

Ordinance No. 2021-02

AN ORDINANCE TO AMEND THE TOWN OF HARTFORD ZONING ORDINANCE

The Board of Supervisors of the Town of Hartford, Washington County, Wisconsin, do ordain as follows:

Section 1. The Town Hartford Board of Supervisors has authorized, prepared, and adopted, pursuant to Sections 60.61 and 60.62 of the Wisconsin Statutes, a Town of Hartford Zoning Ordinance and Zoning Map to promote and protect the health, safety, aesthetics, and other aspects of the general welfare of the Town and its residents.

Section 2. It is deemed necessary that the Zoning Ordinance and Zoning Map for the Town be revised or updated as necessary over time to properly guide and regulate the use and development of structures, lands, and waters in the Town.

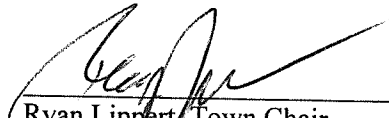
Section 3. A copy of proposed amendments to the Town Zoning Ordinance, as shown in Attachment A including to allow planned two-family residential development in the PRDO Planned Residential Development Overlay District for areas with an underlying basic zoning district of R4 Pike Lake Residential District, have been on file and open for public inspection in the office of the Town Clerk for not less than two weeks, as required by Section 66.0103 of the Wisconsin Statutes, and notice thereof was given by publishing or posting as required by law.

Section 4. An informational open house and subsequent public hearing on the proposed amendments were held jointly by the Town Board and Plan Commission on January 13, 2021, and thereafter the Town Plan Commission recommended adoption of the amendments by the Town Board.

Section 5. The Town Board concurs with the recommendation of the Town Plan Commission and has determined that the proposed revisions in Attachment A are consistent with the Town of Hartford Comprehensive Plan and will serve to further orderly land use development and promote the health, safety, aesthetics, and welfare of the Town.

Section 6. The amendments to the Zoning Ordinance shall be in full force and effect upon publishing or posting of this adopted Ordinance as required by law.


Adopted by the Town of Hartford Board of Supervisors this 13th day of January 2021.



Ryan Lippert, Town Chair
Town of Hartford

Ayes 3 Noes 0 Absent 0

Date Published/Posted: 1/15/21

Attest: 

Rebecca Schuster, Town Clerk
Town of Hartford

Attachment A

Amendments to the Town of Hartford Zoning Ordinance

The purpose of these amendments are to revise the Town of Hartford zoning ordinance to allow limited planned two-family residential development/uses in the PRDO Planned Residential Development Overlay District for areas where the underlying basic zoning district is R4 Pike Lake Residential District and to update, correct, and provide clarification for other requirements. Amendments are shown in [track changes](#) where deletions are ~~strikeouts~~ and additions are underlined or noted as recommended deletions or additions by text within “quotes.” When requirements are deleted or added, subsequent retained sections or subsections are renumbered or re-alphabetized in sequential order, as necessary.

1. Section 1.07(2) is revised as follows:

“(2)~~Except as this Ordinance may conflict with Chapter 91, Farmland Preservation, Wisconsin Statutes,~~ Wherever this Ordinance imposes greater restrictions than other similar regulations, the provisions of this Ordinance shall govern, unless preempted by State or Federal Law. Wherever the provisions of this Ordinance conflict with the provisions of Chapter 91 shall prevail. Also see section 62.23(7)(g) of the Wisconsin Statutes addressing conflicting laws.”

2. The introduction of Section 2.01 is revised, and an overlay zoning district is added at the end of the list of zoning districts as follows:

“For the purpose of this Ordinance, the Town of Hartford is divided into the following nine basic zoning districts and one overlay zoning district (with their symbols):”

“**Overlay Districts**

Planned Residential Development (PRDO)”

3. Section 2.3(4.01) is revised, and Section 2.03(9) is added as follows:

“(4.01) **Pike Lake Residential District (R4).** The R4 single-family residential district is intended to provide for primarily single-family development, and also accommodate limited planned two-family development only as a Planned Residential Development Overlay District (PRDO) and compatible with the surrounding single-family neighborhood character served by city sewer and private wells in the Pike Lake Utility District.”

“(9) **Planned Residential Development Overlay District (PRDO).** See chapter 5.”

4. The word, as well as related symbol, for “Wetland” in the term “Wetland Conservancy (WC)” is revised to “Lowland” so the new term and symbol, where applicable, is “Lowland Conservancy (LC)” in Sections 2.01 list, 2.03(8), 2.06 (1) and (2), 2.07(1), 2.08, 3.07(4)(a), 4.08(3), 4.10(1), 10.08(3), and Table 3.02. These revisions are to not only indicate this District is intended to protect wetlands, but also surface water resources such as rivers and lakes.
5. Section 10.08(6) is repealed since it only pertains to rezoning under Washington County Shoreland, Wetland, and Floodplain Zoning Ordinance. Similarly, the phrase “and Section 59.97(5)(e) of the Wisconsin Statutes” in Sections 2.06(2)(d) and 10.09(1)(c) apply only to counties and are deleted.

