

CHAPTER 3

Zoning Districts

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SEC. 13-3-1 ESTABLISHMENT OF DISTRICTS.

For the purpose of this ordinance, the Town is hereby divided into zoning districts that shall be designated as follows:

C-1	Conservancy*
A-1	Agriculture
R-E	Residence-Estate
R-SE	Residence-Suburban Estate
R-1	Residence-Single Family
R-2	Residence-Single Family
R-3	Residence-Single Family
P-1	Park, Recreation and Public District
B-1	Restricted Business
B-2	Local Business
B-3	General Business
I-1	Limited Industrial
I-2	General Industrial

*Important Note: Within the Town of Waukesha designated C-1 Conservancy District, certain lands and water areas lie within the Waukesha County designated Floodland and Shoreland Districts, and are under the jurisdiction of Waukesha County. For use of these lands, see the Waukesha County Shoreland/Floodland Protection Ordinance, as well as this ordinance.

SEC. 13-3-2 ZONING MAP.

- (a) **District Mapped.** The boundaries of said districts are shown on a map designated as the zoning map of the Town of Waukesha and is made part of this ordinance. All notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein. The map shall be kept on file in the offices of the Town and the copy attached hereto is correct only as of the date of publication and is for general informational purposes only.
- (b) **Determination of Boundaries.** In determining the exact boundaries of the various districts as shown on the zoning map, the following rules shall apply:
- (1) Unless otherwise specifically indicated on the map, the district boundaries are lot lines; section, quarter section or sixteenth section lines; the center lines of streets, highways, railways, or alleys; and where the districts designated on the map are bounded approximately by such lines, they shall be construed to be the boundary of such district.
 - (2) The boundaries of conservancy districts as drawn are intended to represent the edge of swamp, marsh, and flood land or the high water line along a stream or water course and shall be finally determined by the Town Plan Commission and Town Board by the actual field conditions in each specific situation. Within the C-1 Conservancy District, the shaded area represents the approximate edge of the Floodland-Shoreland District under the jurisdiction of Waukesha County. Boundaries of conservancy districts that include wetlands shall be field staked by the Southeastern Wisconsin Regional Planning Commission or Town approved botanist and placed on a map by a registered land surveyor. The Town Board shall review and approve the wetland delineations.
 - (3) In all other cases not covered by the foregoing, the boundaries shall be determined by use of the scale of the zoning map.

SEC. 13-3-3 C-1 CONSERVANCY DISTRICT.

The primary purpose of this district is to preserve, protect, and enhance the streams, intermittent streams, and wetland areas in Waukesha Township. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; protect existing natural woodlands; and protect the natural recreational resources of the Township.

- (a) **Use Regulations.**
- (1) Permitted Uses. The following uses are permitted in this, district, provided they do not involve dumping, filling, indiscriminate woodland clearing, or any other activity that would substantially disturb or impair the natural fauna, flora, water courses, water regimen, woodlands, or topography:
 - a. Farming and related agricultural uses, not including the erection of buildings or structures.
 - b. The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
 - c. Grazing .
 - d. Forest and game management, and sustained yield forestry.
 - e. Hunting and fishing, unless prohibited by other ordinances or laws.
 - f. Navigation and boat landing sites.
 - g. Swimming beaches.

- h. Wilderness areas and wildlife preservation and refuges.
- i. Hiking and nature trails.
- j. Telephone, telegraph and power transmission lines.
- (2) Conditional Uses. Commercial and Residential Ponds et. al.
- (3) Area, Height and Yard Requirements. None.
- (4) Structures & Buildings. None permitted, unless accessory to the principal use and a conditional use permit for the structure or building has been approved. No structure or building shall be utilized for human habitation.

(b) **Building Location.**

See Section 13-2-10.

SEC. 13-3-4 A-1 AGRICULTURE DISTRICT.

The A-1 Agriculture District is intended to provide for the needs of agriculture and residential as principle uses. It is intended that this district be a transition district to provide residential uses as determined by the Town Board. To maintain open space, it is intended that residential development be planned unit development.

