



AGENDA
ZONING CODE SUBCOMMITTEE
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
August 26, 2019
5:00 PM

1. Call to Order/ Roll Call
2. Verification of Compliance with Open Meeting Law
3. Pledge of Allegiance
4. DISCUSSION/ACTION ITEMS
 - a. Discussion regarding Chapter 70 Zoning Code Recodification
5. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 or www.richfieldwi.gov with as much advance notice as possible.

Date: August 22, 2019



To: Richfield Zoning Code Subcommittee
Jim Healy, Village Administrator

From: Tim Schwecke, AICP

Subject: Village of Richfield Zoning Code Rewrite Project – Materials for August 26, 2019

In previous meetings we have talked about and reviewed materials related to the Lowland Conservancy (LC) district and Upland Conservancy (UC) district along with environmental corridors as mapped by SEWRPC.

Current Code

The LC and UC districts in the village's current zoning code are base zoning districts. It appears the maps prepared by SEWRPC were the starting point for mapping the LC and UC. But, as we've learned, there is no apparent rhyme or reason for what is currently mapped and not mapped.

The primary difference between the UC and some of the other residential districts is in the residential density. Section 70.209(E) sets the density at 10 gross acres for new lots with a minimum lot size of 1.5 acres.

- E. Residential density; lot area and width. Residential density; lot area and width in the UC district are as follows:
1. Where and when permitted, the development of properties located within this UC district prior to the effective date of the ordinance from which this section is derived, for residential purposes shall be allowed to develop at a gross density of one dwelling unit per four gross acres. The development of properties located within this UC district after the effective date of the ordinance from which this section is derived, shall be allowed to develop at a gross density of one dwelling unit per 10 gross acres.
 2. Lots developed from properties located within this UC district prior to the effective date of the ordinance from which this section is derived shall have a minimum net area of 1.5 acres. Lots developed from properties located within this UC district after the effective date of the ordinance from which this section is derived shall have a minimum net area of 1.5 acres.
 3. Lots shall be not less than 250 feet in width at the building setback line.
 4. When lands in the LC and/or F-1 district lie adjacent to lands in the UC district and under the same ownership, such lands may be used to meet up to 50% of the lot area requirements of the UC district.

Another difference is found in Subsection J which requires Plan Commission review of all development in the UC district, although this hasn't always been done.

The Village recently adopted ordinance 2019-02-02 (copy attached) which modified how density is calculated in the Rs-1B Single-Family Cluster/Open Space district, taking into account lands designated as UC. As currently drafted, 50 percent of the UC lands can be used in the density calculation (s. 70.193(E)).

SEWRPC Mapped Environmental Corridors

As indicated in the attached materials, SEWRPC has described and mapped three different types of environmental corridors.

- Primary environmental corridors
- Secondary environmental corridors
- Isolated natural resource areas

New Code

Our task is to determine how these mapped environmental corridors could potentially be incorporated into the new code.

As discussed in the past, we've talked about treating one or more of the environmental corridors as overlay districts. By definition, overlay districts impose additional limitations on development to account for specific circumstances, in this case to protect the integrity of the natural resource.

These limitations can relate to any number of themes. As a starting point, we could carry forward the two relevant restrictions: reduction in development density and prior review of development (i.e., land-clearing).

Below are some decision points to help us walk through different options.

1. Do you want to continue our discussion regarding environmental corridors with the intent of incorporating them into the new zoning code in some fashion?
2. Do you want to incorporate all of the environmental corridors, just two, or just one?
 - Primary - yes/no/maybe
 - Secondary- yes/no/maybe
 - Isolated- yes/no/maybe
3. If you want to work with two or more types, do you want to lump them together into one overlay district, or do you want to keep them separated for regulatory purposes (e.g., development rules are different)?
4. Do you want to continue with the current density provision in some form?
5. Do you want to continue the requirement of prior review of development? In this regard, the current provision doesn't include any standards or criteria for review. Please find attached, provisions from the Town of Mukwonago (Waukesha County) as a sample that provides more clarity.

