

ENROLLED ORDINANCE 161-13

AMEND THE WAUKESHA COUNTY ZONING CODE BY AMENDING SECTIONS AS IT PERTAINS TO THE DEFINITION OF VARIANCES, APPLICANTS, SPECIAL EXCEPTIONS, STREETS, JUNK, MOTOR VEHICLES, POULTRY AND OTHER PROVISIONS PERTAINING TO REGULATION OF UNDESIRABLE STRUCTURES AND JUNK, PLANNED UNIT DEVELOPMENT (PUD) PROVISIONS REGARDING OPEN/GREEN SPACE, UPDATING REFERENCES TO THE DIVISIONS OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, REFERENCES TO POULTRY AND LIVESTOCK, HEIGHT LIMITATIONS, ACCESSORY STRUCTURES IN BUSINESS AND INDUSTRIAL DISTRICTS AND THE PROVISIONS REGARDING LIVESTOCK ON LESS THAN 3 ACRES (CZ-1459D)

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 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 April 12, 2006, 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 May 4, 2006; 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

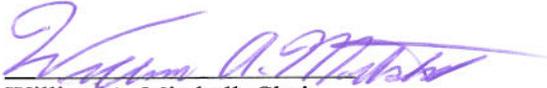
WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

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.

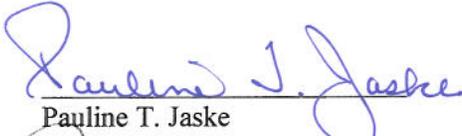
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Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammit


Keith Harenda


Pauline T. Jaske


Walter L. Kolb

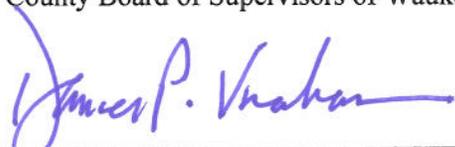

Vera Stroud


Peter M. Wolff

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

Date: 6-16-06, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:
Date: 6/19/06, 
Daniel P. Vrakas, County Executive

PROPOSED AMENDMENTS
TO THE
WAUKESHA COUNTY ZONING CODE

SECTION 1

Create a subsection to Section 2.02 to read as follows:

(New definition)

Variance means an authorization granted by the Board of Adjustment to construct or alter a building, land use or structure in a manner that deviates from this Ordinance.

SECTION 2

Create a subsection to Section 2.02 to read as follows:

(New definition)

Applicant: The applicant for any permit, variance, special exception, conditional use, site plan, plan of operation, rezoning, license or other application for governmental approval under this ordinance shall be the landowner, specifically a person or entity holding fee title to the property, as set forth below.

- a. In the case of a corporation, an officer or by a member of the corporation who has overall responsibility for the operation of the site for which the permit is sought.
- b. In the case of a limited liability company, a member or manager.
- c. In the case of a partnership, a general partner.
- d. In the case of a sole proprietorship, the proprietor.
- e. For a unit of government, by an elected official or other duly authorized representative.
- f. In the case of an individual, by the individual, an attorney, or one allowed to act as power of attorney.

SECTION 3

Create a subsection to Section 2.02 to read as follows:

(New definition)

Special Exception means a request for a minor adjustment to the requirements of the Zoning Ordinance only where specifically authorized by this Ordinance, owing to special conditions of the property. The special exception must be necessary and desirable and must not adversely affect adjacent property owners. A special exception differs from a variance in that a special exception does not necessarily require the demonstration of an unnecessary hardship or practical difficulty. In the granting of a special exception, the approving body must still consider whether the proposed special exception would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects and may impose such restrictions or conditions they deem necessary for the protection of adjacent properties and the public interest and welfare.

SECTION 4

Create a subsection to Section 2.02 to read as follows:

(New definition)

Street, Arterial: Arterial Street means a road providing for efficient, safe and direct connection to or separation of developed areas for circulation to destinations outside the developed area and

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deemed as such on the “Established Street and Highway Width Map for Waukesha County” or other official map adopted by the municipality.

