

ENROLLED ORDINANCE 174-007

ADOPT TEXT AND MAP AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO INCORPORATE A NEW DOWNTOWN OKAUCHEE DISTRICT, TWO LETTERS OF FLOODPLAIN MAP REVISION, PROVISIONS REQUIRED BY STATE STATUTE AND TO MODERNIZE VARIOUS CODE PROVISIONS (RZ29)

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 Downtown Okauchee Advisory Committee guided the preparation of ordinance amendments to the Shoreland and Floodland Protection Ordinance related to the creation of a Downtown Okauchee District; and

WHEREAS, the Waukesha County Department of Parks and Land Use and Town of Oconomowoc held a public informational meeting for the proposed Downtown Okauchee amendments at the Oconomowoc Town Hall on January 22, 2019; and

WHEREAS, the proposed amendments, including the creation of a new Downtown Okauchee District, letters of map revision, and other miscellaneous provisions, have been the subject of a public hearing held on February 21, 2019, following the notice and procedures of Section 59.692, Wisconsin Statutes; and

WHEREAS, the proposed amendments have been duly referred, considered and approved by the Waukesha County Park and Planning Commission at its meeting of March 21, 2019; and

WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

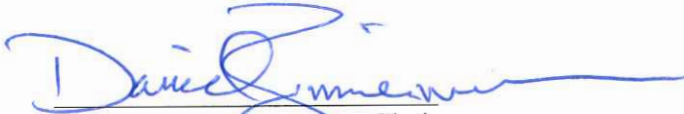
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to adopt proposed text and map amendments. The amendments are available for viewing on the Waukesha County website at www.waukeshacounty.gov/planningandzoning, and are on file in the office of the Waukesha County Department of Parks and Land Use and are more specifically described in the "Staff Report and Recommendation" by reference RZ29, also on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.

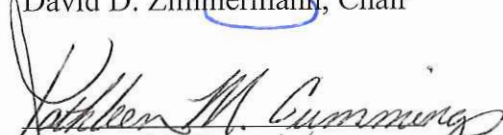
BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

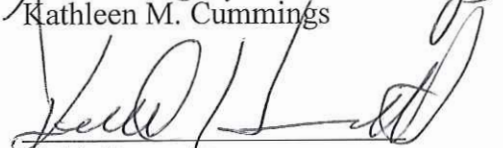
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with each of the town clerks within Waukesha County.

ADOPT TEXT AND MAP AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE TO INCORPORATE A NEW DOWNTOWN OKAUCHEE DISTRICT, TWO LETTERS OF FLOODPLAIN MAP REVISION, PROVISIONS REQUIRED BY STATE STATUTE AND TO MODERNIZE VARIOUS CODE PROVISIONS (RZ29)

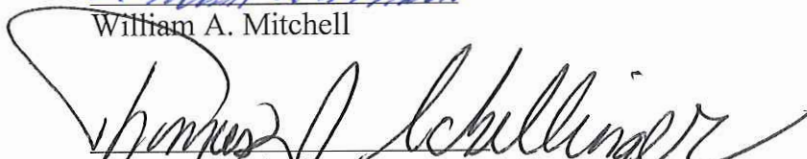
Presented by:
Land Use, Parks, and Environment Committee

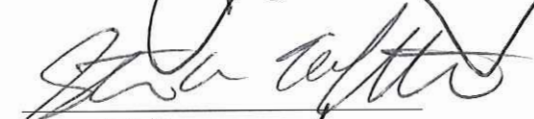

David D. Zimmermann, Chair

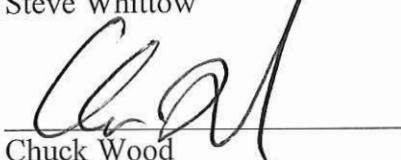

Kathleen M. Cummings


Keith Hammitt

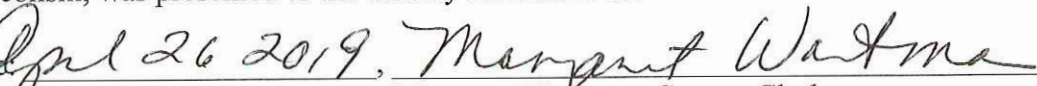

William A. Mitchell


Thomas J. Scheffinger


Steve Whittow


Chuck Wood

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

Date: April 26 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

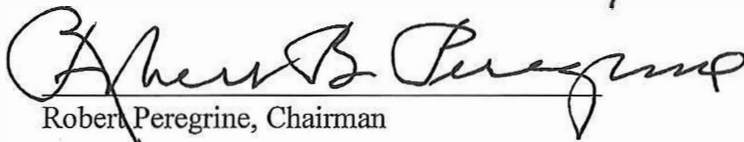
Date: 4/29/19, 
Paul Farrow, County Executive

COMMISSION ACTION

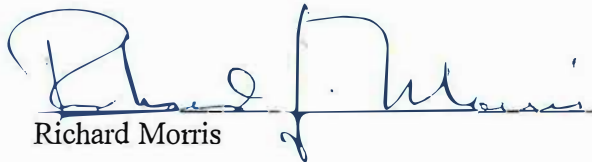
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of **(RZ29 Waukesha County Park and Planning Commission – SFPO Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”

PARK AND PLANNING COMMISSION

March 21, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepman

Absent
William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS TO THE WAUKESHA COUNTY
SHORELAND AND FLOODLAND
PROTECTION ORDINANCE & ZONING CODE

FILE NO.: RZ29 and RZ30
DATE: March 21, 2019
PETITIONER: Waukesha County Park and Planning Commission

REQUEST:

Text and map amendments are proposed to the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate a new Downtown Okauchee Zoning District (DOD), provisions required by state statutes, two Letter of Map Revisions (LOMR's) required by FEMA, and to modernize various code provisions.

Text amendments are proposed to the Waukesha County Zoning Code in order to be consistent with state statutes and to modernize various provisions. The amendments will provide consistency with the proposed amendments to the Waukesha County Shoreland and Floodland Protection Ordinance.

PUBLIC HEARING DATE:

February 21, 2019.

PUBLIC INVOLVEMENT/REACTION:

- *Downtown Okauchee Advisory Committee (DOAC).* A 13-person advisory committee comprised of stakeholders representing different interests guided the selection of recommended code revisions specific to the Downtown Okauchee Zoning District. The committee was inclusive of Okauchee business owners, Okauchee residents, developers, local officials, and planners.
- *Dedicated Webpage (www.waukeshacounty.gov/planningandzoning - go to "News and Events" 2019 Zoning Ordinance Amendments & 2018-2019 Downtown Okauchee Zoning Amendment Project).* A Downtown Okauchee Project webpage was created to make DOAC meeting materials, project summary documents and presentation boards available to the public. The invitation to the public open house and public hearing notice included a link to the website.
- *Public Open House, January 22, 2019.* An invitation was sent to all properties within the downtown Okauchee project area and all properties within 300 ft. of the project boundary. The meeting details were also released by the press through several news outlets. A minimum of 55 people attended the public open house at the Town of Oconomowoc Hall. Eight written comments were provided at or following the meeting. The comments were largely in support of the proposed project. There were a few specific comments including:
 - *Mixed uses would be good for revitalization, such as condos above shops*
 - *Bike racks should be installed, especially for local use of restaurants/bars*
 - *Keep the character while encouraging business growth*
 - *Architectural review should be part of new construction*
 - *Consider including the Okauchee Lion's Park in the project area*

- *A public dock/beach serving the downtown area would be great*
- *Encourage preservation of historic buildings before razing*
- *There is limited parking in the downtown area*

The owners of property located at N51 W34951 Lake Drive submitted letters regarding the following:

- *Public lake access should be provided*
- *Sidewalks are aesthetic only and cause issues with noise, litter, and property damage, they did not revitalize area as originally intended*
- *No room available for snow storage because of sidewalks*
- *The bridge was repaired for no purpose and now adjacent sidewalks are failing*
- *Concern regarding the water table level and sewer availability*
- *Sewers should be installed around entire lake to keep the lake clean before accommodating downtown*
- *Who is responsible for the failure of private wells?*
- *How will sewer be dispersed and who is paying for it?*
- *People won't shop in the multi-use buildings, there are a lot of vacancies*
- *Pauline's restaurant should be torn down for parking and a park-like setting*
- *The old school should be converted into a community center*
- *Develop the existing sport fields for tournaments that could generate income*
- *Add a skateboard park between the post office and old school*
- *Add basketball hoops or other recreational activities to current playground area at Holy Trinity*
- *Put an indoor swimming pool in old school gymnasium that could be used all year by residents*
- *Convert classrooms of old school into an indoor mall with small shops*
- *Add a hotel to the old gravel pit site*
- *Traffic and noise will increase with condominium development*
- *Keep the small town atmosphere*
- *Politicians & business owners pushing for development don't live in town and only have a vested interest in making money, they don't live with the impacts of their decisions*
- *Density is already excessive*
- *Costs associated with emergency services and infrastructure*
- *Project area is too small to make it viable*
- *Changes should not just benefit the wealthy, but consider the common good for all*

Some of the above recommendations are not part of the scope of the proposed amendments (requirement of specific uses, bridge repair, sidewalk installation, and sewer preferences and payments).

