

ENROLLED ORDINANCE 167-88

AMEND SECTION 13-2-4(f)(1) OF THE TOWN OF WAUKESHA ZONING  
CODE PERTAINING TO ON-SITE LANDSCAPING AND SCREENING AND  
CREATE SECTION 13-2-11(b)(4) HEIGHT REGULATIONS (ZT-1750)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this ordinance was approved by the Waukesha Town Board on October 11, 2012, and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on June 24, 1979, is hereby amended to amend Section 13-2-4(f)(1) pertaining to on-site landscaping and screening and create Section 13-2-11(b)(4) Height Regulations, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this ordinance by reference ZT-1750, is hereby approved.

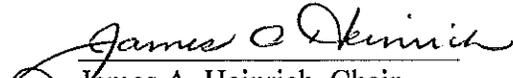
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this ordinance with the Town Clerk of Waukesha.

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

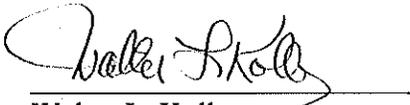
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

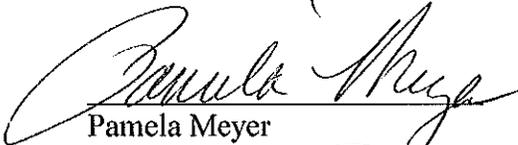
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CODE PERTAINING TO ON-SITE LANDSCAPING AND SCREENING AND  
CREATE SECTION 13-2-11(b)(4) HEIGHT REGULATIONS (ZT-1750)

Presented by:  
Land Use, Parks, and Environment Committee

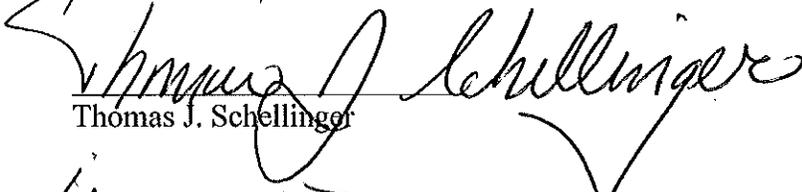
  
James A. Heinrich, Chair

[Absent]  
Jim Batzko

  
Walter L. Kolb

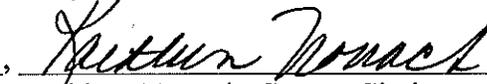
  
Pamela Meyer

  
Fritz Ruf

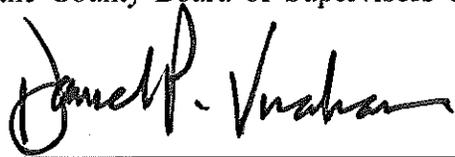
  
Thomas J. Schellinger

[Absent]  
Peter M. Wolff

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

Date: 3/26, 2013,   
Kathleen Novack, County Clerk

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

Approved:   
Vetoed:   
Date: 4-2-13,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/26/13

(ORD) NUMBER-1670'88

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

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

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

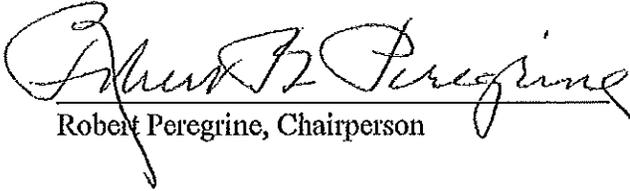
TOTAL VOTES-23

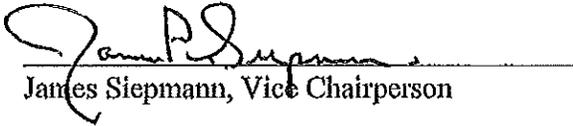
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends **approval** of (ZT-1750 - Town of Waukesha Board) in accordance with the attached "Staff Report and Recommendation".

