

ENROLLED ORDINANCE 178-30

AMEND THE TEXT OF SECTION 3.12 OF THE WAUKESHA COUNTY ZONING CODE  
TO REMOVE REFERENCES TO THE DOWNTOWN OKAUCHEE DISTRICT AND THE  
EXISTING FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT  
(RZ120)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning Code (Zoning Code) on February 26, 1959; and

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

WHEREAS, in 2019, Enrolled Ordinance 174-07 amended the Waukesha County Shoreland and Floodland Protection Ordinance (Shoreland Ordinance) to, in part, create the Downtown Okauchee District (DOD); and

WHEREAS, in 2019, substantially parallel amendments to various provisions of the Zoning Code were also adopted in Enrolled Ordinance 174-08 to ensure consistency with state law changes and to ensure consistency between both zoning ordinances; and

WHEREAS, a corrective ordinance is now needed to the Zoning Code, Section 3.12, regarding Off-Street parking because during the 2019 amendments, there were four references to the DOD or the Existing Floodplain Development Overlay District (EFD) which were inadvertently listed in Sec. 3.12 of the Zoning Code, but are in error as those districts only exist in the Shoreland Ordinance; and

WHEREAS, the Waukesha County Park and Planning Commission 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 corrective ordinance be approved.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Sec. 3.12 (3) of the Zoning Code be repealed and recreated to read:

- (3) Location.  
The following locational standards apply to all Districts.
  - (A) Offset. In any off-street parking area, no vehicle shall be allowed to park closer than ten (10) feet to the abutting lot line.
  - (B) Setback. No vehicle shall be parked closer than ten (10) feet to the Base Setback Line.
  - (C) Where a development pattern exists with parking located at the rear of Buildings, such as small downtown settings, parking shall be located to the side and rear of Buildings to the greatest extent practicable.

BE IT FURTHER ORDAINED that Sec. 3.12 (4)(A).5.c.ii of the Zoning Code be repealed.

BE IT FURTHER ORDAINED that Sec. 3.12 (6)B.ii of the Zoning Code be repealed and recreated to read:

- ii. A Recreational Vehicle may not be parked within the C-1 Conservancy Overlay District.

BE IT FURTHER ORDAINED Sec. 3.12 (7)B of the Zoning Code be repealed and recreated to read:

- B. A Conditional Use Permit pursuant to Section 3.08(7)(W) may be sought to permit the parking of commercial or industrial-type vehicles in any zoning district except the C-1 Conservancy Overlay or EC Environmental Corridor Overlay Districts. In the B-3, Q-1, M-1, M-2 and P-I Districts where such vehicles are accessory to an otherwise permitted business, industrial, public and institutional, or quarrying use, a Conditional Use Permit will not be required and there are no limitations as to the number of such vehicles which may be parked on the property except as may be hereinafter established under the provisions of the applicable zoning district, or the approved Conditional Use or site plan/plan of operation.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and incorporated in the Waukesha County Code of Ordinances and may be appropriately renumbered to conform to the numbering system contained therein.

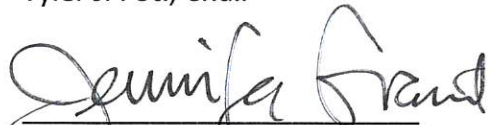
AMEND THE TEXT OF SECTION 3.12 OF THE WAUKESHA COUNTY ZONING CODE TO REMOVE REFERENCES TO THE DOWNTOWN OKAUCHEE DISTRICT AND THE EXISTING FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT (RZ120)

Presented by:

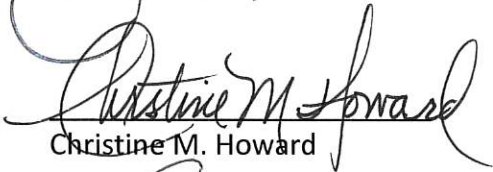
Land Use, Parks, and Environment Committee



Tyler J. Foti, Chair



Jennifer Grant



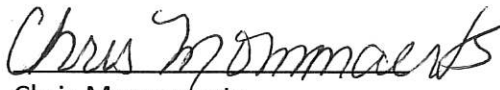
Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: July 31 2023, Margaret Wartman

Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7/31/2023, Paul Farrow

Paul Farrow, County Executive

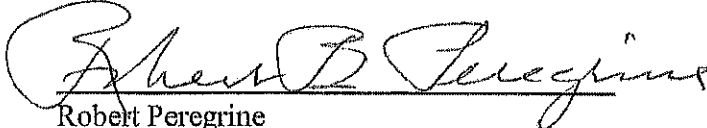
COMMISSION ACTION

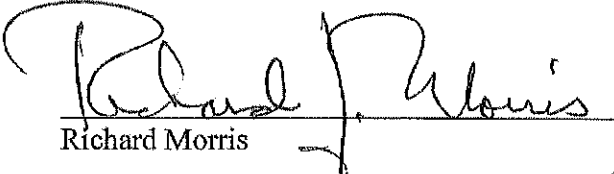
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends **approval** of **(RZ120 Waukesha County Park and Planning Commission – ZC Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”

