

ENROLLED ORDINANCE 178-11

YEAR 2020 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(1A – AMY THOMAS, SECTION 23, T7N, R18E, TOWN OF DELAFIELD)

WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and

WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual update and amendment procedures; and

WHEREAS, on February 20, 2020, the Waukesha County Park and Planning Commission held a Public Hearing to receive testimony on proposed changes to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 16, 2023, a summary of the Public Hearing comments and a Staff Recommendation for the proposed change to the Comprehensive Development Plan for Waukesha County; and

WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on March 16, 2023, and a recommendation was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required in the Comprehensive Development Plan for Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following amendment is hereby **conditionally approved** to the Year 2035 Comprehensive Development Plan for Waukesha County.

1. In the Town of Delafield, the following request is being made:
 - A. *Amy E. Thomas on behalf of multiple family members*, requests properties located in part of the NE, SE and SW $\frac{1}{4}$ of Section 23, T7N, R18E, Town of Delafield (Tax Key No's. DELT 0809.995, DELT 0809.996 and DELT 0811.999), be amended from the:
 - DELT 0809.996, north part of DELT 0809.995. Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit) with the PEC areas remaining unchanged.
 - DELT 0811.999, south part of DELT 0809.995. Commercial and Office Park to the Mixed Use category with PEC areas remaining unchanged.

The property owners are proposing to improve the marketability of the property.

The request is approved subject to the following condition(s):

1. No industrial uses shall be allowed.
2. Future development proposals must provide for a recreational path system that is open to the public and connects the subject lands to the Lake Country Trail.
3. If developed solely for residential use, the overall density of the site shall be within the range of the Low Density Residential category.

BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned amendment is on file in the office of the Waukesha County Department of Parks and Land Use.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

YEAR 2020 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1A – AMY THOMAS, SECTION 23, T7N, R18E, TOWN OF DELAFIELD)

Approved by:
Executive Committee

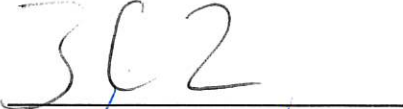
Presented by:
Land Use, Parks & Environment Committee



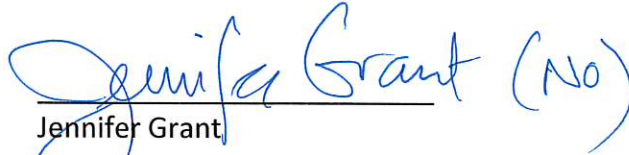
Paul L. Decker, Chair



Tyler J. Foti, Chair



Tyler J. Foti



Jennifer Grant



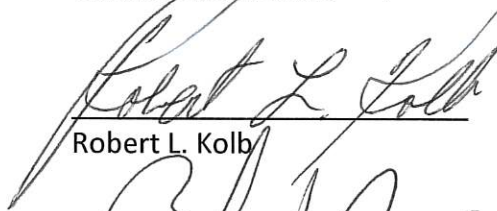
Keith Hammitt



Christine M. Howard



James A. Heinrich



Robert L. Kolb



Jacob LaFontain



Brian Meier



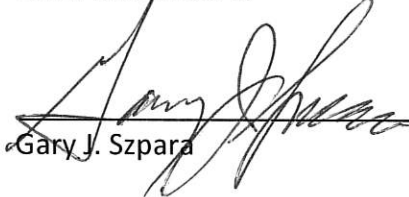
Larry Nelson



Chris Mommaerts



Peter M. Wolff



Gary J. Szpara

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

Date: 5/30/2023, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

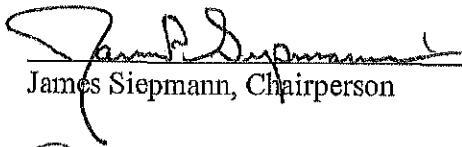
Date: 6/2/2023, Paul Farrow
Paul Farrow, County Executive

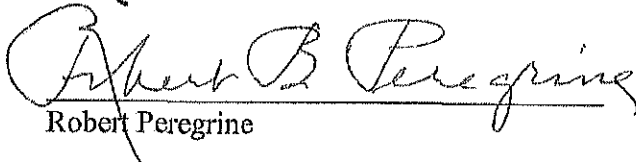
COMMISSION ACTION

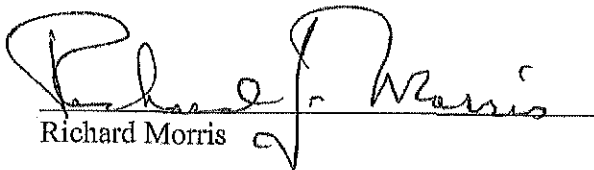
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2020 Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Amy Thomas, Section 23, T7N, R18E, Town of Delafield) hereby recommends conditional approval.

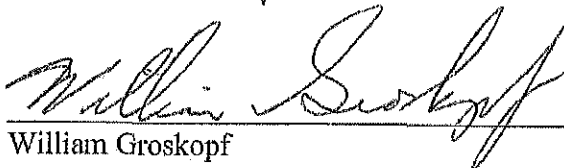
PARK AND PLANNING COMMISSION

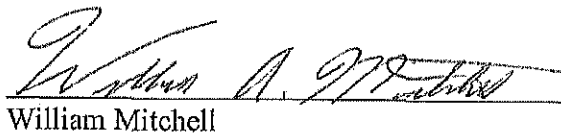
March 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


William Mitchell

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2020 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(1A – AMY THOMAS, TOWN OF DELAFIELD)

DATE: March 16, 2023

PUBLIC HEARING DATE:
Thursday, February 20, 2020, 1:00 p.m.

REQUEST:
1 (A) Year 2020 amendment to the Comprehensive Development Plan (action was delayed to allow town to engage in further study).

Amy E. Thomas on behalf of multiple family members, requests properties located in part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield (Tax Key No's. DELT 0809.995, DELT 0809.996 and DELT 0811.999), be amended from the:

- DELT 0809.996, north part of DELT 0809.995. Suburban I Density Residential (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential category (20,000 sq. ft. to 1.4 acres per dwelling unit) with the PEC areas remaining unchanged.
- DELT 0811.999, south part of DELT 0809.995. Commercial and Office Park to the Mixed Use category with PEC areas remaining unchanged.

The property owners are proposing to improve the marketability of the property.

EXISTING LAND USE CATEGORY

- DELT 0809.996 and north part of DELT 0809.995: Suburban I Density Residential
- DELT 0811.999 and south part of DELT 0809.995: Commercial and Office Park

PROPOSED LAND USE CATEGORY

- DELT 0809.996 and north part of DELT 0809.995: Low Density Residential category, PEC areas remaining unchanged,
- DELT 0811.999 and south part of DELT 0809.995: Mixed Use category with PEC areas remaining unchanged.

PUBLIC REACTION

Many people raised concerns or spoke in opposition at the public hearing in 2020. It should be noted that the presented application at that time contained no concept plan nor description of specific uses. Since that time, the property owners have marketed the property to developers and currently have a developer under contract that has advanced a concept plan that limits uses to single family residential and residential condominiums.

