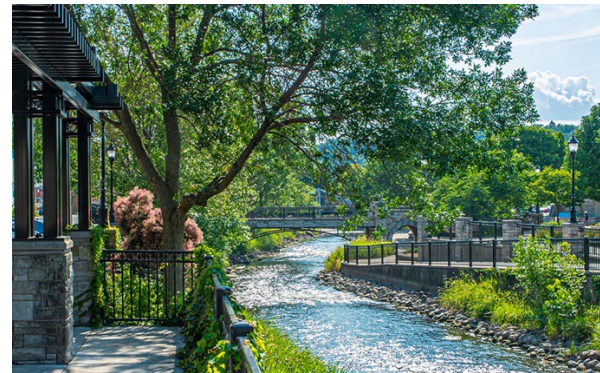


Waukesha Zoning Code Update Recommendations Report

December 30, 2024

Draft for Plan Commission Review



Prepared for the City of Waukesha by:
Houseal Lavigne & Birchline Planning

Introduction

The purpose of the Zoning Code Update Recommendations Report is to assess the strengths and weaknesses of the City of Waukesha’s current zoning code and to convey the Project Team’s (Houseal Lavigne and Birchline Planning) preliminary recommendations for updates to the regulations. The assessment and preliminary recommendations were developed based on conversations with City staff and the Planning Commission; feedback received from community stakeholders during the project kick-off phase; and the testing and analysis conducted by the Project Team.

The recommendations of this report are organized into six chapters as detailed below.

1. Key Zoning Code Update Themes Page 01

This chapter includes recommendations related to the key zoning code update themes identified during the project kick-off phase. The key update themes include support housing diversity and affordability; facilitate commercial, industrial, and employment uses; create community nodes; right-size off-street parking and access standards; establish objective standards; streamline approval processes; improve clarity and effectiveness of landscape standards.

2. Land Use Plan Alignment Page 29

This chapter includes recommendations related to how the City should update its zoning districts to better align with the vision, goals, and recommendations of Waukesha’s 2023 Comprehensive Plan.

3. Lot Standards Appropriateness Analysis Page 39

This chapter summarizes the results of the dimensional standards appropriateness analysis. A dimensional standards appropriateness analysis compares the existing minimum lot area and width requirements established for a district with the existing development within that district and the policy established in the Comprehensive Plan.

4. Proposed Code Structure Page 45

This chapter presents the recommended structure of the updated Zoning Code and summarizes where existing code sections should be relocated within the new structure.

5. Miscellaneous Recommendations Page 49

This chapter includes recommendations not addressed in other sections and is organized based on the proposed code structure.

6. Research Summary Page 56

This chapter summarizes the best practices and comparative community research that was conducted to inform the recommendations included throughout the report. Research topics include parking requirements; commercial design standards; affordable/attainable housing incentives; and development review processes.

1. Key Zoning Code Update Themes

The themes described in this section originated from initial outreach for this Code update and the 2023 Waukesha Comprehensive Plan. The Comprehensive Plan, in combination with the City’s other long-range plans, is the aspirational vision for the Waukesha community. The responsibility of the updated Zoning Code is to be fully supportive of that vision and to ensure, to the greatest extent possible, that what gets developed in Waukesha in the years to come enables the vision to become a reality. Outreach feedback related to the key themes is discussed only briefly in this section. Full outreach summaries are available for review on the project website (<https://waukesha-wi-zoning-code-update-hlplanning.hub.arcgis.com>). Key Zoning Code Update Themes include:

Support Housing Diversity and Affordability

- Diversify Allowed Housing Formats*
- Encourage Workforce Housing*
- Simplify Bulk and Dimensional Standards*
- Consolidate Residential Districts*
- Address Zoning Mismatch*

Facilitate Commercial, Industrial, and Employment Development

- Eliminate Outdated Uses*
- Consolidate Industrial Use Categories*
- Establish Modern Commercial Use Designations*
- Define Impact-Generating Accessory Uses*
- Establish Objective Standards*
- Consolidate Non-residential Districts and Broaden Use Allowances*

Create Community Nodes

- Consider Transitioning the B-1 District to a Mixed-Use District*
- Alternative to the B-1 Transition Option*

Right-Size Off-Street Parking and Access Standards

- Revise Off-Street Parking Amount Requirements*
- Define Measurable Variables for Parking Standards*
- Refine Off-Street Loading Standards For Flexibility*

Allow Administrative Exemptions and Reductions

Establish Objective Standards

- Establish Building Design Standards*
- Establish Supplemental Use Standards*
- Establish Site Design Standards*
- Establish Height Transition Standards*

Streamline Approval Processes

- Codify Process for Preliminary Site Plan Review*
- Allow Administrative Modifications & Site Plan Review*
- Establish Thresholds for Compliance with New Standards*
- Consolidate Review and Approval Procedures*
- Simplify and Modernize Uses*
- Rework the Planned Unit Development Process*
- Relocate Application Requirements*

Improve Clarity and Effectiveness of Landscape Standards

- Revise Organization of Landscaping Standards*
- Update Standards for Plant Materials*
- Clarify Minimum Required Landscape*
- Enhance Buffer Standards*
- Allow Permeable Surfacing*

Support Housing Diversity and Affordability

Related Outreach Feedback

During outreach some stakeholders mentioned that the City should allow for more housing supply and diversity of products. They identified several potential approaches to promote more housing construction including allowing smaller lot sizes than are currently allowed for single-family development and allowing greater housing density per acre. Some developers emphasized that the City should consider reducing setback standards to reduce the number of nonconforming buildings. Some stakeholders expressed that the City should take measures to directly encourage the production of housing priced at income levels accessible to local workers. Similarly, the Wisconsin Policy Forum study *Building Blocks: Understanding and Responding to Waukesha County's Housing Affordability Challenges* (2023) identified contributing factors to the lack of affordable housing in the County, including zoning regulations and permitting processes.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding housing diversity and affordability.

- Support opportunities for urban growth within the City by redeveloping underutilized urban lands for higher-density uses. (Page 22)
- Enable residential development to accommodate individual, detached housing units as well as buildings containing multiple housing units. (Page 26)
- Allow additional density and new housing types along major thoroughfares and gateways, such as Madison Street, Oakdale Drive, Grand Avenue, and Sunset Drive, as mapped under the Residential Attached land uses. (Page 33)
- Establish clear criteria and standards for form/design, lot size/building coverage, setbacks, and parking requirements to support implementation of the land use policy map. Updated zoning regulations should support each land uses policy category to diversify the City's housing stock and promote mixed uses. (Page 33)
- Study the potential to allow for accessory dwelling units (ADUs), accessory apartments, and duplexes in areas planned for Residential Detached land uses and establish a set of criteria for these uses. (Page 33)
- Explore opportunities to add housing density along public transit routes within the City. (Page 34)
- Study the housing and mobility needs of the City's growing aging population and consider steps to encourage new housing for the aging population in walkable and transit accessible locations. (Page 34)
- Continue to add new housing units of all types and price ranges to the central City. (Page 36)

- Evaluate the local housing market and consider encouraging developers to include a higher proportion of smaller housing units in new construction. (Page 47)
- Promote the production of an adequate supply of new workforce housing of sufficient quantity, quality, size, and density to serve the existing and anticipated workforce within reasonable proximity and multimodal access to new and existing employment centers. (Page 87)

Preliminary Recommendations

Diversify Allowed Housing Formats

The City should consider establishing and defining new residential use types including “Missing Middle” housing formats that are increasingly popular to build today, including:

1. **Stacked and Side-by-Side Two Family Uses.** The Zoning Code currently only defines “two-family” housing, which is interpreted to allow just duplexes. The City should break this category down into both stacked duplex uses, which should include two family uses where the dwelling units are stacked vertically, as well as conventional side-by-side two family uses where the two dwelling units are joined horizontally. The City should establish standards to govern the appearance of these uses as detailed in the *Establish Objective Design Standards* Section below. The City should continue to allow both stacked and horizontal two-family uses in the RD-1 and RD-2 Districts and should consider allowing them in the RS districts, based on the recommendations of the Comprehensive Plan.
2. **Triplex/Quadplex.** The Zoning Code currently does not address triplexes and treats quadplexes as multiple-family dwellings. To better accommodate these housing types, the City should consider defining triplexes, which are buildings with three dwelling units, and quadplexes, buildings with four dwelling units, as distinct formats of housing. The City should establish standards to govern the appearance of triplexes and quadplexes as detailed in the *Establish Objective Design Standards* Section of this report below. The City should continue to allow both triplexes and quadplexes in the RM-1, RM-2, and RM-3 Districts and should consider allowing them in the RD-1 and RD-2 Districts, based on the recommendations of the Comprehensive Plan.
3. **Cottage Home Courts.** Cottage home courts include groups of small-scale single-family detached dwellings arranged around a common courtyard space. The City should consider delineating these within the Zoning Code separately from the existing single-family dwelling category. Objective design standards as described in the *Establish Objective Design Standards* section of this report should be created to ensure visual consistency with surrounding development. The City should consider allowing Cottage Home Courts in the RS-1, RS-2, RS-3, RS-4, RD-1, RD-2 Districts.
4. **Rowhome.** Rowhomes include three or more dwelling units arranged side by side, with each individual unit separated by a common wall. Currently the Zoning Code defines “Zero Lot Line Development” as a distinct land use; for example, Section 22.29(2)(g) refers to and sets standards for Zero Lot line development including lot area requirements of 4,500 square feet. The City should revise the terminology for this use to Rowhomes instead, to

give a clearer sense of the type of development the term is referring to. The City should continue to allow rowhomes in the RD-1 and RD-2 Districts and should consider allowing rowhomes in the B-1 District, as described in detail in the *Create Community Nodes* Section of this report.

