

## CHAPTER 9

### LAND USE ELEMENT

The Year 2035 Land Use Plan for the Village of Eagle and its 1.5-mile extra-territorial planning area was developed as a result of the existing land uses in the Eagle area and based on information covered in various chapters throughout this Comprehensive Plan.

The Village reviewed and took into consideration the “*Year 2021 Comprehensive Plan for the Village of Eagle*”, Village of Eagle Water System Master Plan’s 20 year planning area “*Village of Eagle Water System Master Plan – 1998*”, as well as the recommended land use scenarios provided in the *Development Plan for Waukesha County (1996)*, and the *Town of Eagle Land Use Plan (1989)*. For this Land Use chapter the Village anticipated population increases and the logical location of future residential areas for accommodating those increases (see Chapter 6 - Housing), along with anticipated and desired economic (commercial and light industrial/professional office) development and logical locations for such development (see Chapter 7- Economic Development). The logical road extensions and new roads to accommodate future residential and non-residential growth were also considered (see Chapter 8- Transportation).

Public concerns and desires voiced by the participants of the March 22, 2001 Village Visioning Workshop, and the results of a survey and public hearing in October 2007, which assessed the Village citizen’s attitudes and opinions on long-range growth and development issues, were also considered in developing this chapter. What follows are the Strengths, Concerns and Weaknesses identified with regard to Land Uses in the Village of Eagle.

#### **LAND USE STRENGTHS:**

- A long history of land use planning in the Village.
- A good mix of housing types and price ranges.
- A strong commitment to preserving our natural resources and open spaces
- Access to a source of high quality ground water.
- An abundance of rich, stable soils with adequate hydrology to allow installation of private septic systems.
- Ample park and recreation spaces located in the Village and Town of Eagle

#### **LAND USE CONCERNS AND WEAKNESSES:**

- Manage Village growth and development while maintaining rural atmosphere.
- Long term housing mix to meet the anticipated growth and aging of our community.
- A need to increase intergovernmental discussions on land use issues
- Long term viability and quality of water supply

In addition, citizen comments from both the 2001 Visioning Workshop and the 2007 survey indicate that quality of life issues are an important part of future land use planning. Public input showed a strong desire to maintain a natural environment with open space, a rural atmosphere and maintain the water quality of lakes and streams. A more detailed listing of the results of that survey is listed on page 13 of Chapter 2.

To meet these objectives, the 2035 Comprehensive Plan envisions a variety of new residential and non-residential uses within the existing Village limits and potential growth areas adjacent to the Village. As of 2008, the Village of Eagle has no border agreement with the Town of Eagle for any of the land areas the Village recognizes as having the best potential for future residential development.

## **LAND USE IN 2001**

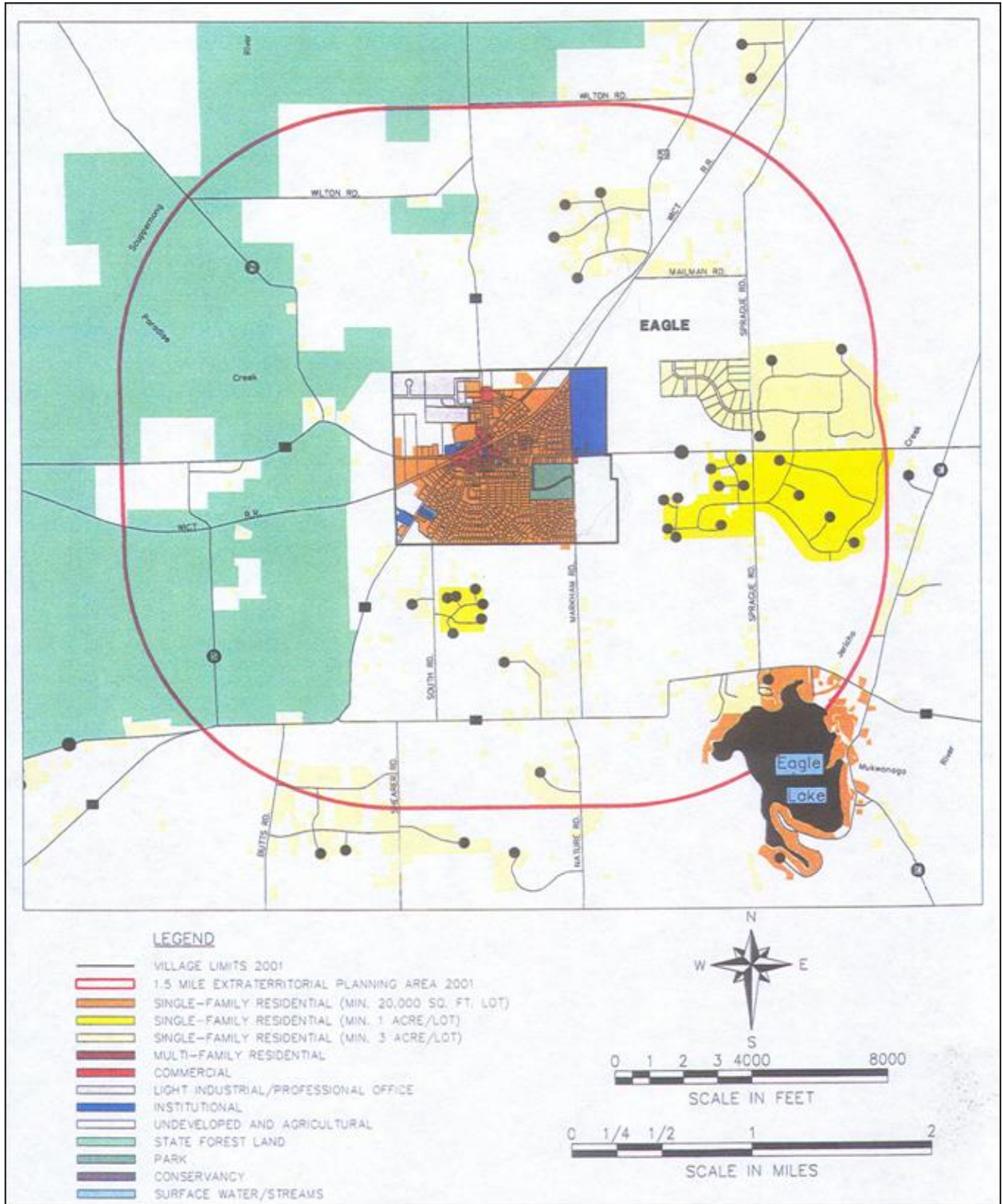
Map 9-1 shows the land use pattern in the Village of Eagle and its 1.5-mile extraterritorial plat review area in 2001 (hereafter, the 1.5-mile extra-territorial planning area). Acreage for each of these existing land uses is provided in Tables 9-1 and 9-2. Each land use is represented by a different color or color scheme. Undeveloped and agricultural lands and transportation routes (state and county highways, local streets and rail lines) are not assigned a color; they are depicted as white areas. The red dashed line on Map 9-1 is the boundary of the Village's 1.5-mile extra-territorial planning area.

As shown in Table 9-1, the area covered by the Village of Eagle and its 1.5-mile extra-territorial planning area spanned 9,474.71 acres in 2001, or approximately 14.8 square miles. The largest five land uses within this entire area were Undeveloped and Agricultural (5,788.49 acres), State Forest (1,990.22 acres), Single Family Residential – Min. 3 Acres Per Lot (596.35 acres), Single Family Residential – Min. 20,000 Sq. Ft. Per Lot (424.43 acres) and Single Family Residential – Min. 1 Acre Per Lot (454.56 acres). Commercial uses, including retail businesses, small offices and services, covered 25.99 acres. Light industrial and Professional Office uses covered 75.41 acres. This land use data corresponded to the primarily low-density, single-family detached residential and semi-rural character in the Eagle area. The heavily wooded, hilly terrain of the Kettle Moraine State Forest's Southern Unit further enhanced the semi-rural character of the area.

The Village of Eagle, which covered a total of 762.09 acres in 2001, or 1.19 square miles, totaled 8.04% of the 9,474.71 acres contained within the combined area of the Village and its 1.5-mile extra-territorial planning area. As shown in Table 9-2, the largest single land use within the Village in 2001 was Single Family Residential – Min. 20,000 Sq. Ft. Per Lot at 378.72 acres, or 49.69% of the Village's total area. The Village's remaining land use breakdown in 2001 was as follows: Undeveloped and Agricultural (162.71 acres or 21.35%), Institutional (72.51 acres or 9.51%), Light Industrial/Professional Office (75.41 acres or 9.90%), Park and Recreational (34.84 acres or 4.57%), Commercial (25.99 acres or 3.14%), Conservancy (8.99 acres or 1.18 %) and Multi-Family Residential (2.92 acres or 0.38%).

