

ENROLLED ORDINANCE 159-69

AMEND THE WAUKESHA COUNTY ZONING CODE BY CREATING,  
AMENDING AND RENUMBERING VARIOUS SECTIONS

WHEREAS the Waukesha County Park and Planning Commission formed a Study Workgroup in 2001 to analyze and make recommendations regarding the role of the Park and Planning Commission in the review of zoning matters under the Zoning Code, Shoreland and Floodland Protection Ordinance, and in the development processes; and

WHEREAS the Report of the Park and Planning Commission Study Group has been reviewed and a petition has been made for amendments to the Waukesha County Zoning Ordinance pursuant to Section 59.69, Wisconsin Statutes; and

WHEREAS the purpose of the proposed amendments is to incorporate recommendations from the Report of the Park and Planning Commission Study Group, update references to the Wisconsin Statutes or Wisconsin Administrative Codes, substantively modify sections of the Zoning Code, update sections to reflect changes in the law, correct typographical errors, and change references to the Department of Parks and Land Use and the divisions thereof; and

WHEREAS the proposed amendments have been the subject of a public hearing held on June 7, 2004 and with a continued public hearing for additional comments held on August 9, 2004, 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 September 23, 2004; 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 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.

BE IT FURTHER ORDAINED that pursuant to Section 59.69(5)(e), Wisconsin Statutes, if after 40 days from the date of the enactment a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county clerk, or if within a shorter time a majority of the towns in which the ordinance is in effect have filed certified copies of resolutions approving the amendment with the county clerk, the amendment shall be in effect in all of the towns affected by the ordinance. The clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of such effective date and also make such report to the county board, which report shall be printed in the proceedings of the county board.

AMEND THE WAUKESHA COUNTY ZONING CODE BY CREATING,  
AMENDING AND RENUMBERING VARIOUS SECTIONS

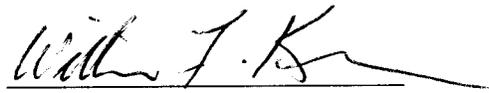
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

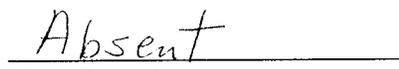
  
Kathleen M. Cummings

  
Pauline T. Jaske

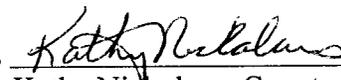
  
Scott J. Klein

  
Bill Kramer

  
Daniel Pavelko

  
Vera Stroud

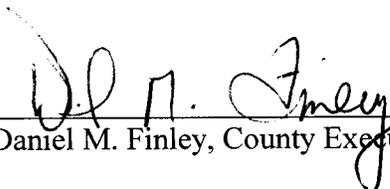
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 11-29-04,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 11-30-04,   
Daniel M. Finley, County Executive

WALKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/23/04

(ORD) NUMBER-1590075

1 K. HEBRO.....AYE  
 3 D. STAMSTA.....  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 K. HAREDA.....  
 13 J. MORRIS.....  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 W. MITCHELL.....AYE  
 21 W. KOLB.....AYE  
 23 J. TORTOMASI.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....  
 29 T. BULLERMANN.....  
 31 V. STROUD.....AYE  
 33 D. PAVELKO.....AYE  
 35 C. SELTZ.....NAY

2 R. THELEN.....AYE  
 4 H. CARLSON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 J. GRIFFIN.....AYE  
 14 A. KALLIN.....AYE  
 16 R. MANKS.....AYE  
 18 B. MORRIS.....AYE  
 20 M. KIPP.....AYE  
 22 G. BRUCE.....AYE  
 24 B. KRAMER.....AYE  
 26 S. KLEIN.....AYE  
 28 P. JASKS.....  
 30 K. NILSON.....NAY  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-27

TOTAL NAYS-02

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-29

1 **AMENDMENTS TO THE WAUKESHA COUNTY ZONING CODE**

2  
3  
4 **As approved by the County Board on 11/23/04.**

5  
6  
7 Section 1:

8 Repeal and recreate Section 2.01 to read:

9  
10 General interpretation.

11 For the purpose of this Ordinance, and when not inconsistent with the context, words  
12 used herein in the present tense include the future, words in the singular number include  
13 the plural, and words in the plural number include the singular; the word "structure"  
14 includes buildings; the word "occupied" includes designed or intended to be occupied;  
15 the word "used" includes designed or intended to be used; the word "inhabit" includes  
16 intended to be inhabited; the word "shall" is always mandatory and not merely  
17 permissive; "county" refers to the County of Waukesha, Wisconsin; "town board" refers  
18 to the town board of supervisors of any town under the jurisdiction of this Ordinance;  
19 "plan commission" refers to local town plan commission established under village  
20 powers pursuant to Chapter 62 Wisconsin Statutes, the Town Park Commission  
21 established pursuant to Chapter 60 Wisconsin Statutes, or any other agency created by the  
22 town board and authorized by statute to plan land use; and reference to any officer such  
23 as "clerk," "building inspector," "engineer," or "attorney," means that officer appointed or  
24 otherwise officially designated by the town or county in such capacity, unless otherwise  
25 specifically designated; the words "code" and "Ordinance" are to be used  
26 interchangeably; the word "person" may be taken for persons, associations, partnerships  
27 or corporations.  
28  
29

30 Section 2:

31 Repeal and recreate section 2.02(3) to read:

32  
33 Base setback line: The ultimate street line as established by the building location  
34 provisions of this ordinance, and from which all required setbacks shall be computed.  
35  
36

37 Section 3:

38 Repeal and recreate 2.02(4) to read:

39  
40 Basement: A level of a building that is more than one-half below the finished grade on at  
41 least one side.  
42  
43

1 Section 4:

2 Repeal and recreate 2.02(10) to read:

3  
4 Building, height of: The vertical distance measured from the lowest point of the exposed  
5 structure to the primary horizontal soffit of the uppermost floor.  
6  
7

8 Section 5:

9 Create a subsection to 2.02 to read:

10  
11 Contractor's Yard: The exterior premises on which construction and maintenance  
12 materials (i.e. salt, sand, cement, decorative block, stone, etc.) or landscaping materials  
13 (i.e. sand, gravels, stone, timbers, wood chips, etc.) or construction or maintenance  
14 equipment (i.e. bulldozers, front-end loaders, back-hoes, trucks, trailers, etc.) are stored  
15 to be utilized for off-site construction, maintenance, or landscaping purposes. Where  
16 landscape materials are stored or sold for retail or wholesale markets and accessory to an  
17 otherwise permitted use by right, such uses shall not be considered a contractor's yard.  
18  
19

20 Section 6:

21 Repeal and recreate 2.02(13) to read:

22  
23 Dwelling, multiple family: A building or portion thereof designed for and occupied by  
24 more than one (1) family, including duplexes, row houses, town houses and apartments.  
25  
26

27 Section 7:

28 Create a subsection to 2.02 to read:

29 Fur-bearing animals: Animals which are specifically raised for their pelts, including, but  
30 not limited to badger, beaver, bobcat, coyote, fisher, fox, lynx, marten, mink, muskrat,  
31 opossum, otter, raccoon, skunk, weasel and wolf.  
32  
33

34 Section 8:

35 Repeal 2.02 (21).  
36  
37

38 Section 9:

39 Create a subsection in 2.02 to read:

40  
41 Land altering activity: Any man-made change of the land surface, including removing  
42 vegetative cover which changes the land surface, cutting of trees which changes the land  
43 surface, excavating, soil removal, filling, grading, dredging and channel improvements in  
44 excess of those limits set forth in Section 3.04(5), but not including agricultural land uses  
45 such as planting, growing, cultivating and harvesting of crops, growing and tending of  
46 gardens and harvesting of trees, and tree nurseries.  
47

1 Section 10:

2 Create a subsection to 2.02 to read:

3

4 Open Space: Land area used for recreation, agriculture, resource protection, amenities  
5 for recreational purposes or buffers.

6

7

8 Section 11:

9 Create a subsection to 2.02 to read:

10

11 Green Space: A natural or man-made land area not occupied by any structure or  
12 impervious surface.

13

14

15 Section 12:

16 Create a subsection to 2.02 to read:

17

18 Open Space, Public: Lands which are open space, dedicated and owned by a public  
19 entity, such as a town, city, village, county or other public entity, and used for a public  
20 purpose.

21

22

23 Section 13:

24 Create a subsection to 2.02 to read:

25

26 Open Space, Common: Lands which are open space and owned in common by  
27 individuals within a development or land trusts or other private conservation  
28 organizations, if access is available to the public, and as may be agreed to in the approval  
29 of the development by the plan commission of the local community and either the zoning  
30 administrator or the zoning agency.

31

32

33 Section 14:

34 Repeal and recreate 2.02(25) to read:

35

36 Home occupation: Any occupation for monetary gain or financial support conducted  
37 entirely within the principal residence.