(a) **Use Regulations.**

- (1) Permitted Uses.
 - a. Agriculture; dairying; general farming; raising and harvesting of crops; grazing of herds; feeding, fattening or raising of cattle or poultry; pasturage; commercial greenhouses, nurseries, orchards, sod farms, barns, farm sheds, milk houses, chicken coops, silos, etc.
 - b. One family dwellings on 20 acre parcels. The principal farm residence shall comply with the building area provisions contained herein. Farm dwellings for additional families or individuals who are actually engaged in the farm operation may be considered accessory uses, and shall comply with the floor area, offset and setback provisions of the R-3 Residential District.
 - c. Home occupations and professional offices as defined in this ordinance, when incident to the residential use and when situated in the same dwelling, subject to the following conditions:
 - 1. No name plate exceeding 3 square feet in area shall be permitted.
 - 2. Such home occupation or professional office shall not employ more than 20 percent of the floor area of the principal building.
 - 3. Such home occupation or professional office shall not employ more than one person who is not a resident on such lot.
 - 4. Adequate off-street parking facilities shall be provided adjacent, or reasonably adjacent to the building served.
 - 5. Such permitted use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel or stone for commercial purposes.
 - 6. Such permitted use shall not include the use of any machinery tools, or other appliances that can reasonably be construed as creating a nuisance to the surrounding residential area. (See Title 11, Chapter 5 of the Town Code)
- (2) Conditional Uses. Airports, et. al, Antique Shops, et. al, Bed and Breakfast Establishments, Cemeteries and Mausoleums, et. al, Commercial and Residential Ponds et. al., Commercial Kennels and Laboratories, et. al., Commercial Truck Parking, Communication Structures, et. al., Fur Farms, Pig Farms et. al., In-Law Unit, Legal NonConforming Uses, Public Buildings and Uses, Quarrying, Recreation Facilities et. al., Refuse Disposal Sites et. al., Residential Planned Unit Developments, Riding Academies et. al., and Uses or situations not specifically provided for.

- (b) **Building Locations.** (except as may be modified under the terms of a Planned Unit Development).
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 20 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal Residential Buildings. 35 feet maximum.
 - (2) Farm structures. See Section 13-2-11.
 - (3) Accessory buildings. 15 feet maximum.
- (d) **Area Regulations.**
 - (1) Floor Area.
 - a. Minimum required (except as modified under Section 13-3-4).
 - 1. First floor. 1100 square feet
 - 2. Total, one family. 1800 square feet. All residences shall have attached two car garages with a minimum area of 400 square feet and a maximum area not to exceed 1,200 square feet or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted.
 - 1. 10 percent.
 - 2. 15 percent in Planned Unit Developments.
 - (2) Lot Size.
 - a. Minimum area.
 - 1. 20 acres.
 - 2. Where Residential Planned Unit Development is utilized, the lot size shall be determined in accordance with the provisions of Section 13-2-9(i).
 - b. Minimum average width.
 - 1. 660 feet.
 - 2. Where Residential Planned Unit Development is utilized, the minimum average width shall be determined in accordance with the provisions of Section 13-2-9(i).
 - (3) Open Space.
 - a. Minimum area.
 - 1. 18 acres.
 - 2. Where Residential Planned Unit Development is utilized, the minimum open space shall be determined in accordance with the provisions of Section 13-2-9(i).

SEC. 13-3-5 R-E SINGLE FAMILY RESIDENCE; ESTATE DISTRICT.

The primary purpose of this district is to provide for large single family residences on large enough plots of land to enable the residents to participate in some aspects of country living, limited gardening pursuits and the keeping of limited numbers of poultry or animals.