The Downtown Okauchee District site design standards will address most of the comments above, including parking, site amenities, traffic, neighborhood compatibility, and architectural review. The town and county intend on discussing potential public spaces and municipal parking as a follow-up to this project. The Lion's Club is not included in the project area, but the town and county will communicate with them to identify permitting efficiencies. The Okauchee Fire Chief attended

several of the advisory committee meetings and was not concerned about the impact on emergency services. Emergency services will be considered as part of future development proposals. Sewer availability is considered by the City of Oconomowoc as part of individual development proposals. The town and county look forward to having discussions with the city regarding the area's sewer needs. Additional responses follow the comments below.

- *Public Hearing, February 21, 2019.* The following comments and concerns were provided during the land use plan amendment and/or code amendment public hearings

- Peter Puestow, a Downtown Okauchee Advisory Committee member, stated that he has been a resident of the area for 65 years and many residents in the area are in favor of the change to initiate more business in the area.

- Three other citizens provided the following comments:

- *Could additional properties on the north side of W. Wisconsin Ave. between the project area and the existing bar/restaurant at N50 W35124 Wisconsin Ave. be included in the project area?*

Response: The area was part of discussions, but because the area is planned, zoned, and primarily used for residential, it was not included. The DOD zoned area could be expanded at some point in time as part of a future rezone amendment. It would not be appropriate to include the area at this time without appropriate public notice or analysis.

- *Many of the properties located on Road B are served by point wells. New wells should not be allowed that will result in drying up the point wells. Who will be responsible when the wells no longer function properly?*

Response: The site design requirements of the Downtown Okauchee District require that all state well code and groundwater supply provisions be complied with. Larger development projects generally require the construction of a high capacity well system, which requires prior approval by the Department of Natural Resources. The existing high capacity well system that serves Mission Lakes Condominiums consists of two wells, 298 ft. and 551 ft. deep, which terminate in a sandstone aquifer. A review of several well construction reports from nearby residential properties indicate that the wells serving these residences tend to be between 50 ft. to 100 ft. deep and terminate in a sand and gravel aquifer. Driven point wells are even shallower. Since the shallow wells and high capacity wells do not terminate within the same aquifer, they do not have an impact on each other.

- *Residents were not fairly represented on the committee. The residents on the committee are largely in the real estate business and have a special interest in development.*

Response: The committee included a mixed representation of business owners,

developers, and residents. The residents represented different areas of the project area and consisted of different demographics. The committee was limited in size due to the highly technical nature of the proposed code amendments. The recommendations of the committee were brought forth to the public through the public open house and public hearing process, as well as a dedicated county webpage.

- *The amendments affect an area greater than the downtown Okauchee area.*

Response: Yes, there are amendments that affect the county's overall zoning jurisdictional area. These amendments were noticed in the paper and were part of the zoning amendment public hearing, but were not part of the public open house. The public open house was specific to the new Downtown Okauchee District standards. The land use plan amendment was also specific to the downtown Okauchee area.

- *The amendments are more restrictive than current standards for all lake residents. Many of the amendments refer to nonconforming properties.*

Response: The proposed amendments to nonconforming structures are required by state statute. They result in a relaxation of current regulations. Specifically, the proposed amendments will allow the reconstruction of a nonconforming structure, whereas the current ordinance limits improvements to 50% of the exterior structural members if severely nonconforming. Several amendments were made to nonconforming structures as part of a comprehensive code amendment in 2016. Many of the 2016 amendments also resulted in a relaxation of the regulations.

- *About 10 years ago, sewers, sidewalks, and a new bridge were constructed, which was supposed to revitalize the downtown area. There are currently eight or nine businesses vacant, so it was ineffective. Okauchee is too small to become a downtown Delafield. Residents have to deal with traffic, narrow roads, and sidewalks that limit the area for snow storage. Therefore, there is no purpose for the proposed change.*

Response: The goal of the project is to accommodate economic growth with diverse uses that are compatible with existing uses. The hope is that business vacancies are reduced as the local setting becomes more active. New residential uses within walking distance of a downtown bring more customers to businesses. Multi-family is also a recommended use by the regional planning commission in urbanized areas that are within walking distance of a business center. A modernized zoning scheme is just one element of strengthening a downtown.

- The Town of Oconomowoc Plan Commission and Board sent a letter of support on February 21, 2019. The letter is attached as Exhibit A.

- The Town of Delafield Plan Commission and Board recommended approval of the proposed changes on February 5, 2019 and February 12, 2019, respectively.
- *WI Department of Natural Resources comments.* The DNR requested that we remove a statement regarding the placement of retaining walls within 75 ft. of the shore. *The recommended change has been included in the updated draft ordinance.* The DNR also provided several comments that relate to shoreland setback averaging and the definition/use of accessory buildings for shore setback averaging purposes. Since shore setback averaging was part of a previous amendment already approved by DNR staff, they have agreed to support the adoption of the current proposed amendments. Any necessary changes related to shore setback averaging can be made at a future date.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:

The County Development Plan calls for different densities and patterns of development to allow for a wide range of land uses and development patterns in appropriate settings. The plan is subject to a concurrent amendment in order to create a special planning area for the downtown Okauchee project area. The amendment is proposing to modify the existing residential, business, and public and institutional land use categories to the mixed-use category as part of the special planning area. The areas currently designated as mixed-use would remain as is. The mixed-use category provides for a combination of residential, business, and public and institutional uses either on its own or together on a single property or within a designated area. Within this special planning area, the Downtown Okauchee District mapping provides specific use requirements.

The land use plan recommends mixed-use developments in urban areas. Specifically, the plan recommends residential development in mixed-use settings in order to provide a desirable environment for a variety of household types seeking the benefits of proximity to places of employment as well as civic, cultural, commercial and other urban amenities. Examples of mixed use settings include dwellings above the ground floor of commercial uses and residential structures next to compatible commercial structures. The Town's plan recommends that existing urban areas be renewed and redeveloped.

The proposal to update various sections of the ordinances in order to comply with new state statutes and to clarify or modernize existing provisions furthers the objectives of the County Development Plan by providing for a broad range of land uses while also providing adequate protection to the public and for lakes, streams, and other natural resources.

STAFF ANALYSIS:

The text amendments are proposed for several purposes, including:

- Incorporate a new Downtown Okauchee Zoning District in order to accommodate economic growth and vitality in the downtown Okauchee area while preserving and enhancing the existing community character.
- Incorporate provisions consistent with state statutes as part of recent law changes.
- Adopt two FEMA floodplain Letter of Map Revisions (LOMR's) that are required to be adopted as official maps.
- Modernize several provisions.

The Downtown Okauchee District and related provisions were initiated by the town and county because the current ordinance is tailored to suburban or rural unincorporated areas. The new district recognizes the unique urban environment in downtown Okauchee. It was determined during an initial analysis that a majority of properties and structures within the downtown Okauchee area are nonconforming. Nonconforming conditions limit improvements to existing structures and create hurdles for redevelopment. The code changes provide for multi-family and mixed-uses, encourage development close to the road, and leverage off-site parking. With the economy rebounding, there is a renewed interest in the redevelopment of downtown areas locally and nationally. The downtown Okauchee project that is subject to this amendment can be used as a template for similar projects in other unincorporated downtowns within the county.

In early 2018, the Downtown Okauchee Advisory Committee, which consisted of town and county planning staff, town officials, developers, and local residents and business owners, was formed to assist in guiding the preparation of unique zoning ordinance provisions for the purposes stated above. The priority topics that the committee explored included:

- **Zoning/Use**
- **Setback/Offset**
- **Density/Building Footprint**
- **Building Height /# of Stories**
- **Parking**
- **Signage**
- **Design/Site Standards**
- **Miscellaneous Actions**

In brief, the amendments include the following:

- Additional accommodations for mixed uses and increased residential densities.
- Modified dimensional standards including road setback, offset, height, # of stories, minimum floor area, and building footprint to better accommodate the downtown environment.
- Modernized signage and parking regulations.
- Unique building design and site requirements for mixed-use, commercial, public & institutional, and multi-family projects.

A detailed summary of the recommended Downtown Okauchee District provisions is attached as Exhibit B.