5. **Small-Scale and Large-Scale Multi-family.** Currently, the Zoning Code treats all scales of multi-family in the same way, meaning a four-unit building is restricted in the same manner as 40 unit building. To better distinguish between small-scale and large-scale multi-family, the City should consider regulating multi-family uses with between five and eight dwelling units differently from multi-family uses with more than eight dwelling units. Differentiating multi-family uses depending on scale would enable the City to allow multi-family buildings differently by district depending on which scale best suits the District's purpose. For example, the City should consider allowing multi-family buildings with between five and eight dwelling units in the RD-1, RD-2, and B-1 Districts given their less-intensive purpose, and continue to concentrate multi-family buildings with more than eight units in the RM Districts. This proposed modification reinforces the RM Districts' intended role of accommodating higher-density residential developments.
6. **Upper Floor Residential Uses.** The current Zoning Code does not distinguish between multi-family units that are allowed in stand-alone buildings and multi-family units that are allowed above ground floor commercial space. The City should consider delineating multi-family uses in this way to encourage mixed-use developments. Given the Comprehensive Plan's direction to allow increased residential densities in traditionally commercial corridors, the City should consider allowing upper-floor residential as a by-right use in the B-1, B-2, B-3, B-4, and B-5 Districts. The City could also consider allowing residential uses on the first floor of mixed-use buildings as permitted uses in the Mixed Residential District or B-1 Mixed-Use Corridor District, as described in the *Address Zoning Mismatch* and the *Create Community Nodes* sections of this report.
7. **Live-Work Units.** The current Zoning Code does not address Live-Work Units, a type of attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces. Live-work units exist today in Waukesha as a part of the Brook Street Artisan Village. This development includes nine live-work units, each with first-floor commercial space and upper-story residential space. The City should consider establishing live-work units as a distinct residential use type and allowing it in mixed-use areas, like the Downtown and in Community Nodes.
8. **Accessory Dwelling Units.** The current Zoning Code does not allow accessory dwelling units (ADU). The Comprehensive Plan recommends that the City allow ADUs, while participants at the Open House expressed that they should be allowed only in areas with existing single-family detached uses. Given this, the City should allow ADUs in single-family residential districts. The City could consider allowing ADUs in other districts that allow single-family residential uses (see Option 2 proposed in the *Address Zoning Mismatch* section of this report) and the RD-2 District. The City could also consider allowing ADUs located within the same structure as the principal residence as by-right uses, and allow

ADUs detached from the principal structure by-right or as Conditional Uses to give the City more discretion in the approval process for this higher-impact housing format. Additional design standards that regulate the siting and appearance of ADUs and ensure visual consistency within the community should also be established.

Encourage Workforce Housing

The City should take measures to spur the development of housing at rates that are affordable for people earning up to 100 percent of the area median income. Given the Comprehensive Plan's direction to increase density along Madison Street, Oakdale Drive, Grand Avenue, and Sunset Drive, the City could consider allowing these density bonuses along these specific roadways.

For mixed-use and multi-family development, the City should allow an increase in building height if a percentage (to be codified) of residential units are offered at rental rates that equate to 30 percent or less of the gross monthly income of households earning up to 100 percent of the Area Median Income (AMI). The level of increase in building height should be a sliding scale based on the percentage of residential units that are made affordable and the rate at which they are affordable.

Simplify Bulk and Dimensional Standards

1. **Replace Density Maximums.** The existing Zoning Code establishes strict limits on the density of residential development across various residential districts. For example, the purpose and intent statement for the RM-1 Multi-Family Residential Districts specifies different density thresholds for different types of residential development in Section 22.30. It limits residential density to 17.4 units per net acre for efficiency units and to 12.4 units per acre for two-bedroom units. These types of density limits are often arbitrary, do not control bulk and design as intended, and create significant barriers to housing affordability. The City should eliminate the strict limits on allowed density of development contained in Section 22.24 through 22.32 and instead control building bulk or density with lot area and width standards, minimum open space and landscape requirements, and other required development improvements. This approach will ensure that density is proportional to a site and is not arbitrarily constrained.
2. **Rework Lot Area and Lot Area Per Dwelling Unit Standards.**
 - a. **Remove Bedroom-Dependent Lot Area Standards.** The Zoning Code currently establishes lot area per dwelling unit standards that depend on the number of bedrooms in the proposed development. For example, one-bedroom apartments are required to have 3,000 square feet of lot area per dwelling unit while units with three bedrooms or more are required to have 4,000 square feet of lot area per dwelling unit. The City should remove these distinctions and designate lot area standards that depend on the format of the housing proposed in order to better calibrate the lot area standards to impact.
 - b. **Specify Lot Standards Based on Housing Format/Use.** The Zoning Code already contains several lot area and width standards that depend on the housing format and use. For example, apartment buildings in the RM-1 District are required to have

at least 2,500 square feet of lot area, while rowhome uses are required to have at least 4,500 square feet. To better allow the different types of Missing Middle Housing (discussed in the Diversify Housing Format section above), the City should consider establishing unique dimensional requirements per type.

- c. **Reduce Lot Area and Width Standards.** The City should consider aligning the lot area and width standards for the RS-1, RS-2, and RS-3 Districts in keeping with the *Nonconformities Analysis* section of this report. Reducing lot area and width standards in keeping with the analysis will help property owners reinvest in their lots by reducing the degree of nonconformity between the standards and existing development patterns.
3. **Remove Minimum Living Area Per Dwelling Unit Standards.** The current Zoning Code requires a minimum floor area for different housing formats. For example, it specifies that a minimum first floor area be 1,000 square feet for a bi-level or two-story dwelling and that at least 400 square feet be provided for a tri-level dwelling in the RS-1 Districts. These unnecessary requirements may limit the format and product type allowed in the residential districts. The City should consider minimizing these requirements to maximize the diversity in housing products allowed by the Code.
4. **Increase Building Height.** The City should consider increasing the building height allowed by-right in the B-3 District to better enable the increase in density recommended in the Comprehensive Plan. Currently, building height is limited to 40 feet without a Conditional Use Permit on any lot adjacent to a residential district. The City should remove this limitation and allow buildings up to 60 feet in height by-right in the B-3 District. The City could also consider a similar height allowance for the Mixed Residential District and the B-1 Mixed-Use Corridor District (as detailed in the *Address Zoning Mismatch* and *Create Community Nodes* sections of this report), and requiring a minimum 2-story height requirement in the B-2 District. To ensure neighboring residential development is not negatively impacted by buildings up to 60 feet in height, the City should consider establishing height transition standards, as detailed in the *Establish Objective Design Standards* section of this report.
5. **Adjust Setback Standards.** The City should consider adjusting its building setback standards to better align the regulations with existing built patterns and reduce the number of nonconforming buildings. Aligning standards with existing conditions benefits property owners and provides clarity to staff. Additional analysis and discussion between staff and the project team will be needed to determine which setbacks to adjust.
 - a. **RD-2 District.** During discussion, City staff and members of the project identified the RD-2 as an important District to better align the setback standards with existing built patterns. Based on visual observation, parcels in certain RD-2 areas, such as those along Summit immediately east of Moreland Avenue, do not conform with the front setbacks of 25 feet or side setbacks of 10 feet.

- b. **RM-1 and RM-3 Districts.** City staff and the project team identified the RM-1 and RM-3 Districts as other districts to align setback standards with existing built patterns. Based on visual observation, some parcels in these districts, such as those along Dresser Avenue immediately east of S Moreland Boulevard, do not conform with side setback standards of 10 feet.
- c. **RS-1, RS-2, RS-3, and RS-4 Districts.** City staff identified the RS-1, RS-2, RS-3, and RS-4 Districts as districts needing reduced rear setback requirements, particularly for single-story additions, decks, and similar. The existing minimum rear-yard setback requirements range from 25 feet to 50 feet.