- (a) **Use Regulations.**
 - (1) Permitted Uses.
 - a. Any permitted use permitted in the A-1 Agricultural District provided the minimum land area is 20 acres or greater.
 - b. One family dwellings and existing agricultural uses.
 - c. Home occupations and professional offices as defined in this ordinance, when incident to the residential use and when situated in the same dwelling, subject to the following conditions:

1. No name plate exceeding 3 square feet in area shall be permitted.
 2. Such home occupation or professional office shall not employ more than 20% of the floor area of the principal building.
 3. Such home occupation or professional office shall not employ more than one person who is not a resident on such lot.
 4. Adequate off-street parking facilities shall be provided adjacent, or reasonably adjacent to the building served.
 5. Such permitted use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel or stone for commercial purposes.
 6. Such permitted use shall not include the use of any machinery tools, or other appliances that can reasonably be construed as creating a nuisance to the surrounding residential area. (See Title 11, Chapter 5 of the Town Code)
- d. Horticulture, floriculture, viticulture and olericulture.
 - e. Crop and tree farming.
 - f. Keeping of riding horses, ponies, donkeys in private (non-commercial) stables, domestic livestock and poultry in suitable enclosed buildings, provided that the minimum lot area is 3 acres or more, then one head of such livestock and/or 20 fowl per acre may be kept. Additional livestock and fowl may be kept at the rate of one additional head and/or 20 additional fowl for each additional acre of land greater than 3 acres. No building serving to house the permitted animals or poultry shall be closer than 50 feet to the lot line of an adjoining lot in a district permitting residential use, and then solely for the use of the residents on said lot and for their guests and not for hire or livery.
 - g. The following accessory buildings and uses subject to the conditions specified:
 1. Private garages or storage buildings, when located on the same lot and not involving the conduct of a business, provided however, that no such private structure shall be erected unless that principal building to which such structure is an accessory use has been erected or is to be erected simultaneously with said structure.
 2. Quarters for household 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, provided that no building housing domestic livestock or poultry shall be closer than 50 feet to any lot line.
 4. Swimming pools, tennis courts and other private recreational facilities.
- (2) Conditional Uses. Bed and Breakfast Establishments, Commercial and Residential Ponds et. al., Communication Structures et. al., In-Law Unit, Legal NonConforming Uses, Multi-Family Unit, Public Buildings and Uses, Recreation Facilities et. al., Residential Planned Unit Developments, Riding Academies et. al. and Uses or situations not specifically provided for.
- (b) **Building Location.**
- (1) Setback. 50 feet minimum.
 - (2) Offset. 30 feet minimum.
- (c) **Height Regulations.**
- (1) Principal building. 35 feet maximum.
 - (2) Accessory buildings. 15 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (d) **Area Regulations.**
- (1) Floor Areas.
 - a. Minimum required - principal residence.
 1. First floor. 1200 square feet.

2. Total. 2500 square feet. All residences shall have attached two-car garages (minimum: of an area of at least 400 square feet and maximum: of an area not to exceed 1,200 square feet) or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted. 10 percent.
- (2) Lot Size.
 - a. Minimum area. 3 acres.
 - b. Minimum average width. 200 feet.
- (3) Open Space.
 - a. Minimum area. 2 acres.

SEC. 13-3-6 R-SE SUBURBAN ESTATE DISTRICT.

The primary purpose of this district is to provide for large single family residences on relatively large parcels to enable residents to enjoy some aspects of country living, while providing for a transitional zone between the less dense R-E District and the more dense R-1 District.

- (a) **Use Regulations.**
 - (1) Permitted Uses.
 - a. Any use permitted in the R-E Single Family Residence Estate District except that the keeping of poultry or domestic livestock shall not be permitted on any lot less than 3 acres and shall be done in accordance with the provisions of the R-E District.
 - (2) Conditional Uses. Bed and Breakfast Establishments, Commercial and Residential Ponds et. al., Communication Structures et. al., In-Law Unit, Legal NonConforming Uses, Multi-Family Unit, Public Buildings and Uses, Recreation Facilities et. al., Residential Planned Unit Developments, and Uses or situations not specifically provided for.
- (b) **Building Location.**
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 25 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal building. 35 feet maximum.
 - (2) Accessory buildings. 15 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted uses.
- (d) **Area Regulations.**
 - (1) Floor areas.
 - a. Minimum required - principal residence.
 1. First Floor. 1100 square feet.
 2. Total - 2300 square feet. All residential structures shall include an attached two-car garage (containing not less than 400 square feet, and not more than 1,200 square feet) or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted. 10 percent.
 - (2) Lot Size.
 - a. Minimum area. 2 acres.
 - b. Minimum average width. 175 feet.
 - (3) Open Space.
 - a. 50,000 square feet minimum.