Additional amendments are proposed to both the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code to incorporate provisions consistent with state statutes as part of recent law changes. These changes include modifications to the regulation of nonconforming structures, variance criteria, and conditional use provisions.

The amendments also include a new option for expedited business permitting and improvements to the parking section. Parking modifications include modernized stall and aisle sizes, incorporation of accessible (ADA) parking standards, and a new scheme for determining minimum required non-residential parking spaces on a case-by-case basis using parking demand estimates, professional guidance documents, and other factors.

The county is also required to adopt two Letter of Map Revisions (LOMR's) that have been approved by FEMA for the purpose of amending the floodplain elevation and associated boundaries as a result of updated floodplain analyses. The incorporation of the two LOMRs is only applicable to the Waukesha County Shoreland and Floodland Protection Ordinance. The two LOMRs are summarized as follows:

Pewaukee River: FEMA map panel 55133C0201G was amended from just downstream of CTH K (Town of Lisbon) to just downstream of Clover Drive (Village of Sussex). The FEMA Flood Insurance Study (FIS) was also amended accordingly, including profiles 122P-123P and floodway data table 7. The analysis was completed to reflect more updated topographic information. The floodway, which is the area where water is conveyed during a flood event, widened. However, the regulated floodplain, which includes the floodway and floodfringe, decreased by 0.4 ft. to 1.85 ft. throughout the reach. Because of the updated topographic data, the regulated mapped floodplain boundary widens immediately north of CTH K, but is narrower for the remainder of the revised area. The county's shoreland jurisdictional area will be modified accordingly. It should be noted that there is no increase in the regulated floodplain elevation as part of this revision. Because the county limits development in the floodplain, regardless of floodway or floodfringe, the proposed amendments do not have a significant impact on affected property owners. All affected property owners were notified at the time of FEMA review and adoption of the proposed amendments. The floodplain analysis was approved by WDNR staff on May 5, 2016. The LOMR was approved by FEMA and became effective on June 23, 2017.

Rosenow Creek: FEMA map panels 55133C0019G and 55133C0038G were amended from the confluence with Lac La Belle to just upstream of STH 67 (Lake Road); and the Rosenow Creek Sand Beach Road Diversion from the confluence with Lac La Belle to the confluence with Rosenow Creek. The FEMA Flood Insurance Study (FIS) was also amended accordingly, including profiles 135P and 135P(a), floodway data table 7, and summary of discharges table 4. The analysis was completed to reflect discharge through an existing culvert under Sand Beach Road, approximately 940 ft. north of Blackhawk Drive. The floodplain elevation decreases by 0.02 ft. to 1.5 ft. throughout the reach. Because of updated topographic data, the regulated mapped floodplain boundary widens and narrows, typically between 5 and 30 ft. There is no increase in the regulated floodplain elevation as part of this revision. The county's shoreland jurisdictional area does not change.

A complete summary of recommended provisions that are not related to the Downtown Okauchee District is attached as Exhibit C.

The proposed text amendments are available for viewing on the Planning and Zoning Division webpage at www.waukeshacounty.gov/planningandzoning - click "2019 Zoning Ordinance Amendments". The amendments are in a "track changes" format (deletions in strike-through and text additions in colored font) and in a final format with all changes accepted.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**.

The proposed Downtown Okauchee District will promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee. The new district has been tailored to make improvement of properties within Okauchee more feasible, thus promoting economic growth. The advisory committee that guided the Okauchee project and the Town of Oconomowoc have been enthusiastic in their support of these amendments. Other proposed revisions are intended to reflect state statutes, clarify existing code language, and modernize parking and other miscellaneous provisions.

Respectfully submitted,

Amy Barrows

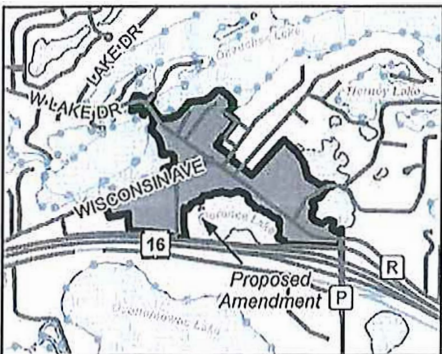
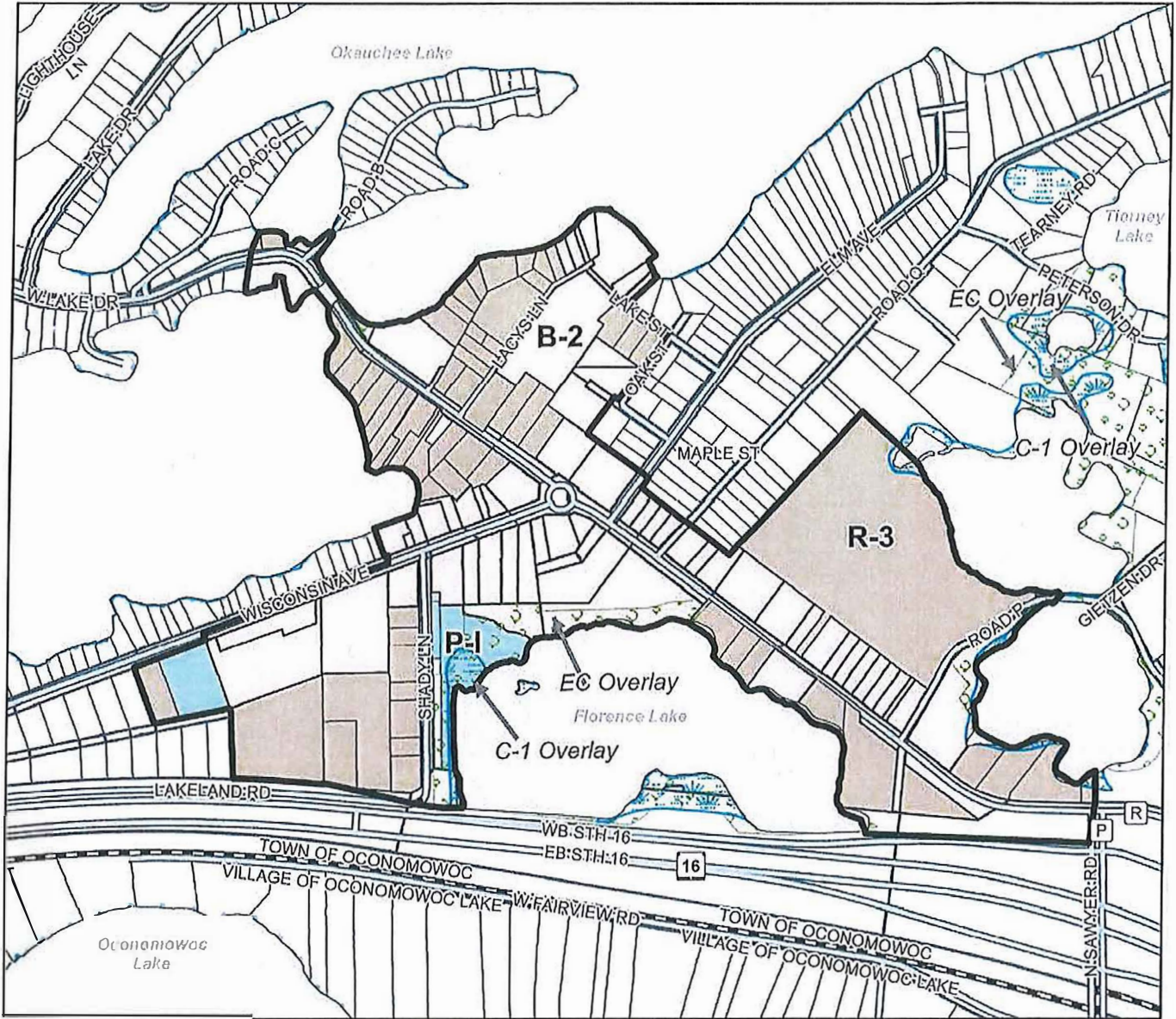
Amy Barrows
Senior Planner

Attachments: Downtown Okauchee Zoning Map
Pewaukee River LOMR Zoning Map
Rosenow Creek LOMR Zoning Map
Exhibits "A" through "C".