Attachments:

1. Village of Richfield Ordinance 2019-02-02
2. Work maps depicting environmental corridors mapped by SEWRPC
3. Descriptions of environmental corridors mapped by SEWRPC
4. Town of Mukwonago Ordinance 2014-O-13, selected pages

ORDINANCE 2019-02-02

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF CHAPTER 70.193 and
70.209 OF THE VILLAGE OF RICHFIELD MUNICIPAL CODE

WHEREAS, in 2018 the Village of Richfield was contacted by a local developer who expressed an interest in amending the Zoning Code to allow lands in the UC, Upland Conservancy District to be counted in the Rs-1B, Single-Family Cluster/Open Space Residential District for both "density" and "open space"; and

WHEREAS, the Village was provided with a copy of the draft ordinance and referred the matter to the Plan Commission for recommendation; and

WHEREAS, the Village's Plan Commission voted 3-3 which pursuant to Robert's Rules of Order resulted in a recommendation of denial to the Village Board;

WHEREAS, the Village Board held a scheduled Public Hearing on February 21, 2019 after the required Class II Public Hearing Notice was published in the Daily News; and

WHEREAS, upon the conclusion of the Public Hearing, the Village Board having carefully reviewed the recommendation of the Village Plan Commission, being fully informed and advised, having determined that all procedural requirements and notice requirements have been satisfied; hereby determines that this ordinance is consistent with the public necessity, convenience, and general welfare and good zoning practice.

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Richfield, Washington County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS to Amend various Subsections of 70.193 and Amend various Subsections of 70.209 of the Village of Richfield municipal code entitled "Rs-1B Single-Family Cluster/Open Space Residential District" and "UC Upland Conservancy District", respectively, as follows:

Section 1. 70.193 Rs-1B(A) entitled "Intent" be amended to read as follows:

A. Intent. The Rs-1B single-family cluster/open space residential district is intended to provide for the development of agricultural and other open space areas that are at least 20 acres into single-family residential lots and permanently protected opens space areas to;

- i. Maintain and protect the rural character of the Village;
- ii. Allow for the continuation of limited agricultural uses in those areas best suited for such activities and when the continuation of such activities would be compatible with adjoining nonfarm uses;

- iii. Preserve, protect and minimize disturbance of the natural resources and environmentally sensitive areas in the Village.

Section 2, 70.193(B) entitled "Density, parcel size, lot area, width and frontage requirements" Subsection 1 entitled "Density" be amended to read as follows:

1. Density. The maximum number of residential lots in a proposed land division is calculated as follows:
 - a. Step 1. Determine gross development area (GDA) in acres, which includes those lands designated as RS-1B and any adjoining lands within the same parcel that are designated Upland Conservancy (UC) district;
 - b. Step 2. Subtract the following from the gross development area (GDA) determined in Step 1 to obtain the net buildable area (NBA):
 - i. One hundred percent of the land area within existing road, utility and other dedicated rights-of-way and easements;
 - ii. Fifty percent of the water surface area located within the ordinary high-water mark of navigable lakes, rivers, and streams;
 - iii. Fifty percent of the land area designated as being within the one-hundred-year floodplain;
 - iv. Fifty percent of the land area designated as wetlands;
 - v. Ten percent of the land area having a slope of 12% to 20%;
 - vi. Fifty percent of the land area having a slope of 21% or greater; and,
 - vii. Fifty percent of the land area that is designated environmental corridor on the Future Land Use Map in the Village's adopted Comprehensive Plan.

In calculating net buildable area, the following shall apply: all areas in acres rounded to the nearest 1/10 of an acre, and where two or more categories overlap, the overlapping area shall be counted only once using the most restrictive category.

- c. Step 3. Divide the net buildable area by 3 and round down to a whole number to obtain the maximum number of residential lots. The calculated number of residential lots as described in this section sets the maximum number of lots that would be allowed. The actual number of lots in a proposed development may actually be less than that number because of (i) the shape of the parcel, (ii) dimensional standards for new lots, (iii) road requirements, (iv) the location of development constraints, and (v) any number of other factors.

Section 3, 70.193(D) entitled "Open Space Requirements" Subsection 1 be amended to read as follows:

- I. Open space requirements. Open space requirements in the Rs-1B District are as follows:
 1. A minimum of 40% of the total gross area of a parcel developed under the provisions of this district shall be preserved as open space in one or more open space areas that are either designated, dedicated, reserved, or restricted for public or private use or

enjoyment by property owners and/or occupants of adjoining land. If the land division includes land in the Upland Conservancy (UC) district as allowed under subsection E above, then 100 percent of such area must be included in the open space area. Such open space shall not include areas required for public highways, roads or streets or individual on-site sanitary septic systems intended to serve residential lots.

