

ENROLLED ORDINANCE 167-23

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE BY REPEALING AND RECREATING SECTION 27(d) AND 27(e)  
RELATING TO OFFSET AND HEIGHT FOR ACCESSORY BUILDINGS IN  
THE P-I PUBLIC AND INSTITUTIONAL DISTRICT (SZ-1459G)

WHEREAS the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Sections 59.69 and 59.692, Wisconsin Statutes; and

WHEREAS, the Waukesha County Department of Parks and Land Use, Planning and Zoning Division Staff is in the process of undertaking a review of the current Shoreland and Floodland Protection Ordinance and have recommended certain amendments to the Ordinance; and

WHEREAS, the proposed amendments have been the subject of a public hearing held on June 21, 2012, following the notice and procedures of Sections 59.69 and 59.692, 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 June 21, 2012; and

WHEREAS, the proposed amendments are on file in the Waukesha County Department of Parks and Land Use, Room AC 230, 515 W. Moreland Blvd., 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 ORDAINS that the text of the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended in accordance with the proposed amendments adopted by the Land Use, Parks and Environment Committee and on file with the Waukesha County Department of Parks and Land Use and the Waukesha County Clerk.

BE IT FURTHER ORDAINED that this Ordinance shall be come effective upon passage and publication.

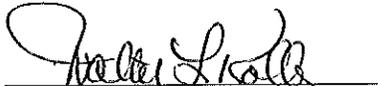
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

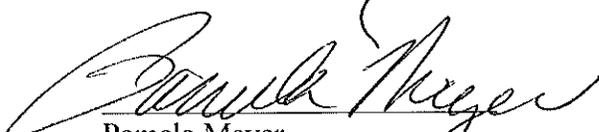
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
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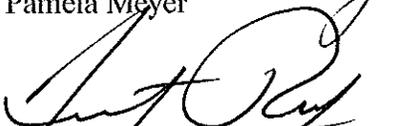
Presented by:  
Land Use, Parks, and Environment Committee

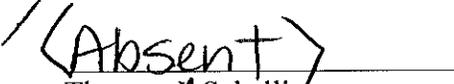
  
James A. Heinrich, Chair

  
Jim Batzko

  
Walter L. Kolb

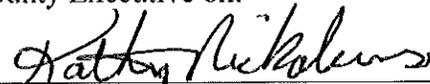
  
Pamela Meyer

  
Fritz Ruf

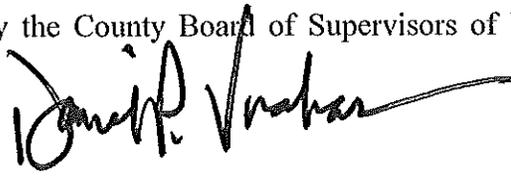
  
(Absent)  
Thomas J. Schellinger

  
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: 7-27-12,   
Kathy Nickolaus, County Clerk

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

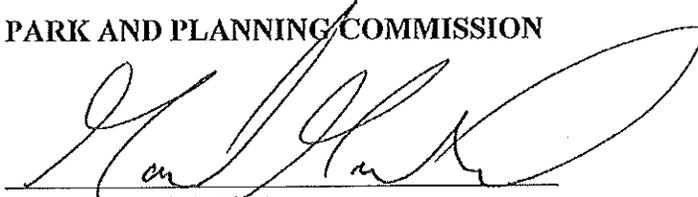
Approved: X  
Vetoed: \_\_\_\_\_  
Date: 7-30-12,   
Daniel P. Vrakas, County Executive

COMMISSION ACTION

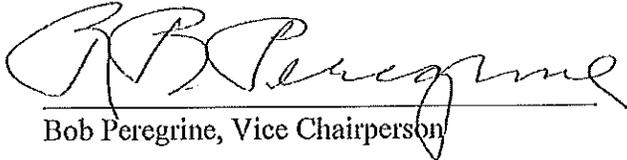
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of SZ-1459G (Text Amendments) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 21, 2012



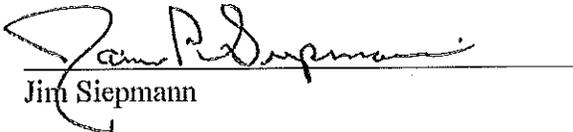
Gary Goodchild, Chairperson



Bob Peregrine, Vice Chairperson



William Mitchell



Jim Siepmann



Walter Kolb



Pat Haukohl



Fritz Ruf

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENTS**  
**WAUKESHA COUNTY ZONING CODE**  
**WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE**

**FILE NOS:** CZ-1459F and SZ-1459G

**DATE:** June 21, 2012

**PETITIONER:** Town of Genesee

**REQUEST:**

Text amendments to the Waukesha County Zoning Code (ZC) which applies in the Towns of Genesee, Oconomowoc, Ottawa, and Vernon; and the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) which applies in all Towns within 1,000 feet of any lake or pond, 300 feet of a river or stream or the landward side of the floodplain which ever is greater, as they relate to offset and height for accessory (other) buildings in the P-I Public and Institutional District. Another amendment is being proposed only in the ZC to add the B-2 Local Business District to the list of zoning districts in the Multi-Family Units Conditional Use section.

