

ZC EC AMENDMENTS DRAFT - Repeal and re-create Section 6.7, as follows:

SECTION 6.7 ENVIRONMENTAL CORRIDOR DISTRICT

6.71 Purpose and Intent

The Environmental Corridor District, as mapped or intended to be mapped, includes non-wetland/floodplain primary and secondary environmental corridors and isolated natural resource areas as defined in this Ordinance, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding twelve (12) percent, and upland wooded areas, while also affording an opportunity to use the site for limited residential purposes, in concert with the goal and intent of the Regional Land Use Plan, Comprehensive Development Plan for Waukesha County, or locally adopted plan, which recommends that residential densities in such areas not exceed one unit per five acres for all parcels which lie entirely within the Environmental Corridor. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be refined and finally determined by infield investigation by the Zoning Administrator or his/her designee, and a notation shall be made on the map indicating that such a determination has been made for future reference and map amendment purposes.

6.72 Use Regulations

- (1) Permitted Uses:
 - (A) Any uses permitted in the C-1 Conservancy District except that, whenever possible, pasturing and grazing of livestock shall be located outside of the environmental corridor.
 - (B) Single family dwellings.
 - (C) Keeping of poultry and livestock on not less than five (5) acres of land where there shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land, and one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land thereafter. The keeping of hogs, male goats or fur-bearing animals shall not be permitted.

(D) The following accessory buildings and uses, subject to the conditions specified:

1. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
2. Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.
3. Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.

(E) A sign in accordance with Section 7.01(1)(G).

(F) Hobby kennel in accordance with Section 7.01(1)(I).

(G) Guesthouses are prohibited in the EC District.

(H) The establishment and enhancement of public parks and recreation areas, wilderness or walk-in unimproved boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife habitat areas, provided that any tree and vegetation removal and subsequent restoration done in the EC Environmental Corridor District and any improvements and/or construction shall be approved by the County Zoning Administrator before beginning any development activities. Vegetative restoration may be allowed within the corridor for the purpose of improving wildlife habitat or to otherwise enhance wildlife values provided all necessary permits are obtained and said activities shall only be approved after review and approval and issuance of all permits, as required. Roads and trails to service the recreational and wildlife areas, etc may be permitted, but said roads and trails may not include vegetation removal or other construction activity within the

corridor without obtaining all approvals, as required.

(Section 6.72(1)(A) was amended by Enrolled Ordinance 159-69, effective 1-17-05.)

(Sections 6.72(1)(C) and 6.72(1)(D)3 were amended by Enrolled Ordinance 161-13, effective 09/04/06.)

6.73 Building Location

- (1) Setback: Fifty (50) feet minimum.

- (2) Offset: Thirty-five (35) feet minimum. In the case of existing legal non-conforming principal or accessory structures that are less than the required thirty-five (35) foot minimum, an extension or addition may be allowed closer than thirty-five (35) feet as long as said extension or addition does not extend or encroach closer to the side lot line than the existing structure to which it is attached, at its closest point as measured in this Ordinance, and in no case shall be less than twenty (20) feet unless a Special Exception is granted by the Board of Adjustment to allow such extension or addition, and with the requirement that all of the disturbance regulations of Section 6.7 of this Ordinance be met as applicable.

6.74 Height Regulations

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

- (2) Accessory Building:
 - (A) Farm: Sixty (60) feet maximum.

 - (B) Other: Fifteen (15) feet maximum.

6.75 Area Regulations

(1) Floor Area:

(A) Minimum required:

1. First floor: Eight hundred and fifty (850) square feet.
2. Total: Eleven hundred (1,100) square feet.

(B) Maximum F. A. R. permitted: Lots that are less than two (2) acres in area are restricted to a maximum F. A. R. of fifteen (15) percent.

(2) Lot size:

- (A) Minimum area: The overall density of parcels lying entirely within the Environmental Corridor shall be not greater than one (1) dwelling unit per five (5) acres of corridor area, with no lot area being less than two (2) acres in size. On parcels which contain area outside of the environmental corridor or partially within the environmental corridor and in a zoning category requiring less than a five (5) acre lot, the five (5) acre density requirement shall not apply and the lot can be the size required for that adjacent zoning category, as determined by the Zoning Administrator, as long as any land altering activity and/or building envelopes are located outside of the corridor area and appropriately restricted as such on the face of the Certified Survey Map, Subdivision Plat or other document approved by the Waukesha County Park and Planning Commission or the Zoning Administrator and recorded in the office of the Register of Deeds. The overall goal of this requirement is to obtain a maximum density of building activity within the environmental corridor of not more than one (1) dwelling unit for each five (5) acres of environmental corridor lands.