Section 4. 70.193 (K) entitled "Cluster Development Design Criteria" Subsection 1 be amended to read as follows:

K. Cluster development design criteria. The design and layout of residential lots or parcels and open space outlots should to the greatest extent possible satisfy the following:

1. Residential lots and open space outlots shall be designed and arranged to minimize the destruction or alteration of natural resource features. In order of priority, open space outlots should include the following natural resource, open space and agricultural features, in whole or in combination, in order to maximize preservation of the Village's rural character:
 - a. Lakes, ponds, rivers, streams, wetlands, shorelands and floodplains;
 - b. Woodlots and forests;
 - c. Steep slopes (greater than 12%).
 - d. Other areas located designated as "environmental corridors" on the Future Land Use Map in the Village's Comprehensive Plan;
 - e. Other areas comprised of wet, poorly drained and organic soils;
 - f. Prairies; and
 - g. Other drainage and stormwater facilities.

Section 5. 70.209 UC Upland Conservancy District Subsection E entitled "Residential Density" be amended to read as follows:

E. Residential Density; lot area and width. Residential density; lot area and width in the UC district are as follows:

1. Where and when permitted, the development of properties located within this UC district prior to the effective date of the ordinance from which this section is derived, for residential purposes shall be allowed to develop at a gross density of one dwelling unit per four gross acres. The development of properties, located within this UC

district after the effective date of the ordinance from which this section is derived, shall be allowed to develop at a gross density of one dwelling unit per 10 gross acres.

2. Lots developed from properties located within this UC district prior to the effective date of the ordinance from which this section is derived shall have a minimum net area of 1.5 acres. Lots developed from properties located within this UC district after the effective date of the ordinance from which this section is derived shall have a minimum net area of 1.5 acres.
3. Lots shall be not less than 250 feet in width at the building setback line.
4. When lands in the LC and/or F-1 district lie adjacent to lands in the UC district and under the same ownership, such lands may be used to meet up to 50% of the lot area requirements of the UC district.
5. Lots created as an integral part of a residential land division as set forth in Section 70.193 of this code shall follow the lot area and width requirements set forth therein.

Section 6. 70.209 UC Upland Conservancy District Subsection J entitled "Special Regulations" be amended to read as follows:

- J. **Special Regulations.** To encourage uses that are compatible with the residential character of the Village in the UC district, building/zoning permits for permitted uses in the UC conservancy district shall not be issued without prior review by and approval of the Village Plan Commission, except for those lots that are an integral part of a residential land division as set forth in Section 70.193 of this code. Such review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, building materials, ingress and egress, parking, loading and unloading, drainage, and screening and landscape plans.

Section 7. Severability. 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.

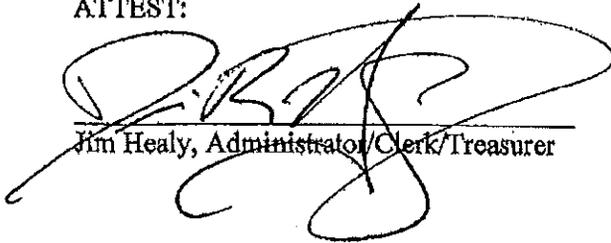
Section 8. Effective Date. This ordinance shall become effective upon passage and publication/posting.

Passed and adopted this 21st day of February by a vote of 4-1, with President John Jeffords voting opposed.



John Jeffords, Village President

ATTEST:



Jim Healy, Administrator/Clerk/Treasurer

were assigned relatively low point value ratings. It should be noted in this respect that floodlands, although a critical consideration in areawide and local planning, were assigned relatively low point value ratings. This was done for two reasons. First, significant portions of floodlands within the Region are not in a natural state, with some floodlands in urban areas being developed for urban uses and some floodlands in rural areas being utilized almost entirely for agricultural production. Such conditions were deemed to be inconsistent with the concept of environmental corridors as primarily natural areas. Second, those portions of floodlands that are not in intensive urban or agricultural uses and, thus, exist in a natural state are likely to be a part of an area having a relatively high composite point value rating and thereby ultimately included within a delineated environmental corridor by virtue of the fact that such floodlands probably are located within identified wetland, wildlife habitat, prairie, or other scientific or natural areas of the Region.