# Map 9-1

## VILLAGE OF EAGLE - LAND USE AND TRANSPORTATION PLAN: 2001



Source: Ruckert-Mielke Year 2021 Comprehensive Plan for the Village of Eagle

**Table 9-1**

**LAND USE IN THE AREA COVERED BY THE VILLAGE OF EAGLE AND ITS 1.5-MILE EXTRATERRITORIAL PLANNING AREA IN 2001**

<b>Land Use Category</b>	<b>Acres</b>	<b>Percent of Entire Area (Village and 1.5-Mile Planning Area)</b>
Single Family Residential - Min. 20,000 Sq. Ft. Per Lot)	424.43	4.71
Single Family Residential - Min. 1 Acre Per Lot	454.56	4.80
Single Family Residential – Min. 3 Acres Per Lot	596.35	6.29
Multi-Family Residential	2.92	0.03
Commercial	25.99	0.27
Light Industrial/Professional Office	75.41	0.80
Institutional	72.51	0.77
Park and Recreational	34.84	0.37
Conservancy	8.99	0.09
State Forest	1,990.22	21.00
Undeveloped and Agricultural	5,788.49	61.09
<b>Total Area</b>	<b>9,474.71</b>	<b>100.00</b>

*Source: Ruckert/Mielke 2001*

**Table 9-2**

**LAND USE IN THE VILLAGE OF EAGLE IN 2001**

<b>Land Use Category</b>	<b>Acres</b>	<b>Percent of Village Area</b>
Single Family Residential – Min. 20,000 Sq. Ft. Per Lot	378.72	49.69
Single Family Residential – Min. 1 Acre Per Lot	0	0.0
Single Family Residential – Min. 3 Acres Per Lot	0	0.0
Multi-Family Residential	2.92	0.38
Commercial	25.99	3.14
Light Industrial/Professional Office	75.41	9.90
Institutional	72.51	9.51
Park and Recreational	34.84	4.57
Conservancy	8.99	1.18
State Forest	0	0.0
Undeveloped and Agricultural	162.71	21.35
<b>Total Area</b>	<b>762.09</b>	<b>100.00</b>

*Source: Ruckert/Mielke 2001*

**PROJECTED LAND USES: 2035**

Based on current trends and an assumption of approval of most development proposals, the Wisconsin Department of Administration has projected 2,414 persons in the Village of Eagle by the year 2035, which is an increase of 707 people over the 2000 census figures, or 230 households. These 230 households would add an average of 9.2 dwellings to the landscape per year. Therefore, the projected population growth in the Village of Eagle needs to be accounted for in terms of land area. The Eagle Advisory Committee has recommended designating enough land for 230 future residential dwelling units through the year 2035. Accordingly, the type of housing units that ultimately produce this total should be determined based on household income, age distribution, and household size to best meet the needs of Village residents. (See Map 9-2). Note: More discussion regarding population estimates can be found in Chapter 2.

**Table 9-2  
PROJECTED LAND USES IN THE GREATER EAGLE AREA BY COMMUNITY: 2035**

Community	Urban Land Uses																			
	Commercial and Office Park		Governmental and Institutional		Highway Rights of Way		Industrial		Landfill		Mixed Use		Recreational		Residential		Transportation, Communication and Utilities		Subtotal	
	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total
Town of Eagle	11	0.0	52	0.2	0	0.0	124	0.6	0	0.0	196	0.9	1,792	8.0	*2,747	*12.4	471	2.1	*5,393	*24.2
Town of Mukwonago	63	0.3	40	0.2	0	0.0	2	0.0	0	0.0	21	0.1	804	4.0	5,389	27.1	314	1.6	6,633	33.3
Town of Ottawa	11	0.1	193	0.9	0	0.0	6	0.0	0	0.0	0	0.0	862	4.0	3,129	14.4	290	1.3	4,491	20.6
Village of Eagle	41	4.6	71	8.0	0	0.0	65	7.3	0	0.0	0	0.0	33	3.7	624	70.1	45	5.1	879	98.8
Village of Mukwonago	515	12.9	146	3.7	0	0.0	285	7.1	0	0.0	0	0.0	179	4.5	1,782	44.6	262	6.6	3,169	79.4
Village of North Prairie	44	2.5	22	1.2	0	0.0	176	10.0	0	0.0	105	6.0	263	14.9	984	55.8	49	2.8	1,643	93.2
Waukesha County	8,897	2.4	8,354	2.2	0	0.0	13,038	3.5	1,091	0.3	1,967	0.5	15,434	4.2	129,346	34.8	12,850	3.5	190,978	51.4
Community	Non-Urban Land Uses																			
	Extractive		Other Open Lands to be Preserved		Primary and Secondary Environmental Corridor and Isolated Natural Resources Area		Prime Agricultural		Rural Density and Other Agricultural Land		Surface Water		Subtotal		Total Area					
	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total	Acres	% of Total				
Town of Eagle	0	0.0	788	3.5	9,475	42.5	1,445	6.5	*4,871	*21.9	315	1.4	*16,894	*75.8	22,287	100.0				
Town of Mukwonago	0	0.0	1,215	6.1	6,470	32.5	0	0.0	4,904	24.6	690	3.5	13,279	66.7	19,912	100.0				
Town of Ottawa	720	3.3	1,836	8.4	9,939	45.6	1,118	5.1	3,211	14.7	482	2.2	17,306	79.4	21,797	100.0				
Village of Eagle	0	0.0	0	0.0	9	1.0	0	0.0	0	0.0	2	0.2	11	1.2	890	100.0				
Village of Mukwonago	0	0.0	156	3.9	582	14.6	0	0.0	0	0.0	86	2.2	824	20.6	3,993	100.0				
Village of North Prairie	0	0.0	0	0.0	103	5.8	0	0.0	0	0.0	17	1.0	120	6.8	1,763	100.0				
Waukesha County	4,930	1.3	16,018	4.3	87,469	23.5	10,341	2.8	44,273	11.9	17,536	4.7	180,567	48.6	371,545	100.0				

SOURCE: Waukesha County Comprehensive development Plan Chapter VII

\* Indicates adjusted acreage based on the Town of Eagle's revised residential housing growth projections

## **LAND USE WITHIN THE VILLAGE'S EXTRATERRITORIAL PLANNING AREA**

The Village of Eagle does not have a Boundary Agreement with the Town of Eagle and will not exercise jurisdiction over Land Uses within the 1.5 mile extraterritorial planning area at this time. The Village recognizes that the Town of Eagle has prepared a Land Use Plan that covers the entire township, including lands within the Village of Eagle's 1.5-mile extraterritorial planning area. This plan anticipates that the Kettle Moraine State Forest will seek to acquire lands near the western and northern boundaries of the Village of Eagle. The plan also recognizes that portions of much of the Town within the Village's 1.5-mile extra-territorial planning area will continue in agricultural use, but may be developed at some point in the future.

These areas are designated under the plan as Agricultural or Rural Residential. It is anticipated that when these areas develop they will contain only single family residential uses as shown on the Town of Eagle's Comprehensive Development Plan: 2035 - Land Use Map. Areas designated as primary and secondary environmental corridors and isolated natural resource areas within the Village's 1.5 mile extraterritorial area are listed as conservancy areas. These areas generally contain upland woodlands and may contain wetlands and flood lands.

## **GENERAL LAND USE REGULATIONS**

### **Regulatory Measures**

Land use regulatory ordinances are an important means available to the Village to shape growth and development in accordance with adopted land use objectives. Under the State comprehensive planning law (s.66.1001 Wisconsin Statutes), "beginning on January 1, 2010, official mapping, subdivision regulation, zoning ordinance enacted or amended, and zoning of shorelands or wetlands in shorelands, shall be consistent with" the Village of Eagle's Comprehensive Plan. Accordingly, the Village has undertaken a preliminary review of the text of their ordinances and will adjust them, as necessary, to carry out the various implementation recommendations contained in this Plan. Such changes may include rezoning to districts consistent with present uses so as not to pre-zone; consideration of an allotment system to evaluate proposed developments which carry out the recommendations in this Plan; and review of proposed developments for consistency with the recommendation of this Plan.

### **Village Ordinances Regulating Land Use**

Land uses are regulated by the Zoning Ordinance, in Chapter 9 of the Municipal Code of the Village of Eagle, Wisconsin. Land Development activities are regulated by the Land Division Ordinance, which is in Chapter 10 of the Municipal Code of the Village of Eagle, Wisconsin. Additionally, all land disturbing activities, other than those related to 1 and 2 family construction, are regulated by the Village Erosion Control and Stormwater Ordinances. Health regulations in regards to onsite sewage disposal system, restaurants and food service facilities, and animal welfare issues, are regulated by the Waukesha County Code under the direction of the Waukesha County Department Parks & Land Use - Environmental Health Division. Construction of single-family and two-family dwellings is regulated by the Building Code, which references the uniform dwelling code under ILHR, Chapter 20 through 25. The Village does not have any navigable waterways so no adoption of a Shoreland & Floodland Protection Ordinance is necessary

### **Proposed Residential Land Use Classifications**

The Zoning Code and Land Division Ordinance regulate both single family and multi-family developments. According to the Village's planned population and the projected living units there will be approximately 230 new residential dwelling units in the Village through the year 2035.

## **GENERAL ZONING REGULATIONS**

The Village of Eagle has village powers and subsequently utilizes the village zoning authority conferred by the State Statutes.

### **Zoning Ordinance**

A zoning ordinance is a public law, which regulates and restricts the use of property in order to advance the public health, safety, and welfare. A zoning ordinance divides a community into districts for the purpose of regulating the use of land and structures. The height, size, shape, and placement of structures, and the density of population are regulated. Zoning seeks to confine certain land uses to areas of the community, which are particularly well suited to those uses, thereby encouraging the most appropriate use of land throughout the community. Zoning seeks to assure adequate light, air, and open space for each building; to reduce fire hazard; and to prevent the overcrowding of land, traffic congestion, and the overloading of the utility systems. Zoning also provides an important means for protecting and preserving the natural resource base.

Local zoning regulations include general or comprehensive zoning regulations, and special-purpose regulations, governing floodland and shoreland areas. General zoning and special-purpose zoning regulations may be adopted as a single ordinance, or as separate ordinances; they may or may not be contained in the same document. Any analysis of locally proposed land use must take into consideration the provisions of both general and special-purpose zoning.

The Village of Eagle Zoning Ordinance in effect was originally adopted in February of 1996 and revised in 2006. The Village of Eagle Zoning Code is administered by the Village of Eagle, and has jurisdiction in all of the Village of Eagle.

As of 2008, the Village of Eagle Zoning Ordinance had fourteen (14) different zoning districts in the following categories: Conservancy, Agricultural, Residential, Business, Manufacturing, Institutional, and Public. These zoning district's regulations are considered the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the residents of the Village of Eagle. Among other purposes, such provisions are intended to provide for: adequate light, air, sanitation and drainage; convenience of access; conservation of wetlands and floodplains; safety from fire and other dangers; promotion of the safety and efficiency of the public streets and highways; aiding in conservation and stabilization of the economic values of the community; preserving and promoting the general attractiveness and character of the community environs; guiding the proper distribution and location of the population in the various land uses; and otherwise providing for the healthy and prosperous growth of the community.