- (B) Lands which lie within a larger parcel or tract of land, the remainder of which is zoned either A-P Agricultural Land Preservation District or A-T Agricultural Land Preservation Transition District, shall have a minimum (gross) parcel size of thirty-five (35) acres.

(3) Preservation of Open Space:

- (A) For parcels lying entirely within an Environmental Corridor Zoning District, no open space regulation shall apply. However, the area of disturbance in the Environmental Corridor District for all land altering activities and vegetative removal, including building sites, septic areas, and drive areas, shall be no more than 15,000 square feet or fifteen (15) percent of a parcel's area, up to a maximum of 32,670 square feet, whichever is greater, and a deed restriction shall be recorded in the office of the Register of Deeds describing the permitted area of disturbance.

- (B) For parcels which lie partially within and partially outside of the Environmental Corridor Zoning District, the area of disturbance as described in Section 3(A) above shall be limited to that area outside of the Environmental Corridor District unless otherwise permitted by a building envelope on a certified survey map, subdivision plat, or other document, or unless the developable area of a parcel (that area that is not constrained by zoning district setback and offset requirements and that is located outside of the Environmental Corridor District) is less than 15,000 square feet or is less than the area that is equal to fifteen (15) percent of the area of a parcel, up to a maximum of 32,670 square feet.

If the developable area on a lot is less than the above specified thresholds, an area of disturbance within the Environmental Corridor District, as described in Section 3(A) above, up to the amount of area needed to achieve a 15,000 square foot developable area or a developable area of up to fifteen (15) percent of the area of the parcel, up to a maximum of 32,670 square feet of disturbance area, as described in Section 3(A) above, may be permitted by the Zoning Administrator provided a deed restriction is recorded in the office of the Register of Deeds describing and authorizing the area of disturbance.

(4) Tree and Vegetation Cutting and Removal:

- (A) All tree and native brush and understory vegetation cutting and removal within the Environmental Corridor District shall require a Zoning Permit, in accordance with Section 3.03 of this Ordinance, prior to said activities commencing, with the following exceptions:

The cutting or removal of four or fewer dead, dying or diseased trees from a single property within a one-year time period, the removal of invasive species, or the removal of vegetation necessitated by extension of utilities to public or private property shall not require a Zoning Permit. In addition, the Zoning Administrator may waive Zoning Permit requirements for tree cutting or vegetation removal in the event of widespread storm damage or for the cutting of trees that present a safety hazard.

- (B) Tree and vegetation cutting or removal is regulated in order to protect natural beauty and wildlife habitat and to prevent erosion. Except for those activities conducted in accordance with the provisions of Section 6.75(3) above, tree and vegetation cutting and removal shall be limited to the cutting and removal of dead, dying, and diseased trees or vegetation; the cutting and removal of invasive species; or the cutting and removal of trees and vegetation related to the implementation of a forest management plan approved by the Zoning Administrator or his/her designee. Cutting and removal activities must demonstrate enhancement of the environmental corridor. The Zoning Administrator may consult with natural resource experts at the Southeastern Wisconsin Regional Planning Commission or other governmental agencies to determine the appropriateness of the proposed cutting or removal activities and to solicit recommendations regarding any required re-planting or restoration requirements in order to ensure that the project does not have an adverse impact on the natural environment.

Repeal and re-create the following CU sections:

3.08 Conditional uses

(7) Conditional use permitted:

(B) Antique Shops, Gift Shops, Art Studios and Similar Uses: Such uses are permitted by right in business districts. In addition, such uses are permitted conditionally in all other districts except C-I and A-E Districts subject to the following:

1. The location, site plans and plan of operation have been submitted to and approved by the Plan Commission and County Zoning Agency.
2. Such use is compatible with surrounding land uses.

(KK) Limited Family Business: The purpose and intent of this Section is to provide a listing of procedures and standards of operation for limited family businesses that may operate in an attached garage or detached accessory building under a conditional use permit in residential or agricultural districts except the EC and A-E Districts.

1. A conditional use permit for a limited family business is designed to accommodate small family businesses without the necessity for relocation or rezoning, while at the same time protecting the interest of the adjacent property owner and any future development of the area. Any expansion of the limited family business will be subject to an amendment to the conditional use permit and, if said amendment is denied, the conditional use permit would either terminate or the expansion could not take place.
2. All employees, except one full-time equivalent, shall be members of the family residing on the premises.

