

ENROLLED ORDINANCE 172-041

REPEAL AND RECREATE THE
TOWN OF WAUKESHA ZONING CODE AND
DISTRICT ZONING MAP
(ZT-1847)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Waukesha Town Board on August 10, 2017; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.


THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text and map of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on June 24, 1979, and repealed and recreated on August 10, 2017, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference ZT-1847, is hereby approved.


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


BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

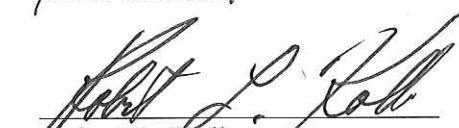
REPEAL AND RECREATE THE TOWN OF WAUKESHA ZONING CODE AND DISTRICT
ZONING MAP (ZT-1847)

Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair



Kathleen M. Cummings


Keith Hammitt



Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 10/24/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

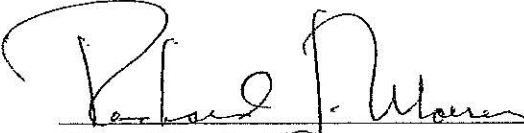
Date: 10/30/17, 
Paul Farrow, County Executive

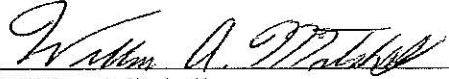
COMMISSION ACTION

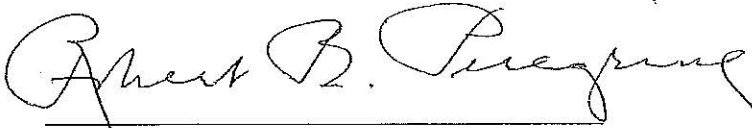
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code and Map hereby recommends approval of ZT-1847 (Town of Waukesha Board) in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

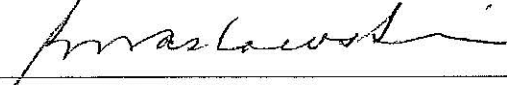
September 21, 2017


Richard Morris, Chairperson


William Mitchell


Robert Peregrine


James Siepmann


William Maslowski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
MAP AND TEXT AMENDMENTS

DATE: September 21, 2017

FILE NO.: ZT-1847

PETITIONER: Town of Waukesha Board
W250 S3567 Center Road
Waukesha, WI 53189

NATURE OF REQUEST:
Repeal and re-create Section 13, Town of Waukesha Zoning Code and Zoning Map.

PUBLIC HEARING DATE:
August 10, 2017.

PUBLIC REACTION:
One person asked questions as to how the public can go about recommending additional changes to land use and zoning codes. She expressed a preference to have the Town review storm water early in the process. She also stated that wetlands and isolated natural resource areas should be identified early.

TOWN PLAN COMMISSION:
At their August 10, 2017, the Town of Waukesha Plan Commission recommended approval of the proposed amendments to the Town Board.

TOWN BOARD ACTION:
At their August 10, 2017, the Town of Waukesha Board approved the proposed amendments.

OTHER CONSIDERATIONS:
The Town of Waukesha has been working on comprehensive amendments to the text and map of the Town Zoning Code for some time. The amendments are intended to address recent statutory changes, modernize provisions based upon new use trends and accommodate new use trends. The proposed text amendments include a fairly broad range of topics described as follows:

- Replaces floor area ratio with building footprint scheme for building area requirements, consistent with recently revised County Codes.
- Site Plan, architectural review and landscaping sections enhanced to provide more guidance to applicants regarding application requirements.
- Statutory references updated.
- Accommodations created for persons with disabilities.
- Modified provisions for off-street parking of commercial vehicles and trailers and RVs and campers.
- Signage regulations modernized to address recent statutory changes regarding regulation of content.
- Natural resource zoning districts converted and mapped to overlay districts, consistent with County Code, which will make most current inventories easier to incorporate.
- Create and map a High Groundwater District.

- New conditional use accommodations added for parking of commercial vehicles, event venues and off-site parking lots.
- Multi-family dwelling unit sizes reduced to be consistent with County Code and SEWRPC recommendations.
- Wetland buffer eliminated in favor of wetland setbacks and wetland averaging provisions.
- Building height modifications to match County Code.

The Town is proposing to incorporate a number of changes to its code that will mirror the recently updated County codes, thus leveraging the work of the Shoreland Advisory Committee last year. This helps create a consistent code framework for properties that are split between Town and County Shoreland jurisdiction. Proposed building area and height provisions are being modernized to match the County scheme. The replacement of floor area ratio regulations greatly simplifies the code and eases area constraints on smaller lots.