After the close of the 2020 public hearing, the town and county collaborated with neighborhood representatives, local developers and property owner representatives in a workgroup setting to study the best uses for the land and consider appropriate zoning district options. County and town staff hosted a public open house in 2021 to present the workgroup's findings and preferences. Town and county staff collaborated to draft a specialized zoning district that was reflective of the workgroup's preferences and the town further revised the ordinance in response to public input and plan commission and board input to limit the property residential uses. The town held public hearings on

ordinance drafts in 2021 and 2022 and a town ordinance allowing only single family lots and residential condominiums was approved on October 11, 2022 (see attached town ordinance 2022-04).

Comments and concerns offered at the February 20, 2020 hearing centered around the following:

- Neighbors were not part of the planning process.
- Increased traffic, need traffic study, concern about Glen Cove Rd.
- Building heights
- Effect on wells, water/Pewaukee Lake
- Prefer residential- do not want industrial parks/industrial buildings, or senior housing.
- Keep 80% open space.
- Work with residential neighbors, keep as residential community.
- Complete the mixed use ordinance first before approving land use amendment for the property.
- Property is not within a mile of a freeway interchange or at the intersection of 2 State Trunk Highways.
- Send the mixed use district ordinance back to the town, there is more work to be done.
- Questions were raised regarding the timeline for the Land Use Plan amendment.
Mr. Fruth responded the Town staff indicated they have an interest to meet with County staff and talk more about the proposed mixed use district ordinance. He did not anticipate that this amendment would be on the March 19, 2020 Waukesha County Park and Planning Commission meeting. County staff believes the land use plan amendment and town ordinance should come forward at the same time.
- Residential properties should not be adjacent to light industrial, commercial or apartment complexes.
- Crime rate will increase and home values will decrease.
- Increased runoff will occur with increase in asphalt.
- Increase in sound pollution.

Additional written comments were also received expressing similar concerns to those expressed above.

Additional public input opportunities:

- Summer/fall 2000. Four neighborhood area representatives were part of the workgroup that developed recommendations for the property.
- January 6, 2021. At the conclusion of the workgroup planning process, an open house was held by county and town staff to discuss the recommendations of the workgroup, gather input and answer questions.
- March 16, 2021. A public hearing was held by the town and county to consider draft zoning ordinances for a specialized zoning district that would be available for the property.
- October 4, 2022, another public hearing was held regarding the town's revised specialized zoning ordinance that would be available for the property.

TOWN PLAN COMMISSION AND BOARD ACTION

In 2019, the Town of Delafield Plan Commission and Board approved the parallel town plan amendment request to amend the south part of the property from Commercial and Office Park to Mixed Use and the north part of the property from Suburban I Density Residential to Low Density Residential.

On October 11, 2022, the same town committees approved the creation of a new specialized zoning district that would be available for single family and residential condominium uses only on the subject lands provided that certain specified design criteria were met and that various special studies are performed to assess such considerations as water, sewer, traffic and natural resource protection.

STAFF ANALYSIS:

The subject 152 acre property is located north of Golf Rd. and I-94 and south of Pewaukee Lake between Glen Cove Rd. on the west and Elmhurst Rd. on the east. The property is bordered by residential uses to the west and east. The Lake Country Trail borders the north property line with lake residences north of the trail and Oakton Rd. Nearby uses include single family subdivisions, residential condominiums, a golf course, a church and school across I-94 and a multi-family residential development. Most lands in the immediate vicinity are planned in the Low Density Residential category (20,000 square feet to 1.4 acres per dwelling unit) with the golf course to the east in the Recreational category. The north part of the subject property is currently planned for single family use (SDRI 1.5-2.9 acres/dwelling unit) and the south part is planned in the Commercial and Office Park category.

In response to the extensive public input offered during the 2020 public hearing regarding this request, action was delayed after the close of the public hearing to allow for the town and county to convene a workgroup to further study the future of the property in the context of its surroundings. The workgroup consisted of four neighborhood residents, three local development professionals, property owner representatives, town staff and officials and county planning staff. County staff organized and led the meetings. The workgroup met six times in the summer and fall of 2020. Materials from the workgroup meetings is available at www.waukeshacounty.gov/thomasfarm. The workgroup collaborated to discuss desirable use types and many other considerations including:

- Assessed value considerations
- Preservation of natural resources
- Road access and traffic
- Density
- Paths and open space
- Lot size and building footprint
- Sewer and water
- Development trends

There was agreement amongst the workgroup that industrial uses were not desirable. The workgroup supported residential use as an option on all parts of the site but many members also felt that senior housing, multi-family housing and some amount of office use could be desirable in the southern parts of the site, as such uses are not as susceptible to highway noise, may be more feasible because of high bedrock conditions and may create an effective transitional or buffer use along I-94. Some work group members expressed concern about overall density and use intensity while others felt that that the site was suitable for mixed uses.

After the workgroup's preferences were collected, group members asked county planning staff to allow group members to review and comment regarding the proposed draft ordinance language that would transition workgroup preferences into code language for consideration. Staff circulated the draft documents for comments. The town then advanced a draft town zoning ordinance with the goal of creating a specialized zoning district that aligned with the workgroup's recommendations. The proposed zoning scheme was met with resistance by neighbors, including some of the workgroup members that had helped to develop the recommendations of the workgroup. Accordingly, the town continued to work to refine the proposed zoning ordinance for the property. The town eliminated the prospect for senior living, apartments and office uses from the proposed ordinance. However, many of the special requirements of the district were preserved such as the need for a traffic study, water and sewer planning, a recreational path network and preservation of environmental corridors and other natural features. The recently adopted special zoning district is more limited, in terms of available use types, than the existing underlying town and county land use categories.

A local developer has provided a rough concept plan (see Exhibit A) to the town that would comply with the use and density parameters established in the now adopted town zoning ordinance. The developer is currently working to satisfy the supplemental study requirements set forth by the ordinance in anticipation of seeking a rezoning of the lands to the new special zoning district.

The above referenced zoning district requires compliance with the "general development plan" requirements of the ordinance prior to lands being rezoned to that category. Action on the creation of the district does not rezone any lands. A separate application to rezone must be made to the town to apply the district to lands. General development plan standards require the developer to prepare a number of detailed plans or studies to ensure that many of the concerns expressed at public hearing are adequately addressed. For instance, a traffic study must be completed, water supply planning must be done to ensure that natural resources and nearby wells will not be negatively impacted, sewer planning must be completed, stormwater management planning and a natural resource protection plan must be completed to ensure protection of all environmental corridors and wetlands.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions:

1. No industrial uses shall be allowed.
2. Future development proposals must provide for a recreational path system that is open to the public and connects the subject lands to the Lake Country Trail.
3. If developed solely for residential use, the overall density of the site shall be within the range of the Low Density Residential category.

The town and county have collaborated to study this site in great detail. There has been extensive neighborhood outreach with a workgroup study, an open house and multiple public hearings. The town has been responsive to neighborhood input in creating a specialized available zoning district that would limit the property to residential use while also balancing the interests of the property owners to achieve reasonable value for a property along the highly visible I-94 corridor and providing for a mix of residential lot sizes.