SECTION 5

Create a subsection to Section 2.02 to read as follows:

(New definition)

Street, Collector: Collector Street means a road providing for circulation to serve local traffic moving between minor streets and arterial streets as designated on the “Established Street and Highway Width Map for Waukesha County” or other official map adopted by the municipality.

SECTION 6

Create a subsection to Section 2.02 to read as follows:

(New definition)

Street, Minor: Minor Street means any other road not deemed as a collector or arterial street on the “Established Street and Highway Width Map for Waukesha County” or other official map adopted by the municipality.

SECTION 7

Create a subsection to Section 2.02 to read as follows:

(New definition)

Junk means garbage, waste, refuse, trash, any motor vehicle upon which no current license plate is displayed, any inoperable or abandoned motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, lumber, furniture, paper, cans or bottles. Any trailer which is required to be licensed by the State of Wisconsin, but which is unlicensed, or any trailer which is abandoned or inoperable is considered junk under this ordinance.

SECTION 8

Create a subsection to Section 2.02 to read as follows:

(New definition)

Motor vehicle means any automobile, truck, trailer, tractor, bus, vehicle or other conveyance that is self-propelled by an internal combustion engine or motor, and for the purposes of this zoning ordinance shall include but not be limited to boats, recreational vehicles, all-terrain vehicles, motorized farm equipment and mobile machinery, motorcycles and snow mobiles.

SECTION 9

Create a subsection to Section 2.02 to read as follows:

(New definition)

Poultry means domesticated birds kept for eggs or meat or as pets.

SECTION 10

Create a subsection to Section 2.02 to read as follows:

(New definition added after public hearing based upon comments received from the public.)

Environmentally significant areas are lands which are zoned as C-1 Conservancy District, A-E Exclusive Agricultural Conservancy District, or E-C Environmental Corridor District or designated as primary environmental corridor, secondary environmental corridor or isolated natural area on the Waukesha County Development Plan.

SECTION 11

Repeal and recreate Section 3.03(2) to read as follows:

(New section added after public hearing to clarify that no application is properly filed unless it is signed by the applicant. None of the subsections lettered (A) through (E) have changed.)

- (2) Application for: Such permits shall be applied for from the county zoning administrator or from the local building inspector where he has been designated as a deputy to the zoning administrator as provided by Section 22.02(4). No application for any permit, variance, special exception, conditional use, site plan, plan of operation, rezoning, license, or other governmental approval under this ordinance shall be deemed to be properly filed unless it is signed by the applicant. Application shall be made prior to or at the same time as the application for a building permit, and shall be prepared in triplicate and shall include for the purpose of proper enforcement of this Ordinance the following data:
 - (A) A statement by the applicant as to the intended use of the premises and of any existing or proposed buildings thereon.
 - (B) An accurate map of the property, in triplicate, drawn to a reasonable scale and properly dimensioned showing:
 - 1. The boundaries of the property involved.
 - 2. The location of the centerline of any abutting streets.
 - 3. The location on the lot of any existing buildings, proposed additions, or proposed new buildings, including the measured distances between such buildings and from the lot lines and from the centerline of any abutting street to the nearest portion of such building.
 - 4. The proposed floor elevation of any proposed buildings in relation to the existing and/or established grade of any abutting streets.
 - 5. The high water line of any stream or lake on which the property abuts.
 - 6. The location of any existing and proposed septic system and well, including those within fifty (50) feet of the property lines.
 - 7. The location and results of any percolation tests and soil borings of the involved property.
 - (C) Where the use involves human occupancy, a plan of the proposed sewage disposal system, if not connected to an approved municipal sewerage system, shall require the certification of the building inspector or plumbing inspector that it conforms to all county and town Ordinances

and other governmental laws or regulations then applicable to sewage disposal systems.