Consolidate Residential Districts

The City should consider consolidating residential districts that serve similar purposes and accommodate similar types of residential development. Based on preliminary discussion between the project team and staff, the City should consider consolidating the RS-1 and RS-2 Single-Family Residential Districts, given that they both accommodate large-lot single-family or rural residential patterns on the outer edges of the City. Additional discussion with staff is needed to determine whether the standards of the RS-1 District should be carried forward to minimize new opportunities for subdivision and require lower density development in the future, or whether the alternate standards (proposed in the *Lot Standards Applicability Analysis* section of this report) of the RS-2 district should be utilized to encourage lot splits and infill development in existing neighborhoods, along with supporting higher density one- and two-family development in the future.

The City should also consider consolidating the RS-3 District with the RD-2 District. As detailed in the *Lot Standards Applicability Analysis* section of this report, lots in both districts substantially conform to the same lot area and width standards, meaning the pattern of development in both districts is very similar. Additionally, the Comprehensive Plan recommends a greater variety of housing formats be allowed throughout the City, making the allowance for RD-2 housing formats in RS-3 neighborhoods a Plan supported change.

Address Zoning Mismatch

City staff identified several areas currently zoned for multi-family residential uses but are mostly developed with single-family detached uses. This mismatch can potentially cause issues with the application of standards that were not intended for single-family uses, create nonconformities, and reduce the allowance of structures or construction projects typically found in single-family residential neighborhoods (e.g., Accessory Dwelling Units). To address the concern, the City could choose to rezone the properties to a Mixed-Residential District. This option allows for more flexibility in the application of and conformance to district standards for a variety of residential uses. However, this type of district may not be exactly reflective of the existing character of these residential neighborhoods.

Facilitate Commercial, Industrial, and Employment Development

Related Outreach Feedback

Some stakeholders emphasized that the City should take measures to promote more mid-sized industrial, fabrication, and employment uses, noting a perceived shortage of light industrial space. To accomplish this, some stakeholders suggested the City expand opportunities for mixed-use development including industrial and employment uses on potential redevelopment sites. Some stakeholders also shared that they think the City should consolidate commercial zoning districts in instances where there isn't a major reason for their differentiation and the uses allowed are complementary.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding industrial and employment development.

- Plan for a mix of uses along selected commercial corridors to address housing supply and to create walkable places with a variety of goods and services. (Page 35)
- Maximize the potential of downtown by increasing the employment base, with daytime workers supporting local business along with residents.
- Plan for robust commercial areas that maintain the City as a regional shopping destination and explore opportunities to attract office development. (Page 37)
- Continue to grow employment and the tax base while maintaining and enhancing the City's position as a top location in southeastern Wisconsin for manufacturing and complementary business services.
- Identify market niche or business clusters where Waukesha's manufacturers can support each other, for example in terms of completing a supply chain or developing a workforce with specialized training and skills. (Page 83)
- Encourage build out and infill in Waukesha's existing business parks, including revisions to the zoning code if necessary to increase lot coverage and reduce the level of underutilized land. (Page 83)
- Ensure that Waukesha retains a supply of land planned and zoned for manufacturing and business park development, including through repositioning of unused and/or underutilized properties and vacant buildings. (Page 83)
- Retain appropriately sized tracts of land and potential redevelopment sites that would be attractive for manufacturing and/or business park development to ensure future tax base and job growth. (Page 83)
- Seek to increase tax density when approving infill development downtown and seek to increase the value of new and existing development by encouraging high-quality, multiple-story buildings and by limiting the amount of land devoted to surface parking lots. (Page 84)

1 Key Zoning Code Update Themes

Facilitate Commercial, Industrial, and Employment Development

- Encourage the formation of place-based business groups for commercial districts, corridors, and nodes that offer mutual support for small businesses and coordinated placemaking efforts. (Page 85)
- Identify more opportunities for live-work development. (Page 90)

Preliminary Recommendations

Eliminate Outdated Uses

The Zoning Code currently has many highly-specific use categories, many of which are antiquated and out-of-date. The City should consider streamlining and modernizing these terms as described in detail in the *Streamlining Approval Process* section of this report.

Consolidate Industrial Use Categories

The City should establish broader use categories for industrial and employment use categories such as those listed below. These categories should be delineated depending on whether the proposed industrial use has the potential to generate off-site impacts (heavy) or not (light), and whether it is located indoors or outdoors.

1. Heavy Industrial (including potential to generate off-site impacts), Outdoor
2. Heavy Industrial (including potential to generate off-site impacts), Indoor
3. Light Industrial (no potential to generate off-site impacts), Outdoor
4. Light Industrial (no potential to generate off-site impacts), Indoor
5. Office (no potential to generate off-site impacts), Indoor

Establish Modern Commercial Use Designations

The City should establish designations for modern uses that contribute to the vibrancy of commercial districts and are common today, such as:

1. **Artisan Manufacturing.** A fully indoor small-scale business that produces goods or specialty foods, primarily for direct sales to consumers, such as artisan leather, glass, wood, paper, ceramic, textile and yarn products, specialty foods and baked goods.
2. **Bar/Lounge/Tavern.** A business that serves beer, wine, or liquor for consumption on-premises as the predominant use, and where any food service is subordinate to the sale of alcoholic beverages.
3. **Brewery.** An establishment primarily engaged in the brewing of ale, beer, malt liquors, and/or nonalcoholic beer that are permitted to do so in accordance with the Alcoholic Beverage Control Commission. Breweries have a capacity of 15,000 barrels or more per year. The definition includes a public tasting room, and retail sales of products brewed or manufactured on site.
4. **Commercial Kitchen.** A facility containing a kitchen or kitchens in which food is prepared for off-site consumption, including catering services. This type of facility is also called a Ghost Kitchen.

5. **Co-Working Space.** A neutral, non-exclusive, limited shared space defined in a membership-based service arrangement or agreement or subscription wherein a firm has no tenancy interest, leasehold estate, or other real property interest with respect to the accommodation on an as-needed basis. The agreement gives the firm a right to share the use of the space and may include an exclusive mailing address and office services. An executive suite/exclusive desk/dedicated desk/secured suite/private office under a co-working space agreement falls under this definition.
6. **Meeting/Event Facility.** A commercial venue available for rent by private persons or entities for the hosting of parties, meetings, banquets, and other events, as well as conferences. Such facilities may include kitchens for the preparation or catering of food, and the sale of alcoholic beverages to guests only for on premise consumption during scheduled events.
7. **Pop-Up Retail/Restaurant.** A retail or restaurant use established on a temporary basis in an existing commercial building.

The City should consider allowing these uses in one of the proposed districts as detailed in the *Create Community Nodes* section of this report, B-2, B-3, and B-5 Districts. These new uses should have use-specific standards to control for scale of the operation, location on site, hours of operation, and other potential impact-generating aspects of their operation as detailed in the *Streamline Approval Processes* section of this report.

Define Impact-Generating Accessory Uses

The City should establish designations for certain accessory uses that have the potential to generate off-site impacts on adjacent properties, such as:

1. **Outdoor Seating.** The provision of on-site or on sidewalk outdoor seating areas by a restaurant, bar, or other use where food or beverages are served for consumption.
2. **Outdoor Display/Sale of Merchandise.** The accessory sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn, garden supplies, and produce.
3. **Drive-Through.** An accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, Automated Teller Machines (ATMs), etc. It does not include Vehicle Fueling Stations or other Vehicle Services, which are separately defined.
4. **Outdoor Storage.** The storage of various materials outside of a structure, as an accessory use. This includes salvage yards used for the storage and/or collection of any type of equipment.
5. **Fleet Vehicle Storage/Maintenance.** An indoor or outdoor area for the storage of motor vehicles owned or leased by a business, government agency, or other organization rather

than by an individual(s) and an accompanying indoor area for vehicle service work. Maintenance may include fueling of fleet vehicles but does not include sale of vehicle fuels.

The City should consider establishing the impact-generating accessory uses as Conditional Uses, to provide the City greater discretion in the approval process, while establishing the principal uses, they would be associated with as by-right uses. Addressing the impact-generating accessory uses separately from the principal uses they are associated with will allow the City to tailor the level of review discretion to the potential impacts of the development proposed. For example, a contractor's business as a principal use could be by-right, but when outdoor storage or open display of merchandise on the site is proposed, a conditional use permit would be required.

Establish Objective Standards

The City should consider creating more objective design standards to regulate the appearance of development in the City. Objective design standards are easily understood and applied by all and provide fair certainty that the quality of development will meet the City's standards. In conjunction with the development of objective design standards, the City should consider allowing administrative staff to approve some development proposals if all objective standards are met.