6. The below footnote “^a” and “(P) Permitted Uses” and “(C) Conditional Uses are added to the bottom of “Table of Uses” in Section 2.05. The symbol “C” indicating two-family residential dwelling is allowed as a conditional use is deleted and is replaced with the added footnote symbol “-^a” to indicate only planned two-family residential development zoned PRDO District may be allowed within R4 Districts. Also, in the Table, the reference to Section “(4.04)(1)” in Accessory Residence subcategory under the “Type of Use-Residential Uses” column is revised to reference Section “(4.09)(1).”

“^aOnly limited planned two-family residential development with a PRDO District zoning that overlays a R4 Pike Lake Residential District and that meet PRDO District requirements to ensure such developments are compatible with the surrounding single-family residential character may be allowed.”

7. The “Table of District Requirements” in Section 3.02(1) is revised to add footnotes “^a” and “^b” at the bottom of the Table, while adding footnote symbol “^a” next to the numeric minimum lot area and footnote “^b” to the numeric minimum floor area specified for the AP, AT, RR, R, and R4 Districts as illustrated below for part of the Table:

District	Minimum Lot Area	Min. Average Lot Width	Maximum Coverage	Max. Building Height	Minimum Side yard	Min. Rear Yard	Min. Floor Area
R4	12,000 sf (new lots) ^a 7,500 sf (existing) ^a	75 feet	20%	35 feet (residential dwelling) 22.5 feet (accessory building)	10 feet (new lots) 5 feet (existing 3.04 (2))	25 feet	1,000 sf (1-story) ^b 1,200 sf (multi-story) ^b

^aIndicates also the minimum lot area that shall be provided for one dwelling unit for residential zoning districts. Therefore, a total minimum lot size, for example, of at least 80,000 square feet (24,000 square feet if sewered) shall be provided for an unsewered two-family residential building containing two dwelling units within a R District or a maximum density of 1.09 (3.63 if sewered) dwelling units per net acre if unsewered, unless a density bonus is granted in accordance with section 5.02(2). See the definition for “net density” in chapter 13 to determine the maximum density allowed in a zoning district.

^bSee section 4.04(5) for minimum floor area required for two-family dwelling units.

8. The title for Section 3.04 is revised to reference Section 3.04.01 and not 3.04(1).
9. Section 4.04(5)(a) 31 is revised as follows:

“(5) Two-family Dwellings.

(a) Two-family dwellings with a minimum of 900 square feet of floor area per unit shall be allowed.

10. Chapter 5, “Planned Residential Development,” is revised as follows:

- a. The following provision is added to Section 5.01(1):

“This PRDO Planned Residential Development Overlay District allows such design flexibility to also accommodate residential cluster developments, sometimes referred to as conservation or open space subdivisions, and provide opportunities for significantly improving or redeveloping existing uses.”

b. The following is added as Section 5.01(3):

“Planned developments allowed flexibility from requirements shall provide unique or distinct site development features which would enhance the project in ways that would not be realized when applying standard land use and design regulations for site development. Such features may include, but are not limited to, unique or large open spaces, recreational amenities, underground parking, substantial renewal of existing uses or developments, extensive or ornate architectural or landscape features, and environmentally sustainable technologies and building and landscaping materials. However, the Planning Commission should not allow such design flexibility regarding density, unless a density bonus is granted, and required lot area, width, and yard requirements in the underlying basic zoning district for the sole purpose of increasing development intensity.”

c. Section 5.02(6) is repealed and Sections 5.02(1), (2), (3), and (6) are revised as follows:

- (1) A planned residential development is permissible only on tracts of two and a half (2.5) acres or more on land zoned in the following basic zoning districts: RR, R, R4, and OR.
- (2) The overall density of a tract developed as a planned residential development shall not be greater than two (2) times the maximum residential density of dwelling units allowed in the underlying zoning district as contained in Table 3.2 of these regulations, if the Town Board, after considering a recommendation from the Planning Commission, grants such density bonus.
- (3) Permissible types of residential development shall include only single- and two-family residential dwelling units ~~residences~~. Approval of a planned residential development by the Town Board ~~of~~ shall remove the ~~requirement~~ necessity to ~~obtain~~ receive a conditional use permit where required by these regulations after securing a development agreement with a list of conditions between the Town and applicant; however, a public hearing shall held in accordance with section 5.05(4) prior to approval of such agreement and development plans.

d. In Sections 5.05(6)(b) 1 and 2, the reference to Section 10.3 is changed to 10.05, and the reference to Section 10.04 is changed to 10.03, respectively.