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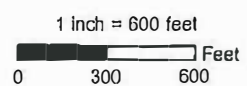
ZONING AMENDMENT

PART OF SECTION 35 AND SECTION 36
TOWN OF OCONOMOWOC

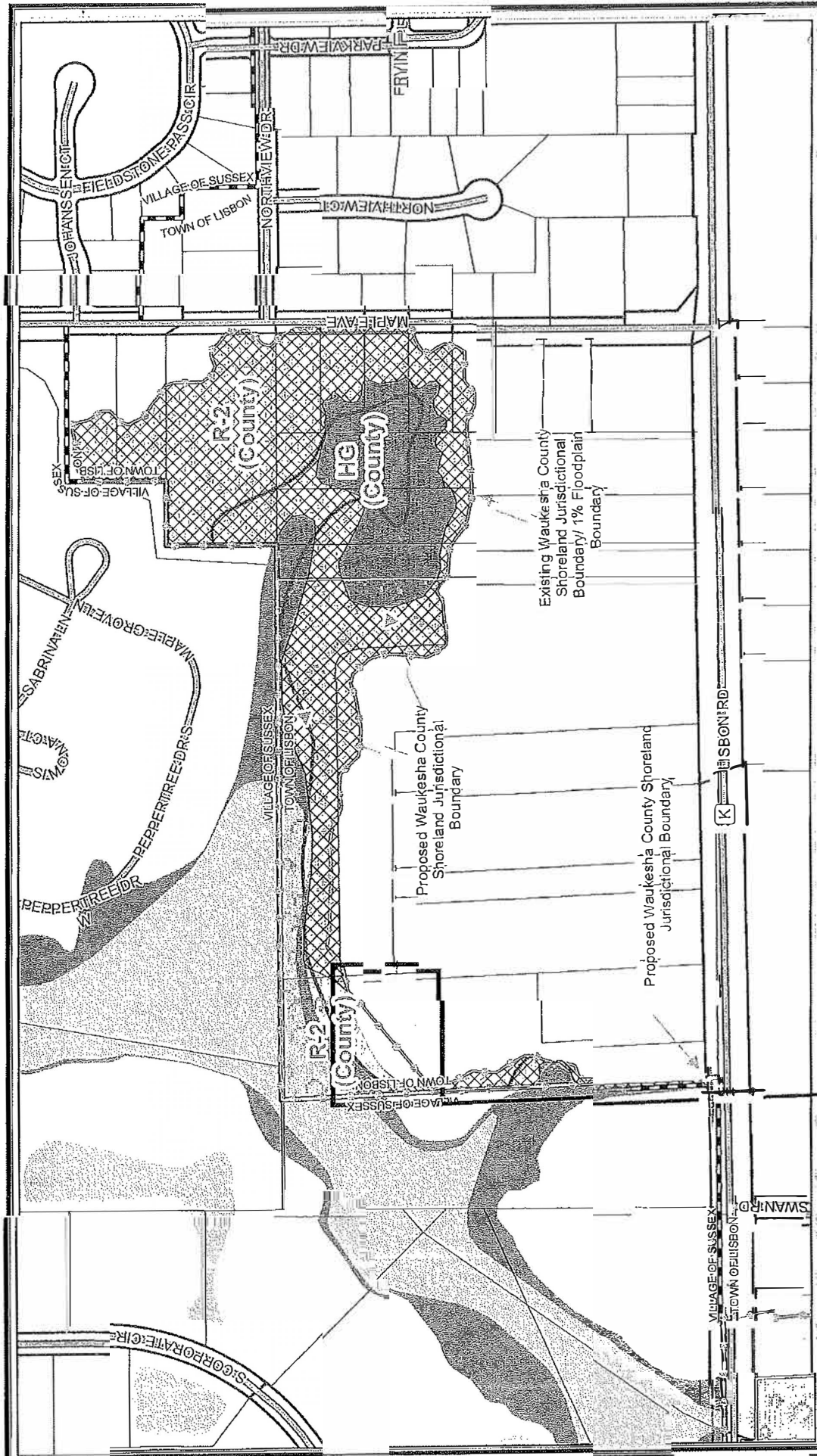


- PROPOSED DOWNTOWN OKAUCHEE DISTRICT (DOD)
- AMENDMENT FROM R-3 RESIDENTIAL DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT
- AMENDMENT FROM P-1 PUBLIC AND INSTITUTIONAL DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT
- AMENDMENT FROM B-2 BUSINESS DISTRICT TO DOWNTOWN OKAUCHEE DISTRICT

*Environmental Corridor (EC) Overlay and Conservancy (C-1) Overlay to remain PETITIONER.....Waukesha County Park and Planning Commission
 DATE OF PUBLIC HEARING 02/21/19
 AREA OF CHANGE approx. 83 ACRES



Prepared by the Waukesha County Department of Parks and Land Use



PEWAUKEE RIVER FLOODPLAIN AMENDMENT

SECTION 34 AND 35, TOWN OF LISBON

Amendment to remove C-1 Conservancy Overlay District from R-2 Residential District

Proposed Floodplain Hazard Zone 1%

Area to be removed from Waukesha County Shoreland Jurisdictional Boundary (20.77 AC)

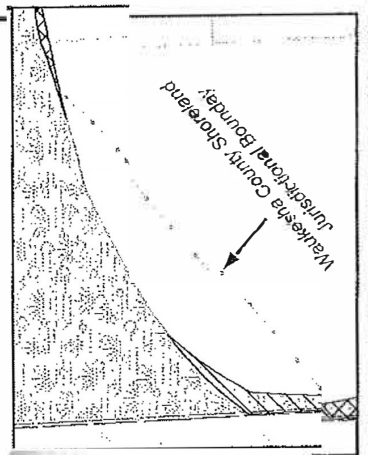
Environmental Corridor Overlay District to Remain

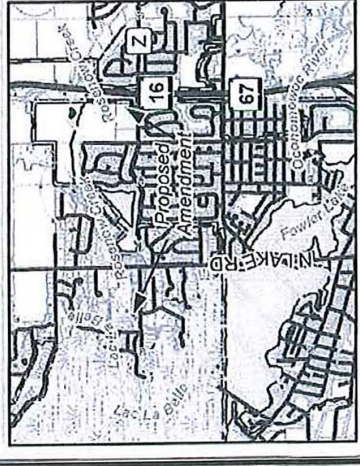
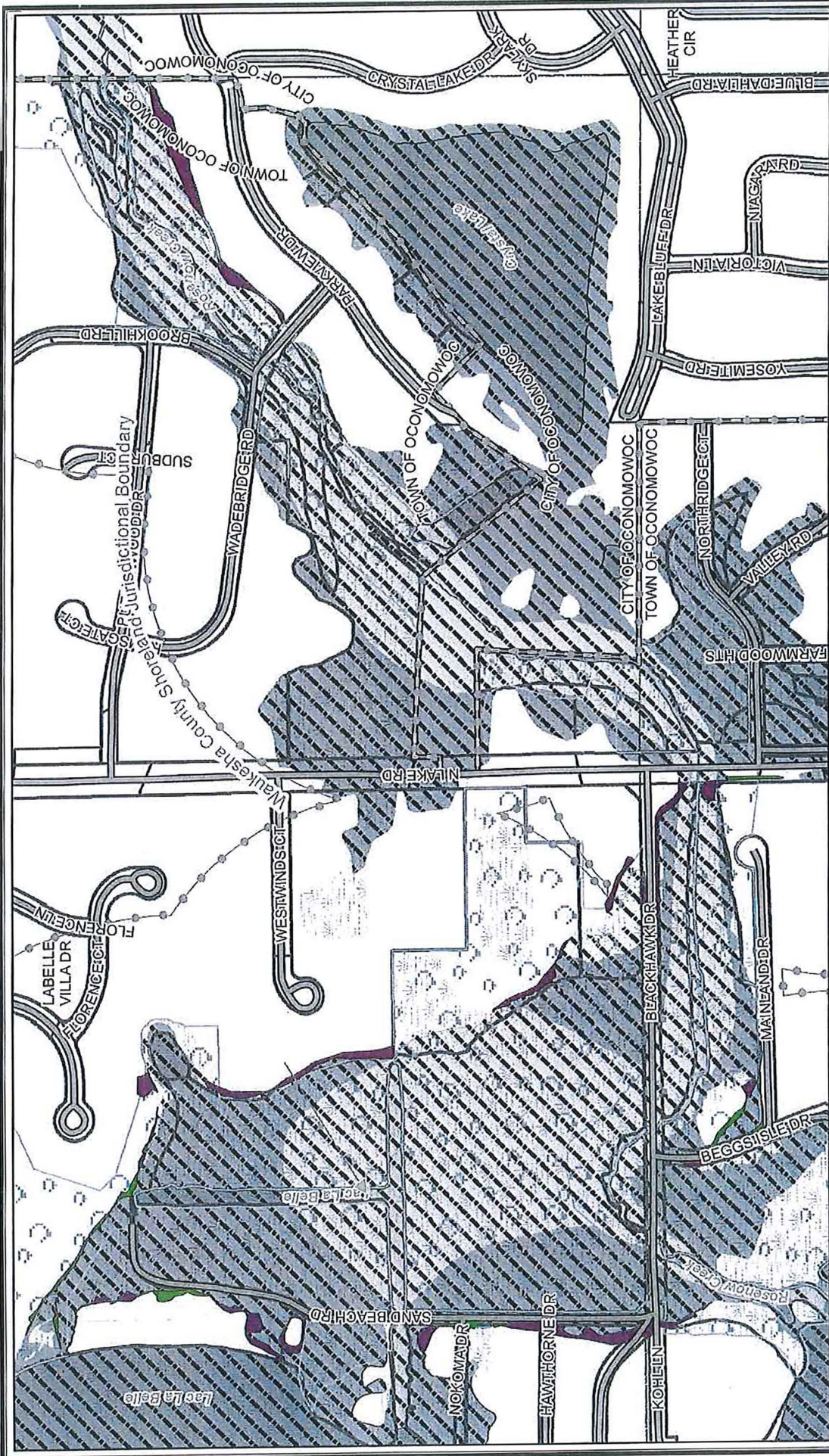
Wetland Overlay District to Remain