The proposed Low Density Residential category matches the designation of the neighborhoods immediately to the east and west. The proposed Mixed Use category, as conditioned, is less intensive than the existing Commercial and Office Park category designation. Without this change

in category, the only uses that would be allowed on the south part of the property would be commercial and office uses, which the surrounding neighborhood has consistently stated that they do not want in their neighborhood. This category change presents the possibility that the lands near I-94 can be developed for residential use, which is the use favored by most neighbors. While some neighbors have continued to express concerns about the prospect of smaller proposed lots and higher densities, the town's ordinance that would govern the site would limit densities to a category that is consistent with the Low Density Residential category mapped on adjacent lands. Staff feels that the proposed density maximum of 230 units that is proposed in the new town zoning district that would be available for this site is reasonable. The site is unique with nearly 3,500' of the property's frontage visible to I-94 but also situated amongst residential neighborhoods and contains vast natural resources and high bedrock. The town's special ordinance that has been developed for the site provides various assurances that water supply, traffic and natural resources will be carefully assessed prior to any rezoning and development occurring.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

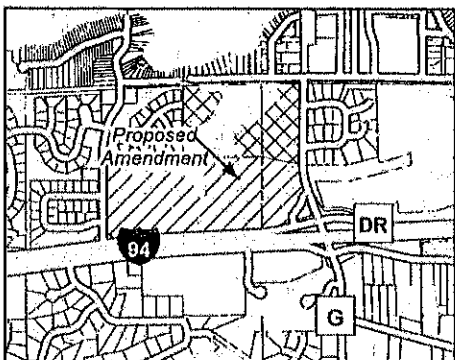
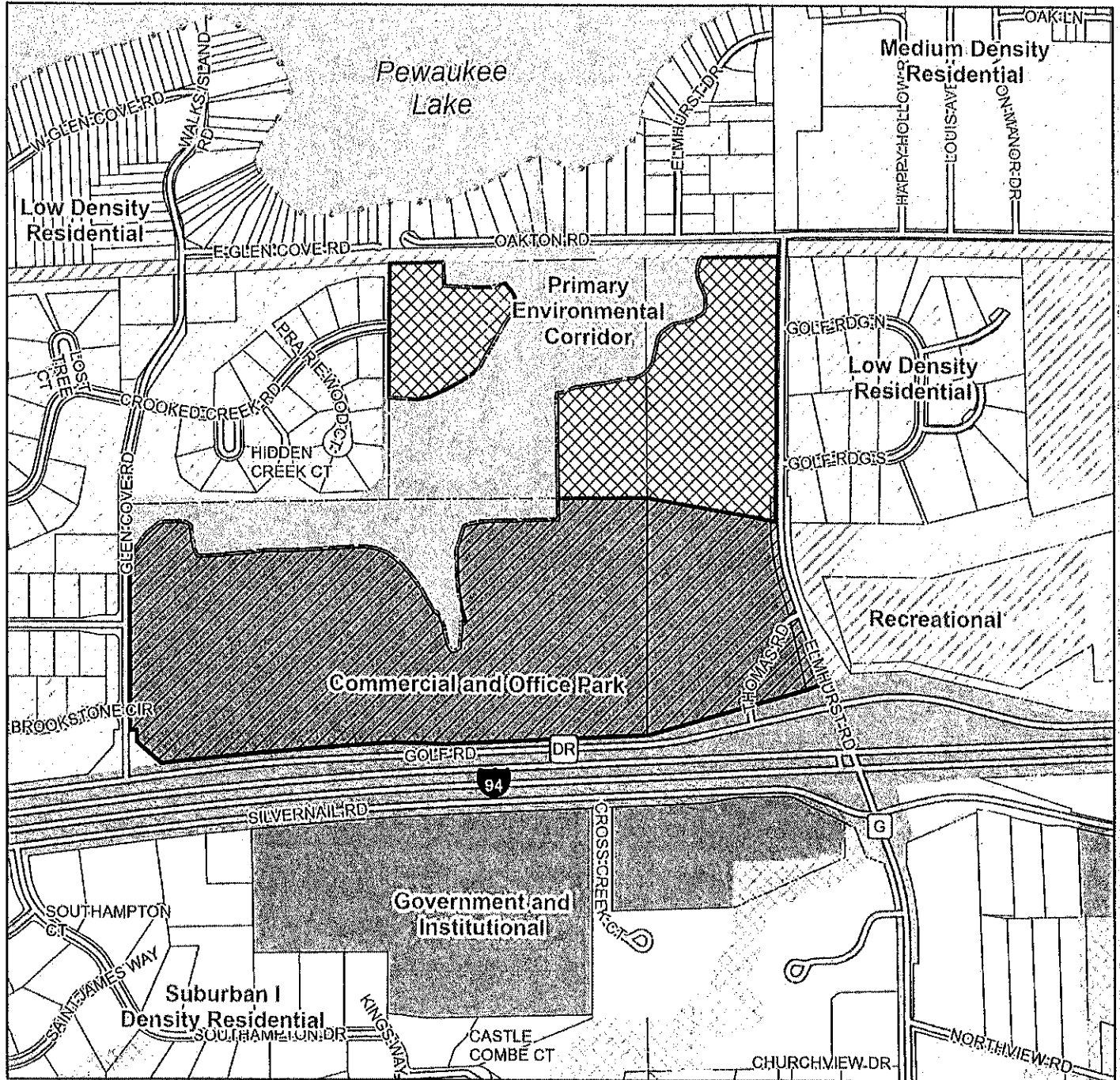
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
Map
Exhibit A
Town of Delafield Ordinance No. 2022-04

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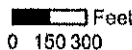
DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 23,
TOWN OF DELAFIELD



-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO MIXED USE
-  COUNTY DEVELOPMENT PLAN AMENDMENT FROM SUBURBAN I DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL
-  ENVIRONMENTAL CORRIDOR
-  C-1 CONSERVANCY DISTRICT (WETLANDS)

PETITIONER.....Amy Thomas
 DATE OF PUBLIC HEARING.....03/16/23
 AREA OF CHANGE..... 151 ACRES



Prepared by the Waukesha County Department of Parks and Land Use

SITE DATA SUMMARY

- TOTAL AREA = 152.0 acres
- WETLAND AREA = 10.11 acres
- UPLAND PEC AREA = 30.65 acres
- SUB-TOTAL EC = 40.76 acres
- DEVELOPMENT AREA = 111.24 acres
- ZONE 1: Low Density Single Family Residential = 8 lots
- ZONE 2: Medium Density Single Family Residential = 28 lots
- ZONE 3: Medium Density Single Family Residential = 81 lots
- ZONE 4: Single Family & Condominium = 56 units
- TOTAL DEVELOPMENT = 213 units
- NET DENSITY = 213 u/111.24 ac = 1.91 u/1ac
- Total Street Length = 10,680 lf (51.0 lf/unit)