As of 2008, the Village of Eagle Zoning Ordinance has one agricultural zoning district, five residential districts, three business districts, two manufacturing districts, one institutional district, one park district and one conservancy district. (See Table 9-5 for more detail)

### **Specific Zoning Intentions**

It is the intention of the Plan Commission and Village Board that planning and zoning should be carried out in such a manner as to preserve the character of the community.

First, dwelling units should be developed in accordance with the lot area, lot width, and setback standards required by the respective zoning district.

Second, to the extent practicable, residential development should be carefully adjusted to topographic and other natural features, taking full advantage of the settings provided by those features without causing undue disturbance; and should be buffered from agricultural lands, as appropriate, so as to minimize conflicts between farming and residential uses.

Third, other intensive land uses should be limited to uses which are consistent with the character of the Village or are otherwise essential to the area. In general, office, commercial, industrial, and storage uses and the types of retail and service uses that are provided as a matter of convenience and necessity are considered appropriate within the Village of Eagle.

Fourth, lands which are not designated for residential or other compatible uses, should be retained in agricultural, natural, and other open space use, until an acceptable development plan is provided for Village review and approval.

## **GENERAL STATE LAND DIVISION REGULATIONS**

Chapter 236 of the Wisconsin Statutes requires the preparation of a subdivision plat whenever five or more lots of 1.5 acres or less in area are created, either at one time or by successive divisions within a period of five years. The Statutes set forth requirements for surveying lots and streets, for plat review, and approval by State and local agencies, and for recording approved plats. Section 236.45 of the Statutes allows any city, village, town, or county that has established a planning agency to adopt a land division ordinance, provided the local ordinance is at least as restrictive as the State platting requirements. Local land division ordinances may include the review of other land divisions not defined as “subdivisions” under Chapter 236, such as when fewer than five lots are created or when lots larger than 1.5 acres are created.

Because subdivision regulatory powers of towns are confined to unincorporated areas, city and village subdivision control ordinances may be applied to extraterritorial areas as well as to the incorporated areas. In accordance with Chapter 236 Wisconsin Statutes, counties have subdivision regulatory authority in towns, cities and villages. The County has approval authority in towns, and is limited to objection authority in cities and villages. It is possible for both a county and a town to have concurrent jurisdiction over land divisions in unincorporated areas, or for a city or village to have concurrent jurisdiction with a town or county in the city or village extraterritorial plat approval area. In the case of overlapping jurisdiction, Chapter 66.0105 Wisconsin Statutes states the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from the boundaries of each municipality concerned so that not more than one municipality shall exercise power over any area. Furthermore, a municipality may waive their extraterritorial review authority.

### **Village Land Division Ordinance**

The division of land within the Village of Eagle is regulated by its Land Division Ordinance, which is found in Chapter 10 of the Municipal Code, and was originally adopted on September 21, 1976. The code has undergone only minor changes and up-dates over the years. The Land Division Ordinance has been adopted by the Village for the review and approval of subdivision plats and certified survey maps. The Village’s Land Division Ordinance requires formal platting of lands when five or more lots of any size are created within five years.



Generally, the intent of land division ordinances is to lessen street congestion, secure safety, prevent overcrowding of the land; facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks playgrounds, and other public requirements; to prevent scattered development beyond the service areas of the community facilities and utilities; conserve the existing and potential value of land, water, and improvements; provide the best possible environment for human habitation; meet the public demand for aquatic recreation with the least disturbance to shoreland owners; preserve growth and cover; prevent erosion and sedimentation; protect surface and sub-surface water quality; provide for further division of larger tracts into smaller parcels of land; and secure adequate legal descriptions and proper survey documentation of the divided land.

Land division ordinances outline pre-application and preliminary filing procedures for both Certified Survey Maps (CSMs) and Subdivision Plats, and detail who the documents are to be reviewed by. They set forth specific information as to what items are to be contained on plats and CSMs, the construction plans for all streets, public improvements, and the submittal of stormwater, drainage and erosion control plans. Additionally, specific design standards based on street classification, street arrangements, types of streets, street widths, street grades, intersection details, and lot and block designs are contained within the ordinance. To ensure consistent review between the Village and the County the Village has created definitions that match that of Waukesha County for subdivision plats and Certified Survey Maps.

It should be noted that the existing Waukesha County subdivision control ordinance applies only to the statutory shorelands/floodlands and none currently exist within the Village of Eagle.

As part of the Land Division and development process, the Village of Eagle may eventually adopt a Development Plan Evaluation method to establish a system to evaluate proposed subdivision developments, and/or multi-family units in the Village of Eagle. This Development Plan Evaluation process would encourage a variety of lot sizes, and encourage the location of development of residential dwellings, which would promote the protection of the natural resource base, such as, soils, lakes, streams, floodplains, wetlands, woodlands, wildlife, and other environmentally sensitive areas. The process would permit the development of property related to the available facilities, such as proposed police protection, emergency services, fire protection, and roads and highways. The Development Plan Evaluation process to be considered would also assist in the implementation of the goals and objectives of the Village's Comprehensive Plan, and Zoning Ordinance.

### **Construction Site Erosion Control and Stormwater Management Ordinance**

As of December 31, 1992, Erosion Control Plans were required on all single-family and two-family construction which is to be reviewed and enforced by the Village of Eagle Building Inspector, and the Waukesha County Department of Parks and Land Use - Land Conservation Division, as required.

The Village's Erosion Control and Stormwater Management Ordinance is incorporated in the Zoning Code which became effective in February 1996, and regulates all earth-moving activities in the Village other than those associated with single-family and two-family home construction. The Ordinance requires submittal of an Erosion Control Plan and a Stormwater Management Plan, and the issuance of a permit prior to commencement of land disturbing activities. The type of details required on the plan may vary depending on the amount of land to be disturbed. This Ordinance is enforced by the Village Building Inspector or Village Engineers as specified by the Village Board.

## **Building Code**

The Village of Eagle administers the “Uniform Dwelling Code” which defines construction standards and inspection procedures as outlined in the “Wisconsin Administration Code, Department of Industry, Labor and Human Relations”, Chapters 20 through 25.

## **Official Street Mapping**

Official mapping powers, granted to local units of government under Section 62.23(6) of the Wisconsin Statutes, are an important but historically under-utilized plan implementation tool. An official map prepared under Section 62.23(6) can be used to identify precisely, the location and width of existing and proposed streets, highways, historic districts, parkways, railroad rights-of-way, waterways, public transit facilities, airports, and the location and extent of parks and playgrounds. The official map prohibits the construction of buildings and associated improvements on lands that are for future public use identified on the map.

Under Section 80.64 of the Statutes, counties may adopt highway-width maps showing the location and width of proposed new highways and the widths of any highways proposed to be expanded. Such maps serve in a capacity, similar to local official maps, but with jurisdiction limited to streets and highways. By statute, a county highway-width map is in effect in only those municipalities, which act to approve it. The Village of Eagle adopted the Waukesha County Street and Highway Map for all State and County highways by Resolution 2008-01, on May 8, 2008.

## **OTHER REGULATIONS APPLICABLE TO THE VILLAGE**

### **Health Code**

The Waukesha County Department of Parks and Land Use, Environmental Health Division, is in charge of administering all portions of the “Waukesha County Code”, pertaining to public and community health issues in the Village of Eagle, insofar as possible to prevent the creation of nuisances, sources of filth and conditions menacing the public health, and to promote the safety, health, comfort, and general welfare of the people of the Village.

In 2007, the Federal Emergency Management Agency (FEMA) and the Wisconsin Department of Natural Resources (DNR) released preliminary drafts of new Flood Insurance Rate Maps (FIRMs) for Waukesha County. These maps not only serve to identify properties eligible for FEMA's Flood Insurance program, but also serve as the basis for the County floodplain zoning ordinances.