SEC. 13-3-7 R-1 SINGLE FAMILY RESIDENCE DISTRICT.

The primary purpose of this district is to provide for large, single family residence on large lots in areas consistent with existing development.

- (a) **Use Regulations.**
 - (1) Permitted Uses.
 - a. Any use permitted in the R-E Residence Estate District except that the keeping of poultry or domestic livestock shall not be permitted in any subdivision or other area platted or developed into lots of less than 3 acres in size and then shall be done in accordance with the provisions of the R-SE District.
 - b. The keeping of usual household pets, but not the operation of commercial kennels or hutches.
 - (2) Conditional Uses. Bed and Breakfast Establishments, Commercial and Residential Ponds et. al., In-Law Unit, Legal Nonconforming Uses, Multi-Family Unit, Recreation Facilities et. al., Residential Planned Unit Developments and Uses or situations not specifically provided for.
- (b) **Building Location.**
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 20 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal building. 35 feet maximum.
 - (2) Accessory buildings. 15 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (d) **Area Regulations.**
 - (1) Floor Area.
 - a. Minimum required - principal residence.
 - 1. First floor. 1000 square feet.
 - 2. Total. 1800 square feet. All residences shall have attached two-car garages (minimum: of an area of at least 400 square feet and maximum: of an area not to exceed 1,200 square feet) or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted. 15 percent.
 - (2) Lot Size.
 - a. Minimum area. One acre.
 - b. Minimum average width. 150 feet.
 - (3) Open Space.
 - a. Minimum area. 30,000 square feet.

SEC. 13-3-8 R-2 SINGLE FAMILY RESIDENCE DISTRICT.

The primary purpose of this district is to provide for medium sized, single family residences on medium sized lots in areas consistent with existing development.

- (a) **Use Regulations.**
 - (1) Permitted Uses. Any use permitted in the R-1 Single Family Residence District .
 - (2) Conditional Uses. Bed and Breakfast Establishments, Commercial and Residential Ponds et. al., In-Law Unit, Legal Nonconforming Uses, Multi-Family Unit, Recreation Facilities et. al., Residential Planned Unit Developments and Uses or situations not specifically provided for.
- (b) **Building Location.**
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 20 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal building. 35 feet maximum.
 - (2) Accessory building. 15 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (d) **Area Regulations.**
 - (1) Floor Area.
 - a. Minimum required - principal residence.
 - 1. First floor. 900 square feet
 - 2. Total. 1500 square feet. All residences shall have attached two-car garages (minimum: of an area of at least 400 square feet and maximum: of an area not to exceed 1,200 square feet) or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted. 20 percent.
 - (2) Lot Size.
 - a. Minimum area. 30,000 square feet.
 - b. Minimum average width. 120 feet.
 - (3) Open Space.
 - a. Minimum area. 20,000 square feet.

SEC. 13-3-9 R-3 SINGLE FAMILY RESIDENCE DISTRICT.

The primary purpose of this district is to provide for smaller sized, single family residences on smaller sized lots in areas consistent with the existing development.

- (a) **Use Regulations.**
 - (1) Permitted Uses.
 - a. Any use as permitted in the R-2 Residential District.
 - (2) Conditional Uses. Bed and Breakfast Establishments, Commercial and Residential Ponds et. al., In-Law Unit, Legal Nonconforming Uses, Multi Family Unit, Recreation Facilities et. al., Residential Planned Unit Developments, Senior Housing and Uses or situations not specifically provided for.