- (D) Satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose on the property.
- (E) A fee, as may be established and periodically modified under Section 22.02(5), shall accompany each application. Such fee shall be paid by cash, check or money order to the Waukesha County Park and Planning Commission.

SECTION 12

Repeal and recreate Section 3.04(3) to read as follows:

(Separated provisions regarding junk from those regarding undesirable structures. Removed the requirement to prove a decrease in property values due to junk on the property. Requires all junk to be secure from public view and establishes exceptions.)

- (A) Junk, as defined by this ordinance, shall at all times be stored in an enclosed building thereby securing it from the view of the public and adjacent property owners.
 - 1. This subsection is not intended to regulate or place limitations on any property properly zoned junk yard, salvage dealer, or other junk, waste disposal or storage activity for which a valid license from the State or Wisconsin or other necessary municipal issuing authority is required and proper permits have been issued and all such licenses and permits are in full force and effect and the operation is in full compliance therewith.
 - 2. This subsection is not intended to regulate or place limitations on the storage of idle, but operable farm equipment on farms greater than 35 contiguous acres or the storage of inoperative or abandoned farm equipment on farms greater than 35 contiguous acres if such inoperative or abandoned farm equipment is screened from the view of the public and adjacent property owners by a natural or man-made visual barrier.
 - 3. This subsection is not intended to regulate or place limitations on the storage of idle but operative snow removal vehicles or equipment, or lawn mowing equipment.
 - 4. This subsection is not intended to regulate or place limitations on the orderly storage of firewood for fuel.
 - 5. This subsection is not intended to regulate the temporary storage of construction materials which are for use on the site for the project authorized by an active zoning permit and which are stacked, stored and secured on the site in an orderly method.
- (B) No Undesirable Structures: No building or structure shall be erected, structurally altered or relocated in a manner which shall be of such character as to adversely affect the nearby properties or general desirability of the neighborhood. The determination by the Plan

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Commission shall be stated in writing, including the reason for denying a permit or conditions of approval for a permit, and may be based upon considerations that the design or appearance is of such an unorthodox or abnormal character as to have an adverse effect on the nearby properties or general desirability of the neighborhood.

SECTION 13

Repeal and recreate Section 3.07(3) to read as follows:

(Changed zoning administrator to zoning agency.)

- (3) Unclassified Uses: Any use not specifically listed as permitted use or conditional use shall be considered to be prohibited except as hereinafter provided. Where deemed appropriate the Plan Commission and Zoning Agency shall have the authority to authorize uses not specifically enumerated or authorized under other procedures or zoning districts under the terms of Section 3.08(7)(X) of this Ordinance.

SECTION 14

Repeal and recreate Section 3.08(7)(E)2 to read as follows:

(Corrected section by setting 50% as a maximum, not a minimum.)

- 2. A floor area ratio of no more than 50% be allowed.

SECTION 15

Repeal and recreate Section 3.08(7)(P)1(a) to read as follows:

(Corrected title for Environmental Health Division)

- (a) That all sanitary provisions are approved by the Waukesha County Department of Parks and Land Use, Environmental Health Division.

SECTION 16

Repeal and recreate Section 3.08(7)(P)2 to read as follows:

(Revised Planned Unit Development Terms to incorporate changes recommended by ad hoc committee of the County Board for the study of open space and green space.) (In subsection (i) changes County Zoning Agency to Zoning Administrator and changes "may be" to "made".)

Residential Planned Unit Development:

- (a) The following table may be utilized to compute the maximum dwelling unit density requirements of the P.U.D., except that areas which are Upland or Secondary Environmental Corridors are also subject to (b) below.

A-1	120,000 sq. ft. (2.75 acres) per dwelling unit
A-2	120,000 sq. ft. (2.75 acres) per dwelling unit
A-3	80,000 sq. ft. (1.84 acres) per dwelling unit
A-5	200,000 sq. ft. (4.59 acres) per dwelling unit
Environmental Corridor	5 acres per dwelling unit *
A-P	35 acres per dwelling unit
A-T	35 acres per dwelling unit
R-1a	39,000 sq. ft. (0.89 acres) per dwelling unit
R-1	39,000 sq. ft. (0.89 acres) per dwelling unit
R-2	25,000 sq. ft. (0.57 acres) per dwelling unit
R-3	15,000 sq. ft. (0.34 acres) per dwelling unit

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* Calculation for Environmental Corridor shall occur as established in (b) below.

