

ENROLLED ORDINANCE 169-24

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO CREATE SECTION 4(g)(22)(E) WHICH PROVIDES FOR AN URBAN FORM PLANNED UNIT DEVELOPMENT CONDITIONAL USE OPTION (SZ-1459I)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.692, Wisconsin Statutes, and

WHEREAS, the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin as required by Section 59.692 of the Wisconsin Statutes, and

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 4(g)(22)(E) of the Waukesha County Shoreland and Floodland Protection Ordinance is repealed and recreated as follows:

Create Section 4(g)(22)(E)- Urban Form Planned Unit Development

Urban Form P.U.D.: An Urban Form PUD shall allow a mixture of commercial, office, residential, institutional or park and open space uses and may also allow for single use projects that contain certain specified urban design elements. Such projects are envisioned to accommodate compact, higher intensity development or redevelopment in settings where urban services are available and urban development is appropriate and will contribute to the vitality of the community. The Urban Form PUD shall require a heightened level of site design and individual buildings shall be arranged in a unified fashion so as to be complementary to each other and to be compatible with the surrounding neighborhood. Urban/high density residential development is encouraged (less than 6,000 square feet per dwelling unit) and can be authorized within this Conditional Use category.

This PUD option provides opportunity for design flexibility and sets forth basic requirements for urban form development projects in order to accommodate unique, integrated development projects. The availability of this design option recognizes that the community and County realize economic, aesthetic and quality of life benefits from projects with interesting design and higher intensity mixed uses or projects with urban form. Development projects or new neighborhoods with vertical scale architecture, mixed uses, pedestrian facilities and public gathering spaces create more dynamic places that are attractive for people to live, work and play within. Required urban amenities will benefit both the developer and the community while also allowing for orderly and efficient land use. For a project to be eligible for consideration and approval as an Urban Form PUD, the following project design elements shall be provided:

1. Urban Form PUDs will only be considered in existing central business district/downtown settings or in close proximity to major transportation facilities such as interstate highway interchanges, county trunk highways, major arterials or mass transit stops.
2. Eligible sites must be served by municipal sewer and municipal water.
3. Architecture, landscaping and building siting must be designed to create an attractive and cohesive environment that contributes positively to the existing setting. Landscape treatments shall be provided to enhance architectural features, improve appearance, screen parking areas and structures, provide shade and enhance the streetscape.
4. Urban scale architecture (minimum two story buildings or two story facades) is required. Maximum permissible building height and massing must be complimentary to the neighborhood and is subject to the approval of the County Zoning Agency.
5. Building designs shall utilize a variety of aesthetically compatible exterior building materials and building styles and articulations shall be varied. Long, monotonous façades or roof designs shall not be permitted. HVAC units and other rooftop mechanicals/utilities are required to be screened from view.
6. Meaningful communal gathering and green spaces provided in accessible settings must be an integral part of any proposed development.
7. Pedestrian facilities must connect buildings and uses within the proposed development and must connect the development to the surrounding neighborhood in order to provide safe and convenient access for patrons, residents, and pedestrians. Bicycle accommodations should be considered in the project design.
8. Proposed development projects must be complimentary to the surrounding neighborhood.
9. Buildings shall be predominantly oriented to streets with minimal street setbacks or maximum build-to lines to be specified by the County Zoning Agency.
10. Large surface parking lots shall be minimized with specific consideration given to avoidance of parking lots between buildings and the street edge. Structured, underground or on-street parking must be provided to the greatest extent practicable. Surface parking lots should be located to the side and rear of buildings as much as possible. Parking areas should be landscaped to incorporate planting islands large enough so they may also serve as storm water areas or snow storage areas.
11. Retail and mixed retail/office buildings shall provide large store front windows that provide visibility and transparency at the pedestrian level.
12. Urban/High Density residential development is permissible with the form and massing of buildings to be authorized by the County Zoning Agency. Any County-imposed minimum residential dwelling unit size restrictions shall be in accordance with SEWRPC's Regional Housing Plan for Southeastern Wisconsin: 2035 (or as amended in the future) recommendations for unit size affordability (i.e. 800 square feet or less for a two bedroom unit). Specified maximum building height, setbacks, build-to lines, offsets, and on-site

parking requirements are to be established by the County Zoning Agency, which will determine available housing densities.