Single Family & Condominium

Zone 3

- Duplex Ranch = 56 units
- 10,000 sf Single Family Lots = 39 units
- Total = 95 units

Low Density Single Family Residential
Zone 1
20,000 sf, 100' wide
8 lots

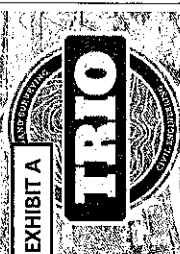
Zone 2
32 ac

Zone 1
24 ac

Zone 3
51 ac

Medium Density Single Family Residential
Zone 2
13,000 sf, 90' wide
28 lots

Medium Density Single Family Residential
Zone 4
10,000 sf, 75' wide
81 lots



14100 S. 140th Ave.
P.O. Box 14100
Overland Park, MO 66204-1480
PHONE: (262) 750-1480
FAX: (262) 750-1481
EMAIL: public@trio.com

RECEIVED
Map and Land Use
02/02/2023



Scale: 1" = 150' (202301)
Scale: 1" = 300' (01/17)
DATE: 02/02/2023



ACTIVE RECREATION AREA I-94

PROPOSED SITE PLAN - UPDATE -
Thomas Farm Development (152 acres)
Town of Delafield, WI

STATE OF WISCONSIN TOWN OF DELAFIELD WAUKESHA COUNTY

ORDINANCE NO. 2022-04

AN ORDINANCE TO CREATE SECTION 17.04 5. R. ENTITLED "PLANNED DEVELOPMENT DISTRICT NO. 1" OF THE TOWN OF DELAFIELD MUNICIPAL CODE

WHEREAS, the Town of Delafield Comprehensive Plan, specifically, the Land Use Plan, allows for the designation of mixed use in the Town, and

WHEREAS, the Plan Commission determined that it would be in the public interest to develop a planned development zoning classification to be used in conjunction with lands designated Mixed Use on the Town's Land Use Plan, and

WHEREAS, a series of meetings and public hearings were held concerning the possible planned development district, beginning in 2019; this process included stakeholder meetings organized by Waukesha County, followed by additional meetings held by the Town Plan Commission and Town Board, with numerous revisions being made to the proposed ordinance to address issues and concerns raised by the public and other stakeholders; and

WHEREAS, more than three years after this process began, a final ordinance now has been proposed for adoption as described herein; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, and notice to the clerk of every contiguous municipality as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider input regarding the planned development no. 1 zoning district on October 4th, 2022; and

WHEREAS, on October 4th, 2022, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that the proposed creation of a planned development district no. 1 in the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of adopting the such zoning code amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN as follows:

SECTION 17.04(5)(R) PLANNED DEVELOPMENT DISTRICT #1

1. STATEMENT OF INTENT

This district is intended to accommodate the development of a mixed-use neighborhood. The district provides opportunities for the development of a variety of residential, and open space uses in a cohesive environment. A heightened level of planning is required, including but not limited to, open space requirements, design standards and landscaping to ensure an attractive development. The district is intended to achieve the following:

- Provide for mixed residential use in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation to the extent practicable.
- Provide for landscape buffers along Glen Cove Rd., Elmhurst Rd. and Golf Rd. to ensure harmony with surrounding neighborhoods
- Provide for a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

2. APPLICABILITY

This district is available to be applied solely to the area depicted in Map 1, attached hereto and incorporated herein by reference, which is comprised of approximately 152 acres, and referred to herein as the Eligible District. Prior to the Planned Development District #1 designation being applied to any lands, the Eligible District must be rezoned to the Planned Development District #1 and a General Development Plan must be approved subject to the procedural requirements of Section 17.04(5)(R)(4). Any rezoning application to this district shall include all of the territory of the Eligible District as defined herein.

Nothing herein shall be interpreted to prevent territory within the Eligible District from being rezoned to other zoning district designations as may be allowed by the Town of Delafield Zoning Code. Piecemeal rezoning and development of portions of the Eligible District may prevent the land from being rezoned to this district, however, because this district requires planned development of all of the Eligible District together.

The Waukesha County Shoreland and Floodland Protection Ordinance governs any lands within 300' of a navigable stream, 1,000' from a lake or public pond or to the full extent of the floodplain if a greater distance.

3. DEFINITIONS

Certain terms are defined as follows, for purposes of this Section 17.04(5)(R) Planned Development District # 1 only. If the terms defined herein differ from definitions provided elsewhere in the Town of Delafield Municipal Code, the definition stated herein shall control within this district.

Accessory Building – a detached building or structure that is incidental to the permitted uses in the zoning district and located upon the same lot occupied by the principal building or structure.

Applicant – the proposed developer and all owners of the land included within the Eligible District.

Clubhouse – a structure specifically designated for residents of a specific development, for recreational activities, social events, or other uses defined in the covenants of a development.

Condominiums (also Condos) – Homes created by the filing of a condominium plat. Structures designated to be occupied by no more than four (4) families living independently from each other.

Eligible District -- The area depicted in Map 1, attached hereto and incorporated herein by reference, which is comprised of approximately 152 acres; subject to the following possible exclusion. Approximately 8 acres of land located in the Northwest corner of the land depicted in Map 1 may be excluded from the Eligible District lands and separately improved with up to 8 single family residential lots around a cul-de-sac extension of Crooked Creek Road, effective upon satisfying all land division and rezoning requirements for such separate development.

General Development Plan (GDP) – A general overview of a development being proposed to be submitted with a rezone request. The overview shall be subject to the provisions described in Section 4(b) of this ordinance.

Minimum Average Lot Width – The average horizontal distance measured between side lot lines at the established Base Setback Line and the rear lot line. The Zoning Administrator shall determine where to measure lot width on an irregular shaped lot. A newly created Lot shall be at least as wide as the specified minimum average width for a distance of at least one-half the length of the lot.

Pre-Petition Meeting – One or more meeting(s) prior to the submittal of a rezone petition with the Applicant, Town staff and County staff, for the purpose of discussing code compliance requirements, review procedures and project approval schedule and any other matter.

Road Access Plan – A plan showing the road layout of the development showing access points to other roadways. The Road Access Plan shall be submitted with the GDP, and is subject to the provisions described in Section 4(b) of this ordinance.

Sewer Study – A study performed by a firm approved by Town staff, providing recommendations for required improvements to the sanitary system to assure adequate sanitary sewer capacity to service a development and maintain adequate capacity levels in the sanitary district for future development, as determined by the Town staff, in conjunction with the Lake Pewaukee Sanitary District.

Single-Family Low Density – Single-Family homes, with minimum lot sizes of 20,000 square feet.

Single-Family Low-Medium Density (15,000)– Single-Family homes with minimum lot sizes of 15,000 square feet.

Single-Family Medium Density (10,000) – Single-Family homes with minimum lot sizes of 10,000 square feet.

Specific Development Plan (SDP) – A detailed site plan, to be submitted following the submittal and approval of a GDP. The site plan could be in the form of a preliminary plat or preliminary condominium plat. The SDP shall be subject to the provisions described in Section 4(c) of this ordinance.