1 inch = 400 feet








0 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use





Proposed Rosenow Creek Floodplain

-  Amendment to remove C-1 Conservancy Overlay District
 -  Amendment to add C-1 Conservancy Overlay District
 -  Environmental Corridor Overlay District to Remain
 -  Wetland Overlay District to Remain
 -  Existing 100-yr. Floodplain
-
-  Proposed Floodplain Hazard Zone 1%
 -  Floodway



Prepared by the Waukesha County Department of Parks and Land Use



EXHIBIT "A"

W359 N6812 BROWN STREET OCONOMOWOC WI 53066 PHONE: (920) 474-4449 FAX: (920) 355-4091
February 21, 2019

Mr. Jason Fruth
Planning and Zoning Manager
Waukesha County Department of Parks and Land Use
515 W. Moreland Boulevard
Waukesha, WI 53188

RE: Proposed Amendments to Waukesha County Shoreland and Floodland Protection Ordinance.

Dear Mr. Fruth,

Unfortunately, I may not be able to attend the Public Hearing (RZ-31 – Text Amendments – Waukesha County Shoreland and Floodland Protection Ordinance) today to consider the adoption of the DOD Downtown Okauchee District (“DOD”) into the Shoreland and Floodland Protection Ordinance (SFPO).

On behalf of the Town of Oconomowoc, I am writing to let you know that the Town of Oconomowoc Plan Commission and Town Board have in open session rendered support of the proposed changes as they pertain to the DOD. The Town has received favorable comments from Okauchee committee members, business owners, residents and the general public on the proposed DOD. Waukesha County Staff should be commended on the great job they have done in assisting the Town of Oconomowoc in this monumental task. Hopefully, this is the first step in making the Okauchee Business Area a better place to work, live and recreate.

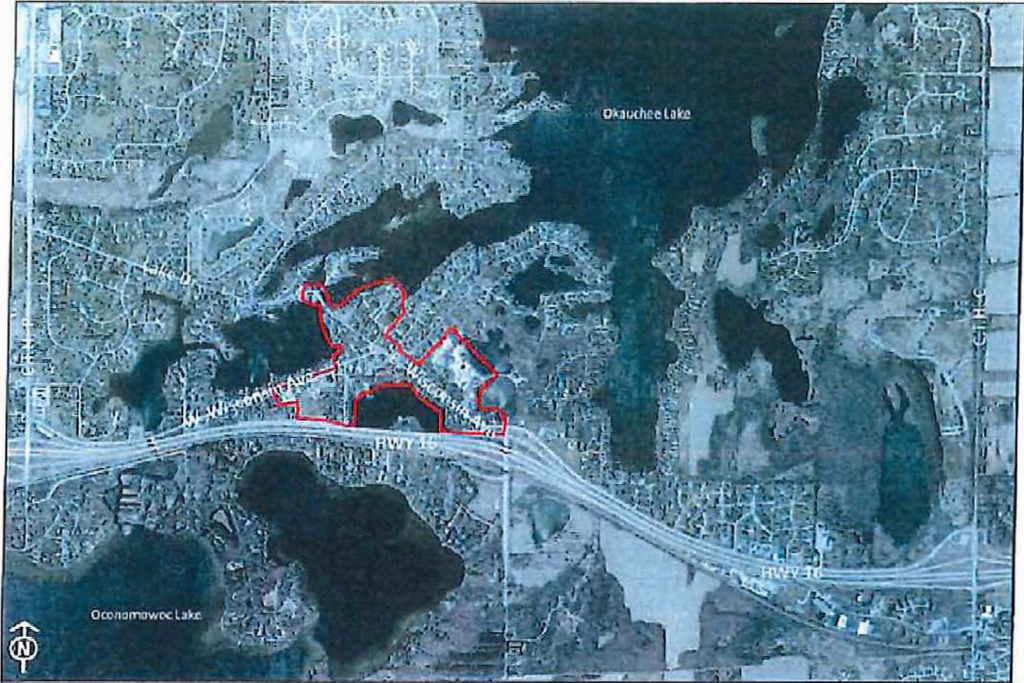
Again, thank you for all your hard work and effort putting this together. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Oconomowoc Clerk
Town of Oconomowoc Board
Town of Oconomowoc Plan Commission

EXHIBIT "B"



**SUMMARY OF DOWNTOWN OKAUCHEE ADVISORY
COMMITTEE RECOMMENDATIONS
JANUARY, 2019**

For more information & project materials go to: <https://www.waukeshacounty.gov/Okauchee/>

Summary of DOAC Recommendations

The Downtown Okauchee Advisory Committee (DOAC) was formed to assist in guiding the preparation of unique zoning ordinance provisions in order to promote economic growth and vitality while preserving and enhancing the character of downtown Okauchee.

The DOAC members include:

Name	Title/Role
Jason Fruth	Planning & Zoning Manager, Project Chair
Amy Barrows	Senior Planner, Lead Staff
Jeff Herrmann	Town of Oconomowoc Planner/Administrator
Bob Hultquist	Town Chairman
Bob Peregrine	Town Plan Commission/Waukesha Co. Park & Planning Commission
Anthony Foss	Business Owner
Bill Groskopf	Business Owner
Hans Weissgerber	Business Owner
Tim Michelic	Business Property Owner & Resident
Caitlin Dennis	Resident
Lorna Mueller	Resident
Peter Puestow	Resident
Jim Siepmann	Commercial & Residential Developer, Waukesha Co. Park & Planning Commission

The DOAC met five times between April and June of 2018. A follow-up meeting took place in November of 2018. The discussion and recommendations of each meeting were captured in meeting minutes. This document is intended to summarize the recommendations of the DOAC in a single document.

County Staff will utilize this document to prepare ordinance text and will circulate draft ordinance language to the DOAC, DNR, and the Town of Oconomowoc for review ahead of advancing amendments to the County Board.

The priority topics that DOAC explored include:

- **Zoning/Use**
- **Setback/Offset**
- **Density/Building Footprint**
- **Building Height /# of Stories**
- **Parking**
- **Signage**
- **Design/Site Standards**
- **Miscellaneous Actions**

Zoning/Use, Road Setback, & Offset

Zoning/Use

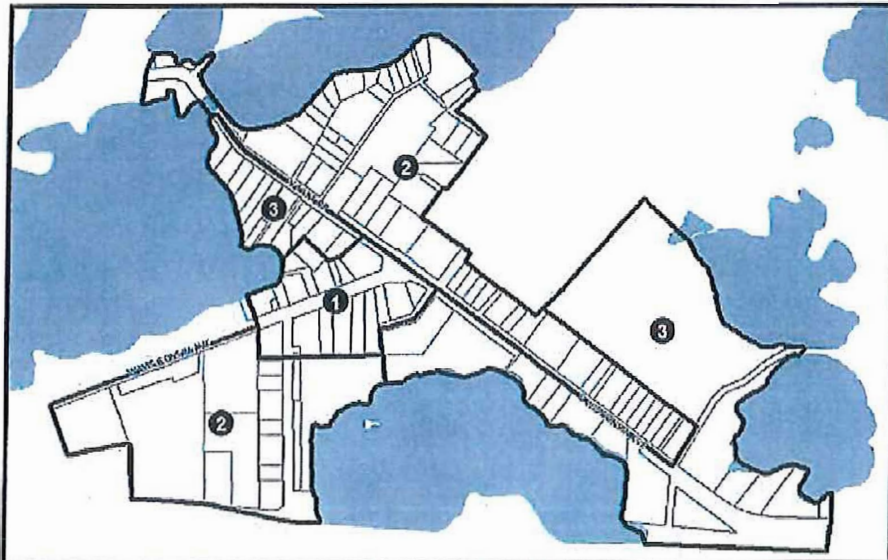
- See Use Zone Map and Use Table
- Multi-family uses in the rear of or above commercial uses shall be permitted by right in Zones 1, 2, 3, 4, and 5. All other multi-family uses in Zones 1 through 5 require a Conditional Use Permit.
- All multi-family uses require a Conditional Use Permit in Zones 6 and 8.
- Multi-family uses are permitted by right in Zone 7 for densities up to 10 units per acre. Densities that exceed 10 units per acre require a Conditional Use Permit.

