permit. Under an earlier version of the bill that ultimately became Act 67, the definition of "substantial evidence" did not include "public comment that is based solely on personal opinion, uncorroborated hearsay, or speculation."

The nature and types of substantial evidence produced by the applicant and by the local government entity will depend on the circumstances of each request for a conditional use permit on a case by case basis.

Notwithstanding what is brought forth by both the applicant and by the local government entity for each of the conditional use permits applied for and deliberated upon, Act 67 emphasizes the importance of having clear purpose statements in the zoning ordinance. In addition, Act 67 goes further to suggest that local comprehensive plans can help articulate the purpose of ordinances that implement the plan and further suggest that local governments should consider including a requirement that the proposed conditional use furthers and does not conflict with the local comprehensive plan.

In order to help articulate the purpose of ordinances as well as including a requirement that the proposed conditional use furthers and does not conflict with the local comprehensive plan, drafters of the 2018 Comprehensive Plan have taken guidance from the American Planning Association ["APA"]

The APA provides guidance on the topic of community character. “Community character” refers to the distinct identity of a place; the collective impression a neighborhood or town makes on residents and visitors.

In identifying community characteristics, the APA has identified objective characteristics of the physical and social environment that are closely tied to perceptions of community character. Delineation of objective characteristics can refocus proposals for change, such as applications for conditional uses, on concrete, measurable characteristics of the community rather than on emotional pleas based on intuition as mandated by the new requirements under Act 67.

Generally, objective characteristics can be grouped into three broad categories: “urban” form, natural features, and demographics.

In light of the fact that more than 80% of the Town of Liberty Grove is zoned “heartland,” the drafters of the 2018 Comprehensive Plan have set forth below objective characteristics for heartland zoning under the three categories set forth above as follows:

“Urban” Forms

The term “urban” as defined by the APA is applicable to the Town notwithstanding the rural nature of the community.

“Urban” forms include the height and width of buildings, the distances between buildings on the same side or on opposite sides of the road, and the distance between parallel and intersecting roads.

As regards “urban” forms in heartland zoning in the Town of Liberty Grove, building characteristics emphasize single family dwellings of no more than 35 feet in height (two stories) and no more than 5,000 square feet of footprint.

As regards the distance between buildings either on the same side of or on opposite sides of the road, the Town of Liberty Grove Comprehensive Plan emphasizes substantial space and deep setbacks to promote maximum privacy between dwellings.

As regards the distance between parallel and intersecting roads, the Town of Liberty Grove Plan Commission discourages the construction of new roads and emphasizes the reliance on existing roads so as to maintain the rural character of the area as well as the maximum privacy of the residents.

“Natural Features”

Natural features refer to the terrain, vegetation, wildlife, and water bodies, including those natural features altered by humans.

Natural features, including the relationship between man-made and natural features, suggest a place designed primarily for people to live, work, or play. Of these three activities, the Town Comprehensive Plan emphasizes heartland as a place for people to live as opposed to work or play. The Town includes many Town, County, and State parks and recreational areas. Other recreational areas exist in nearby communities. Areas zoned commercial or light industrial provide enough space in which to work.

Included in “natural features” are key measurements such as slopes and height of hills, heights and widths of trees, distances between trees, the percentage of land covered by vegetation or water, and the variation of these slopes, heights, distances, and percentages across the community.

As regards these key measurements in heartland zoning, the Comprehensive Plan suggests retention of natural slopes and hills as opposed to leveling such natural features, the retention of trees and vegetation, including the distance between trees, and retention of the percentage of land covered by vegetation and water, especially but not limited to Niagara Escarpment areas.

“Demographics”

Demographics are measurable characteristics of human populations, such as age, sex, household size, marital status, race, religion, and education level.

The Town of Liberty Grove encourages a diverse racial, ethnic, and religious population that are generally nuclear families who chose to live in Liberty Grove and who own their residences or are long-term renters, whether these residents are full-time, part-time, or seasonal.

The Town Comprehensive Plan discourages short-term rentals in heartland zoning.