13. Internal streets must be designed to adequately serve the users of the proposed development and contain traffic calming measures (landscape bump outs, parallel or angle on-street parking, visually conspicuous crosswalks, narrow streets, etc.) while allowing for safe and efficient traffic circulation.
14. Developers of mixed use projects or structures with more than one tenant shall submit a comprehensive description of a uniform signage system so that individual business or tenant signs will be harmonious and compatible with the overall design of the structures and site. Individual tenant signage must be predominantly wall mounted.
15. Streets and pedestrian facilities shall contain appropriate streetscape amenities (street trees, street furniture such as benches, planters, trash receptacles, information kiosks, bike racks, bus shelters, appropriate scale lighting and way finding signage) and the County Zoning Agency shall set forth the required streetscape elements with consideration given to similar Town imposed requirements, if applicable. Terraces to separate pedestrians from vehicles shall be provided, where feasible. ADA compliant access and facilities shall be provided throughout the development. Sidewalks that will traverse predominantly retail or restaurant use areas shall be wide to accommodate space for passing pedestrians and certain designated sidewalks within retail areas should be widened to allow for sidewalk café dining or outdoor retail display while still providing for pedestrian passage.

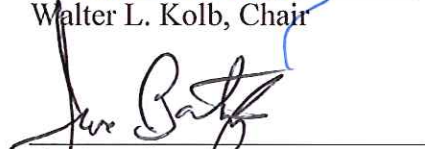
BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.


AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO CREATE SECTION 4(g)(22)(E) WHICH PROVIDES FOR AN URBAN FORM PLANNED UNIT DEVELOPMENT CONDITIONAL USE OPTION (SZ-14591)

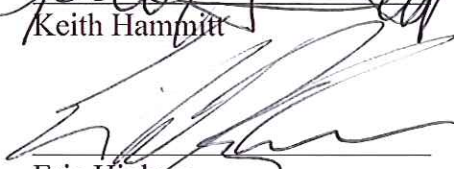
Presented by:
Land Use, Parks, and Environment Committee

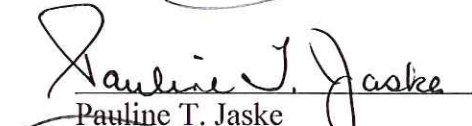

Walter L. Kolb, Chair


Jim Batzko


Jennifer A. Grant


Keith Hammitt


Eric Highum


Pauline T. Jaske


Thomas J. Schellinger

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 1, 2014, Kathleen Novack, Deputy
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

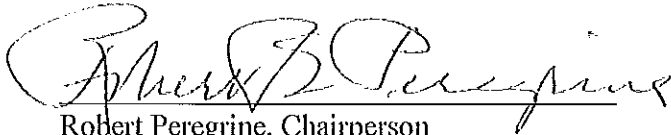
Approved:
Vetoed:
Date: 7-1-14, Daniel P. Vrakas
Daniel P. Vrakas, County Executive

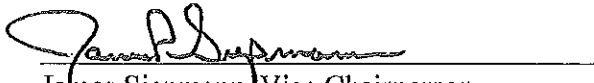
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of **SZ-1459I (Text Amendments)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

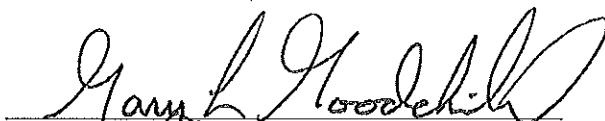
05/15/2014



Robert Peregrine, Chairperson

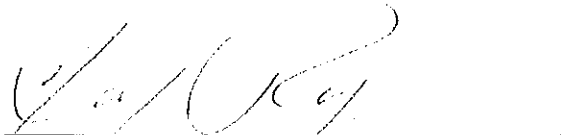

James Siepmann, Vice Chairperson


Patricia Haukohl


Walter Kolb


Gary Goodchild


William Mitchell


Fritz Ruf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS
WAUKESHA COUNTY SHORELAND AND FLOODLAND
PROTECTION ORDINANCE

FILE NOS: SZ-14591
DATE: May 15, 2014
PETITIONER: Waukesha County Park & Planning Commission

REQUEST:
Text amendment to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) to create Section 4(g)(22)(E) relative to a new Urban Form Planned Unit Development Conditional Use option.

PUBLIC HEARING DATE: April 17, 2014

PUBLIC REACTION:
None.

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:

The County Development Plan recommends mixed use development and high density residential development in areas that are served by municipal services and in close proximity to employment centers. The proposed ordinance amendments will provide a new mechanism for consideration of development projects containing these elements within such settings. Therefore, the proposed ordinance amendment complies with plan recommendations.