- (b) If all of the Upland, Primary and Secondary Environmental Corridor or Environmental Corridor zoned lands are preserved in their entirety within the public open space or common open space and preserved in its natural state, the density of one unit per five (5) acres may be added to the maximum number of dwelling units derived from utilizing the table above.
- (c) Lands currently zoned C-1 or A-E may not be used in formulating the density of the project. When lands border a lake or other public body of water, pyramiding as defined herein, may be allowed if the minimum water frontage at the high water mark is one hundred (100) feet for the first dwelling unit and an additional twenty-five (25) feet for each additional dwelling unit thereafter. No more dwelling units may have access to the water body than would result from the application of this provision irrespective of the overall size of the development parcel.
- (d) Public open space or common open space shall be of a size and shape to provide an integrated system of open spaces to the greatest extent possible and to provide protection of environmentally significant lands; they shall not consist of long, narrow bands or corridors, but shall be larger blocks or wide corridors of land, usually not less than one (1) acre in area. Corridors linking large blocks of public open space or common open space shall be not less than fifty (50) feet in width to provide adequate buffers from adjacent residential lots. The size, shape and location of said public open space or common open space shall be subject to review and approval of the Plan Commission and Zoning Administrator in order to qualify the project for consideration as a P.U.D. Public open space or common open space shall be a minimum of 30% of the entire development, while no more than 10% of the entire acreage of the development included in the required 30% open space can be Conservancy or A-E zoned land. In any development, no more than 5% of the public open space may be used for public buildings, such as schools, fire stations, municipal buildings, etc.
- (e) In public open space or common open space containing environmentally significant areas, a maximum of 2% of the environmentally significant areas may be used for limited construction of recreational related structures and recreational trails.
- (f) Public open space or common open space shall contain at least 90% green space. Such public open space or common open space shall not be part of individual residential building lots and all but 5% of the open space shall be free of structures and impervious surface. The Zoning Administrator and the Plan Commission may increase as a special exception the maximum requirement in conformance with the overall intent of these provisions while also protecting the public's interest.
- (g) Adequate guarantee shall be provided for permanent retention of the open space resulting from these regulations, either by private reservation for use of the residents within the development or others as may be specifically provided for, i.e.: farmers use of open space, dedication to a public entity or development of a private recreational facility open to the general public in perpetuity for a fee, subject to Plan Commission and Zoning Agency approval. There shall not be any clear cutting or clearing of vegetation other than dead, diseased or dying vegetation or removal of invasive species on any lands being so preserved in public open space or common open space which are considered Primary or Secondary Environmental Corridor or Isolated Natural Areas, as depicted on the Waukesha County

Development Plan, except as provided in (e) for limited trail or recreational related development.

- (h) Perpetual care and maintenance of public open space or common open space shall be provided for by an agreement recorded with the Waukesha County Register of Deeds. Said agreement shall include an operation plan, which shall preserve the natural qualities of the environmentally significant lands. The agreement shall be submitted to and approved by the Plan Commission and the Zoning Administrator and may be subject to review by the Waukesha County Naturalist if required by the Plan Commission and/or the Zoning Administrator and this condition is not satisfied unless all such appropriate approvals are granted.
- (i) Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Plan Commission and Zoning Administrator and made part of the conditions of approval.

SECTION 17

Repeal and recreate Section 3.08(7)(T)1 to read as follows:

(Conditional Use section for Refuse Disposal - corrected the reference to zoning agency, corrected the reference to the Environmental Health Division and added Land Resources Division.)

