

## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Waukesha County Park and Planning Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division on Thursday, March 19, 2020, at 1:00 p.m., in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha, WI, 53188, to consider the request of the Waukesha County Park and Planning Commission to amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance (RZ61), relative to the keeping of animals with a specific section on the keeping of chickens on residential properties, standardizing other animal keeping regulations in the A-1 District, other minor miscellaneous animal amendments, and to modernize various other miscellaneous code provisions.

Immediately following the above noticed public hearing, another public hearing will be held by the Waukesha County Park and Planning Commission and a Staff Representative of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division to consider the request of the Waukesha County Park and Planning Commission (RZ62) to amend the text of the Waukesha County Zoning Code in a similar manner as the Shoreland and Floodland Protection Ordinance described above.

The proposed text amendments are available for viewing at [www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances](http://www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances) (refer to the three documents under the Draft County Ordinances tab). The proposed text amendments are also available for viewing in the offices of the Waukesha County Planning and Zoning Division.

All interested parties will be heard.

For additional information concerning these Public Hearings, please contact Sandy Scherer of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, at (262) 548-7790.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Dale R. Shaver, Director  
515 W. Moreland Blvd.  
Waukesha, WI 53188

Legal Notice to be published in the  
Waukesha Freeman on  
Thursday, March 5, 2020 and  
Thursday, March 12, 2020.



**Waukesha County**  
*Department of Parks and Land Use*

**MEMORANDUM**

**TO:** Town Clerks in Waukesha County

**FROM:** Sandy Scherer, Senior Planner

**DATE:** March 5, 2020

**RE:** Proposed animal keeping and miscellaneous zoning amendments

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Our office has experienced an increase in the number of inquiries regarding the keeping of chickens on residential properties in recent years. In response, the Waukesha County Planning and Zoning Division (PZD) staff researched local ordinances and best management practices regarding this use trend. Our office extended an invitation to all town planners within the county in 2018 to participate in discussing draft zoning amendments for chickens on smaller residential properties. Several town planners and county staff subsequently met and discussed the keeping of chickens as well as assessed existing standards for bees, horses, and other types of livestock. The group supported accommodating chickens and expressed an interest in streamlining the animal keeping standards to make them easier to understand and administer.

In 2019, all towns were given the opportunity to comment on the draft ordinances and all comments received have been addressed as described in the written summary of the proposed ordinance amendments below. A Summary Ordinance Amendment Table is also attached as Exhibit A. The proposed animal keeping amendments would pertain to both the General Zoning Code (ZC) (applicable to the non-shoreland areas of the Towns of Oconomowoc and Ottawa only) and the Shoreland and Floodland Protection Ordinance (SFPO) (shoreland areas of all eleven towns).

- Creates “recreational chicken use” accommodations within the zoning ordinances (Section 3(w) in the SFPO, and Section 3.21 in the ZC). Keeping of chickens is currently restricted to parcels of a minimum of three or five acres depending upon a property’s zoning district. The new code option would allow a maximum of five chickens via a registration process on parcels that are between one and three acres in area. The proposed chicken keeping provisions contain standards for coops, enclosures, and preventing nuisance conditions. The Town of Ottawa expressed a preference for the one acre minimum rather than the previously proposed 20,000 square foot minimum and the draft codes were revised accordingly.
- The recreational chicken use provisions include a cross reference to a best management practices document for keeping of chickens to make animal care, disease prevention, and other resources readily accessible to individuals considering keeping chickens on smaller properties. The Town of Brookfield

has requested to be exempt from this new provision of the SFPO and the draft code was revised accordingly.