1. **Design Standards.** The City should establish design standards for new nonresidential, mixed-use, and multi-family development. The new standards should address allowed building materials, façade articulation, glazing, building entryway design, and other design elements as described in more detail in the *Establish Objective Design Standards* section of this report.
2. **Development Standards.** The City should consider enhancing its general development standards, including screening for trash/recycling receptacles and vehicular loading areas. The City should also consider revising its buffering standards to ensure that the amount of land and vegetation required is tailored to a given site's proposed use and the existing use on an adjacent site. For example, an incoming light industrial use adjacent to an existing single-family residential use would need to provide stronger buffering than a multi-family use proposed adjacent to an existing single-family residential use. The City could also consider eliminating the open space requirement for the M-3 District in favor of the enhanced screening and buffering standards.

Consolidate Non-residential Districts and Broaden Use Allowances

A few of the City's non-residential districts serve similar purposes and accommodate uses that could potentially complement one another. The City should consider consolidating these nonresidential districts that accommodate potentially harmonious uses. For example, the B-4 Office and Professional Services District encompasses commercial corridor properties along Les Paul Parkway at Racine Avenue, which are directly across from properties in the B-5 Community Business District, and properties at the corner of N. Grand Avenue and E Park Avenue, which are adjacent to properties in the B-3 General Business District. The City should consider eliminating the B-4 Office and Professional Services District by consolidating it within these other nearby commercial districts. Given that general commercial and office uses are often complementary to one another, the City should consider allowing both professional services and office uses as well as general commercial uses such as retail and personal services within the B-5 and B-3 Districts.

Additional discussion will be needed during the process to determine which B-4 Office and Professional Service District parcels should be most appropriately merged into other nearby commercial districts.

Create Community Nodes

Related Outreach Feedback

Though stakeholders didn't express feedback directly related to the creation of commercial or mixed-use nodes, some of the stakeholders interviewed mentioned that the City should generally consider updating its commercial zoning districts to encourage a flexible range of development types.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding the creation of community nodes.

- (Community Nodes Are) An intersection demarcated by parcels featuring walkable, ground-floor hospitality uses oriented along and accessible from the street edge. (Page 30)
- Plan for walkable community nodes at selected intersections as shown on the Land Use Policy Plan and ensure that any change from commercial to a mixed-use residential retains commercial storefronts at key locations. (Page 34)
- Draft new form-based zoning for community nodes so that new mixed-use projects provide direct access from sidewalks to required storefronts. (Page 34)
- Encourage the formation of place-based business groups for commercial districts, corridors, and nodes that offer mutual support for small businesses and coordinated placemaking efforts. (Page 85)
- Identify redevelopment opportunities within commercial districts, corridors, and nodes and consider ways to assist with the redevelopment and re-use of older, underutilized properties. (Page 85)
- Plan for walkable community nodes in accordance with the City's Land Use Policy Plan and ensure that development contains commercial ground-floor uses with storefront entrances accessible from intersecting sidewalks. (Page 109)
- Research pedestrian facilities and best practices to plan for pedestrian-oriented improvements at designated Community Nodes. (Page 112)

Preliminary Recommendations

Consider Transitioning the B-1 District to a Mixed-Use District

The City's Comprehensive Plan identifies several community nodes, which are envisioned as small centers of activity within walkable environments outside of downtown. None of Waukesha's current zoning districts achieve this purpose; however, many of the identified nodes are located within the

B-1 Neighborhood Business District, including the node at Harrison Avenue and Grand Avenue and at E. Moreland Boulevard and Eales Avenue. Given this existing groundwork, the City should consider updating the existing B-1 Neighborhood Business District to better match the Community Node Policy recommended in the 2023 Comprehensive Plan.

1. **Rename the B-1 District.** The City should retitle the B-1 Neighborhood Business District to the B-1 Mixed-Use Corridor District. This adjusted title will better reflect the intent established in the Comprehensive Plan to create centers of activity with a mix of uses rather than exclusively business uses. The City should adjust the district’s purpose and intent statement in Section 22.33 to specify its intent to create mixed-use walkable environments.
2. **Reduce Bulk and Dimensional Standards Limitations.**
 - a. **Reduce Lot Width and Area Standards.** The City should consider reducing the bulk and dimensional standards limitations established within Section 22.33(5) to align with the Comprehensive Plan. The City should consider removing the lot area requirement of one acre to better facilitate small-scale commercial development and reducing the lot width from 200 feet to 40 feet to better match the walkable pattern envisioned in the Comprehensive Plan. Visual observation reveals that most lots in the district, such as those at the intersection of Harrison Avenue and Grand Avenue, are less than one acre in size and less than 200 feet in width. These adjustments to the bulk and dimensional standards would bring more lots into conformity and allow new development to realize the neighborhood node vision.
 - b. **Continue Regulating Based on Scale.** The Zoning Code currently establishes that businesses in the B-1 District have a maximum scale of 3,000 square feet, except for grocery stores, hardware stores, and variety stores. This is a common approach for communities to ensure that new development is of a scale more complementary to surrounding neighborhoods. Given this, the City should retain this limitation on the overall scale of new nonresidential development in the B-1 District. This limitation on scale should be transferred and conveyed in the use table to be established within Article 3 as discussed in the *Code Structure and Organization* portion of this report.
3. **Establish Design Standards.**
 - a. **Establish Maximum Setbacks.** The City should consider replacing its minimum front and street side setback requirements with a new maximum setback of 10-15 feet. This approach would ensure buildings are placed within a “build-to-zone” to help establish a pedestrian oriented street wall. The City should also consider establishing frontage build out requirements of 50-70 percent along front and street side lot lines to ensure a minimum portion of the building is in the “build-to-zone” and achieves the desired aesthetic.
 - b. **Require Setback Activation.** If the City chooses to establish a maximum front and street side setback of 10-15 feet, it should require that these setbacks, if established, be improved with a type of activity-generating use that enhances the

streetscape. Potential activity-generating uses that could be included are outdoor seating and dining, public art, active gardens, or plazas/outdoor gathering spaces. This will help ensure that new development contributes to a walkable streetscape environment as recommended in the Comprehensive Plan.

- c. **Reduce Side Setbacks.** The City should consider eliminating the requirement for a side yard setback of 10 feet when buildings on adjacent lots are separated by a partition wall and reduce the side setback to five feet in situations where a partition wall is not used. This will help establish a pedestrian oriented street wall.
- d. **Create Walkable Design Standards.** The City should establish design standards specifically for the B-1 District to promote walkable built patterns. Objective standards for the following design elements should be tailored to match the intent of the B-1 District with input from staff and stakeholders.
 - i. First-Floor and Upper-Floor Transparency,
 - ii. Building Entryway Design,
 - iii. Exterior Building Cladding Materials, and
 - iv. Façade and Roof Design/Articulation.

4. Adjust the Allowed Uses.

- a. **Redefine Residential Uses and Expedite the Approval Process.** Currently, the Zoning Code regulates residential dwelling units as conditional uses in the B-1 District. The City should consider allowing Live-Work Units and upper-floor residential uses above ground-floor nonresidential uses, in addition to horizontal mixed-use development, as allowed within the District. The City should consider allowing both of these uses by-right in the B-1 District in keeping with the recommendations of the Comprehensive Plan.
- b. **Prohibit Specific Uses.** The City should consider prohibiting auto-oriented uses in areas where walkability is desired and to be promoted, but that are currently allowed under the Code. Auto-oriented uses include drive-through restaurants and banks, gas stations, vehicle repair shops, new/used car dealerships, and similar uses that are oriented towards vehicles rather than pedestrians. These uses detract from the pedestrian-oriented nature of an area by creating more opportunities for conflict between people and vehicles. For example, automobile service stations are currently allowed as conditional uses in the B-1 District; however, these uses do not fit the desired walkable, mixed-use character of the District. Though prohibiting automobile service stations as allowed uses would create several nonconforming gas stations, such as the gas station at the northeast corner of S. Grand Avenue and Frame Avenue and at E. Moreland Boulevard and White Rock Avenue, the City should consider prohibiting the use in specific districts (e.g., B-1 Mixed-Use Corridor District), given the Comprehensive Plan’s policy to promote walkable nodes. Drive-

through uses could be allowed as accessory to the primary use and subject to standards and additional review processes.

Alternative to the B-1 Transition Option

City staff raised concerns for maintaining the appropriate mix of uses at specific nodes and within specific corridors, particularly along portions of the Sunset Drive corridor. While the creation of new standards for the B-3 District may resolve some of these concerns, other areas may benefit from transitioning to the new B-1 Mixed-Use Corridor District. Should the City have concerns about fully transitioning the B-1 District per the above, the B-1 Neighborhood Business District could remain in its current form and a new, separate Mixed-Use Corridor District could be created. While this would allow for the continued use of the B-1 Neighborhood Business District in its current form, the concerns for the district designation at nodes would remain unless and until parcels are rezoned.