- 1. The location, building, site plan and plan of restoration shall be submitted to and approved by the Plan Commission, the Zoning Agency, the Waukesha County Department of Parks and Land Use by the Environmental Health Division and Land Resources Division, and the State Department of Natural Resources pursuant to the State solid waste disposal standards.

SECTION 18

Repeal and recreate Section 3.08(7)(T)3 to read to follows:

(Corrected reference to Environmental Health Division.)

- 3. Only sanitary landfill refuse disposal methods, subject to the standards established and enforced by the Waukesha County Department of Parks and Land Use, Environmental Health Division, the Department of Natural Resources and the State Board of Health shall be used. Permission to burn refuse before covering must be specifically included in the zoning permit and may be separately withdrawn at any time the smoke or smell constitutes a health or safety hazard. All garbage must be covered to the specified depth prior to the end of the day during which disposal takes place.

SECTION 19

Repeal and recreate Section 3.08(7)(T)5(b) to read as follows:

(Corrected reference to Environmental Health Division.)

- (b) Offset: No refuse disposal shall take place closer than two hundred (200) feet to any lot line, nor shall refuse disposal take place closer than five hundred (500) feet to any existing dwelling or the site of a dwelling for which a building permit has been issued prior to the application date for the conditional use permit; nor closer than five hundred (500) feet to a district zoned R-1, R-1a, R-2 or R-3 Residential, at the time of the grant of the permit. No refuse disposal shall take place closer than five hundred (500) feet to a permanent business or industrial structure without the written consent of the owner of that adjacent property and the

written approval of the Waukesha County Department of Parks and Land Use, Environmental Health Division and the State Department of Natural Resources.

SECTION 20

Repeal and recreate Section 3.08(7)(T)5(c) to read as follows:

(Corrected reference to zoning agency and Environmental Health Division.)

- (c) Additional Requirements: Restrictions as to the types and sources of refuse, if needed, shall be the responsibility of the Town Board under the advisement of the Waukesha County Department of Parks and Land Use, Environmental Health Division. A planting plan as approved by the Zoning Agency shall be included in the plan of operation.

SECTION 21

Repeal and recreate Section 3.08(7)(W)1 to read as follows:

(Removed the reference to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance as it pertained to different classifications of street types.)

- 1. The parking and the storage of commercial type vehicles, dump trucks, school buses, construction vehicles, semi trailers and tractors may be allowed as long as the vehicle is owned or leased and operated by the owner or occupant of the premises. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or collector street as defined herein.

SECTION 22

Repeal and recreate Section 3.09(2)(A)4 to read as follows:

(Removes the phrase "domesticated" from livestock in the offset provisions for building location. Removes the exception for small enclosures housing normal and usual household pets, just leaving doghouses as an exception.)

- 4. Offsets for buildings housing livestock, fur-bearing animals, pigeons, swine, goats and poultry, shall be not less than fifty (50) feet from an adjacent property line. This does not include doghouses.

SECTION 23

Repeal and recreate Section 3.10 to read as follows:

(Clarified height regulations by eliminating exception for accessory farm buildings because ordinance provides elsewhere that they may be up to 60 feet and added height increase provisions to the maximum height paragraph.)

- (1) Maximum Height Restricted: Maximum height restricted: In any district no building or structure shall hereinafter be erected or structurally altered to a height in excess of that herein specified for the regulations of that district, except the maximum height of any structure or building may be increased by not more than ten (10) feet, provided all required offsets and setbacks are increased by one (1) foot for each foot which said building or structure exceeds the height limit in which the district it is located.

- (2) Exceptions: The following shall be exempt from the height regulations of all districts.

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- (a) Chimneys and flues.
- (b) Subject to approval of the Plan Commission; cooling towers, elevators, bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aerials, and necessary mechanical appurtenances.

