

178th BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
178-O-001	03/21/23 03/21/23	LU	ORD: Amend The Text Of The Town Of Delafield Zoning Code By Creating Section 17.04 5. R. Planned Development District No. 1 RZ114
178-O-002	03/21/23 03/21/23	LU	ORD: Year 2020 Amendment To The Comprehensive Development Plan For Waukesha County (1A – Amy Thomas, Section 23, T7N, R18E, Town Of Delafield)
178-O-003	03/21/23 03/21/23	LU	ORD: Amend The Text Of The Town Of Delafield Zoning Code By Repealing And Recreating Section 17.08 7. B, Relating To The Procedure For Issuance Of Sign Permits RZ113
178-O-004	03/21/23 03/21/23	LU	ORD: Amend The Text Of The Town Of Eagle Zoning Code By Revising Various Sections Of Chapter 500 RZ112
178-O-005	04/05/23 04/05/23	LU FI	ORD: Authorize The Department Of Parks And Land Use To Apply For And Accept Grant Funding From The Wisconsin Department Of Health Services Childcare Lead-In-Water Testing And Remediation Initiative
178-O-006	04/05/23 04/05/23	LU	ORD: Approve Distribution Easement To Wisconsin Electric Power Company To Construct, Install, Operate, Maintain, Repair, Replace And Extend Underground Utility Facilities On Waukesha County Property Known As The Bugline Recreation Trail
178-O-007	04/05/23 04/05/23	PW FI	ORD: Sale Of Excess Right Of Way USH 18, Waukesha West Bypass, City Of Waukesha
178-O-008	04/05/23 04/05/23	EX FI	ORD: Amend The 2023 Non-Departmental Budget For Costs Related To Overseeing And Administering The Independent School Charter With Lake Country Classical Academy, Inc.
178-O-009	04/06/23 04/06/23	EX PW JU FI	ORD: Modify The 2023-2027 Capital Plan To Increase Expenditures For Capital Project #201705 – Courthouse Project Step 2 – Renovate 1959 Courthouse
178-O-010	04/06/23 04/06/23	FI	ORD: Authorizing The Sale Of \$12,500,000 General Obligation Promissory Notes, Series 2023A

1 AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY CREATING
2 SECTION 17.04 5. R. PLANNED DEVELOPMENT DISTRICT NO. 1 RZ114
3

4 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
5 this Ordinance was approved by the Delafield Town Board on October 11, 2022; and
6

7 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
8 Planning Commission, which recommended approval and reported that recommendation to the
9 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
10 as required by Section 60.62, Wis. Stats.
11

12 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
13 that the text of the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20,
14 1998, is hereby amended to create Section 17.04 5. R., Planned Development District No. 1, more
15 specifically described in the "Staff Report and Recommendation" on file in the office of the
16 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by
17 reference RZ114, is hereby approved.
18

19 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
20 this Ordinance with the Town Clerk of Delafield.
21

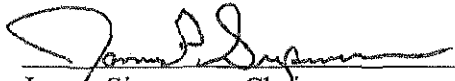
22 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
23 approval and publication.

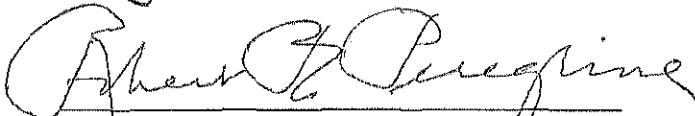
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ114 (Text Amendment/Town of Delafield Board)** in accordance with the attached "Staff Report and Recommendation".

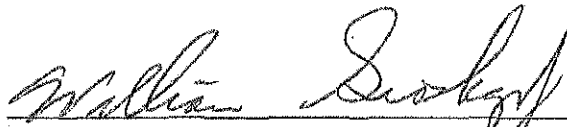
PARK AND PLANNING COMMISSION


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
TEXT AMENDMENT

FILE NO.: RZ114

DATE: March 16, 2023

PETITIONER: Town of Delafield Board
W302 N1254 Maple Ave.
Delafield, WI 53018

REQUEST:
Amend the Town of Delafield Zoning Code (Town Ordinance No. 2022-04) by creating Section 17.04 5. R. "Planned Development District No. 1".

PUBLIC HEARING DATE:
October 4, 2022.

PUBLIC REACTION:

Eleven people spoke. Concerns were expressed about smaller lot sizes, narrow lot widths, 20' offsets and increased density and one person expressed disinterest in condominiums in Zones 3 and 4. Traffic concerns were raised. Some expressed concern about the property eligible for the proposed district potentially having double or triple the density of nearby developments. A couple of people expressed a preference for 20,000 square foot lots. One speaker noted that open space in the ordinance is 60-70% while most of the town is 85%. A comment was made that the ordinance does not reflect the town's motto. Comments were made about sewer systems being near capacity with heavy rains. One person expressed concern about the prospect of 250 dwelling units when sewer and water capacity is unknown. Another comment was offered about the look of dumpster corrals. A couple of people expressed that it is not the town's job to make the development work for the developer. Others felt that the development would be cookie cutter like Lake Country Village. A couple of people expressed that this ordinance is progress towards being more compatible but that there is still more work needed.

A property owner representative stated that this ordinance acts as an overlay and that other uses, including commercial or larger lots, can still be considered. He explained that if a developer wanted to do this type of project, it takes a little more density and the trade-off to light industrial use was multi-family but that was taken off the table and later senior use was also taken off of the table.

TOWN PLAN COMMISSION ACTION:

The Town of Delafield Plan Commission, at their meeting of October 4, 2022, unanimously recommended approval of the request.

TOWN BOARD ACTION:

The Town Board of Delafield, at their meeting of October 11, 2022, by a vote of 4 to 1, recommended approval of the request per Town Ordinance 2022-04.

COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT PLAN:

The subject ordinance creates a new specialized zoning district but does not effectuate a zoning change for any property. The ordinance is consistent with the housing and natural resource protection recommendations of the county plan in that it provides for a variety of housing types in an area served by municipal sewer and the code language requires the preservation of the environmental corridor on site.

OTHER CONSIDERATIONS:

The Town of Delafield is proposing to create a new specialized zoning district, Planned Development District No. 1. The new zoning category would only be available to the Thomas farm property, which is comprised of 152 acres to the north of Golf Rd. and I-94 between Glen Cove Rd. and Elmhurst Rd. The request to create the district only makes the district available in the zoning code. A separate action to rezone the Thomas farm to this district would be required. The district limits uses to single family lots and residential condominiums. The district sets forth lot size, building height, open space, buffering and natural resource protection standards.

Prior to any land being rezoned to this category, various "general development plan" requirements must be satisfied. 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.

This district was first drafted to accommodate mixed use development on the south part of the Thomas farm. However, there was stiff neighborhood opposition to senior housing, office and multi-family use types. Accordingly, the town significantly revised the draft ordinance to remove those use types from consideration. The proposed district would allow for minimum 20,000 square foot lots in proposed Zone 1, 15,000 square foot lots in Zone 2 and minimum 10,000 square foot lots in zones 3 and 4.

The first draft for this district had been prepared based upon the recommendations of a workgroup that was convened by the town and county six times in 2020 to study the best uses for the land. The workgroup consisted of four neighborhood property owners, three local development professionals, property owner representatives and town and county staff. The workgroup met six times and produced recommendations that provided for mixed uses on the site, with the north part of the site being planned for residential use and the south part being available for a mix of senior housing, multi-family residential, office and single family residential uses. Many workgroup members felt that these uses were suitable in the south part of the site that is affected by the noise and aesthetics of the adjacent I-94. Some workgroup members felt that single family lots near I-94 were undesirable. The developers that were part of the workgroup noted that they felt that high bedrock conditions made parts of the site more difficult and costly to develop. They expressed that smaller lot sizes might be more feasible, particularly on the south part of the site. Some workgroup members questioned smaller lots.

Some of the recommendations of the workgroup have been included in this proposed ordinance. For instance, the district requires the preservation of the environmental corridor on the site that is comprised of upland woods to the north and areas of wetlands. 100' landscape buffers are required along Glen Cove Rd. and Golf Rd. A 50' landscape buffer is required along Elmhurst Rd. Other treelines are designated for preservation to maintain existing visual barriers on the site. The district also requires a recreational path network that will provide a trail connection from the vicinity of the High Point Estates subdivision to the west northeasterly to the Lake Country Trail near Elmhurst Rd. In addition, the workgroup supported the requirement of special studies regarding traffic, water and sewer infrastructure and the preservation of extensive open space and a development wide trail network. All of these requirements have been included within this ordinance.

The ordinance provides for a maximum of 230 dwelling units on the 152 acre property, which equates to 1.5 dwelling units per acre. This is slightly less than the 248 dwelling units that would be achieved if the site were developed at the Low Density Residential and Environmental Corridor thresholds. The adjacent subdivisions to the east and west are planned in the Low Density Residential category. There are 111.2 acres outside of the environmental corridor. There are 30.7 upland environmental corridor acres for a total of 141.9 upland acres on the site. The maximum allowable density would be roughly twice that of the actual density of the immediately abutting subdivisions, one of which contains large areas of wetland. However, there are also denser condominium and multi-family developments within the large neighborhood that have considerably higher densities with the highest density project being High Ridge Condos at nearly three dwelling units per acre.

The town has received a concept plan (see Exhibit A) from a developer seeking to purchase the property. The developer is currently working to conduct the supplemental studies required by this ordinance but has not yet submitted an application to rezone the property.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed district is the culmination of a great deal of study by the town, county and area stakeholders with significant adjustments to reflect the use desires of the neighborhood. The maximum density of the development is capped at 230 units which is less than the Low Density Residential and Environmental categories would yield. This special district provides many requirements for detailed study to ensure that any future rezoning to this zoning district is only executed after demonstration that proper access, infrastructure and natural resource considerations are satisfied. Planning & Zoning staff feel that the district allows for reasonable use of a property that has a unique position along both I-94 and residential neighborhoods.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town of Delafield Ordinance No. 2022-04
Exhibit A

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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 1 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.

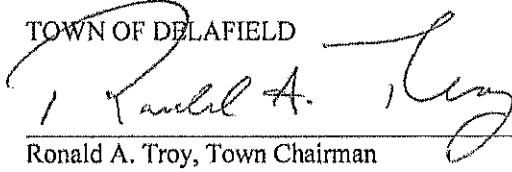
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the 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



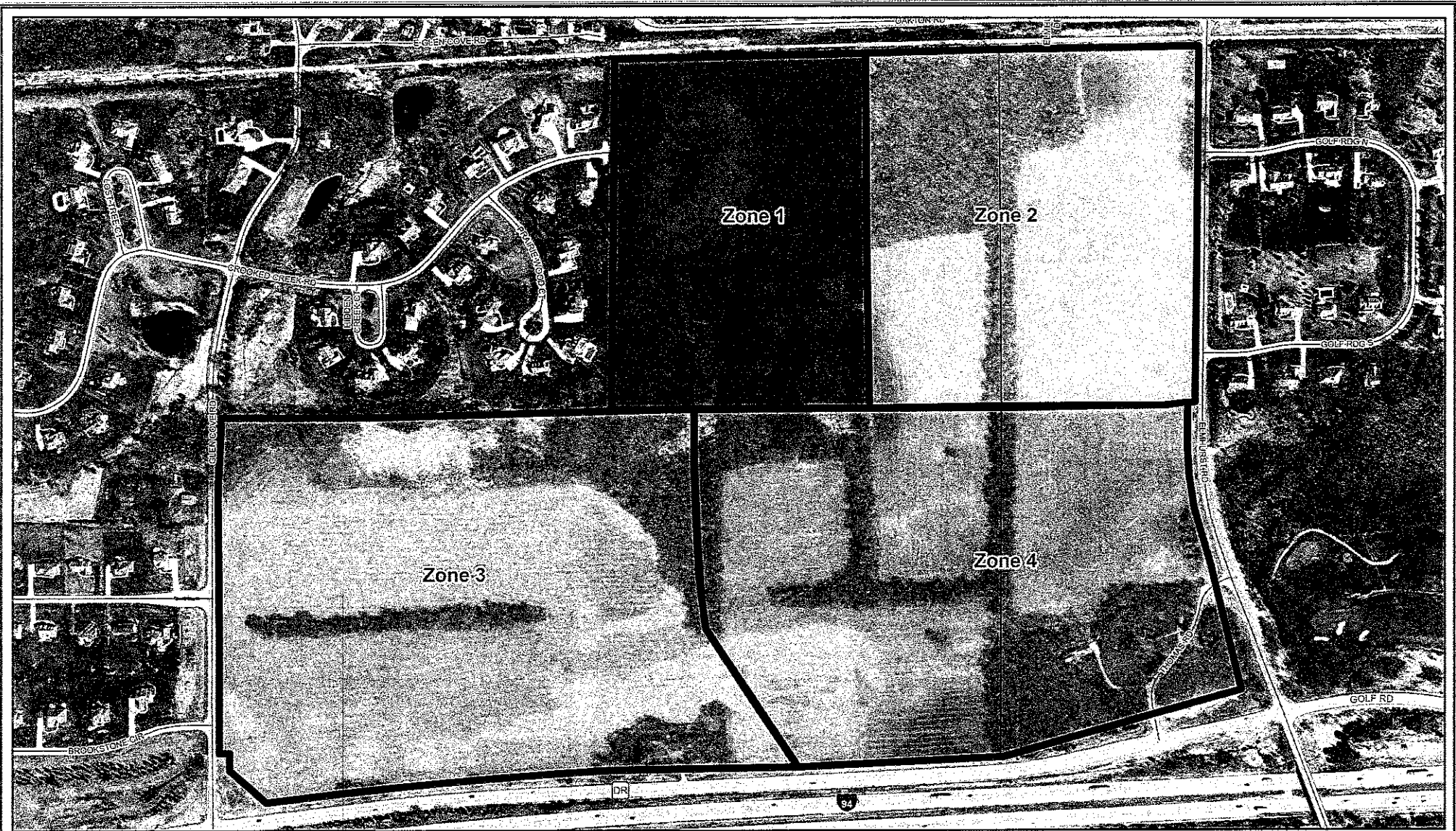
Ronald A. Troy, Town Chairman

ATTEST:

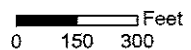


Dan Green, Town Administrator/Clerk/Treasurer

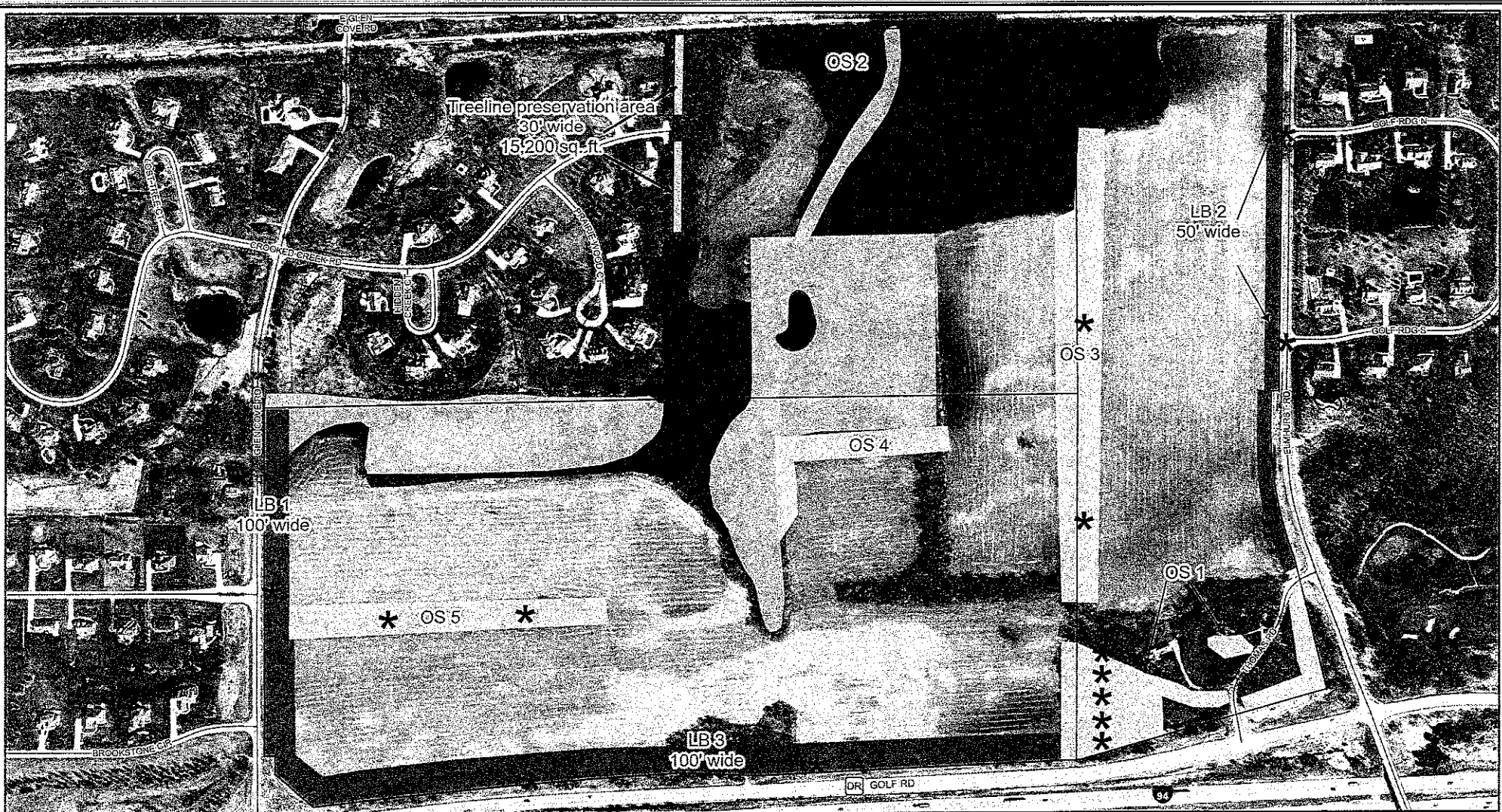
This ordinance posted or published 1/10/2023.



