

**CHAPTER 10:  
LAND USE CONTROLS AND INVENTORY**

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## INTRODUCTION

While the previous chapters found in *Volume II: County Resources* provide background data and other pertinent information for the development of the county and local comprehensive plans, this chapter provides highlights from the countywide land use inventory completed in 2009. The inventory determined both the location and types of land uses found within Florence County and the acreages dedicated to those individual land uses. The presence of sanitary districts, infrastructure, preservation areas, public lands, key environmental features as well as the application of ordinances and regulations influenced where that development occurred and at what density and type.

The *Florence County 20-Year Comprehensive Plan* is an overarching planning guide that encompasses the county's past planning activities as listed below. The recommendations, goals, maps, and initiatives outlined in these plans have been appropriately integrated and accounted for within the implementation portion of the comprehensive plan. In addition to the county land use inventory and past planning projects, a list of land use controls currently enforced by Florence County for the towns of Aurora, Commonwealth, Fence, Florence, Homestead and Tippler is provided within this chapter. The towns of Fern and Long Lake have not adopted county zoning; however, Florence County enforces the county's Shoreland and Wetland Zoning Ordinance for all eight towns.

## COUNTY PLANNING DOCUMENTS

### **Florence County Forest Comprehensive Land Use Plan**

The *Florence County Forest Comprehensive Land Use Plan* was adopted February 1, 2005. The plan complies with the County Forestry Ordinance and with s. 28.11(1) Wis. Stats. Wisconsin Statute s. 28.11(1) states that the purpose of the county forestry plans are:

“...To provide the basis for a permanent program of county forests and to enable and encourage the planned development and management of the county forests for optimum production of forests products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple-use to assure maximum public benefits; to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie.”

It is required to update their forest plans every 15 years, a process that includes approval both by each forest's county board and the WDNR.

### **Florence and Forest County Resource Report**

The *Florence and Forest County Resource Report* was prepared in 1992 by the Florence County and Forest County Local Coordinating Committees. The report was completed as a component of the USDA's river basin study for the Menominee River and provides a detailed discussion of the plant, water, and soil resources of Florence County.

### **Florence County Land Use and Lake Protection Plan**

The *Florence County Land Use and Lake Protection Plan* adopted in 2001 was prepared to best protect the interests of all of its residents as well as to develop the county in an orderly, cost efficient method through the implementation of this plan. It was written and adopted under the guidelines set forth in s. 59.69, Wis. Stats. The plan outlines a comprehensive set of informational resources and a policy framework to assist the county and towns in managing development. The plan inventoried the county's surface water resources and made recommendations for future protection of lakes and other water bodies.



### **Florence County Comprehensive Outdoor Recreation Plan**

The purpose of this plan is to ensure optimal recreational opportunities through the continuation of current recreation programs and the development of new programs to meet current and future demands. This document created in 2006 is intended to provide guidance to Florence County and its towns in an effort to meet the recreational demands of its residents and visitors. The plan documents current recreational facilities and opportunities and identifies future needs in the development and coordination of outdoor recreation areas within the county.

### **Florence County Land and Water Resource Management Plan**

The *Florence County Land and Water Resource Management Plan* was prepared in 2006 to assist agencies that manage land to protect and improve water resources in Florence County. Goals established in the plan will help to guide resource agency initiatives from 2007 through 2012. They will also provide the basis for funding those initiatives from various private, local, state, and federal sources. Used as a tool to guide and coordinate a variety of agencies and programs, the plan will help to streamline decision-making and program administration. The process to revise the plan for another five-year period will begin in 2011.

### **Florence County Natural Hazards Mitigation Plan 2007**

The primary focus of the *Florence County Natural Hazards Mitigation Plan* is to evaluate the planning area's potential exposure to natural hazards and to identify appropriate mitigation strategies. Consistent with the Code of Federal Regulations (44 CFR Part 201.6), Florence County limited the scope of this planning effort to natural hazards

## **EXISTING LAND USE CONTROLS**

This section inventories and discusses land use controls and regulations that have and will influence and restrict the use of land for specific purposes throughout Florence County. According to s. 66.1001, Wis. Stats., all land use related actions (regulations, etc.) of local governmental units are required to be consistent with their adopted comprehensive plan. As a result, the county zoning ordinances shall be reviewed and updated to be made consistent with the adopted comprehensive plan and any subsequent updates to the plan. A list of definitions has been added as **Appendix E** of *Volume II: County Resources* to better understand the planning and zoning terms used during the development and administration of the comprehensive plans.