Traffic Impact Analysis – An engineering study that determines the potential impacts the expected traffic of a proposed traffic generator will have on the surrounding roadway network. The study includes a recommendation of roadway improvements that may be necessary to accommodate the additional traffic. A complete analysis includes an estimation of future traffic with and without the proposed generator, analysis of traffic impacts, and recommended roadway improvements which may be necessary to accommodate the expected traffic. The analysis shall evaluate a variety of access points in the development.

4. PROCEDURE

- a. **Pre-Petition Meeting:** Prior to submitting a petition for rezoning to the Planned Development District #1, the Applicant shall meet with Town staff and County staff for a Pre-Petition Meeting.
- b. **Rezone petition- General Development Plan (GDP).** Following the Pre-Petition Meeting, the Applicant shall file a petition with the Town and County for a rezone to the Planned Development District #1. The application shall be signed by the Applicant as defined herein. The application shall include GDP materials as specified below.

As part of the rezoning petition review, the GDP shall be reviewed and approved, denied, or conditionally approved by the Town Board upon receipt of a recommendation from the Town Plan Commission. No construction of any improvement, whether public or private, or site development, shall commence, and the rezoning shall not be effective, unless and until the GDP including all of the materials specified below are approved or conditionally approved by the Town Board.

- 1) **General Development Plan Drawing.** The drawing shall include but not be limited to exterior boundaries, existing and proposed street rights of way, parcel dimensions and sizes, environmental corridor, wetlands, floodplain, contours, natural features, proposed open spaces, and proposed parks.
- 2) **Open space and natural resource protection plan.**
- 3) **Traffic Impact Analysis.** The Town of Delafield and/or Waukesha County may require improvements recommended in the Traffic Impact Analysis be implemented for the development.
- 4) **Road Access Plan.** The plan shall show access points to Golf Road, Elmhurst Road and Glen Cove Road. Access points shall be sited in a manner to ensure safety with consideration of site distance and intersection spacing. The road network shall provide expedient access to higher intensity uses from Golf Road to the greatest degree practicable in order to minimize traffic impacts to Elmhurst Road and Glen Cove Road. Zone 3 shall require either 1 access to Golf Road and Glen Cove, or 2 accesses to Golf Road.
- 5) **Sanitary Sewer Plan.** The existing sewer system was designed for a density of 7 people per acre based on the entire 152-acre development; adequate sewer capacity must be demonstrated. All development shall be served by public sewer. The Applicant shall work with Lake Pewaukee Sanitary District and pay all costs associated with a Sewer Study and any necessary Project necessitated upgrades to the sewer conveyance system and lift stations, and to obtain written documentation from Lake Pewaukee Sanitary District confirming the higher density development can be successfully served by municipal sewer.
- 6) **Water Study.** All State laws and administrative rules related to private wells and groundwater supply shall be complied with by the Applicant. The Applicant shall demonstrate that the Southeastern Wisconsin Regional Planning Commission, State Department of Natural Resources and the Lake Pewaukee Sanitary District have been consulted with regards to anticipated water table impacts of any planned private water supply. The water study must demonstrate to the satisfaction of the Town Planning Commission and Town Engineer, that a private water supply will adequately serve the Project depicted in the GDP, and not adversely impact private wells in the area or other natural resources. Alternative water sources shall be considered by the Town Plan Commission and Town Board and the County Zoning Administrator if requested by the Applicant. The Town of Delafield and Waukesha County

may require improvements recommended in the water study to be implemented by the Applicant as a result of the Project depicted in the GDP.

- 7) **Preliminary Stormwater Plan.** The Applicant must demonstrate that the plan has been reviewed and commented on by the Waukesha County Land Resources Division for any phases of the project that will be brought forward in conjunction with the rezone request. The plan shall show which development phases are expected to be served by on-site stormwater facilities along with those anticipated to be served by shared stormwater facilities.
- 8) **Bike and Pedestrian Plan.** The plan must include a west connection in the vicinity of Brookstone Circle and a northeast connection to the Lake Country Trail. Trail segments shall be constructed in conjunction with the development of the respective development phase and shall connect to existing or future adjacent phases. Individual phases of the project shall provide connections to the main planned trail artery that will generally connect the neighborhoods to the west and the Lake Country Trail to the northeast.
- 9) **Active Recreation Plan.** An active recreation area that is a minimum of 0.5 acres in area, such as a small neighborhood pocket park, would be desirable and may be required based upon the nature and intensity of the proposed uses. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator shall consider the Applicant's plan and determine the location, size, components, ownership and maintenance of the active recreation area. The recreation area may be located within a designated natural resource protection area, provided that a tree inventory is provided to demonstrate that the disturbance will not unduly harm mature trees.

c. Specific Development Plan

If rezoning and a General Development Plan have been approved, an application for Specific Development Plan approval for any portion of the project shall accompany a site plan application. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator, shall approve, deny, or conditionally approve the following detailed plans as part of the Specific Development Plan review process. A General Development Plan shall not have an expiration date unless specified by the Town Board. However, substantial changes to a General Development Plan shall require approval of a revised General Development Plan prior to approval of Specific Development Plans.

- 1) Detailed site plan
- 2) Architectural plans for Condos and the Clubhouse
- 3) Landscape plans
- 4) Grading plans
- 5) Preliminary Stormwater Plan for any phases that were not reviewed as part of the General Development Plan.
- 6) Final Stormwater Plan
- 7) Natural resource protection and open space plan.
- 8) Parking plans
- 9) Signage plans
- 10) Traffic plans. If proposed uses or densities differ from those that were assumed in the Traffic Impact Analysis as part of the General Development Plan, a revised Traffic Impact Analysis shall be prepared and reviewed and approved by the town and county.
- 11) Bike and pedestrian plan in accordance with Section 4(b)(8).
- 12) Lighting plan.

5. USE REGULATIONS

Four (4) use zones have been established within the district, as depicted in Map I The uses provided for in each use zone are identified in the table below.

	Allowable Uses			
	Single-Family Low Density	Residential Single-Family Low-Medium Density (15,000)	Single-Family Medium Density (10,000)	Condos
Zone 1	Permitted	-	-	-
Zone 2	Permitted	Permitted	-	-
Zone 3	Permitted	Permitted	Permitted	Permitted
Zone 4	Permitted	Permitted	Permitted	Permitted

6. DENSITY

a. **Single-Family and Condominium residential densities:** The table below identifies maximum residential use densities. Maximum project density shall be capped at 230 units; unless the single family lots around a cul-de-sac extension of Crooked Creek Road have been separately developed as described in Section 17.04(5)(R)2, in which case the maximum project density shall be capped at 222 units.

Maximum Dwelling Unit Per Acre/ Minimum Lot Size

Zone	Single-Family min lot size (sq. ft.)	Condos (units/acre)	
Zone 1	20,000	N/A	
Zone 2	15,000	N/A	
Zone 3	10,000	4	
Zone 4	10,000	4	

7. BUILDING LOCATION

a. **Offsets and Road Setback for external roadways:** Minimum road setback requirements for structures are specified in the tables below. The base setback line shall be measured thirty-three (33) feet from the centerline of a local road or 75' from the center point of a cul-de-sac. Setbacks are measured from the base setback line. For all streets or highways for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, the base setback line shall be located at a distance from the centerline equal to one-half such established width as designated on the "Established Street and Highway Width Map of Waukesha County."