Road Setback

The committee made the following recommendations regarding *road setback*:

Road Setback Area (Areas are described on map below)	Minimum Road Setback	Maximum Road Setback
Area #1	0 ft.*	20 ft.
Area #2	10 ft.	20 ft.
Area #3	20 ft.	None

*Structures abutting the round-a-bout require a 10 ft. road setback.



- In all commercial, multi-family residential, and mixed-use areas, landscaping is required between the building and the road (setback area), if there is sufficient space. The committee felt that curb appeal and beautification along the road are important.

Summary of DOAC Recommendations

- Existing structures that are nonconforming to road setback are allowed to expand laterally and vertically provided the expansion does not extend closer to the minimum road setback than the existing structure.

Offset

- Require a 10 ft. offset by-right within the entire project area, but provide a special process to allow a zero side-yard offset within the Central Area only. *A new structure needs to be either zero ft. offset from an adjacent building or at least 10 ft. from the lot line for safety purposes.*
- The special process would require a heightened level of review by the Plan Commission and County Staff, with consideration given to neighborhood compatibility, building design, safety, and access.
- The zero offset reduction shall not be provided to a structure adjacent to a legal conforming single-family residence use.
- Existing structures that are nonconforming to offset are allowed to expand laterally and vertically provided the expansion does not extend closer to the lot line than the existing structure.
- The offset reduction table of the ordinance still applies.

Density, Building Footprint, Height and Number of Stories

Multi-family Density

- Encourage 10 units/acre in all areas except in Zone 5, where 15 units/acre is encouraged.
- Maximum density will be influenced by neighborhood conditions and open space, dimensional, building height, and site requirements.

Building Footprint

- Maximum 50% building footprint, except areas designated for single-family residential use remain at 17.5%

Properties directly abutting a navigable waterway or located entirely within 300 ft. of a navigable waterway are subject to the following Impervious Surface regulations:

Use of property	Max. % without mitigation	Max. % with mitigation
Residential	30%	40%
Commercial	40%	60%

*Existing impervious surfaces can be maintained, replaced, modified, and/or relocated.

Building Height

- Allow 42 ft. by right within all areas not designated primarily for single-family residential. Additional height up to 54 ft. could be approved through a special process which would consider performance/design standards such as:
 - architectural controls
 - heightened setbacks and offsets

Summary of DOAC Recommendations

- neighborhood context
- shadowing concerns
- Principal structures that are located within areas designated for single-family residential and that are on lots less than 65 ft. in width or principal structures located within 75 ft. of a navigable waterway are limited to 35 ft. in overall height.

of Stories

- Allow up to three stories by right throughout the project area.
- Provide a special process that would allow up to four stories with consideration of specific performance measures and neighborhood context. A fourth story should be designed into the roofline. Flat roofed four-story buildings would be precluded, unless necessary to accommodate roof top mechanicals.
- Require a minimum of 1 ½ story buildings throughout the project area, except allow new one-story buildings within the areas designated for single-family residential.

Parking

Parking Location

- Parking should be to the rear and side of the parcels, with an exception process provided for special circumstances, such as topography, lot width, and protecting lakeside aesthetics.
- Performance measures should be established if parking is allowed on the roadside of buildings, such as landscaping, vegetative screening, and separation from sidewalks and outdoor seating.

Parking Offset

- 10 ft. if abutting a designated single-family residential area. In all other areas, the offset can be reduced to as little as 0 ft. with consideration given to snow removal and adjacent site conditions.

Non-Residential Parking Quantity

Non-residential parking shall be considered on a case-by-case basis:

- Consideration of typical and peak demand for use types (reliance upon ITE Parking Generation publication, ULI Shared Parking, similar guidance documents).
- Consideration of parking demand estimate provided by project sponsor.
- Public/shared parking availability within area (with consideration of peak demand variability).

* Re-assess parking availability and rules every five years to ensure that parameters remain effective as area changes.

Large-scale Residential (>4 units) Parking Quantity

- Maintain status quo of 2 stalls/unit with an option for reduced parking at a ratio of 1.75 stalls/unit if the ratio of different sized units is appropriate.
- Visitor parking should be reviewed on a case by case basis.

Summary of DOAC Recommendations

Small-scale Residential (<= 4 units) Parking

- 2 stalls per unit shall be provided.

Parking Dimensions

- The following standards should be incorporated into the general parking standards, with flexibility provided if strict compliance is impractical per Town, County and fire department review. ADA compliance is required.

A. Stall dimensions

Parking Stall Type	Dimensions
Perpendicular	9x18
Angle	9x18 for 60 degree (angled)
Parallel	8x22
Compact	8.5x17 compact cars, but must be signed for compact cars
Tandem	9x36

B. Parking lot aisle dimensions

- Minimum 16 foot one way aisles
- Minimum 24 foot two way aisles

Parking light poles

- Light poles should be limited to 15 ft. with the ability to extend the height to 25 ft. with Zoning Administrator approval with consideration given to site and surrounding conditions.

Signage

Signage in the Central Area

➤ Primary wall/awning sign.

- Wall signs.
 - One wall or awning sign per road side of building if single tenant.
 - Two signs permissible if two tenants; three tenants or more requires master sign plan.
 - Maximum of 1 sq. ft. per lineal storefront not to exceed 50 sq. ft. per road side of building (if two tenants, allowable sign area divided by tenants)
 - Maximum 20 sq. ft. sign on parking side of building to provide for business/entry identification.
 - Additional signage may be allowed on sides/rear of building where deemed appropriate for visibility.

Summary of DOAC Recommendations

- There should be a review process to provide for creative murals.
- Awning signs.
 - Lettering may cover no more than 40% of awning area and shall not exceed 25 square feet.
- *Provide exception process for freestanding signs for unique circumstances, buildings that do not lend themselves to wall mounts or for buildings further setback from the road. If an exception is provided for a freestanding sign, the property cannot also have a projecting sign (see below).
 - Monument style, double post or freestanding bracket style.
 - Maximum sign face 35 square feet.
 - Maximum 10' height.
 - Minimum 10' setback from sidewalk.
 - Signs must not obstruct vision corners (drives/intersections).
- Accessory signs. In addition to the above primary signs, the following signs may be permitted:
 - Projecting sign (not allowed if freestanding sign authorized via exception process).
 - Minimum 8' of clearance above sidewalks.
 - Extend a minimum of 1' and maximum of 4' from building.
 - 20 square foot maximum.
 - Window signs. No more than 40% of storefront windows may contain signage/lettering.
 - Sandwich boards.
 - Maximum 8 sq. ft. by right w/ no-cost permit.
 - Maximum of 4' high.
 - Must not obstruct sidewalk.
 - Sandwich boards must be taken down at closing.

Signage for non-residential properties- all other study sub-areas

Same rules as Central Area with the following differences:

- One freestanding sign permitted (in addition to other allowable sign types) for sites that contain a building set back 10' or more feet from the road ROW.
 - Maximum sign area of 35 square feet.
 - Monument style, double post or freestanding bracket style.
 - Maximum 10' height.
 - Minimum 10' setback from sidewalk.
 - Signs must not obstruct vision corners (drives/intersections).

Signage illumination standards

- No digital message boards, internally illuminated signs, blinking or flashing lights. Legally existing signs may be grandfathered in.
- Signage shall only be illuminated with ground lighting or mounted arm lighting. Light shall be directed away from passersby and shall not cause glare to the pedestrian or motorist.
- Back-lit, halo-lit or reverse channel letters with illumination allowed.
- Illumination shall be turned off at 10:00 p.m. or at close, whichever is later.

Signage landscaping standards

- Signage should, to the greatest extent practical, be surrounded by a minimum 5' wide landscaped area.

Signage exceptions available for unique circumstances

- Exceptions to sign size or location standards may be authorized for unique sign design features, such as use of high quality or natural materials, artistic treatments or symbol shaped signs (i.e. saw blade denoting hardware store). Exceptions may also be considered for murals and for instances where business or site visibility is limited.