Map 1: Planned Development District No. 1 Use Zones



Prepared by the Waukesha County, Department of Parks and Land Use September 22, 2022



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

-  Wetlands (DNR 2010)
-  Primary Environmental Corridor (PEC) (SEWRPC 2015)
-  Treelines and other wooded areas to be preserved(OS)
-  Landscape Buffer (LB)

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

Feet
0 150 300



Prepared by the Waukesha County, Department of Parks and Land Use September 22, 2022

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 = 29 lots
 - ZONE 3: Medium Density Single Family Residential = 81 lots
 - ZONE 4: Single Family & Condominium = 56 units
 - TOTAL DEVELOPMENT = 213 units
 - NET DENSITY = 213 un/111.24 ac = 1.91 un/ac
 - Total Street Length = 10,860 lf (61.0 lf/unit)

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

Single Family & Condominium
 Zone 4
 - Duplex Ranch = 56 units
 - 10,000 sf Single Family Lots = 39 units
 Total = 95 units

EXHIBIT A



1100 N. CALHOUN ROAD
 BROOKFIELD, WI 53005
 PHONE: (262) 790-1480
 FAX: (262) 790-1488
 E-MAIL: info@trioeng.com

Medium Density Single Family Residential
 Zone 2
 15,000 sf, 90' wide
 29 lots

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

RECEIVED
 Walworth County Dept. Plans
 and Code Unit
 02/23/2023

PROPOSED SITE PLAN - UPDATE -
Thomas Farm Development (152 acres)

Town of Delafield, WI



Scale: 1" = 150'
 Scale: 1" = 300' (11x17)
 DATE: 02/02/2023

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

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and
3

4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual
5 update and amendment procedures; and
6

7 WHEREAS, on February 20, 2020, the Waukesha County Park and Planning Commission held a
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development
9 Plan for Waukesha County; and
10

11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated March 16,
12 2023, a summary of the Public Hearing comments and a Staff Recommendation for the proposed
13 change to the Comprehensive Development Plan for Waukesha County; and
14

15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha
16 County Park and Planning Commission on March 16, 2023, and a recommendation was reported
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
21 that the following amendment is hereby **conditionally approved** to the Year 2035
22 Comprehensive Development Plan for Waukesha County.
23

24 1. In the Town of Delafield, the following request is being made:
25

26 A. *Amy E. Thomas on behalf of multiple family members*, requests properties located in
27 part of the NE, SE and SW ¼ of Section 23, T7N, R18E, Town of Delafield (Tax Key
28 No’s. DELT 0809.995, DELT 0809.996 and DELT 0811.999), be amended from the:
29

- 30 - DELT 0809.996, north part of DELT 0809.995. Suburban I Density Residential
31 (1.5 to 2.9 acres of area per dwelling unit) to the Low Density Residential
32 category (20,000 sq. ft. to 1.4 acres per dwelling unit) with the PEC areas
33 remaining unchanged.
34
35 - DELT 0811.999, south part of DELT 0809.995. Commercial and Office Park to
36 the Mixed Use category with PEC areas remaining unchanged.
37

38 The property owners are proposing to improve the marketability of the property.
39

40 The request is approved subject to the following condition(s):
41

- 42 1. No industrial uses shall be allowed.
43 2. Future development proposals must provide for a recreational path system that is open to
44 the public and connects the subject lands to the Lake Country Trail.
45 3. If developed solely for residential use, the overall density of the site shall be within the
46 range of the Low Density Residential category.
47


48 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned
49 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.
50
51 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
52 this Ordinance with the Town Clerk of Delafield.

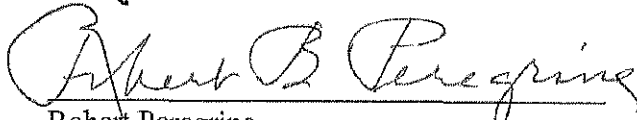
COMMISSION ACTION


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.

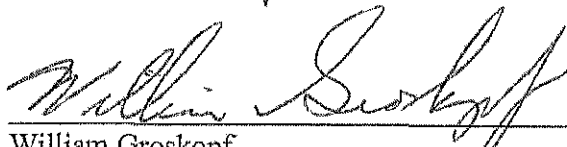
PARK AND PLANNING COMMISSION

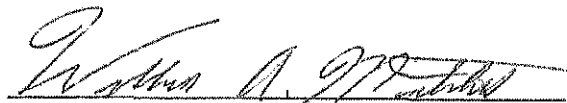
March 16, 2023


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

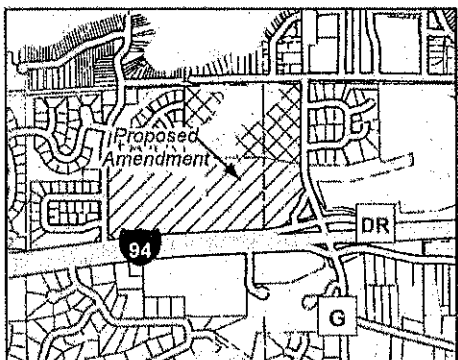
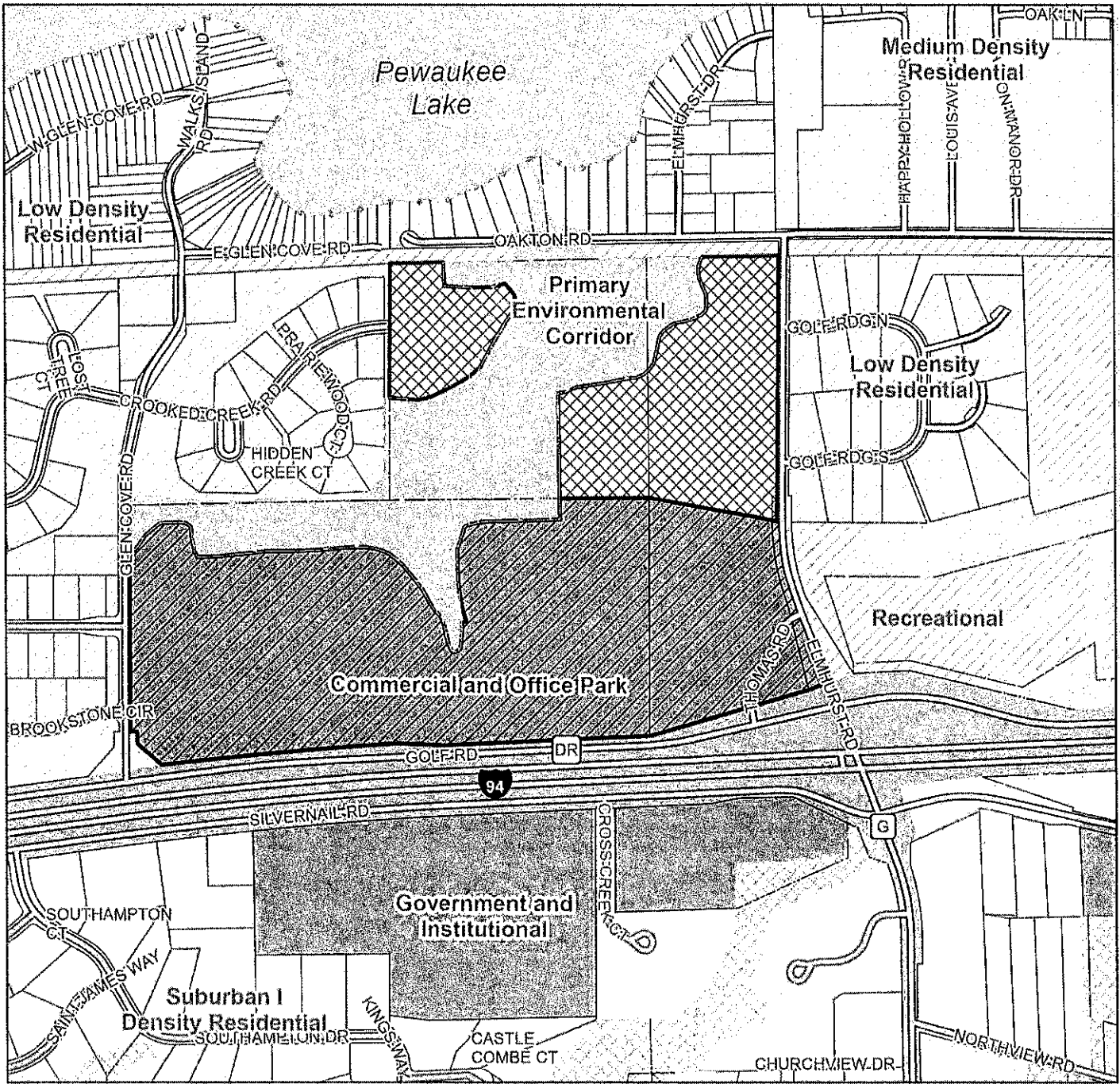
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



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

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2020\1A Amy Thomas dlt.doc

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

0 150 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use



100 N. COLLEGE ROAD
 8100 N. FIELD AVE. SUITE 200
 PHONE: (214) 544-1488
 FAX: (214) 544-1487
 EMAIL: plans@trio.com

Medium Density
 Single Family Residential
 Zone 2
 15,000 sq. ft. wide
 29 lots

Medium Density
 Single Family Residential
 Zone 4
 10,000 sq. ft. wide
 81 lots

RECEIVED
 Municipal Order Book
 02/23/2023

Scale 1" = 150'
 Scale 1" = 300'
 DATE: 02/22/2023

Referred to: UI 10



Low Density
 Single Family Residential
 Zone 1
 20,000 sq. ft. wide
 8 lots

Zone 2
 32 ac

Zone 1
 24 ac

Zone 3
 51 ac

Single Family &
 Condominium
 Zone 3
 - Duplex Ranch = 56 units
 - 10,000 sq ft Single
 Family Lots = 39 units
 Total = 95 units

SITE DATA SUMMARY

- TOTAL AREA = 152.0 acres
- WETLAND AREA = 10.11 acres
- UPLAND PEG 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 = 29 lots
- ZONE 3: Medium Density Single Family Residential = 81 lots
- ZONE 4: Single Family & Condominium = 56 units
- TOTAL DEVELOPMENT = 273 units
- NET DENSITY = 213 up/111.24 ac = 1.94 units/ac
- Total Street Length = 10,980 lf (51.0 M/min)



ACTIVE RECREATION AREA
 I-94

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

File Number: 179-0-002

Referred on: 02/19/23

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 1 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.

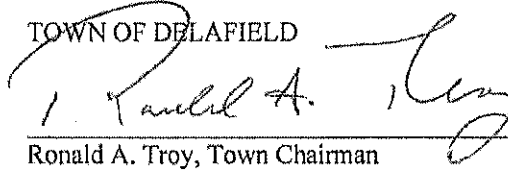
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the 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
06

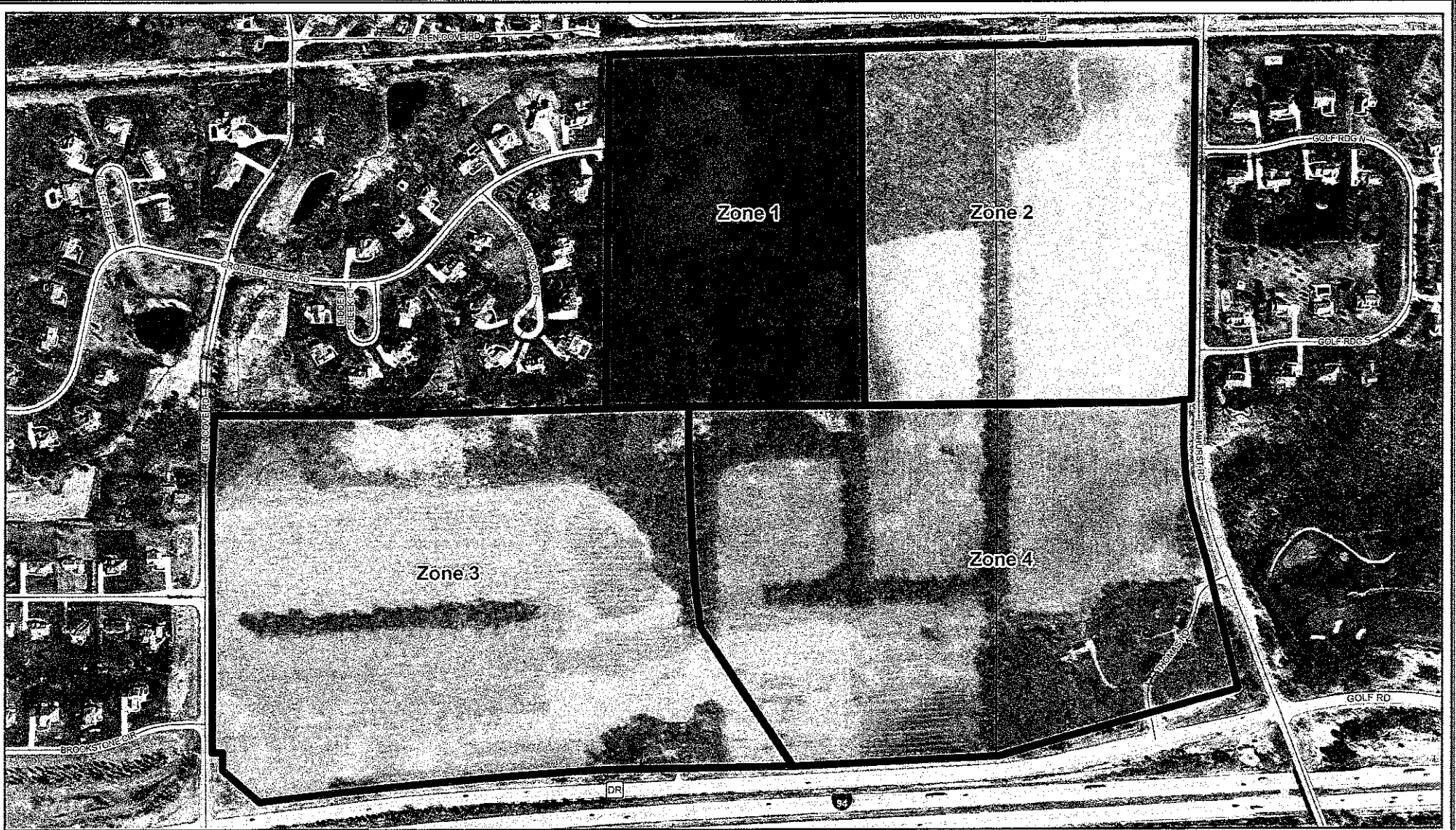
TOWN OF DELAFIELD


Ronald A. Troy, Town Chairman

ATTEST:


Dan Green, Town Administrator/Clerk/Treasurer

This ordinance posted or published 1/10/2023.



Map 1: Planned Development District No. 1 Use Zones



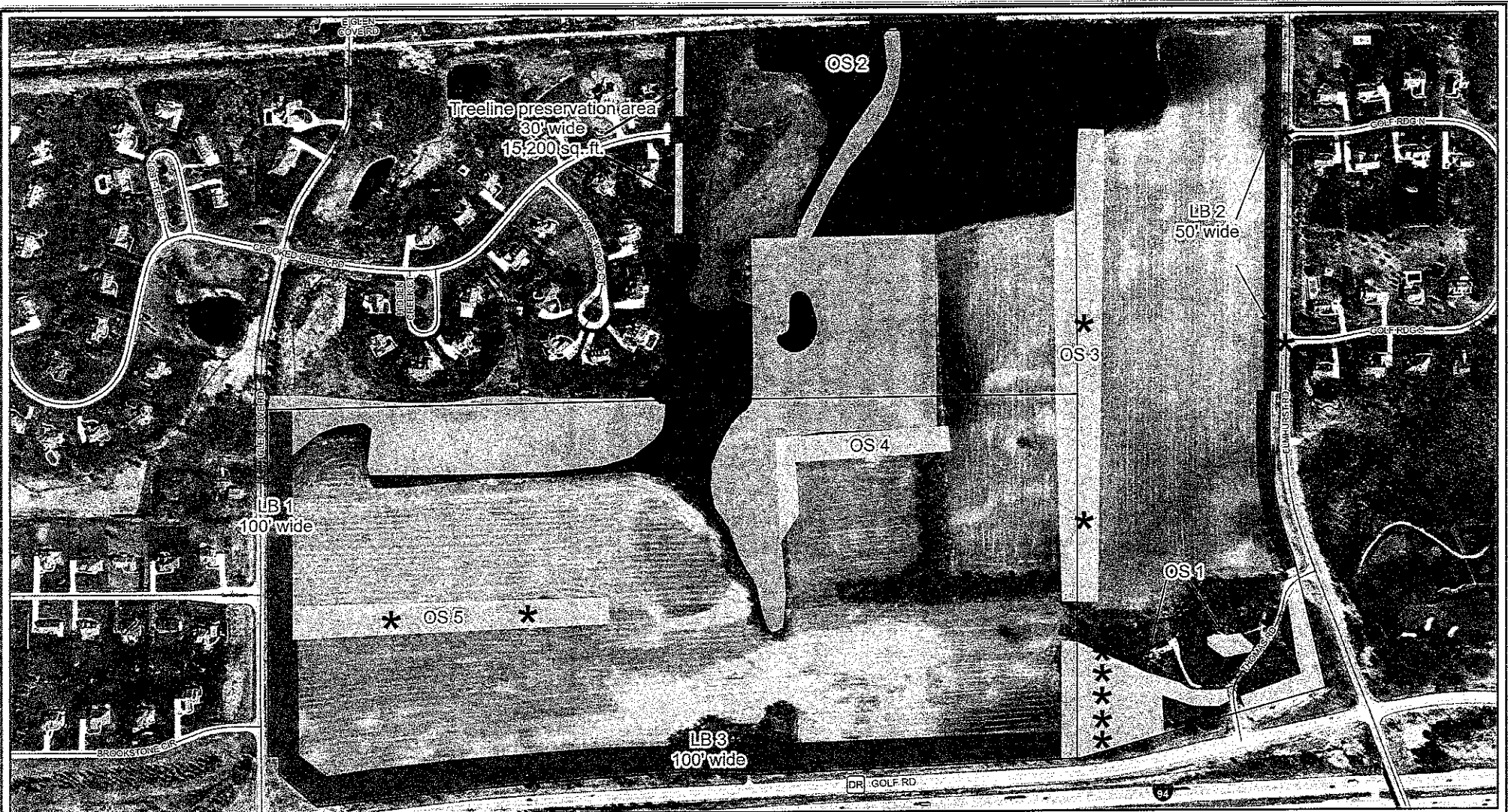
0 150 300 Feet

Prepared by the Waukesha County, Department of Parks and Land Use September 22, 2022

Referred on: 03/21/23

File Number: 178-O-002

Referred to: LU 23

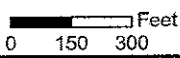


Map 2: Planned Development District No. 1 Open Space Requirements

Wetlands (DNR 2010)
 Primary Environmental Corridor (PEC) (SEWRPC 2015)

Treelines and other wooded areas to be preserved(OS)
 Landscape Buffer (LB)

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



Prepared by the Waukesha County, Department of Parks and Land Use September 22, 2022

1 AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY
2 REPEALING AND RECREATING SECTION 17.08 7. B, RELATING TO THE
3 PROCEDURE FOR ISSUANCE OF SIGN PERMITS
4 RZ113
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
7 this Ordinance was approved by the Delafield Town Board on February 14, 2023; and
8

9 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
10 Planning Commission, which recommended approval and reported that recommendation to the
11 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
12 as required by Section 60.62, Wis. Stats.
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
15 that the text of the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20,
16 1998, is hereby amended to repeal and recreate Section 17.08 7. B, relating to the procedure for
17 issuance of sign permits, more specifically described in the "Staff Report and Recommendation"
18 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
19 of this Ordinance by reference RZ113, is hereby approved.
20

21 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
22 this Ordinance with the Town Clerk of Delafield.
23

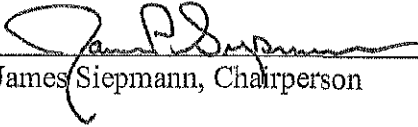
24 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
25 approval and publication.