The creation of a new Mixed-Use Corridor District would allow the City an additional option to achieve the goal of creating walkable centers of activity with a mix of uses. However, more discussion would be required regarding specific standards to distinguish the B-1 Neighborhood Business District from the new Mixed-Use Corridor District to ensure that they are addressing separate needs without significant overlap. Encouraging rezoning existing parcels to the new district would take some time and cooperation of property owners.

Right-Size Off-Street Parking and Access Standards

Related Outreach Feedback

Several stakeholders commented that the City should reconsider its parking minimums to make them more flexible and accommodating of new development and redevelopment. Many of these stakeholders observed the presence of vacant or underused off-street parking lots and structures and expressed that the City should consider implementing parking maximums or revising its minimums to better manage parking availability and usage. Participants at the community open house indicated that the City had either the right amount of parking and that specific locations such as industrial/employment areas and commercial corridors had too much parking.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding off-street parking standards.

- Update the City's zoning regulations to establish clear criteria and standards for form/design, lot size/building coverage, setbacks, and parking requirements to support implementation of the land use policy map. (Page 33)
- Permit the residential redevelopment of underutilized parking lots or commercial buildings in areas Mixed Residential Commercial areas. (Page 34)
- Seek to increase tax density when approving infill development downtown and seek to increase the value of new and existing development by encouraging high-quality, multiple-story buildings and by limiting the amount of land devoted to surface parking lots. (Page 84)

- This plan recommends that the City regularly review its parking ordinances and consider reducing or eliminating parking minimums. (Page 106)
- Explore opportunities to increase residential density along transit routes to increase the number of City residents who have convenient access to transit and better support the transit system. This includes redevelopment of unused or underutilized commercial parking lots along these transit lines to multi-unit residential. (Page 109)
- Research zoning and permitting best practices and establish and implement policies and regulations for on- and off-street parking, street use, and parking requirements that minimize public and private costs and conflicts in relation to requiring/providing parking for vehicles. (Page 116)
- Utilize appropriate regulatory tools to address the parking needs of and to promote and accommodate new development in high-activity areas while limiting the provision of surface parking and maximizing the value and use of developable land. (Page 117)
- Evaluate the cost of providing parking for new residential development and consider adjusting parking requirements when appropriate to the development. (Page 117)
- Enact policies and programs to reduce the amount of impervious, unused surface parking lots and improve existing parking lots with more green areas to reduce runoff and heat islands. (Page 137)

Preliminary Recommendations

Revise Off-Street Parking Amount Requirements

The City should consider revising its off-street parking standards (Section 22-53) to avoid requiring more parking than is typically needed. For example, the Code currently requires one parking space for every 150 square feet of grocery store area. A typical grocery store in Waukesha has approximately 150,000 square feet of store area, meaning the current code would require at least 1,000 parking spaces be provided. The Code requires that each parking space be at least 9 feet wide and 18 feet long, or 162 square feet, meaning that 162,000 square feet of land area would be required to be dedicated to parking spaces alone. The national best practice is to require one parking space for every 300 square feet of grocery store area, which would cut the amount of land area dedicated to parking in half. This best practice would also reduce associated construction and maintenance costs, in addition to reducing stormwater runoff volumes.

Different options for revising the City's parking standards are presented below.

1. **Option 1 - Eliminate Off-Street Parking Minimums and Institute a Maximum.** A parking maximum restricts the overall amount of parking that can be provided for a development to minimize impervious surfaces and related stormwater management impacts and to better leverage land for development. The City could consider removing off-street parking minimum requirements for nonresidential land uses and instead leave the amount of parking provided to the discretion of the developer.

- a. **Consider Maximums for Specific Areas of The City.** As an alternative, the City could consider eliminating the off-street parking minimum quantities and instituting a maximum only in certain areas such as the B-2 Central Business District. Additional policy direction and discussion with staff would be required to determine which specific districts and/or areas of the City would be appropriate for the establishment of maximum off-street parking quantities and the removal of minimums.
2. **Option 2 – Right-Size Off-Street Parking Minimums and Institute a Maximum.** As a second option, the City could consider reducing its existing off-street parking minimum requirements in Section 22-53 to align with best practices. The City currently requires an overabundance of off-street parking for many different land uses as compared with national best practices as shown in the table below.

One way to reduce excess off-street parking over time would be to align the minimum quantities required with these national best practices and also instituting a maximum allowance. Similar to the regulations in Wausau, the City should consider capping the amount of off-street parking spaces at 110% the minimum quantity required. This will help limit excessive off-street parking in the future by ensuring developers are not able to construct excessive amounts of off-street parking relative to the minimum standard.

| Land Use | Existing Minimum | Options - Minimum |
|--|---|--|
| <i>Multi-family dwellings</i> | 2 spaces/dwelling unit plus 1/number of dwelling units divided by 10 for guest parking | 1 space/dwelling unit for resident parking and 0.5 space/dwelling unit for guest parking |
| <i>Grocery store/retail</i> | 1 space/150 square feet of floor area plus one per employee at largest shift | 1 space/300 square feet of floor area |
| <i>Restaurant</i> | 1 space/100 square feet of gross floor area, or 1 per 2 seats at maximum capacity, whichever is greater, plus 1 space per employee for the work shift with the largest number of employees. | 1 space/200 square feet of floor area |
| <i>Tavern/Bar</i> | One (1) space per 50 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees | 1 space/200 square feet of floor area |
| <i>Manufacturing, Processing, and Fabrication Operations</i> | One (1) space per employee for the work shift with the largest number of employees | 1/5,000 square feet of floor area OR 1 space/250 square feet of office space OR No minimum / as determined by a parking needs analysis |

Define Measurable Variables for Parking Standards

Whether the City chooses to remove its off-street parking minimums and institute maximums as specified in Option 1, or it chooses to right-size its existing minimums in Option 2, it should ensure that all parking requirements depend on measurable variables that are simple to determine using a site plan. For example, the minimum parking requirement for manufacturing, processing, and fabrication operations in Section 22.43(8)(3)(1) is dependent on the number of employees working the largest work shifts. This standard could change over time without alteration to a site plan, meaning the City would not be able to enforce a required increase. A square footage-based standard is clearer and more enforceable.

Refine Off-Street Loading Standards For Flexibility

The City should consider reducing or eliminating the quantity of off-street loading spaces required. Section 22.53(2) currently requires a defined number of off-street loading spaces depending on the size of the facility. The City should consider replacing these requirements with standards that allow a developer to select the quantity of off-street loading spaces depending on the anticipated demand of their facility as long as they do not interfere with parking areas, drive aisles, pedestrian walkways, or the right-of-way.

Allow Administrative Exemptions and Reductions

Currently, modifications, reductions, or waivers from the minimum parking requirements for particular uses may be granted by the Planning Commission per Section 22.53(9). Although allowing modifications, reductions, or waivers outside of the variance process is a best practice, the subjective review criteria on which the Planning Commission is directed to base their decision making are not consistent with best practices. The City should consider replacing the subjective criteria with objective standards such as those detailed below. With objective criteria in place, the City should also consider allowing parking adjustments to be approved by City staff rather than the Planning Commission.

1. **Reduction for Transit Proximity/Affordability.** Given the Comprehensive Plan's emphasis on reducing parking requirements near transit routes, the City should consider allowing a reduction in the quantity of off-street parking for sites in proximity to Waukesha Metro or Waukesha County transit routes similar to the allowances in Brookfield's Zoning Code (detailed in the *Research Summary* section of this Report).
2. **On-Street Parking Substitution.** The City should consider allowing on-street parking, where there is available unrestricted parking, located along a property line of a subject site to count toward required off-street parking in redevelopment projects.
3. **Fee-In-Lieu Allowance.** The City should consider allowing a fee-in-lieu of the provision of off-street parking in areas where public parking is available. The fee would then be used by the City to maintain existing public parking and establish more public parking as needed over time. The City could consider allowing the fee-in-lieu allowance for specific areas of the City only, such as properties in the B-2 Central Business District that don't qualify for the downtown parking exemption. Additional discussion will be needed to determine which areas of the City would be appropriate for a fee-in-lieu allowance.

4. **Downtown District Exemption.** The City currently has an exemption for off-street parking in the Downtown District in Section 22.53 (10), which exempts projects in a defined area from the number of off-street parking spaces required, certain dimensional standards regarding off-street parking, and the off-street loading requirements. The City should retain these standards but revise them for clarity.
 - a. It should consider eliminating the longhand the geographic area within which properties are exempted from the off-street parking requirements and instead make it coincide with the B-2 Central Business District or create a new downtown parking overlay district.
 - b. The City should consider adjusting Section 22.53 (10) to extend to the parking exemption to all ground-floor nonresidential uses but continue to require parking for upper floor nonresidential uses and all residential uses.

