

Enrolled 157-34
~~PROPOSED ORDINANCE 157-35~~

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2
3 AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING ORDINANCE
4 REGARDING SECTION 13-2-9(I)(24) TO PROVIDE FOR SENIOR HOUSING
5 PROJECTS AS A CONDITIONAL USE IN THE R-3 RESIDENTIAL, B-1
6 RESTRICTED BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS
7 (ZT-1451)
8
9

10 WHEREAS the subject matter of this ordinance having been approved by the Waukesha Town
11 Board on April 25, 2002, after public hearing, and the giving of requisite notice of said hearing,
12 and duly referred to and considered by the Waukesha County Park and Planning Commission,
13 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment
14 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the
15 Wisconsin State Statutes.

16
17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the ordinance amending the text of the Town of Waukesha Zoning ordinance,
19 approved by the Waukesha Town Board on June 24, 1979, to amend the text of the Town of
20 Waukesha Zoning ordinance regarding Section 13-2-9(I)(24) to provide for senior housing
21 projects as a conditional use in the R-3 Residential, B-1 Restricted Business and B-3 General
22 Business Districts, and more specifically described in the "Staff Report and Recommendation"
23 on file in the office of the Waukesha County Department of Parks and Land Use and made a part
24 of this ordinance by reference (ZT-1451), is hereby approved.
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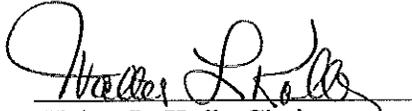
26 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
27 this ordinance with the Town Clerk of Waukesha.

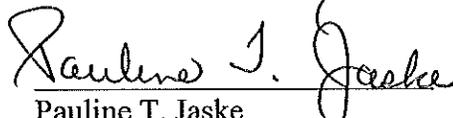
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29 BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon passage,
30 approval and publication.

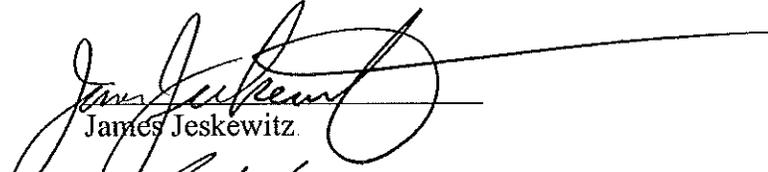
31
32 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
33 provisions of this ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING ORDINANCE
REGARDING SECTION 13-2-9(1)(24) TO PROVIDE FOR SENIOR HOUSING
PROJECTS AS A CONDITIONAL USE IN THE R-3 RESIDENTIAL, B-1
RESTRICTED BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS
(ZT-1451)

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

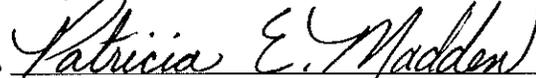

Scott J. Klein


Daniel Pavelko

Absent
Vera Stroud


Matt Thomas

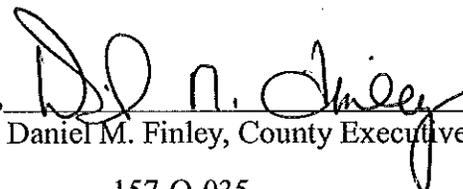
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: August 16, 2002, 
Patricia E. Madden, County Clerk

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

Approved: ✓

Vetoed: _____

Date: 8-19, 
Daniel M. Finley, County Executive

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

DATE: June 20, 2002

FILE NO.: ZT-1451

PETITIONER/OWNER: Waukesha Town Board of Supervisors
Waukesha Town Hall
W250 S3567 Center Road
Waukesha, Wisconsin 53189

NATURE OF REQUEST:

Amendment to the text of the Town of Waukesha Zoning Code to provide for "senior housing projects" as a Conditional Use in the R-3 Residential, B-1 Restricted Business and B-3 General Business Districts.

PUBLIC HEARING DATE:

April 25, 2002.

PUBLIC REACTION:

One person representing the industrial user north of the property was concerned that a senior housing project in this area may be adversely affected by the uses of their industrial parcel with respect to noise levels. One other person was present who supported the project and is a neighbor immediately south of Sunset Drive and across the street from said project.