- Standardizes that one head of livestock is permissible if parcels are at least three acres (one additional head of livestock per each acre thereafter). At present, some districts require a minimum of five acres for livestock. The animal keeping rules would be consolidated in the A-1 Agricultural District.
- In the SFPO, the Town of Eagle requested that where parcels of land contain both Town of Eagle and County zoning jurisdiction, the town's animal regulations be applied. Therefore, the draft SFPO was revised to defer to the Town of Eagle's zoning regulations regarding the number of horses allowed on a parcel when the amount of Town zoning jurisdiction is 50% or more of a parcel's area. If the amount of Town zoning jurisdiction is less than 50%, the County's zoning regulations regarding the number of horses allowed on that parcel shall apply.
- In addition to one head of livestock per three acres, the proposed amendments would also allow up to twenty poultry per acre if a property contains at least three acres. Current rules allow **either** one head of livestock **or** up to twenty poultry per acre.
- Reduces acreage requirements for keeping of bees from five acres to three acres so that the three acre minimum is consistent across zoning districts.
- Reduce the minimum required acreage for cultivation of lands from five to three acres and preserves the ability of the individual town and the county to authorize cultivation on smaller tracts while giving consideration to the neighborhood setting.
- In residential and agricultural districts (other than the farmland preservation districts), clarify that animal keeping on parcels or farms of between five and twenty acres is limited to one head of livestock for the first three acres of land and one head of livestock per each additional acre thereafter and provide a waiver option for more animals to be sought upon a review of adjacent land uses by the individual town and the county.

In addition to the proposed animal amendments, the following miscellaneous amendments are proposed to modernize the zoning ordinances relative to several other unrelated issues:

- Deletes the C-1 Conservancy District and the EC Environmental Corridor District and all references thereto from the ordinances and revise all references to those base zoning districts to the C-1 Conservancy Overlay District and the EC Environmental Corridor Overlay Districts respectively. These overlay zoning districts were phased in within the past few years, and therefore the base zoning districts, as referenced, are no longer mapped, and thus can be removed.
- Deletes the R-1a District from the ZC, as there are no longer any properties zoned as such.
- Per Wisconsin Department of Natural Resources requirements, incorporates minor changes to shore setback averaging language (Section 3(h)(2)(i)) of the SFPO.
- Revises farm signage provisions to allow for signs of a maximum of 20 square feet in area on farms of at least 35 acres in the various districts where signage is currently limited to small nameplates.
- Revises the "permitted use" language for the districts where private use greenhouses are permitted to clarify that nurseries, which are defined as containing sales activities, are not authorized in those districts.
- Modifies the requirements for the timeframe for town conditional use recommendations and the conditional use notice mailing method. The first change would allow a town plan commission 45 days to advance a recommendation to the county rather than the 30 days that are currently specified in the ZC in order to match the SFPO. This extended timeframe better accommodates town meeting schedules. In addition, the second change would make all references to the mailing of conditional use certified mail state first class mail, which would resolve inconsistencies within the SFPO.
- Modifies the wall height of boathouses from twelve feet to eleven feet.

The proposed text amendments are available for viewing at [www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances](http://www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances) (refer to the three documents under the Draft County Ordinances tab). The proposed amendments are in a “track changes” format (deletions in strike-through and text additions in colored font). Please note that the amendments are displayed in the context of the ordinances as they existed prior to the adoption of the Downtown Okauchee amendments that were adopted earlier this year. Upon adoption, all amendments will be finally incorporated and codified.

Please provide comments or questions to Sandy Scherer no later than March 26, 2020 so that we can prepare final code language for the next step in the process and ultimately final action by the County Board. Sandy can be reached at (262)548-7790 or via email at [sscherer@waukeshacounty.gov](mailto:sscherer@waukeshacounty.gov).

Attachment – Exhibit A (Summary of Amendments)