1. Road Setbacks for Golf Road (CTH DR), Glen Cove Rd. and Elmhurst Rd.

Required Offsets and Setbacks from external roadways

Road Frontage	Minimum Road Setback
Golf Road (CTH DR)	100'
Glen Cove Rd.	100'
Elmhurst Rd.	50'

- b. Offsets and Road Setbacks for internal roadways. The table below contains setback requirements for internal public roads and side and rear offsets. Setbacks from private roads shall be determined by the Town Board upon the recommendation of the Town Plan Commission and the County Zoning Administrator as part of the Specific Development Plan review:

**Required Setbacks from public internal development roadways and Offsets
(excludes CTH DR, Elmhurst Rd, Glen Cove Rd.)**

Use Type	Minimum Road Setback	Side Offset	Rear Offset
Single-Family Low Density	35'	15'	20'
Single-Family Low-Medium Density (15,000)	25'	12.5'	20'
Single-Family Medium Density (10,000)	25'	10'	20'
Single Family Condos	25'	15' (building to building)	N/A
Duplex or 4 Family Condos	25'	20' (building to building)	N/A
Clubhouse		40' (building to building)	

1. Wetland and Floodplain Setback/Offset:

Wetlands and Floodplain setbacks/offsets within the Planned Development District are subject to the standards below rather than the wetland and floodplain setbacks established elsewhere in Section 17.

A. Wetlands Setback/Offset: Seventy-five (75) feet minimum.

B. Floodplain Setback/Offset: Thirty-five (35) feet minimum from the 1% regional flood elevation.

8. HEIGHT/BULK REGULATIONS

- a. Building Height. All building heights are subject to the Town's Zoning Code height requirements outlined in Section 17.03 6.

Base Height Regulations

Building Type	Maximum Base Height
Single-family Low Density	30'
Single-Family Low-Medium Density (15,000)	30'
Single-Family Medium Density (10,000)	30'
Condos	30'
Accessory Buildings	12'
Clubhouse	30'

- b. Accessory Building Height: Accessory Building heights are subject to the Town's Zoning Code height requirements outlined in Section 17.03 6.

9. AREA REGULATIONS

- a. Floor Area and Building Footprint:
Minimum Floor Area shall be measured at each level from the outside edge of wall to outside edge of wall. Basements, exterior balconies, unenclosed porches, and garages shall not be included in the minimum Floor Area calculation.

1. Minimum Floor Area required for Single-family Dwellings:

- i. One-story structure, 1,200 square feet.
- ii. All other structures: Area must comply with requirements of Section 17.03 5 (A).

2. Maximum Building Footprint permitted:

Building footprint is defined as the surface area of all roofed structures per use type, except for the area of a roof overhang that measures twenty-four inches (24") or less in depth.

Use Type	Maximum Footprint
Single-Family Low Density	17.5% per lot
Single-Family Low-Medium Density (15,000)	25% per lot
Single-Family Medium Density (10,000)	30%
Condos	25%

- b. Lot size. Minimum lot area and Minimum Average Lot Width shall comply with the requirements below. Minimum Average Lot Width is the average horizontal distance measured between side lot lines at the established base setback line and the rear lot line or ordinary high-water mark of a navigable waterway. The Town Engineer shall determine where to measure lot width of an irregular shaped lot.

Minimum Average Lot Width

Single-Family Low Density	100 feet
Single-Family Low-Medium Density (15,000)	90 feet
Single-family Medium Density (10,000)	75 feet
Condos	N/A

10. OPEN SPACE FOR DEVELOPMENT SITE

- a. The table below depicts the percentage of a total development site that must be conserved in open space. Lowland open space acreage, which includes wetlands and floodplains, shall be multiplied by 0.2 to determine the open space credit for lowland areas. The specified open space requirements

are unique for single family development as compared to other use types. Open space for single family residential development areas must be provided in commonly held outlots.

Use Type	Percent of Development Site
Single-Family Low Density	30%
Single-Family Low-Medium Density (15,000)	30%
Single-Family Medium Density (10,000)	35%
Condos	60%

b. Natural Resource Preservation

All areas of Environmental Corridor (EC), wetlands, non-invasive species, tree lines and other wooded areas that are designated for preservation on Map 2, attached hereto and incorporated herein by reference, shall be preserved as described on said map. Map 2 shows approximated boundaries of these resources. Field determined and surveyed boundaries of the EC shall constitute the regulated boundaries if determined in the field to be larger than the generalized boundaries depicted on Map 2. Field determined and surveyed boundaries of wetlands shall constitute the regulated wetland boundaries. EC and wetlands shall be conserved within outlots to the maximum extent practicable when located on properties developed for single family use. Any EC or wetland area to be located on a private single-family residential lot shall be conserved via preservation restrictions that must be recorded in the Waukesha County Register of Deeds Office.

Limited disturbance of EC and wetlands to accommodate road crossings and recreational paths or features shall be permitted pursuant to approval by the Town Plan Commission and County Zoning Administrator. Removal of invasive species such as Buckthorn and Honeysuckle is permitted, however, large-scale removal of invasive species shall only be permitted provided that a restoration plan is submitted to and reviewed and approved by the Town Plan Commission and County Zoning Administrator. If invasive or undesirable species dominate a tree line, replacement plantings may be required if cutting or removal is proposed. Incremental removal of said vegetation may be required to preserve the overall integrity of the tree line. The Town Plan Commission and County Zoning Administrator may authorize the removal of Box Elder or other undesirable trees from tree lines, but native deciduous trees shall be required to be planted at a minimum size of 2" diameter at breast height with number and location of replacement trees to be determined by site conditions, overall landscape plan submitted and subject to review of the Town Plan Commission and County Zoning Administrator.

c. Landscape Buffers

Landscape buffers shall be provided along the existing external roadways (Glen Cove Rd., Elmhurst Rd., Golf Rd.) as specified on Map 2. A landscape plan shall be prepared for the respective segment of the landscape buffers as phases are developed. Landscaping shall include a mix of trees, shrubs and ground cover vegetation. Those segments along Glen Cove Rd. and Elmhurst Rd. that are in view of adjacent residences shall contain tree planting that will provide an effective visual screen. Berms may also be used to assist in providing visual separation. The landscape plans shall be reviewed and approved by the Town Plan Commission and County Zoning Administrator. Landscape buffers shall be contained within commonly held outlots where the subject lands are proposed for single-family subdivision use. Plantings and berms shall not obstruct vision at intersections. Lands that must be dedicated to achieving compliance with the Street and

Highway Width Map for Waukesha County shall not be counted in contributing to the required buffer width.

11. SIGNAGE REGULATIONS

Signage regulations shall be in accordance with Section 17.08 (Signs) with the following exceptions. Free standing signage is limited to monument style only, with the exception of small wayfinding signage. Signage within individual project phases shall be complimentary to signage in other phases.