### **Florence County Zoning Ordinance**

This ordinance was adopted to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare; and, more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to conserve the value of land and buildings in all of the unincorporated areas of the county, to guide the proper distribution and location of various land uses, to promote the safety and efficiency of the streets and highways to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to implement the county's development plan or plan components, to define the powers and duties to the administrative bodies as provided hereinafter, and to prescribe penalties for the violation of the provisions of this ordinance or any amendment thereto.

### **Florence County Land Division Ordinance**

The purpose of this ordinance is to regulate and control the division of land for the following purposes: to promote the public health, safety, aesthetics and general welfare of Florence County. The jurisdiction of this ordinance shall include all lands within the county where the governing body of a town or municipality within Florence County has enacted an ordinance regulating subdivisions, compliance must be made with the most restrictive requirements as provided in s. 236.13 (4), Wis. Stats.



When it is proposed to divide land into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is less than five acres by a division or by successive divisions of any part of the original parcel within a five-year period and the division does not result in a subdivision; or when it is proposed to divide land into five or more parcels or building sites inclusive of the original remnant parcel, more than 1 ½ each but less than 5 acres each in area, by

a division or by successive divisions of any part of the original parcel within a period of five year and the division does not result in a subdivisions; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, and the division does not result in a subdivision, the subdivider may effect the division by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file

sufficient copies of the map and the completed application with the County Clerk at least 10 days prior to the meeting of the Planning and Zoning Committee at which action is desired. The Planning and Zoning Committee may for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval certified survey maps that consist of a single parcel. Exception: Section 3.07 Minor land Division, does not apply to the division of one or two parcels of the same tax parcel identification number, which are greater than one acre but less than five acres, in a five year period, or the conveyance of non-contiguous acreage. Any parcel which is conveyed to and adjoining land owner, government agency or public utility is not considered a division.

### **Florence County Sanitary Ordinance**

The purpose of this ordinance is to protect and promote the health, safety, prosperity, aesthetics, and general welfare of the people and communities within Florence County. The general intent of this ordinance is to regulate the location, design, construction, installation, alteration, maintenance, inspection, management, and use of POWTS and non-plumbing sanitation systems so as to protect the health of residents and transients and to secure safety from disease, nuisance, and pestilence.

### **Shoreland and Wetland Zoning Ordinance**

Areas regulated by this ordinance shall include all lands (referred to herein as shorelands) in areas of Florence County which are:

- A. Within one thousand (1,000) feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Florence County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Florence County" or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
- B. Within three hundred (300) feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Florence County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- C. Determinations of navigability and ordinary highwater mark location shall initially be made by the planning and zoning administrator. When questions arise, the planning and zoning administrator shall contact the appropriate regional office of the Department for a final determination of navigability or ordinary highwater mark.
- D. Under s. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to drainage ditches if:
  - (1) Such lands are not adjacent to a natural navigable stream or river;
  - (2) Those parts of such drainage ditches adjacent to such lands are not navigable streams before ditching; and
  - (3) Such lands are maintained in nonstructural agricultural use.

## **CURRENT LAND USE INVENTORY**

A complete inventory of Florence County land uses was completed by the Bay-Lake Regional Planning Commission in 2009. A Standard Land Use Classification system was used to properly identify the type and location of the varied land uses seen throughout the county. The three Wisconsin regional planning commissions that border Lake Michigan and Lake Superior (Bay-Lake RPC, Southeastern Wisconsin RPC, and Northwestern Wisconsin RPC) adopted the land use classification system in June 1975 for land use inventories conducted in conjunction with the Coastal Zone Management Development Program. A list of those detailed land use codes can be found in [Appendix F](#) of *Volume II: County Resources*.