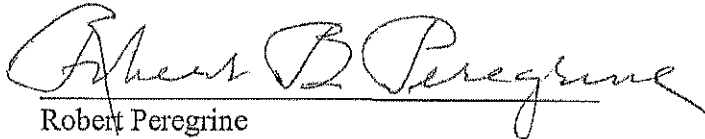
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ113 (Text Amendment/Town of Delafield Board)** in accordance with the attached "Staff Report and Recommendation".

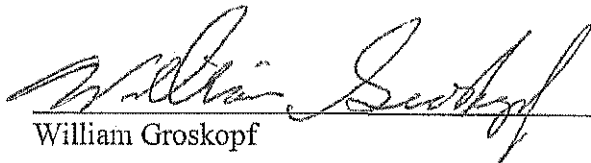
PARK AND PLANNING COMMISSION

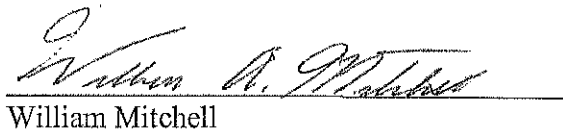
March 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


William Mitchell

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO.: RZ113
DATE: March 16, 2023
PETITIONER: Town of Delafield Board
W302 N1254 Maple Ave.
Delafield, WI 53018

REQUEST:
Amend the Town of Delafield Zoning Code (Town Ordinance No. 2023-06) relating to the procedure for issuance of sign permits.

PUBLIC HEARING DATE:
February 7, 2023.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of February 7, 2023, unanimously recommended approval of the request.

TOWN BOARD ACTION:
The Town Board of Delafield, at their meeting of February, 14, 2023, unanimously recommended approval of the request per Town Ordinance 2023-06.

COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT PLAN:
The plan does not provide any guidance for the assignment of basic administrative zoning review functions, however, the proposed changes should make reviews more expedient which can be construed as contributing positively to economic development.

OTHER CONSIDERATIONS:
The Town of Delafield is proposing a minor amendment to its signage review procedures. The amendments would eliminate the necessity of some signage requests needing to be before the town plan commission for review. The Code Enforcement Officer would review all permits. The changes make signage review an entirely administrative staff review function.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments make sign review a more simple administrative process which should make the review process more expedient for applicants.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town of Delafield Ordinance No. 2023-06

JF:kb

Referred on: 03/21/23

File Number: 178-O-003

Referred to: LU

3

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2023-06

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.08 7. B. OF THE
TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING THE PROCEDURE FOR
ISSUANCE OF SIGN PERMITS**

WHEREAS, Section 17.08(7)(B) of the Town of Delafield Municipal Code requires Plan Commission approval of certain sign permits; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the Town's governing bodies, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Code Enforcement Officer, who is under the supervision of the Town Administrator, the power to approve the issuance of sign permits; 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, 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 proposed ordinance on February 7, 2023; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that ordinance to allow the Town staff to issue sign permits 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 the granting of such zoning 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 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Code" Section 17.08 entitled "Signs," subsection 7. entitled "Permits, Requirements and Procedures," subsection B. entitled "Procedure," is hereby repealed and re-created as follows.

B. Procedure.

~~1. Initial Review.~~ All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, ~~who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission.~~ The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter, and shall otherwise issue the sign permits.

~~2. Plan Commission.~~ Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to approve or deny the application based on the following factors:

~~a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.~~

~~b. The proposed sign conforms to the location, size and style requirements set forth in this chapter.~~

~~c. The proposed sign conforms to the Town's long range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., and Comprehensive Plan per Section 66.1001, Wis. Stats., or relevant portions thereof.~~

~~d. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.~~

SECTION 2: SEVERABILITY.

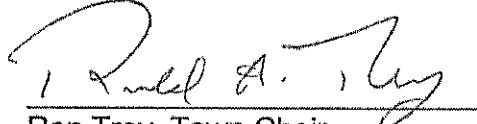
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

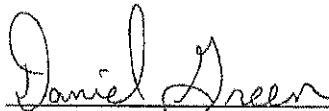
Dated this 14th day of February, 2023.

TOWN OF DELAFIELD



Ron Troy, Town Chair

ATTEST:



Dan Green Town Administrator-Clerk/Treasurer

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published 2/15/2023.

1 AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY
2 REVISING VARIOUS SECTIONS OF CHAPTER 500
3 RZ112
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
6 this Ordinance was approved by the Eagle Town Board on January 3, 2023; and
7

8 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
9 Planning Commission, which recommended approval and reported that recommendation to the
10 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
11 as required by Section 60.62, Wis. Stats.
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
14 that the text of the Town of Eagle Zoning Code, adopted by the Town of Eagle on November 30,
15 2021, is hereby amended by revising various sections of Chapter 500, more specifically
16 described in the "Staff Report and Recommendation" on file in the office of the Waukesha
17 County Department of Parks and Land Use and made a part of this Ordinance by reference
18 RZ112, is hereby approved, as set forth in the Town of Eagle Ordinance No. 2023-01.
19

20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
21 this Ordinance with the Town Clerk of Eagle.
22

23 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
24 approval and publication.

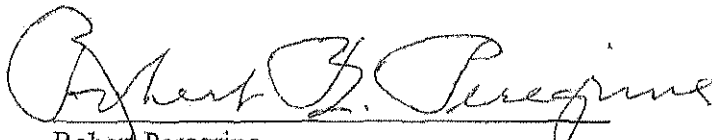
COMMISSION ACTION

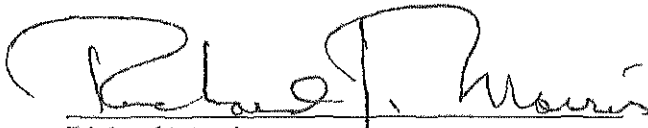
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends approval of **RZ112 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

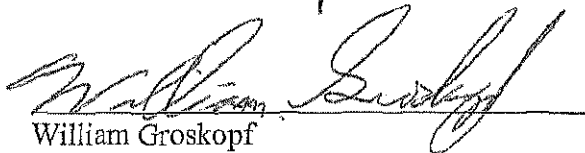
PARK AND PLANNING COMMISSION

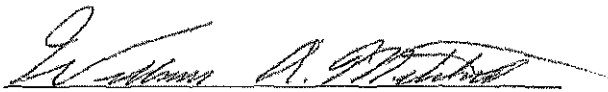
March 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


William Mitchell

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENT

FILE NO: RZ112
TAX KEY NUMBER: N/A
DATE: March 16, 2023
NAME OF PETITIONER: Town Board of Eagle
Eagle Town Hall
P.O. Box 327
820 East Main Street
Eagle, WI 53119

NATURE OF REQUEST:

Revise and amend various sections of Chapter 500 of the Town of Eagle Zoning Code.

PUBLIC HEARING DATE:

January 3, 2023.

PUBLIC REACTION:

A person attending the public hearing had questions regarding Section 9, Commercial Greenhouse, Section 21, Accessory Building, Section 22 Commercial Truck Parking and Section 25, Household Livestock. The questions were answered by the Town Planner.

TOWN PLAN COMMISSION ACTION:

At their meeting of January 3, 2023, the Town of Eagle Plan Commission recommended approval of the proposed text amendments with minor amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting of January 3, 2023, the Town of Eagle Board unanimously approved the proposed text amendments to Town of Eagle Zoning Code.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:

The county and town plans call for a variety of use types to be accommodated. The proposed text amendments are consistent with both plans.

STAFF ANALYSIS:

The Town of Eagle is proposing to modify various standards of its zoning code. For instance, the changes add agricultural tourism, greenhouses and commercial truck parking as available conditional uses within the Rural Residential zoning district. A number of minor changes are proposed to various farm related accessory uses. Other changes relate to household livestock, solar equipment and driveway standards. The proposed changes are identified in track changes format (see attached town ordinance).

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Eagle's request. The changes are fairly minor and provide modernized standards for various use types making review of such requests more efficient.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2023-01

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AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, the Plan Commission for the Town of Eagle prepared a recommended ordinance to revise various sections of the adopted zoning code; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a joint public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on January 3, 2023; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could be potentially interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in § 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

Section 1. Include the definition listed below in section 500.41, to be placed in alphabetical order.

Active farm operation A property where the principal current and ongoing use of the property is crop production, animal production, or growing Christmas trees or ginseng. Land that was engaged in the preceding activities, but has been harvested at the end of the last possible production season, continues to be an active farm operation unless and until it fails to engage in production in the next production season or after a period of 12 months, whichever occurs first.

Section 2. Repeal and recreate section 500.112 to read as revised below.

500.112 Nature of staff comments

Statements and recommendations that are made by the zoning administrator, town staff and officials, and other representatives prior to or during the application review process are informational and are not shall not be binding on the decision-making body responsible for making the final decision.

Section 3. Create section 500.970 to read as follows.

500.970 Landscape guarantee

The property owner must provide a financial guarantee consistent with Article 5 to ensure the required landscaping survives the first two growing seasons. The amount of the guarantee must be 50 percent of the cost of the required plant materials.

Section 4. Repeal and recreate the first section in Appendix A to read as revised below.

	Type of Review	Base Zoning District												
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1
1 Agriculture														
1.01 Agriculture (35 acres or less)	-	-	-	-	P	-	P	-	-	-	-	-	-	-
1.02 Agriculture (more than 35 acres)	-	-	-	-	P	-	P	-	-	-	-	-	-	-
1.03 Agriculture related use	ZP	-	-	-	-	C	-	-	-	-	-	P	C	-
1.04 Agriculture, crop [14]	-	-	-	P	-	P	P	P	-	-	P	P	P	-
1.05 Agriculture, general	-	-	-	-	-	P	-	-	-	-	-	-	-	-
1.06 Agriculture, intensive	SP,PO,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-
1.07 Greenhouse	SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	P	P	P

Section 5. Repeal and recreate the second section in Appendix A to read as revised below.

	Type of Review	Base Zoning District												
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1
2 Agri-Tourism														
2.01 Agro-ecology center	BP,SP,PO,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-
2.02 Bird hunting preserve	BP,SP,PO,ZP	-	C	C	-	C	-	-	-	-	-	-	-	-
2.03 Farm education	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.04 Farm recreation	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.05 Farm restaurant	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.06 Farm store	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.07 Fee fishing	SP,PO,ZP	-	C	-	-	C	C	-	-	-	-	-	-	-
2.08 Petting farm	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.09 U-Cut Christmas tree operation	SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-
2.10 U-Pick operation	SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-

Section 6. Remove Personal Storage Facility from the fifteenth section in Appendix A and renumber the remaining uses in that section.

Section 7. Repeal and recreate the eighteenth section in Appendix A to read as revised below.

	Type of Review	Base Zoning District													
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1	
18 Accessory Uses															
18.01 Accessory building, non-residential [10]	ZP	P	-	-	-	-	-	-	P	P	P	P	P	-	
18.02 Accessory building, residential [7]	ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.03 Adult family home [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.04 Amateur radio and/or citizens band antenna [7]	ZP	-	-	-	P	P	P	P	P	P	P	P	P	-	
18.05 Backyard chickens	-	-	-	-	P	P	P	P	-	-	-	P	P	-	
18.06 Bed and breakfast [7,13]	SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.07 Bus parking	-	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.08 Commercial truck parking	-SP	-	-	-	-	C	-C	-	-	-	-	-	-	-	
18.09 Exterior communication device	-	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.10 Family day care home [7,13]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.11 Farm building for non-farm storage	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.12 Farm residence	ZP	-	-	-	-	P	P	-	-	-	-	-	-	-	
18.13 Fence	-	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.14 Foster home and treatment foster home [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.15 Home occupation, Type 1 [7]	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.16 Home occupation, Type 2 [7]	SP,PO,ZP	-	-	-	C	C	C	C	C	C	-	-	-	-	
18.17 Hot tub [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.18 Household livestock [7,13]	ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.19 In-law dwelling unit [7,13]	BP,SP,ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.20 Kennel, hobby [7,13]	SP,PO,ZP	-	-	-	C	C	C	-	-	-	-	-	-	-	
18.21 Kennel, private [7]	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.22 Light industrial use incidental to sales/service	SP,PO,ZP	-	-	-	-	-	-	-	-	C	P	P	-	-	
18.23 Outdoor food and beverage service	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.24 Play structure [8]	-	-	-	-	P	P	P	P	P	P	P	P	-	-	
18.25 Pond	ZP	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	-	
18.26 Retaining wall, major	ZP	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	-	
18.27 Retaining wall, minor	-	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.28 Rural accessory building [7]	-	P	-	-	-	-	-	P	P	-	-	-	-	-	
18.29 Sales incidental to industrial use	SP,PO,ZP	-	-	-	-	-	-	-	-	-	P	P	C	-	
18.30 Service window, drive-up	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.31 Service window, walk-up	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.32 Solar energy system, building-mounted	ZP	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.33 Solar energy system, free-standing	SP	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.34 Storage container	SP	-	-	-	-	-	-	-	C	C	C	C	C	-	
18.35 Swimming pool [7,13]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.36 Utility cabinet	ZP	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.37 Work/live dwelling unit	SP	-	-	-	-	-	-	-	C	C	C	-	-	-	

Section 8. Repeal and recreate the nineteenth section in Appendix A to read as revised below and renumber the subsequent uses accordingly.

	Type of Review	Base Zoning District											
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2
19 Temporary Uses													
19.01 Earth materials stockpile	SP,PO	P	P	-	-	C	-	-	-	-	C	C	C
19.02 Farmers market	SP,PO	P	-	-	-	C	-	-	-	C	C	C	-
19.03 Farmstand, off-site	ZP	-	-	-	-	C	-	-	P	P	P	P	P
19.04 Farmstand, on-site [13]	ZP	-	-	-	P	P	P	C	C	-	-	-	-
19.05 Livestock for vegetation management	ZP	P	P	P	P	P	P	P	P	P	P	P	P
19.06 Model home	ZP	-	-	-	P	-	P	P	-	-	-	-	-
19.07 Off-site construction yard	SP,PO	C	C	-	-	-	-	-	-	-	C	C	C
19.08 On-site construction office	SP,PO,ZP	-	-	-	-	-	P	P	P	P	P	P	P
19.09 On-site construction yard	SP,PO,ZP	-	-	-	-	-	P	P	P	P	P	P	P
19.10 Party tent	-	-	-	-	P	P	P	P	-	-	-	-	-
19.11 Portable storage container	-	P	-	-	P	P	P	P	P	P	P	P	P
19.12 Relocatable building	BP,SP,PO	C	-	-	-	-	-	-	C	C	C	-	-
19.13 Seasonal product sales	ZP	C	-	-	-	C	-	-	C	P	P	C	-
19.14 Special event	SP,PO	C	-	-	-	-	-	-	-	-	-	-	-
19.15 Wind test tower	ZP	P	P	P	P	P	P	P	P	P	P	P	P
19.16 Yard sale	-	P	-	-	P	P	P	P	P	P	P	-	-

Section 9. Repeal and recreate series 1.07, titled “Greenhouse” in Appendix B to read as revised below.

1.07 Greenhouse

Description: A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight and/or artificial lighting. ~~For the purpose of this definition, a mushroom farm is considered a greenhouse.~~ Note: A greenhouse on a residential lot is considered an accessory building. See Series 18.

Parking requirements: 1 space for each employee on the largest work shift; plus parking for customers determined on a case-by-case basis

Development Requirements:

- (a) Minimum lot area. The minimum lot area for a greenhouse is 5 acres.
- (b) Construction. A greenhouse shall have 50 percent or more of transparent surfaces.
- (c) Number. A greenhouse that has an overall height of more than 9 feet counts as a building and is subject to the limitation on the number of accessory buildings allowed under the base zoning standards.
- (d) Floor area. The floor area of all greenhouses shall not exceed 2.5 percent of the lot area, provided the floor area complies with the building coverage standards referenced in Section 500.558.
- (e) Retail sales. Plants grown on site in a greenhouse may be sold on site at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants. The type of merchandise shall be enumerated in the Town’s approval.
- (f) Use of artificial lighting. If artificial lighting is used in the growing operation, the operator shall ensure such lighting does not cause a negative impact on surrounding properties.
- (g) Maintenance. A greenhouse shall be kept in a good condition.