38

39

40 Section 15:

41 Repeal and recreate 2.02(27) to read:

42

43 Hotel: See Motel.

44

45

46

1 Section 16:

2 Create a subsection to 2.02 to read:

3  
4 Impervious Surface: Land area and surfaces where precipitation is unable to infiltrate  
5 into the soil. Such surfaces include, but are not limited to roadways and pathways that  
6 are paved with concrete or asphalt, roofs, patios and similar surfaces.  
7

8  
9 Section 17:

10 Create a subsection to 2.02 to read:

11  
12 Livestock: Animals which are typically kept for breeding, production of agricultural  
13 products, sale or pleasure, including, but not limited to cattle, bovine, emus, llamas,  
14 alpaca, pigs, swine, hogs, sows, horses, sheep, goats and bison.  
15

16  
17 Section 18:

18 Repeal and recreate 2.02(33) to read:

19  
20 Lot, legal nonconforming: Any lawfully created lot or parcel which existed at the time of  
21 passage of this Ordinance or any amendment thereto, which does not meet the current  
22 dimensional requirements of the district in which it is located.  
23

24  
25 Section 19:

26 Create a subsection to 2.02 to read:

27  
28 Lot of Record: A platted lot or lot described in a Certified Survey Map, which has been  
29 approved by the Town and has been recorded in the office of the Waukesha County  
30 Register of Deeds, or a metes and bounds description of a lot which has been recorded in  
31 the Waukesha County Register of Deeds Office prior to the adoption of this original  
32 Ordinance (February 26, 1959).  
33

34  
35 Section 20:

36 Create a subsection to 2.02 to read:

37  
38 Navigable waters: Those intermittent and perennial rivers, streams, ponds, lakes and  
39 flowages shown on the U.S.G.S. Topographic Quadrangle 7.5 minutes series maps of  
40 Waukesha County (and as periodically updated) and those stream reaches shown on the  
41 large scale topographic mapping control survey project for Waukesha County conducted  
42 under section 87.31 Wisconsin Statutes. Any water is considered navigable in fact if it  
43 meets the tests outlined in state laws. Determinations of navigability are ultimately field  
44 determinations and map delineations are merely the best representation of navigable  
45 conditions at any particular time.  
46

1 Section 21:

2 Create a subsection to 2.02 to read:

3  
4 Ordinary High Water Mark: The point on the bank or shore up to which the presence and  
5 action of surface water is so continuous as to leave a distinctive mark such as by erosion,  
6 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or  
7 other easily recognized characteristic. Where the bank or shore at any particular place is  
8 of such character that it is difficult or impossible to ascertain where the point of ordinary  
9 high-water mark is, recourse may be had to the opposite bank of a stream or to other  
10 places on the shore of a lake or flowage to determine whether a given stage of water is  
11 above or below the ordinary high-water mark.  
12

13  
14 Section 22:

15 Repeal and recreate 2.02(39c) to read:

16  
17 Patio: A structure characterized by a flat, open, horizontal surface or platform usually  
18 constructed of concrete, brick, wood or other natural or man-made materials which is  
19 located on the surface of the ground or at the average grade of the ground surface.  
20

21  
22 Section 23:

23 Create a subsection to 2.02 to read:

24  
25 Planned Unit Development, Mixed: A Planned Unit Development which is a mixture of  
26 retail, service uses, industrial uses or residential uses. Buildings associated with open  
27 space and recreational uses, either public or private, shall be considered part of the open  
28 space use.  
29

30  
31 Section 24:

32 Repeal and recreate section 2.02(46) to read:

33  
34 Restaurant: "Restaurant" means and includes any building, room or place wherein meals  
35 or lunches are prepared, served or sold to transients or the general public, and all places  
36 used in connection therewith. Meals or lunches shall not include soft drinks, ice cream,  
37 milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting  
38 of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall  
39 not constitute such taverns to be restaurants. The term restaurant does not apply to  
40 churches, religious, fraternal, youth or patriotic organizations, which occasionally serve  
41 or sell meals or lunches to transients or the general public, nor shall it include any private  
42 individual selling foods from a movable or temporary stand at public farm sales. Section  
43 254.61(5) Wisconsin Statutes.  
44  
45  
46

1 Section 25:  
2 Repeal section 2.02(50).

3  
4  
5 Section 26:  
6 Create a subsection to 2.02 to read:

7  
8 Setback, road: The horizontal distance between the base setback line and the closest  
9 point of a principal or accessory structure, excluding a roof overhang measuring twenty-  
10 four inches (24”) or less.

11  
12  
13 Section 27:  
14 Create a subsection to 2.02 to read:

15  
16 Setback, shore: The horizontal distance between and the closest point of a structure or  
17 building and the ordinary high water mark of navigable waters, the one-hundred year  
18 floodplain, or the conservancy/wetland district, whichever distance is greater.

19  
20  
21 Section 28:  
22 Repeal 2.02(52).

23  
24  
25 Section 29:  
26 Create a subsection to 2.02 to read:

27  
28 Stable, boarding: A tract of land or structure where horses or other livestock are kept for  
29 hire, boarding, sale or used for commercial recreational purposes.

30  
31  
32 Section 30:  
33 Create a subsection to 2.02 to read:

34  
35 Stable, private: A tract of land or structure where horses or other livestock are kept for  
36 personal use by the property owner or occupant of the principal residential structure on  
37 the property.

38  
39  
40 Section 31:  
41 Repeal and recreate 2.02(57) to read:

42  
43 Structure: Anything constructed or erected on the ground or attached to something on the  
44 ground. Structures include, but are not limited to buildings, swimming pools, hot tubs,  
45 radio and television towers, sheds, signs, patios, decks, gazebos, retaining walls,  
46 monuments and entrance gates.

1 Section 32:

2 Create a subsection in 2.02 which reads:

3  
4 Retaining Wall: A structure more than 18 inches in height from grade or a combination  
5 or series of multiple structures more than 24 inches in height from grade, constructed of  
6 man-made or natural materials for the purpose of retaining land or stone and resisting the  
7 lateral pressure of the land or stone.  
8  
9

10 Section 33:

11 Repeal and recreate section 2.02(63) to read:

12  
13 Mobile Home Park Any plot or plots of ground upon which two (2) or more units  
14 occupied for dwelling or sleeping purposes are located, regardless of whether or not a  
15 charge is made for such accommodations. Wisconsin Statutes, section 66.0435.  
16  
17

18 Section 34:

19 Repeal and recreate section 3.03(4) to read:

20  
21 Expiration: If within six (6) months of the date of issuance of a zoning permit, the  
22 proposed construction or preparation of land for use has not commenced, or if within  
23 eighteen (18) months an occupancy and use permit has not been issued, if required by the  
24 Town, or the construction has not been completed, said zoning permit shall expire, except  
25 that upon showing of valid cause, the zoning administrator may grant an extension of  
26 such permit for a period not to exceed six (6) months. Said permit extension shall be  
27 issued for the full fee and based upon full conformance with the Ordinance at the time of  
28 issuance for the new permit. If the construction has not commenced or is not completed  
29 after a total of twenty-four (24) months, a new permit must be applied for and received  
30 subject to all fees and subject to the Ordinance in effect at the time of such new permit  
31 issuance. Previous incomplete work is not entitled to a new permit if the Ordinance no  
32 longer permits said use or structure or if changes to the Ordinance have been made  
33 subsequent to the original issuance of the permit.  
34  
35

36 Section 35:

37 Repeal and recreate 3.03(6) to read:

38  
39 Zoning and Occupancy and Use Permits - Site Plans and Plans of Operation: Certain  
40 permitted uses as well as certain conditional uses require the submission of a Site Plan  
41 and Plan of Operation which provide a detailed description of the proposed use and serve  
42 as a basis for consideration prior to approval of the plan commission, and either the  
43 zoning agency or zoning administrator. The purpose of such a Site Plan and Plan of  
44 Operation review is to document the permit file, determine adequacy of the data  
45 submitted to describe the permitted and accessory uses and buildings proposed and  
46 document the plan and method of operation to enable a determination of compatibility  
47 with the Ordinance and consideration of approval. A Site Plan and Plan of Operation

1 shall include the following information, as well as any other specific information  
2 requested by the plan commission, zoning agency or zoning administrator to review the  
3 plans and determine compliance with the regulations of this Ordinance:  
4

5 (A.) A Plan of Operation is a statement of operations, signed by the property owner and  
6 tenant or operator of the business or use, including a detailed description of the request,  
7 number of employees, hours of operation, and types of uses, products or services offered.  
8

9 (B). A Site Plan and/or Plat of Survey of the property (in standard engineering or  
10 mapping scale which permits a clear representation of the property to a scale not to  
11 exceed two hundred (200) feet to one (1) inch), in quadruplicate, showing the location  
12 and dimensions of all existing and proposed buildings and structures and other attributes  
13 on the site, the location, number and arrangement of parking spaces or loading areas,  
14 lighting fixtures, easements, dumpsters, signs, landscaping and screening, and any other  
15 factors affecting the development of the site.  
16

17 (C). A stormwater management and erosion control plan consistent with the  
18 requirements of the Waukesha County Construction Site Erosion Control and Stormwater  
19 Management Ordinance. A grading plan, where required, shall be submitted in  
20 quadruplicate to the same scale as the Site Plan, including existing and proposed contours  
21 at a maximum of two (2) foot vertical intervals for slopes less than twelve (12) percent  
22 and at no more than five (5) foot intervals for slopes twelve (12) percent or greater,  
23 existing and proposed features (i.e. berms, swales, ponds, ditches, storm sewers, inlets,  
24 etc.), vegetative plan, timetable for completion, the name of the responsible party and a  
25 letter of credit, if deemed necessary. The plan commission, zoning agency or zoning  
26 administrator has the discretion to request a grading plan in a scale different than the Site  
27 Plan in order to show with sufficient detail the contours and features of the property.  
28

29 (D). One set of building plans, State approved if required, at a standard architectural  
30 scale, including exterior elevation drawings of all sides of all buildings proposed.  
31

32 (E). A rendering of all signs visible from the exterior, along with the location,  
33 dimensions, overall height, illumination and colors of the signs.  
34

35 (F). Lighting or photometric plan, including cut sheets of each type of exterior light  
36 fixture proposed or existing.  
37

38 (G). A detailed landscaping plan showing the location, sizes and types of proposed  
39 vegetation, including seeding mixtures and the amount of topsoil and mulch, the  
40 timetable for completion, and any surfacing plan for parking and loading areas.  
41  
42  
43  
44

1 Section 36:

2 Repeal and recreate 3.04(1) to read:

3  
4 (1) Building must be on a lot: Every building hereafter erected, structurally altered or  
5 relocated shall be located on a lot as defined herein. Any building used for the principal  
6 use permitted in that district shall constitute the principal building and there shall be no  
7 more than one (1) principal building on a lot except in business districts, industrial  
8 districts, planned unit developments and agricultural districts. In the agricultural district,  
9 no more than one (1) residence may be permitted on a single parcel of land unless it can  
10 be demonstrated that more than one (1) residence is necessary and accessory to the  
11 principal agricultural use of the property. The plan commission and the zoning agency  
12 may give approval to permit more than one (1) principal building on a lot in any district  
13 where such grant would not be contrary to the spirit and intent of the Ordinance, and  
14 provided that sufficient lot area is provided and the building so located so as to  
15 individually meet the setback, offset, and lot size and open space requirements of the  
16 district in which it is located. No accessory building shall be constructed until the  
17 principal building is under construction or completed.