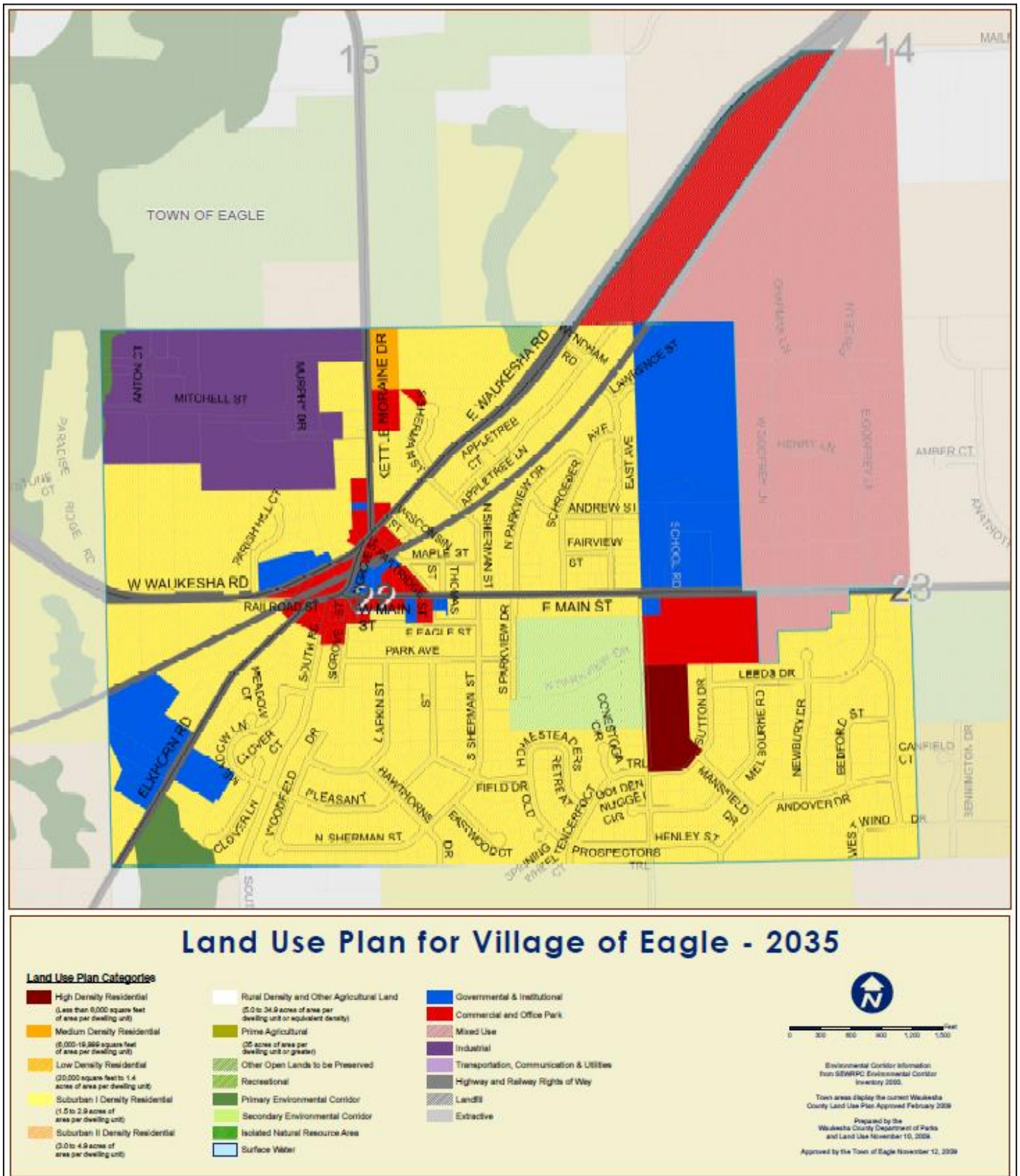
## **LAND USE MAP**

The Land Use Map shown in Map 9-2, is the graphic expression of growth patterns determined through the planning process. It is intended that the Land Use Map will be used in tandem with the Goals and Policies to produce sound land management for the Village of Eagle.

The Land Use Map indicates only future uses of the land. When the Land Use Map was being prepared, the major concern was not what zoning categories or provisions would be tied to the Land Use categories. The establishment of zoning categories to accomplish the uses of land was not part of this comprehensive planning process. The Land Use Plan makes no zoning assumptions regarding restrictions on the number of animals allowed per acre, height of buildings, floor area of houses, or setbacks.

## Map 9-2

### 2035 RECOMMENDED LAND USE PLAN FOR THE VILLAGE OF EAGLE



Source: Waukesha County as revised by the Village of Eagle

## **DESCRIPTION OF THE PROPOSED 2035 LAND USES**

### **Urban Land and Urban Development**

For purposes of the 2035 recommended land use plan, “urban land” or “urban development” is defined as intensively developed areas devoted to urban-density residential, commercial, industrial, governmental and institutional, recreational, mixed use, transportation and utility and communication uses, that are serviced by public infrastructure such as sewer, water and public transit.

“Commercial and/or Office Park” development is defined as land devoted to retail, office, service activities, general business activities, and/or research and development and related off-street parking.

“Governmental and Institutional” development is defined as areas for government and public and private institutional buildings, facilities and grounds such as schools, churches, libraries, cultural facilities, nonprofit charitable organizations, hospitals, and police and fire stations, that have a direct bearing on the quality of life and on public safety.

“Highway and Railway Rights-of-Way” are federal, state and county highways, railroad rights-of-way, and parking associated with transportation systems.

“Industrial” development is defined as land devoted to manufacturing, wholesaling, storage activities, attendant offices and related off-street parking and may include office uses or take the form of a business park.

“Mixed Use” development is defined as development that may contain residential and could contain a combination of public, institutional, office, retail, service, light industrial, research and development, and/or other commercial uses, including off street parking and may take the form of a business park.

“Recreational” land use is defined as area devoted to public and private general use recreation including golf, baseball, swimming, tennis, ice skating. In addition, recreational lands include natural resource-based education and self-actualized recreational activities such as hiking, camping, picnicking, skiing and horseback riding.

“Suburban Density” residential development is defined as residential development at a densities ranging from 1.5 to 4.9 acres of area per dwelling unit. Such development is neither truly urban nor rural in character. Development at these densities generally precludes the provision of centralized sewer and water supply service and other urban amenities. While such development occurs and accordingly must be accommodated in the land use plan, it is only recommended while maintaining an overall residential density of 5 acres in “rural development” areas. “Suburban I Density” is residential development at 1.5 to 2.9 acres per dwelling unit. “Suburban II Density” is residential development at 3.0 to 4.9 acres per dwelling unit.

“Transportation, Communication and Utilities” land uses include areas used for airports, and utility and communication facilities.

“Urban Density Residential Development” includes the following density ranges: “high density” (less than 6,000 square feet of area per dwelling unit); “medium-density” (6,000 – 19,999 square feet of area per dwelling unit); and “low-density” (20,000 square feet to 1.4 acres of area per dwelling unit). The term “urban service area” refers to areas that are intended to accommodate urban development insofar as they are served by basic urban services and facilities, including public sanitary sewer service, public water supply service and a local park, school, and shopping area.

## **Rural Land and Rural Development**

For the purposes of the land use plan, “rural land” or “rural development” is defined as sparsely developed areas where land is used primarily for farming, resource extraction, landfills, very low density residential uses (no more than one dwelling unit per five acres), or other open spaces uses, and includes environmental corridors and isolated natural resource areas.

“Extractive” land use is defined as area devoted primarily to the extraction of sand, gravel and stone and related activities. Mineral extraction is recognized as an interim land use. Future land use following the extraction activity will be subject to future plan amendments consistent with the planning standards and objectives contained in Chapter 2 and adjoining land uses.

“Isolated Natural Resource Areas” are smaller pockets of natural resource elements that are isolated from primary and secondary environmental corridors, and have environmental value in the areas in which they are located and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

“Landfill” development is area devoted to licensed waste disposal operations.

“Other Open Lands to be Preserved” are defined as lands usually adjacent to, but outside, identified primary and secondary environmental corridors and isolated natural resource areas, including lands within the 100-year recurrence interval floodplain, open lands within existing County or State park and open space sites, and other lands covered by soils with a high water table, poorly drained soils, or organic soils.

“Prime Agricultural” are lands in agricultural use, unused/open lands, and primary/secondary environmental corridor or isolated natural areas and are within a five (5) square mile contiguous area (including adjacent counties) that meet all of the following criteria: 1) is outside of any planned sewer service area boundary; 2) 75% is agricultural or open/unused land use; 3) 50% is Class I or Class II soils which meet Natural Resources Conservation Service standards; and 4) 75% consists of land ownership parcels of 35 acres or more. A description of the origin of this definition is presented in Chapter 2 of the Waukesha County Comprehensive Plan.. Residential development can occur on prime agricultural lands at a density of no more than one dwelling unit per 35 acres.

“Primary Environmental Corridors” are areas of woodlands, wetlands, prairies, surface water, and wildlife habitat that represent a composite of the best remaining elements of the natural resource base and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

“Rural Density and Other Agricultural Land” consist primarily of farm and related open lands which do not meet the criteria for classification as prime agricultural lands, but which are nonetheless proposed to be retained in rural land uses. Rural land uses include continuation of existing farming activity; creation of smaller farms, including hobby farms, horse farms, or other specialty farms; and rural density residential development. Rural density residential development occurs at a density of no more than one dwelling unit per five acres (5 to 34.9 acres of area per dwelling unit or equivalent density). When accommodated through conservation subdivision designs, only a fraction of the total site area is intensively developed as homesites, the balance being retained in permanent open space use, achieving the overall rural density.

“Secondary Environmental Corridors” are areas containing a variety of natural resource elements, often remnant resources from primary environmental corridors, which have been developed for intensive urban or agricultural purposes, creating these smaller, yet significant corridors and are more specifically defined in SEWRPC Technical Record Vol. 4, No. 2, March 1981.

## Residential Land Uses and Development

The 2035 Plan provides for seven residential land use plan categories, each representing different densities for both existing and proposed residential uses. These seven land use categories are set forth below in Table 9-3.

**Table 9-3**

### RESIDENTIAL LAND USE PLAN CATEGORIES

Residential Land Use Categories	Density	Map Color
High Density Residential	Less than 6,000 square feet of area per dwelling unit	Maroon
Medium Density Residential	6,000-19,999 square feet of area per dwelling unit	Orange
Low Density Residential	20,000 square feet to 1.4 acres of area per dwelling unit	Yellow w/orange stripes
Suburban I Density Residential	1.5 to 2.9 acres per dwelling unit	Yellow
Suburban II Density Residential	3.0 to 4.9 acres per dwelling unit	White w/red stripes
Rural Density and Other Agricultural Land	5 to 34.9 acres of area per dwelling unit or equivalent density	White
Mixed Use	May contain residential and institutional, office, retail, etc.	Red w/gray stripes

*Source:* 2009 Waukesha County Comprehensive Development Plan Chapter 7 Land Use

In general, the proposed 2035 residential pattern reflects the Village's desires to retain its small town feel and low density, semi-rural character. Higher density residential land uses are located close to arterial roads and existing or proposed commercial business areas. The older residential area between STH 59 and CTH NN in the Village will continue to contain some of the highest residential densities in the Village.

Much of the proposed 2035 Village area would consist of Low Density Residential land use. Residential single family development would occur at average densities of 65,000 square feet of lot area per dwelling unit (or 0.67 dwelling units per acre). The plan recommends that a minimum of 10% of the entire area developed within this land use category be set aside in some form of open space for passive and active recreational uses. These open space lands could either be dedicated to the Village as parks and conservancies, included as subdivisions open space to be owned in common and maintained by homeowners associations or restricted to active and passive recreational uses through deed restrictions.