TOWN PLAN COMMISSION ACTION:

The Town of Waukesha Plan Commission, at their meeting of April 25, 2002, recommended approval.

TOWN BOARD ACTION:

The Town Board of Waukesha, at their meeting of April 25, 2002, approved the request.

COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT PLAN:

The provision proposes to accommodate senior housing units in the Town's Zoning Code. There is no specific mention in the County Development Plan specific to "senior housing projects", therefore, there is no compatibility issue with respect to the County Development Plan other than densities. Densities specified in the proposed amendment are consistent with recommendations contained in the housing provisions of the County Development Plan along with the requirements for municipal service, so in that regard, the proposed amendment is consistent with the County Development Plan.

OTHER CONSIDERATIONS:

For approximately six or more months, the Town of Waukesha has been considering accommodations for allowing a senior housing project in certain areas of the Town, although they were concerned these developments would be limited to existing developed areas served with municipal services were available from the City of Waukesha. The Town feels the density of such projects needed municipal services. Accordingly, the provisions which have been proposed, do among other things, require municipal sewers being available and located on collector or arterial streets and municipal water, if available. If private wells are used, a municipal-type size and capacity water supply system will be required pursuant to the State

157-0-035

Plumbing Code. Other conditions, at a minimum required for such projects, are that the projects need to be very "site specific" with detailed Building and Landscaping Plans being submitted for review and approval by the Town Board and Plan Commission. The facilities must be in close proximity to retail shopping which includes at a minimum, grocery stores, pharmacy, banking and restaurants, or if not immediately in close proximity, transportation services such as municipal bus, taxi, van or shuttle service, being available immediately abutting the property. The minimum lot size of the project must be not less than two acres and 30 percent of the site has to be retained in Green Space with an area at least 10,000 sq.ft. and 20 ft. in width being continuous Green Space. Building heights may not exceed 25 ft. and offsets are required to be 20 ft. The provision also requires minimum living space of 650 sq.ft. for a single bedroom unit and 800 sq.ft. for a two-bedroom unit or greater and efficiency-type units are not permitted. It is also required that laundry facilities are provided on each floor of the building, along with a common use room and above or below ground parking. Garage parking shall be provided for at least 2/3rds of the units with a minimum parking ratio of 1.05 spaces per unit being provided. They have required that the density of the project not exceed 20 units per acre along with an age restriction minimum of 55. It should be noted the Town Plan Consultant and the Staff worked closely together on developing these provisions.

STAFF RECOMMENDATION:

It is the opinion of the Staff this request be approved. We feel the provision is necessary to accommodate these types of developments and feel the conditions that are prerequisite to such projects are suitable and appropriate for such senior housing projects. The minimum requirements are critical to the success of such projects and we feel, as proposed, the Ordinance will provide for reasonable cost housing to an aging population this County is experiencing at this time in our history. It is our understanding they have high occupancy rates and there is a definite need for communities to accommodate these types of facilities. As conditioned, we feel the proposed Ordinance will serve a public need and provide for needed housing units for this age category of our population.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:smv

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**ORDINANCE AMENDING SECTION 13
OF THE TOWN ZONING CODE OF THE TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN,
DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 13-2-9(i)(24) of the Town Zoning Code of the Town of
Waukesha is hereby created to read as follows:

(24) SENIOR HOUSING.

The term "senior housing" shall refer to a dwelling unit or units designed and constructed to be occupied by senior persons. A senior person is a person who is 55 years of age or older on the date such person intends to occupy the premises, or one's spouse who is a senior person as defined herein. Guests are allowed to stay no more than 30 days in any calendar year.

The appropriateness of a particular site for senior housing shall be decided at the discretion of the Plan Commission and Town Board following the criteria herein.

In the R-3 Residential District, B-1 and B-3 Business Districts are subject to the following conditions:

1. Building plans, site plans, landscaping plans, and plan of operation shall be submitted and approved by the Town Plan Commission and Town Board pursuant to Section 13-2-4. Prior to the public hearing being held, the Petitioner shall review the proposal with the Plan Commission. Such facilities shall be located in close proximity to retail shopping, including

grocery stores, pharmacy, banking, and restaurants, or transportation services such as municipal bus, taxi, van, bus, shuttle service, etc., shall be available on site or along the street directly abutting the lot.

