

ENROLLED ORDINANCE 160-3

AMEND THE WAUKESHA COUNTY ZONING CODE BY AMENDING
SECTIONS WHICH PERTAIN TO BUILDING HEIGHT
AND LEGAL LOTS OF RECORD (CZ-1459C)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning Code on October 27, 1959; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.69, Wisconsin Statutes; and

WHEREAS, the Waukesha County Park and Planning Commission formed a Study Workgroup in 2001 to analyze and make recommendations regarding the role of the Park and Planning Commission in the review of zoning matters under the Zoning Code, Shoreland and Floodland Protection Ordinance, and in the development processes; and

WHEREAS, the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff is in the process of making multiple revisions to the current Zoning Ordinance and have recommended those revisions to the Ordinance; and

WHEREAS, the proposed amendments have been the subject of a public hearing held on February 16, 2005, following the notice and procedures of Section 59.69, Wisconsin Statutes; and

WHEREAS, none of the Towns under county zoning authority have filed a resolution disapproving of the proposed amendments in the time required by Section 59.69, Wisconsin Statutes; and

WHEREAS, the proposed amendments have been duly referred, considered and approved by the Waukesha County Park and Planning Commission at its meeting of March 24, 2005; and

WHEREAS, the proposed amendments are on file in the Department of Parks and Land Use, Room 230, 1320 Pewaukee Road in Waukesha, Wisconsin; and

WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

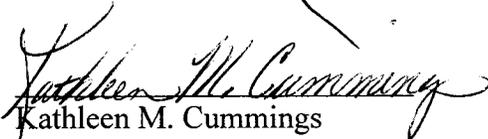
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the text of the Waukesha County Zoning Code is hereby amended in accordance with the proposed amendments adopted by the Land Use, Parks and Environment Committee and on file with the Department of Parks and Land Use.

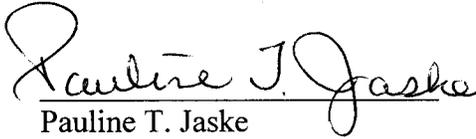
BE IT FURTHER ORDAINED that pursuant to Section 59.69(5)(e), Wisconsin Statutes, within seven days after enactment, this Ordinance shall be submitted in duplicate by the County Clerk by registered mail to the Town Clerk of each Town in which the lands affected by the Ordinance are located, specifically the Towns of Genesee, Oconomowoc, Ottawa and Vernon.

AMEND THE WAUKESHA COUNTY ZONING CODE BY AMENDING
SECTIONS WHICH PERTAIN TO BUILDING HEIGHT
AND LEGAL LOTS OF RECORD (CZ-1459C)

Presented by:
Land Use, Parks, and Environment Committee

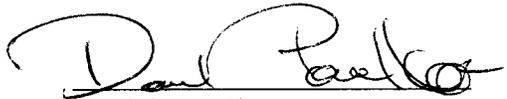

Walter L. Kolb, Chair


Kathleen M. Cummings


Pauline T. Jaske


Scott J. Klein

Absent
Bill Kramer

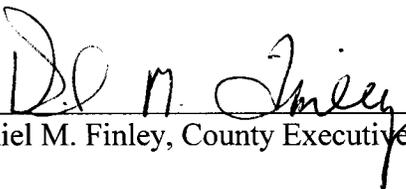

Daniel Pavelko


Vera Stroud

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

Date: 4-29-2005, 
Kathy Nickolaus, County Clerk

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

Approved: ✓
Vetoed: _____
Date: 5-2-05, 
Daniel M. Finley, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/26/05

(ORD) NUMBER-1600004

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

- 2 R. THELEN.....AYE
- 4 R. HUTTON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 B. RONCKE.....AYE
- 14 A. KALLIN.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 B. KRAMER.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-35

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS ✓

TOTAL VOTES-35

AMENDMENTS TO THE WAUKESHA SHORELAND AND FLOODLAND PROTECTION ORDINANCE

Section 1:

Repeal and Recreate Section 2.02(9) to read:

Building, height of:

The vertical distance measured from the lowest exposed point of a structure to the highest point of any roof.

Section 2:

Repeal and Recreate Section 3.10(2)(E) to read:

Where a lot has less area or width than required for the district in which it is located or frontage as specified in Section 3.10(2)(A) and was of record at the time of the passage of this Ordinance (July 30, 1970), such lot shall be used for any purpose permitted in any such district, but not for residential purposes for more than one family provided; however, that building location, height regulations and area regulations shall comply with the R-3 Residential District except where otherwise specified in other sections of this Ordinance.

Such substandard lots shall be in separate ownership from abutting lots. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the minimum lot area requirements of the R-3 Residential District or as close to that minimum as possible.

Section 3:

Repeal and Recreate Section 9.03 of the R-1 Residential District to read as follows:

9.03 Height Regulations

- (1) **Principal Building:** The maximum height of a residential structure shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) **Accessory Building:** Eighteen (18) feet maximum

160-0-004

6.

Section 4:

Repeal and Recreate Section 10.03 of the R-2 Residential District to read as follows:

10.03 Height Regulations

- (1) Principal Building - The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 5

Repeal and Recreate Section 11.03 of the R-3 Residential District to read as follows:

11.03 Height Regulations

- (1) Principal Building: The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

KM/es

AMENDMENTS TO THE WAUKESHA COUNTY ZONING CODE

Section 1:

Repeal and Recreate Section 2.02(10) to read:

Building, height of:

The vertical distance measured from the lowest exposed point of a structure to the highest point of any roof.

Section 2:

Repeal and Recreate Section 3.11(2)(E) to read:

Where a lot has less area or width than required for the district in which it is located or frontage as specified in Section 3.11(2)(A) and was of record at the time of the passage of this Ordinance (February 26, 1959), such lot shall be used for any purpose permitted in any such district, but not for residential purposes for more than one family provided; however, that building location, height regulations and area regulations shall comply with requirements of the R-3 Residential District except where otherwise specified in other sections of this Ordinance.

Such substandard lots shall be in separate ownership from abutting lots. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the minimum lot area requirements of the R-3 Residential District or as close to that minimum as possible.

Section 3:

Repeal and Recreate Section 9.02 of the R-1 Residential District to read:

9.02 Height Regulations

- (1) Principal Building: The maximum height of a residential structure shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

160-0-004

8.

Section 4:

Repeal and Recreate Section 9.03a of the R-1a Residential District to read:

9.03a Height Regulations

- (1) Principal Building: The maximum height of a building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 5

Repeal and Recreate Section 10.03 of the R-2 Residential District to read:

10.03 Height Regulations

- (1) Principal Building: The maximum height of a residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

Section 6

Repeal and Recreate Section 11.03 of the R-3 Residential District to read:

160-0-004

11.03 Height Regulations

- (1) Principal Building: The maximum height of residential building shall meet the following requirements:
 - (A) A point measured from the lowest exposed point of the structure to the highest floor line shall not exceed 27 feet, and
 - (B) A point measured from the lowest exposed point of the structure to any eave shall not exceed 36 feet, and
 - (C) A point measured from the lowest exposed point of the proposed structure to the highest point of any roof shall not exceed 46 feet, and
 - (D) On waterfront lots, no building or structure shall contain more than three (3) stories when viewed from the waterfront.
- (2) Accessory Building: Eighteen (18) feet maximum

KM/es