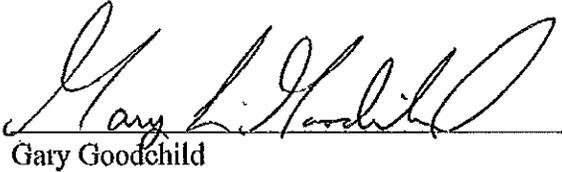
PARK AND PLANNING COMMISSION

February 21, 2013

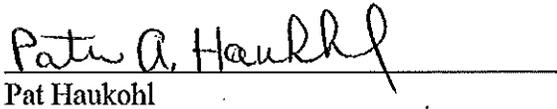
  
Robert Peregrine, Chairperson

  
James Siepmann, Vice Chairperson

  
William Mitchell

  
Gary Goodchild

  
Walter Kolb

  
Pat Haukohl

(Absent)  
Fritz Ruf

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

**FILE NO:** ZT-1750  
**TAX KEY NUMBER:** N/A  
**DATE:** February 21, 2013  
**NAME OF PETITIONER:** Town Board of Waukesha  
Town of Waukesha Town Hall  
W250 S3567 Center Road  
Waukesha, WI 53189

**NATURE OF REQUEST:**

Amend Section 13-2-4(f)(1) of the Town of Waukesha Zoning Code pertaining to on-site landscaping and screening and create Section 13-2-11(b)(4) Height Regulations.

**PUBLIC HEARING DATE:**

August 9, 2012.

**PUBLIC REACTION:**

A number of residents spoke regarding other text amendments related to chickens that were being considered at the same public hearing. There were no comments regarding the landscaping and accessory building height proposals.

**TOWN PLAN COMMISSION ACTION:**

On October 11, 2012, the Town of Waukesha Plan Commission recommended approval of the proposed text amendments to the Town of Waukesha Board.

**TOWN BOARD ACTION:**

On October 11, 2012, the Town of Waukesha Board adopted an ordinance to amend the Town of Waukesha Zoning Code in accordance with the recommendation of the Town Plan Commission (Exhibit "A").

**BACKGROUND AND SUMMARY OF CHANGES:**

The Town of Waukesha is proposing two minor amendments to their Zoning Code. The first proposed change would allow the Town Plan Commission and Board the ability to authorize modifications to the Town's existing landscaping placement and formula standards in response to "unusual, unique, or existing site conditions that impede full compliance. . ." The amendment ensures that relief from the landscaping standards is appropriate through broad referenced protection criteria that are to ensure that modifications enhance the natural environment and the appropriate use and orderly development of land. The Town's current landscaping standards are extremely detailed and require a certain number of "landscaping points" for various elements such as foundation plantings, landscaping for street frontages and landscaping for paved areas.

The second change relates to maximum accessory building height in residential and agricultural zoning districts. The Town Code currently specifies a fifteen foot maximum height for most such structures. The proposed language would allow the Town Plan Commission and Board the ability to grant a height increase when the increase will serve the purpose of allowing conformity between a principal building's roof pitch and an accessory building's roof pitch. The proposed language contains the same general safeguards as those referenced above, including language that ensures orderly development of land and requirements that relief continues to ensure the maintenance of an attractive, harmonious community. The Waukesha County zoning codes provide similar accessory building height relief by offering one foot of additional accessory building height for each additional foot that such a building is offset from the property line (maximum height increase of 10' is allowed). The County codes also provide for a maximum base accessory building height of 18', so 15' is quite restrictive.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the proposed text amendments to the Town of Waukesha Zoning Code be **approved** as presented. The changes are very minor and allow for the Town Plan Commission and Board to essentially issue waivers relative to specific landscape scoring measures and accessory building height provisions. If the Town finds that waiver requests are becoming too commonplace or problematic, they may wish to require that such requests instead be considered by the Board of Adjustment as special exceptions or that maximum relief available be clearly defined. The changes allow for site specific variations for these issues. Given the nature of the topics, Staff feels that the Town's Site Plan review process will ensure that sufficient landscaping is provided on individual sites and the Town Plan Commission and Board should be able to assess the potential aesthetic impacts of accessory building height waivers as they analyze individual requests and their specific site setting conditions.

Respectfully submitted,



Jason Fruth  
Planning and Zoning Manager

Attachment: Exhibit "A" - Town Ordinance

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167-0-088

4.