STAFF ANALYSIS:

County Planning & Zoning Staff has had multiple inquiries from developers either proposing or contemplating large scale development projects within the highly urbanized portions of the Town of Brookfield within the past year or so. Specifically, developers have inquired about both mixed use and residential projects that may contain urban high density residential development. In addition, there has been an increasing interest from developers seeking to construct more compact, integrated developments that maximize building floor area and investment potential by incorporating covered or sub-grade parking, which also opens opportunities for more walkable developments.

Staff advised inquiring developers that while the existing Planned Unit Development provisions of the SFPO provide for a good deal of design flexibility and mixing of uses, the provisions were written principally for rural or suburban type development projects. The existing PUD provisions have largely been used for conservation design type subdivisions where additional density is provided in exchange for additional common open areas being provided or conserved. Because PUDs are intended to create more interesting, dynamic places and because of market interest, Staff felt that the time was right to advance a new ordinance option, recognizing the recommendations of the County Development Plan that call for mixed uses and higher density residential projects within areas served by municipal services. The Park &

Planning Commission indicated its support for such an amendment at its March 6, 2014 meeting and indicated that Planning & Zoning Staff should proceed in advancing the text amendment (see Exhibit "A").

The Town of Brookfield adopted a Mixed Use District into the Town Zoning Ordinance in 2011 to accommodate similar type development. In preparing the proposed amendments, Staff incorporated key provisions of the Town's Mixed Use District standards and also looked to other municipal sources to arrive at a list of important factors in fostering vibrant mixed use projects and neighborhoods.

The proposed ordinance provisions provide some of the same flexibility that is already available within other PUDs, but the design considerations and requirements are unique in requiring different types of amenities or public benefits for projects to be eligible for flexed requirements. For instance, conventional residential PUDs require a minimum of 40% open space, whereas the proposed PUD section would require extensive pedestrian facilities, minimum two story architecture and a minimization of surface parking lots.

Eligibility for this new PUD option will require that both municipal sewer and water be available in order to support more intensive development. At present, this will limit the availability of this option to the urban portions of the Town of Brookfield within the jurisdiction of the SFPO, which includes all unincorporated lands that are either within 1000' of a lake or public pond or 300' of a navigable stream or to the full extent of an associated floodplain if it extends further. In addition, proposed language requires that Urban Form PUDs will only be available within central business districts or in close proximity to major transportation facilities such as interstate highway interchanges, county trunk highways, major arterials or transit stops.

There are a total of fifteen proposed specified requirements for projects to qualify for the Urban Form PUD option. Most of these requirements revolve around integrated site design, high quality and mixed architectural treatments, walkability, minimization of surface parking and buildings that are a minimum of two-stories in appearance with an orientation to the street edge. Meaningful communal gathering and green spaces will be required, but it is recognized that the size and nature of such area should be determined on a case by case basis depending upon size and scope of development projects. Similarly, the proposed language recognizes that high density residential development, which is generally defined by the Southeastern Wisconsin Regional Planning Commission as development exceeding 18 dwelling units per acre, is appropriate within this category. The proposed language does not set a cap on residential density, because it is recognized that such a measure can be quite arbitrary as dwelling unit sizes can be so variable. Instead, it will be the task of the Park & Planning Commission upon recommendation of respective Town plan commissions to determine appropriate building height and massing, which will, in turn, influence permissible density.

Staff has shared this proposed ordinance language with the Town of Brookfield, as this is the only town that will be affected by the proposed language in the immediate future. The Town has indicated its support of the proposed ordinance amendments.

STAFF RECOMMENDATION:

It is the opinion of the Waukesha County Planning and Zoning Division Staff that the text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) be **approved**. The proposed Urban Form PUD option will allow for additional mixed use development or single use projects that provide high quality site design and appropriate urban amenities. There is an increasing demand for developments to provide integrated places for people to live, work and recreate. The flexibility that can be afforded through a Conditional Use process allows for the development community to respond to this market demand and will provide for more interesting, dynamic development projects that are also likely to enhance the local tax base over time.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Division Manager

Attachment: Exhibit "A" (Proposed SPFO Section 4(g)(22)(E))

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Proposed 2014 text amendment to the Waukesha County Shoreland & Floodland Protection Ordinance

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WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/24/14

(ORD) NUMBER-1690024

1 R. KOLB.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 C. HOWARD.....AYE
 13 P. DECKER.....AYE
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 17 D. PAULSON.....AYE
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 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....AYE

2 D. Zimmermann.....AYE
 4 J. BATZKO.....AYE
 6 J. WALZ.....AYE
 8 E. HIGHUM.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 C. PETTIS.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER.....AYE
 22 P. JASKE.....AYE
 24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24