2. The primary entrance shall be located on an arterial or collector street with sidewalks, as defined in Sections 6-2-1 and 6-2-2, Public Works Code of Ordinance. Such facilities shall be served by municipal sewer. Municipal water, if available, shall be used to serve the facilities. If a private well or water system will be utilized, a municipal size/capacity water supply system is required to meet the needs of the facility pursuant to the State Plumbing Code.
3. No such use shall be permitted on a lot less than two acres in area.
4. A minimum of 30% of the site's area shall be retained as green space. There shall be at least one area of continuous green space that provides for an outside walking area and sitting area with a minimum width of 20 feet and a minimum size of 10,000 square feet.
5. Offsets and setbacks shall conform to the minimum dimensions required in the zoning district in which it is located with a minimum offset of 20 feet. The building height maximum is 35 feet. (See Section 13-2-11 Height Regulations.)
6. Minimum living areas shall apply as follows: 650 square feet for a one-bedroom unit, 850 square feet for a two-bedroom unit or greater. Efficiency units shall not be permitted. Laundry facilities shall be provided

on each floor of the building. A common use room is required for the residents.

7. Underground or above ground garage parking shall be provided for at least two-thirds of the units. A minimum parking ratio of 1.05 parking spaces per unit shall be provided.
8. Density shall be no more than 20 units per acre.
9. The 55 year age restriction shall not apply to one unit that is occupied by the owner, manager, or operator of the building with one or more family members of such owner, manager, or operator, if any of such persons that are regularly engaged in the performance of substantial duties directly related to the management or maintenance of the building.

SECTION 2: Section 13-2-9(i)(24) of the Town Zoning Code of the Town of Waukesha is hereby renumbered 25.

SECTION 3: Section 13-3-9 of the Town Zoning Code of the Town of Waukesha is hereby amended to permit the granting of a conditional use as permitted by Section 13-2-9(i)(24).

SECTION 4: Section 13-3-11 of the Town Zoning Code of the Town of Waukesha is hereby amended to permit the granting of a conditional use as permitted by Section 13-2-9(i)(24).

SECTION 5: Section 13-3-13 of the Town Zoning Code of the Town of Waukesha is hereby amended to permit the granting of a conditional use as permitted by Section 13-2-9(i)(24).

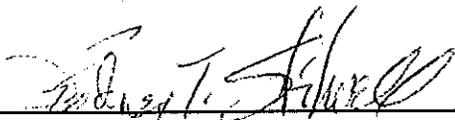
SECTION 6: Section 13-3-13(b)(2)a. of the Town Zoning Code of the Town of Waukesha is hereby amended so as to substitute the phrase "Principal building" for the phrase "Buildings used solely for commercial purposes." No change shall be made in the offset requirements required under this provision.

SECTION 7: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

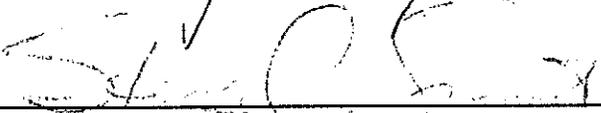
SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha County, Wisconsin this 25th day of April, 2002.

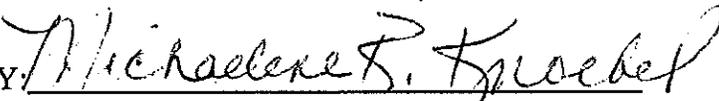
TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN

BY: 
RODNEY T. STILWELL, Chairman

BY: 
ROBERT J. TALLINGER, Supervisor

BY: 
STEPHEN SMART, Supervisor

ATTEST:

BY: 
MICHAELENE R. KNOEBEL, Clerk

F:\USERS\Uwh\Clients\Waukesha, Town\ORDINANCE\ORD-Zoning-Section 13-Senior Housing & Residential & Business Districts.wpd