**PUBLIC HEARING DATE:** June 21, 2012

**PUBLIC REACTION:**

Any public comments received today will be recorded and forwarded to the Land Use, Parks and Environment Committee, the County Board and the County Executive.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTIONS:**

Each of the four towns subject to the Waukesha County Zoning Code have provided letters of support for the proposed amendments.

**STAFF ANALYSIS:**

The proposed text amendments are being requested by the Town of Genesee Administrator/Planner, Jeff Herrmann, in order to assist in resolving development issues that have surfaced recently with a couple of proposed development projects. Specifically, the Town of Genesee, in investigating possible locations for a new service building within a Town Park, approached Planning and Zoning Division Staff as to whether staff would support a variance for offset relief for the proposed building. The Planning and Zoning Division Staff suggested that an ordinance amendment might be more appropriate, as staff agreed that a 50' offset for accessory structures within the P-I Public and Institutional District seems too restrictive. Most other zoning districts currently require an offset of between 10' and 20' for accessory structures. The Planning and Zoning Division Staff felt that a text change would not only benefit the proposed town building but could also ease accessory building restrictions related to such uses as churches or schools.

The proposal would reduce accessory building offset to a minimum of 30'. The proposed accessory building height change would also apply solely to the P-I District and would alter the maximum height of such buildings from 15' to 20'. Several residential zoning districts allow for an 18' maximum height, so such a proposed change is not a significant departure from existing code provisions. The accessory building offset and height changes would apply in both the ZC and the SFPO.

The other amendment being proposed is a change to the ZC to add the B-2 Local Business District to the list of zoning districts in the Multi-Family Units Conditional Use section. This amendment was adopted in the SFPO in 2010. This request came about because a property owner of a two story building in Genesee Depot wished to convert second floor space into two apartment units above existing commercial space. County and Town staff discussed and agreed that allowing for mixed use buildings within the B-2 District is within the spirit of the County and Town Plans in promoting mixed use development. Furthermore, Waukesha County had previously amended the SFPO to allow for multi-family use within the parallel B-2 District and such a change was already being contemplated for future ZC amendments. The Town's proposed ordinance amendments are attached as Exhibit "A". Staff has proposed minor modifications to ensure that the amendment language in the Waukesha County Zoning Code matches the Waukesha County Shoreland and Floodland Protection Ordinance. Those changes are identified in red on the attached Exhibit "B".

**STAFF RECOMMENDATION:**

It is the opinion of the Waukesha County Planning and Zoning Division Staff that the zoning text amendments to the Waukesha County Zoning Code (ZC) and the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) be approved as depicted on Exhibit "B" subject to final review and approval of the Waukesha County Corporation Counsel's office. These amendments serve as improvements to the two ordinances that will have more practical height and offset regulations for accessory buildings in the Public and Institutional (P-I) District and will serve to provide consistency between the Multi Family Conditional Use section of the two zoning ordinances while further promoting mixed-use development.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachment: Exhibits "A" and "B"

AMENDMENT TO THE WAUKESHA COUNTY SHORELAND & FLOODLAND  
PROTECTION ORDINANCE

SECTION 1

Repeal and Recreate Section 27 (d) & (e) to read as follows:

(d) **Building Location:**

1. Setbacks – Fifty (50) feet minimum.
2. Shore Setback – Seventy-five (75) feet minimum.
3. Conservancy Setback – Seventy-five (75) feet minimum.
4. Offset:
  - (A) Principal Building – Fifty (50) feet minimum.
  - (B) Accessory Building – Thirty (30) feet minimum.

(e) **Height Regulations:**

1. Principal Buildings: Thirty-five (35) foot maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of each apparatus' availability from the community providing the fire and emergency services to or for the subject parcel is filed with the Town Building Inspector and the County Zoning Administrator prior to the issuance of a Zoning Permit, in which event the maximum height of a principal building on the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Farm Buildings: Sixty (60) feet maximum.
3. Other: Twenty (20) feet maximum.

AMENDMENT TO THE WAUKESHA COUNTY ZONING CODE

**SECTION 1**

**Repeal and Recreate Section 12.04 to read as follows:**

**Section 12.04 Building Location:**

1. Setbacks – Fifty (50) feet minimum.
2. Shore Setback – Seventy-five (75) feet minimum.
3. Conservancy Setback – Seventy-five (75) feet minimum.
4. Offset:
  - (A) Principal Building – Fifty (50) feet minimum.
  - (B) Accessory Building – Thirty (30) feet minimum.