(h) Storage. A greenhouse may be used to store tools and equipment specifically related to the greenhouse operation. Other storage of any kind is strictly prohibited.

(i) Periodic review. If the greenhouse is covered with a non-durable material, such as plastic sheeting, the Town's approval shall expire 12 months after issuance of the approval. Prior to such expiration, the Town Board upon recommendation of the Plan Commission may grant an extension of a specified period, but not more than 3 years. In reviewing a renewal request, the Plan Commission and Town Board should consider the extent to which the greenhouse complies with the Town's approval and this part.

(j) Not in a subdivision. This use may not be located within a platted residential subdivision.

(k) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 10. Repeal and recreate series 2.03, titled "Farm education" in Appendix B to read as revised below.

2.03 Farm education

Description: Farm tours and how-to clinics or classes related to farming, farm life, or food (e.g., gardening, cooking, canning produce, jam-making, candle making, soap making, flower arranging, quilting).

Parking Requirements: Determined on a case-by-case basis

Supplemental Standards:

(a) Validity of use. Farm education must be operated as an ancillary use in conjunction with an active farm operation.

~~(b) Minimum lot area. The minimum lot area for farm education is 10 acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.~~

~~(be) Subordinate to other farm uses. Any building that is constructed to house clinics or classes shall be clearly subordinate to the other farm buildings on the property.~~

~~(cd) Parking. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.~~

(d) Group limitations. For any parcel that is 10 acres or smaller, the maximum number of people coming to the property is 25 at any point in time. For any parcel larger than 10 acres, the maximum number of people coming to the property is 50 at any point in time, except the Town Board may allow a larger number, but not more than 100, as part of the conditional use review process.

(e) Frequency of events. For any parcel that is 10 acres or smaller, the maximum number of events in a calendar week is 1. For any parcel larger than 10 acres, the maximum number of events in a calendar week is 2. For the purpose of this subsection, an event shall not exceed a 12-hour period of time.

~~(fe) Special provisions in AP district. When located in the AP zoning district, farm education must also comply with the requirements set forth in s. 505.226.~~

(gf) Application fee. This use is classified as a Type ~~1~~ conditional use in the fee schedule ~~when the property is 10 acres or smaller. This use is classified as a Type 2 conditional use in the fee schedule when the property is larger than 10 acres.~~

Section 11. Repeal and recreate series 2.04, titled “Farm recreation” in Appendix B to read as revised below.

2.04 Farm recreation

Description: One or more of the following or similar activities: sleigh/hay rides, corn maze, haunted house, ropes course, pumpkin cannons, zip lines, paint ball courses, and obstacle courses.

Parking Requirements: Determined on a case-by-case basis

Supplemental Standards:

- (a) Validity of use. Farm recreation must be operated as an ancillary use in conjunction with an active farm operation.
- (b) Minimum lot area. The minimum lot area for farm recreation is 20 acres when located in the AP zoning district and 35 acres when located in the RR zoning district. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.
- (c) Activity areas. Activity areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (d) Parking. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (e) Hours of operation. When allowed as a conditional use, the business may be only operated from 8:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.
- (f) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (g) Special provisions in AP district. When located in the AP zoning district, farm recreation must also comply with the requirements set forth in s. 500.226.
- (h) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 12. Repeal and recreate series 2.05, titled “Farm restaurant” in Appendix B to read as revised below.

2.05 Farm restaurant

Description: A place where food and beverages are offered for retail sale primarily for on-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A farm restaurant may also prepare food as part of a catering business.

Parking Requirements: Determined on a case-by-case basis

Supplemental Standards:

- (a) Validity of use. A farm restaurant must be operated as an ancillary use in conjunction with an active farm operation.
- (b) Minimum lot area. The minimum lot area for a farm restaurant is 35 acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.

- (c) Subordinate to other farm uses. Any building that is constructed for a farm restaurant shall be clearly subordinate to the other farm buildings on the property.
- (d) Road access. The property with a farm restaurant shall front on and have access to a major road as depicted on the adopted zoning map.
- (e) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (f) Hours of operation. When allowed as a conditional use, the business may be only operated from 5:00 am to 9:00 pm. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.
- (g) Special provisions in AP district. When located in the AP zoning district, a farm restaurant must also comply with the requirements set forth in s. 500.226.
- (h) Seating capacity. Seating capacity is limited to 24, except the Town Board may establish a larger number through the conditional use review process.
- (i) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.
- (j) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 13. Repeal and recreate series 2.06, titled "Farm store" in Appendix B to read as revised below.

2.06 Farm store

Description: A retail outlet that features agricultural products and goods derived from the farm on which the farm store is located and other farms in the region. Non-agriculturally related products such, as T-shirts, other clothing, and knick-knacks, may be offered so long as such products are clearly subordinate in number and scale to the featured agricultural products and goods.

Parking Requirements: Determined on a case-by-case basis

Supplemental Standards:

- (a) Validity of use. A farm store must be operated as an ancillary use in conjunction with an active farm operation.
- (b) Minimum lot area. The minimum lot area for a farm store is ~~35-20~~ acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.
- (c) Subordinate to other farm uses. Any building that is constructed for a farm store shall be clearly subordinate to the other farm buildings on the property.
- (d) Road access. The property with a farm store shall front on and have access to a major road as depicted on the adopted zoning map.
- (e) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (f) Hours of operation. When allowed as a conditional use, the business may be only operated from 8:00 am to 9:00 pm. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(g) Special provisions in AP district. When located in the AP zoning district, a farm store must also comply with the requirements set forth in s. 500.226.

(h) Not in a subdivision. This use may not be located within a platted residential subdivision.

(i) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 14. Repeal and recreate series 2.07, titled "Fee fishing" in Appendix B to read as revised below.

2.07 Fee fishing

Description: An operation that provides the opportunity for anglers to pay a fee for the right to fish on a farm.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(a) Minimum lot area. The minimum lot area for fee fishing is 10 acres.

(b) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.

(c) Activity areas. Activity areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(e) Hours of operation. When allowed as a conditional use, the business may be only operated from ~~8:00 am~~ 30 minutes before sunrise to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(f) Special provisions in AP district. When located in the AP zoning district, fee fishing must also comply with the requirements set forth in s. 500.226.

(g) Not in a subdivision. This use may not be located within a platted residential subdivision.

(h) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

Section 15. Repeal and recreate series 2.08, titled "Petting farm" in Appendix B to read as revised below.

2.08 Petting farm

Description: An operation where the public is invited to pet and touch farm animals, but not exotic animals.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(a) Validity of use. A petting farm must be operated as an ancillary use in conjunction with an active farm operation.

(b) Minimum lot size. The minimum lot size for a petting farm is 10 acres.

(c) Limitation on guests. The number of guests at any point in time shall not exceed 1 guest for each livestock allowed on the property, except the Town Board may allow a larger number as part of the conditional use review process, but not more than 5 per livestock.

- (d) Number of livestock. The number of livestock shall not exceed the number otherwise allowed on the subject property.
- (e) Road access. The property with a petting farm shall front on and have access to a major road as depicted on the adopted zoning map.
- (f) Location of buildings. A building that houses animals shall be located at least 50 feet from any lot line.
- (g) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (h) Special provisions in AP district. When located in the AP zoning district, a petting farm must also comply with the requirements set forth in s. 500.226.
- (i) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.
- (j) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (k) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.
- (l) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 16. Repeal and recreate series 2.09, titled "U-Cut Christmas tree operation" in Appendix B to read as revised below.

2.09 U-Cut Christmas tree operation

Description: A place where customers can harvest their own Christmas tree.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

- (a) Minimum lot size. The minimum lot size for a U-cut Christmas tree operation is ~~35-10~~ acres.;
- (b) Ancillary retail sales. Aside from the sale of Christmas trees and wreaths, no other retail sales are allowed.
- (c) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (d) Special provisions in AP district. When located in the AP zoning district, a U-cut Christmas tree operation must also comply with the requirements set forth in s. 500.226.
- (e) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset.
- (f) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (g) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

Section 17. Repeal and recreate series 2.10, titled “U-Pick operation” in Appendix B to read as revised below.

2.10 U-Pick operation

A farm operation where customers can pick or harvest fruits and vegetables directly from the plants grown on the premises.

Vehicle Parking: Determined on a case-by-case basis

Supplemental Standards:

(a) Minimum lot area. The minimum lot area for a u-pick operation is 10 acres.

(b) Ancillary retail sales. Aside from the sale of products grown on site, no other retail sales are allowed.

(c) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Special provisions in AP district. When located in the AP zoning district, a U-pick operation must also comply with the requirements set forth in s. 500.226.

(e) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(f) Not in a subdivision. This use may not be located within a platted residential subdivision.

(g) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

Section 18. Repeal and recreate series 3.01, titled “Dam” in Appendix B to read as revised below.

3.01 Dam

Description: An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

Parking Requirements: 1 space for each employee on the largest work shift

Supplemental Standards:

(a) State and federal compliance. A dam ~~constructed after March 28, 2017,~~ shall comply with all state and federal rules and regulations.

(b) Removal. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.

(c) Safety. The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.

(d) Unsafe conditions. If it is determined that a dam is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 6 relating to unsafe conditions.

(e) Termination of use. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 6 relating to the termination of an approval.

(f) Special provisions in AP district. when located in the AP zoning district, a dam shall also comply with the requirements set forth in s. 500.226.

(g) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

Section 19. Repeal and recreate series 6.01, titled "Campground" in Appendix B to read as revised below.

6.01 Campground

Description: A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.

Parking requirements: 1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces

Development Requirements:

- (a) Minimum lot size. The minimum lot size for a campground is 20 acres.
- (b) Continuing maintenance. The owner of the campground shall maintain the campground in a clean and sanitary manner.
- (c) Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by nonoccupants.
- (d) Density. The density shall not exceed 2.5 campground spaces per acre (gross).
- (e) Access. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
- (f) Setbacks from lot line. A campground space shall be no closer than 40 feet to the perimeter lot line of the site.
- (g) Solid waste collection. An off-street area for the collection of solid waste (trash) shall be provided within a campground.
- (h) Sanitation. Onsite wastewater treatment facilities must be shown on the approved site plan and must be located to minimize the impact to surrounding properties.
- (i) Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
- (j) Emergency shelter. A campground with 8 or more camping spaces shall provide an on-site emergency shelter of sufficient size and construction for campers during a severe weather event.
- (k) State license. Prior to the establishment of a campground, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

Section 20. Remove Personal Storage Facility from the fifteenth section in Appendix B and renumber the remaining uses in that section.

Section 21. Repeal and recreate series 18.08, titled “Commercial truck parking” in Appendix B to read as revised below.

18.08 Commercial truck parking

Description: The parking and the storage of commercial type vehicles such as dump trucks, construction vehicles, and semi-trailers and tractors, and related equipment on a residential parcel as an accessory use.

Parking requirements: On-site parking not required

Development Requirements:

- (a) Minimum lot size. The minimum lot size for commercial truck parking is 5 acres in the AP zoning district and 35 acres in the RR zoning district.
- (b) Ownership requirements. All commercial motor vehicles and related equipment authorized under this part shall be owned and/or leased and operated by the owner or occupant of the premises.
- (c) Vehicle and equipment requirements. All commercial motor vehicles and related equipment authorized under this part shall be (1) licensed, if required by the state of Wisconsin or federal government; (2) fully operational; and (3) in active use.
- (d) Road access. The parcel used for commercial truck parking shall front on and have direct access to a state highway or a county trunk highway ~~major road as depicted on the adopted zoning map.~~
- (e) Number. ~~In the AP zoning district, no~~ more than one commercial motor vehicle shall be parked or stored on the premises and no more than two additional construction vehicles, such as backhoes, front end loaders, and grading equipment, shall be allowed. Where considered appropriate due to trailer height, length, or parking location, two trailers may be allowed, but in no case may there be more than one semi-tractor or “cab” unit. In the RR zoning district, no more than one commercial motor vehicle shall be parked or stored on the premises.
- (f) Special dimensional standards. No such vehicle shall be allowed to be parked or stored closer than 50 feet to any adjacent lot line, and not closer than 100 feet from the base setback line. In the case of refrigerator trucks, the refrigeration unit may not be operated in the open if said truck is parked closer than 500 feet to the nearest neighboring residential property line.
- (g) Periodic review. The conditional use permit should be reviewed by the Town Board at least every 2 years to determine whether the terms of the approval are being met and whether the use is still compatible with the adjacent land uses. The failure of the Town Board to review the conditional use as specified in this part shall not limit the authority of the Town Board to act as authorized. If the Town Board determines that the terms of the approval are not being met, the Town Board shall initiate enforcement proceedings to ensure compliance. If it is determined that the use is no longer compatible with adjacent land uses, the conditional use permit may be revoked in accordance with the revocation procedures in this code.
- (h) Indoor storage. ~~When allowed in the RR district, the commercial vehicle allowed under this part shall be kept inside of an enclosed building indoors from 10:00 pm to 6:00 am. Pursuant to the procedures and requirements in Article 6, the town board may approve a special exception to allow outdoor parking. The plan commission in making its recommendation and the town board in making its decision shall consider (1) the size of the subject property, (2) the location where the commercial vehicle would be kept, (3) the type of commercial vehicle being kept, (4) the extent to which the commercial vehicle would be visible from public and private streets and other properties in the area, (5) the character of the area, (6) other factors related to relevant circumstances.~~
- (ih) Special provisions in AP district. When located in the AP zoning district, commercial truck parking must also comply with the requirements set forth in s. 91.01(1), Wis. Stats.

- (j) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (k) Single use. If an owner is approved for this use, the owner may not also obtain approval for bus parking as may be allowed under this code.
- (l) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

Section 22. Repeal and recreate series 18.15, titled “Home occupation” in Appendix B to read as revised below and revise the numbering accordingly.

18.15 Home occupation, Type 1

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the residential premises as an accessory use, but excludes any activity that creates, transfers, or produces physical products for sale or resale. The term does not include hobbies or similar noncommercial activities.

Vehicle Parking: additional parking not required ~~1 space for each company vehicle, if any~~

Supplemental Standards:

- (a) Validity of use. The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.
- (b) Location and space limitation. The home occupation must ~~may~~ occur within the dwelling unit ~~or within an accessory building located on the lot, or both.~~ The space specifically designated for use of the home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.
- (c) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.
- (d) Storage of materials. Exterior storage of materials or equipment is prohibited ~~allowed, but shall be screened from view from any adjoining parcel in a residential zoning district.~~
- (e) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit ~~and one individual not living in the dwelling unit.~~
- (f) Retail sales. On-site retail sale of merchandise is prohibited.
- (g) ~~Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.~~
- (g) Nuisance. A home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.
- (h) Prohibited uses. The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.
- (i) Special exception for an operator with a disability. Consistent with the procedures and requirements of article 6 of this chapter, the plan commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.
- (j) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(k) Special provisions in AP district. When located in the AP zoning district, a home occupation must comply with the requirements set forth in s. 91.01(1), Wis. Stats.

Section 23. Create a new use in the Accessory Uses section of Appendix B, titled "Home occupation, Type 2 to read as set forth below and revise the numbering accordingly.

18.16 Home occupation, Type 2

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the residential premises as an accessory use. The term does not include hobbies or similar noncommercial activities.

Vehicle Parking: 1 space for each company vehicle, if any

Supplemental Standards:

(a) Validity of use. The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.

(b) Location and space limitation. The home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

(c) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.

(d) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(e) Retail sales. On-site retail sale of merchandise is prohibited.

(f) Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.

(g) Nuisance. A home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

(h) Prohibited uses. The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.

(j) Special exception for an operator with a disability. Consistent with the procedures and requirements of article 6 of this chapter, the plan commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.

(k) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(l) Special provisions in AP district. When located in the AP zoning district, a home occupation must comply with the requirements set forth in s. 91.01(1), Wis. Stats.

Section 24. Repeal and recreate series 18.17, titled "Household livestock" in Appendix B to read as revised below.

18.17 Household livestock

Description: A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes.

Note: Also see backyard chickens in this Series, which are allowed on parcels that are 3 acres or smaller.

Parking Requirements: On-site parking not required

Development Requirements:

- (a) Minimum lot size. The minimum lot size for household livestock is 3 acres.
- (b) Number of animals. The number of animals shall not exceed one grazing animal for each full acre plus 10 fowl for each full acre.
- (c) Prohibited animals. The following are not permitted on parcels smaller than 35 acres: ~~hogs~~; intact male goats; roosters; or fur-bearing animals, other than rabbits.
- (d) Location of new buildings. A building that houses household livestock shall not be located within a floodplain or closer than 100 feet to the ordinary high-water mark of a navigable body of water.
- (e) Special standards for hogs. Hogs are allowed provided the number does not exceed one-third of the total number of livestock allowed on the property. For example, if 3 livestock are allowed on a property, 1 may be a hog. Hogs shall be kept at least 75 from all lot lines.
- (ed) Fencing. Any area where poultry, domestic livestock, or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
- (fe) Buildings not a structure. A loafing shed is not counted as an accessory building, provided (1) the floor area is not more than 240 square feet, (2) it is located within a fenced enclosure, (3) it is constructed so it can be easily moved to another location (i.e., its moveable), (4) it is constructed of exterior building materials similar to the horse barn/stable, and (5) the number of loafing sheds is limited to the following: 3 to 5 acres - 1; 5.1 to 10 acres - 2; 10.1 to 20 acres - 3; and 20.1 to 35 acres - 4. In the event there are no livestock kept on the property for 6 consecutive months or more, all loafing sheds must be moved off the subject property or kept inside of an accessory building on the property. A loafing shed shall not be used for storage of any kind.

Section 25. Repeal and recreate series 18.32, titled "Solar energy system, free-standing" in Appendix B to read as revised below.

18.32 Solar energy system, free-standing

Description: An installation that uses sunlight to produce electricity or provide heat or hot water to a building. For the purposes of this code, a solar energy system may be classified as a free-standing system or a building-mounted system.