**EXHIBIT A - Summary of Section Modifications for Animal Ordinance Amendments**

Provision	SFPO Section	ZC Section	Notes
Entire code			Amend all C-1 and EC District references to the C-1 Overlay and EC Overlay Districts. Minor typographical, formatting and punctuation edits.
Table of Contents	C-1, C-1 Overlay, EC, EC Overlay	C-1, C-1 Overlay, EC, EC Overlay, R-1a	Rename existing C-1 and EC Districts to C-1 Overlay and EC Overlay Districts, delete existing C-1 Overlay and EC Overlay Districts, and delete the R-1a District.
Definitions	2(b)	2.02	Add any applicable new definitions (e.g., further define poultry) and other minor edits and updates to certain definitions particularly related to the animal ordinance amendments and to make the definitions consistent between the two codes.
Use Regulations	3(e)4	3.07(4)	Addition of clarifying language. Addition of nuisance determination language regarding certain animals and incidents of apiculture.
Shore, Floodplain and Wetland Setbacks	3(h)(2)(l)	n/a	Language clarification from prior set of amendments required by the WDNR.
Boathouse regulations	3(s)(7)(B)	n/a	Change in wall height from twelve feet to eleven feet.
Conditional Uses	4(b), (c) and (g)	3.08(1), (2), (3), (4), (5), (6), and (7)	Minor edits to make the language consistent between the two codes including the elimination of two certified mail references in the SFPO.
Conditional Uses	4(g)(22)	3.08(7)(P)(2)(a) and (d)	Remove the R-1a District from the Residential PUD table; edit percentages in ZC to match the SFPO.
Conditional Uses	4(g)(23)(A) and (F)	3.08(Q)(6)	Add best management practices found elsewhere in the code; require SPPO in SFPO to match ZC.
Conditional Uses	4(g)(25)(B)(i) and (iv)	3.08(S)(2)(a) and (d)	Change number of days to be consistent with general CU provisions.
Conditional Uses	n/a	3.08(T)(5)(b)	Delete reference to the R-1a District.
Recreational chicken use	3(w)	3.21	Addition of a recreational chicken section regulating lot size, number and type of chickens, coop and pen, inspections, registration, and other regulations. Exempts Town of Brookfield.
Districts	6(a)	4.01	Re-order the list of districts in the SFPO to match their order in the code. Rename existing C-1 and EC Districts to C-1 Overlay and EC Overlay Districts, delete existing C-1 Overlay and EC Overlay Districts in both codes.
Conservancy Overlay (new)	7(a)	5	Addition of a clarifying jurisdictional sentence.
Conservancy Overlay (old)	7.1	5a	Removed - no longer mapped.
EC Overlay (new)	9(a) and (b)	6.71 and 6.72(1)(C)	Addition of a clarifying jurisdictional sentence; update language to reference A-1 District in certain instances.
EC Overlay (old)	9.1	6.8	Removed - no longer mapped.

A-T District	12(c)(2)	6.43	Update sign provisions.
A-B District	13(b)	6.22	Update sign provisions and other minor edits.
AD-10 District	15(c)	6.5(3)	Update the section to primarily reference the permitted uses in the A-1 District.
RRD-5 District	16(c)	8b.01(3)	Update the section to primarily reference the permitted uses in the A-1 District.
A-5 District	17(b)(2)	6.62(2)	Update the section to reference the permitted uses in the A-1 District.
A-1 District	18(a)	7.01	Amend agricultural and farm uses into four categories based on lot size ranges and regulate what uses and how many animals are allowed within those ranges; update sign provisions; and other minor edits to make certain sections consistent with the rest of the code and between the two codes. Add section for Town of Eagle split zoning jurisdiction parcels regarding the regulation of horses.
A-2 District	19(a)	8.01	Update the section to reference the permitted uses in the A-1 District.
A-3 District	20(a)	8a.01	Update the section to reference the permitted uses in the A-1 District.
A-4 District	21(a)	n/a	Update the section to reference the permitted uses in the A-1 District.
HG District	22(b)	7b.02	Update the section to reference the permitted uses in the A-1 District with certain exceptions; update the sign provisions.
R-1 District	23(a)	9.01(1)	Update the section to reference the permitted uses in the A-1 District.
R-1a District	n/a	9a	Deleted - no longer mapped.
R-2 District	24(a)	10.01 (1)	Update the section to reference the permitted uses in the A-1 District.
R-3 District	25(a)	11.01(1)	Update the section to reference the permitted uses in the A-1 District.
P-I District	27(c)	12.03(4)	Clarifying language for roadside stands in the SFPO, and also SPPO language to match the SFPO in the ZC.
M-1 District	n/a	17.01(1)(A)	Removed the A-1 District as the ordinance eventually pyramids back to the A-1 District permitted uses.
Public Hearings	n/a	21.02(2)	Change number of days to be consistent with general CU provisions.

Prepared by SLS 1/28/20, revised 2/14/20