18  
19 Where the use of the land is principally for agricultural pursuits, and on parcels of  
20 thirty-five (35) acres or more, farm buildings may be allowed without the necessity of  
21 having a residence in place or under construction subject to the approval of the plan  
22 commission and zoning agency if it is determined that the building will not be contrary to  
23 the spirit and intent of the Ordinance and will not include the operation of a commercial  
24 boarding or riding stable for horses or agricultural pursuits specializing in the forced  
25 feeding of livestock, and where it is determined that the use of the building will be  
26 accessory to a farming operation which is consistent with the use provisions of the district  
27 in which it is located.

28  
29  
30 Section 37:

31 Repeal and recreate 3.04(5)(C) to read:

32  
33 Site Protection: Any property disturbed with land altering activities as may be authorized  
34 thru the issuance of a Zoning Permit or a Conditional Use Permit, shall be required to  
35 protect the disturbed land surface of the lot or building site that is susceptible to erosion  
36 while under construction and which is not occupied with buildings, dedicated parking  
37 areas or other hard surfaced areas with suitable stabilization measures. Said disturbed  
38 areas shall be permanently stabilized and continuously maintained with suitable  
39 vegetative cover or other approved landscape material, and in any case, shall be required  
40 to conform with the provisions of the Waukesha County Construction Site Erosion  
41 Control and Stormwater Management Ordinance and Uniform Dwelling Code for one  
42 and two family dwellings. A Letter of Credit or other forms of financial guarantee to  
43 ensure performance may be required by the building inspector, plan commission, the  
44 zoning administrator, zoning agency or the Land Resources Division of the Waukesha  
45 County Department of Parks and Land Use.

1 Section 38:

2 Repeal and recreate 3.05(3) to read:

3  
4 No building other than a bridge, dam, boathouse, or revetment, subject to the aforesaid  
5 approval shall be erected, structurally altered or relocated within seventy-five (75) feet of  
6 the ordinary high water mark of a surface water drainage channel, body of water having  
7 at least five (5) acres in surface area and a minimum average depth of at least three (3)  
8 feet, man-made drainage channel or natural water course, nor closer than seventy-five  
9 (75) feet from the boundary line of a conservancy zoning district.

10  
11  
12 Section 39:

13 Repeal and recreate 3.07(1) to read:

14  
15 Uses Restricted: In any district, no building or land shall be used and no building shall be  
16 hereafter erected, structurally altered or relocated except in conformance with the  
17 regulations hereinafter established for the district in which the property is located, or as  
18 otherwise provided in this Ordinance. Where a change in use or a new use of a building  
19 or premises is proposed in any Business, Industrial District or Public and Institutional  
20 District or at the site of a legal non-conforming use or a conditional use, a Site Plan and  
21 Plan of Operation shall be prepared for review and approval pursuant to Section 3.03(6)  
22 of this Ordinance. Where a change in ownership or operator of a building or premises is  
23 proposed in any Business, Industrial District or Public and Institutional District or at the  
24 site of a legal non-conforming use or a conditional use, a Plan of Operation shall be  
25 prepared for review and approval pursuant to Section 3.03(6) of this Ordinance

26  
27  
28 Section 40:

29 Repeal and recreate 3.08(7)(AA)3 to read:

30  
31 Land-altering Activities: Land-altering activities may be permitted as a conditional use  
32 in any district, except the Conservancy district unless rezoned to allow such activity.

33  
34 Highway construction which may be exempted by a written Memorandum of  
35 Understanding between the Wisconsin Department of Natural Resources and Department  
36 of Transportation for a specific highway project, home construction and the attendant  
37 limited grading and fill necessary to achieve positive drainage away from the foundation  
38 and dredging as may be allowed in Section 3.04(5) of this Ordinance and minor grading  
39 as defined in the Ordinance, shall be excluded from regulation under this provision, but  
40 may be regulated elsewhere under this Ordinance.

41  
42 Land-altering activities permitted as a conditional use shall be subject to the following:

- 43  
44 1. Detailed plans, at a scale of not less than 1" = 100', of the project  
45 including areas to be graded, filled or otherwise altered along with seeding  
46 and/or vegetation plans and planting schedule and erosion and

1 sedimentation practices to be employed shall be submitted for review and  
2 approval.

- 3
- 4 2. No such use shall create flooding, concentrated runoff, inadequate  
5 drainage, unfavorable topography, excessive erosion and sedimentation or  
6 restrict navigability in any state water.  
7
- 8 3. Such use shall comply with the conditions established by the plan  
9 commission, the zoning agency, and where applicable, the State pursuant  
10 to Chapter 87 and Chapter 281 of the Wisconsin Statutes and any federal  
11 regulations.  
12
- 13 4. If a rezoning is required, the procedure established in this Ordinance shall  
14 be complied with and the amendment to any other appropriate zoning  
15 district shall be approved.  
16
- 17 5. The proposed grading and land-altering activities shall conform to the  
18 Waukesha County Construction Site Erosion Control and Stormwater  
19 Management Ordinance and a permit under that ordinance must be  
20 received from the Waukesha County Department of Parks and Land Use,  
21 Land Resources Division, prior to the issuance of the conditional use  
22 permit.  
23

24

25 Section 41:

26 Repeal and recreate 3.08(7)(H) to read:  
27

28 Contractor's Yard: In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General  
29 Business District, Q-1 Quarry District, or Industrial Districts subject to the following:  
30

- 31 1. The minimum lot area shall be at least five (5) acres.  
32
- 33 2. All buildings used in the conduct of the business shall be located at least one  
34 hundred (100) feet from the lot line of an adjoining lot in a residential district or at  
35 least fifty (50) feet from a lot line of an adjoining lot in any other district.  
36
- 37 3. No such use shall be allowed on any parcel, except as may front directly upon and  
38 have access to an arterial or major collector street, as defined in the Waukesha  
39 County Shoreland and Floodland Subdivision Control Ordinance or within an  
40 established industrial park, where the roads can accommodate the heavy  
41 equipment.  
42
- 43 4. A planting screen at least ten (10) feet high in initial height shall be provided  
44 between any abutting property line and the proposed use. The plan commission  
45 or the zoning agency may increase or decrease the planting screen requirements as  
46 may be deemed appropriate.

- 1  
2 5. In determining whether or not the proposed conditional use should be approved,  
3 the plan commission and zoning agency shall make a determination that the  
4 proposed conditional use is compatible with adjacent land uses. If it is determined  
5 that the proposed conditional use would in any way be incompatible with the  
6 adjacent land uses or represent an adverse effect or nuisance to adjacent land uses,  
7 the proposed conditional use shall not be approved.  
8  
9 6. A Site Plan and Plan of Operation shall be submitted to the plan commission and  
10 zoning agency for review and approval and must include the type and quantity of  
11 equipment and vehicles owned or leased by the property owner, the storage of  
12 materials, and hours of operation.  
13  
14  
15

16 Section 42:

17 Repeal and recreate section 3.08(7)(N) to read:  
18

19 Multiple Family Units: In the R-3 Residential District, B-1 Restricted business District,  
20 AD-10 Agricultural Density District, RRD-5 Rural Residential Density District, A-5 Mini  
21 Farm District or in a Planned Unit Development which may be allowed pursuant to  
22 Section 3.08(7)(P) of this Ordinance subject to the following:  
23

- 24 1. Only a duplex (2-family residential use) may be allowed in the AD-10  
25 Agricultural Density District and the RRD-5 Rural Density District.  
26  
27 2. Only a duplex (2-family residential use) may be allowed in a A-5 Mini Farm  
28 District and only if the duplex is proposed to be made by conversion of a farm  
29 dwelling that existed at the time of the adoption of this original Ordinance  
30 (February 26, 1959).  
31  
32 3. The location and building plans, and a Site Plan and Plan of Operation shall  
33 be submitted to and approved by the plan commission and zoning agency.  
34  
35 4. The minimum lot area shall be determined by the number of units to be  
36 constructed. The number of units shall be based on a density of one (1) unit  
37 for each fifteen thousand (15,000) square feet of land area, exclusive of  
38 wetlands or 100 Year Floodplain or lands zoned C-1. Where the use will be  
39 served by municipal sewerage facilities, the density requirements can be  
40 reduced to a minimum of ten thousand (10,000) square feet per unit and eight  
41 thousand (8,000) square feet if both municipal sewer and water service is  
42 available. The density may be further increased if the requirements of Section  
43 3.06(5)(A) are met. The width of the lot shall be increased as the size of the  
44 lot increases in order to avoid excessively long and narrow lots and shall,  
45 however, be no less than one hundred and eighty (180) feet in width. The  
46 amount of green space on the property, exclusive of parking areas, driveways,

1 roads and other paved or impervious areas, shall be five thousand (5,000)  
2 square feet per unit.

- 3
- 4 5. The manner in which the units are to be serviced with sewerage disposal is  
5 subject to approval by the State Department of Commerce and the Waukesha  
6 County Department of Parks and Land Use, Environmental Health Division  
7 prior to any approval of the proposed conditional use by the plan commission  
8 and zoning agency.  
9
- 10 6. The minimum floor area per unit shall be nine hundred (900) square feet for  
11 one-bedroom units, one thousand (1,000) square feet for two-bedroom units,  
12 and one thousand one hundred (1,100) square feet for three-bedroom units.  
13
- 14 7. The plan commission or zoning agency may require architectural review of  
15 the project.  
16
- 17 8. There shall be at least two (2) off-street parking spaces for each dwelling unit.  
18 The location and arrangement of these spaces is subject to the approval of the  
19 plan commission and the zoning agency.  
20
- 21 9. The offset, setback and landscaping requirements are subject to approval of  
22 the plan commission and the zoning agency. However, the offsets shall be no  
23 less than twenty (20) from any lot line of an adjoining lot in a residential  
24 district. The setback minimum shall be fifty (50) feet. Additional height may  
25 be permitted if the offset and setback requirements are increased by one (1)  
26 foot for each additional one (1) foot in height beyond thirty-five (35) feet.  
27  
28  
29

30 Section 43:

31 Repeal and recreate section 3.08(7)(S)3(e)(1)(b) to read:

32

33 A physical restoration plan showing the contours of the restoration, plantings and other  
34 special features of restoration, the method by which such restoration is to be  
35 accomplished and documentation that the plan complies with the Waukesha County Code  
36 of Ordinances, Chapter 12 – Non-metallic Municipal Mining Restoration Ordinance or  
37 other ordinances adopted pursuant to Section 295.14, Wisconsin Statutes and Section NR  
38 135.32(2), Wisconsin Administrative Code.  
39