Establish Objective Standards

Related Outreach Feedback

During the Community Open House, members of the community expressed a preference for mixed-use buildings designed with masonry materials, varied facades, and windows placed on upper floors. They also expressed a desire for multi-family buildings constructed with masonry materials and recessed balconies incorporated into front facades. Many stakeholders indicated that the City should consider creating more objective standards in the Zoning Code to control the appearance and off-site impact of different uses and to streamline the approval process.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding objective design standards.

- Update the City’s zoning regulations to establish clear criteria and standards for form/design, lot size/building coverage, setbacks, and parking requirements to support implementation of the land use policy map. Updated zoning regulations should support each land uses policy category to diversify the City’s housing stock and promote mixed uses. (Page 33)
- Study the potential to allow for accessory dwelling units (ADUs), accessory apartments, and duplexes in areas planned for Residential Detached land uses and establish a set of criteria for these uses. (Page 33)
- Establish placemaking as an urban design goal for neighborhood commercial areas. (Page 35)
- Create and adopt design guidelines for downtown Waukesha, including best practices for maintaining and respecting the character of downtown’s historic resources. (Page 162)
- Encourage and strive for new development to feature long-lasting, well-designed architecture that will stand the test of time. (Page 162)

- Establish design guidelines incorporating bird-safe building design elements for new construction, redevelopment sites, and building additions for the Plan Commission to enforce. (Page 198)

Preliminary Recommendations

Establish Building Design Standards

Waukesha’s Zoning Code does not currently have building design standards that regulate the appearance of development. The City should consider establishing building design standards to improve the appearance of new development and major redevelopment projects in Waukesha to ensure they positively contribute to the City’s character and identity when built and for years to come.

1. Establish Building Design Standards.

- a. **General Building Design Standards.** Waukesha should establish design standards that generally apply to all mixed-use, large-scale multi-family, and non-residential development throughout the City. The general design standards should set a base requirement for:

1. Exterior building cladding materials,
2. Glazing,
3. Building entryway design,
4. Façade design and articulation, and
5. Roof design.

- b. **District-Dependent Variation.** The general building design standards should vary based on use and/or zoning district. For example, the quantity of glazing required on the ground floor of a mixed-use building in the B-2 Central Business District and the new B-1 Neighborhood Mixed-Use District or Mixed-Use Corridor District as described in the *Create Neighborhood Nodes* section should be greater than the quantity required for a general commercial building in the B-3 General Business District.

2. **Enhance Use Specific Building Design Standards.** The City should also enhance building design standards for specific building types. In particular, the City should establish design standards for various housing formats including single-family detached, attached and stacked duplexes, triplex/quadplex, rowhomes, and multi-unit buildings. The use-dependent building standards could vary depending on the zoning district or location within the community. For instance, duplexes located within the RM-1 Mixed-Residential District, which coincides with the historic Central City areas near downtown, could have more specific and substantive standards for first-floor windows and features such as front porches than the RD-1 Two-Family Residential District, which is generally located further out from the City’s core.

Establish Supplemental Use Standards

The City should consider establishing use-specific standards to regulate the appearance and off-site impact of different uses. These standards can be used to expedite the approval process for these uses, allowing more to be approved by-right once off-site impacts have been mitigated. New use-specific standards should be consolidated in Article 3 Use Standards of the Zoning Code as described in detail in the *Zoning Code Structure* of this report. New use specific standards should be established for a variety of uses including, but not limited to:

1. Accessory dwelling units,
2. Live-work units,
3. Car Dealerships,
4. Vehicle fueling stations, and
5. Vehicle service stations.

Establish Site Design Standards

Site design standards should be established to improve the appearance and function of future development in Waukesha. Site design standards should be clearly delineated between single-lot development, which would establish requirements applicable to individual lots within a development, and a multi-lot development site, which would establish standards applicable to a development as a whole to ensure appropriate and consistent application of standards. Standards should address the orientation of buildings, site access and circulation, open and community space integration, outdoor lighting, and other applicable topics to achieve high-quality built form. For the broader development site requirements, the standards should clarify how to apply building design standards that are dependent on the building façade type.

Establish Height Transition Standards

The City should establish height transition standards that would apply when taller, higher-density buildings, like large-scale multi-family and mixed-use, are developed in proximity to shorter, lower-density development like single-family and two-family residential. The height transition standards should include options for the developer to choose from such as:

1. Step down in height along the shared property line,
2. Provide an enhanced buffer along the shared property line, or
3. Use dormers, sloping roofs, and other features to disguise upper stories.

Streamline Approval Processes

Related Outreach Feedback

Some stakeholders indicated that the City should explore ways to increase the number and range of situations that qualify for administrative approval rather than approval by the Plan Commission or Common Council. Many stakeholders indicated that the City should consider creating more objective standards in the Zoning Code to control the appearance and off-site impact of different

uses as a measure to streamline the approval process and allow desirable development to be approved by-right.

2023 Comprehensive Plan Policies and Recommendations

The Comprehensive Plan establishes the following policies regarding streamlined approval processes.

- An updated zoning code should aim to reduce barriers to quality development and allow for a mix of land uses in the City. (Page 26)
- With a growing population and limited land available for new development, this plan recommends increasing development density within the City, with increased housing density in some areas and residential redevelopment in others. (Page 40)

Preliminary Recommendations

Codify Process for Preliminary Site Plan Review

The City should consider codifying its current procedures for preliminary site plan review within the Site Plan and Architectural Review process currently established in Section 22.15. Currently, the City has a preliminary site plan and architectural review process in which City departments that will be involved in later stages of the review provide initial input when an application is submitted. This process is not clearly delineated in the Site Plan and Architectural Review procedures in Section 22.15, however. The City should update the text for this Section to clearly detail that this initial review process is an optional step for applicants before they submit an application.

Allow Administrative Modifications & Site Plan Review

The City should consider establishing and codifying a new process that would allow staff to approve (in accordance with specified criteria) minor modifications from specific code standards that are common variance requests and pose barriers to reinvestment, such as minimum/maximum parking standards, lot area and width minimums, and interior side and rear yard setbacks.

The current Site Plan and Architectural Review process in Section 22.15 specifies that all development and alterations to existing sites, except for development in single-family and two-family districts or single-family or two-family development in multi-family districts, must receive site plan approval. This process involves review and final approval by the Plan Commission subject to set criteria. The City should consider establishing and codifying an administrative site plan review process that would allow staff to review and grant approval to certain site plans rather than the Plan Commission. Types of development that the City should consider allowing qualify for administrative site plan review will be discussed fully with staff but could include:

1. Residential accessory uses and structures (including for accessibility measures like ramps),
2. Triplexes,
3. Quadplexes,
4. Rowhomes,

5. Small-scale multi-family (up to 8 dwelling units per building), and
6. Single-building retail, service, office, and restaurant development.

Establish Thresholds for Compliance with New Standards

The establishment of new zoning standards and regulations often generates concern over how the new regulations will affect existing sites and whether nonconforming sites and situations will result. Many communities address this concern by establishing explicit thresholds for compliance with new standards throughout the Zoning Code. For example, if the City establishes new building design standards, it should consider establishing specific thresholds regarding when redevelopment is required to comply with the new standards. This does not eliminate nonconformities but allows more flexibility for properties that may not fully comply with the new Zoning Code requirements. The City should consider establishing various redevelopment levels, such as those detailed below, to ensure code compliance requirements are proportional to the level of redevelopment that is occurring.

1. **Major Redevelopment.** Includes more than 50 percent increase in gross floor area, building value, dwelling units, disturbed area, or impervious surface area.
2. **Intermediate Redevelopment.** Includes 25 percent to 50 percent increase in gross floor area, dwelling units, disturbed areas, or impervious surface area; an increase in building height.
3. **Minor Redevelopment.** Includes any exterior changes to buildings or changes to required site elements not meeting the thresholds of other development categories.
4. **Change of Use.** Includes changing from one use category to another use category (per the building code).

Consolidate Review and Approval Procedures

Currently, the review and approval procedures of the Zoning Code are scattered throughout, including in sections 22.62 Zoning Administrator, 22.63 Conditional Use Permits, 22.53 Planned Unit Development Overlay, and 22.15 Site Plan and Architectural Review. The City should consolidate and reorganize all code content related to review and approval bodies and procedures into a new Chapter, as detailed in the *Code Structure* section of this report. Consolidating all procedures in one chapter will help improve user-friendliness; better distinguish between administrative, quasi-judicial, and legislative procedures; minimize redundancy, and improve transparency.

