

Enrolled Ordinance 171-84

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE TO
REPEAL AND RECREATE SECTION 13-2-6 (a) RELATING TO DRAINAGE
REGULATIONS (ZT-1846)

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 December 8, 2016, 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 60.62, 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 repeal and recreate Section 13-2-6 (a) relating to drainage 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-1846, 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.

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-1846 (Curt Bauer)** in accordance with the attached "Staff Report and Recommendation".

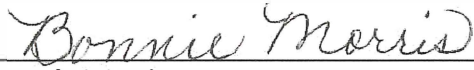
PARK AND PLANNING COMMISSION

February 23, 2017


James Siepmann,


Robert Peregrine


Richard Morris (CHAIRPERSON)


Bonnie Morris


William Mitchell


Keith Hammitt

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

DATE: February 23, 2017

FILE NO.: ZT-1846

PETITIONER: Curt Bauer
S62 W22980 Townline Road
Waukesha, WI 53189

NATURE OF REQUEST:

Repeal and re-create Section 13-2-6 (a) of the Town of Waukesha Zoning Code relating to drainage regulations.

PUBLIC HEARING DATE:

December 8, 2016.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION:

The Town of Waukesha Plan Commission unanimously recommended approval of the proposed request on December 8, 2016.

TOWN BOARD ACTION:

The Town of Waukesha Board unanimously approved the proposed request on December 8, 2016.

ANALYSIS:

The Town of Waukesha is proposing to revise the drainage regulations contained with the Town Zoning Code. The request to amend these provisions was initiated by a private property owner. The Town's existing drainage provisions require a two-foot separation between basement floors and the highest anticipated seasonal ground water level. The County Stormwater and Erosion Control Ordinance, which is administered within the Town of Waukesha and eight other towns, has required a minimum one-foot separation since 2005. County technical standards for basement/groundwater separation were last refined in 2014 to allow for exposed basements to meet the one-foot separation requirements via "drain to daylight" methodology. Many of the towns within the County similarly regulate a one-foot basement/groundwater separation. The proposed language is very similar to that recently adopted by the Town of Vernon.

The proposed language requires compliance with the Waukesha County Stormwater and Erosion Control Ordinance technical procedures and forms for ground water separation. The existing Town provisions contain language that had become dated relative to the techniques used to assess estimated seasonal high ground water levels. The proposed changes provide consistency between the Town Zoning Code and the County technical standards. County Land Resources Staff has expressed confidence that a one-foot separation standard is sound to protect homeowners from groundwater flooding.

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The change to a one-foot groundwater separation eases regulatory burden for property owners while still ensuring adequate protection from high groundwater.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning Manager

Attachments: Town Ordinance (2016-12)

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ORDINANCE 2016-12

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 13-2-6(a)
OF THE TOWN OF WAUKESHA ZONING CODE
RELATED TO DRAINAGE REGULATIONS**

WHEREAS, the Town has received a Petition from Curt Bauer requesting that the Town amend its Zoning Ordinance to reduce the required groundwater separation for a basement from 2 feet to 1 foot; and

WHEREAS, upon receipt of the petition the Town Clerk scheduled a public hearing to be held jointly by the Town Plan Commission and the Town Board December 8, 2016, pursuant to Section 13-2-22(d); and

WHEREAS, the Town Clerk for the Town of Waukesha has properly transmitted notice to the Town Plan Commission, Town Board, and to the Waukesha County Park and Planning Commission, pursuant to Section 13-2-22(d)(2) of the Town of Waukesha Zoning Code; and

WHEREAS, the Plan Commission considered the testimony taken at the public hearing, along with other pertinent technical information and made a recommendation to the town pursuant to Section 13-2-22(d)(3) of the Town of Waukesha Zoning Code; and

WHEREAS, the Town Board for the Town of Waukesha, after carefully reviewing the recommendation of the Plan Commission for the Town of Waukesha and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety, morals, comfort, prosperity and general welfare of the Town of Waukesha of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the zoning amendments will serve the public health, safety morals, comfort, prosperity and general welfare of the Town of Waukesha, and that such amendments are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to promote the orderly development of land; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community, and that such rezoning will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW THEREFORE, the Town Board for the Town of Waukesha, Waukesha County does hereby ordain as follows:

SECTION 1. Chapter 13 of the Town of Waukesha Municipal Code entitled "Zoning," Chapter 2 entitled "General Provisions," Section 13-2-6 entitled "Drainage Regulations," subsection (a) is hereby repealed and recreated as follows:

SEC. 13-2-6 DRAINAGE REGULATIONS.

