

**AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN
FOR THE TOWN OF DELAFIELD**

WHEREAS, the Town of Delafield has by ordinance established a Plan Commission for the Town of Delafield pursuant to Section 60.62, 61.35 and 62.23, Wisconsin Statutes; and

WHEREAS, the Town Board is empowered to a Comprehensive Plan for the physical development of the Town, pursuant to Sections 60.62, 62.23(1), (2) and (3), and Section 66.1001 of the Wisconsin Statutes (such statutes also known as the Wisconsin "Smart Growth" laws); and

WHEREAS, the Town of Delafield signed a Cooperative Agreement with Waukesha County and the Southeastern Wisconsin Regional Planning Commission to jointly participate in the preparation of a multijurisdictional Comprehensive Plan for all of Waukesha County (hereinafter "County-wide plan") to meet the requirements of the Smart Growth Law; and

WHEREAS, 28 of 37 municipalities within Waukesha County chose to participate and become an active participant throughout the preparation of the County-wide Smart Growth Plan; and

WHEREAS, on or about April 12, 2005 the Town Board met and adopted written procedures designed to foster public participation in every stage of the preparation of a Comprehensive Plan for the Town of Delafield, in conjunction with the County-wide Comprehensive Planning process, which included provisions for wide distribution of the proposed elements of the Comprehensive Plan, and provided an opportunity for written comments to be received from the public and for the Town to respond to such comments; and

WHEREAS, the Cooperative Agreement specified establishment of an Advisory Committee with a representative from each participating municipality that directed planning policy; and

WHEREAS, the Town of Delafield was represented on the Advisory Committee by Town Engineer Tim Barbeau; and

WHEREAS, the Plan Commission, Town Board and Town staff were provided regular updates on the progress of Plan preparation and were encouraged to review Plan policy on the website of Waukesha County Department of Parks and Land Use; and

WHEREAS, the Plan Commission, Town Board and Town staff periodically provided feedback and direction to Mr. Barbeau; and

WHEREAS, during preparation of the County-wide Plan all meetings of the Advisory Committee and various subcommittees were open to the public and public comment was readily accepted all in accordance with the adopted Public Participation Plan; and

WHEREAS, on behalf of all participating municipalities the County applied for and received a matching grant in the amount of \$812,390 from the State of Wisconsin to assist with plan preparation and the Town utilized its grant portion to prepare the Land Use Plan and participate on the Advisory Committee; and

WHEREAS, the Advisory Committee commissioned a random sample survey of County residents, asking opinions about various subjects relating to growth and development, with the survey providing statistically significant results for all participating municipalities as part of the public participation process; and

WHEREAS, on December 11, 2008 the Waukesha County Parks and Planning Commission held an open house and a public hearing soliciting comments regarding the County-wide Plan; and

WHEREAS, on January 22, 2009 the Waukesha County Parks and Planning Commission considered all written and verbal public comments and recommended to the County Board of Supervisors adoption of the County-wide Plan, for purposes of Waukesha County's conformance to State law, which is referred to herein as the Comprehensive Development Plan for Waukesha County - 2035; and

WHEREAS, on February 24, 2009 the County Board of Supervisors adopted the County-wide Plan; and

WHEREAS, the Town of Delafield Plan Commission commenced review of the County-wide Plan at a regular scheduled and publicly noticed meeting; and

WHEREAS, the Town Plan Commission, with assistance from the Town Engineer, discussed and considered any differences of policy between the County-wide Plan and the Town Land Use Plan; and

WHEREAS, on March 17, 2009 the Town Plan Commission recommended to the Town Board adoption of the County-wide Plan incorporated with local adjustments in the interest of the health, safety and welfare of the general public; and

WHEREAS, on April ^{30 plk}~~28~~, 2009, the Town Board held a public hearing to consider public comments regarding adoption of the County-wide Plan, following due notice being provided in compliance with the requirements of Wisconsin Statutes Sections 66.1001(4)(d), 66.1001(4)(e) and 66.1001(4)(f); and

WHEREAS, the Town Board for the Town of Delafield, having carefully reviewed the recommendation of the Town Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components related to issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land-use, and implementation, has determined that the comprehensive plan will serve the general purposes of

guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Delafield which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Delafield do hereby ordain as follows:

Section 1. The Town of Delafield Comprehensive Plan attached hereto and incorporated herein as Exhibits A and B is hereby adopted.