12. PARKING REGULATIONS

The parking regulations of Section 17.09 shall be adhered to with the following additional requirements. Parking demand projections shall be supplied by the Applicant to aid in analyzing the appropriateness of flexing the requirements of Section 17.09.

Screening. All Clubhouse parking areas must be screened from abutting zones with vegetation that is a minimum of three feet in height at time of planting and landscaping shall be provided between parking areas and roadways with a landscape plan being subject to review of the Town Plan Commission and the County Zoning Administrator. If the landscaping areas are within established vision corner easements, the height of vegetation may be reduced to comply with easement requirements.

Landscape Islands. Any parking lot that contains twenty (20) or more stalls shall provide interior site landscaping. The end of every parking aisle shall typically have a landscaped island and no more than fifteen (15) parking spaces shall be provided between landscape islands unless this requirement is waived because of unique conditions. Landscape islands shall generally be a minimum of 325 square feet in area for double parking rows or 160 square feet in area for single parking rows.

13. OPEN SPACE FOR EACH LOT

The amount of open space, as defined by 17.02 of the Town Code, on a lot shall be limited as specified within the table below. The following surface types shall count as impervious surface: buildings, porches, roads, driveways, patios, decks, retaining walls, gravel drives, gravel parking areas, swimming pools and any other hard surface.

Use Type	Open Space Minimum (as % of lot area)
Single-Family- Low Density	70%
Single-Family Low Density (15,000)	60%*
Single-Family Medium Density (10,000)	60%
Condos	60%

*Per State shoreland zoning law, the amount of impervious surface is limited to 30% on any riparian lot and any lot that is completely within 300' of the ordinary high-water mark of a navigable stream.

14. DUMPSTER ENCLOSURES: All dumpsters shall be enclosed with solid fencing or walls and shall be screened with landscaping. Materials used for the dumpster enclosure shall be similar and compatible with the main building architectural materials.

15. ROAD LAYOUT: Internal streets must be designed in a manner to discourage cut-through traffic from adjacent neighborhoods to ensure that access points to Golf Rd. are not unduly burdened with congestion. Traffic calming measures (landscape bump outs, visually conspicuous crosswalks, narrow streets, etc.) may be required in order to provide for safe and efficient traffic circulation. A minimum of two access points to Golf Road must be provided. Access location points are subject to considerations

of a traffic impact study and subject to the approval of the Town and Waukesha County. The roadway serving Zone 1 shall be an extension of Crooked Creek Rd. terminating in a cul-de-sac within that zone.

16. CUL-DE-SAC LENGTH. The planned extension of Crooked Creek Rd. will terminate in an extended cul-de-sac. Crooked Creek Rd. is authorized to exceed 1000'. Any other cu-de-sac that will terminate more than 1000' feet from its nearest outlet shall be reviewed and approved, denied, or conditionally approved by the Town Board, upon recommendation of the Town Plan Commission, with input from the Town Highway Superintendent and Lake Country Fire and Rescue department to ensure that adequate emergency access is available.

17. DEVELOPMENT AGREEMENT. The Applicant shall enter into a development agreement that specifies the duties and obligations of both parties with respect to development in the district. The Town may require the Applicant to provide a financial guarantee for completion of public improvements and private improvements the Town believes are necessary for completion of the project.

SECTION 2: The above zoning code amendment is conditioned upon the following conditions, which must be met or this ordinance is null and void:

1. **Subject to Acceptance.** Subject to all of the owners of all of the Eligible District acknowledging in writing that they have received a copy of this ordinance, that they understand and accept the creation of this district as described, and further accept for themselves and their successors and assigns the impact this ordinance may have on their property.
2. **90 Days to Satisfy Condition.** Subject to the Applicant satisfying the aforementioned acceptance condition within 90 days of the Town Board adopting this ordinance, unless extended by the Town Board.
3. **Waukesha County Approval.** Subject to this ordinance being approved by the Waukesha County Board, as required by Section 60.62(3)(b), Wisconsin Statutes.

SECTION 3. The Town Administrator is hereby authorized and directed to note this Planned Development District Number 1 in the Official Zoning Code of the Town of Delafield upon satisfaction of the conditions described in Section 2.

SECTION 4. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5. EFFECTIVE DATE.

The procedures of Section 1 paragraph 4 of this ordinance and all standards of this ordinance applicable to a rezoning application shall be effective from and after passage and publication, however no rezoning to Planned Development District #1 shall be effective until this ordinance is fully effective as follows. This ordinance shall be in full force and effect from and after its passage and publication following satisfaction of the conditions stated in Section 2, and this ordinance is null and void if said conditions are not complied with on the terms and conditions stated herein.

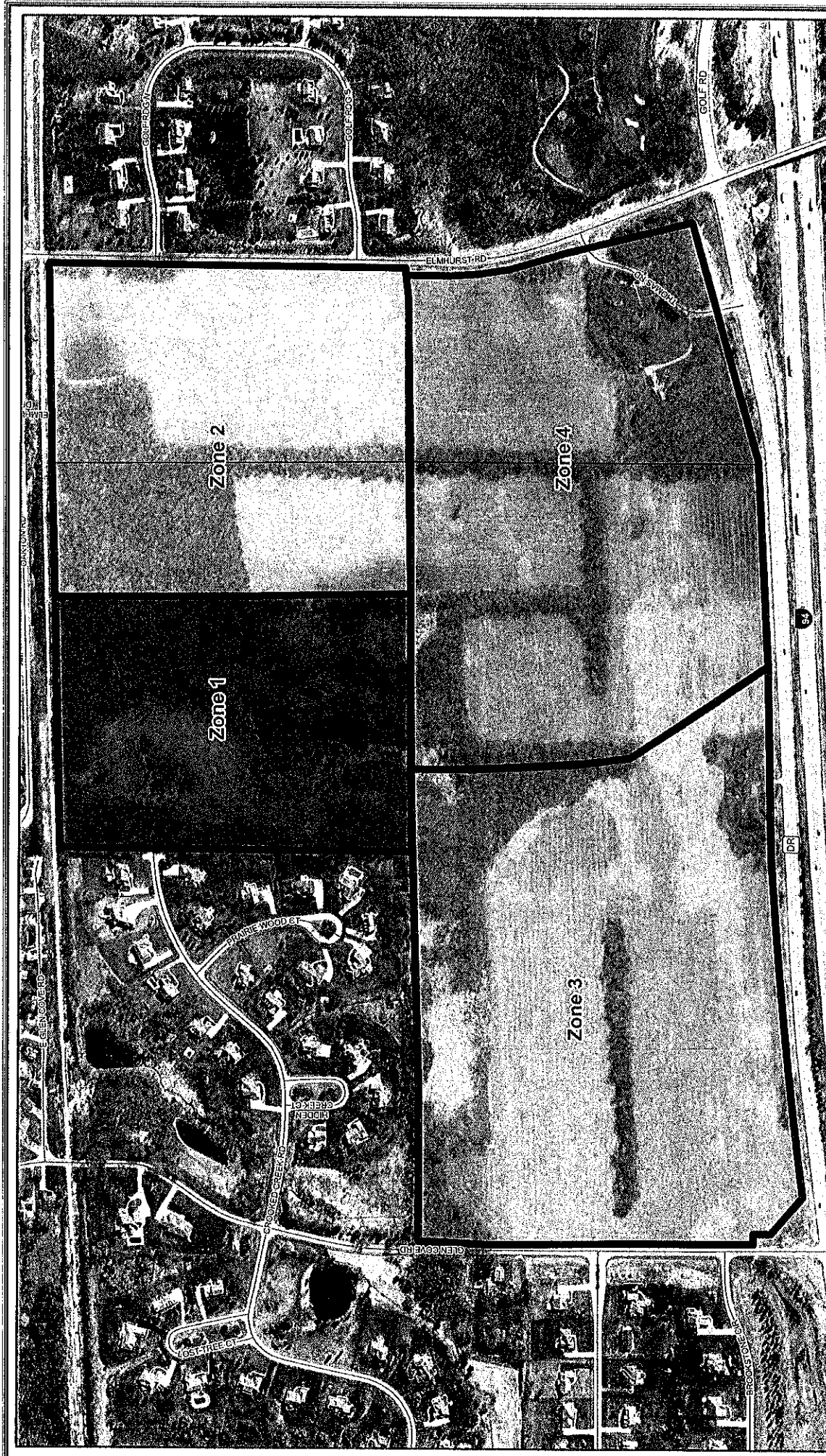
Dated this 10th day of January, 2023
O.G.