In order to identify concentrations of high-value natural resource features, the delineations of the individual natural resource base and resource base-related elements, as mapped on the 1" = 400' scale ratioed and rectified aerial photographs—an example of which is presented in Figure 1—were transferred to a single mylar transparency overlay drafted at the same 1" = 400' scale. All natural resource base and related elements were delineated in pencil on the composite, and a cumulative point total for each delineated area was calculated. Within each area delineated on the mylar, the total composite point value was recorded and the natural resource base and related elements within that area were identified through the use of code letters. The code letters, together with the point values assigned to each of the natural resource base and resource base-related elements, are presented in Table 2, while the mylar transparency covering the same area as that shown in Figure 1, indicating the cumulative point values of all resource components, is shown in Figure 2.

Identification and Delineation of Environmental Corridors and Other High-Value Resource Areas

The delineation of the detailed natural resource base and resource base-related inventory data on 1" = 400' scale ratioed and rectified aerial photographs, and the assignment of point values to each of the resource base and related elements facilitated the final step in the corridor refinement process—namely, the identification and delineation of environmental corridor and other high-value resource areas. As previously noted, an effort was made to ensure that the concept of environmental corridors as set forth in regional level system plans was carried through in the refinement process. Thus, a hierarchy of natural resource areas was identified—namely, primary environmental corridors, secondary environmental corridors, isolated high-value resource areas, and other natural resource or resource-related areas. These areas were identified through the application of criteria related to the point values assigned to the individual resource components, as well as of criteria established with respect to the acreage, width, and length of the resource components. These criteria are listed in Table 3.

A point value of 10 or more established an area as having "significant" natural resource value. As further shown in Table 3, areas with "significant" natural resource values include primary environmental corridors, secondary environmental corridors, and isolated high-value natural areas. Primary environmental corridors occupy an area of at least 400 acres and have a minimum length of two miles and a minimum width of 200 feet. Such corridors generally include a wide variety of natural resource base and related elements.

Secondary environmental corridors occupy an area of at least 100 acres and have a minimum length of one mile. Such corridors also include a variety of natural resource base and related elements, but are generally less diverse and are smaller in size, length, and width than primary environmental corridors.

Isolated high-value natural areas are at least five acres in size. Such areas generally consist of those natural resource base elements that have "inherent natural" value such as wetlands, woodlands, wildlife habitat areas, and surface water areas but that are separated physically from the environmental corridors by intensive urban and agricultural land uses. Other natural resource and related features have no minimum area, length, or width requirements. These features generally include those natural resource base-related elements that have "implied natural" value, such as an existing park, a potential park site, or an historic site.

In the classification and delineation of natural resource features, areas with significant natural resource values—areas with a point value of 10 or more points—that were located in proximity to other areas with significant natural resource values were often linked with such areas as a single natural resource feature,

SECTION 11. Section 82-126 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby created to read as follows:

Sec. 82-126. Land disturbance.

Land within the EC environmental corridor district shall remain undisturbed except as follows:

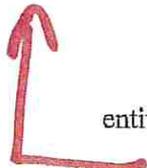
- (1) Vegetation listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed without prior approval.
- (2) Timber harvesting may occur subject to a forest management plan as approved by the town board.
- (3) A building envelope may be established to accommodate (1) a principal building and accessory buildings, as may be allowed; (2) an area for an onsite septic system and well, as may be required; (3) an area around the principal building for outdoor living; and (4) an access from a public roadway to the principal and accessory buildings. The size and configuration of the building envelope shall conform to the following requirements:

- a. For lots entirely within an EC environmental corridor district, the area of the building envelope shall be no larger than the amounts specified in the table below.

<i>Lot Size</i>	<i>Maximum Land Disturbance</i>
3.5 acres or larger	25,900 square feet
2 acres or larger, but less than 3.5 acres	18 percent of lot area
Less than 2 acres	19 percent of lot area

- b. For lots partially within and partially outside of the EC environmental corridor district that are vacant as of (effective date of ordinance) or where the principal building is located outside of the EC environmental corridor district, new development shall be limited to the area outside of the EC environmental corridor district (except when such land is in the C-1 conservancy district), unless a building envelope is shown on the face of an approved certified survey map or subdivision plat or on a site map recorded with a deed restriction as approved by the town board. Land within the EC environmental corridor district may be disturbed for driveways but only when such location is the only feasible alternative to provide access from the public roadway to the principal and accessory buildings as determined by the building inspector.

- c. For lots partially within and partially outside of the EC environmental corridor district that host a principal use as of (effective date of ordinance) in the EC environmental corridor district, the area of the building envelope shall comply with the amounts specified in the table in subsection 2(a) above.