The 2035 Plan contains mixed-use area as indicated on Map 9-2 in the northeastern corner of the Village. This area is designed to contain a mix of single-family detached dwellings with an average lot size of 65,000 square feet and multi-family dwellings at a density of 3.6 dwelling units per acre.

## Housing

The Village of Eagle contains high quality housing stock. There are many beautiful older homes of historic value built between the last half of the nineteenth century and the early twentieth century. Fully 17.5% of the Village's current housing stock was built before 1940. These homes, many of which were built in Victorian style, contribute to Eagle's old-world, small-town character. The Village is committed to their preservation and continued use.

Since the 1970's, the predominant housing pattern has consisted of somewhat larger one and two-story homes on lots measuring between one-quarter to one acre in size. Over 65% of the Village's current housing stock was built after 1969. Most of this housing was designed for single-family occupancy in the form just described. The Village anticipates that these overall trends will continue. Older housing near the center of the Village will continue to be preserved and occupied, adding values to Eagle's the overall character and quality of life. Most of the area's future housing will continue to consist of single-family detached units. Average densities for single-family detached units, as described in greater detail in Table 9-4, will range from two dwelling units per acre in older parts of the Village, to as much as 3 acres per dwelling unit or a density compatible to the zoning within the Town of Eagle in areas adjacent to the Village. In general, densities will be highest closest to the Village's traditional downtown, and in close proximity to major arterial roads.

The 2035 Plan (refer to Map 9-2) recommends more areas of multi-family housing and mixed areas containing both single-family detached and multi-family housing and mixed areas containing both single-family detached and multi-family housing. This reflects the Village's increasing concern for the housing needs of a greater variety of households, including younger families with small children and senior citizens. The plan also includes a senior housing development on the east side of Markham just south of Main Street.

**Table 9-4**  
**LAND ALLOCATION FOR RESIDENTIAL DEVELOPMENT**

Residential Density	Residential Area (Net Area)	
	Acres Per Dwelling Unit	Dwelling Units Per Acre
Multi-Family Density	0.27 - 0.5	8.70 maximum
a. Senior Housing	0.27 - 0.5	10.00 maximum
High Density - Single Family	0.5 - 1.0	2.00 maximum
Medium Density - Single Family	1.5 average	0.67 maximum
Medium Density - Single Family	1.0 - 3.0	0.33 maximum
Low Density - Single Family	3.0 - 5.0	0,20 maximum
Mixed Use (Single & Multi-Family)	1.5 average	0.67 maximum

*Source: Village of Eagle Comprehensive Plan*

### **Commercial Land Uses and Development**

As can be seen in Map 9-2, commercial uses are designated by a red tone. The 2035 Plan designates commercial uses for both existing and proposed areas. The existing areas include the Village's traditional downtown business area and another area of commercial uses north of downtown on STH 67's eastern side. The Village's traditional downtown business area and its mix of small businesses and older residential dwellings provide a focus for the implementation of economic revitalization strategies and a continuation of Eagle's sense of place. This is a prime area for the eventual conversion of some residences and businesses into mixed-use structures with small, specialty shops, boutiques, restaurants and offices on the first floors and apartments on the second floors. These uses would be more pedestrian oriented and would supply a level of customer service difficult to find in larger, automobile oriented shopping strips and big box retail outlets. It is anticipated that customers would park along Main Street and in small off-street parking lots and walk from store to store along improved and landscaped sidewalks.



The 2035 Plan shows a commercial area along CTH NN located south of the Village government complex and adjacent to the post office. A grocery store development is currently being planned along with a mix of service-oriented commercial uses. The goal is to market this as part of a “shopping village” with good traffic flow, pedestrian access, signage and landscaping rather than another strip commercial center surrounded by asphalt. This area will service needs not met in Eagle’s traditional downtown and should augment, but not compete with, downtown Eagle.

### **Light Industrial/Professional Office Land Uses and Development**

Light Industrial/Professional Office uses are designated on the plan in purple. Only one area has been given this designation. That area is in the northwest portion of the Village and represents a westward expansion of an existing light industrial and business park that is zoned M-1.

### **Institutional Land Uses**

Institutional uses, including churches, schools and government buildings, are depicted on the plan as dark blue. Sites in existence in 2001 included the large municipal complex along CTH NN, the schools and the various churches. St. Theresa Catholic Church has plans of moving to the site located on the west side of STH 67, in the south west corner of the Village.

### **Park and Recreational Lands**

Park and recreational lands are depicted on the 2035 Plan in light green with dark green stripes. These areas include the small downtown park, the larger Village park south of CTH NN. The plan includes an east-west pedestrian/bicycle trail parallel to CTH NN connecting the Village’s park to the Town of Eagle’s park. In addition, there may be opportunities for the creation and dedication of new parks and pedestrian and bicycle trails within those areas designated Single Family Residential – Min. 10% Open Space.

### **Conservancy Lands**

Conservancy areas are shown on the 2035 plan as dark olive. Located on the western portion of the Village, these are areas identified as containing portions of primary environmental corridors, such as upland woodlands. As such, they should be considered off limits for any type of residential, commercial or light industrial/office development. They may be appropriate for passive use by schools and institutions for educational and scientific purposes.

### **State Forest**

The Kettle Moraine State Forest lands, perhaps the area’s greatest natural asset, located outside the western edge of the Village of Eagle, are depicted on the plan in light green. It is anticipated that WDNR will vigorously maintain these areas and protect them from development and the impacts of development. The 2035 Plan respects the state’s interest in protecting this valuable resource.

However, WDNR’s projected boundary for the Kettle Moraine extends beyond the area depicted on the plan in light green. Some of these lands are included in the area designated in the plan as Single Family Residential – Min. 10% Open Space. If WDNR does not act to acquire these lands in the face of mounting growth pressures, these areas may become ripe for development. Affected landowners should work closely with WDNR to provide mitigation measures, such as buffering, to protect the integrity of the nearby Kettle Moraine State Forest lands if the area begins to develop.



## **Undeveloped and Agricultural Lands**

Under the 2001 land Use Plan, undeveloped and agricultural uses remain the single largest land use category within the 1.5-mile extra-territorial planning area boundary. This protects the integrity of areas that are still in agricultural uses and maintains undeveloped areas until such time as these lands are needed to accommodate anticipated population growth and residential and non-residential development. Maintaining these areas provides a rural buffer around the southern and eastern portions of the Village. This area is not defined in the 2035 Land Use Plan because there is no boundary agreement between the Town and Village of Eagle for this area currently.

## **ZONING WITHIN THE VILLAGE OF EAGLE'S 1.5-MILE EXTRATERRITORIAL PLAT JURISDICTION IN 2001**

The Village of Eagle recognizes that the Town of Eagle maintains its own zoning ordinance and zoning map distinct from the Waukesha County Zoning Ordinance and zoning maps. The Town also maintains its own subdivision control ordinance. However, the Town is still subject to the Waukesha County zoning regulations governing shorelands and wetlands. Most of the area west of the Village of Eagle, but within its 1.5-mile extra-territorial planning area, lies within the Kettle Moraine State Forest – Southern Unit. Much of the area east, north and south of the Village, but within its 1.5-mile extraterritorial planning, area remains relatively undeveloped. These lands are generally zoned either for single-family residential uses with a minimum lot size of 3.0 acres or for agricultural uses.

The residentially developed area along Eagle Spring Lake is the only portion of the Town of Eagle with residential densities approaching the Village's. This lakefront residential area contains many lots in the 20,000 square foot range. Environmental protection is well represented in the Town of Eagle's zoning matrix. In addition to the Kettle Moraine State Forest, several other portions of the Town within the 1.5 mile extra-territorial area of the Village are zoned for the protection of upland conservancy areas. In fact, these areas were identified in the "*Development Plan for Waukesha County*" Recommended Land Use Plan (1996) as primary and secondary environmental corridors.

## **VILLAGE OF EAGLE'S EXISTING ZONING DISTRICTS AND SUMMARY OF ZONING REGULATIONS**

Aside from amendments, the Village of Eagle Zoning Ordinance was last updated in 1996. The Zoning Ordinance consists of two parts: 1) a text setting forth use, lot size, setback, yard, height and density regulations that apply to each of the zoning districts, together with related procedural, administrative provisions and legal provisions and 2) a map delineating the boundaries of the zoning districts. Table 9-5 summarizes the major permitted uses and standards for each zone.

**Table 9-5**

**SUMMARY OF VILLAGE OF EAGLE ZONING DISTRICTS**

<b>Zone</b>	<b>Major Permitted Uses</b>	<b>Min. Lot Size</b>	<b>Min. Lot Width</b>	<b>Min. Front Yard Setback</b>	<b>Min. Side Yard Setback</b>	<b>Min. Rear Yard Setback</b>	<b>Maximum Height</b>
A-2	Farming and agricultural activities Detached single-family dwellings	10 acres	330 feet	50 feet	25 feet	50 feet	90 feet for non-resid.; 35 feet for residential
RS-1	Detached single-family dwellings, total min. floor area = 1,750 sq. ft.	20,000 sq. ft.	120 feet	35 feet	25 feet	25 feet	35 feet
RS-2	Detached single-family dwellings, total min. floor area = 1,400 sq. ft.	20,000 sq. ft.	120 feet	35 feet	25 feet	25 feet	35 feet
RS-3	Detached single-family dwellings, total min. floor area = 1,200 sq. ft.	20,000 sq. ft.	120 feet	35 feet	25 feet	25 feet	35 feet
RD-1	Two family dwellings	24,000 sq. ft.	120 feet	35 feet	25 feet	25 feet	35 feet
RM-1	Multiple-family dwellings	36,000 sq. ft.	150 feet	35 feet	20 feet	25 feet	35 feet
B-1	Traditional downtown business uses on existing lots with on-street parking.	1,300 sq. ft.	25 feet	No min. setback required	No min. side yard required	Rear yard shall be sufficient for a septic system	35 feet
B-1A	Detached single-family dwellings with attached small business offices	20,000 sq. ft.	150 feet	40 feet	20 feet	35 feet	35 feet
B-2	Small groups of retail and customer service establishments located away from the traditional downtown business district.	25,000 sq. ft.	120 feet	35 feet	10 feet	25 feet	35 feet
M-1	Limited manufacturing and industrial uses	40,000 sq. ft.	150 feet	35 feet	10 feet	25 feet	45 feet
M-2	General manufacturing and industrial uses	40,000 sq. ft.	150 feet	35 feet	25 feet	25 feet	45 feet
I-1	Schools, churches, hospitals, libraries, public administration offices, public utility offices, water storage tanks, etc.	25,000 sq. ft.	120 feet	35 feet	10 feet	25 feet	35 feet
P-1	Park and recreational uses	Sufficient for uses, parking and septic	Sufficient for uses	25 feet	40 feet	40 feet	35 feet
C-1	Agriculture, forest and game management, forest reserves	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

*Source: Village of Eagle Zoning Ordinance 2009*

## DEVELOPMENT DESIGN CONSIDERATION

Design considerations pertaining to the residential development areas, environmentally sensitive areas, and other land use areas are discussed below.