Parking Requirements: On-site parking not required

Supplemental Standards:

- (a) Surface area. The surface area of a free-standing solar energy system shall not exceed 120 square feet when located in one of the following zoning districts: UC, R-1, R-L, B-1, and B-2. The surface area of a free-standing solar energy system shall not exceed 200 square feet when located in one of the following zoning districts: P-1, Q-1, AP, RR, B-4, M-1, and M-2. The surface area of a free-standing solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.
- (b) Number. There shall be no more than one free-standing solar energy system on a parcel of land.

(be) Maximum height. A free-standing solar energy system shall not exceed 15 feet in height as measured from the surrounding grade.

(cd) Setback. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in article 6, the Town Board may approve a special exception to allow a free-standing solar energy system to extend into a setback, offset, or buffer yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(de) Placement in yards. A free-standing solar energy system located in a residential or business zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in article 6 of this chapter, the Town Board may approve a special exception to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or manufacturing zoning may be located in any yard area.

(ef) Certification. A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(fg) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(gh) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 6 of this code relating to the termination of an approval.

(hi) Compliance with state law. The provisions in this part are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case-by-case basis, if the restrictions of this part are found not to comply with the authority of s. 66.0401(1m), Wis. Stats., they shall not be required. The Town Board shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the town pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

Section 26. Insert "Livestock for vegetation management" in series 19 in Appendix B in alphabetical order and revise the series number of the uses that follow in that section.

19. Livestock for vegetation management

Keeping of sheep and/or goats on a temporary basis for controlling undesirable plant species such as buckthorn, honeysuckle, invasive rose, garlic mustard, and reed canary grass.

Vehicle Parking: On-site parking not required

Development Requirements:

- (a) Vegetation management plan. A vegetation management plan must be submitted that describes (1) the areas to be treated; (2) the nature and extent of the plant species to be controlled; (3) the number of livestock being used; (4) the time periods when livestock will be used, not to exceed 30 days in a

calendar year; (5) the type of fencing used, and (6) other operating characteristics. The Town reserves the right to request a third-party review of the proposed management plan.

(b) Buildings. No permanent buildings may be erected or installed on the subject property for housing the livestock.

(c) Fencing. Fencing may be temporarily installed while livestock are kept on the subject property.

Section 27. Repeal and recreate Section 500.605 to read as revised below.

500.605 Driveways

(a) **Generally.** Every new residence, commercial building, or industrial building shall have a driveway that connects the dwelling unit building to a public or private street as set forth in this section. The driveway shall be suitable for automobile use, and provide adequate slope, width, and overhead clearance to allow uninhibited access by emergency vehicles and equipment.

(b) **Clearance.** Prior to issuance of an occupancy permit, the property owner must establish a minimum unobstructed width of 12 feet and a minimum unobstructed vertical clearance of 15 feet. Thereafter, the property owner is responsible for maintaining such clearances.

(c) **Grade.** The grade of a driveway shall not exceed 10 percent.

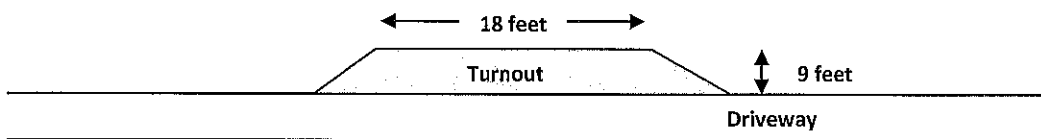
(d) **Turning radius.** The driveway must accommodate a WB-50 vehicle. If there is a question whether a proposed driveway will satisfy this requirement, the property owner shall supply a turning movement analysis prepared by a qualified professional.

(d) **Offsets.** The edge of a driveway shall not be closer than 5 feet to the side- or rear-lot lines.

(e) **Turnaround near building.** If the length of a private driveway is more than 300 feet, a hard-surfaced turnaround must be provided within 50 feet of the building.

(f) **Turnouts.** If the length of a private driveway is more than 300 feet, hard-surfaced turnouts, as shown below, must be provided at intervals not exceeding 400 feet along the driveway's length.

Figure: Standards for a turnout (not to scale)



(g) **Number.** No more than one driveway shall access onto a public road. The plan commission may however allow a second driveway as a special exception consistent with the procedures and requirements in article 6 of this chapter.

Section 28. Repeal and recreate Appendix C to read as revised in Exhibit 1, attached hereto.

Section 29. Amend the zoning map by changing the designation of Parcel number EGLT1791998 from P-1 to RR.

Section 30. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such

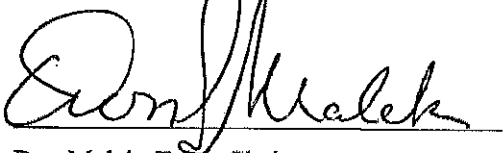
decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 31. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 32. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

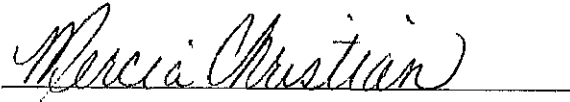
Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 3rd day of January 2023

TOWN OF EAGLE



Don Malek, Town Chairman

ATTEST:



Mercia Christian, Town Clerk

Published and posted this ___ day of _____ 2023

Appendix C. Dimensional standards for lots

Zoning District	Minimum Lot Area	Lot Density	Minimum Lot Width	Minimum Lot Frontage	Minimum Residential Living Area [1]	Maximum Residential Garage Area	Maximum Building Coverage	Building Height Maximum [2]	Minimum Setback [3,11,12]	Minimum Offset [4,5,12]	Maximum Number of Accessory Buildings [6]	Maximum Land Disturbance
Section in Code	s. 500.552	s. 500.554	s. 500.555	s. 500.556	s. 500.557(A)	s. 500.557(B)	s. 500.558	s. 500.559	s. 500.560	s. 500.561	s. 500.566	s. 500.568
Public (P-1) District	40,000 sq. ft.	Not applicable	150 ft.	33 ft.	--	--	30 percent	Principal: 35 ft. Accessory: 20 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Quarry (Q-1) District	10 ac.	Not applicable	200 ft.	33 ft.	--	--	5 percent	Principal: 35 ft. Accessory: 60 ft.	See s. 500.663	See s. 500.663	Not applicable	Not applicable
Conservancy (C-1) District	--	Not applicable	--	33 ft.	--	--	--	--	--	--	Not applicable	Not applicable
Upland Conservancy (UC) District	3 ac.	1 du per 5 acres	Less than 6 acres: 200 ft. 6 acres or more: 300 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	60-90 ft.	2, plus a minor shed not exceeding 150 sf	See s. 500.568
Agricultural Land Preservation (AP) District	35 ac. subject to s. 500.552(G)	Not applicable	600 ft.	33 ft.	Single-family: 1,500 sf with at least 900 sf on first floor	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Nonfarm Principal: 35 ft. Nonfarm Accessory: 18 ft. Farm Principal & Accessory: 60 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Rural Residential (RR) District	3 ac.	1 du per 3 acres	200 ft.	33 ft.	Single family: 1,500 sf with at least 900 sf on first floor; Duplex: 850 sf per unit	Attached: 60 percent of floor area of residence Detached: 5 percent of lot area	15 percent	Principal: 35 ft. Accessory nonfarm: 18 ft. [7] Accessory farm: 60 ft.	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	Less than 35 acres: 2, plus a minor shed not exceeding 150 sf [8] 35 acres or more: 2, plus a minor shed not exceeding 150 sf, no restriction on farm buildings	Not applicable
Residential (R-1) District	1 ac.	1 du per acre	Corner lot: 180 ft. Other lots: 150 ft.	33 ft.	Single family: 1,200 sf with at least 720 sf on first floor; Duplex: 850 sf per unit; Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	20 ft.	2, plus a minor shed not exceeding 150 sf	Not applicable
Neighborhood Business (B-1) District	20,000 sq. ft.	Not applicable	Corner lot: 160 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Local Business (B-2) District	30,000 sq. ft.	Not applicable	Corner lot: 180 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sf for one bedroom, 700 sf for two-bedroom, 800 sf for three-bedroom, 900 sf for four or more bedrooms, plus 100 sf for each additional bedroom over four	--	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Mixed business (B-4) District	40,000 sq. ft.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	20 ft.	Not applicable	Not applicable
Limited Industrial (M-1) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 45 ft. Accessory: 45 ft.	50 ft.	10 ft.	Not applicable	Not applicable
General Industrial (M-2) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	60 percent	Principal: 60 ft. Accessory: 60 ft.	50 ft. [10]	10 ft.	Not applicable	Not applicable

Notes:

Referred on: 03/21/23

File Number: 178-O-004

Referred to: LU 23

1. Both of the required floor areas shall be increased by 200 square feet for any building not having a basement with a floor area of at least 300 square feet.
2. An institutional building (e.g., governmental office, or school) may exceed the height limitation established for the zoning district, up to a maximum height of 50 feet, provided the minimum required setbacks and offsets are increased one foot for each additional foot of height in excess of the permitted maximum of that district.
3. In certain circumstances, the minimum setback may be less than what is stated if setback averaging applies. See s. 550.560(C) for applicable standards.
4. Where a lot abuts a zoning district boundary line, the offset shall be the offset as specified for the district, or the offset of the other district, whichever is greater.
5. If a lot of record has a minimum average width less than that required, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided. However, no offset shall in any case be less than 10 feet, except offsets for detached accessory buildings on lots of 100 feet in width or less may be reduced to 5 feet.
6. Any boathouse or any accessory building less than 150 square feet in floor area shall not be counted with regard to the maximum number of accessory buildings. Examples of accessory buildings include boathouses, greenhouses, sheds, and detached garages.
7. Pursuant to the procedures and requirements contained in article 6 of this code, the plan commission may grant a special exception to exceed the stated maximum height provided the setback is increased one foot for each additional foot in height up to a maximum of 10 additional feet. The plan commission may require screening to break up the view of the accessory building from adjacent properties or from a public road.
8. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
9. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
10. When property directly across the road of the subject property is in a special, agricultural, or residential zoning district, the setback shall be 100 feet.
11. The minimum setback may be more than what is stated if ch. Trans 233, Wis. Admin. Code applies.
12. In the event a parcel does not front on a public road, the Town Board with a recommendation of the Plan Commission, may upon petition review the nature of the lot to determine if there should be a front yard, and/or how the other yards should be so designated for the purposes of this code. In making such determination, the following factors should be considered: (1) size of the property; (2) the nature of the use to be regulated by the yard designations; (3) proximity of the lot to the road along with the type of road (main, private, Town, etc.); (4) size and zoning of surrounding properties; (5) visibility to the neighbors and the road; (6) preservation of the rural character and natural resources of the Town; and (7) available alternatives for the purpose proposed.

Amendment(s): Revised by Ordinance 2021-03

1 AUTHORIZE THE DEPARTMENT OF PARKS AND LAND USE TO APPLY FOR AND ACCEPT
2 GRANT FUNDING FROM THE WISCONSIN DEPARTMENT OF HEALTH SERVICES
3 CHILDCARE LEAD-IN-WATER TESTING AND REMEDIATION INITIATIVE
4

5 WHEREAS, according to the Centers for Disease Control and Prevention, no safe blood lead
6 level in children has been identified, and ingesting lead can harm a child's health causing well-
7 documented adverse effects such as damage to the brain and nervous system, developmental
8 delays, learning, and behavior problems; and
9

10 WHEREAS, the State of Wisconsin, Department of Health Services, Division of Public Health
11 (DHS) has a Childcare Lead-in-Water Testing Remediation Initiative that is offering grants to
12 local health departments to conduct lead-in-water testing in licensed group childcare centers and
13 Head Start facilities; and
14

15 WHEREAS, work performed by local health departments to satisfy this grant initiative is
16 available for reimbursement through September 30, 2023; and
17

18 WHEREAS, the Waukesha County Department of Parks and Land Use, Environmental Health
19 Division and Department of Health and Human Services, Public Health Division coordinate
20 services of a local health department; and
21

22 WHEREAS, the Department of Parks and Land Use, Environmental Health Division would like
23 to apply for this funding, initiate approval to accept this funding and begin expansion of this
24 program, as soon as the funding is awarded; and
25

26 WHEREAS, as part of existing Waukesha County childhood health efforts, the Department of
27 Parks and Land Use, Environmental Health Division will be responsible for assisting childcare
28 centers with grant program enrollment, facilitating the collection of water samples, collecting
29 water samples, ensuring the centers receive and understand sample results, assisting and
30 coordinating remediation measures for centers that have elevated lead levels, and reporting to
31 DHS on grant activity progress; and
32

33 WHEREAS, DHS has agreed to reimburse Waukesha County Department of Parks and Land
34 Use \$1,200 for each childcare center that completes the program to cover costs incurred for
35 outreach, coordination with childcare centers and plumbers, site assessment, sampling plan
36 development, sampling, shipping costs, travel, sharing results, and reporting; and
37

38 WHEREAS, based on current staff capacity, the Department of Parks and Land Use,
39 Environmental Health Division will commit to working with 30 of the 153 eligible childcare
40 centers in Waukesha County on a priority and voluntary basis; and
41

42 WHEREAS, staff time, travel costs, and shipping costs are already in the 2023 Adopted budget
43 and expenses can be absorbed into the budget at this time.
44

45 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
46 that the Department of Parks and Land Use, through its Director or his designee, is authorized to
47 accept Childcare Lead-in-Water Testing and Remediation Initiative grant funds to reimburse the
48 County for costs associated with outreach, coordination with childcare centers and plumbers, site

49 assessment, sampling plan development, sampling, shipping costs, travel, sharing results, and
50 reporting.

51

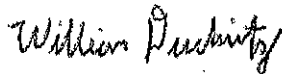
52 BE IT FURTHER ORDAINED that the Department Director or his designee is authorized to
53 sign and submit a grant application, execute appropriate grant agreements, subject to the
54 approval of Corporation Counsel, with the Wisconsin Department of Health Services, and submit
55 reimbursement claims for grant funds.

FISCAL NOTE

AUTHORIZE THE DEPARTMENT OF PARKS AND LAND USE TO APPLY FOR AND
ACCEPT GRANT FUNDING FROM THE WISCONSIN DEPARTMENT OF HEALTH
SERVICES CHILDCARE LEAD-IN-WATER TESTING AND REMEDIATION INITIATIVE

This ordinance authorizes Department of Parks and Land Use (PLU), Environmental Health Division to accept grant funding from the State of Wisconsin, Department of Health Services estimated at \$36,000 for an initiative to test an estimated 30 childcare facilities for lead in water, which will be reimbursed at \$1,200 per facility. The department estimates that no additional expenditure authority is needed because the staff time is already included in the 2023 adopted budget, and operating expenses (e.g., travel costs) can be absorbed within existing appropriations.

This ordinance does not result in a direct tax levy impact.



William Duckwitz
Budget Manager
3/30/23
CD

Exhibit 1: Scope of Work
Wisconsin Lead-in-Water Testing and Remediation Initiative

XXXXXX – 09/30/2023

For Grant Agreement between
(Grantee)

and

Wisconsin Childcare Lead-in-Water Testing and Remediation Initiative, Division of Public Health
Wisconsin Department of Health Services (DHS) (Grantor)
1 West Wilson Street, Rm. 145, Madison WI 53703

Workflow, Grantor and Grantee responsibilities:

Grantor (DHS) will reimburse the Grantee for expenses incurred related to implementing a water sampling program and coordinating remediation measures for the Wisconsin Lead-in-Water Testing and Remediation (Lead-in-WTR) Initiative. The Grantee will serve as the primary point of contact for the licensed group childcare and Head Start facilities (hereafter referred to collectively as “childcare facilities”) enrolled in the initiative, and will:

- ✓ Ensure that all water outlets at each enrolled childcare facility are tested;
- ✓ Ensure childcare facilities receive sample results and understand what those results mean;
- ✓ Work with childcare facilities on any follow-up testing or immediate actions to reduce lead-in-water hazard exposure at the childcare facility;
- ✓ Maintain timely and effective communication with the childcare facilities throughout the grant period; and
- ✓ Report to DHS on grant activity progress throughout.

Specifically, the Grantee will:

1. Work to enroll priority childcare facilities identified by DHS, as well as other previously determined licensed group childcare facilities interested in participating in the Wisconsin Lead-in-WTR Initiative. All participating childcare facilities must be from a list provided by DHS. The grantee will prioritize the enrollment and testing at priority facilities. All enrolled childcare facilities must be licensed group childcare facilities and early Head Starts within the grantee’s jurisdiction.
 - 1.1. Provide childcare facilities with DHS informational materials to inform staff and families of the facility’s participation in the program.
 - 1.2. Complete training from DHS on water sampling protocols.
 - 1.3. Get all necessary information from the childcare facility prior to water testing, including:
 - 1.3.1. An approximate number of water outlets serving the location.
 - 1.3.2. A floorplan of the childcare facility, including locations of the water outlets (interior and exterior), as well as where the water line comes in from the street.
2. Contact Kathleen Dax-Klister, Data Management Supervisor, at the Wisconsin State Laboratory of Hygiene (WSLH) (608-263-6575 or kathleen.daxklister@slh.wisc.edu) and relay to her the approximate number of samples needed to complete water testing at the enrolled facilities.
 - 2.1. Place an order for the necessary supplies.
3. Work with childcare facility personnel to complete initial water sampling of childcare facilities following DHS’s guidance and water sampling checklist, making sure to keep thorough documentation of the sampling process.