3. The plan commission and zoning agency shall determine the percentage of the property that may be devoted to the limited family business and the more restrictive determination shall apply.
4. The limited family business is restricted to a service oriented business or home occupation business and is prohibited from manufacturing or assembling products. The sale of products on the premises which are not produced by the limited family business is prohibited. The sale of products available for sale as accessories to the business may be permitted or limited by specific conditions in the conditional use permit (i.e. hair care products such as shampoo and conditioners normally associated with a business that cuts or styles hair).
5. The conditional use permit shall restrict the number and types of machinery and equipment the limited family business operator may be allowed to bring onto the premises and whether the machinery and equipment must be stored inside a building.
6. The structures used in the limited family business shall be considered to be residential accessory buildings and shall meet all the requirements for such buildings. The design and size of the structures are subject to conditions in the conditional use permit.
7. The conditional use permit shall automatically expire and terminate on the sale of the property or its transfer to a non-occupant of the property.
8. The limited family business shall not operate on a parcel having less than the minimum parcel size for the district in which it is located. For certain uses which are determined by the town and county to have a potential adverse effect on adjacent residential zoned properties, additional requirements regarding location and site standards (i.e. screening) may be required as conditions of the use.

(P)

2. Residential Planned Unit Development:

(a) The following table may be utilized to compute the maximum dwelling unit density requirements of the P.U.D., except that areas which are Primary or Secondary Environmental Corridors are also subject to (b) below.

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| A-1 | 120,000 sq. ft. (2.75 acres) per dwelling unit |
| A-2 | 120,000 sq. ft. (2.75 acres) per dwelling unit |
| A-3 | 80,000 sq. ft. (1.84 acres) per dwelling unit |
| A-5 | 200,000 sq. ft. (4.59 acres) per dwelling unit |
| Environmental Corridor | 5 acres per dwelling unit * |
| A-P | 35 acres per dwelling unit |
| A-T | 35 acres per dwelling unit |
| R-1a | 39,000 sq. ft. (0.89 acres) per dwelling unit |
| R-1 | 39,000 sq. ft. (0.89 acres) per dwelling unit |
| R-2 | 25,000 sq. ft. (0.57 acres) per dwelling unit |
| R-3 | 15,000 sq. ft. (0.34 acres) per dwelling unit |

* Calculations for Environmental Corridors shall occur as established in (b) below.

(b) If all of the Primary and Secondary Environmental Corridor or Environmental Corridor zoned lands are preserved in their entirety within the public open space or common open space and preserved in their natural state, the density of one unit per five (5) acres may be

added to the maximum number of dwelling units derived from utilizing the table above.

- (g) Adequate guarantee shall be provided for permanent retention of the open space resulting from these regulations, either by private reservation for use of the residents within the development or others as may be specifically provided for, i.e.: farmers use of open space, dedication to a public entity or development of a private recreational facility open to the general public in perpetuity for a fee, subject to Plan Commission and Zoning Agency approval. There shall not be any clear cutting or clearing of vegetation other than dead, diseased, or dying vegetation or removal of invasive species on any lands being so preserved in public open space or common open space which are considered Primary or Secondary Environmental Corridor or Isolated Natural Resource Areas, as depicted on the Waukesha County Comprehensive Development Plan, except as provided in (e) for limited trail or recreational related development.

Repeal and re-create the following definitions:

- (31) Environmental Corridors: Environmental corridors (primary, secondary and isolated natural resource areas) are concentrations of key significant natural resource elements including surface water such as lakes, streams, and rivers and their associated undeveloped floodlands and shorelands; woodlands, wetlands, and wildlife habitat; prairie remnants; areas of groundwater discharge and recharge; unfarmed wet, poorly drained and organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic features. In general, primary environmental corridors are concentrations of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width. Secondary environmental corridors are concentrations of significant natural resources at least 100 acres in area and at least one mile in length (possibly smaller and shorter if considered a primary link). Isolated Natural Resource Areas are concentrations of significant natural resources at least five acres in area and at least 200 feet in width. Generalized Environmental Corridor boundaries are mapped by the Southeastern Wisconsin Regional Planning Commission, typically at five-year intervals, and precise boundaries are field delineated by, or reviewed and approved by, the Southeastern Wisconsin Regional Planning Commission Staff. A description of the processes for further defining and delineating Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2, and is incorporated herein by reference.
- (32) Environmentally significant areas: Environmentally significant areas are lands which are zoned as C-1 Conservancy District, A-E Exclusive Agricultural Conservancy District, or EC Environmental Corridor District, or are designated as primary environmental corridor, secondary environmental corridor, or isolated natural resource area on the Waukesha County Comprehensive Development Plan.

(Created by Enrolled Ordinance 161-13, effective 09/04/06.)