### Residential Development Areas

One consideration as it pertains to the proposed residential development areas, is the preparation of detailed development plans for the residential neighborhoods where significant growth is expected. While such plans may vary in format and level of detail, they should generally address the following:

#### Developer Considerations:

- Designate future collector and land access street locations and alignments, pedestrian paths and bicycle ways, and, as appropriate, the configuration of individual blocks and lots.
- Identify environmentally significant areas to be preserved consistent with the Village plan.
- Indicate areas to be reserved for storm-water management and utility easements.
- The neighborhood planning process should make full use of the many design concepts that can enhance the living environment and increase efficiency in the provision of residential services and facilities and in travel patterns. Among the design concepts available for consideration are:
  1. *Mixed-Used Development*: Residential development in mixed-use settings can provide a desirable environment for a variety of household types seeking the benefits of proximity to places of employment as well as civic, cultural, commercial, and other urban amenities. Examples of mixed-use settings include dwellings above the ground floor of commercial uses and residential structures intermixed with, or located adjacent to, compatible commercial, institutional, or other civic uses.
  2. *Traditional Neighborhood Development*: The term “traditional neighborhood development” refers to pedestrian-oriented, mixed-use neighborhoods characterized by a street system and street-oriented setbacks and building designs. The overall design, including the layout of streets, encourages walking and bicycling as alternatives to automobile transportation within the neighborhood.
  3. *Residential Cluster Development or Conservation Design Development*: A residential development pattern characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, potential density increases, and a mix of building types. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. Additionally, these types of residential development can create more open space within developments, protect the rural atmosphere, and cause less need for infrastructure, such as roads, and storm-water management facilities, and utility easements.

## **Village Considerations:**

- Manage availability of residential lots using regulations and guidance in the Land Division ordinance, in order to determine if new residential development is appropriate
- Further classify residential areas as to structure type and density, with the mix of housing structure types and lot sizes resulting in an overall density for the neighborhood consistent with that recommended in the Village plan.
- Identify specific sites for neighborhood parks, schools, and retail and service centers which are recommended on a general-site-location basis in the Village plan.
- The Village should consider revising any residential district with a preponderance of non-conforming lots, to accommodate existing substandard lots of record, using the special exception process. Approval of the Zoning Board of Appeals would be based on specific maximum coverage, and requiring vegetative buffers, so reconstruction can occur.
- The Village should consider creation of Planned Unit Developments as a Conditional Use within the Village to provide for flexibility of design. An increase in density could be provided as a trade-off in order to achieve more sustainable and affordable development design. In order for a development to qualify for a decrease in allowed lot size, the following criteria must be met.
  1. The development plan for a given site could incorporate a minimum of 20 percent of the site in common open space to be owned by the property owners, and placed in recreational use or public open space.
  2. All Environmental Corridors, including primary and secondary environmental corridors, and isolated natural resource areas, would allow for development at a density not greater than one unit per five acres.
  3. Primary environmental corridors, secondary environmental corridors, isolated natural resource areas, wetlands and floodplains would be protected to the greatest extent practicable and shall be incorporated into protected open space. If any portion of the above resources will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural features may be conducive to prairie or wetland restorations or may be enhanced with the establishment of landscaped open spaces.

## **OTHER LAND USE AND DEVELOPMENT CONSIDERATIONS**

### **Official Land Use Mapping**

Adoption of a Village official map can contribute significantly to the implementation of the recommended land use plan. The Village should prepare and adopt its official map pursuant to Section 62.23(6) of the Wisconsin Statutes, showing thereon lands needed for future public use such as streets and parks and playgrounds. The official map should be amended from time to time to incorporate the additional street and other public land requirements identified in any detailed development plans, or rural area development plans.

### **Park and Open Space Implementation**

Achievement of the outdoor recreation and open space preservation objectives of the land use plan requires continued public interest acquisition of land for outdoor recreation and open space uses. The County Park and Open Space Plan recommends public interest acquisition (that is, acquisition by local, county, state and federal government and by private conservancy interests) of land for recreation and resource protection purposes. The Regional Natural Areas and Critical Species Habitat Protection and Management Plan also includes recommendations for public interest acquisition for most of the natural areas and critical species habitat sites identified in that plan. Moreover, cities, villages, and towns may acquire other lands for park and open space purposes as recommended in local comprehensive or park and open space plans. Each of the concerned units and agencies of government should continue or begin land acquisition programs in accordance with such plans. Private conservancy organizations are encouraged to supplement public open space acquisition efforts, as appropriate, to ensure the preservation of important natural areas. This is detailed in Chapter 4 – Agricultural, Natural, and Cultural Resources.

### **The Need For A Comprehensive Trail Facility System Plan**

The Village of Eagle supports the regional bicycle way system plan prepared by the Southeastern Wisconsin Regional Planning Commission as shown in Maps 8-18 and 8-19 of their plan.

Some of the facilities indicated in their detailed system plan would likely be a shared-use asphalt path that serves a multi-purpose function as a pedestrian pathway, a bikeway, and a recreation trail. These types of facilities should ultimately assist in connecting, and providing safe and convenient access to, significant built and natural features of the study area for both recreational and transportation purposes. Such facilities will further help reduce air pollution, reduce energy consumption, encourage outdoor recreational pursuits, improve public health, reduce transportation costs, and provide for convenient travel between residential areas and support facilities of neighborhood and community-wide importance, such as schools, parks, the library and Village Hall, shopping areas, and employment areas.

Support for the existing SEWRPC overall plan reduces needless duplication and improves overall efficiency and helps in the decision-making process in determining the necessary easement or right-of-way widths needed to accommodate such facilities adequately. Support for the plan could help the Village channel local funds efficiently, and could also enable the Village to qualify for potential government assistance programs and funding.

The Village should work with surrounding communities, Waukesha County, and the Wisconsin Department of Transportation to insure that, as the trail facilities are planned and developed throughout the County and specifically in the Town of Eagle, that adequate connections with surrounding facilities are established.

### **Transfer of Development Rights**

Under transfer-of-development-rights programs, or “TDR” programs, the right to develop a specified number of dwelling units under existing zoning may be transferred from one parcel, which would be maintained in open space use, to a different parcel, where the number of dwelling units permitted would be correspondingly increased. When the parcels are held by the same owner, the development rights are, in effect, simply transferred from one parcel to the other by the owner; when the parcels are held by different landowners, the transfer of development rights involves a sale of rights from one owner to another, at fair market value. In either case, the result is a shift in density away from areas proposed to be maintained in farming or other open use toward areas recommended for development. The transfer of development rights may be permanent or may be for a specific period of time or set of conditions.

The transfer of development rights may be implemented only if authorized under County or Village zoning. To enable the transfer of development rights, the zoning ordinance must establish procedures by which the TDR technique will be administered, including the formula for calculating the number of residential dwelling units which may be transferred from the “sending” area to the “receiving” area. The zoning district map must identify the sending and receiving areas, or at least identify the districts within which development rights can be transferred from one parcel to another. As of 2007, the Waukesha County Zoning Code contains provisions for the transfer of development rights, but the Village has yet to adopt such language. As part of the Village’s annual review process, it is hoped that this development option will be further evaluated in the future.

### **Municipal Boundary and Utility Extension Agreements**

The recommendations of the land use plan concerning the location and density of new suburban development are formulated without regard to the location of village, and town boundaries. Rather, those plan recommendations are based upon a consideration of such factors as the location of existing utility infrastructure, including public water supply systems; the location of environmentally sensitive lands; and the availability of lands considered to be suitable for suburban development. Where villages own and operate essential public utilities, not provided by adjacent towns, the plan assumes that villages will either annex unincorporated territory recommended in the plan for suburban development and provide extensions of essential utility services to serve such development, or that the villages will reach agreement with adjacent unincorporated towns on the extension of those essential services without the need for annexation and municipal boundary change.

The Wisconsin Statutes establish a number of arrangements for cooperation among communities with regard to sharing of municipal services and cooperatively determining community boundaries, including Sections 66.0301, Section 66.0307, and Section 66.0225.

Cooperative approaches with the Town of Eagle to identify future corporate limits, and the extension of suburban services, can contribute to attainment of the suburban growth recommended in the Waukesha County Land Use Plan. Conversely, failure of neighboring civil divisions to reach agreement on boundary and service extension matters may result in development contrary to the plan - for example, by causing new development to leap past logical suburban growth areas where corporate limits are contested, to outlying areas where water supply service are not available. Accordingly, it is recommended that the Village of Eagle cooperatively plan for future land use, civil division boundaries, and the provision of potential future suburban services, as provided for under the Wisconsin Statutes, within the framework of its land use plan.