- (b) **Building Location.**
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 20 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal buildings. 35 feet maximum.
 - (2) Accessory buildings. 15 feet maximum.
 - (3) Accessory structures. See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (d) **Area Regulations.**
 - (1) Floor Area.
 - a. Minimum required - principal residence.
 - 1. First Floor. 900 square feet.
 - 2. Total. 1400 square feet. All residences shall have attached two-car garages (minimum: of an area at least 400 square feet and maximum: of an area not to exceed 1,200 square feet) or 60% of the 1st floor area of the principal structure whichever is greater.
 - b. Maximum F.A.R. permitted. 20 percent.
 - (2) Lot Size.
 - a. Minimum area. 20,000 square feet.
 - b. Minimum average width. 120 feet.
 - (3) Open Space.
 - a. Minimum area. 15,000 square feet.

SEC. 13-3-10 P-1 PARK, RECREATION AND PUBLIC DISTRICT.

The purpose of this district is to allow for, protect and continue the existence of public and private outdoor park and recreation space and public lands and to insure to as great an extent as possible the preservation and conservation of the natural environment for the physical, psychological and spiritual benefit of the community, as well as the recognition of uses which serve the public interest.

- (a) **Use Regulations.**
 - (1) Permitted uses are subject to approval of a site plan and plan of operation per Section 13-2-4. Public buildings and uses as defined herein:

Arboretums, archery, band shells, bicycle trails, boating, bowling on the green, campsites, cemeteries, churches, conservatories, equestrian trails, golf courses, handball courts, hockey rinks, tennis courts, municipal buildings, parks, playfields, playgrounds, polo fields, riding tracks, schools, shuffleboard, skating rinks, skiing, ski-jumping, sledding, swimming pools, volleyball courts, wading pools, etc., including all buildings and structures necessary to the above uses, plus automobile parking lots as accessory to the above uses.
 - (2) Conditional Uses. Commercial and Residential Ponds et. al., Communication Structures et. al., Legal Nonconforming Uses, and Uses or situations not specifically provided for.
- (b) **Building Location.**
 - (1) Setback. 50 feet minimum.
 - (2) Offset. 20 feet minimum.
- (c) **Height Regulations.**
 - (1) Principal building. 35 feet maximum
 - (2) Accessory building. 15 feet maximum
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.

SEC. 13-3-11 B-1 RESTRICTED BUSINESS DISTRICT.

This district is intended to provide for the development at appropriate locations of needed commercial services of a type that is capable of being reasonably compatible with and of a character consistent with and not detrimental to proper development as determined by the Town Board.

(a) Use Regulations.**(1) Permitted Uses.**

- a. The following retail or customer service establishments provided the location, building and site plan, and plan of operation have been submitted to and approved by the Town Plan Commission and Town Board as being in keeping with the character of the surrounding area:

Antique and craft shops, art shops, bookstores, financial institutions, florist shops, funeral homes, gift shops, grocery stores, insurance offices, interior decorators offices, paint and wallpaper stores, photographic studios, professional offices or studios, retail stores, real estate offices, utility company offices, and any similar use subject to the approval of the Town.

- b. Garages for storage of vehicles used in conjunction with the operation of the business. Any outside storage in this district, even on a temporary basis, must be enclosed within a 6 foot high fence built to serve as a vision screen.

- (2) Conditional Uses. Automobile Service and Gas/Convenience Stations, Commercial and Residential Ponds et. al., Communication Structures et. al., Drive-Through Lanes et. al., Legal Nonconforming Uses, Public Buildings and Uses, Senior Housing and Uses or situations not specifically provided for.

(b) Building Location.

- (1) Setback. 50 feet minimum.
 (2) Offset. 20 feet minimum.

(c) Height Regulations.

- (1) Principal buildings. 35 feet maximum.
 (2) Accessory buildings. 15 feet maximum.
 (3) Accessory structure. See Section 13-2-11 Height Regulations for exceptions and permitted increases.

