

Enrolled 158-16  
PROPOSED ORDINANCE 158-17

1  
2  
3 AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE (ZT-1472)  
4  
5

6 WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town  
7 Board on January 23, 2003, with subsequent changes approved on March 27, 2003 and April 21,  
8 2003, after Public Hearing and the giving of requisite notice of said hearing, and duly referred  
9 and considered by the Waukesha County Park and Planning Commission and a recommendation  
10 thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County  
11 Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.  
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
14 ORDAIN that the Ordinance amending the text of the Town of Waukesha Zoning Ordinance,  
15 adopted on June 24, 1979, and approved by the Waukesha Town Board on January 23, 2003,  
16 March 27, 2003, and April 21, 2003, amending the text of the Town of Waukesha Zoning Code,  
17 and more specifically described in the "Staff Report and Recommendation" and "Addendum" on  
18 file in the office of the Waukesha County Department of Parks and Land Use and made a part of  
19 this Ordinance by reference (ZT-1472) is hereby approved.  
20

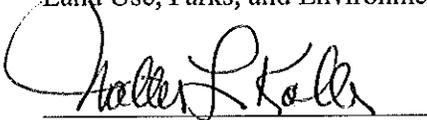
21 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
22 this Ordinance with the Town Clerk of Waukesha.  
23

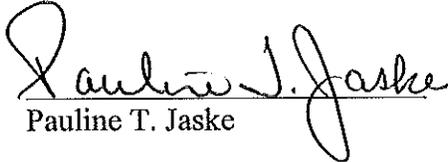
24 BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage,  
25 approval and publication.  
26

27 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of  
28 provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE (ZT-1472)

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

Absent  
James Jeskewitz

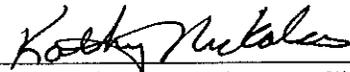
  
Scott J. Klein

  
Daniel Pavelko

  
Vera Stroud

Absent  
Matt Thomas

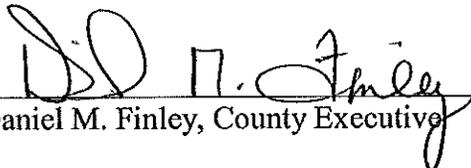
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 5-30-03,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:

Vetoed:

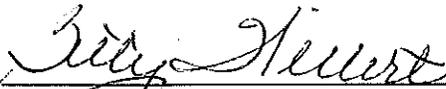
Date: 5-31-03,   
Daniel M. Finley, County Executive

COMMISSION ACTION

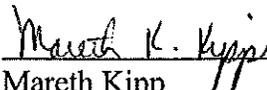
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Ordinance hereby recommends approval of ZT-1472 (Text Amendment, Town of Waukesha) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

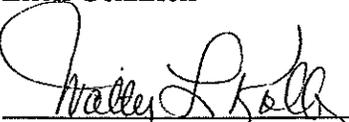
May 1, 2003

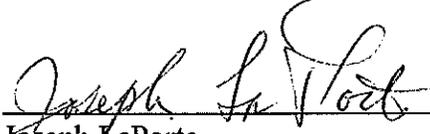
  
\_\_\_\_\_  
Betty Willert, Chairperson

Absent  
\_\_\_\_\_  
Vy Janusonis

  
\_\_\_\_\_  
Mareth Kipp

  
\_\_\_\_\_  
Ellen Gennrich

  
\_\_\_\_\_  
Walter Kolb

  
\_\_\_\_\_  
Joseph LaPorte

  
\_\_\_\_\_  
Walter Baade

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**DATE:** May 1, 2003

**FILE NO.:** ZT-1472

**PETITIONER/OWNER:** Waukesha Town Board of Supervisors  
Waukesha Town Hall  
W250 S3567 Center Road  
Waukesha, Wisconsin 53189

**NATURE OF REQUEST:**

Amendment to the text of the Waukesha Town Zoning Code to provide new open space definitions and how those open space areas are used and how density of development is calculated based upon the amount of common open space set aside within developments.

**OTHER CONSIDERATIONS:**

On March 6, 2003, the Park and Planning Commission reviewed the new amendments to the Town of Waukesha Zoning Code and voted to forward them on to the County Board for final approval. Upon further review by the Planning and Zoning Division Staff, subsequent to the meeting, the Staff discovered that the open space provisions were in need of further refinement and better definition in order to accomplish the purpose and goals of that provision. Subsequently, the Town approved changes on April 24, 2003, to effect those changes. The new Code provides that the more common open space which is provided within a proposed development, the greater the density bonuses can be, which these figures are what is used in calculating the number of dwelling units which may be allowed in a development. Also, the new amendment provides a definition of common open space, which was lacking before and is now defined as that area of unoccupied space, not part of a developable lot or building site. This new provision is patterned somewhat after the newly refined open space definition recently proposed by the Special Open Space Task Force of the County and passed by the County Board, but does not go as far as the County's definition which provides for green space as differentiated from open space.

**STAFF RECOMMENDATION:**

The new amendment by the Town incorporates to some degree, the recently endorsed County Board approved open space concepts. It is somewhat less comprehensive, but is significantly better than the present Ordinance. Accordingly, the Planning and Zoning Division Staff recommends **in favor** of these amendments and will continue to work with the Town to consider future amendments to incorporate the County's Open Space/Green Space concepts. The proposal is a significant step forward and with further discussions we feel that the Town may endorse the Green Space concept in the future, especially if a few projects can be implemented to show how it can benefit the Town and achieve meaningful open space preservation without the necessity of additional public expenditures.

Respectfully submitted,

*Richard L. Mace / kab*

Richard L. Mace  
Planning and Zoning Manager

RLM:smv

**ORDINANCE AMENDING THE ZONING CODE  
OF THE TOWN CODE OF THE TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,  
DOES ORDAIN AS FOLLOWS:

The Town Board of the Town of Waukesha hereby does ordain as follows:

SECTION 1: In accordance with the provisions of Wis. Stats. § 66.035, the Town Board of the Town of Waukesha hereby amended the zoning code for the Town of Waukesha on January 23, 2003 and March 27, 2003.

A copy of the zoning code shall be permanently on file in the Office of the Town Clerk of the Town of Waukesha, and shall be open for public inspection in the office of the Town Clerk.

SECTION 2: The enactment of this zoning code shall be effective as of the posting and publication of this ordinance and upon Waukesha County Board approval.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha County, Wisconsin this 24<sup>th</sup> day of April, 2003.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WISCONSIN



BY: [Signature]  
RODNEY T. STILWELL, Chairman

BY: [Signature]  
ROBERT J. TALLINGER, Supervisor

BY: [Signature]  
STEPHEN SMART, Supervisor

ATTEST:

BY: [Signature]  
MICHAELNE R. KNOEBEL, Clerk

WAUKESHA COUNTY BOARD OF SUPERVISORS

FD 158-16

V

DATE-05/25/03

NUMBER-1580013

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....NAY
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....NAY
- 11 K. HARENDA.....NAY
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 M. SONNENTAG.....
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....NAY
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....NAY
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....NAY
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-25

TOTAL NAYS-07

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-32