40

41 Section 44:

42 Repeal and recreate section 3.08(7)(S)3(f)(4) to read:

43

44 In a quarrying or general industrial district, the plan commission may, consistent with the  
45 intent of these regulations, modify the provisions relative to permitted hours of operation;  
46 and where the character of terrain, surrounding development, or other special conditions

1 would justify, such modification may permit a reduction in the required setback or offset;  
2 provided, however, that in no case shall the setback be less than one hundred (100) feet,  
3 or the offset be less than one hundred (100) feet for quarrying operations or twenty (20)  
4 feet for any accessory access road, parking area, or office building except as may be  
5 otherwise provided by section 3.08(7)(S)3(c).  
6  
7

8 Section 45:

9 Create section 3.08(7)(KK) to read:

10  
11 Limited Family Business: The purpose and intent of this section is to provide a listing of  
12 procedures and standards of operation for limited family businesses that may operate in  
13 an attached garage or detached accessory building under a conditional use permit in  
14 residential or agricultural districts.  
15

- 16 1. A conditional use permit for a limited family business is designed to accommodate small  
17 family businesses without the necessity for relocation or rezoning, while at the same time  
18 protecting the interest of the adjacent property owner and any future development of the  
19 area. Any expansion of the limited family business will be subject to an amendment to  
20 the conditional use permit and, if said amendment is denied, the conditional use permit  
21 would either terminate or the expansion could not take place.  
22
- 23 2. All employees, except one full-time equivalent, shall be members of the family residing  
24 on the premises.  
25
- 26 3. The plan commission and zoning agency shall determine the percentage of the property  
27 that may be devoted to the limited family business and the more restrictive determination  
28 shall apply.  
29
- 30 4. The limited family business is restricted to a service oriented business or home  
31 occupation business and is prohibited from manufacturing or assembling products. The  
32 sale of products on the premises which are not produced by the limited family business is  
33 prohibited. The sale of products available for sale as accessories to the business may be  
34 permitted or limited by specific conditions in the conditional use permit (i.e. hair care  
35 products such as shampoo and conditioners normally associated with a business that cuts  
36 or styles hair).  
37
- 38 5. The conditional use permit shall restrict the number and types of machinery and  
39 equipment the limited family business operator may be allowed to bring onto the  
40 premises and whether the machinery and equipment must be stored inside a building.  
41
- 42 6. The structures used in the limited family business shall be considered to be residential  
43 accessory buildings and shall meet all the requirements for such buildings. The design  
44 and size of the structures are subject to conditions in the conditional use permit.  
45

- 1 7. The conditional use permit shall automatically expire and terminate on the sale of the  
2 property or its transfer to a non-occupant of the property.  
3
- 4 8. The limited family business shall not operate on a parcel having less than the minimum  
5 parcel size for the district in which it is located. For certain uses which are determined by  
6 the town and county to have a potential adverse affect on adjacent residential zoned  
7 properties, additional requirements regarding location and site standards (i.e. screening)  
8 may be required as conditions of the use.  
9

10  
11 Section 46:

12 Repeal and recreate section 3.08(7)(U)1 to read:

13  
14 The location and building plans and a Site Plan and Plan of Operation shall be submitted  
15 to and approved by the plan commission and the zoning agency.  
16

17  
18 Section 47:

19 Repeal and recreate section 3.08(7)(Y) 10 to read:

20  
21 The Waukesha County Department of Parks and Land Use, Division of Environmental  
22 Health, shall examine both the water system and the sewage disposal system, and shall  
23 conduct a general health and safety inspection of the proposed facility. The Department  
24 may impose any conditions required to ensure that all necessary health and safety  
25 standards have been met. The applicant shall not: initiate any construction activity and  
26 other improvements related to the bed and breakfast facility; or begin operation of the  
27 facility until receiving a determination, in writing, by the Department that the necessary  
28 inspections have been completed and any deficiencies have been corrected. The  
29 proprietor shall have a water quality evaluation conducted by a recognized water testing  
30 laboratory on an annual basis following the certification of adequacy by the Department.  
31 The results of that test shall be submitted to the Department with a copy to the Zoning  
32 Administrator. All requirements must be incorporated into the terms of the conditional  
33 use permit.  
34  
35

36 Section 48:

37 Repeal and recreate section 3.08(7)(Z) 2 to read:

38  
39 The Waukesha County Department of Parks and Land Use, Division of Environmental  
40 Health, shall certify that the septic system will accommodate the proposed use and is in  
41 accordance with COMM 83, County and State Sanitary Codes.  
42  
43  
44  
45

1 Section 49:

2 Repeal and recreate section 3.09(1)(A)4 to read:

3  
4 Such setback lines shall be parallel to and measured at right angles to the centerline of the  
5 street or highway.  
6

7  
8  
9 Section 50:

10 Create section 3.09(1)(K) to read:

11 Retaining walls do not need to meet the road setback requirements of the individual  
12 zoning district.  
13  
14

15  
16 Section 51:

17 Repeal and recreate section 3.09(1)(D) to read:

18  
19 No other structures of any kind, except necessary highway and traffic signs, open stairs  
20 extending six (6) feet or less from the enclosed portion of the structure, open stairs in  
21 combination with stoops and/or porches which are unenclosed and provide no more than  
22 twenty (20) square feet in area and extend no more than six (6) feet from the enclosed  
23 portion of the structure, public utility lines, rural mailboxes, and those signs permitted in  
24 a residential or agricultural district shall be hereafter erected, altered or placed within  
25 such base setback area. Monuments and-entrance gates are structures which require a  
26 zoning permit and shall be located at least ten (10) feet from the base setback line and  
27 shall not restrict safe access and visibility of the intersecting drive and the road and shall  
28 be subject to review and approval by the plan commission and the zoning administrator  
29 and the applicable municipality having jurisdiction over the road or highway.  
30  
31

32  
33 Section 52:

34 Repeal and recreate section 3.09(1)(H) to read:

35  
36 H. Every structure, except boathouses and any other structure excepted from shore  
37 setback by another section of this Ordinance, shall be set back at least seventy  
38 five (75) feet from a navigable body of water or the Conservancy District  
39 boundary line, whichever is greater, except:

- 40  
41 (1). Where structures were erected prior to the passage of this original  
42 Ordinance (February 26, 1959) and are located closer than seventy-five  
43 (75) feet but not closer than fifty (50) feet from a navigable body of water  
44 or the Conservancy District boundary line, such structures may be  
45 considered in a conforming location. Additions or alterations to such  
46 existing structures not closer than fifty (50) feet from a navigable body of  
47 water or the Conservancy District boundary line may be allowed, so long

1 as such additions or alterations do not result in an encroachment closer to  
2 the ordinary high water mark of the navigable body of water or the  
3 Conservancy District Boundary than currently exists.  
4

- 5 (2). Boathouses may be permitted within fifty (50) feet of the ordinary high  
6 water mark of a navigable body of water or a Conservancy District  
7 boundary line, but not closer than five (5) feet from the ordinary high  
8 water mark or within a wetland.  
9
- 10 (3). The Zoning Administrator may grant a special zoning permit for a  
11 structure that extends closer than seventy five (75) feet to the ordinary  
12 high water mark of a navigable body of water if all of the following  
13 requirements are met, but in no case is a structure exempt from the shore  
14 setback requirements from the Conservancy District boundary line:  
15
- 16 (a). The part of the structure that is nearest to the water is located at least  
17 thirty five (35) feet landward from the ordinary high water mark.  
18
- 19 (b). The total floor area of all structures in the shore setback area of the  
20 property shall not exceed two hundred (200) square feet. In  
21 calculation the square footage, boathouses shall be excluded.  
22
- 23 (c). The structure that is subject to the request for special zoning  
24 permission has no sides or has open or screened sides.  
25
- 26 (d). The zoning administrator shall review a plan submitted by the  
27 applicant which shall be subject to the zoning administrator's  
28 approval and which will be implemented by the owner of the  
29 property to preserve or establish a vegetative buffer zone that  
30 covers at least seventy (70) percent of half of the shore setback  
31 area that is nearest to the water.  
32
- 33 (4). A retaining wall shall be set back at least seventy five (75) feet from the  
34 ordinary high water mark of a navigable body of water and outside of the  
35 conservancy district and wetlands and may be allowed if the Zoning  
36 Administrator determines that the retaining wall is necessary to abate a  
37 known and identified soil erosion and sedimentation problem.  
38
- 39 (5). A stairway and walk, determined by the Zoning Administrator to be  
40 necessary for access to a lake, pond or river, shall be permitted to have a  
41 shore setback of less than seventy five (75) feet provided the width of the  
42 stairway or walk does not exceed three (3) feet.  
43
- 44 (6). Where there is an existing pattern of development with principal buildings  
45 having shore setbacks less than seventy five (75) feet from the ordinary  
46 high water mark of a navigable body of water or the Conservancy District

1 boundary line, the setback requirements for new principal buildings or  
2 additions to the principal building shall be allowed to be reduced in  
3 accordance with the following setback averaging formula, however, in no  
4 case shall the required minimum shore setback from the ordinary high  
5 water mark or Conservancy District boundary be reduced to less than  
6 thirty (30) feet:  
7

8 a. If there is a building which is non-conforming with respect to shore  
9 setback with a similar use as the proposed building and located on an  
10 adjacent parcel on one side of the proposed building and within two  
11 hundred (200) feet of the proposed building, the average of the shore  
12 setback of that building of similar use and the required minimum shore  
13 setback shall apply.  
14

15  
16 b. If there are two buildings which are non-conforming with respect to  
17 shore setback with similar uses as the proposed building and located  
18 on adjacent parcels on each side of said building and within two  
19 hundred (200) feet of the proposed building, the average of the shore  
20 setbacks of those buildings of similar use shall apply.  
21

22 c. In the case of a proposed addition to an existing building which has  
23 less than the required shore setback, the shore setback of such existing  
24 building may be used to determine the required shore setback for the  
25 proposed addition, as set forth above.  
26