Design and Site Requirements

- **Siting:** Proposed Development projects must be compatible and complimentary to the surrounding neighborhood. Architecture, landscaping and building siting must be designed to create an attractive and cohesive environment that contributes positively to the existing setting. Buildings adjacent to the roundabout shall be oriented toward the roundabout.
- **Building Form:** Urban scale architecture (minimum one and one half (1 ½) story Buildings) is required. Maximum permissible Building Height and massing must be complimentary to the neighborhood and are subject to the height provisions of the District. The committee asked that planning staff review the need for a provision that requires the 1st floor be taller than above floors.
- **Building materials:** Building designs shall utilize a variety of aesthetically compatible exterior building materials on all sides visible to the public. Aluminum and vinyl siding are prohibited, except for use on non-primary facades not highly visible from public roads, walkways, primary customer parking areas, and neighboring residential or public uses. Aluminum and vinyl soffits are permitted.
- **Windows:** Mixed-use or commercial buildings shall provide large store front windows that provide visibility and transparency at the pedestrian level. The windows shall make up at least 40% of the façade facing the primary street at the pedestrian level. Windows above the street level on any building shall be designed with an organized rhythm and spacing.

Summary of DOAC Recommendations

- **Building design:** A variety of aesthetically compatible building styles and articulations are encouraged throughout the project area. Long, monotonous façades or roof designs shall not be permitted. Features such as awnings, windows, entry doors, projections, material changes, or other articulations are required to break up large masses.
- **Roof structures:** If the roof is flat, the termination of the flat roof shall be concealed with a parapet. Decorative cornices must reflect the time period of the building. HVAC units and other rooftop mechanicals/utilities are required to be screened from view.
- **Building color:** No neon or fluorescent colors are permitted. The exterior color palate of all buildings must be compatible with the surrounding neighborhood.
- **Building entrances:** An inviting entrance to buildings shall be located on the primary street side.
- **Landscaping:** Landscape treatments shall be provided to enhance architectural features, improve appearance, screen parking areas and structures, reduce impervious surface, provide shade and enhance the streetscape.
- **Gathering/open spaces:** Meaningful communal gathering and green spaces provided in accessible settings must be an integral part of any new Development. Examples include public or private courtyards, plazas, patios, terraces, community gardens, areas with planters and/or benches, and rain gardens. These spaces should have an urban quality and character that enliven the street, enhance the pedestrian experience, or provide gathering/recreational space for residents. The amount of communal gathering and green spaces shall be proportional to the lot size and intensity of the intended use and shall consider the level of anticipated adjacent pedestrian activity.
- **Pedestrian facilities:** 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 where practical. Sidewalks that will traverse predominantly retail or restaurant use areas shall be a minimum of five (5) feet in width, not including the area used for benches or café dining, to accommodate space for passing pedestrians. Certain designated sidewalks within retail areas should be further widened to allow for sidewalk café dining or outdoor retail display while still providing for pedestrian passage.
- **Streets/neighborhoods:** Where streets or neighborhoods are proposed, streets and pedestrian facilities shall contain appropriate streetscape amenities (street trees, street furniture such as benches, planters, trash receptacles, information kiosks, bike racks, appropriate scale lighting and way finding signage) and the Town Plan Commission and County Zoning Agency shall set forth the required streetscape elements. Terraces to separate pedestrians from vehicles shall be provided, where feasible. ADA compliant access and facilities shall be provided throughout the Development. The Town Plan Commission and Zoning Administrator may consider deck dining within public right-of-way areas provided sufficient parking is available, the proposed use is aesthetically pleasing and safe from vehicular/pedestrian traffic and emergency access is available.

Summary of DOAC Recommendations

- **New internal streets:** 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.
- **Sanitation/water supply:** Written documentation shall be submitted by the Town of Oconomowoc that sewer requisitions are available to accommodate any new development. All State well code and groundwater supply provisions shall be complied with.
- **Architect consultation:** The Zoning Administrator has the option and authority to consult with a licensed Architect for comments regarding building form and design to ensure aesthetically pleasing and compatible development that is consistent with the requirements of this subsection. The Zoning Administrator has the authority to charge the applicant for all expenses related to the consultant's review. The applicant will be notified of the estimated review time and expense prior to any action being taken.
- **Exceptions:** Any proposed modifications to the provisions of this subsection shall be reviewed and approved by the Town Plan Commission and County Zoning Agency. The applicant shall justify why the development cannot or should not comply with the provisions based on the purpose and intent of the District.

Miscellaneous Actions

- The committee indicated that they would like the Town and County to explore possible opportunities for gathering/open spaces.
- The committee discussed the need for more municipal/shared parking and the importance that parking be dispersed throughout the area to serve all businesses. The committee discussed specific areas for desirable parking, including an area between Mission Lakes Road and Shady Lane and near Golden Mast Inn.
- The committee discussed the benefits of outdoor seating. Waukesha County Staff will develop standards that can be used as a set of guidelines when reviewing Site Plan/Plan of Operations in order to provide review consistency amongst operations.
- The committee discussed other topics for future collaboration, including:
 - Allocation of additional sewer requisitions
 - Design/architectural guidelines
 - The use of financial resources, such as Business Improvement Districts, Tax Incremental Finance Districts, and Historic Preservation Tax Credits
 - Additional efforts to schedule events/activities by the Okauchee Business Association
 - Town of Oconomowoc Recreation Plan Update

	Allowable Uses - Permitted or Conditional Use (CU) by Building Component			
	First Floor- Primary Street Frontage	First Floor- Rear	Upper Floors	Individual/Additional Building
Zone 1 "Central Area"				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	-	Permitted	Permitted	CU (commercial use required along W. Wisconsin Ave. frontage)
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	-
Single-family residential (only use) ³	-	-	-	-
Zone 2				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	-	Permitted	Permitted	CU (existing commercial uses must remain)
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	-
Single-family residential (only use) ³	-	-	-	-
Zone 3				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	-
Single-family residential (only use) ³	-	-	-	-
Zone 4				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	-
Single-family residential (only use) ³	-	-	-	Permitted (re-build/expand*)
Zone 5				
Commercial (B-1/B-2 uses)	Permitted	Permitted	Permitted	Permitted
Multiple-family residential	CU	Permitted	Permitted	CU
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	-
Single-family residential (only use) ³	-	-	-	Permitted (re-build/expand*) CU (New high density residential)

	Allowable Uses - Permitted or Conditional Use (CU) by Building Component			
	First Floor- Primary Street Frontage	First Floor- Rear	Upper Floors	Individual/Additional Building

Zone 6

Commercial (B-1/B-2 uses)	Permitted (professional office/studio only)	Permitted (professional office/studio only)	Permitted (professional office/studio only)	Permitted (professional office/studio only)
Multiple-family residential	CU	CU	CU	CU
Single-family residential unit (secondary use) ²	-	Permitted	Permitted	Permitted
Single-family residential (only use) ³	-	-	-	Permitted

Zone 7

Commercial (B-1/B-2 uses)	CU	CU	CU	CU
Multiple-family residential	-	-	-	Permitted (up to 10 units per acre) ----- CU (greater than 10 units per acre)
Single-family residential unit (secondary use) ²	-	-	-	-
Single-family residential (only use) ³	-	-	-	-

Zone 8

Commercial (B-1/B-2 uses)	-	-	-	-
Multiple-family residential	CU	CU	CU	CU
Single-family residential unit (secondary use) ²	-	-	-	-
Single-family residential (only use) ³	-	-	-	Permitted

¹ Single-family residence rebuild/expand means the replacement, relocation, restoration, remodeling, Maintenance, repair, vertical and lateral expansions, and reconstruction (including enlargement) of an existing single-family residence provided all dimensional and area requirements of this District are met.

² Single-family residential unit (secondary use) means that the residential use exists in conjunction with a commercial or public and institutional use.

³ Single-family residential (only use) means that the single-family residence is the only use on the property.

All commercial uses in Zone 7 and multiple-family residential uses that require a Conditional Use listed above are subject to Section 4(g)(22)F. DOD Downtown Okauchee District PUD.

Section 4(g) *Conditional Uses permitted* identifies additional uses that may be permitted through the Conditional Use process.