Simplify and Modernize Uses

The Zoning Code currently enumerates a lengthy list of uses that are either overly specific or are outdated. The City should consider updating and modernizing use types and broadening use categories. Consolidating overly specific uses into general use categories will help the City accommodate new and innovative uses that previously required a text amendment to address. Specific uses that the City should simplify and modernize include:

| Existing Uses | Revised Use Category |
|---------------|----------------------|
|---------------|----------------------|

| | |
|---|-----------------------|
| <i>Antique and collectors stores, Art galleries, Books or stationary stores, Camera or photographic supply stores, Delicatessens, Discount stores, Drug stores, Fish markets, Furniture stores, Grocery stores</i> | General Retail |
| <i>Barber shops, Beauty shops, Clinics, Tailor or dressmaking shops</i> | General Service |
| <i>Banks, savings and loan associations, and other financial institutions, Business offices, Insurance sales offices, Professional offices</i> | General Office |
| <i>The assembly, processing, manufacturing and storage of products including, or similar in character to and having an impact on the surrounding area similar to: Furniture and household items, Apparel and textiles, Medical devices and equipment, Office supplies and printed items, Electronic devices, Small-scale machinery, and appliances, Food and beverage preparation and packaging</i> | General Manufacturing |
| <i>Drive-throughs (restaurants, gas stations banks, pharmacies, etc.)</i> | Accessory |

Rework the Planned Unit Development Process

During outreach, stakeholders expressed that certain types of development, including residential development, are too frequently required to be applied for and approved under the Planned Unit Development (PUD) process. The PUD process can add time and complexity to development approval and can be an administrative burden over time as City staff are required to enforce varying standards and allowances. By updating the Code, the City can ensure that more development can occur by-right, and that the PUD process is used only for unique or innovative development that the Code cannot accommodate. To further refine the PUD process, the City should:

1. Keep the PUD process as an overlay district that applies on top of the base district standards, as currently established in Section 22.52, and require that all requested deviations from base district requirements be tied to tangible benefits that the development will provide the Waukesha community.
2. Refine the standards of review in Section 22.52(4)(c) to include a set of new Modification Standards. These standards would be used by the City’s legislative decision makers to review and grant exceptions from the base district standards. Modification standards should require design/amenities above and beyond those required those in the base district and should be tailored to the community’s long-term goals, such as increasing housing affordability.
3. The City should retain but refine its standards of review and findings for PUDs in Section (4)(c) to apply consistently across regardless of use.

Relocate Application Requirements

The City should remove all application requirements from the Zoning Code and instead consider establishing a separate, non-codified manual that would be adopted by resolution and updated by staff annually. This approach will provide the City with flexibility to update application requirements as needed without a zoning code text amendment.

Improve Clarity and Effectiveness of Landscape Standards

Related Outreach Feedback

Foundationally, the City's requirements are consistent with recommended best practices for ensuring that landscape functions and a quality aesthetic are promoted. There are a few elements that, if adjusted or clarified, could promote enhanced function and survival of plant materials and trees, as well as more detailed and clearer guidance to applicants on what materials to incorporate and where. Clarification also could be provided – based on policy direction – on the extent to which parking lot landscaping must be brought into compliance with the ordinance when parking lots are expanded or redeveloped.

2023 Comprehensive Plan Policies and Recommendations

The 2023 Comprehensive Plan establishes the following recommendations regarding landscape and natural resource protection include:

- This plan recommends that development adjacent to wetlands, in floodplains, or elsewhere with soils that are poorly suited to many urban uses, should be limited to protect both natural resources and the built environment.
- This plan recommends that the City consider protection of every element of the natural resource base to the greatest extent practical when considering the potential for development or otherwise regulating land or providing service.
- This plan recommends expanding sustainability efforts and conducting research on how projected changes in the climate may impact the City.
- Protect and enhance the City's natural resources, including surface waters, floodplains, wetlands, woodlands, and wildlife habitat areas, and provide access to these areas from adjacent residential, commercial, industrial, and recreational uses.
- Carefully manage urban land uses while maintaining surface water and groundwater quality.
- Plan and promote development site design to enable wetlands to filter pollutants and store sediments and contribute to stabilizing the base flow of rivers and streams in the City.
- Discourage wetland draining, filling, and urbanization, which can be costly in both monetary and environmental terms.
- Establish best practices to protect woodlands and other tree cover throughout the City to improve air and water quality.
- Plan to enhance and increase woodlands and other tree cover to reduce heat islands.
- Encourage private property owners to utilize conservation easements to protect natural areas and critical species habitat areas when City acquisition of such sites is not feasible.

Preliminary Recommendations

Revise Organization of Landscaping Standards

At present the parking lot landscaping standards are in 22.53, separate from standards for the buffer yard (22.16) and landscape plan (22.16). As the new zoning code is outlined, it may be worthwhile to consolidate these into one landscape section. Typically, it is more efficient for a site planner if the standards for the whole site’s total plant materials are in one section. In particular, this would allow the City to synchronize standards for buffer yards in 22.11(3) with design direction for parking lot perimeters and screening (22.15(3)(e) and (4)).

Update Standards for Plant Materials

The City may wish to incorporate new standards for the size and number of different plant materials and types. Research on urban forestry and soils at the University of Minnesota in recent years has pointed to the importance of sufficient soil depth and volume to the survival and growth of trees in particular. The same research also recommends requiring a smaller minimum tree caliper at planting, since smaller, younger trees are more likely to thrive when planted in new sites. The table below shows an option for adding more classes of plantings, with recommended sizes and soil volumes. The number of each type would then be addressed through an objective standard, discussed under (3).

| Comparison of Current and Recommended Plant Categories and Sizes | | | |
|--|--|---|---|
| <i>Current Standard in 22.18(4)</i> | <i>Recommended Category</i> | <i>Current Standard for Size in 22.18 (4)</i> | <i>Recommended Size</i> |
| Deciduous Trees | Canopy Trees | 2 ½” measured 4 ½’ above grade | No Change |
| Coniferous Trees | Evergreen Trees | 6’ height | 6’ height |
| Ornamental Trees | Ornamental Trees | 1 ½” measured 4 ½’ above grade | No Change |
| Shrubs | Evergreen Shrub or Large Deciduous Shrub | 18” height or spread | 18” in height or spread (evergreen) or 3’ (deciduous) |
| | Small Flowering Shrubs or Native Grasses/Forbs | n/a | 18” (shrubs) or 1 gallon pot (grasses, forbs) |
| | Bioretention Plantings | n/a | 3-4” pot, or as specified by landscape architect |

Note on bioretention plantings: minimums would be per storm water mgmt. plan with a maximum spacing of 18" on center; 9 SF of bioretention would 'count' for one 18" small flowering shrub or 1 gallon pot of native grasses/forbs

A minimum soil volume and planting area also is recommended. The City currently requires a minimum size for islands in parking lots, which again provides a good starting point for making changes and enhancements. The table below provides typical volumes and areas recommended through the aforementioned research. These would be incorporated into parking lot standards and planting material requirements.

| Minimum Tree Planting Soil Volume and Surface Area Requirements Example | | | | | | |
|---|---------------------------------------|-------------|--|-------|-----------------------------------|--|
| Expected tree height at maturity | Minimum Planting Soil Volume Required | | Sample Planting Area Dimensions @ 3' depth | | Minimum Surface Area for Planting | |
| | Cubic Feet | Cubic Yards | Length | Width | | |
| Less than 25' | 400 CF | 14.8 CY | 11.5' | 11.5' | Tree | 150 SF of contiguous surface area per stem planted |
| 25' to 40' | 800 CF | 29.6 CY | 16.3' | 16.3' | Interior parking lot island | 180 SF (currently 170 SF in 22.53(6)) |
| Greater than 40' | 1,200 CF | 44.4 CY | 20' | 20' | | |

Clarify Minimum Required Landscape

Paragraph 4 in Section 22.18 requires a “mixture” of the planting types outlined in the table above, and no less than four trees per single- or two-dwelling lot with two trees in each of the front and back yards. The City’s provision for native lawns is commendable and a great example for other communities!