(d) Area Regulations.**Floor Area.**

- a. Maximum F.A.R. permitted. 50 percent.

(1) Lot Size.

- a. Minimum area. 20,000 square feet.
 b. Minimum average width. 120 feet.

(2) Open Space.

- a. Minimum area. 10,000 square feet.

SEC. 13-3-12 B-2 LOCAL BUSINESS DISTRICT.

This district is intended to provide for the development at appropriate locations of needed commercial services consisting primarily of neighborhood retail stores, shops, markets and individual service establishments catering to the daily needs of the surrounding local residential community.

(a) Use Regulations.**(1) Permitted Uses.**

- a. Any use permitted in the Restricted Business District.
- b. Any of the following retail and customer service establishments:
Animal hospitals or veterinarian clinics not including a commercial kennel, appliance stores, bakery shops, barber shops, bank or savings and loan offices, billiards and pool halls, bowling alleys, clinics, clothing or dry goods stores, confectionery stores, delicatessens, drug stores, furniture stores, fruit and vegetable markets, grocery or other food products stores, hardware stores, hobby shops, ice cream and candy stores, jewelry stores, liquor stores, meat and fish markets, music and radio stores, newsstands, notion or variety shops, pharmacies, optical stores, radio and television service and repair shops, private commercial recreational facilities, restaurants, self-service and pick-up laundry and dry cleaning establishments, shoe stores, sporting goods and bait shops, supermarkets, tailor or dressmaker shops, tobacco shops, and any similar use subject to the approval of the Town Plan Commission.
- c. Garages for storage of vehicles used in conjunction with the operation of the business. Any outside storage in this district, even on a temporary basis, must be enclosed within a 6 foot high fence built to serve as a vision screen.

(2) Specifically Prohibited.

- a. Residential uses except as accessory to one of the above permitted uses.

(3) Conditional Uses. Automobile Service and Gas/Convenience Stations, Commercial and Residential Ponds et. al., Commercial Kennels et. al., Communication Structures et. al., Drive-Through Lanes et. al., Laboratories for Testing et. al., Legal Nonconforming Uses, Motels, Outdoor Theater and Uses or situations not specifically provided for.**(b) Building Location.****(1) Setback. 50 feet minimum.****(2) Offset.**

- a. Buildings used solely for commercial purposes. 10 feet minimum.
- b. Buildings used in part for accessory residence purposes. 20 feet minimum.

(c) Height Regulations.**(1) Principal building. 35 feet maximum.****(2) Accessory buildings. 15 feet maximum.****(3) Accessory structures. See Section 13-2-11 Height Regulations for exceptions and permitted increases.****(d) Area Regulations.****(1) Floor Area.**

- a. Maximum F.A.R. permitted. 50 percent.

(2) Lot Size.

- a. Minimum area. 20,000 square feet.
- b. Minimum average width. 120 feet.

(3) Open Space.

- a. Minimum area. 15,000 square feet.

SEC. 13-3-13 B-3 GENERAL BUSINESS DISTRICT.

This district is intended to provide for those commercial activities of a more general retail and wholesale nature, and those office and service facilities catering to the larger community trade area.

- (a) **Use Regulations.**
- (1) Permitted Uses.
 - a. Any use as permitted in the Local Business District.
 - b. The following types of businesses, services and trades:
Automobile sales rooms, automotive body repair, storage yards and garages for equipment, supplies or vehicles but not including the storage of junked or wrecked automobiles or parts; bakeries, caterers, dairies, and bottling plants, dry cleaning and dyeing establishments, furniture stores, laundries, lockers and cold storage plants, pet shops, places of entertainment, printing and publishing houses, theaters, dance halls and other amusement places, used car lots, wholesalers and distributors, mini-warehouses and any similar use subject to the approval of the Town Plan Commission.
 - (2) Conditional Uses. Automobile Service and Gas/Convenience Stations, Commercial and Residential Ponds et. al., Commercial Kennels and Laboratories et. al., Communication Structures et. al., Drive-Through Lanes et. al., Laboratories for Testing et. al., Legal Nonconforming Uses, Motels, Senior Housing and Uses or situations not specifically provided for.
- (b) **Building Location.**
- (1) Setback. 50 feet minimum.
 - (2) Offset.
 - a. Principal Building. 10 feet.
 - b. Buildings used in part for accessory residence purposes. 20 feet minimum.
- (c) **Height Regulations.**
- (1) Principal building. 35 feet maximum.
 - (2) Accessory buildings. 15 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (c) **Area Regulations.**
- (1) Floor Area.
 - a. Maximum F.A.R. permitted. 50 percent.
 - (2) Lot Size.
 - a. Minimum area. 20,000 square feet.
 - b. Minimum average width. 120 feet.
 - (3) Open Space.
 - a. Minimum area for principal use. No requirement.