e. The existing regulations in Section 5.06(2) are deleted and replaced instead by the following:

“Termination. If construction has not commenced within five (5) years of the last approval date for completion of the project, then such approval expires unless extended by mutual agreement between the Town and owner or developer. Any zoning district rezoning that accompanied the planned development shall revert to the previous zoning district upon termination. The construction work shall also be completed in accordance with any additional timelines established in the approval or developer’s agreement unless revised or extended by mutual agreement between the Town and owner or developer. “

11. The minimum parking requirement for the first type of uses listed in Section 6.02(1) is revised as follows:

<u>"Type of Uses</u>	<u>Minimum Parking Spaces Required</u>
Single-family & Two-family <u>Dwelling Units</u> Homes	2 spaces per dwelling unit”

12. Section 10.03(4) is revised as follows:

“(4) **Determination.** Following review, investigation, ~~and~~ public hearing, and after considering Planning Commission’s recommendations, the Town Board may issue the conditional use permit as applied for or with appropriate conditions, shall render a decision, if the application is denied, the permit with the reasons

~~for denial shall be~~ stated in writing based on substantial evidence, or require submittal of a modified application to the applicant.”

13. The term “Town Corporation Counsel” in Section 11.02(3) is changed to “Town Attorney.”
14. The reference to Section 66.12 of the Wisconsin Statutes in Section 11.02(1) of the Town zoning ordinance and Section 66.122 in Section 11.02(6) is changed to Section 66.0114 and 66.0119, respectively.
15. In Chapter 13, “Definitions,” the following definitions are revised as shown in track changes or added for those within “quotes”:

Lot Area: That area of a lot exclusive of any area which is a present or planned public road, or other vehicular access way but provides sufficient area to accommodate allowed land uses including building footprint area such as any building and accessory structures; driveway, patio, or deck; private onsite sewage disposal system (POWTS), if applicable; and required yards (setbacks) and open space.

Single-Family Dwelling (Unit): A detached building designed for or occupied exclusively by one (1) household/family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12, and is on a permanent foundation meeting the State one and two family dwelling code. This definition includes manufactured homes but excludes mobile homes (mobile homes constructed prior to June 15, 1976).

Two-Family Dwelling (Unit): A owner-occupied detached or semi-detached building design for occupancy by two households/families and including two separate kitchen areas and separate entrances to the outside by means of separate outside doors, ~~walls~~ or a shared foyer or common hallway leading to an outside door. One building contains two attached dwelling units sharing a common wall or floor/ceiling and is sometimes called a duplex or a single lot.

Cluster Development: A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size, while complying with the density provisions of this Ordinance. Such development could consist of one or more cluster groups surrounded by common open space and is sometimes called a conservation or open space subdivision depending on the type and amount of preserved open space.

Conservation Subdivision: A housing development usually in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.

District, Basic Zoning: A part or parts of the Town for which the regulations of this Ordinance governing the use, location, and size of land and buildings (such as the Agricultural, Residential, Commercial, Industrial, Conservancy, and Recreation District classifications).

District, Overlay Zoning: A zoning designation that modifies the underlying basic zoning district requirements in a specific manner.

Dwelling Unit: A house, apartment, mobile home, group of rooms, or single room that is occupied or, if vacant, intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities where occupants live separately from any other individuals in the building and have direct access from outside the building or through a common hall.

Family. A householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as

members of his or her family. Not all households contain families since a household may comprise a group of unrelated people or one person living alone.

Household: All the people (related--“family” or unrelated--“nonfamily”) who occupy a housing unit, such as a house or apartment, as their usual place of residence. Households excludes group quarters.

Intensity: The degree in which land is used or occupied. (There is no single measure of the intensity of land use. Rather, land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as parking or traffic generated, amount of impervious surface, bulk of the structures, number of employees, density such as number of dwelling units per acre, or nuisances such as pollution, noise, glare, etc.)

Net Density: The net area required for a residence divided by an acre (43,560 square feet). The result is expressed as dwelling units per net acre. Net acres, used in computing net density, are the net developable area or actual site area of a lot of devoted to the residential use, excluding existing and planned public rights-of-way.

Open Space: Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned and shall be substantially free of structures but may be used for landscaping and contain recreational facilities approved by the Town. Such open space may include, but not be limited to, floodplains, wetlands, woodlands, prairie remnants, steep slopes, natural areas, critical species habitat sites, and other significant natural resource features, including those within environmental corridors and isolated natural resource areas.

Open Space, Common: Undeveloped land within a subdivision, condominium, or planned development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents or occupants of the development. Common open space shall not be part of individual lots and shall be substantially free of structures but may contain such amenities or recreational facilities for residents or occupants as are shown on an approved development plan.

Substantial Evidence: As related to conditional use permits and defined in the Statutes, facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.”