### **Municipal Revenue Sharing**

Additional opportunity for intergovernmental cooperation is provided under Section 66.0305 of the *Wisconsin Statutes*, entitled “Municipal Revenue Sharing.” Under this statute, two or more cities, villages, and towns may enter into revenue sharing agreements, providing for the sharing of revenues derived from taxes and special charges. The agreements may address matters other than revenue sharing, including municipal services and municipal boundaries. Municipal revenue sharing can provide for a more equitable distribution of the property tax revenue generated from new commercial and industrial development within metropolitan areas and help reduce tax-base competition among communities, competition that can work against the best interests of the metropolitan area as a whole.

A good example of municipal revenue sharing under this statute is the revenue sharing agreement included in the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement entered into by the City of Racine and neighboring communities in 2002. Under this agreement, the City of Racine refrains from annexations without the consent of the adjacent towns; refrain from using extraterritorial zoning and plat review powers; and moved ahead with sewerage system improvements that will accommodate growth in the Towns.

### **Brownfield Redevelopment**

Factors contributing to the abandonment or underutilization of older commercial and industrial sites vary from site to site, but often include structures which are obsolete in terms of accommodating current manufacturing, warehousing, and office needs; inadequate site access to the freeway system; and insufficient site area for horizontally-oriented structures, contemporary parking and loading requirements, and possible future plant expansion needs.

Once abandoned, the re-use of former commercial and industrial sites is frequently constrained by contamination problems created by past industrial and commercial activities, giving rise to the term “brownfields”—sites which are underutilized or abandoned due to known or suspected environmental contamination. While brownfields tend to be concentrated in older areas, they also occur in outlying areas. Redevelopment of brownfields is often hindered by high cleanup costs, and, even where contamination is only suspected, the potential for high cleanup costs tends to dampen private-sector interest in redevelopment.

Maintaining the viability of existing areas, special efforts to promote the reuse of brownfields are required. The Village of Eagle should include the cleanup and re-use of brownfields as a key element in their plan, if such a site should exist, and take advantage of limited State and Federal financial assistance made available in support of the cleanup and re-use of contaminated sites. When possible the Village should make full use of, and assist private developers in securing, available State and Federal financial assistance.

The re-use of brownfield sites need not be limited to industrial use, but may include a mix of residential, commercial, recreational, and other development, in accordance with local development objectives. Properly carried out, the cleanup and re-use of brownfields has many potential benefits in addition to the underlying environmental benefits: elimination of blight, increase in the property-tax base, expansion of the housing stock, provision of jobs in close proximity to concentrations of the labor force, and increased use of existing public infrastructure.

At this time there are no known or suspected brownfield sites in the Village of Eagle.

### **Storm-water System Planning**

Storm-water runoff pollution performance standards for new development, existing suburban areas, and transportation facilities are set forth in Chapters NR 151 and NR 216 of the Wisconsin Administrative Code. Storm-water management practices appropriate for each proposed suburban development area will be developed through the preparation of a system management plan. These practices will be developed in a manner that integrates development needs and environmental protection, including integrated water resources protection. Such practices will reflect both storm-water runoff quantity and quality considerations, as well as groundwater quantity and quality protection.

## **OBJECTIVES, PRINCIPLES AND STANDARDS**

As detailed below, there are five objectives with principles and standards grouped under the objectives to which they apply.

### **Land Use Development Objective No. 1**

A balanced allocation of space to the various land use categories which meets the social, physical, and economic needs of the Village population.

#### **Principle**

The planned supply of urban land use should approximate the known or anticipated demand for that use.

#### **Standards**

1. For dwelling units to be accommodated within the Village at each urban residential density, the amounts of residential and related land should be allocated as shown in Table 9-4.
2. For each 1,000 persons of residential development to be accommodated within the Village at least 9 acres should be set aside in public parks as follows: 1 acre play-lots, 1.5 acres playfields, 2.5 acres neighborhood parks and 4 acres community parks on a prorated basis.

Recreational areas are defined as:

- Play-lot - a small playing area for children often referred to as a playground.
  - Playfield - a field used for playing sports or games with wide expanses of grass, dirt or sand without many obstructions.
  - Neighborhood Park - a recreation area owned and maintained by the municipality up to ten (10) acres in size and located within one half mile (0.5) of a residential neighborhood with access to the park via walking or biking. There is limited automobile parking, no lighted athletic fields for team competition, and no schedule for organized programs.
  - Community Park - a park owned and maintained by a municipality that generally ranges in size from 20-50 acres. Community Parks may be much larger if they contain large undeveloped open lands that are accessed by trails, or they may be smaller depending on land availability. They serve several neighborhoods with a service area of one to two miles, or more.
3. For each 1,000 persons to be accommodated within the Village, approximately 12 acres of governmental and institutional land should be allocated for services including the library, schools, fire protection, police, government offices, and water facilities.
  4. For future industrial development to be accommodated within the Village, appropriate acres of land should be allocated on a case-by-case basis in accordance with the Zoning Code and Building Inspection requirements.
  5. For future commercial development to be accommodated in retail and service settings within the Village, appropriate acres of land should be allocated on a case-by-case basis in accordance with the Zoning Code and Building Inspection requirements.
  6. For future commercial development to be accommodated in office settings within the Village, appropriate acres of land should be allocated on a case-by-case basis in accordance with the Zoning and Building Inspection requirements.



## **Land Use Development Objective No. 2**

A spatial distribution of the various land uses, which will result in a convenient and compatible arrangement of land uses.

### **Principle**

The proper allocation of uses to land can avoid or minimize hazards and dangers to health, safety, and welfare and maximize amenity and convenience in terms of accessibility to supporting land uses.

### **Standards**

1. Urban high-, medium-, and low-density residential uses should be located within neighborhood and other planning units which are served with public water supply facilities and contain, within a reasonable walking distance, necessary supporting local service uses, such as park, commercial, and elementary-school facilities.
2. Mixed-use development designs should be used, as appropriate, to accommodate urban land uses that are compatible and complementary in the vicinity of each other. Mixed-use development may consist of residential and commercial uses together.
3. To the extent practicable, residential and employment-generating land uses should be located so as to provide opportunities for living in close proximity to work.
4. Rural residential development should also be located in such a way as to minimize impacts on the natural resource base including wildlife habitat.

## **Land Use Development Objective No. 3**

A spatial distribution of the various land uses which is properly related to the supporting transportation, utility, and public facility systems to assure the economical provision of transportation, utility, and public facility services.

### **Principle**

The transportation systems (roads) and public utilities, and the land use pattern which these facilities serve and support, are mutually interdependent in that the land use pattern determines the demand for, and loading upon, transportation systems and public utilities; and these facilities, in turn, are essential to, and form a basic framework for, land use development.

### **Standards**

1. Urban development should be located and designed so as to maximize the use of existing transportation and utility systems.
2. The transportation system (roads) should be located and designed to serve not only all land presently devoted to Village development but to land planned to be used for such Village development.
3. The transportation system should be located and designed to minimize the penetration of existing and planned residential neighborhood units by through traffic.

4. Transportation terminal facilities, such as off-street parking, off-street truck loading, and public transit stops, should be located in proximity to the principal land uses to which they are accessory.
5. Land developed or planned to be developed for urban high-, medium-, and low-density residential use should be located in areas serviceable by an existing or planned public water supply system.
6. Mixed use development should be encouraged to accommodate multi-purpose trips, including pedestrian trips, as a matter of convenience and efficiency.
7. Onsite sewage disposal systems should be utilized only in accordance with the following:
  - a. Onsite soil absorption sewage disposal systems should be sited and designed in accordance with Chapter Comm 83 of the *Wisconsin Administrative Code*.
  - b. The use of onsite sewage disposal systems should be limited to the following types of development:
    - Suburban density residential development, limited, however, to areas already committed to such use through subdivision plats or certified surveys.
    - Urban land uses, which may include high density residential, businesses, communication facilities, utility installations, and park and recreation sites.
  - c. For a private sewage system serving multiple buildings located on a separate property and owned by multiple owners, or for condominium private sewage systems serving multiple units/buildings, owned by multiple owners and located on the same property as the unit/building, the owner/association must accept responsibility for the operation and maintenance of the private sewage system.

## **Land Use Development Objective No. 4**

The development and preservation of residential areas within a physical environment that is healthy, safe, convenient, and attractive.

### **Principle A**

Residential development in the form of planned residential neighborhoods can provide a desirable environment for families as well as other household types; can provide efficiency in the provision of neighborhood services and facilities; and can foster safety and convenience.

### **Standards**

1. Low-density suburban residential neighborhoods should be designed as cohesive units properly related to the larger area of which they are a part. Such neighborhoods should be physically self-contained within clearly defined and relatively permanent recognizable boundaries, such as arterial streets and highways, major park and open space reservations, or significant natural features, such as rivers, streams, or hills. It is desirable that the neighborhoods contain; an interconnected internal street, bicycle-way, and pedestrian system which provides multiple opportunities for access and circulation.
2. It is desirable that suburban residential neighborhoods should accommodate a mix of housing sizes, structure types, and lot sizes, resulting in an overall density that is within the planned density range for each neighborhood.

3. Conservation subdivision design concepts should be incorporated into high-, medium- and low-density neighborhoods, as appropriate.
4. To the extent practicable, efforts directed at the conservation and renewal of existing residential areas should be undertaken on a neighborhood basis and should seek to preserve those cultural features which contribute to the promotion of neighborhood identity within the larger community.

To meet the foregoing standards, land should typically be allocated in a similar fashion as the existing land uses in terms of acreage and percentage:

**Table 9-6**

**LAND DEVELOPMENT PER LAND USE CATEGORY**

<b>Land Use Category</b>	<b>Existing Acres</b>	<b>Percentage</b>
Residential.....	389.45	51.10
High Density	0.00	0.00
Medium Density (1 ac.)	0.00	0.00
Low Density (3 ac.)	2.92	0.38
Multi-Family		
Parks and Playgrounds...	34.44	4.57
Gov't. and Institutional...	72.51	9.51
Retail and Service .....	25.99	3.14
	64.83	8.50
Industrial.....	8.99	1.18
Conservancy.....	162.09	21.33
Undeveloped and Agri....		
<b>Total</b>	<b>762.09</b>	<b>100.0</b>

Source: Ruekert/Mielke 2001

**Principle B**

Residential development in mixed-use settings can provide a desirable environment for a variety of household types seeking the benefits of proximity to places of employment as well as civic, cultural, commercial, and other urban amenities. Examples of mixed use settings include dwellings above the ground floor of commercial uses and residential structures intermixed with, or located adjacent to, compatible commercial, institutional, or civic uses.