Use Zones

ZONE	ALLOWED USES
Central Area ①	Mixed-Use Commercial
②	Mixed-Use Commercial
③	Mixed-Use Commercial Multi-Family with CU
④	Mixed-Use Commercial Multi-Family with CU Single-Family (re-build only)
⑤	Mixed-Use Commercial Multi-Family with CU Single-Family (re-build) Single-Family high density with CU
⑥	United Mixed-Use Limited Commercial Multi-Family with CU Single-Family
⑦	Multi-Family By-right (up to 10 units per acre) with CU (>10 units per acre)
⑧	Single-Family Multi-Family with CU

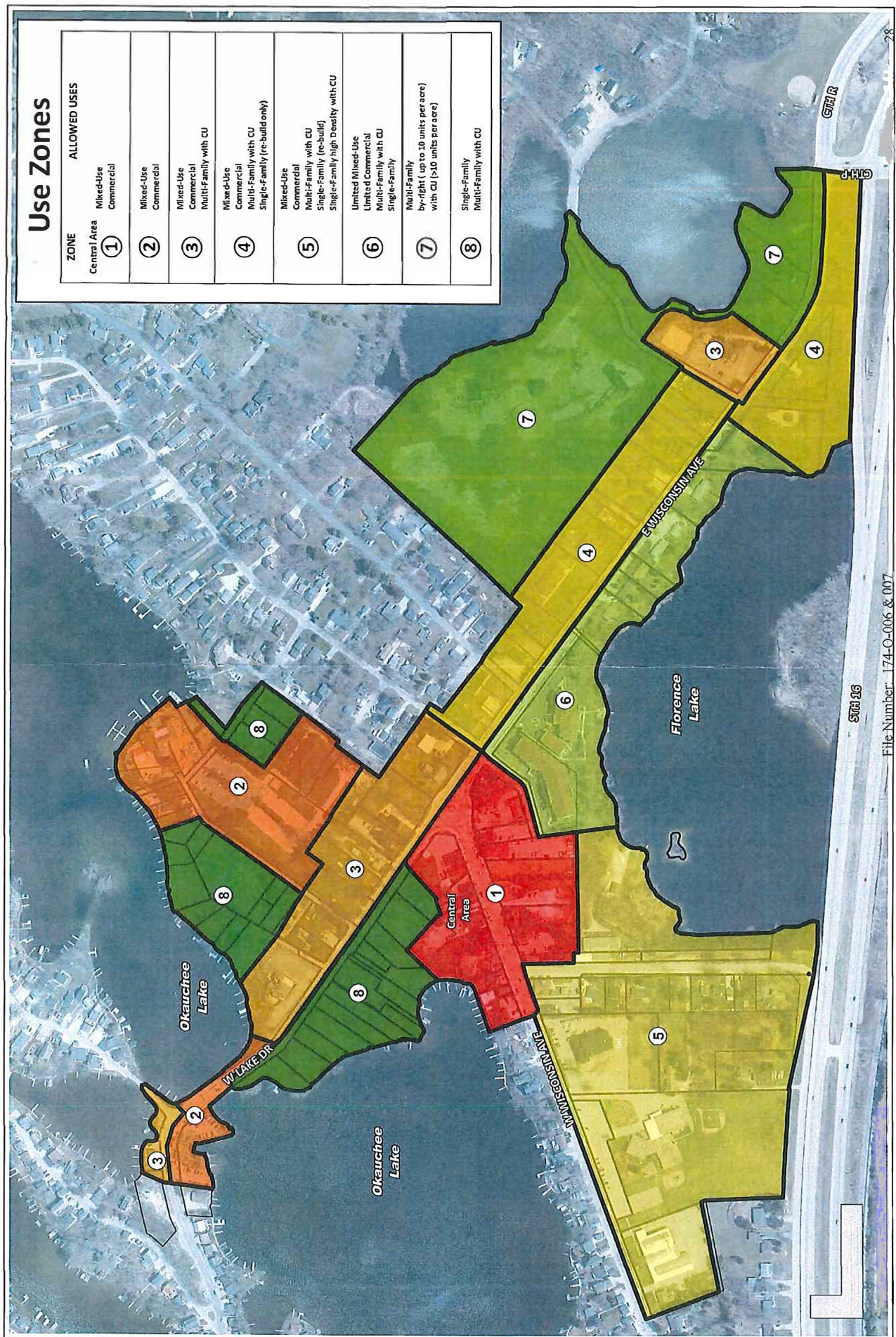


EXHIBIT "C"

Proposed Shoreland & Floodland Protection Ordinance and General Zoning Code Modifications (excluding Downtown Okauchee District related standards) 3 21 19

Proposed Ordinance Modification (excluding Downtown Okauchee District related standards)	Shoreland & Floodland Protection Ordinance	Ordinance Section	Page #	General Zoning Code	Code Section	Page #
Definitions: offset (include structures, not just buildings), special exception (modify standards to reduce subjectivity of review), structure (include fences w/in 75 ft. of shore per DNR), substantial evidence, unnecessary hardship, and use & area variance (per state statute)	X	2	26-38	X (except fence reference)	2.02	15-22
Provide option for Town Plan Commission to waive some Plan of Operation review authority or assign to Town Planner	X	3(c)6	47	X	3.03(6)	25
Clarify that Town & County Plan Commission approval is not required for farm buildings within FLP District	X	3(d)1	52	X	3.04(1)	27
Require Town/County Plan Commission approval for walls less than 5 ft. from a lot line, rather than 5 ft. or less from a lot line	X	3(d)5.C	55	X	3.04(5)(A)	29
Remove provision that allows retaining walls within 75 ft. of the shore if necessary to abate a known and identified soil erosion and sedimentation problem. (amendment required by DNR)	X	3(d)5.C	56			
Clarify that priority tree removal requires replacement with priority tree species, add black cherry to priority tree species list	X	3(d)9.D.ii & Table 3(d)9.B	60, 268		NA	NA
Remove multiple-family use statement regarding definition and permitting requirements, already specified elsewhere	X	3(e)4	63		NA	NA
Specify that road setback averaging applies to both public and private roads, clarify existing road setback averaging provisions and requirements for improvements to structures in road R-O-W, exempt fences from road setback	X	3(h)1	64-67	X	3.09(1)	62-65
Apply wetland setback averaging provisions to swimming pools located immediately adjacent to a residence	X	3(h)2.I.v	71	X	3.09(2)(C)5	66
Clarify provisions related to the clustering of accessory structures	X	3(h)3.A.IV	72	X	3.09(3)(A)3	67
Exempt fences from the offset provisions	X	3(h)3.A.IX	73		NA	NA
Require 20 ft. offset between buildings unless otherwise specified, remove provision that allows reduced offset on one side if increase setback on other side	X	3(h)3.C.ii	73	X	3.09(3)(C)2	68
Clarify that the 35 ft. building height restriction within 75 ft. of a waterway does not apply if only the adjacent deck/patio is located within 75 ft., include long-term maintenance provisions for the planting of trees that are required when increasing the height of a building adjacent to a waterway	X	3(i)1	74		NA	NA

EXHIBIT "C"

Proposed Shoreland & Floodland Protection Ordinance and General Zoning Code Modifications (excluding Downtown Okauchee District related standards) 3.21.19

Proposed Ordinance Modification (excluding Downtown Okauchee District related standards)	Shoreland & Floodland Protection Ordinance	Ordinance Section	Page #	General Zoning Code	Code Section	Page #
Provide an exception from the min. living floor area provisions in order to accommodate max. 600 sq. ft. garage	X	3(j)1.B	75	X	3.11(1)(B)	70
Modify minimum living floor area requirements for single-family and two-family units that are part of a mixed-use development to match multi-family unit provisions	X	3(j)1.C	75	X	3.11(1)(C)	70
Remove a substandard lot provision that was also recently removed from State Statutes				X	3.11(3)	72
Repeal and re-create off-street parking section: modernize stall and aisle sizes, determine minimum # of non-residential parking spaces required on a case-by-case basis using parking demand estimates, professional guidance documents and other factors, and add accessible parking standards	X	3(k)	79-87	X	3.12	73-81
Modify nonconforming structure section & North Lake Overlay District per State Statutes, specifically allow modifications/reconstruction of existing nonconforming structures	X	3(o)3	90-94, 209-210	X (except North Lake Overlay District)	3.17(2)	83-88
Identify Stormwater Permit requirement for new boathouse construction, ensures erosion control oversight to protect lakes	X	3(s)9	98		NA	NA
Include long-term maintenance provisions in the Treated Impervious Surface standards	X	3(t)9.C.IV	101-102		NA	NA
Replace the term "Treated Impervious Surface" with "Stormwater BMP" within the mitigation standards to simplify terminology	X	3(u)3.C.xiv	109		NA	NA
Amend Conditional Use section to add references to substantial evidence, etc. to incorporate new statutory requirements. A more comprehensive update of this section is planned in the future.	X	4	114-116	X	3.08	33-35
Clarify applicability of reverse shore setback averaging provisions & remove building separation requirement that considers buildings on adjacent lots (requested change by Town of Delafield)	X	37(c) & (d)	246-247		NA	NA
Reference existing Board of Adjustment rules of procedures & slightly modify considerations for decision making to match statutory language	X	38(b)3 & 38(c)	248-250	X	19.02(3) & 19.03	166-167
Add 2 recent LOMR's to official floodplain maps (Pewaukee River & Roserow Creek)	X	Table 6(b)1.B.i	270		NA	NA