Section 2. Notice. The Town Clerk is directed to provide a copy of this ordinance and a copy of the Town of Delafield Comprehensive Plan that is hereby adopted to the persons and entities described in Wisconsin Statutes Section 66.1001(4)(b), as required by Wisconsin Statutes Section 66.1001(4)(c).

Section 3. Repeal. The Town of Delafield Master Plan dated June, 1999, including all revisions and amendments adopted from time to time regarding such plan, is hereby repealed in its entirety.

Section 4. Severability. The several sections and portions 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 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. This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

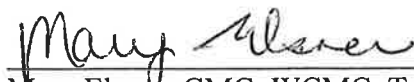
ADOPTED THIS 30 day of April, 2009

BY THE TOWN BOARD,
TOWN OF DELAFIELD



Paul Kanter, Town Chair

ATTEST:



Mary Elsner, CMC, WCMC, Town Clerk

EXHIBIT A

The Comprehensive Development Plan for Waukesha County—2035 dated February 24, 2009, on file in the office of the Town Clerk, with all background demographics and information required by 66.1001 of the State Statutes and planning objectives and policy subject to the comprehensive planning jurisdictional authority of the Town of Delafield authorized by State Statutes, is incorporated herein by reference, except as modified by Exhibit B attached hereto.

EXHIBIT B

SPECIFIC TOWN OF DELAFIELD AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY – 2035 March 27, 2009

Chapter 1, page 1-12, Public Participation: Amend the third paragraph to read as follows:

As required by the statutes a public participation plan was adopted by the Waukesha County Board of Supervisors on April 12, 2005, based on a recommended plan prepared by the Comprehensive Plan Advisory Committee. **The Town of Delafield adopted the County's public participation plan document dated March 3, 2005 on April 12, 2005.**

Chapter 2

Page 2-13, Table II-12 Population Projections: Based on zoning and land use restrictions, the anticipated build-out population of the Town includes approximately 830 new units in the rural development district and approximately 100 units in the urban development district. Based on an anticipated average household size of 2.65 persons per unit, this equates to an additional 2,464 residents. By adding this increase to the current population, the resulting 2035 population is 10,750 residents.

Page 2-21, General Development Objectives: Remove and replace objective No. 4 to read:

4. A range of choice among housing designs, sizes, types, and costs, recognizing changing trends in age group composition, income, and family living habits.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 1 to read:

1. Allocation of space to the various land use categories, which meets the social, physical, and economic needs of the Town population.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 5 to read:

5. The availability of a range of choice among housing designs, sizes, types, and costs, recognizing changing trends in age group composition, income, and family living habits.

Page 2-22, Specific Development Objectives: Remove objective No. 7 in its entirety.

Page 2-22, Specific Development Objectives: Remove and replace objective No. 8 to read:

8. The conservation, renewal, and use of existing urban service areas of the Region and the County, where such use does not conflict with the land use plan for the Town of Delafield.

Page 2-28, Standards Remove and replace standard "e." to read:

- e. Land use patterns should be designed to discourage development of below grade structures on soils with seasonally high groundwater less than 3 feet from the surface. The intent is to allow development on these marginal soils, providing below grade structures (including basements) maintain a minimum of one foot separation from the seasonally high groundwater level, **unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.**

Page 2-31, Standards, item "b": Remove and replace the first sentence to read:

- b. Park and recreation sites shall be in accordance with the Parks and Recreation Facilities Master Plan, December , 2006 and any amendments thereto (italicized portion to remain).