**EXHIBIT "A"**

STATE OF WISCONSIN

WAUKESHA COUNTY

TOWN OF WAUKESHA

AN ORDINANCE AMENDING § 13-2-4(f)(1)  
ON-SITE LANDSCAPING AND SCREENING AND CREATING  
§ 13-2-11(b)(4) HEIGHT RESTRICTIONS

THE TOWN BOARD OF THE TOWN OF WAUKESHA DO ORDAIN AS FOLLOWS:

SECTION 1: § 13-2-4(f)(1) On-Site Landscaping and Screening of the CODE OF ORDINANCES OF THE TOWN OF WAUKESHA is hereby amended by the addition of underlined text as follows:

**SEC. 13-2-4 SITE PLAN AND PLAN OF OPERATION REVIEW**

(f) **Landscaping.**

- (1) On-Site Landscaping and Screening. The following landscape standards are to be utilized in preparing landscape plans to be submitted with site plans. The Plan Commission and the Town Board will review each landscape plan to determine if it conforms to the intent of these standards. Modifications to the placement and point formula standards may be permitted, as determined appropriate by the Plan Commission and the Town Board, in response to unusual, unique, or existing site conditions that impede full compliance, provided such modifications are otherwise consistent with the purpose and intent of the Landscaping Ordinance of promoting health, safety, and general welfare of the citizens by preserving and enhancing the Town's natural environment, facilitating the creation of an attractive and harmonious community, protecting and enhancing property values, and encouraging the appropriate use and orderly development of land.

SECTION 2: § 13-2-11(b)(4) Height Regulations Exceptions of the CODE OF ORDINANCES OF THE TOWN OF WAUKESHA is hereby created by the addition of underlined text as follows:

**SEC. 13-2-11 HEIGHT REGULATIONS**

(b) **Exceptions.**

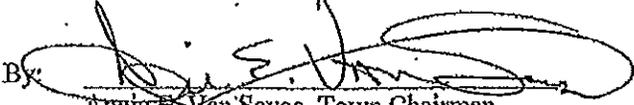
- (4) The maximum height of a single story accessory building in any agricultural or residential district may exceed the allowable accessory building height of the district, when the height is increased to allow conformity with the roof pitch of the primary residence, as determined appropriate by the Plan Commission and Town Board, provided unique or unusual conditions exist that make full compliance with applicable accessory building height restrictions unreasonably burdensome and where the increase in height sought is otherwise consistent with the purpose and intent of the Accessory Building Height restriction of promoting the health, safety and general welfare of the citizens by facilitating the achievement of an attractive and harmonious community, protecting and enhancing property values, and encouraging the appropriate use and orderly development of land.

SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

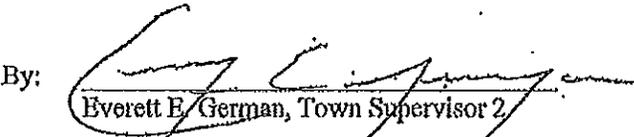
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

Passed and approved this 11th day of October, 2012. *js.*

TOWN OF WAUKESHA, WI

By:   
Angie M. Van Seyoc, Town Chairman

By: Joseph A. Bauske Digital Signature ID328-xx-xxx  
Joe Bauske, Town Supervisor 1

By:   
Everett E. German, Town Supervisor 2

By: Mike Laska  
Mike Laska, Supervisor 3.

By: Brian Tom Fischer  
Brian Tom Fischer, Town Supervisor 4 02/25/13

ATTEST:

Jamie Salentine  
Jamie Salentine, Town Clerk-Treasurer

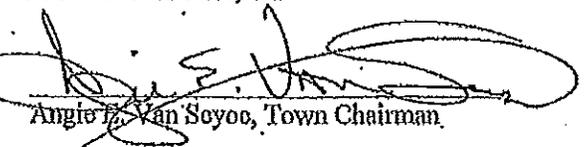
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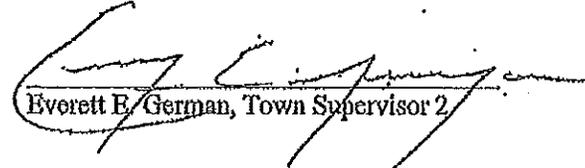
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TOWN OF WAUKESHA, WI

By:   
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By:   
Everett E. German, Town Supervisor 2

By: *Mike Laska*  
Mike Laska, Supervisor 3.

By: *Brian Tom Fischer*  
Brian Tom Fischer, Town Supervisor 4 02/25/13

ATTEST:

*Jamie Salentine*  
Jamie Salentine, Town Clerk-Treasurer

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