SECTION 12. Section 82-133 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-133. Building location.

Building location requirements for the A-1 agricultural district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset: 20 feet minimum, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 13. Section 82-142 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-142. Building location.

Building location requirements for the S-E suburban estate district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).

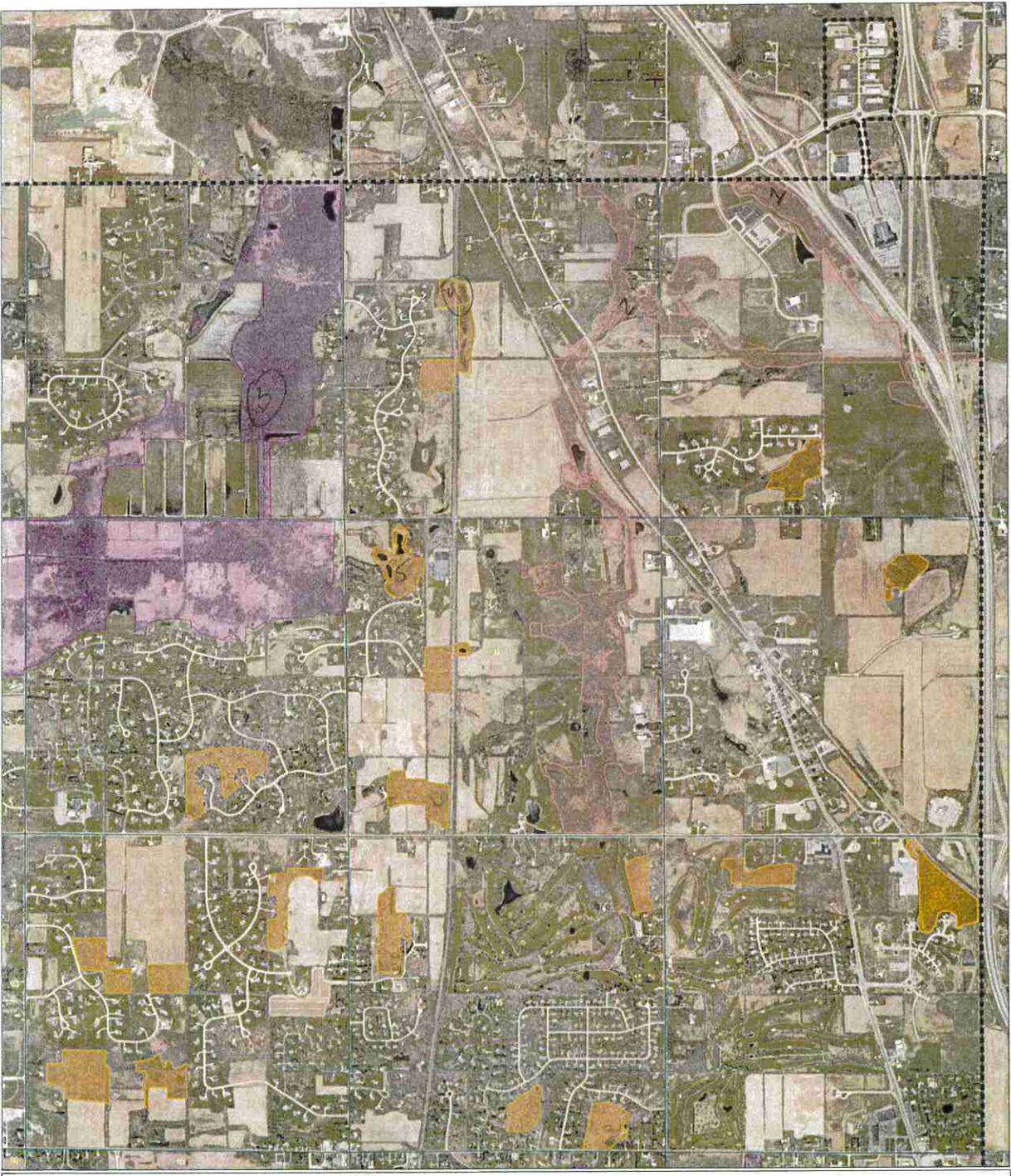
① This is a pretty fast-moving stream and is well-wooded.