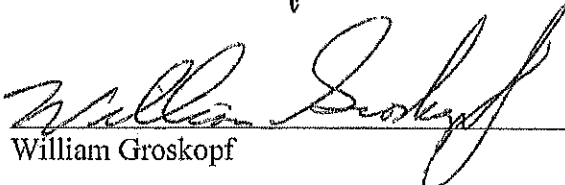
PARK AND PLANNING COMMISSION

June 15, 2023

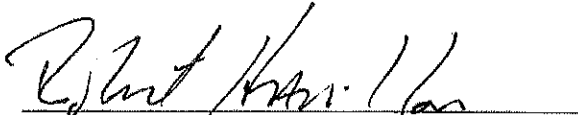
  
James Siepmann, Chairperson

  
Robert Peregrine

  
Richard Morris

  
William Groskopf

Absent  
Gary Szpara

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENTS TO THE**  
**WAUKESHA COUNTY ZONING CODE**

**FILE NO.:** RZ120  
**DATE:** June 15, 2023  
**PETITIONER:** Waukesha County Park and Planning Commission

**REQUEST:**

Text amendments to amend Section 3.12 of the Waukesha County Zoning Code to remove erroneous text references to the Downtown Okauchee District and the Existing Floodplain Development Overlay District from the off-street parking section of the code.

**PUBLIC HEARING DATE:** June 15, 2023

**STAFF ANALYSIS:**

In 2018, the staff of the Waukesha County Planning and Zoning Division began a set of comprehensive text amendments and codification effort related to the keeping of animals on certain properties in Waukesha County.

Likewise, at about the same time, other staff in the Division began another set of comprehensive text amendments and codification effort establishing a new Downtown Okauchee District (DOD) and related provisions.

In 2019, these parallel sets of amendments were adopted by the County Board to ensure consistency with state law changes and to ensure consistency between both the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance.

However, four references to either the DOD or the Existing Floodplain Development Overlay District (EFD) were later observed and determined to have been inadvertently listed in Section 3.12 of the Waukesha County Zoning Code, which is in error as those districts only exist in the Waukesha County Shoreland and Floodland Protection Ordinance.

Therefore, a corrective ordinance to the Zoning Code, Section 3.12, regarding Off-Street parking now needs to be adopted. Specifically:

Section 3.12(3) of the Zoning Code shall be repealed and recreated to read as follows:

- (3) Location.  
The following locational standards apply to all Districts. ~~with the exception of the Downtown Okauchee District (DOD)\*. Parking within the DOD District\* must comply with the unique parking locational requirements of Section 33(i) of this Ordinance.~~
- (A) Offset. In any off-street parking area, no vehicle shall be allowed to park closer than ten (10) feet to the abutting lot line.
- (B) Setback. No vehicle shall be parked closer than ten (10) feet to the Base Setback Line.

- (C) Where a development pattern exists with parking located at the rear of Buildings, such as small downtown settings, parking shall be located to the side and rear of Buildings to the greatest extent practicable.

*(Editor's Note: \* The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(4)(A).5.c.ii of the Zoning Code shall be repealed as follows:

- ii. ~~The height is limited to 15 feet in the DOD Downtown Okauchee District\*. A waiver with a maximum height of 25 feet can be granted by the Zoning Administrator based on site and surrounding conditions.~~

*(Editor's Note: \* The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(6)B.ii of the Zoning Code shall be repealed and recreated to read as follows:

- ii. A Recreational Vehicle may not be parked within the C-1 Conservancy Overlay District. ~~A Recreational Vehicle, which is parked in an Existing Floodplain Development Overlay District (EFD)\*, must be fully licensed, operable and ready for highway use. A Recreational Vehicle is ready for highway use when it is on wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.~~

*Editor's Note: \* The Existing Floodplain Development Overlay District (EFD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(7)B of the Zoning Code be repealed and recreated to read as follows:

- B. A Conditional Use Permit pursuant to Section 3.08(7)(W) may be sought to permit the parking of commercial or industrial-type vehicles in any zoning district except the C-1 Conservancy Overlay, or EC Environmental Corridor Overlay Districts ~~or DOD Downtown Okauchee District\*~~. In the B-3, Q-1, M-1, M-2 and P-I Districts where such vehicles are accessory to an otherwise permitted business, industrial, public and institutional, or quarrying use, a Conditional Use Permit will not be required and there are no limitations as to the number of such vehicles which may be parked on the property except as may be hereinafter established under the provisions of the applicable zoning district, or the approved Conditional Use or site plan/plan of operation.

*Editor's Note: \* The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective*

~~ordinance will be forthcoming. The Editor also corrected reference to 3.08(7)(W) in this subsection.)~~

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The text amendments to Section 3.12 of the Waukesha County Zoning Code will remove erroneous references to the Downtown Okauchee District and the Existing Floodplain Development Overlay District. The amendments are necessary as those districts only exist within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance and the amendments will enable the Zoning Code to exist without these references.

Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Senior Planner

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## VOTE RESULTS

23 YES

0 NO

0 ABSTAIN

2 ABSENT

### Ordinance 178-O-030

Ordinance 178-O-030: Amend the Text of Section 3.12 of the Waukesha County Zoning Code to Remove Reference to the Existing Floodplain Development Overlay District (RZ120)

 Passed By Majority Vote

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	ABSENT
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolf	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	ABSENT	D18 - Nelson	AYE		

4th Meeting, 178th Year of the County Board of Supervisors - July 25 2023 07:05:43 PM

July 25, 2023