SECTION 24

Repeal and recreate Section 3.11(4) to read as follows:

(Clarified that the 3% accessory building regulation could be exceeded in Business and Industrial districts with the approval of the town plan commission and zoning agency. The remainder of the section remains as it was drafted 3/14/06 and presented at the public hearing. This section will be considered for revision in the next set of amendments after the towns have had an opportunity to discuss when plan commission approval is necessary for more than two accessory buildings.)

- (4) **Accessory Buildings and Structures:** The aggregate total floor area of any accessory buildings in any zoning district may not exceed 3% of the total area of the lot nor exceed the floor area ratio requirements of the appropriate zoning district, except the 3% accessory building regulation may be exceeded in business and industrial districts when approved as a special exception by the Plan Commission and Zoning Agency. An attached garage shall not be included in this 3% limitation. Temporary structures must be included within these allowable square footages.

In no case shall more than two accessory buildings be permitted unless approved by the Plan Commission with the following exceptions:

1. On parcels of fifteen (15) acres or more in area, the accessory building areas may be greater than the 3% limit when used solely for the pursuit of agriculture and where the accessory building will house equipment as regulated in Section 3.12(3)(A), and when consistent with the floor area ratio requirements of the Zoning Ordinance.
2. In all Business and Industrial Districts, when approved as part of the plan of operation and site plan review, and where said buildings are used solely accessory to the principal use on said lot.
3. On parcels which are the subject of a conditional use permit and as regulated by the conditional use permit.
4. When a petitioner is proposing more square footage of accessory buildings than the 3% limit allows or as excepted above, the Board of Adjustment may grant a special exception to the above requirement in accordance with the procedure as outlined in Section 19 of this Ordinance. The petitioner must submit a current plat of survey by a registered surveyor indicating all existing buildings on the parcel, their location, total square footages and the number of stories in existing structures and proposed buildings. The Board of Adjustment may require a deed restriction to be recorded prior to issuance of the zoning permit, restricting the use of the oversized accessory buildings to uses accessory to the principal use of the premises and may not allow uses prohibited in the zoning district in which the building is located.

- 5. All accessory buildings shall be constructed in such a way that the exterior appearance is compatible with the design, style, architecture and appearance of the principal structures on the parcel. This determination shall be made by the local building inspector and the Zoning Administrator. In case of dispute, such questions shall be submitted to the Plan Committee and the Zoning Agency for review and approval in accordance with Section 3.04(3). This requirement does not apply to farming operations on more than thirty-five (35) acres.
- 6. In no case shall any accessory building be used for purposes not allowed in the underlying zoning district or as may be authorized by a conditional use permit.
- 7. Where more than two such accessory buildings are proposed, the Plan Commission shall review said structures in light of the provisions of Section 3.04(3) and render a decision to allow or disapprove said structure.

SECTION 25

Repeal and recreate Section 3.16(2)(B) to read as follows:

(Corrected the reference to the Environmental Health Division.)

- (B) The waste disposal facilities and water supply facilities are approved by the Waukesha County Department of Parks and Land Use, Environmental Health Division.

SECTION 26

Repeal and recreate Section 5.01(1)(G) to read as follows:

(Remove "fowl" and the phrase "lowland" before animals.)

- (G) Non-residential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar animals or fish.

SECTION 27

Repeal and recreate Section 6.51(C)(1)A to read as follows:

(Clarifies that single family uses are permitted uses with no need for a conditional use permit in the AD-10 district and a duplex as a two family use requires a conditional use permit in this district.)

A. Residential

- 1. Single family uses.
- 2. Only a duplex as a two family residential use pursuant to issuance of a conditional use permit pursuant to Section 3.08(7)(N) and compliance with the floor area requirements contained herein.

SECTION 28

Repeal and recreate Section 6.63(2)(B) to read as follows:

(Removes phrase "domestic" from livestock and removes misspelled word of "foul." Adds the exception for doghouses and removes the exception for household type pets.)

- (B) Not less than fifty (50) feet from an adjacent property line for any building housing livestock, poultry or other animals. This does not include doghouses.