SEC. 13-3-14 I-1 LIMITED INDUSTRIAL DISTRICT.

This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors; and subject to such regulatory controls as will reasonably insure compatibility in this respect.

(a) Use Regulations.**(1) Permitted Uses.**

- a. Any use as permitted in the General Business District except that residential use shall be permitted only in conjunction with a business, industrial, or agricultural use as an accessory use.
- b. Adult-Oriented Establishments (see Section 13-2-8) automotive body repairs; automotive upholstery, boat manufacture, storage, and repairs; cleaning, pressing and dyeing factories; commercial bakeries; commercial greenhouses; distributors; farm machinery; food locker plants; laboratories; machine shops; manufacture and bottling of beverages; painting; printing; publishing; warehousing; and wholesaling. Manufacture, processing, fabrication, packing, packaging, and assembling of products from cement, clay, furs, glass, leather, metals, oils, paper, plaster, plastics, stone, textiles, and wood. Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; electronic devices; food; experimental, testing and research laboratories; instruments; jewelry; pharmaceuticals; tobacco, toiletries, and well drilling equipment.
- c. Other trades or industries of a restrictive character which are not detrimental to the district or to the adjoining residential areas by reason of appearance, noise, dust, smoke or odor, provided the location, building and site plan, and plan of operation have been submitted to and approved by the Town Plan Commission, but not including any use enumerated under Section 13-3-15(a)(1)(b), or any of the following:

Drop forges, foundries, junk yards, refineries, tanneries, or any similar use, the normal operation of which causes objectionable noise, odor, dust or smoke.

- (2) Conditional Uses. Automobile Service and Gas/Convenience Stations, Commercial and Residential Ponds et. al., Commercial Kennels and Laboratories et. al., Communication Structures et. al., Drive-Through Lanes et. al., Legal Nonconforming Uses, Motels, Outdoor Theater, Quarrying, Refuse Disposal Sites et. al., Salvage Yards and Uses or situations not specifically provided for.

(b) Building Location.

- (1) Setback. 50 feet minimum.
- (2) Offset. 10 feet minimum, except that where a lot abuts on a district boundary line of a more restrictive district permitting residence use, the following regulations shall apply:
 - a. Buildings or uses permitted in the more restrictive district shall comply with the offset requirements of the more restrictive district.
 - b. Buildings or uses not permitted in the more restrictive district shall provide a 50-foot minimum offset and shall be screened from the more restrictive district by a planting screen at least 6 feet high and 15 feet in width .

(c) Height Regulations.

- (1) Principal building. 60 feet maximum.
- (2) Accessory buildings. 60 feet maximum.
- (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.

- (d) **Area Regulations.**
- (1) Floor Area.
 - a. Minimum required for principal use. None.
 - b. Maximum F.A.R. permitted. 70 percent.
 - (2) Lot Size.
 - a. Minimum area. One acre.
 - b. Minimum average width. 150 feet.
 - (3) Open Space .
 - a. Minimum area for principal use. No requirement.

SEC. 13-3-15 I-2 GENERAL INDUSTRIAL DISTRICT.