② Small tributary that ends up by Arched golf course

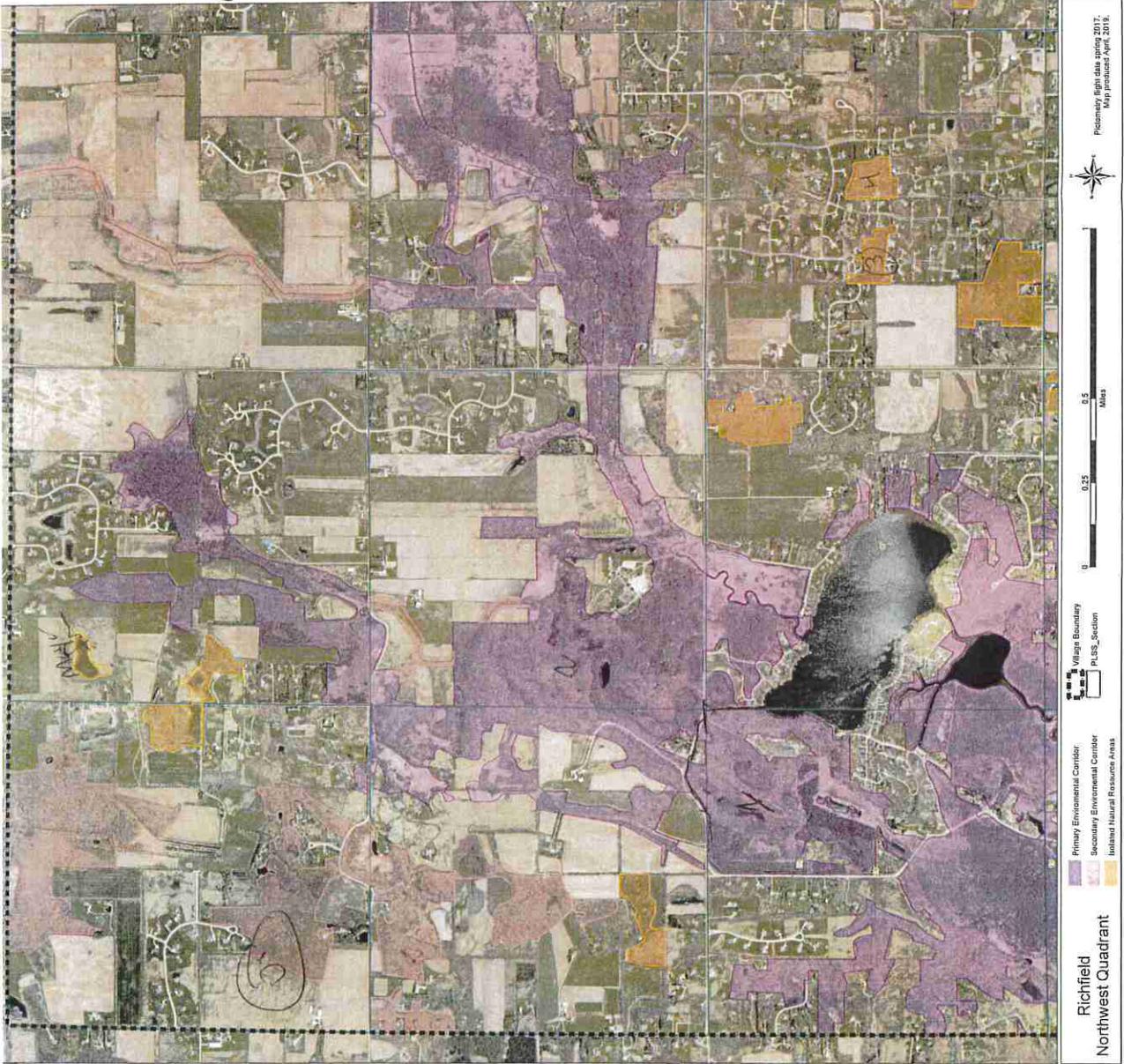