TOWN OF DELAFIELD
Ronald A. Troy
Ronald A. Troy, Town Chairman

ATTEST:

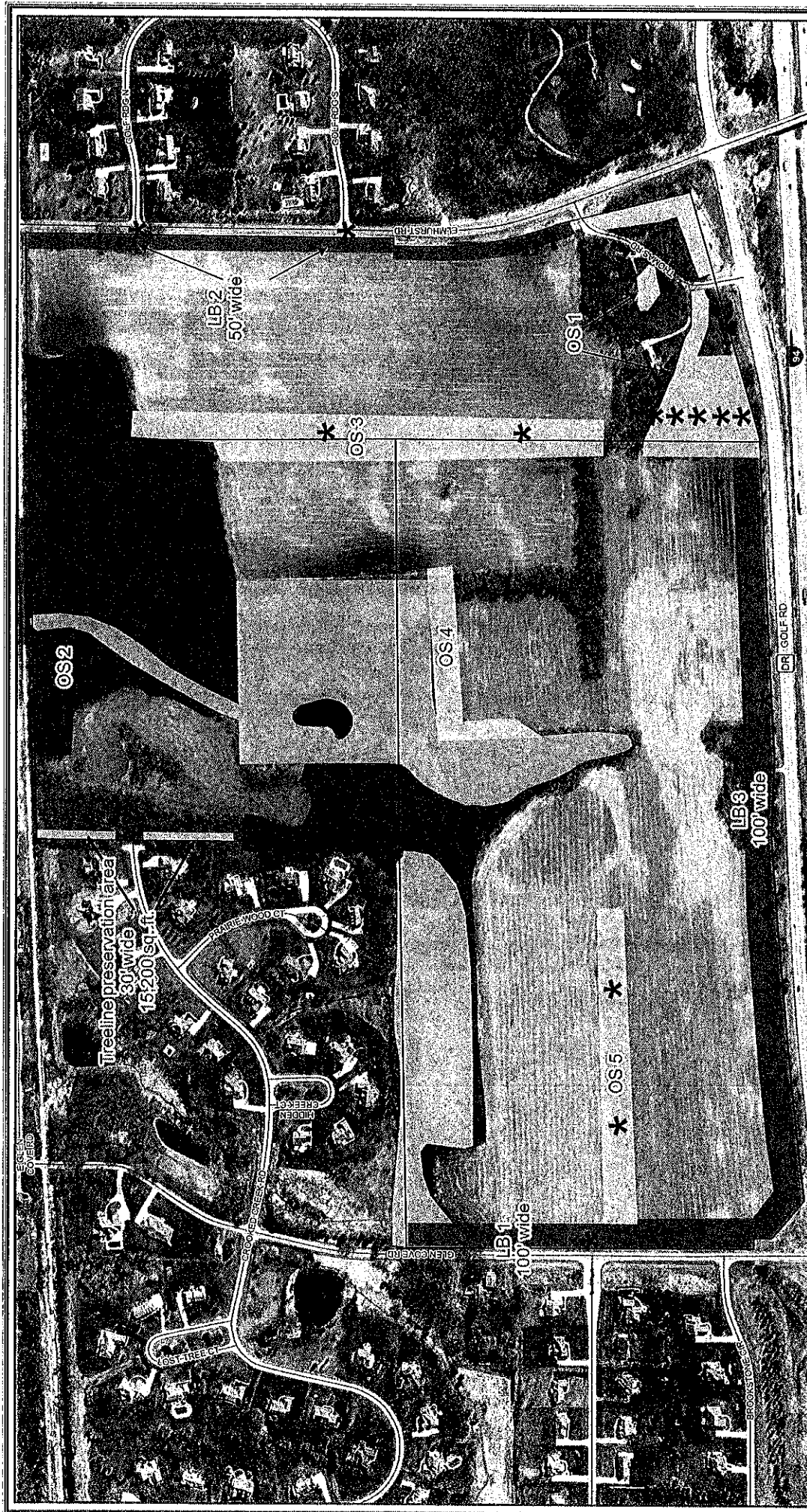
Daniel Green
Dan Green, Town Administrator/Clerk/Treasurer

This ordinance posted or published 1/10/2023.



Map 1: Planned Development District No. 1 Use Zones





Map 2: Planned Development District No. 1 Open Space Requirements

NOTE: Minimal disturbance for road connections allowed in Open Space- number & location of road connections subject to detailed plan review and road access considerations

- Wetlands (DNR 2010)
- Primary Environmental Corridor (PEC) (SEWRPC 2015)
- Treeline preservation area 30' wide 15,200 sq-ft
- Landscape Buffer (LB)
- Open Space (OS)



Prepared by the Waukesha County, Department of Parks and Land Use September 22, 2022
 Referred to: LU 24

File Number: 178-O-002

Referred on: 03/21/23

VOTE RESULTS >

17 YES

5 NO

0 ABSTAIN

3 ABSENT

Ordinance 178-O-002

Ordinance 178-O-002: Year 2020 Amendment To The Comprehensive Development Plan For Waukesha County (Of Delafield)

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	NAY
D3 - Morris	AYE	D12 - Wolff	NAY	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	ABSENT
D5 - Grant	NAY	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	ABSENT	D16 - Crowley	AYE	D25 - Johnson	NAY
D8 - Koremenos	NAY	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	ABSENT		

2nd Meeting, 178th Year of the County Board of Supervisors - May 23 2023 08:01:23 PM
May 23, 2023