27 d. In applying these shore setback averaging provisions, the shore  
28 setback measurements shall be taken from the principal buildings only  
29 and the measurements shall not be from any immediately adjacent  
30 structures, such as decks or patios.  
31

32 (7). An addition to a principal building or a deck or patio immediately adjacent  
33 to a principal building, may be located as close as forty (40) feet from the  
34 Conservancy District boundary if it is in conformity with the required  
35 setback from the ordinary high water mark and if the existing natural  
36 ground elevation adjacent to the lowest level of the building is at least  
37 three (3) feet above the one-hundred year flood plain elevation or the high  
38 water mark of the conservancy or wetland area.  
39

40 (8). In the case of an addition to a principal building into the minimum  
41 required road or shore setback area and where such addition would not  
42 extend closer to the established setback line, shoreline, one-hundred year  
43 floodplain or Conservancy District boundary than the existing building to  
44 which it is attached or immediately adjacent and said addition may be  
45 closer than the required distance would allow when using the setback  
46 averaging formula set forth in 3.09(1)(H)(6) above, the board of  
47 adjustment may grant a special exception to the addition so long as the

1 extension does not encroach closer to the setback line, one hundred year  
2 floodplain or Conservancy District than the existing building to which it is  
3 attached.  
4

5  
6  
7 Section 53

8 Repeal and recreate section 3.09(2)(A) to read:  
9

10 (A) No principal building or its accessory building shall be hereafter erected or altered  
11 so that any roofed or enclosed portion thereof, excluding a roof overhang  
12 measuring twenty four inches (24") or less, is closer to any lot line than the offset  
13 distance hereinafter specified by the regulations for the district in which such  
14 building is located, with the following exceptions:  
15

- 16 1. Only one (1) boathouse per lot is allowed and the boathouse may not be  
17 permitted closer than five (5)-feet from the ordinary high water mark.  
18
- 19 2. In the case of a lot of record, which has a minimum average width less than  
20 the required minimum average width of the district in which it is located, the  
21 required offset for the principal structure from a side lot line may be reduced  
22 proportionately to the ratio between the actual average width and the required  
23 minimum average width, but not less than ten (10) feet except in accordance  
24 with Section 3.06(5) or as may be permitted within an approved Planned Unit  
25 Development.  
26

27 Example:  $\frac{\text{Actual Average Lot Width}}{\text{Required Minimum Average Lot Width}} \times \text{Required Offset} = \text{Reduced Offset}$   
28

- 29
- 30 3. Offsets for detached accessory buildings exceeding two hundred (200)  
31 square feet in area on lots of one hundred and twenty (120) feet in width  
32 or less may be reduced to an amount equal to the proportionate amount  
33 between the actual width and one hundred and twenty (120) feet and not  
34 less than five (5) feet, even when consideration is given to Section 3.06(5).  
35 However, no detached accessory building shall be located closer than ten  
36 (10) feet to any structure used for residential purposes.  
37
- 38 4. Offsets for buildings housing domesticated livestock, fur-bearing animals,  
39 pigeons, swine, goats and poultry, shall be not less than fifty (50) feet  
40 from an adjacent property line. This does not include doghouses or small  
41 enclosures housing normal and usual household type pets.  
42
- 43 5. When a detached accessory structure lies on an adjacent lot and closer  
44 than five (5) feet of the common lot line, a new detached accessory  
45 structure may be located the same distance from the common boundary as  
46 the existing detached structure on the adjacent lot, as long as they are  
47 within ten (10) feet of each other. In such a case, the new detached

1 accessory structure shall contain a firewall sufficient to meet the one-hour  
2 fire rating contained in the building code. However, unless a common wall  
3 with a one-hour fire rating is constructed with agreement of both property  
4 owners, building sidewalls may be no closer than three (3) feet in order to  
5 accomplish proper maintenance. A deed restriction shall be recorded prior  
6 to issuance of the zoning permit prohibiting the construction of fences  
7 between said buildings and permitting maintenance of said buildings from  
8 adjacent properties.  
9

- 10 6. One detached accessory building on any parcel which is less than two  
11 hundred (200) square feet in area may be located five (5) feet to the side  
12 lot line unless otherwise excepted under any other provision.  
13  
14 7. In the case of an extension or addition of a structure into the minimum  
15 offset distance, and where such extension would not extend closer to the  
16 side lot line than the existing structure to which it is attached, a Special  
17 Exception may be granted by the Board of Adjustment to allow such an  
18 extension or addition as long as said extension or addition does not  
19 encroach closer to the side lot line than an existing structure to which it is  
20 attached.  
21  
22 8. Offsets on decks and patios may be reduced to 60% of the distance  
23 between the principal structure and the lot line, otherwise required for the  
24 principal structure, but shall in no case be located closer than five (5) feet  
25 of a lot line. This includes any reduction allowed in Section 3.06(5).  
26  
27 9. Retaining walls do not need to meet the offset requirements of the  
28 individual zoning districts if they comply with the provisions of section  
29 3.04(5).  
30  
31

32 Section 54

33 Repeal and recreate section 3.11(2)(E) to read:

34  
35 Where a lot has less land area or width than required for the district in which it is located  
36 and was of record at the time of the passage of this Ordinance (February 26, 1959), such  
37 lot may be used for any purpose permitted in such district, but not for residential purposes  
38 for more than one (1) family; provided, however, that in no case shall the setback, offset,  
39 ~~or~~ open space or floor area ratio requirements be reduced to less than that required in the  
40 R-3 residential district.  
41

42 Such substandard lot shall be in separate ownership from abutting lands. If abutting lands  
43 and the substandard lot are owned by the same owner and the substandard lot shall not be  
44 sold or used without full compliance with the minimum lot area requirements of the R-3  
45 residential district, or as close to that minimum as possible.  
46  
47

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Section 55

Repeal and recreate section 3.11(4) 3 to read:

On parcels which are the subject of a Conditional Use Permit and as regulated by the Conditional Use Permit.

Section 56

Repeal and recreate section 3.19 to read:

Swimming pools, as defined in Section 2.02.

(1) Use permitted: Above and below ground swimming pools are permitted in any district other than A-E or C-1 districts, subject to the following:

- (A) The pool must be intended to be used solely by the occupants of the principal use of the property on which the pool is intended to be located, and their guests.
- (B) Any pool, together with its surrounding walks, patios, diving platforms, bathhouses and accessory structures, shall be so located that the parts of said complex are in conformity with the setback and offset requirements of the applicable district.
- (C) Walls or fences of at least four (4) feet in height shall be provided around the immediate area of the pool to act as a deterrent for unsupervised children gaining access. Where the pool is an above ground pool, no additional fence or wall shall be required if the walls of the pool are at least four (4) feet above the grade of the land completely surrounding it and extending at least five (5) feet from the walls of the pool. If an access ladder is provided, it shall be so designed so that it can be locked, tipped or otherwise placed to prohibit access to the pool by children.

(2) Permit required: No swimming pool shall be constructed unless a zoning permit has been issued pursuant to Section 3.03 of this Ordinance.

Section 57

Repeal and recreate section 5.01(2) to read:

Specific prohibition: Filling or drainage of wetlands, removal of topsoil or peat, or damming or relocating of any watercourse shall not be permitted except with approval of the plan commission and zoning agency.

1 Section 58

2 Repeal and recreate section 6.22 to read:

3  
4 All the following uses permitted by right in the A-B Agricultural Business District are  
5 subject to Site Plan and Plan of Operation approval of the plan commission and zoning  
6 administrator:

- 7  
8 A. Warehousing, transfer and transport services of agricultural commodities.  
9  
10  
11 B. Horticultural services, including the retail sale of nursery landscape material and  
12 other agricultural crops and related commodities.  
13  
14 C. Feed milling operations.  
15  
16 D. Agricultural machinery sales and services.  
17  
18 E. Cheese factories.  
19  
20 F. Bulk milk collection, storage and distribution facilities.  
21  
22 G. Veterinarian services.  
23  
24 H. Custom grain drying.  
25  
26 I. Poultry and/or egg production.  
27  
28 J. Residential use may be permitted only in connection with or accessory to  
29 otherwise permitted uses.  
30  
31 K. Any other use consistent with stated intent of this district subject to approval of  
32 the plan commission and zoning administrator.  
33  
34  
35

36 Section 59:

37 Repeal and recreate section 6.51(A) 4 to read:

38  
39 The transfer of development rights may only take place between the RRD-5, the AD-10,  
40 C-1 and A-E districts, except that only a maximum of 20% of the transferring land zoned  
41 C-1 Conservancy or A-E Exclusive Agricultural Conservancy may be counted toward the  
42 overall density to be provided for the receiving land.  
43  
44  
45

1 Section 60:

2 Repeal and recreate section 6.72(1)(A) to read:

3  
4 Any uses permitted in C-1 Conservancy District.  
5

6  
7 Section 61

8 Repeal section 7.01(H).  
9

10  
11 Section 62:

12 Repeal and recreate section 8.01b(1) to read:

13  
14 Purpose and Intent: The purpose of this zoning district is to allow the development of  
15 land at densities not greater than one (1) unit for each five (5) acres on all non-prime  
16 agricultural areas, in order to encourage the preservation of Prime Agricultural tillable  
17 land, (U.S.D.A. Class I and II soils) to discourage residential development on  
18 environmentally sensitive areas, provide some marketability for such lands, and to  
19 encourage a more economical use of land which is suited to residential development by  
20 permitting more intensive use of such lands without changing the overall rural character  
21 of the Town and the population density of the Town as set forth in the adopted Land Use  
22 Plan. Further, only 20% of the lands in the C-1 Conservancy or A-E Exclusive  
23 Agricultural Conservancy zoning district may be used when calculating the allowable  
24 living units.  
25

26 This district encourages the transfer of residential development rights from one area of a  
27 parcel to another, and from one tract of land to another, thereby increasing the density of  
28 development in exchange for establishing the preservation of other lands as "agricultural  
29 preserved lands."  
30

31  
32  
33 Section 63:

34 Repeal and recreate section 8.01b(2)(B) to read:

35  
36 The transfer of development rights may only take place between RRD-5, the AD-10, A-E  
37 Exclusive Agricultural Conservancy and C-1 Conservancy Zoning Districts except that  
38 only a maximum of 20% of the transferring land zoned C-1 Conservancy/Wetland or A-E  
39 Exclusive Agricultural Conservancy may be counted towards the overall density to be  
40 provided for the receiving land. Where more than 50% of the site is zoned in the C-1 or  
41 A-E category, only that amount of acreage up to the 50% amount may be used in the  
42 above calculations for density purposes.  
43  
44  
45

1 Section 64:

2 Repeal and recreate section 8.01b(2)(G) to read:

3  
4 No building intended in whole or part for residential use shall be erected or relocated  
5 unless the lot on which it is located meets the required density factor or has allocated to it  
6 through the transfer program, sufficient additional preserved lands to meet the required  
7 density factor for the district in which it is located. Where "transferred lands" are to be  
8 established, no more than 20% of the total for computation may be in the C-1  
9 Conservancy or A-E Exclusive Agricultural Conservancy Zoning Districts and in  
10 accordance with Section 6.51(B) 2 of this Ordinance. Where the total area (or the  
11 pro-rated factor) involved includes more than one zoning district, the overall density  
12 factor shall apply. In any such case involving the establishment of "preserved lands"  
13 approval by the plan commission and the zoning agency shall be required, pursuant to the  
14 criteria and development goals set forth herein.  
15

16  
17 Section 65

18 Repeal and recreate section 8.01b(3)(1)(G) to read:

19  
20 (G) Home occupation and professional offices, as regulated in Section 7.01.  
21  
22

23 Section 66:

24 Repeal and recreate section 8.01b(3)(1)(H) to read:

25  
26 (H) Hobby kennels, as regulated in Section 7.01.  
27  
28

29 Section 67:

30 Create a heading after section 8.04a and before section 8.01b to designate section 8b as RRD-5  
31 Rural Residential Density District 5.  
32  
33  
34

35 Section 68:

36 Repeal and recreate section 8.04b(4)(B) to read:

37  
38 They must be developed at no more than a five (5) acre density, taking into account only  
39 20% of any C-1 Conservancy or A-E Exclusive Agricultural Conservancy zoned lands  
40 where more than 50% of the site is zoned C-1 or A-E, only the amount of acreage up to  
41 the 50% amount may be used in the calculation of allowable density.  
42  
43  
44

1 Section 69:

2 Repeal and recreate section 12.02 to read:

3  
4 The following uses are permitted by right subject to review and approval of the Site Plan  
5 and Plan of Operation by the plan commission and the zoning administrator:

- 6
- 7 1. Hospitals and clinics or rehabilitation facilities or centers.
- 8 2. Nursing home.
- 9 3. Schools.
- 10 4. Mental health or substance abuse treatment, training, or counseling or  
11 rehabilitation facilities.
- 12 5. Residential treatment, training or education facilities.
- 13 6. Municipal buildings.
- 14 7. Museums.
- 15 8. Police and Fire stations.
- 16 9. Libraries.
- 17 10. Penal reform institutions.
- 18 11. Military installations.
- 19 12. Public service yards.
- 20 13. Publicly owned and operated parks, recreational uses, golf courses, and open  
21 space uses.
- 22 14. Other similar uses as determined by the plan commission and zoning  
23 administrator.
- 24
- 25

26 Section 70:

27 Repeal and recreate section 12.03 to read:

28  
29 Permitted Accessory Uses.

- 30
- 31 1. Garages and buildings for storage of vehicles and/or equipment, which is used in  
32 conjunction with the operation of a permitted use.
- 33
- 34 2. Residential quarters used for other than a permitted use under Section 12.02 shall  
35 be occupied only by individuals employed full-time on the premises and their  
36 families.
- 37
- 38 3. Stables, barns, or poultry houses provided that no building which houses said  
39 livestock or poultry is closer than one hundred (100) feet to any lot line.
- 40
- 41 4. Horticulture, including greenhouses and nurseries and to the extent associated  
42 with an otherwise permitted use, retail fruit and vegetable stands.
- 43
- 44 5. Signs displaying the name of the institution or facility provided they are no  
45 greater than fifty (50) square feet in area.
- 46

- 1           6.     Parking in accordance with Section 3.12.  
2  
3           7.     Satellite dishes or other communication equipment apparatus.  
4  
5           8.     Temporary Uses: Lands and buildings within the district may be used on a  
6           temporary basis for private and commercial uses usually not more than 1 week in  
7           duration. Such uses might consist of carnivals, rental of said buildings for private  
8           gatherings, use of buildings for temporary commercial displays or trade fairs and  
9           similar functions for the purpose of fundraising or other special and unique events  
10          in conjunction with the permitted use. Approval must be granted by the town  
11          board and the zoning administrator for such temporary use and subject to any  
12          condition that may be imposed.  
13  
14

15 Section 71:

16 Repeal and recreate section 13.01(1)(B) to read:

- 17  
18           (B)     The following retail or customer service establishments of a restrictive nature  
19           provided the location, building and Site Plan and Plan of Operation have been  
20           submitted to, and approved by, the plan commission and zoning administrator as  
21           being in keeping with the character of the surrounding residential area.  
22  
23                   1.     Boarding or lodging houses.  
24                   2.     Delicatessen.  
25                   3.     Florist shop.  
26                   4.     Funeral home.  
27                   5.     Gift shop.  
28                   6.     Interior decorator.  
29                   7.     Professional office or studio.  
30                   8.     Tea room or restaurant provided no liquor is served.  
31                   9.     Tourist home.  
32                   10.    Any similar use subject to the approval of the plan commission and zoning  
33                   administrator.  
34  
35

36 Section 72:

37 Repeal and recreate section 14.01(1)(B) to read:

- 38  
39           (B)     Any of the following retail and customer service establishments, providing  
40           the location, building and Site Plan and Plan of Operation are submitted to  
41           and approved by the plan commission and the zoning administrator:  
42  
43                   1.     Art shop.  
44                   2.     Appliance store.  
45                   3.     Bakery (not over ten (10) employees).  
46                   4.     Barber shop.

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5. Beauty shop.
  6. Bank or savings and loan office.
  7. Clinic.
  8. Clothing or drygoods store.
  9. Confectionery store.
  10. Drug store.
  11. Furniture store.
  12. Book or stationery store.
  13. Fruit and vegetable market.
  14. Grocery or other food products store.
  15. Hardware store.
  16. Ice cream store.
  17. Jewelry store.
  18. Meat and fish market.
  19. Music and radio store.
  20. News-stand.
  21. Notion or variety shop.
  22. Parking lot.
  23. Pharmacy.
  24. Radio and television sales and repair shop.
  25. Photographer.
  26. Restaurant,
  27. Shoe store.
  28. Soda fountain.
  29. Tailor or dressmaking shop.
  30. Telegraph and telephone office and telephone exchange.
  31. Utility company office.
  32. Any similar use subject to the approval of the plan commission and zoning administrator.

Section 73:

Repeal and recreate section 15.01(1)(B) to read:

The following business and trades of a more general nature, normally serving a larger trade area, providing the location, building and Site Plan and Plan of Operation are submitted to and approved by the plan commission and zoning administrator:

1. Wholesalers and distributors.
2. Theaters, dance halls, arcades, video game parlors and other amusement places.
3. Used car lots.
4. Dry cleaning and dyeing establishments.
5. New and used automobile sales rooms and lots, sale of snowmobiles, personal watercraft, boats and marina equipment along with repair and service shops for such equipment, storage yards and garages for said equipment, vehicles and supplies, and contractors yards, but not including the storage and/or sale of junked or wrecked equipment or parts.

- 1 6. Printing and publishing houses.
- 2 7. Dairies and bottling plants.
- 3 8. Laundries.
- 4 9. Lockers and cold storage plants.
- 5 10. Any similar use subject to the approval of the plan commission and zoning
- 6 administrator.

7  
8  
9 Section 74:

10 Repeal and recreate section 15.12 to read:

11  
12 The plan commission and zoning administrator must review and approve building plans  
13 and a Site Plan and Plan of Operation for each building proposal or change in use in order  
14 to achieve a satisfactory relationship between the permitted use, its operating  
15 characteristics, the arterial highway system, and adjacent uses.

16  
17  
18 Section 75:

19 Repeal and recreate section 15.13(C) to read:

20  
21 Off-street Parking and Loading Areas: Provided detailed site plans, including landscaping  
22 and buffering, are submitted to and approved by the plan commission and zoning  
23 administrator. Front, rear and side yard paved setbacks shall not be less than ten (10)  
24 feet. Shared drives and shared parking areas may be allowed among adjacent properties  
25 where appropriate and practical through the use of cross-easements or other internal  
26 linkages between the properties with approval of the plan commission and zoning  
27 administrator.

28  
29  
30 Section 76:

31 Repeal and recreate section 15.13 D to read:

32  
33 Signs: Allowed by conditional use to evaluate size, orientation and compatibility with the  
34 entire site. Landscape and site plans for the signs must be submitted to, reviewed and  
35 approved by the plan commission and zoning agency.

36  
37  
38 Section 77:

39 Repeal and recreate 15.14(1)D to read:

40  
41 Communications facilities, including antenna masts and satellite dish antennas located in  
42 the rear yard and roof-mounted satellite dish antennas and roof-mounted solar collectors  
43 on the roof of the principal structure, provided a registered engineer shall certify that the  
44 structure is adequate to support the load. All such facilities shall be screened from view  
45 with the facility and screening approved by the plan commission and zoning agency.