③ Sod farm & wetland

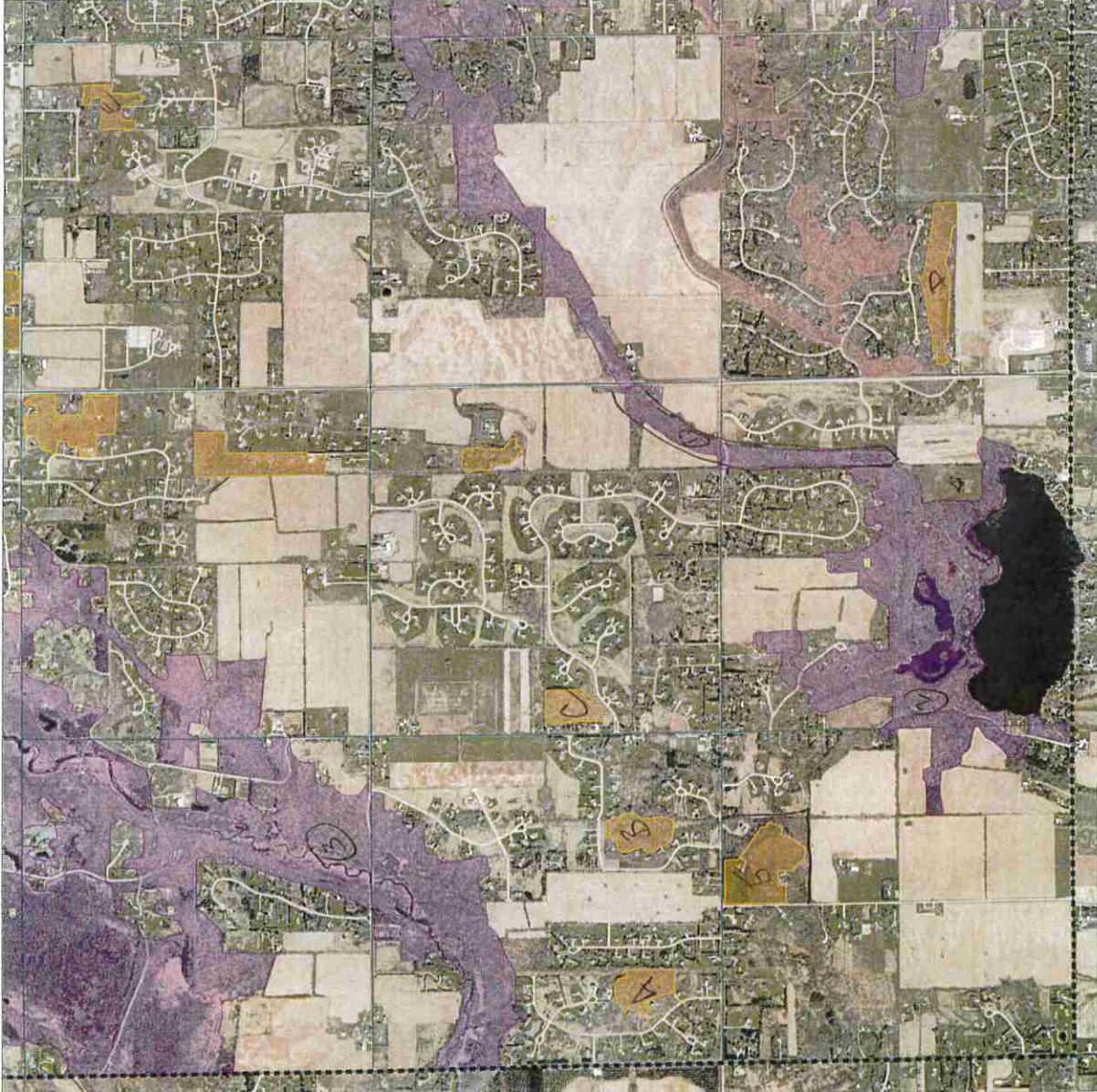
④ Along the RR tracks?