Page 2-33, 1. Soils, Standards Remove and replace No. 5 to read:

5. Land use patterns should be designed to discourage development of below grade structures on soils with seasonally high groundwater less than 3 feet from the surface. The intent is to allow development on these marginal soils, providing below grade structures (including basements) maintain a minimum of one foot separation from the seasonally high groundwater level, **unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.**

Page 2-35, Land Use Objective No. 2, Remove and replace standard No. 4. To read:

4. Rural residential development is encouraged to be located adjacent to agricultural operations to maintain the rural character of the Town. Rural residential development should be located in such a way as to minimize conflicts attendant to dust, odors, and noise associated with farming activity that may arise when residences are located in the vicinity of agricultural operations. Rural residential development should also be located in such a way as to minimize impacts on the natural resource base including wildlife habitat.

Page 2-43, Housing Objective No. 2, Remove and replace the first sentence under Standard to read:

Communities that seek to attract jobs, as reflected in the accommodation of new commercial or industrial development, should ensure a range of housing styles, types and price ranges are provided so as to provide opportunities to minimize imbalances between job and residence locations.

Chapter 3

Page 3-35, Amend the Implementation Recommendations No. 2 to read:

2. Amend land use categories to direct development away from areas with seasonally high groundwater one-foot or less from the surface and steep slopes (12% or greater) and to discourage development of below grade structures on soils with groundwater limitations less than 3 feet from the surface. Amend applicable zoning and land division codes to establish a minimum of one-foot separation between structures (including basements) and the seasonally high groundwater level **unless an engineered drainage solution acceptable to the Town can be provided to alleviate groundwater concerns.**

Chapter 5

Page 5-45 Housing Supply, Remove and replace item No. 2 to read:

2. Community comprehensive plans should address the need for adequate consumer housing choices that allow for a range of housing structure types and sizes including single-family, two-family, and, in sewer service areas, multi-family.

Page 5-46 Housing Mix: Remove and replace No. 1 to read:

1. Communities that seek to attract jobs, as reflected in the accommodation of new commercial or industrial development, should ensure a range of housing styles, types and price ranges are provided so as to provide opportunities to minimize imbalances between job and residence locations

Page 5-46, Housing Mix Remove and revise No. 2 to read:

2. The Town may consider policies concerning housing mix to provide a range of housing choices. Consideration should include comparing housing types and affordability to existing and projected jobs and wages in establishing effective housing mix policies.

Page 5-47 Housing Affordability and Housing Costs item No. 8

Remove and replace the first word in the first sentence to read: "As opportunities present themselves, evaluate ..."

Page 5-47 Housing Affordability and Housing Costs item No. 9 Remove and replace item 9 to read:

Support the operation of home businesses or home occupations in accordance with the regulations in place in the Town zoning code, to allow for affordable housing and affordable work space for entrepreneurs.

Page 5-48, Land Use Regulation and Other Considerations, Remove and replace No. 1 to read:

The Town of Delafield codes do not exclude relatively lower cost housing.

Chapter 6

Page 6-28, Government Services and Taxes, Eliminate in its entirety.

Chapter 7

Page 7-22 Basic Definitions: Remove and revise the following definition to read:

"Commercial and/or Office Park" is defined as land devoted to office parks and office buildings placed in a park like setting; park land, which includes golf courses and recreational facilities that are compatible with the surrounding residential character; and agricultural uses compatible with the surrounding area.

Page 7-39 insert a new note and table as shown below:

Note: The purpose of Table VII-11 is to identify the number of units in the Rural Development Areas using Waukesha County's density requirement of 1 unit per 5 acres and using current Town Zoning and potential development under the Town's PUD requirements. The table shows that if the Town develops land in accordance with current zoning and PUD requirements in the Rural Density Areas (Sections 25 through 36), they will meet the minimum 5 acre density requirement desired by the County.

Table VII-11

Town of Delafield Land Use Plan Unit Determination (3/4/09)