- (a) Adequate Drainage Required. In no case may a principal building be located in an area zoned Conservancy or field delineated as wetland. No principal building shall be erected, or relocated, and no below grade structures shall be expanded on newly created or existing lots that are not in compliance with the site drainage

standards contained in the Waukesha County Storm Water Management and Erosion Control Ordinance, including all county technical procedures and forms used to enforce these standards (Chapter 14-342(c)). The lowest floor, including any basement floor, shall not be less than one (1) foot above the highest seasonal groundwater level. For the purposes of this Section, the highest groundwater level is defined as the upper limit of the zone of soil saturation caused by underlying groundwater at its highest level. Where groundwater limitations exist, subdivision plats and certified survey maps shall state the lowest allowed floor elevation for any proposed principal structure as needed to ensure compliance with the above noted site drainage standards. All basement elevations must comply with the subdivision plat or certified survey map master grading plan or with the master grading plan referenced on the subdivision plat or certified survey map. The Town Building Inspector and/or Town Engineer may request at the owner's expense the advice and assistance of a licensed professional engineer specializing in soils engineering or other qualified person in fulfilling their duties pursuant to this provision. Building, drainage, grading or other similar plans may be required to determine compliance with this Section. The Town accepts no liability for construction activities involving groundwater limitations and property owners are solely responsible for protecting their interests in this regard.

SECTION 2. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

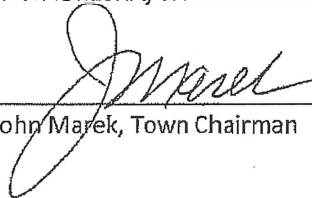
SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and approved this 8th day of December, 2016.

TOWN OF WAUKESHA, WI

By:

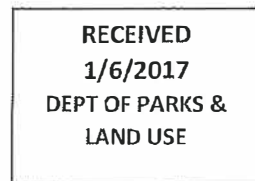


John Marek, Town Chairman

ATTEST:

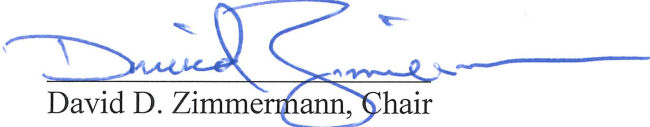


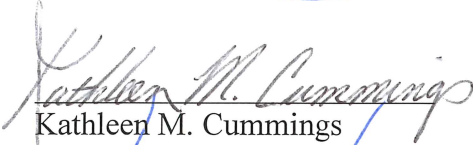
Kathy Nickolaus, Town Clerk-Treasurer

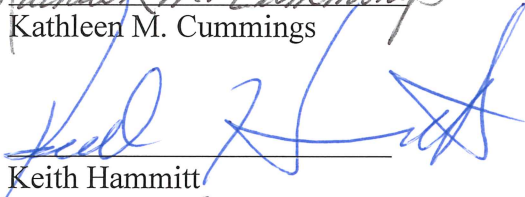


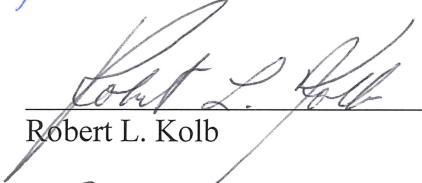
AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE TO REPEAL AND RECREATE SECTION 13-2-6 (a) RELATING TO DRAINAGE REGULATIONS (ZT-1846)

Presented by:
Land Use, Parks, and Environment Committee

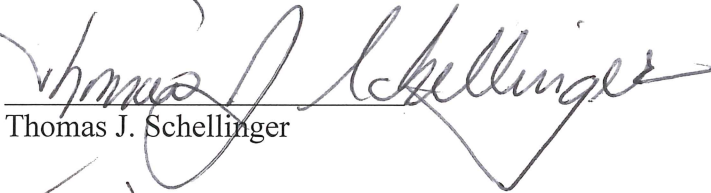

David D. Zimmermann, Chair

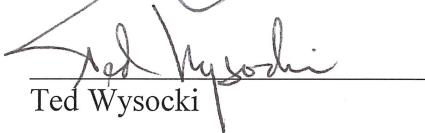

Kathleen M. Cummings


Keith Hammitt


Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

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

Date: 3/28/17, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 3/31/17, 
Paul Farrow, County Executive

D1 - Kolb	AYE		D14 - Wood	AYE
D2 - Zimmermann	Absent		D15 - Mitchell	(M) AYE
D3 - Morris	AYE		D16 - Crowley	AYE
D4 - Batzko	AYE		D17 - Paulson	AYE
D5 - Dondlinger	AYE		D18 - Nelson	AYE
D6 - Walz	AYE		D19 - Cummings	(2) AYE
D7 - Grant	Absent		D20 - Schellinger	AYE
D8 - Michalski	Absent		D21 - Zaborowski	AYE
D9 - Heinrich	AYE		D22 - Wysocki	AYE
D10 - Swan	AYE		D23 - Hammitt	AYE
D11 - Howard	AYE		D24 - Whittow	AYE
D12 - Wolff	AYE		D25 - Johnson	AYE
D13 - Decker	AYE			

171-0-086

Passed (22 Y - 0 N - 3 Absent)

Majority Vote