⑤ Not even shown on maps



- ① Glacis Hills park
- ② Daniel Boone
- ③ Zoned R-1A
- ④ Very ~~is~~ isolated





Richfield
Southwest Quadrant

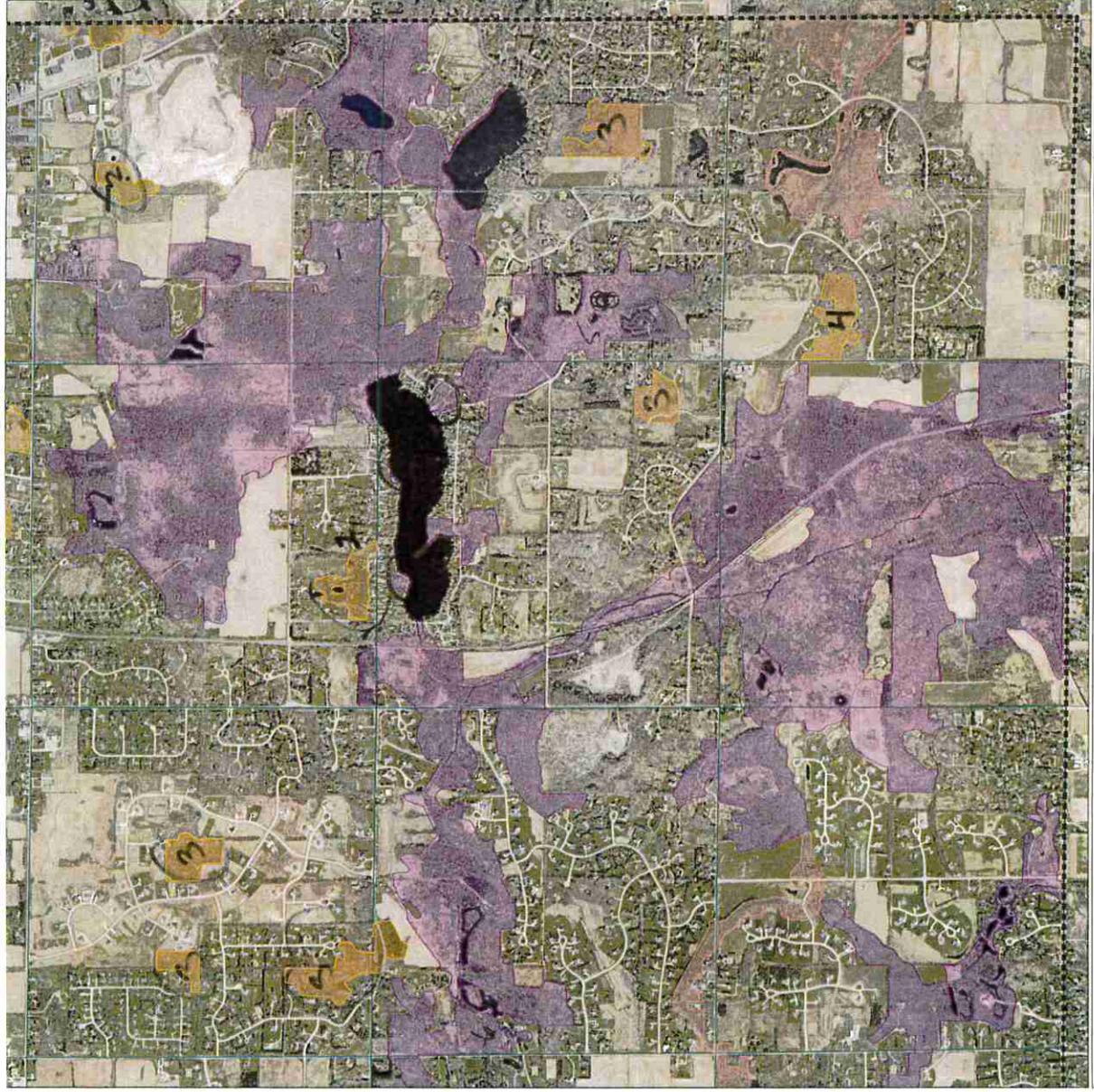
Primary Environmental Corridor
 Secondary Environmental Corridor
 Village Boundary
 P1, S3, Section
 Isolated Natural Resource Areas

0 0.25 0.5 Miles

Richfield
Southwest Quadrant
 Potomacy Right use since 2017
 Map prepared April 2018.

- ① Dennis Stoughton form # shown totally rejected
- ② This follows pretty closely to our UC, Yorkshim is R3-2.
- ③ I'm surprised how wide this is.
- ④ The isolated areas ~~are~~ make sense to me ~ "A", "B", "C", "D", "E"

1. Near Jason Duchings house. Known for being wet. Is this the BLBL?
2. Man-made detention pond?
3. Absolutely isolated.
4. I could see this as being connected.
5. Does it exactly follow the U for the Village?
6. Old Road Graphics site



Richfield
Southeast Quadrant

Village Boundary
 P, L, S, Section
 Isolated Natural Resource Areas

Primary Environmental Corridor
 Secondary Environmental Corridor
 Isolated Natural Resource Areas

0 0.25 0.5 Miles
 Primary flight date Spring 2017.
 Map produced April, 2016.