## **Land Use Categories**

The following list of land use categories is based on a methodology created by the Bay-Lake Regional Planning Commission for conducting a land use inventory only. This list is *not* intended to create specific definitions for regulatory purposes.

***Residential***--Use of land for non-transient-occupant dwelling units, both transportable and permanent structures. The residential category is divided into the following subcategories: *Single Family, Two Family, Multi-Family, Mobile Home, and Group Quarters.*

***Commercial***--Use of land for retail sales or trade of goods and/or services, including enclosed participatory sports, lodging, and commercial headquarters.

***Industrial***--Use of land for fabrication of products, for wholesaling of products, for long-term storage of products, and for extraction (mining) or transformation of materials.

***Transportation***--Use of land for corridors for the movement of people or materials, including related terminals and parking facilities. This land use includes motor vehicle, air, marine, rail, and non-motorized-related transportation.

***Communication/Utilities***--Use of land for generation, processing, and/or transmission of electronic communication or of water, electricity, petroleum or other transmittable products, and for the disposal, waste processing and/or recycling of byproducts.

***Institutional/Governmental Facilities***--Use of land for public and private facilities for education, health, or assembly; for cemeteries and related facilities; and for all government facilities used for administration or safety except public utilities and areas of outdoor recreation.

***Outdoor Recreation***--Use of land for out-of-doors sport and general recreation facilities, for camping or picnicking facilities, for nature exhibits, and for the preservation or protection of historical and other cultural amenities.

***Agriculture/Silviculture***--Use of land for growth or husbandry of plants and animals and their products and for associated facilities such as sheds, silos and other farm structures. This category also includes the cropland and pasture areas primarily used for the cultivation of plants in addition to grasses for grazing.

***Natural Areas***--Use of land for water areas; land used primarily in a natural state for their natural functions including wetlands, grasslands and prairies, and woodlands; land undergoing change from natural areas to another land use; and conservancy areas.

***Other Natural Areas***--Use of land for wetlands, grassland/prairies, and woodlands not categorized elsewhere.

***Water***--Use of land for open water areas, including natural and impounded lakes and streams.

## **Planning Area**

According to the land use inventory, Florence County encompasses approximately 497 square miles, equating to 318,349 acres. As summarized in Table 11.1, slightly less than 97 percent of the county is classified as undeveloped, while existing development covers approximately three percent of the county. Transportation related land uses account for nearly half of developed land area followed by residential growth with just over one-third of the noted development. The county's land use is illustrated on Map 11.1. Florence County's detailed land use calculations are shown in **Appendix G** of *Volume II: County Resources*.

Table 10.1: Florence County Land Use, 2009

Land Use Type	Total (acres)	Developed Land (%)	Total Land (%)
<b>DEVELOPED</b>			
<i>Single Family</i>	3,305.8	33.70	1.04
<i>Two Family</i>	0.9	0.01	0.00
<i>Multi-Family</i>	7.4	0.08	0.00
<i>Mobile Homes</i>	114.7	1.17	0.04
<i>Vacant Residential</i>	5.7	0.06	0.00
Total Residential	3,434.5	35.01	1.08
Commercial	237.2	2.42	0.07
Industrial	339.6	3.46	0.11
Transportation	4,530.1	46.18	1.42
Communications/Utilities	225.0	2.29	0.07
Institutional/Governmental	116.1	1.18	0.04
Recreational	653.8	6.66	0.21
Agricultural Structures	274.3	2.80	0.09
Total Developed Acres	9,810.6	100.00	3.08
Land Use Type	Total (acres)	Undeveloped Land (%)	Total Land (%)
<b>UNDEVELOPED</b>			
Croplands/Pasture	14,906.1	4.83	4.68
Woodlands	274,644.1	89.01	86.27
Other Natural Areas	11,096.3	3.60	3.49
Water Features	7,892.3	2.56	2.48
Total Undeveloped Acres	308,538.8	100.00	96.92
Total Land Area		318,349.4	

Source: Bay-Lake Regional Planning Commission, 2009.



Map 10.1: 2009 Land Use