Section	Calculation of maximum number of units using Waukesha County's 5 acre per unit density requirement					Calculation of anticipated number of units using existing Town Zoning and PUD requirements					
	Total area in section (in the Town) acres	Urban development (includes right-of-way) acres	Rural Development Area for Density acres	Rural Density factor per Waukesha County ac/unit	Number of Units using a 5 acre density units	Area of individual parcels less than 20 acres (non PUD lands) acres	Number of units allowed on individual parcels less than 20 acres (non PUD-based on existing zoning) units	Area of parcels that result in 0 units due to floodplain, preserved O.S., P-1 lands and surface water acres	Area of lands that have 20 acres or more and must be developed as a PUD. acres	Number of units generated by PUD's units	Total number of units based on existing zoning units
25	649.14	387.85	261.29	5	52	15.81	4	69.2	176.28	64	68
26	651.16	464.13	187.03	5	37	0	0	66.96	119.9	39	39
27	514.03	214.46	299.57	5	59	134.88	17	91.03	73.66	26	43
28	655.58	561.83	93.75	5	18	15.67	4	78.08	0	0	4
29	659	53.26	605.74	5	121	14.51	3	568.66	22.57	8	11
30	517.66	229.83	287.83	5	57	50.57	12	237.26	0	0	12
31	611.17	223.83	387.34	5	77	48.91	16	5.83	332.6	120	136
32	645.18	242.2	402.98	5	80	70.37	13	332.61	0	0	13
33	650.16	414.48	235.68	5	47	33.13	9	158.76	43.79	15	24
34	650.03	88.67	561.36	5	112	211.42	17	51.96	297.98	106	123
35	646.38	100.5	545.88	5	109	82.68	23	43.5	419.7	139	162
36	650.41	73.36	577.05	5	115	91.33	28	24.6	461.93	167	195
TOTALS	7499.9	3054.4	4445.5		886		146			684	830

Urban Development includes SDRI, SDRII, Low Density Residential, Mixed Use, Government and Institutional and Commercial, and ROW's

Projected units of "0" is due to lands being zoned P-1 Parkland or WF-1 Floodplain or located in PEC which does not allow residential development

Projected Build-out Density: 4445.7/830 = 5.36 acres per unit

Page 7-41 Zoning in Rural Areas, third bullet: Remove and revise to read:

- Areas recommended in county and local comprehensive plans for rural residential development should be placed into a rural residential zoning district that limits development to no more than one dwelling unit per **three** acres and that encourages, or even requires, the use of conservation subdivision designs to accommodate the permitted development.

Page 7-42 Land Division Ordinances, Remove and replace No. 3 to read:

1. Another issue raised by the Workgroup was the variety of subdivision definitions used by Waukesha County municipalities. The variety in definitions has led to larger scale residential developments proceeding as certified surveys as opposed to a platted subdivision.

To address this issue, the Workgroup developed a minimum definition of a subdivision to be applied in Waukesha County. The Town of Delafield refined that definition to be more restrictive. The Town's definition of subdivision reads "The division of a lot, parcel or tract of land by the owner or his agent for the purpose of sale or building development where: the act of division creates 2 or more parcels or building sites of 5 acres each or less in area; or 2 or more parcels or building sites of 5 acres each or less in area are created by successive divisions of any part of the original property by any person within a period of 5 years. The following shall not constitute a subdivision: cemetery plats, assessor's plats, or the sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by applicable ordinances."

Insert the following standards at the end of Chapter 7:

Commercial and/or Office Park

Standards

The development of lands to achieve the desired land use shall consider the following general standards:

- Maintain existing trees and tree lines, natural areas and required open space
- Residential uses in adjacent districts to be 1000 feet or more from I-94, measured from the outside edge of the outside travel lane (furthest from the median)
- No sound barriers or blockage of views from I-94
- Parking shall be located on the sides and rear of buildings ("front" defined as Golf Road or Silvernail Road)
- Multiple buildings shall be linked with internal drives
- Limited signage in accordance with the Town Code and including the town logo.
- Intensity of on-site activity shall be compatible with the adjacent residential uses

Chapter 8

Page 8-19 Map VIII-5 shall reflect CTH G in the Town of Delafield under Waukesha County jurisdiction. A following footnote is hereby added: The jurisdictional transfer of CTH G to local jurisdiction shall only be made with the specific approval of the Town Board at the time of any request of a transfer. The Town specifically does not accept the plan that shows CTH G in the Town being transferred to Town jurisdiction.

Chapter 9

All implementation changes made in Chapters 1 through 8 noted above that are re-enumerated in Chapter 9 are hereby revised to reflect the changes made in those individual chapters.