- 3.1. Complete documentation of the assessment and sampling efforts using the coding and recordkeeping guidance provided by DHS.
- 3.2. Ship all water samples to the WSLH for analysis. DHS will receive and compile testing results from WSLH.
- 3.3. Receive all water sampling results from DHS, including which outlets require follow-up testing and immediate remediation actions within the childcare facilities.
4. Notify childcare facilities of all preliminary sampling results within one week of receipt, using the results documentation provided by DHS. Inform the facilities of the water outlets that require a second round of testing and/or short-term action steps.
 - 4.1. Notify childcare facility personnel of all outlets tested that produced results of ≥ 15 ppb lead-in-water as shown by the initial sampling.
5. Conduct follow-up water sampling, as needed, in accordance with DHS's guidance for this program.
 - 5.1. Request, as needed, additional sample kits from SLH.
 - 5.2. Coordinate with the facility to complete the follow-up sampling.
 - 5.3. Complete documentation on the assessment and sampling efforts using the coding and recordkeeping guidance provided by DHS.
 - 5.4. Ship all water samples to the WSLH for analysis. DHS will receive and compile testing results from WSLH.
6. Receive second round sample results from DHS and, within one week, notify childcare facilities of the results and the options of long-term remediation and/or replacement actions using the provided results documentation from DHS within a week of receiving the sample results.
7. Maintain communication with facilities and/or plumbers to ensure required remediation and/or replacement actions within childcare facilities is completed.
8. Coordinate final testing of all replaced water outlets to confirm that the replaced outlet is not elevated for lead in water, and the replacement was effective, following the 3Ts water testing protocol. Coordinate all sample bottles and shipping to lab as in previous sampling rounds. Receive final test results from DHS.
9. For each childcare facility, send out final report of all testing results, remediation, and replacements using DHS's report template within 2 weeks of receipt of final sampling results from DHS.

Budget: X * \$1,200

Facility Delivery Cost

X facilities @ up to \$1,200 per facility. This amount includes any costs incurred for programmatic outreach and coordination with childcare facilities and plumbers, site assessment, sampling plan development and implementation, shipping costs, travel, sharing results with facilities, generation of a final facility report, and quarterly reporting to DHS.

Payment procedure:

Grantee will submit invoices to Madelyn Reinagel by email to madelyn.reinagel@dhs.wisconsin.gov. DHS will process requests for payment monthly.

1 APPROVE DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY
2 TO CONSTRUCT, INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND EXTEND
3 UNDERGROUND UTILITY FACILITIES ON WAUKESHA COUNTY PROPERTY
4 KNOWN AS THE BUGLINE RECREATION TRAIL
5

6 WHEREAS, Wisconsin Electric Power Company, d/b/a We Energies, has requested to construct,
7 install, operate, maintain, repair, replace and extend underground utility facilities within
8 Waukesha County property, known as the Bugline Recreation Trail; and
9

10 WHEREAS, the easement area is described as strip of land, twelve (12) feet in width, the centerline
11 being described as follows: commencing at the south quarter corner of Section 22, Township 8
12 North, Range 19 East; thence N 89°46'09" E, along the south line of the southeast quarter of said
13 Section, 810.36 feet to a point on said section line, thence n 00°13'51" w, 60.00 feet to a point at
14 the intersection of the northerly right of way of State Highway 74 and the northerly line of Bugline
15 trail, thence n 56°13'55" w along the northerly line of said trail, 342.00 feet, to the point of
16 beginning; thence S 33°45'12" W, 59.86 feet to the southerly line of said trail and the point of
17 termination, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 8
18 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin; and
19

20 WHEREAS, it is deemed desirable to allow We Energies to construct, install, operate, maintain,
21 repair, replace and extend underground utility facilities on Waukesha County's land for the
22 purpose of transmitting electric energy and signals, including the customary growth and
23 replacement thereof; and
24

25 WHEREAS, it is necessary to provide a distribution easement from Waukesha County to We
26 Energies for the purpose of constructing, installing, operating, maintaining, repairing, replacing
27 and extending underground utility facilities on County-owned land.
28

29 WHEREAS, in consideration of said distribution easement, WE Energies shall pay to Waukesha
30 County the scheduled easement fee of \$1000.00.
31

32 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
33 that the distribution easement between Wisconsin Electric Power Company and Waukesha
34 County upon portions of County-owned lands commonly known as Bugline Recreation Trail on
35 file with the Department of Parks and Land Use is in all respects approved.
36

37 BE IT FURTHER ORDAINED that the Director of Parks and Land Use may execute the
38 distribution easement on behalf of Waukesha County, together with any other documents
39 necessary to accomplish the intended transaction.
40

41 BE IT FURTHER ORDAINED that the revenue from the distribution easement be deposited in
42 the Parks and Land Use General Fund Budget.

**DISTRIBUTION EASEMENT
UNDERGROUND**

Document Number

WR NO. **4799032** IO NO. **52956**

For the sum of \$1,000.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **WAUKESHA COUNTY, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as the "easement area".

The easement area is described as strip of land, twelve (12) feet in width, the centerline being described as follows: commencing at the south quarter corner of Section 22, Township 8 North, Range 19 East; thence N 89°46'09" E, along the south line of the southeast quarter of said Section, 810.36 feet to a point on said section line, thence n 00°13'51" w, 60.00 feet to a point at the intersection of the northerly right of way of State Highway 74 and the northerly line of Bugline trail, thence n 56°13'55" w along the northerly line of said trail, 342.00 feet, to the point of beginning; thence S 33°45'12" W, 59.86 feet to the southerly line of said trail and the point of termination, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 22, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin.

RETURN TO:
We Energies
PROPERTY RIGHTS & INFORMATION GROUP
231 W. MICHIGAN STREET, ROOM P277
PO BOX 2046
MILWAUKEE, WI 53201-2046

SUXV0245962003
(Parcel Identification Number)

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, together with all necessary and appurtenant equipment under ground as deemed necessary by Grantee, all to transmit electric energy, signals, including the customary growth and replacement thereof. Prior to commencing any construction activities within the easement area, Grantee shall contact Digger's Hotline to verify the locations of existing utilities. Grantee shall act in accordance with all applicable Federal, State and Local codes and obtain any and all necessary permits to complete the work contemplated hereby. Except in the case of Emergency, defined as where time is of the essence with regards to power restoration, no trees or bushes may be removed within or outside the easement area without prior approval of the Waukesha County Park System, which approval shall not be unreasonably withheld, provided that said removal is reasonably necessary for Grantee's full enjoyment of the rights granted herein.
2. **Access:** Grantee or its agents shall have the right to enter and use the easement area with full right of ingress and egress over and across the easement area for the purpose of exercising its rights in the easement area. Except in the case of an Emergency, Grantee or its agents shall provide Grantor 24 hours' advance notice of entry.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of any applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots for which Grantee has obtained prior approval to remove which may interfere with Grantee's use of the easement area.

6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Consistent Uses Allowed:** The Grantor reserves the right to use the easement area for purposes which are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as the Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein.
8. **Continual Operation of Bugline Trail:** The County grounds shall at all times remain open for public use. If the Grantee must perform work in any area that will in any way interfere with or detour the travelling public, Grantee will seek prior approval from Grantor, which approval shall not be unreasonably withheld, delayed or denied. Excepting, however, in cases of emergencies when access shall be immediate.
9. **Indemnification and Hold Harmless:** In consideration of the foregoing grant, Grantee will indemnify, save, and hold harmless the Grantor, its successors and assigns, from any and all claims, liabilities, losses, costs, damages or expenses for injury or death of any person and any damages to property arising out of Grantee's exercise of any of its rights under this easement; excepting, however, any claims, liabilities, losses, costs, damages or expenses arising out of the negligence or willful misconduct on the part of the Grantor, its successors and assigns, employees, agents and invitees; and any environmental claims, liabilities, losses, costs, damages or expenses not arising out of or caused by the construction or operation of said facilities.
10. **Governing Law:** This easement shall be construed and enforced in accordance with the laws of the State of Wisconsin.
11. **Invalidity:** If any term or condition of this easement, or the application of this easement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this easement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
12. **Entire Agreement:** This easement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this easement and duly recorded in the Office of the Register of Deeds of Waukesha County, Wisconsin.
13. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto. The right to assign is restricted. Grantee shall not assign this easement without the prior, written approval of Grantor.
14. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.
15. **Insurance:** Grantor acknowledges and accepts that Grantee is self-insured. Grantee agrees to provide Grantor with defense and liability coverage to Grantor on a primary basis as if Grantor was additional insured under a standard Insurance Services Office commercial general liability policy with \$1,000,000 in coverage. Grantee shall require its contractors, subcontractors, agents and assigns entering Grantor's land to maintain statutory worker's compensation, commercial automobile liability, and commercial general liability insurance with Grantor, its boards, commission, agencies, officers, employees, and representatives as additional insured. Commercial general liability and commercial automobile liability shall be in the amount of not less than \$1,000,000 per occurrence.

Grantor:

WAUKESHA COUNTY, a municipal corporation

By _____

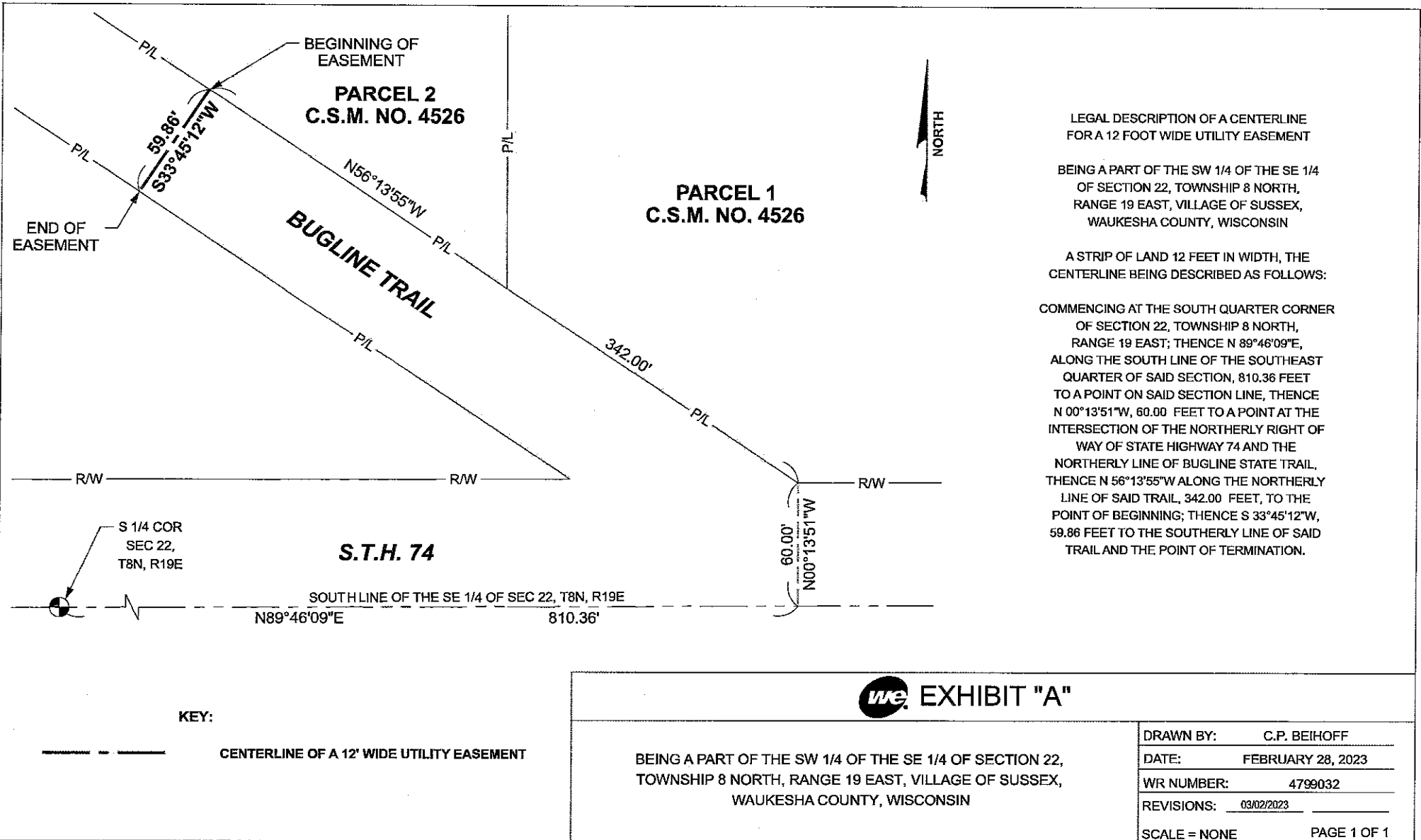
(Print name and title): _____

Personally came before me in _____ County, Wisconsin on _____,
the above named _____, the _____
and _____, the _____
of the WAUKESHA COUNTY, a municipal corporation, for the municipal corporation, by its authority, and pursuant to
Resolution File No. _____ adopted by its _____
on _____.

Notary Public Signature, State of Wisconsin

Notary Public Name (Typed or Printed)

This instrument was drafted by Matt Nault on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.



Referred on: 04/05/23

File Number: 178-O-006

we EXHIBIT "A"

BEING A PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 19 EAST, VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN

DRAWN BY:	C.P. BEIHOF
DATE:	FEBRUARY 28, 2023
WR NUMBER:	4799032
REVISIONS:	03/02/2023
SCALE = NONE	PAGE 1 OF 1
Referred to: LU	5

1 SALE OF EXCESS RIGHT OF WAY
2 USH 18, WAUKESHA WEST BYPASS
3 CITY OF WAUKESHA
4

5 WHEREAS, Waukesha County operates and improves a system of county highways; and
6

7 WHEREAS, previous County's adopted Capital Plans contained Project 200917 to reconstruct
8 and improve the former county trunk highway (CTH) TT, now U.S. Highway (USH) 18, from
9 Summit Avenue to CTH X in the City and Village of Waukesha; and
10

11 WHEREAS, the project, also known as the Waukesha West Bypass, was a partnership with
12 project funding provided by the County, the State of Wisconsin Department of Transportation
13 (WisDOT) and the Federal Highway Administration (FHWA); and
14

15 WHEREAS, the real estate required to construct this project was purchased by Waukesha
16 County using funding from the County, WisDOT and FHWA; and
17

18 WHEREAS, the County now possesses certain excess rights-of-way which could be returned to
19 private ownership; and
20

21 WHEREAS, under Section 83.08(4) and 84.09(3)(c) of the Wisconsin Statutes, the County
22 Board is empowered to sell excess right of way with approval by and subject to such conditions
23 and terms authorized by WisDOT; and
24

25 WHEREAS, WisDOT has required that all proceeds from the sale of these lands be returned the
26 state project fund to be allocated to reimburse WisDOT for expenses incurred in the sale of these
27 lands, and all remaining funds be deposited by WisDOT to the Waukesha West Bypass project in
28 trust for Waukesha County to reimburse on-going litigation costs incurred by the County; and
29

30 WHEREAS, WisDOT has approved the sale of the lands to the adjacent property owners, Robert
31 James Mogensen and Jean Marie Mogensen, for a value of \$86,000 pending approval by
32 Waukesha County.
33

34 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
35 ORDAIN that the following described parcel, containing 0.5237 acres of land more or less, is
36 declared to be excess highway right of way:
37

38 That part of the Northwest ¼ of Section 5, Town 6 North, Range 19 East, City of Waukesha,
39 Waukesha County, State of Wisconsin, commencing at the Northwest corner of the Northwest ¼
40 of said Section; thence South 00°15'52" West along the West Line of said ¼ Section 41.00 feet;
41 thence North 89° 41'36" East, 76.23 feet to a point on the Easterly right of way line of USH 18
42 and the point of beginning; thence continuing along said Easterly right of way line South
43 00°38'29" West, 89.99 feet; thence North 89°42'17" East, 252.99 feet; thence North 01°15'52"
44 East, 90.06 feet; thence South 89°41'36" West, 253.97 feet to the point of beginning.
45

46 Containing 22,813 square feet, 0.5237 acres more or less.
47

48 BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such
49 excess rights of way to Robert James Mogensen and Jean Marie Mogensen, for a value of
50 \$86,000.

51

52 BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to
53 sign the necessary documents to effectuate the approved sale.

54

55 BE IT FURTHER ORDAINED that proceeds from the sale be returned to WisDOT to be
56 allocated to reimburse WisDOT for expenses incurred in the sale of these lands and remaining
57 funds be deposited by WisDOT to the Waukesha West Bypass project in trust for Waukesha
58 County to reimburse ongoing litigation costs incurred by the County.

FISCAL NOTE
SALE OF EXCESS RIGHT OF WAY
USH 18, WAUKESHA WEST BYPASS
CITY OF WAUKESHA

This ordinance authorizes the sale of about 0.5237 acres of land that was originally acquired as right-of-way for a highway improvement project #200917, Waukesha West Bypass. This project is substantially completed, and the land has been determined to be excess right-of-way. The sale price is \$86,000, and the net proceeds after closing costs will be returned to the Wisconsin Department of Transportation (WisDOT) to replenish the funding that was used to make the original purchase. Department management indicates that WisDOT plans to use these funds to reimburse Waukesha County for the ongoing litigation costs related to this project incurred by the County.

William Duckwitz

William Duckwitz
Budget Manager
4/4/2023

SURVEY DESCRIPTION

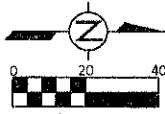
THAT PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 19 EAST, CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE SOUTH 00°15'52" WEST ALONG THE WEST LINE OF SAID 1/4 SECTION, 41.00 FEET; THENCE NORTH 89°41'36" EAST, 76.23 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S.T.H. "18" AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°38'29" WEST, 89.99 FEET; THENCE NORTH 89°42'17" EAST, 252.99 FEET; THENCE NORTH 01°15'52" EAST, 90.06 FEET; THENCE SOUTH 89°41'36" WEST, 253.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 22,813 SQUARE FEET,
0.5237 ACRES MORE OR LESS.