**Standards**

1. Opportunities should be provided for residential dwellings - particularly in the medium- and high-density range - within a variety of mixed-use settings.
2. Residential uses should be integrated into, or located in close proximity to, major economic activity centers.

## **Land Use Development Objective No. 5**

The preservation, development, and redevelopment of a variety of suitable industrial and commercial sites both in terms of physical characteristics and location.

### **Principle**

The production and sale of goods and services are among the principal determinants of the level of economic vitality in any society; the important activities related to these functions require areas and locations suitable to their purposes.

### **Standards**

1. Industrial, retail, and office uses should meet the following standards which are not anticipated to be provided by the Village:
  - a. Adequate storm-water drainage facilities, sanitary systems, water supply, and power supply.
  - b. Ready access to the arterial streets and highway system.
  - c. Adequate on-street and off-street parking and loading areas.
  - d. Provision of properly located points of ingress and egress appropriately controlled to prevent congestion on adjacent arterial streets.
  - e. Site design emphasizing integrated nodes or centers, rather than linear strips.
  - f. Site design appropriately integrating the site with adjacent land uses.
  - g. Some commercial and industrial uses may be allowed by Conditional Use permits, where it is determined that the use is compatible with the adjacent residential and/or agricultural uses.
  - h. Residential uses appropriately integrated into, or located in proximity to, the major center.

## **Land Use Development Objective No. 6**

To provide for the fullest use of existing urban area by promoting infill development within the Village.

### **Principle**

The conservation and renewal, and full use, of existing urban areas of the Village can enhance their viability and desirability as places to live, work, recreate, and participate in cultural activities. Such efforts, along with infill development on vacant land within existing urban service areas, serves to maximize the use of existing public infrastructure and public service systems and can moderate the amount of agricultural and other open space land converted to urban use to accommodate growth in the county and regional population and economy.

### **Standards**

1. To the extent practicable, the additional urban land necessary to accommodate growth in the regional population and economy should be met through the renewal or redevelopment as appropriate of older, underutilized urban areas that are in need of revitalization and through the infilling of undeveloped land within existing urban service areas.

## **IMPLEMENTATION RECOMMENDATIONS**

The recommended land use plan in this chapter provides a design for the attainment of all land use categories including residential, commercial, light industrial, institutional, park and recreational, and conservancy. The objectives and recommendations of this plan must be considered as a guideline for the Village of Eagle Planning Commission when making recommendations for new development or renovation plans brought before them. Land use plans should:

1. Fit the character of the surrounding community and space
2. Contain a mix of housing types that meet the anticipated growth and aging of our community.
3. Contain the right mix of business and retail stores to enhance the community image and quality of living.
4. Review the anticipated demand and infrastructure requirements from the Water Utility when considering new development.
5. Support bicycle and pedestrian trails.
6. Review all annexation requests to determine which are in the best interests of the Village.
7. Take our environmental and natural resources into consideration in land use decisions.
8. Work with a spirit of cooperation on land use plans bordering the Town of Eagle to help preserve and protect open spaces and wildlife habitat.
9. Include storm-water management practices that integrate development needs and environmental protection, including integrated water resources protection. Such practices should reflect both storm-water runoff quantity and quality considerations, as well as groundwater quantity and quality protection.
10. Include public involvement and participation on major land use decisions to provide transparency for the community.

### **Urban/Suburban Development Areas**

1. Zoning in suburban areas should be administered in accordance with the Village's Zoning Code and Comprehensive Plan Objectives.
2. Lands should be placed in zoning districts consistent with their existing use. This approach allows the Village to determine whether the proposed development is consistent with the comprehensive development plan and its objectives, standards, and principles at the time a project is proposed.
3. Pre-zoning lands to match a particular land use plan, can limit the Village's ability to respond to changing conditions. Therefore, the Village will generally Zone land for present use, and designate Land Use based on preferred future uses.

4. Development of suburban density residential, commercial and industrial uses require the preparation of detailed development plans especially where significant growth is expected.
5. The creation or development of zoning districts that accommodate the planned suburban uses should be done incrementally in accordance with the comprehensive plan, based on market demand.
6. The Village should manage availability of residential lots using the 75% infill rule of existing undeveloped lots created within a 5 year period, in order to determine if new suburban residential development is appropriate.
7. The Village should identify specific sites for neighborhood parks, schools, and retail and service centers which are recommended on a general-site-location basis in the Village plan.
8. The Village should identify environmentally significant areas to be preserved consistent with the Village plan.
9. The Village should consider revising all districts, to accommodate existing substandard lots of record, using the special exception process. Approval of the Board of Appeals would be based on specific maximum coverage, and requiring vegetative buffers, so reconstruction can occur.
10. The Village should encourage developers to make full use of design concepts such as Mixed-use Development, Planned Unit Development, including both Residential Cluster Development, and Conservation Design Development. These design concepts preserve natural resources that can enhance the living environment, and increase density thereby providing efficiency in the provision of suburban services and facilities and in travel patterns.

### **Environmentally Sensitive Areas**

1. Primary environmental corridors, secondary environmental corridors, isolated natural resource areas, lakes, rivers, streams, wetlands, floodplains and Shorelands must be protected to the greatest extent practicable from future development, and shall be incorporated into protected open space whenever possible. If any portion of the above resources will be located on a private lot, said resource must be protected with a protective covenant or restriction. Sites that do not contain significant natural features may be conducive to prairie or wetland restorations or may be enhanced with the establishment of landscaped open spaces.
2. Any environmental corridors, including primary and secondary environmental corridors, and isolated natural resource areas, allowed for development must be at a density not greater than one unit per five acres.
3. Zoning applied to the environmental corridors should, however, accommodate necessary public facilities, such as crossings by streets and highways, utility lines, and engineered flood control facilities, but should require that the location, design, and development of the facilities concerned be sensitive to the protection of the existing resource features, and require that, to the extent possible following construction, disturbed areas be restored to preconstruction conditions.

### **Zoning Regulations**

1. Zoning regulations should be reviewed and be adjusted, as necessary, to ensure the proper staging of development over time, and in this respect, the creation of suburban zoning districts should proceed incrementally.
2. The future pre-zoning of lands for suburban use should be avoided. Accordingly, the areas concerned should be placed in zoning districts consistent with their existing use, and should be rezoned into appropriate suburban districts only when development has been proposed and approved, and essential facilities and services can be efficiently provided.
3. Zoning of environmentally significant lands should be applied to protect primary environmental corridors. Zoning should also be applied to protect secondary environmental corridors and isolated natural resource areas in a manner consistent with the Village's comprehensive plans.

### **Official Mapping**

The Village should prepare and adopt its official map pursuant to Section 62.23(6) of the Wisconsin Statutes, showing thereon lands needed for future public use such as streets and parks and playgrounds. The official map should be amended from time to time to incorporate the additional street and other public land requirements identified in any detailed development plans.

### **Land Division Ordinance**

The Land Division Ordinance adopted by the Village as a basis for the review and approval of subdivision plats and certified survey maps, should be reviewed periodically to address changes in the comprehensive plan.

### **Park and Open Space Implementation**

The Village should adopt by reference the County Park and Open Space Plan and/or the Regional Natural Areas and Critical Species Habitat Protection and Management Plan. Each plan provides recommendations for public interest acquisition for most of the natural areas and critical species habitat sites identified in that plan.

### **A Comprehensive Trail Facility System Plan**

The Village of Eagle should adopt by reference the Regional Bicycle Way System Plan prepared by the Southeastern Wisconsin Regional Planning Commission.

### **Transfer of Development Rights**

The Village should investigate the potential local advantage to the transfer-of-development-rights programs, or "TDR" programs. The transfer of development rights involves a sale of rights from one owner to another, at fair market value which results in a shift in density away from areas proposed to be maintained in farming or other open use toward areas recommended for development. The transfer of development rights may be permanent or may be for a specific period of time or set of conditions.

### **Municipal Boundary and Utility Extension Agreements**

Where adjacent villages own and operate essential public utilities, not provided by the Town, the plan assumes that villages will either annex unincorporated territory recommended in the plan for suburban development and provide extensions of essential utility services to serve such development, or that the villages will reach agreement with the Town on the extension of those essential services without the need for annexation and municipal boundary change.

It is recommended that the Village of Eagle cooperatively plan for future land use, civil division boundaries, and the provision of potential future suburban services, as provided for under the Wisconsin Statutes, within the framework of its land use plan. And that the Village investigate the advantages of establishing such an agreement with the Town of Eagle.

### **Municipal Revenue Sharing**

Opportunity for intergovernmental cooperation is provided under Section 66.0305 of the *Wisconsin Statutes*, which allows the Village to enter into revenue sharing agreements with the adjacent towns, providing for the sharing of revenues derived from taxes and special charges. The Village should investigate the possibility of shared revenue with the Town of Eagle.

### **Brownfield Redevelopment**

The re-use of former commercial and industrial sites is frequently constrained by contamination problems created by past industrial and commercial activities. While brownfields tend to be concentrated in older areas, but they also occur in outlying areas.

If brownfields exist in the Village of Eagle, then the Village should discuss the inclusion of provisions for cleanup and re-use of brownfields as an element in their plan. However, at this time there are no known or suspected brownfield sites in the Village of Eagle.

### **Storm-water System Planning**

In cooperation with Waukesha County, the Village has established a storm-water management plan in order to coordinate the management of storm-water within defined watersheds. Storm-water management practices appropriate for each proposed suburban development area will be developed through the preparation of a system management plan reviewed by the Village Engineer. Practices that are designed to maintain the natural hydrology should be encouraged.