

Ordinance No.691-020623

**CREATING THE DEGRAVE PLANNED COMMUNITY DEVELOPMENT DISTRICT
(PCD-17) IN THE VILLAGE OF WATERFORD AND REZONING LAND**

CHAPTER 245. ZONING

Article VIII. Planned Community Development Districts

§ 245-83. DeGrave Farms Planned Community Development District.

[Added 1-__-2023 by Ord. No. ____]

A.

Areas. The DeGrave Farms Planned Community Development shall be comprised of two specific areas. The area East of S. Loomis Drive, comprising approximately 28.68 acres, shall be designated as the "East Area". The area West of S. Loomis Drive, comprising approximately 19.35 acres, shall be designated as the "West Area".

B.

Permitted uses.

(1)

East Area: The permitted residential uses in the East Area of this mixed-use planned community development district together with one (1) existing single-family residence, substantially conforming with the Single-Family Residence District provisions set forth in **§ 245-18** of this chapter. The additional permitted uses East Area of this mixed-use planned community development district shall be a total of five (5) twelve (12) unit Multi-Family structures substantially conforming with the Multi-Family Residence District provisions set forth in **§ 245-20** of this chapter

West Area: The permitted residential uses in the West Area of this mixed-use planned community development district, together with one (1) existing single-family residence, substantially conforming with the Single-Family Residence District provisions set forth in **§ 245-18** of this chapter.

(2)

Improvements related to the permitted uses, including off-street parking, common green space areas, recreational areas, easement areas for public utilities and private stormwater drainage installations as contained in the required developer's agreement and deed restrictions, and related accessory uses, all as contained in the General Development Plan, Precise Implementation Plans, and developer's agreement(s) as from time to time submitted and which will remain on file with the Village of Waterford and recorded with the Racine County Register of Deeds.

C.

Other uses. All single family structures may be occupied as single family, 2 family duplex and/or up to 4 family multifamily. No other uses are allowed in the DeGrave Farms Planned Community Development District unless permitted pursuant to a specific provision of this chapter.

D.

Dwelling standards. Each of the dwelling units within the development shall contain at least the minimum requirements set forth in the zoning district set forth in Subsection A and shall conform with all applicable building, plumbing, electrical and mechanical codes.

E.

Area standards. Modification of the setback, yard, parking and sidewalk requirements of this Municipal Code may be allowed by the Plan Commission when the use of the building is a permitted use herein.

F.

Garbage and recyclable collection. See § 186-7 of this Code.

G.

Automobile parking and parking facilities.

(1)

All parking areas within this district shall be constructed with either cement concrete or asphaltic concrete over an approved subbase, to depths for each application as approved by the Village Engineer prior to construction.

(2)

Parking shall be limited to driveway approaches, marked parking stalls and public streets within the district. No parking shall be permitted in or on any other area.

H.

Electric and Telephone Service. All electric and telephone service wires or cables, including cable and fiber-optic services, shall be installed underground within the boundaries of the development.

I.

Detailed site grading plans. Detailed site grading plans shall be submitted to the Village for approval showing proposed finished grades for all buildings, parking areas, and landscape areas on-site and showing proposed site drainage plans. Elevation of such site grading plans shall be based on the Village datum and be approved by the Village prior to construction.

J.

Developer's agreement. Where land division or public improvements are necessary for construction, the developer, owner, and the Village of Waterford shall enter into a written developer's agreement, which may be amended in writing as from time to time required, to address the installation of all public improvements to the development and financial guarantees by the developer pursuant to § 235-19D of this Municipal Code, along with the issuance of building and occupancy permits. The agreement and any subsequent amendments shall be approved by the Village of Waterford Plan Commission, Village Board, Village Engineer, and Village Attorney.

K.

Landscaping. The developer shall provide the Village with a landscape plan as part of the Precise Implementation Plan for each phase of construction and a detailed material list, and shall implement such plan after approval by the Village.

L.

Easements.

(1)

Utility easements.

(a)

In all areas where public utilities are located outside of the Village rights-of-way, the owner shall provide the Village with public utility easements for the purpose of permitting the Village to reinstall, re-lay, operate, repair, and maintain underground pipes and conduits for public water and public sanitary sewer service under the surface, and, where appropriate, above the surface, along with the right of ingress and egress, in dimensions in accordance with the developer's agreement.

(b)

All public storm sewers shall be laid in Village rights-of-way. Stormwater management systems serving the development must be constructed pursuant to Chapter **250** of this Municipal Code, and shall remain private and the responsibility of the owner or association, and easements shall be granted to the Village in the event that it is required to provide emergency repairs or maintenance.

(c)

No building, accessory appurtenance or other structure (except mailboxes) shall be constructed in a utility easement area. Landscaping and parking may be constructed in an easement area; provided, however, that in the event that the landscaping is removed or damaged by the Village pursuant to its rights under the easement, the developer or landowner shall be responsible for all costs related to removal and/or restoration of said landscaping areas.

(2)

Public safety. The owner shall grant to the Village easements over and across any private paved driveways, roadways and accessways, in dimensions set forth in the developer's agreement, for purposes of providing public services, including, but not limited to, fire, rescue, police protection and, if applicable, garbage collection. The owner or association shall be responsible for removing snow accumulations from the easement areas.

(3)

Removal of vehicles or other personal property.

(a)

The Village shall have the right to tow any vehicles and similarly remove any other types of personal property that are located within a utility easement area after giving a notice that access to the area is required at least six hours prior to the removal of the property. This notice shall be given by written citation placed upon the vehicle or other property. In the event of emergency, no such notice shall be required.

(b)

In the event the Village must remove vehicles or personal property from an easement area pursuant to this subsection, the Village may impound the property until the costs of removal have been paid. The Village shall seek payment from the owner of the property seized, and after reasonable efforts have been made to obtain such payment, the Village may proceed for payment against the property owner. In no event shall the Village be required to commence legal action against the owner of the property seized prior to seeking collection from the property owner.

M.

Private street and drive maintenance. Private off-street parking areas, walks, and access roads, if any, shall be maintained by the owner so as to provide safe access at all times to all areas of the development.

N.

Rezoning effected by passage of this amendment. The property subject of this planned community development district is legally described as set forth in Exhibit A^u attached hereto, and made a part hereof. Prior to enactment of this section, said real estate described in Exhibit A was zoned

Business District and, upon passage of this planned community development district ordinance, all real estate described on Exhibit A is, in all respects, permanently subjected to the planned community development district zoning rules and regulations of the Code of the Village of Waterford and the specific terms and conditions of this section. The attached CSM is hereby incorporated and approved by the Village to facilitate the planned phasing of the project.

[1]

Editor's Note: Exhibit A is on file in the Village offices.

O.

Exhibits made a part of this section. The exhibits herein identified and referred to as Exhibit A, the legal description, and Exhibit B, the General Development Plan, each are incorporated into this section by and through this specific reference, and shall be kept on file with the Village of Waterford and incorporated herein as though fully set forth, and each of the terms and conditions of the legal description and the General Development Plan shall be enforceable as an element of this chapter and subject to the provisions for penalties and other legal action as provided by this chapter.

P.

Recording. No building permit for construction in a particular phase of the development shall be granted until the recording of those documents referenced herein which are indicated as subject of recordation in the Register of Deeds Office for Racine County, Wisconsin, for that phase of the development.

Introduced: February 6, 2023

Adopted: February 6, 2023

Don Houston, Village President

Attest:

Rachel Ladewig, Village Clerk