**SECTION 2**

**Repeal and Recreate Section 12.05 to read as follows:**

**Section 12.05 Height Regulations.**

1. Principal Buildings: Thirty-five (35) foot maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of each apparatus' availability from the community providing the fire and emergency services to or for the subject parcel is filed with the Town Building Inspector and the County Zoning Administrator prior to the issuance of a Zoning Permit, in which event the maximum height of a principal building on the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Farm Buildings: Sixty (60) feet maximum.
3. Other: Twenty (20) feet maximum.

**SECTION 3**

**Repeal and Recreate Section 3.08 (7)(N) to read as follows:**

**Section 3.08 (7)(N) Multiple Family Units:**

- (N) Multiple Family Units: In the R-3 Residential District, B-1 Restricted Business District, B-2 Local Business District, AD-10 Agricultural Density District, RRD-5 Rural Residential Density District, A-5 Mini Farm District or in a Planned Unit Development which may be allowed pursuant to Section 3.08(7)(P) of this Ordinance subject to the following:
1. Only a duplex (2-family residential use) may be allowed in the AD-10 Agricultural Density District and the RRD-5 Rural Density District.

2. A duplex (2-family residential use) may be allowed in a A-5 Mini Farm District, but only if the duplex is proposed to be made by conversion of a farm dwelling that existed at the time of the adoption of this original Ordinance (February 26, 1959).
3. The location and building plans, and a Site Plan and Plan of Operation shall be submitted to and approved by the plan commission and zoning agency.
4. The minimum lot area shall be determined by the number of units to be constructed. The number of units shall be based on a density of one (1) unit for each fifteen thousand (15,000) square feet of land area, exclusive of wetlands or 100 Year Floodplain or lands zoned C-1. Where the use will be served by municipal sewerage facilities, the density requirements can be reduced to a minimum of ten thousand (10,000) square feet per unit and eight thousand (8,000) square feet if both municipal sewer and water service is available. The density may be further increased if the requirements of Section 3.06(5)(A) are met. The width of the lot shall be increased as the size of the lot increases in order to avoid excessively long and narrow lots and shall, however, be no less than one hundred and eighty (180) feet in width. The amount of green space on the property, exclusive of parking areas, driveways, roads and other paved or impervious areas, shall be five thousand (5,000) square feet per unit.
5. The manner in which the units are to be serviced with sewerage disposal is subject to approval by the State Department of Commerce and the Waukesha County Department of Parks and Land Use, Environmental Health Division prior to any approval of the proposed conditional use by the plan commission and zoning agency.
6. The minimum floor area per unit shall be nine hundred (900) square feet for one-bedroom units, one thousand (1,000) square feet for two-bedroom units, and one thousand one hundred (1,100) square feet for three-bedroom units.
7. The plan commission or zoning agency may require architectural review of the project.
8. There shall be at least two (2) off-street parking spaces for each dwelling unit. The location and arrangement of these spaces is subject to the approval of the plan commission and the zoning agency.
9. The offset, setback and landscaping requirements are subject to approval of the plan commission and the zoning agency. However, the offsets shall be no less than twenty (20) feet from any lot line of an adjoining lot in a residential district. The setback minimum shall be fifty (50) feet. Additional height may be permitted if the offset and setback requirements are increased by one (1) foot for each additional one (1) foot in height beyond thirty-five (35) feet.

AMENDMENT TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE

SECTION 1

Repeal and Recreate Section 27 (d) and (e) of the P-1 Public and Institutional District to read as follows:

(d) Building Location

1. Setback: Fifty (50) feet minimum.
2. Shore setback: Seventy-five (75) feet minimum.
3. Conservancy District Setback: Seventy-five (75) feet minimum.
4. Offset: Fifty (50) feet minimum.
  - (A) Principal Building: Fifty (50) feet minimum.
  - (B) Accessory Building: Thirty (30) feet minimum.



(e) Height Regulations

1. Principal Buildings: Thirty-five (35) foot maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the community providing fire and emergency services to or for the subject parcel is filed with the Town Building Inspector and the County Zoning Administrator prior to the issuance of a Zoning Permit, in which event the maximum height of a principal building in the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Farm Buildings: Sixty (60) feet maximum.
3. Accessory Buildings/Other: ~~Fifteen (15)~~ Twenty (20) feet maximum.

AMENDMENTS TO THE WAUKESHA COUNTY ZONING CODE

SECTION 1

Repeal and Recreate Section 12.04 of the P-I Public and Institutional District to read as follows:

Section 12.04 Building Location.