This district is intended to provide for the same type of manufacturing and industrial development as in the I-1 Limited Industrial District, but in those areas where the relationship to surrounding land character would permit greater freedom in determining compatibility and would not necessitate as stringent regulatory controls.

- (a) **Use Regulations.**
- (1) Permitted Uses.
 - a. Any use as permitted in the Limited Industrial District, and the following: Adult-Oriented Establishments (see Section 13-2-8), construction contractors and building material salvage yards, freight terminals and transshipment depots, enclosed storage, drop forge and foundries, petroleum storage, storage and sale of machinery and equipment and trade and contractors offices and equipment.
 - b. Any other commercial or industrial uses not otherwise prohibited by law, provided their location and plan of operation have been submitted to and approved by the Town Plan Commission except the following:

Acid manufacture; cement, lime gypsum, or plaster of paris manufacture; fertilizer manufacture, glue manufacture, fat rendering or distillation of bones; manufacture of explosives, but not including the making of small arms ammunition, offal or dead animal reduction; petroleum refineries; stockyards or slaughter of animals, except the slaughter of animals owned by consumer and for his sole use, and incident to and in conjunction with the operation of a locker plant may be permitted, provided the location and plan of operation has been submitted to and approved by the Town Engineer and the Town Plan Commission.
 - c. Unclassified and unspecified uses will be allowed if proven not to be objectionable.
 - (2) Conditional Uses. Automobile Service and Gas/Convenience Stations, Commercial and Residential Ponds et. al., Communication Structures et. al., Fur Farms, Pig Farms et. al., Legal Nonconforming Uses, Quarrying, Refuse Disposal Sites et. al., Salvage Yards and Uses or situations not specifically provided for.
- (b) **Building Location.**
- (1) Setback. 50 feet minimum except that where the opposite frontage is in a Residential or Agricultural District, a 100 foot minimum setback shall be required.
 - (2) Offset. 10 feet minimum except that where a lot abuts on a district boundary line of more restrictive district permitting residence use, the following regulations shall apply:
 - a. Buildings or uses permitted in the more restrictive district shall comply with the offset requirements of the more restrictive district.

- b. Buildings or uses not permitted in the more restrictive district shall provide a 100 foot minimum offset from a Restricted Business or Local Business District and a 200 foot minimum offset from a Residential or Agricultural District and shall be screened from the more restrictive district by a planting screen at least 6 feet high and 15 feet in width.
- (c) **Height Regulations.**
- (1) Principal building. 60 feet maximum.
 - (2) Accessory building. 60 feet maximum.
 - (3) See Section 13-2-11 Height Regulations for exceptions and permitted increases.
- (d) **Area Regulations.**
- (1) Floor Area.
 - a. Minimum required for principal use. None.
 - b. Maximum F.A.R. permitted. 70 percent.
 - (2) Lot Size.
 - a. Minimum area. One acre.
 - b. Minimum average width. 150 feet.
 - (3) Open Space.
 - a. Minimum area for principal use. No requirement.

SEC. 13-3-16 REPEAL OF CONFLICTING ORDINANCES.

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEC. 13-3-17 DECLARATION OF SEVERABILITY.

The several sections, subsections and paragraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the ordinance, or of the section of which the invalid portion or paragraph may be a part.

SEC. 13-3-18 EFFECTIVE DATE.

This ordinance shall be in full force and effect upon passage and publication by the Town Board and upon approval of the County Board of Supervisors said publication to consist of posting copies thereof in public places in the Town of Waukesha pursuant to State Statute.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha County,
Wisconsin this _____ day of _____, 2003.

TOWN BOARD, TOWN OF WAUKESHA
WAUKESHA COUNTY, WISCONSIN

By: _____
Rodney Stilwell, Chairman

Stephen Smart, Supervisor

Robert Tallinger, Supervisor

ATTEST:

Michaelene Knoebel, Town Clerk

Approved by Waukesha County Board the _____ day of _____, 2003.

Note: The above Zoning Ordinance is Title 13 of the Waukesha Town Code and is separately published from the Town Code.