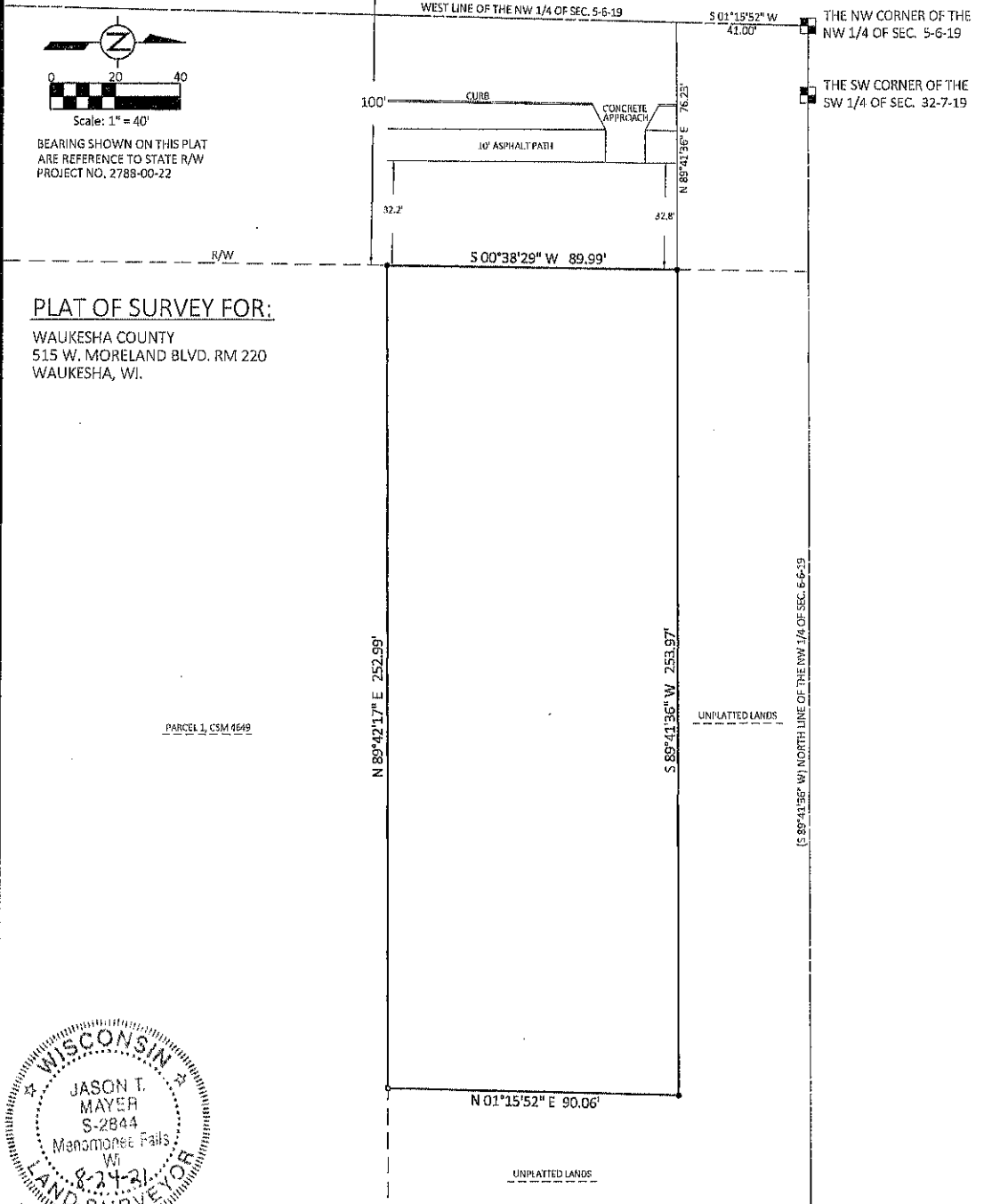
(STATE R/W PROJECT NO. 2788-00-22)
C/L MERRILL HILLS ROAD (S.T.H. 18)

LEGEND

- 3/4" REBAR SET
- 1" IRON PIPE FOUND



BEARING SHOWN ON THIS PLAT
ARE REFERENCE TO STATE R/W
PROJECT NO. 2788-00-22



PLAT OF SURVEY FOR:

WAUKESHA COUNTY
515 W. MORELAND BLVD. RM 220
WAUKESHA, WI.



JASON T. MAYER
P.L.S. NO. 2844

AS OF THE DATE OF THIS SURVEY, NO TITLE POLICY WAS PROVIDED, THEREFORE THIS PLAT OF SURVEY DOES NOT GUARANTEE THE EXISTENCE, SIZE AND LOCATION OF ANY EASEMENTS, ENCUMBRANCES, RESTRICTIONS OR OTHER FACTS THAT COULD OTHERWISE BE DISCLOSED IN A TITLE SEARCH OR CURRENT TITLE POLICY.

THIS IS AN ORIGINAL PRINT ONLY IF SEAL IS IMPRINTED IN RED.
I have surveyed the above property and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences, apparent easements, roadways, and visible encroachments and is in compliance with Wisconsin Administrative Code AE-7 for property survey standards and is correct to the best of my knowledge and belief.
This survey is made for the exclusive use of the present owner of the property; also those who purchase, mortgage, or guarantee the title thereto, within one year from the date hereof.
THIS INSTRUMENT WAS DRAFTED ON 8-24-2021 BY JASON T. MAYER, P.L.S., WAUKESHA COUNTY DEPT. OF PUBLIC WORKS. (262)-548-7740

1 AMEND THE 2023 NON-DEPARTMENTAL BUDGET FOR COSTS RELATED TO
2 OVERSEEING AND ADMINISTERING THE INDEPENDENT SCHOOL CHARTER WITH
3 LAKE COUNTRY CLASSICAL ACADEMY, INC.
4

5 WHEREAS, Wisconsin Statutes, Section 118.40 allows for the establishment of charter schools
6 that are exempt from most state rules and regulations in exchange for greater accountability and
7 results; and
8

9 WHEREAS, charter schools are created through a business-like contract or “charter” between
10 the charter governance board and the sponsoring school board or other chartering authority; and
11

12 WHEREAS, independent charter schools are authorized by a chartering authority other than a
13 school board; and
14

15 WHEREAS, 2015 Wisconsin Act 55 added the Waukesha County Executive to the list of
16 independent charter school authorizers; and
17

18 WHEREAS, the Lake Country Classical Academy, Inc. (LCCA) is an existing independent
19 charter school located in the town and city of Oconomowoc; and
20

21 WHEREAS, the LCCA’s contract with its current chartering authority is set to expire after June
22 30, 2023; and
23

24 WHEREAS, on January 24, 2023, the Waukesha County Executive provided formal notice to the
25 Wisconsin Department of Public Instruction (DPI) of his intent to charter the LCCA beginning in
26 2023-2024 school year, pursuant to authority granted in Wisconsin Statutes, Sections
27 118.40(2r)(b)1.f and (bm); and
28

29 WHEREAS, administering a contract with the LCCA will require a consultant to monitor and
30 report on school performance pertaining to academic achievement, financial stability,
31 compliance with applicable state statutes, and reporting requirements set by DPI; and
32

33 WHEREAS, the county will retain a portion of the LCCA’s state per pupil aid to cover the direct
34 and indirect costs of contract administration and oversight.
35

36 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
37 that the 2023 Non-Departmental budget be modified to increase operating expenses by \$75,000
38 for costs related to administering the independent charter school contract with the Lake Country
39 Classical Academy, Inc. and increase general government revenues by \$75,000.

FISCAL NOTE

AMEND THE 2023 NON-DEPARTMENTAL BUDGET FOR COSTS RELATED TO
OVERSEEING AND ADMINISTERING THE INDEPENDENT SCHOOL CHARTER WITH
LAKE COUNTRY CLASSICAL ACADEMY, INC.

This ordinance increases the operating expenses budget in Non-Departmental by \$75,000 to cover costs related to overseeing and administering the reauthorized charter contract with the Lake Country Classical Academy, Inc. (LCCA), including hiring a consultant to monitor the school's compliance with state law. The county is currently conducting an RFP process to select a consultant for these services, and the figure included in this ordinance is an estimate. The 2024 Non-Departmental budget request will include a more precise estimate for these services after the consultant contract is finalized.

As the LCCA's chartering authority, the county will collect and disburse state per pupil aid to the LCCA. These payments will be accounted for in an "agency" (i.e., fiduciary) fund, in the same way that the county accounts for other entities' assets that are temporarily held by the county but dispersed at a later date (e.g., property taxes collected on behalf other municipalities). The receipt and disbursement of agency funds are not accounted for in the operating budget, but the county will retain a portion of these payments to cover the direct and indirect costs of contract administration and oversight. All costs of the contract are covered with these revenues, resulting in no unfavorable tax levy impact.

William Duckwitz

William Duckwitz
Budget Manager
4/4/2023
JE# 2023-00003509

1 MODIFY THE 2023-2027 CAPITAL PLAN TO INCREASE EXPENDITURES FOR CAPITAL
2 PROJECT #201705 – COURTHOUSE PROJECT STEP 2 – RENOVATE 1959 COURTHOUSE
3

4 WHEREAS, the Waukesha County Courthouse was constructed in 1959, and its mechanical,
5 electrical, and plumbing infrastructure is past its useful life; and
6

7 WHEREAS, the courthouse has undergone extensive remodeling to add courtrooms and
8 reconfigure interior space to meet expanding needs, but operational and business inefficiencies
9 remain due to both space and building limitations; and
10

11 WHEREAS, the existing courtrooms do not meet current design standards; and
12

13 WHEREAS, the Waukesha County Board of Supervisors approved Capital Project #201705,
14 Courthouse Project Step 2 – Renovate 1959 Courthouse in the 2023-2027 Capital Project Plan,
15 with a total budget of \$98,800,000; and
16

17 WHEREAS, the existing 1959 Waukesha County Courthouse will be renovated and include an
18 additional 27,000 square foot build out (for a total of 191,000 square feet); juvenile court
19 services; three-way separation in all court rooms; an expanded entrance; enhanced building
20 security; state-of-the-art mechanical, electrical, fire protection, window and roof systems and
21 new wall, floor, and ceiling finishes; and improved wayfinding; and
22

23 WHEREAS, bids for this project have come in above budget due to the complexity and multi-
24 year phasing of construction, rising costs of materials, consumer demand and limitation of
25 supply, inflation, overseas conflicts, and shipping delays; and
26

27 WHEREAS, higher project costs will be accounted for in the 2024 budget and funded with a
28 combination of American Rescue Plan Act grant funds, additional borrowing, and use of General
29 Fund balance.
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
32 that the 2023-2027 Capital Plan be modified for capital project #201705 Courthouse Project Step
33 2 – Renovate 1959 Courthouse to increase expenditures in 2024 by \$15,000,000, and increase
34 American Rescue Plan Act revenue by \$6,000,000, planned issuance of general obligation
35 promissory note debt by \$5,000,000, and use of General Fund balance by \$4,000,000.

FISCAL NOTE

MODIFY THE 2023-2027 CAPITAL PLAN TO INCREASE EXPENDITURES FOR CAPITAL PROJECT #201705 – COURTHOUSE PROJECT STEP 2 – RENOVATE 1959 COURTHOUSE

This ordinance modifies the 2023-2027 capital plan to increase expenditures by \$15,000,000 in 2024 for project #201705 Courthouse Project Step 2 – Renovate 1959 Courthouse based on recent bid results. This increase would be covered through three funding sources: \$6,000,000 from the American Rescue Plan Act (ARPA) – Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) program, \$5,000,000 from additional planned debt issuance, and \$4,000,000 from General Fund balance use.

Regarding ARPA, the CSLFRF provides funding to local governments to compensate them for revenue loss due to the COVID-19 pandemic, according to a formula developed by the U.S. Treasury. ARPA revenues claimed through this “revenue loss” category are eligible to pay for general government services, which include capital projects, such as this one. There is approximately \$11.1 million of the grant remaining that has not been committed to a specific project, which includes funding set aside during the 2023 budget process for future capital plan management and addressing negative economic impacts, such as inflation. This ordinance would reduce the remaining balance to about \$5.1 million. The Department of Administration will continue to monitor and report on the progress of ARPA-funded projects to the County Board. As projects close out, county administration may recommend using remaining funds to reduce the level of borrowing and General Fund balance use in the capital plan, helping offset other adjustments detailed below.

The plan would also increase planned issuance of general obligation promissory notes by \$5,000,000, from \$15.8 million to \$20.8 million in 2024. Total debt service, over the life of the note, is projected to increase \$6.2 million, including interest estimated at 4%. Debt service is primarily funded with property tax levy, which is projected to increase between \$50,000 and \$100,000 (or less than 0.1%) on average annually over the life of the note due to the proposed higher borrowing. Debt service from borrowing is exempt from the state-mandated tax levy limits and does not have an impact on tax levy provided for ongoing operations. Future debt service projections will be updated for changing interest rates and adjustments to amortization schedules. Please note that this adjustment would not affect the current-year debt issuance of \$12.5 million scheduled for April 25th.

This plan would also use \$4 million of General Fund balance. The county’s financial policies set a target level for maintaining unassigned fund balance reserves at least 15% of General Fund and special revenue fund expenditures to provide necessary working capital and avoid cash flow interruptions. Since 2019, the county has built increasing unassigned fund balance reserves through the strategic claiming of federal revenues against base budget expenses and higher-than-normal position vacancies. After deducting the \$4 million of General Fund balance use proposed in this ordinance, it is estimated that fund balance to expenditure ratio will be about 20% at year-end 2023. The county’s policy is to use one-time General Fund balance against one-time projects, such as the courthouse project, and avoid using it to fund ongoing operations (except to phase-in new expenditures or revenue decreases).

William Duckwitz

William Duckwitz
Budget Manager
04/05/2023

Project Title:	Courthouse Project Step 2 – Renovate 1959 Courthouse	Project #:	201705
Department:	Public Works - Buildings	Project Type:	Renovation/Upgrade
Phase:	Preliminary Design	Sponsor:	Public Works
Budget Action:	C - \$ Update C - Rev Update	Manager:	Allison Bussler
Date:	April 5, 2023	Map / Image:	

CAPITAL BUDGET SUMMARY							
Year	2021	2022	2023	2024	2025	2026	Total Project
Project Phase	Budget & Concept Design	Design & Construction	Construction	Construction	Construction	Construction	
Expenditure Budget	\$1,200,000	\$16,000,000	\$20,400,000	\$35,350,000	\$20,350,000	\$20,500,000	\$113,800,000
Revenue Budget	\$0	\$6,000,000	\$14,000,000	\$20,000,000	\$0	\$0	\$40,000,000
Net Cost After Revenues Applied	\$1,200,000	\$10,000,000	\$6,400,000	\$15,350,000	\$20,350,000	\$20,500,000	\$73,800,000
COST DOCUMENTATION				REVENUE			
Architect	\$4,634,000						American Rescue Plan Act (ARPA)
Construction Management	\$4,634,000						Coronavirus State and Local Fiscal Recovery Funds
Construction	\$96,790,000						General Fund Balance
Contingency	<u>\$7,742,000</u>						
Total Project Cost	\$113,800,000						Total Revenue
EXPENDITURE BUDGET	\$113,800,000						REVENUE BUDGET
							\$40,000,000

Project Scope & Description

The existing courthouse, located at 515 W. Moreland Blvd., was constructed in 1959 and remains structurally sound. The courthouse currently houses the Judiciary, Clerk of Courts, Family Court Counseling, District Attorney's Offices (including Victim/Witness), the County Board Room, Information Technology, and other miscellaneous functions. Throughout the life of the courthouse, extensive remodeling has taken place to add additional courtrooms and reconfigure interior space to meet the expanding needs of the services located in the courthouse. Operational and business inefficiencies, particularly for the courts systems, have been created due to both space and building limitations. In addition, existing courtrooms do not meet current design standards. The courthouse building infrastructure is approaching the end of its useful life.

This project will enhance security at the courthouse by improving video surveillance; upgrading fire protection; installing staff and public announcement systems to provide notifications during emergencies; and redesigning the security entrance to improve the flow of courthouse visitors.

The County retained Zimmerman Architectural Studios to develop a "Courthouse Study," (capital project #200914), to provide a comprehensive analysis of courthouse space requirements and design needs. This study was completed in 2013, and Zimmerman recommended a two-step design approach (below). This project is intended to address step 2 (renovation of the existing courthouse facility as outlined in the aforementioned study).

Step 1: This step was completed in 2021 and included the construction of a new four-story, eight-courtroom facility and relocation of eight existing courtrooms to the new facility. This work also included the demolition of the existing 1959 jail (capital project #201418 Secure Courtroom Construction).

Step 2: This capital project would renovate the existing courthouse building in a multi-phase vertical segment approach to provide newly renovated facilities for all divisions, except the secure courtrooms addressed in step 1. Courthouse renovation will also include the installation of new state of the art mechanical, electrical, fire protection, window systems and new wall, floor, and ceiling finishes in all renovated areas. This approach will not require temporary offsite relocation of courthouse personnel.

As part of the 2021 Design and Budget Concept phase, the county retained Kueny and Wold Architects as design consultants to provide an updated analysis of space requirements, design needs, and conceptual budget of step 2 from the 2013 study. There are a number of factors that may impact the design and the construction costs of this project, including, but not limited to, incorporating additional operations to the courthouse space, future economic conditions, and the maturing of the design process for the remaining phases of work that are part of step 2.

The step 2 project scope will continue with the renovation of the existing building and include an additional 27,000 square foot build out (for a new total of 191,000 square feet), inclusion of juvenile court services, and achieve three-way separation in all court rooms. The build out will allow the continuation of courtroom layout and three-way separation from step 1 into step 2. This step eliminates the existing prisoner transport tunnel and creates new prisoner transport and holding areas to better achieve courtroom and overall building security. In addition, this step will expand the entrance to improve security,

Project Title:	Courthouse Project Step 2 – Renovate 1959 Courthouse	Project #:	201705
Department:	Public Works - Buildings	Project Type:	Renovation/Upgrade
Phase:	Preliminary Design	Sponsor:	Public Works
Budget Action:	C - \$ Update C - Rev Update	Manager:	Allison Bussler
Date:	April 5, 2023	Map / Image:	

traffic flow patterns, and wayfinding. This step will include new state of the art mechanical, electrical, fire protection, window and roof systems and new wall, floor, and ceiling finishes as previously planned.

During the 2022-2026 Capital Plan review process, county staff indicated that there were still decisions to be made about the location of the future County Board room and office space. This project scope was updated in the 2023-2027 Capital Plan to relocate the County Board room to the Administration Center near the current County Board office space to provide appropriate space for Judicial/Courts, Sheriff, and District Attorney staffing.

Based on initial 2023 construction bid results, the project costs are increased \$15,000,000. Project costs are higher due to the complexity and multi-year phasing of construction, rising costs of materials, consumer demand and limitation of supply, inflation, overseas conflicts, and shipping delays. This increase would be covered through three funding sources: \$6,000,000 in additional funds from the American Rescue Plan Act (ARPA) – Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) program, \$5,000,000 from additional planned debt issuance (accounted for in the capital budget summary table on the first page within the “net costs after revenues applied”), and \$4,000,000 from General Fund balance use.