1. Setbacks - Fifty (50) feet minimum.
2. Shore setback - Seventy-five (75) feet minimum.
3. Conservancy District-Setback - Seventy-five (75) feet minimum.
4. Offset - Fifty (50) feet minimum.
  - (A) Principal Building - Fifty (50) feet minimum.
  - (B) Accessory Building - Thirty (30) feet minimum.

SECTION 2

Repeal and Recreate Section 12.05 of the P-I Public and Institutional District to read as follows:

Section 12.05 Height Regulations.

1. Principal Buildings - Thirty-five (35) foot maximum, unless fire and emergency apparatus adequate to service a taller building is available to service the building on the subject parcel and verification of such apparatus' availability from the community providing fire and emergency services to or for the subject parcel is filed with the Town Building Inspector and the County Zoning Administrator prior to the issuance of a zoning permit, in which event the maximum height of a principal building on the subject parcel shall be the maximum height which such available apparatus can service (but such maximum height shall not be greater than sixty (60) feet).
2. Farm Buildings - Sixty (60) feet maximum.
3. Accessory Buildings~~Other~~ - ~~Fifteen (15)~~ Twenty (20) feet maximum.

**SECTION 3**

**Repeal and Recreate Section 3.08 (7)(N) Multi Family Units of the Conditional Use section to read as follows:**

**Section 3.08 (7)(N) Multi Family Units:**

(N) Multiple Family Units: In the R-3 Residential District, B-1 Restricted Business District, B-2 Local Business District, AD-10 Agricultural Density District, RRD-5 Rural Residential Density District, A-5 Mini Farm District or in a Planned Unit Development which may be allowed pursuant to Section 3.08(7)(P) of this Ordinance subject to the following:

1. Only a duplex (2-family residential use) may be allowed in the AD-10 Agricultural Density District and the RRD-5 Rural Residential Density District.
2. Only a duplex (2-family residential use) may be allowed in an A-5 Mini Farm District, but ~~and~~ only if the duplex is proposed to be made by conversion of a farm dwelling that existed at the time of the adoption of this original Ordinance (February 26, 1959).
3. The location and building plans, and a Site Plan and Plan of Operation shall be submitted to and approved by the plan commission and zoning agency.
4. The minimum lot area shall be determined by the number of units to be constructed. The number of units shall be based on a density of one (1) unit for each fifteen thousand (15,000) square feet of land area, exclusive of wetlands or 100 Year Floodplain or lands zoned C-1. Where the use will be served by municipal sewerage and water facilities, the density requirements can be reduced to a minimum of ten thousand five hundred (10,0500) square feet per unit and eight nine thousand (89,000) square feet if both municipal sewer and water service is available. ~~The density may be further increased if the requirements of Section 3.06(5)(A) are met.~~ The width of the lot shall be increased as the size of the lot increases in order to avoid excessively long and narrow lots and shall, however, be no less than one hundred and eighty (180) feet in width. The amount of green space on the property, exclusive of parking areas, driveways, roads and other paved or impervious areas, shall be five thousand (5,000) square feet per unit.
5. The manner in which the units are to be serviced with sewerage disposal is subject to approval by the State Department of Commerce and the Waukesha County Department of Parks and Land Use, Environmental Health Division prior to any approval of the proposed conditional use by the plan commission and zoning agency.

6. The minimum floor area per unit shall be nine hundred (900) square feet for one-bedroom units, one thousand (1,000) square feet for two-bedroom units, and one thousand one hundred (1,100) square feet for three-bedroom units.
7. The plan commission or zoning agency may require architectural review of the project.
8. There shall be at least two (2) off-street parking spaces for each dwelling unit. The location and arrangement of these spaces is subject to the approval of the plan commission and the zoning agency.
9. The offset, setback and landscaping requirements are subject to approval of the plan commission and the zoning agency. However, the offset requirements shall not be reduced to be no less than twenty (20) feet from any lot line of an adjoining lot in a residential district. The road setback minimum shall be fifty (50) feet. The maximum height shall not exceed thirty five (35) feet. Additional height may be permitted if the offset and setback requirements are increased by one (1) foot for each additional one (1) foot in height beyond thirty-five (35) feet.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/24/12

(ORD) NUMBER-1670023

1 C. SLATTERY.....AYE  
3 R. MORRIS.....AYE  
5 J. BRANDTJEN.....AYE  
7 J. GRANT.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 W. KOLB.....AYE  
17 D. PAULSON.....AYE  
19 C. CUMMINGS.....AYE  
21 W. ZABOROWSKI.....AYE  
23 K. HAMMITT.....AYE  
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE  
4 J. BATZKO.....AYE  
6 J. JESKEWITZ.....  
8 P. HAUKOHL.....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 P. MEYER.....AYE  
16 M. CROWLEY.....AYE  
18 L. NELSON.....AYE  
20 T. SCHELLINGER....AYE  
22 P. JASKE.....AYE  
24 D. DRAEGER.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED   X  

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-24