The Town's Zoning Map had become out of date relative to natural resource boundaries, such as wetlands, which was making administration cumbersome for Town Staff. The availability of the new map will enable the town zoning layer on the Waukesha Internet Mapping Site to be immediately updated.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments update and modernize numerous zoning provisions and the Town Zoning Map, consistent with Town and County plan recommendations.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning Manager

Attachments: Town Ordinance (2017-03),
Map available at www.waukeshacounty.gov/planningandzoning,
Text amendments available for viewing in Planning & Zoning Office or upon request.

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WAUKESHA COUNTY

ORDINANCE NO. 2017-03

**AN ORDINANCE TO REPEAL AND RE-CREATE TITLE 13
OF THE TOWN OF WAUKESHA MUNICIPAL CODE
ENTITLED, "ZONING" AND THE ZONING MAP
INCORPORATED THEREIN**

WHEREAS, the Town of Waukesha has regulated zoning within the Town since approximately September 22, 1948; and

WHEREAS, the Town of Waukesha Zoning Code has not been subject to a comprehensive amendment since approximately July 24, 1979; and

WHEREAS, the Town of Waukesha Plan Commission, in conjunction with Town staff has reviewed the entire Town of Waukesha Zoning Code, with the intent of updating internal Code references, updating references to amended State laws as necessary, bringing the Code into compliance with current best practices and recommendations, and ensuring that the Zoning Code reflects the current intentions of the Town of Waukesha Town Plan Commission and Town Board; and

WHEREAS, the Town Clerk upon due notice as required by Sections 13-2-22(d)(1) and 13-2-23(b) of the Village Code and applicable State laws duly scheduled a public hearing and gave notice thereof, and the public hearing was duly held on August 10, 2017; and

WHEREAS, upon completion of the public hearing, the Plan Commission considered the testimony of the public hearing along with other pertinent information and made a recommendation to the Town Board concerning the proposed amendments to the Town Zoning Code and Zoning Map; and

WHEREAS, the Town Board has carefully considered the Plan Commission's recommendation; and

WHEREAS, the Town Board finds that this change to the Town's Zoning Code and Zoning Map could be interpreted at least in part to be a "Down Zoning Ordinance" as described in Wisconsin Statutes §66.10015, and therefore this Ordinance is subject to the super-majority voting requirement described in said statute; and

WHEREAS, the repeal and re-creation of Title 13 of the Town of Waukesha Zoning Code and Zoning Map is intended to constitute a continuation of existing provisions of the Town of Waukesha Zoning Code and Zoning Map to the extent they are not modified hereby; and

WHEREAS, the Town Board of the Town of Waukesha having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor and others, hereby determined that these

Zoning Amendments will not be contrary to the public health, safety or general welfare of the Town of Waukesha, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town of Waukesha Comprehensive Plan, and appropriately updates the Town of Waukesha Zoning Code and Zoning Map for the future.

NOW THEREFORE, the Town Board for the Town of Waukesha, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1. Title 13 of the Town of Waukesha Municipal Code entitled "Zoning," is hereby repealed and re-created in the form shown in Exhibit A that is attached hereto and incorporated herein by reference. Text that is shown in strikeout markings is deleted. Text that is shown in underline is added.

SECTION 2. The Zoning Map of the Town of Waukesha that is referenced and incorporated in the above-noted Title 13 of the Town of Waukesha Municipal Code in Section 13-3-2(a) is hereby adopted in the form attached hereto as Exhibit B. Any conflicting prior Zoning Map of the Town of Waukesha is hereby repealed.

SECTION 3. CONTINUATION OF EXISTING PROVISIONS

The provisions of this ordinance and map, to the extent that they are substantively the same as those of the ordinances and maps in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and map and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances and maps. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provision to that extent is stayed pending the final resolution of such actions, including appeals.

SECTION 4. SEVERABILITY.

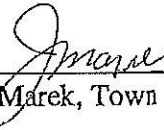
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5. EFFECTIVE DATE.


This ordinance shall take effect immediately upon passage and posting or publication as provided by law, upon the approval of the Waukesha County Board as required by Wisconsin Statutes §60.62(3)(b).

Passed and approved this 10th day of August, 2017.

TOWN OF WAUKESHA, WI

By: 
John Marek, Town Chairman

ATTEST:


Kathy Nickolaus, Town Clerk-Treasurer

D1 - Kolb	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	(2) AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Zaborowski	AYE
D9 - Heinrich	AYE	D22 - Wysocki	Notified
D10 - Swan	AYE	D23 - Hammitt	Notified
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		
172-0-041	Passed (23 Y - 0 N - 2 Absent)	Majority Vote	>