This project includes federal American Rescue Plan Act (ARPA) funding to partially offset the costs of this core infrastructure project that is expected to serve public safety and other governmental operations for at least the next 50 years. Targeting ARPA funds for this project offsets borrowing needs, saving the county taxpayers. Project expenses are eligible through ARPA’s Coronavirus State and Local Fiscal Recovery Funds program, which provides funding to local governments to compensate them for revenue loss due to the COVID-19 pandemic, according to a formula developed by the U.S. Treasury.

Locations

Waukesha County Courthouse, 515 West Moreland Blvd., Waukesha, WI 53188.

Analysis of Need

The existing courthouse building, constructed in 1959, remains structurally sound. Over the years, extensive remodeling has taken place to add additional courtrooms and reconfigure interior space. Public access to the building is now limited to the main entrance (door #2) where security screening takes place. Customer circulation has been identified for improvement, particularly the Courts area. Due to the remodeling, some courtrooms are considered inadequate since the space and/or security does not measure up to current courtroom design standards.

The existing courthouse is in need of complete replacement of its mechanical, electrical, plumbing, fire protection, window and roof systems. The need for these replacements will coincide with the completion of the courts building (step 1) and the vacating of eight courtrooms in the existing courthouse. The space left vacant by the courtrooms will be used in consideration with the consultant’s recommendation for step 2, as described previously in the project scope and description.

Alternatives

1. The currently-approved project scope.
2. The project was bid with alternates to reduce scope/cost by deferring third floor completion to a future capital project and eliminating the southern vertical prisoner transport corridor (discussed in more detail below). These alternatives were included because of the possibility that total project costs could exceed budget. Bid alternatives did not produce significant cost reductions, in part due to the economic conditions and the complexity of the project/specifications. Rebidding the project, with clarified alternatives may result in more defined alternative cost reductions. These alternatives include:
 - a. Deferring most or all of the third-floor build out. This would mean that the third floor would be shelled unfinished space, which would be part of a later capital project. This modification would be accommodated by maintaining current Juvenile Court operations at the Juvenile Center. In addition, the construction of a large-capacity courtroom and conference room would be deferred until the future capital project. If the bid is re-issued, the cost savings are estimated at \$3 million to \$5 million. However, delaying this phase of the project will likely increase the total project costs due to inflation and remobilization of construction efforts
 - b. Removing the southern vertical prison transport corridor. The functionality of the courtrooms that would be affected by this corridor do not currently require prisoner transport (e.g., Civil and Family). This corridor had been built into the existing project to provide maximum flexibility for the judicial process, which may be needed in the future. If the bid is re-issued, the cost savings are estimated at less than \$1 million.

Project Title:	Courthouse Project Step 2 – Renovate 1959 Courthouse	Project #:	201705
Department:	Public Works - Buildings	Project Type:	Renovation/Upgrade
Phase:	Preliminary Design	Sponsor:	Public Works
Budget Action:	C - \$ Update C - Rev Update	Manager:	Allison Bussler
Date:	April 5, 2023	Map / Image:	

Additionally, the County can choose to do nothing and continue to operate all County functions and services at their present location utilizing existing facilities, risking HVAC failure, and without gaining future HVAC, utility, and staffing efficiencies.

Ongoing Operating Costs

The new project is expected to reduce energy consumption through installation of energy efficient equipment and windows. Consolidation of office space and moving departmental operations closer together are expected to improve operational efficiency.

Previous Action

The Courthouse Study was completed in August, 2013. Step 1 (Project 201418): Approved as a new capital project in the 2014-2018 capital plan. Approved as planned in the 2015-2019, 2016-2020, 2017-2021 capital plans. Approved with a cost and revenue update in the 2018-2022 capital plan. Approved as planned in the 2019-2023 and 2020-2024 capital plans. Approved with a cost update in the 2021-2025 capital plan. Step 2 (Project 201705): Approved as a new project in the 2017-2021 capital plan. Approved as planned in the 2018-2022 and 2019-2023 capital plans. Approved with a schedule update in the 2020-2024 capital plan. Approved as planned in the 2021-2025 capital plan. Approved with a cost, revenue, and scope update in the 2022-2026 capital plan. Approved with a scope update in the 2023-2027 capital plan.

1 AUTHORIZING THE SALE OF \$12,500,000 GENERAL
2 OBLIGATION PROMISSORY NOTES, SERIES 2023A
3
4

5 WHEREAS on February 27, 2023, the County Board of Supervisors of Waukesha County,
6 Wisconsin (the "County") adopted an ordinance authorizing the issuance of general obligation
7 promissory notes pursuant to Ch. 67, Wis. Stats., in an amount not to exceed \$12,500,000 for the
8 public purpose of paying the cost of capital projects included in the County's 2023 Capital
9 Projects Expenditure Plan consisting of justice and law enforcement projects; public works
10 projects; parks, environment, education and land use projects; and vehicle replacement projects;
11 and
12

13 WHEREAS the County Board of Supervisors deems it necessary and in the best interest of the
14 County that the general obligation promissory notes authorized by such ordinance now be issued,
15 upon the terms and conditions hereinafter provided; and
16

17 WHEREAS the County has duly received bids for its proposed issue of General Obligation
18 Promissory Notes, Series 2023A (the "Notes"); and
19

20 WHEREAS it has been determined that the best bid received was that submitted by
21 _____ (the "Purchaser");
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
24 that:
25

26 Section 1. Award. The bid of the Purchaser for the purchase price of \$ _____ be
27 and it hereby is accepted and the Chairperson and County Clerk are authorized and directed to
28 execute an acceptance of the offer of the Purchaser on behalf of the County. The good faith
29 deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note
30 issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned.
31

32 Section 2. The Notes. The Chairperson and County Clerk shall make, execute and deliver the
33 Notes to the Purchaser, for and on behalf of the County. The Notes shall be negotiable, general
34 obligation promissory notes of the County, registered as to both principal and interest, in the
35 denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered
36 from R-1 upward and dated their date of issuance. The Notes shall mature on April 1 of each of
37 the years and shall bear interest at the rates per annum as follows:
38

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2024	\$1,290,000	_____%
2025	1,060,000	_____
2026	1,060,000	_____
2027	1,160,000	_____
2028	1,360,000	_____
2029	1,660,000	_____

	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
47			
48			
49	2030	\$1,610,000	____%
50	2031	1,300,000	_____
51	2032	1,200,000	_____
52	2033	800,000	_____
53			

54 Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing
55 October 1, 2023.

56
57 At the option of the County, the Notes maturing on April 1, 2031 and thereafter shall be subject
58 to redemption prior to maturity on April 1, 2030 or on any date thereafter. Said Notes shall be
59 redeemable as a whole or in part, and if in part, from maturities selected by the County and
60 within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of
61 redemption.

62
63 Section 3. Form of Notes. The Notes shall be in substantially the form on file in the County
64 Clerk's office.

65
66 Section 4. Tax Provisions.

67 (a) *Direct, Annual Irrepealable Tax.* For the purpose of paying the principal of
68 and interest on the Notes as the same become due, the full faith, credit and
69 resources of the County are hereby irrevocably pledged and there be and there
70 hereby is levied on all the taxable property in the County a direct, annual,
71 irrepealable tax in an amount and at the times sufficient for said purpose; such tax
72 is levied in the following years and in the following minimum amounts:

<u>Year of Levy</u>	<u>Amount</u>
74	
75	
76	2023 \$ _____
77	2024 _____
78	2025 _____
79	2026 _____
80	2027 _____
81	2028 _____
82	2029 _____
83	2030 _____
84	2031 _____
85	2032 _____
86	

87 (b) *Tax Collection.* The County shall be and continue without power to repeal
88 such levy or obstruct the collection of said tax until all such payments have been
89 made or provided for. After the issuance of the Notes, said tax shall be, from year
90 to year, carried into the tax rolls of the County and collected as other taxes are
91 collected, provided that the amount of tax carried into said tax rolls may be
92 reduced in any year by the amount of any surplus money in the Debt Service
93 Account created in Section 5(A) hereof.

94

95 (c) *Additional Funds.* If at any time there shall be on hand insufficient funds
96 from the aforesaid tax levy to meet principal and/or interest payments on said
97 Notes when due, the requisite amounts shall be paid from other funds of the
98 County then available, which sums shall be replaced upon the collection of the
99 taxes herein levied.

100
101 (d) *Appropriation.* There be and there hereby is appropriated from the premium
102 received by the County with respect to the Notes or other funds of the County on
103 hand the sum of \$ _____ to be deposited in the Debt Service Account
104 which amount will be used to meet payments with respect to interest due on
105 October 1, 2023.
106

107 Section 5. Debt Service Fund and Account.

108 (a) *Creation and Deposits.* Within the debt service fund previously established in
109 the treasury of the County, there be and there hereby is established a separate and
110 distinct account designated as the "Debt Service Account for \$12,500,000 General
111 Obligation Promissory Notes, Series 2023A" (the "Debt Service Account") and
112 such account shall be maintained until the indebtedness evidenced by the Notes is
113 fully paid or otherwise extinguished. The County Treasurer shall deposit in such
114 Debt Service Account (i) all accrued interest received by the County at the time of
115 delivery of and payment for the Notes; (ii) the taxes herein levied for the specific
116 purpose of meeting principal of and interest on the Notes when due; (iii) such
117 other sums as may be necessary at any time to pay principal of and interest on the
118 Notes when due; (iv) any premium which may be received by the County above
119 the par value of the Notes and accrued interest thereon; (v) surplus monies in the
120 Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further
121 deposits as may be required by Sec. 67.11, Wis. Stats.
122

123 (b) *Use and Investment.* No money shall be withdrawn from the Debt Service
124 Account and appropriated for any purpose other than the payment of principal of
125 and interest on the Notes until all such principal and interest has been paid in full
126 and canceled; provided (i) the funds to provide for each payment of principal of
127 and interest on the Notes prior to the scheduled receipt of taxes from the next
128 succeeding tax collection may be invested in direct obligations of the United
129 States of America maturing in time to make such payments when they are due or
130 in other investments permitted by law; and (ii) any funds over and above the
131 amount of such principal and interest payments on the Notes may be used to
132 reduce the next succeeding tax levy, or may, at the option of the County, be
133 invested by purchasing the Notes as permitted by and subject to Section
134 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of
135 America, in other obligations of the County or in other investments permitted by
136 law, which investments shall continue to be a part of the Debt Service Account.
137

138 (c) *Remaining Monies.* When all of the Notes have been paid in full and
139 canceled, and all permitted investments disposed of, any money remaining in the
140 Debt Service Account shall be deposited in the general fund of the County, unless
141 the County Board of Supervisors directs otherwise.

142 Section 6. Proceeds of the Notes. All monies received by the County upon the delivery of the
143 Notes to the Purchaser, except for any premium and accrued interest, shall be deposited by the
144 County Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained
145 separate and distinct from all other funds of the County and shall be used for no purpose other
146 than the purposes for which the Notes are issued. In no event shall monies in the Borrowed
147 Money Fund be used to fund operating expenses of the general fund of the County or of any
148 special revenue fund of the County that is supported by property taxes. Monies in the Borrowed
149 Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any
150 monies, including any income from permitted investments, remaining in the Borrowed Money
151 Fund after the purposes for which the Notes have been issued have been accomplished, and, at
152 any time, any monies as are not needed and which obviously thereafter cannot be needed for
153 such purposes shall be deposited in the Debt Service Account.

154
155 Section 7. No Arbitrage. All investments permitted by this ordinance shall be legal investments,
156 but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage
157 bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended
158 (the "Code"), or the Regulations of the Commissioner of Internal Revenue thereunder (the
159 "Regulations"); and an officer of the County, charged with the responsibility for issuing the
160 Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence
161 on the date of closing which will permit the conclusion that the Notes are not "arbitrage bonds,"
162 within the meaning of the Code or Regulations.

163
164 Section 8. Payment of the Notes. The principal of and interest on the Notes shall be paid by the
165 County Treasurer.

166
167 Section 9. Persons Treated as Owners; Transfer of Notes. The County Clerk shall keep books
168 for the registration and for the transfer of the Notes. The person in whose name any Note shall
169 be registered shall be deemed and regarded as the absolute owner thereof for all purposes and
170 payment of either principal or interest on any Note shall be made only to the registered owner
171 thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon
172 such Note to the extent of the sum or sums so paid.

173
174 Any Note may be transferred by the registered owner thereof by surrender of the Note at the
175 office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly
176 executed by the registered owner or his attorney duly authorized in writing. Upon such transfer,
177 the Chairperson and County Clerk shall execute and deliver in the name of the transferee or
178 transferees a new Note or Notes of a like aggregate principal amount, series and maturity, and
179 the County Clerk shall record the name of each transferee in the registration book. No
180 registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for
181 transfer.

182
183 The County shall cooperate in any such transfer, and the Chairperson and County Clerk are
184 authorized to execute any new Note or Notes necessary to effect any such transfer.
185 The fifteenth day of the calendar month next preceding each interest payment date shall be the
186 record dates for the Notes. Payment of interest on the Notes on any interest payment date shall
187 be made to the registered owners of the Notes as they appear on the registration book of the
188 County at the close of business on the corresponding record date.

189 Section 10. Compliance with Federal Tax Laws.

190 (a) The County represents and covenants that the projects financed by the Notes and the
191 ownership, management and use of the projects will not cause the Notes to be "private
192 activity bonds" within the meaning of Section 141 of the Code. The County further
193 covenants that it shall comply with the provisions of the Code to the extent necessary to
194 maintain the tax-exempt status of the interest on the Notes including, if applicable, the
195 rebate requirements of Section 148(f) of the Code. The County further covenants that it
196 will not take any action, omit to take any action or permit the taking or omission of any
197 action within its control (including, without limitation, making or permitting any use of
198 the proceeds of the Notes) if taking, permitting or omitting to take such action would
199 cause any of the Notes to be an arbitrage bond or a private activity bond within the
200 meaning of the Code or would otherwise cause interest on the Notes to be included in the
201 gross income of the recipients thereof for federal income tax purposes. The County Clerk
202 or other officer of the County charged with the responsibility of issuing the Notes shall
203 provide an appropriate certificate of the County certifying that the County can and
204 covenanting that it will comply with the provisions of the Code and Regulations.

205
206 (b) The County also covenants to use its best efforts to meet the requirements and
207 restrictions of any different or additional federal legislation which may be made
208 applicable to the Notes provided that in meeting such requirements the County will do so
209 only to the extent consistent with the proceedings authorizing the Notes and the laws of
210 Wisconsin and to the extent that there is a reasonable period of time in which to comply.

211
212 Section 11. Utilization of The Depository Trust Company Book-Entry-Only System. In order to
213 make the Notes eligible for the services provided by The Depository Trust Company, New York,
214 New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer
215 Letter of Representations, which the County Clerk or other authorized representative of the
216 County is authorized and directed to execute and deliver to DTC on behalf of the County to the
217 extent an effective Blanket Issuer Letter of Representations is not presently on file in the County
218 Clerk's office.

219
220 Section 12. Ratification and Approval of Official Notice of Sale and Official Statement.

221 (a) The Official Notice of Sale with respect to the Notes, which is on file in the County
222 Clerk's office, is ratified and approved. In addition, all actions taken by any committee of
223 the County Board, by the officers and employees of the County and by the County's
224 municipal advisor, Robert W. Baird & Co. Incorporated, in connection with the offering
225 and sale of the Notes are ratified and approved.

226
227 (b) The County Board of Supervisors hereby approves the Preliminary Official
228 Statement with respect to the Notes and deems the Preliminary Official Statement as
229 "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and
230 Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule").
231 All actions taken by officers of the County in connection with the preparation of such
232 Preliminary Official Statement and any addenda to it or Final Official Statement are
233 hereby ratified and approved. In connection with the Closing, the appropriate County
234 official shall certify the Preliminary Official Statement and any addenda or Final Official
235 Statement. The County Clerk shall cause copies of the Preliminary Official Statement
236 and any addenda or Final Official Statement to be distributed to the Purchaser.

237 Section 13. Undertaking to Provide Continuing Disclosure. The County covenants and agrees,
238 for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking")
239 if required by the Rule to provide continuing disclosure of certain financial information and
240 operating data and timely notices of the occurrence of certain events in accordance with the Rule.
241 The Undertaking shall be enforceable by the holders of the Notes or by the original purchaser(s)
242 of the Notes on behalf of such holders (provided that the rights of the holders and the
243 purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance
244 of the obligations thereunder and any failure by the County to comply with the provisions of the
245 Undertaking shall not be an event of default with respect to the Notes).

246
247 The County Clerk, or other officer of the County charged with the responsibility for issuing the
248 Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of
249 proceedings, setting forth the details and terms of the County's Undertaking.

250
251 Section 14. Records. The County Clerk shall provide and keep a separate record book and shall
252 record a full and correct statement of every step or proceeding had or taken in the course of
253 authorizing and issuing these Notes.

254
255 Section 15. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in
256 printed form, executed on behalf of the County by the manual or facsimile signatures of the
257 Chairperson and County Clerk, authenticated, if required, sealed with its official or corporate
258 seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of
259 the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The
260 facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in
261 lieu of the manual signature of the officer but, unless the County has contracted with a fiscal
262 agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a
263 manual signature. In the event that either of the officers whose signatures appear on the Notes
264 shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid
265 and sufficient for all purposes to the same extent as if they had remained in office until the
266 Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and
267 deliver the Notes and all such documents, certificates and acknowledgements as may be
268 necessary and convenient to effectuate the Closing. The County hereby authorizes the officers
269 and agents of the County to enter into, on its behalf, agreements and contracts in conjunction
270 with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal
271 agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract
272 heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and
273 approved in all respects.

274
275 Section 16. Effect of Ordinance. This action by the County Board of Supervisors is taken
276 pursuant to Section 67.12(12), Wis. Stats., and is intended to constitute a "resolution" for
277 purposes of that section.