SECTION 29

Repeal and recreate Section 6.72(1)(C) to read as follows:

(Remove the phrase "domestic" from livestock.)

- (C) Keeping of poultry and livestock, except that the keeping of hogs, male goats or fur-bearing animals shall not be permitted on less than twenty (20) acres.

SECTION 30

Repeal and recreate Section 6.72(1)(D)3 to read as follows:

(Remove phrase "domestic" from livestock and remove typographical error. Makes section consistent with other sections by referencing adjacent property line.)

- 3. Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.

SECTION 31

Repeal and recreate Section 7.01(C) to read as follows:

(Remove the phrase "domestic" from livestock.)

- (C) General farming on not less than five (5) acres of land, including the keeping of poultry and livestock, except that the keeping of hogs, male goats or fur-bearing animals shall not be permitted on less than twenty (20) acres.

SECTION 32

Repeal and recreate Section 7.01(E)4 to read as follows:

(Remove the phrase "domestic" from livestock. added poultry.)

- 4. Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.

SECTION 33

Repeal and recreate Section 8.01(1)(A) to read as follows:

(A-2 Rural Home District. Clarified the minimum number of livestock or poultry on 3 acre lots and eliminated the requirement on a nonconforming use of having the permission of property owners within 300 feet.)

- A. Any use permitted in the A-1 Agricultural District, except that the keeping of poultry or livestock shall not be permitted on any lot less than three (3) acres. There shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land. There may be one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land. All lands to be utilized for the keeping of livestock or poultry must be under the same ownership or additional leased lands may be used to increase the maximum permitted livestock or poultry if contiguous to the owners' property. Where such use lawfully existed prior to the date of this Ordinance, such use

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may be continued subject to the limitations regulating non-conforming use as regulated in Section 3.17(2)(B) of this Ordinance.

SECTION 34

Repeal Section 8A.01(1)(A) and create section 8A.01 to read as follows:

(A-3 Suburban Estate District. Cross-references the permitted uses back to A-2 Rural Home District.)

8a.01 Use Regulations – Permitted Uses

Any use as permitted in the A-2 Rural Home District.

SECTION 35

Repeal and recreate Section 9.01(1)(A) to read as follows:

(R-1 Residential District. Cross-references the permitted uses back to A-2 Rural Home District.)

(A) Any use as permitted in the A-2 Rural Home District.

WAUKESHA COUNTY BOARD OF SUPERVISORS

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DATE-06/13/06

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| 1 K. HERRO.....AYE | 2 R. THELEN.....AYE |
| 3 T. ROLFS..... | 4 R. HUTTON.....AYE |
| 5 J. MARCHESE.....AYE | 6 D. BROESCH.....AYE |
| 7 J. JESKEWITZ.....AYE | 8 J. DWYER.....AYE |
| 9 P. HAUKOHL.....AYE | 10 S. WOLFF.....AYE |
| 11 K. HARENDA.....AYE | 12 T. SCHELLINGER....AYE |
| 13 J. MORRIS.....AYE | 14 A. KALLIN.....AYE |
| 15 D. SWAN.....AYE | 16 R. STEVENS.....AYE |
| 17 J. BEHREND.....AYE | 18 B. MORRIS.....AYE |
| 19 W. MITCHELL..... | 20 P. WOLFF.....AYE |
| 21 W. KOLB.....AYE | 22 G. BRUCE.....AYE |
| 23 J. TORTOMASI.....AYE | 24 B. KRAMER.....AYE |
| 25 K. CUMMINGS.....AYE | 26 F. RUF.....AYE |
| 27 D. PAULSON.....AYE | 28 P. JASKE.....AYE |
| 29 T. BULLERMANN..... | 30 K. NILSON.....AYE |
| 31 V. STROUD.....AYE | 32 P. GUNDRUM..... |
| 33 K. HAMMIT.....AYE | 34 R. SINGERT.....AYE |
| 35 P. MEYER.....AYE | |

TOTAL AYES-31

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-31