1  
2 Section 78:

3 Repeal and recreate section 15.17(1) to read:

4  
5 Lot Size - Unsewered:

- 6 (a) Total site may not be less than ten (10) acres with outlots being created by  
7 a PUD.  
8 (b) When an unsewered lot is created, the plan commission and zoning  
9 administrator may require the principal structure on the lot to be arranged  
10 and dimensioned so as to allow further division of the parcel at such time  
11 as sewer becomes available.  
12  
13

14 Section 79:

15 Repeal and recreate section 15.17(5) to read:

16  
17 Side Yard Setback: Shall have a minimum offset of ten (10) feet; however, the plan  
18 commission and zoning administrator may require a greater offset to accommodate future  
19 expansion of the building or future paved driveway access to the rear of the building.  
20  
21

22 Section 80:

23 Repeal and recreate section 15.21B to read:

24  
25 The plan commission and zoning administrator shall review and consider for approval a  
26 building plan and a Site Plan and Plan of Operation for each building or use proposal to  
27 determine if the proposed development complies with the locally adopted plan. The  
28 review shall be required to achieve a satisfactory relationship between the permitted use,  
29 its operating characteristics, the arterial highway system and adjacent uses such as retail,  
30 residential, customer service, business park and light industrial.  
31  
32

33 Section 81:

34 Repeal and recreate section 15.22 to read:

- 35  
36 A. Permitted Principal Uses: The following principal uses are permitted provided the  
37 building plan and a Site Plan and Plan of Operation have been submitted to and  
38 approved by the plan commission and zoning administrator. Development prior  
39 to sewers being installed in the area is contingent upon the ability of each use to  
40 obtain the necessary sanitary septic system approvals from the proper authorities.  
41  
42 1. Community and customer service establishments including eating and  
43 drinking establishments, overnight lodging, and indoor commercial  
44 recreational facilities such as bowling alleys, physical fitness salons and  
45 theaters. Such establishments may not be located adjacent to or opposite a  
46 residential district (as designated in the Master Plan) and must be within

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1,000 feet of a state trunk highway except as identified by Section 15.23 of this Ordinance.

2. Offices for the professions, business and utilities, studios, health care facilities and clinics (not providing for overnight stay).
3. Automobile Drive-thru facilities such as financial services, fast food establishments, provided the service rendered or product sold is provided to each customer while they remain in or near their cars and provided to one or a few vehicles at a time (as contrasted with an outdoor theater where all cars are serviced at once). Such facilities must be located within 1,000 feet of a state trunk highway.
4. Laboratory, research and servicing operations. Servicing operations shall not be for general retail or public consumption but limited to the servicing of the specific product manufactured or assembled at that site.
5. Trades or light industrial operations of limited intensity, including manufacturing, assembly, fabrication, and processing operations, warehousing (on parcels greater than 3 acres), wholesaling, and distribution operations, except as otherwise prohibited.

B. Permitted Accessory Uses: The following accessory uses are permitted provided the building or structure plan and a Site Plan and Plan of Operation have been submitted to and approved by the plan commission and zoning administrator

1. Garages attached to the principal structure for storage of vehicles used in conjunction with operation of the business.
2. Off-street parking and loading areas, provided detailed site plans, including landscaping and buffering, are submitted to and approved by the plan commission and zoning administrator. Front, rear and side yard paved setbacks shall be not less than ten (10) feet. Shared drives and shared parking areas among adjacent properties where appropriate and practical are desirable through the use of cross-easements or other internal linkages between properties.
3. Communications facilities, including antenna masts and satellite dish antennas located in the rear yard and roof-mounted solar collectors on the roof of the principal structure, provided a registered engineer shall certify that the structure is adequate to support the load. All such facilities shall be screened from view with the facility and screening approved by the plan commission and zoning administrator. Screening shall be required for any satellite dish exceeding 24 inches in size and where more than one exists per property.
4. Bus or taxi shelters or waiting areas.

1 Section 82:

2 Repeal and recreate section 15.23 to read:

3  
4 Only the following conditional uses may be permitted provided the building plan and a  
5 Site Plan and Plan of Operation have been submitted to and approved by the plan  
6 commission and zoning agency:

- 7  
8 1. Child care facilities not accessory to a principal office use.  
9  
10 2. Cooling towers, silos or other similar uses accessory to the permitted principal  
11 uses.  
12  
13 3. Automobile service and fuel stations.  
14  
15 4. Restaurants to be located within 1,000 feet of any residential area designated on  
16 the Master Plan.  
17  
18 5. Fuel or vehicle repair stations serving trucks other than company motor vehicles.  
19 Such facilities shall not be located within 1,000 feet of a residential area  
20 designated on the Master Plan unless having direct access to a state trunk  
21 highway.  
22  
23 6. Any outdoor recreation involving night operation with limitations on hours of  
24 operation.  
25  
26 7. Retail stores and shops located beyond 1,000 feet of a state trunk highway.  
27  
28 8. Retail uses operated more than 16 hours per day.  
29  
30 9. Health care facilities providing for overnight stays.  
31  
32 10. Commercial vehicle terminals with roadway access to a state trunk highway.  
33  
34

35 Section 83:

36 Repeal and recreate section 15.24(1) to read:

37  
38 Offensive Uses. No uses shall be permitted or maintained which, when conducted under  
39 adequate conditions and safeguards in compliance with the provisions of this Chapter and  
40 any additional conditions or requirements prescribed by the plan commission and zoning  
41 administrator, are or may become hazardous, noxious or offensive due to emission or  
42 odor, dust, smoke, cinders, gas, fumes noise, vibrations, beat frequency, refuse matter,  
43 water-carried waste or fugitive lighting.  
44  
45  
46

1 Section 84:

2 Repeal and recreate section 15.26(1) to read:

3  
4 1. Lot Size - Unsewered:

- 5  
6 (a) Building site shall have a minimum lot size of 40,000 square feet.  
7 (b) When an unsewered lot is created, the plan commission and zoning  
8 administrator may require the principal structure on the lot to be arranged  
9 and dimensioned so as to allow further division of the parcel at such time  
10 as sewer becomes available.  
11

12 Section 85:

13 Repeal and recreate section 15.26(5) to read:

14  
15 Side Yard Setback: Shall have a minimum offset of ten (10) feet; however, the plan  
16 commission and zoning administrator may require a greater offset to accommodate future  
17 expansion of the building or future paved driveway access to the rear of the building.  
18  
19

20 Section 86:

21 Repeal and recreate section 15.27(1) to read:

22  
23 Landscape and Site Plans for signs must be submitted to, reviewed and approved by the  
24 plan commission and the zoning administrator.  
25  
26

27 Section 87:

28 Repeal and recreate section 17.01(1)(B) to read:

29  
30 Trades or industries of a restrictive character which are not detrimental to the district or  
31 to the adjoining residential areas by reason of appearance, noise, dust, smoke or odor,  
32 provided the location, building plan and a Site Plan and Plan of Operation have been  
33 submitted to and approved by the plan commission and zoning administrator, but not  
34 including any use enumerated under section 18.01(1)(C) or any of the following:  
35

- 36 1. Junk yards, as regulated by section 3.08(7)(V).  
37 2. Drop forges, foundries, refineries, tanneries or any similar use, the normal  
38 operation of which causes objectionable noise, odor, dust or smoke.  
39  
40

41 Section 88:

42 Repeal and recreate section 18.01(1)(C) to read:

43  
44 Any other commercial or industrial use not otherwise prohibited by law, provided  
45 their location, building plan and a Site Plan and Plan of Operation have been  
46 submitted to and approved by the plan commission and zoning administrator,  
47 except the following:

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1. Cement, lime, gypsum, or plaster of paris manufacture.
2. Acid manufacture.
3. Manufacture of explosives, but not including the making of small arms ammunition.
4. Storage of explosives, except as incidental to a permitted use.
5. Fertilizer manufacture.
6. Offal or dead animal reduction.
7. Glue manufacture, fat rendering or distillation of bones.
8. Stockyards or commercial slaughter of animals.

Section 89:

Repeal and recreate section 19.01(1) to read:

Authority: There is hereby created a Board of Adjustment pursuant to Section 59.694 of the Wisconsin Statutes, to consist of five (5) members and two (2) alternates to be appointed by the County Executive and confirmed by the County Board. The first appointments shall be for a term of one (1), two (2), and three (3) years respectively, and thereafter on July 1 of each year the new appointment shall be for three (3) year terms.

Section 90:

Repeal and recreate section 19.01(2) to read:

All members of the board shall reside within the county and outside the limits of incorporated areas, provided, however, that no two (2) members shall reside in the same town. A vacancy shall be filled for the unexpired term of any member whose term becomes vacant, by appointment of the county executive and confirmation by the county board. The actual and necessary expenses incurred by the board in performance of its duties shall be paid and allowed as cases of other claims against the county. The members of the board shall also receive per diem compensation as provided for by the county board.

Section 91:

Repeal and recreate section 19.03(1)(A) to read:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of section 59.69 Wisconsin Statutes, or of this Ordinance

1 Section 92:

2 Repeal and recreate section 19.03(6) to read:

3  
4 Further appeal: Any person or persons, jointly or severally, aggrieved by any decision of  
5 the board of adjustment, or any taxpayer, or any officer, department, board or bureau of  
6 the municipality, may appeal from a decision of the board of adjustment within thirty  
7 (30) days after the filing of the decision in the office of the board of adjustment in the  
8 manner provided in sections 59.692(4)(b), 59.693(4)(b), 59.694(4) and 59.694(10) of the  
9 Wisconsin Statutes.

10  
11  
12  
13 Section 93:

14 Repeal and recreate section 19.03(4) to read:

15  
16 Enforcement of decision: In exercising the above-mentioned powers, such board may, in  
17 conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or  
18 may modify the order, requirements, decision or determination appealed from, and may  
19 make such order, requirement, decision or determination as ought to be made, and to that  
20 end shall have all the powers of the officer from whom the appeal is taken; and may issue  
21 or direct the issue of a permit provided that no such action shall have the effect of  
22 permitting in any district a use prohibited in that district; of rezoning; of allowing the  
23 division of a parcel to create additional parcels which are not in conformity with the  
24 zoning district regulations in which it is located; or of permitting, without the approval of  
25 the county zoning agency, any building within the base setback area as established by  
26 section 3.09(1) of this Ordinance, or of granting exception to the state plumbing code, or  
27 other state, county or local Ordinances.

28  
29  
30  
31 Section 94:

32 Repeal and recreate section 20.01 to read:

33  
34 Pursuant to the provisions of section 59.69 of the Wisconsin Statutes the county board  
35 may amend the regulations of this Ordinance or change the district boundaries.

36  
37  
38 Section 95:

39 Repeal and recreate section 20.02(2) to read:

40  
41 Filing of petition: Such petition shall be submitted in triplicate directly to the zoning  
42 administrator in order that notice of hearings and other processing may be initiated  
43 without unnecessary delay. The zoning administrator shall immediately file the original  
44 of said petition with the county clerk, who shall present it to the county board at its next  
45 meeting for formal referral to the zoning agency for report and recommendation as  
46 required by section 59.69(5) of the Wisconsin Statutes.

1 Section 96:

2 Repeal and recreate section 20.03 to read:

3  
4 The county board may, by Ordinance, zone and rezone any lands owned by the county  
5 without necessity of securing the approval of the town boards of the towns wherein such  
6 lands are situated, and without following the procedure outlined in section 59.69(5) of the  
7 Wisconsin Statutes, provided that the county board shall give written notice to the town  
8 board of the town wherein such lands are situated of its intent to so rezone and shall hold  
9 a public hearing on the proposed rezoning Ordinance and give notice of such hearing by  
10 posting in five (5) public places in the town.  
11

12  
13 Section 97:

14 Repeal and recreate section 20.04(1) to read:

15  
16 Removal from map: When any lands previously under the jurisdiction of a county zoning  
17 Ordinance shall have been finally removed from such jurisdiction by reason of  
18 annexation to an incorporated municipality, and after the regulations imposed by the  
19 county zoning Ordinance have ceased to be effective as provided in section 59.69(7) of  
20 the Wisconsin Statutes, the county board may, on the recommendation of its zoning  
21 agency, adopt such amendatory Ordinances and shall remove or delete such annexed  
22 lands from the official zoning map or written descriptions without following any of the  
23 procedures provided in section 59.69 (5)(a) to (e) Wisconsin Statutes, and such  
24 amendatory Ordinances shall become effective upon passage and publication. A copy of  
25 such Ordinance shall be forwarded by the county clerk to the clerk of each town in which  
26 the lands affected were previously located. Nothing in this paragraph shall be construed  
27 to nullify or supersede the provisions of section 80.64 of the Wisconsin Statutes.  
28  
29

30 Section 98:

31 Repeal and recreate section 22.01(1) to read:

32  
33 Park and planning commission designated: The Waukesha County Park and Planning  
34 Commission is hereby designated as the zoning agency pursuant to section 59.69(2)(a) of  
35 the Wisconsin Statutes.  
36  
37

38 Section 99:

39 Repeal and recreate section 22.01(4) to read:

40  
41 Appeal: Any person or persons, jointly or severally, aggrieved by any decision of the  
42 zoning agency, or any taxpayer, or any officer, department, board or bureau of the  
43 municipality, may appeal from a decision of the zoning agency within thirty (30) days  
44 after the filing of the decision in the office of the zoning agency by seeking the remedy  
45 available by certiorari. No appeal shall be taken from a decision of the zoning agency to  
46 the board of adjustment.

1 Section 100:

2 Repeal and recreate section 22.02(1) to read:

3  
4 Designation: The Director of the Waukesha County Parks and Land Use Department is  
5 designated as "zoning administrator" for the administration and enforcement of the  
6 provisions of this Ordinance and the zoning administrator has the authority to designate  
7 staff under his or her direction to perform delegated tasks and duties.  
8  
9

10 Section 101:

11 Create section 22.02(5) to read:

12  
13 Fee schedule: The fees referred to in other sections of this Ordinance shall be established  
14 by the annual Waukesha County budget adopted by the Waukesha County Board and  
15 may from time to time be modified. The processing fees are related to costs involved in  
16 handling zoning permit applications, Site Plan and Plan of Operation review, conditional  
17 use petitions, appeals to the board of adjustment, and zoning amendments.  
18  
19

20 Section 102:

21 Repeal and recreate section 22.03(4) to read:

22  
23 Enforcement by Citation: The County elects to use the citation method of enforcement  
24 under Section 66.0113 of the Wisconsin Statutes for violations of this Code of  
25 Ordinances, including those for which a statutory counterpart exists.

26 (A) In addition to all law enforcement officers, the issuance of citations is  
27 expressly limited to the zoning administrator. The authority delegated to  
28 such official or employees to issue citations may only be granted or  
29 revoked by the County Board.  
30

31 (B) The citation shall contain the following information:

- 32  
33 1. The name and address of the alleged violator.  
34 2. The factual allegations describing the alleged violation.  
35 3. The time and place of the offense.  
36 4. The section of the ordinance violated.  
37 5. A designation of the offense in such a manner as can be reasonably  
38 understood by a person making a reasonable effort to do so.  
39 6. The time at which the alleged violator may appear in court.  
40 7. A statement which, in essence, informs the alleged violator:  
41  
42 a. That a cash deposit based on the schedule established by the  
43 County Board, from time to time, and on file in the office of the  
44 County Clerk, be made to and deposited with the Clerk of the  
45 Waukesha County Circuit Court or the Sheriff's Department  
46 prior to the time of the scheduled court appearance.

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- b. That if a deposit is made, no appearance in court is necessary unless he is subsequently summoned or the citation requests a court appearance.
  - c. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment, a jail assessment crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments of, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
  - d. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment or an action may be commenced to collect the forfeiture, penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments.
  - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered.
- 8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under subpara. 7. above has been read. Such statement shall be sent or brought with the cash deposit.
  - 9. Such other information as the County deems necessary.
- (C). The schedule of cash deposits including penalty assessment, jail assessment, crime lab assessment and drug/law enforcement assessment and any applicable domestic abuse or consumer information assessments for use with citations issued under this section shall be as adopted by the County Board from time to time and such schedule shall be on file in the Offices of the Sheriff, Zoning Administrator, County Clerk and Clerk of Court and receipts shall be given for cash deposits.

1 (D). The procedures contained in Section 66.0113(3) of the Wisconsin Statutes,  
2 relating to the options of an alleged violator and default are adopted and  
3 incorporated herein by reference.  
4

5 (E). This section does not preclude the County or any authorized officer  
6 from proceeding under any other ordinance or law or by any other enforcement  
7 method to enforce any ordinance regulation or order.  
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10 Section 103:

11 Repeal and recreate section 23.03 to read:

12  
13 Following passage and publication by the county board, this Ordinance shall be in full  
14 force and effect in each town upon filing with the county clerk a certified copy of a  
15 resolution by the town board approving said Ordinance pursuant to section 59.69(5)(c) of  
16 the Wisconsin Statutes and attached to a copy of the Ordinance as submitted to the town  
17 board.  
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21 Section 104:

22 Create section 23.05 to read:

23  
24 The Corporation Counsel shall be the official revisor and editor of this Code and the  
25 Corporation Counsel, or his or her designee, is authorized to revise this Code in  
26 accordance with any enrolled ordinance. The Corporation Counsel is hereby authorized  
27 to make changes to the numbering sequence, lettering, organization, formatting, or  
28 capitalization or words of an enrolled ordinances or these Code sections, as needed to  
29 create a consecutive sequence, an orderly format, and to be consistent with other code  
30 sections.  
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34 Section 105:

35 Repeal and recreate section 6.64 to read:

36  
37 Height Limitations.

- 38  
39 (1) Principal Building: Thirty-five (35) feet maximum.  
40  
41 (2) Accessory Building:  
42  
43 (A) Farm: Sixty (60) feet maximum.  
44  
45 (B) Other: Fifteen (15) feet maximum.  
46  
47

1 Section 106:

2 Repeal and recreate section 6.74 to read:

3  
4 Height Regulations.

5  
6 (1) Principal Building: Thirty-five (35) feet maximum.

7  
8 (2) Accessory Building:

9  
10 (A) Farm: Sixty (60) feet maximum.

11  
12 (B) Other: Fifteen (15) feet maximum.  
13  
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16 Section 107:

17 Repeal and recreate section 12.03 to read:

18  
19 Permitted Accessory Uses.

20  
21 1. Garages and buildings for storage of vehicles and/or equipment, which is used in  
22 conjunction with the operation of a permitted use.

23  
24 2. Residential quarters used for other than a permitted use under Section 12.02 shall  
25 be occupied only by individuals employed full-time on the premises and their  
26 families.

27  
28 3. Stables, barns, or poultry houses provided that no building which houses said  
29 livestock or poultry is closer than one hundred (100) feet to any lot line.

30  
31 4. Horticulture, including greenhouses and nurseries and to the extent associated  
32 with an otherwise permitted use, retail fruit and vegetable stands.

33  
34 5. Signs displaying the name of the institution or facility provided they are no  
35 greater than fifty (50) square feet in area.

36  
37 6. Parking in accordance with Section 3.12.

38  
39 7. Satellite dishes or other communication equipment apparatus.

40  
41 8. Temporary Uses: Lands and buildings within the district may be used on a  
42 temporary basis for private and commercial uses usually not more than 1 week in  
43 duration. Such uses might consist of carnivals, rental of said buildings for private  
44 gatherings, use of buildings for temporary commercial displays or trade fairs and  
45 similar functions for the purpose of fundraising or other special and unique events  
46 in conjunction with the permitted use. Approval must be granted by the Town

1 Board and the County Zoning Agency for such temporary use and subject to any  
2 condition that may be imposed.

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4  
5 Section 108:

6 Repeal and recreate section 15.01 to read:

7  
8 Use regulations.

9  
10 (1) Permitted uses:

11 (A) Any use as permitted in the B-2 local business district, except that  
12 residential use shall be permitted only in conjunction with or accessory to  
13 an otherwise permitted use.

14  
15 (B) The following business and trades of a more general nature, normally  
16 serving a larger trade area, providing the location, building and site plan  
17 and plan of operation are submitted to and approved by the plan  
18 commission:  
19

- 20 1. Wholesalers and distributors.
- 21 2. Theaters, dance halls, arcades, video game parlors and  
22 other amusement places.
- 23 3. Used car lots.
- 24 4. Dry cleaning and dyeing establishments.
- 25 5. New and used automobile sales rooms and lots, sale of  
26 snowmobiles, personal watercraft, boats and marina  
27 equipment along with repair and service shops for such  
28 equipment, storage yards and garages for said equipment,  
29 vehicles and supplies, but not including the storage and/or  
30 sale of junked or wrecked equipment or parts.
- 31 6. Printing and publishing houses.
- 32 7. Dairies and bottling plants.
- 33 8. Laundries.
- 34 9. Lockers and cold storage plants.
- 35 10. Any similar use subject to the approval of the plan  
36 commission.  
37

38 (C) Signs, billboards and other similar advertising media.  
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