A minimum number of other plants or total landscaping is not specified for uses other than single- and two-unit dwellings. While the parking lot landscaping standards in 22.53(6) require parking lot landscaping to “break up” Depending on policy direction, the City may wish to consider an approach that specifies some minimum landscaping installation. Potential options could include:

1. Specifying a minimum portion of the interior parking lot area that must be landscaped. Typically, between 5% and 10% of the paved area within the perimeter of the active parking lot area (i.e., drive aisles and stalls) is required to be provided as interior landscaped islands or landscaped strips between parking bays. Cities vary in how much specific design direction is given; in some cases, where interior landscaping would be very small or infeasible, the required minimum interior area can be added to perimeters or planted

- elsewhere on the site. Generally, the required interior parking lot landscaping is part of the minimum required landscaping calculated under (b), (c) or (d) below.
2. The use of a “plant points” table that provides “credits” for each type of planting included, with more “points” for canopy trees than, for example, ornamental trees. This is the system used in the City of Madison and many other municipalities. Landscape architects tend to be familiar with this method. The challenge is to assign the right “points” for different land uses, which can be somewhat subjective.
 3. A minimum number of planting types per required parking space, i.e. 1 canopy tree and 2 large shrubs per X spaces. This ratio-based method, used in Franklin and Greenfield among others, provides a more efficient basis for requiring different levels of landscaping among, as examples, downtown retail, general commercial, multi-family, or industrial use. The ratio-based method is likewise well understood in the development community in this region.
 4. A minimum value of landscape materials (typically excluding irrigation, soils, and other non-living materials) based on the total construction value of the project. Typically, cities of Waukesha’s size and land use composition might require 3% of the first \$250,000 of total construction cost, 2% of the next \$250,000, and 1% of any additional cost. This approach is relatively easy to administer and provides a great deal of flexibility for applicants; landscape architects and designers would need to provide schedules of planting values. Southeast Wisconsin does have good, readily available cost information if this approach is of interest.
 5. Requiring trees along street frontages for residential properties similar to what is required for commercial districts.

Enhance Buffer Standards

One element that may enhance the updated code is to provide more detailed options for the landscaping of buffer yards, and the setbacks between parking lots and public rights of way. At present, the City’s standards are thorough but lean on berms, wide setbacks of 15-20 feet, and dense vegetation as screening methods. As the City redevelops, and downtown or older commercial sites are re-imagined, more flexible options may help facilitate good site design.

As discussed with Staff, the City of Milwaukee recently developed detailed buffer and parking setback standards that provide options for zero-, five- and ten-foot parking lot setbacks, as well as wider or more aggressive screening for buffer yards between uses and along zoning boundaries. The guide also includes incentives for incorporating bioretention and permeable paving systems (typically paver blocks) into parking lots, using ratios that ‘work’ for engineers meeting Wisconsin stormwater runoff requirements. Elements from the guide may be desirable to incorporate to provide additional, objective design options.

Allow Permeable Surfacing

Section 22.53(5), Surfacing, could be amended to allow (or even encourage) the use of permeable surfacing systems meeting Wisconsin DNR Technical Standard 1008. Paver block systems meeting this standard have a strong track record in southeast and south-central Wisconsin. When sited in parking lot areas that are not used for snow storage and do not receive significant run-on of sediment-laden water, these systems perform well. Even when infiltration is not as rapid, permeable paver systems provide urban heat island and aesthetic benefits.

2. Land Use Plan Alignment

According to Wisconsin State Statute (§62.23(7)(c)), a municipality’s zoning regulations, specifically its zoning districts and map, must be made in accordance with the municipality’s comprehensive plan.

An alignment analysis between the Comprehensive Plan’s future land use categories and the City’s current zoning districts was conducted by comparing the future land use category descriptions and the specific uses each category intends to promote with the purpose and intent statements and permitted and conditional uses of the City’s zoning districts. Below is a detailed crosswalk between the future land use categories and zoning districts as well as recommendations for how the districts should be amended to reach further alignment.

Future Land Use Category - Residential Detached (RD)

Aligned Zoning Districts - RS-1, RS-2, & RS-3 Single-Family Residential Districts

Aligned Zoning District – B-1 Neighborhood Business District

Future Land Use Category - Industrial/Commercial (I/C)

Aligned Zoning District – MM-1 Mixed-Use Manufacturing District

Future Land Use Category - Residential Attached (RA)

Aligned Zoning Districts – RD-1 & RD-2 Two-Family Residential Districts

Future Land Use Category - Industrial (I)

Aligned Zoning Districts – M-1 Light Manufacturing & M-2 General Manufacturing Districts

Future Land Use Category - Residential Multiple (RM)

Aligned Zoning Districts - RM-1 & RM-2 Multi-Family Residential Districts

Future Land Use Category - Civic and Institutional (CIV)

Aligned Zoning District – I-1 Institutional District

Future Land Use Category - Residential Flexible (RF)

Aligned Zoning District – RM-3 Multi-Family Residential District

Future Land Use Category - Public Parks and Recreation (P)

Aligned Zoning District – P-1 Park District

Future Land Use Category - Commercial (C)

Aligned Zoning Districts – B-3 General Business & B-5 Community Business Districts

Future Land Use Category - Private Open Space (OS)

Aligned Zoning Districts – P-1 Park & RS-1, RS-2, RS-3 Single Family Residential Districts

Future Land Use Category - Mixed Residential Commercial (MRC)

Aligned Zoning District - B-2 Central Business District

Future Land Use Category - Utilities, Transportation, and Communication (UTC)

Aligned Zoning Districts – A-1, Airport & M-2 General Manufacturing District

Future Land Use Category - Community Node

Future Land Use Category - Residential Detached (RD)

Permits up to two residential units within a single standalone building on a single parcel of land. This zoning category may permit accessory dwelling units (ADUs). Generally, non-residential uses are not allowed. Zoning rules will define specific criteria and standards for aspects such as the design and form of the building, lot size and coverage, setbacks, ADU design, and parking requirements.

Aligned Zoning Districts - RS-1, RS-2, & RS-3 Single-Family Residential Districts

RS-1 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

RS-2 District Level of Alignment

- Intent: High
- Uses: High
- Density: High

Recommended Amendments for Further Alignment

To better align the RS-1, RS-2, and RS-3 Districts with the Future Land Use Category - Residential Detached (RD), several key amendments are recommended. First, the City should consider allowing duplexes and accessory dwelling units in the districts as detailed in the *Zoning Code Update Key Themes* Section of this report. Additionally, since the Comprehensive Plan does not recommend a specific limit on residential densities in the City's single-family detached neighborhoods, the City should consider removing the strict limits on density that apply to residential development in the RS-1, RS-2, and RS-3 Districts. Further, to streamline the zoning ordinance the City should consider consolidating the RS-1 and RS-2 Districts into one Single-Family Residential District as detailed in the *Zoning Code Update Key Themes* Section of this report. Additional discussion with the City is needed to determine whether the alternate lot area and width standards proposed for the RS-2 District, in the in the *Lot Standards Applicability Analysis* section of this report, should be applied to properties in the combined RS-1 and RS-2 District or whether too many opportunities for subdivision would be created and another alternate should be explored. The lot area and width standards of the RS-3 District should be updated per the results of the *Lot Standards Applicability Analysis*.

Future Land Use Category - Residential Attached (RA)

Permits existing standalone and connected residential buildings with separate entrances, such as duplexes, triplexes, quads, rowhouses, stacked flats, and small apartment complexes with up to six units. Zoning regulations may also allow for a limited range of small-scale commercial activities.

Aligned Zoning Districts – RD-1 & RD-2 Two-Family Residential Districts

RD-1 District Level of Alignment

- Intent: Moderate
- Uses: Moderate
- Density: High

RD-2 District Level of Alignment

- Intent: Moderate
- Uses: Moderate
- Density: High

Recommended Amendments for Further Alignment

To better align the RD-1 and RD-2 Two-Family Residential Districts with the Future Land Use Category - Residential Attached (RA), several key amendments are recommended. First, expand the range of permitted residential development types within the districts to include the missing middle housing types detailed in the *Zoning Code Update Themes* section of this report. Second, the City should consider allowing small neighborhood-serving commercial uses at specific locations, such as lots adjoining non-residential districts, as detailed in the *Zoning Code Update Key Themes* section of this report. The City should also consider removing strict density thresholds in the District, and instead tailor the lot size and area standards to the types of housing allowed in the district to accommodate their specific space needs. Given that the existing RD-2 District is intended to allow higher-density development than the RD-1 District, the City should consider establishing smaller lot area and width standards in the RD-2 District than the RD-1 District.

Future Land Use Category - Residential Multiple (RM)

Allows apartment buildings, while excluding detached (RD and RD2) and attached (RA) residential structures.

Aligned Zoning Districts - RM-1 & RM-2 Multi-Family Residential Districts

RM-1 District Level of Alignment

- Intent: Moderate
- Uses: Moderate
- Density: High

RM-2 District Level of Alignment

- Intent: Low
- Uses: Moderate
- Density: Moderate

Recommended Amendments for Further Alignment

To better align the RM-1 and RM-2 Multi-Family Residential Districts with the Future Land Use Category - Residential Multiple (RM), it is recommended that the City adjust the types of housing that are allowed in each district. In the RM-1 District, the City should allow triplexes, quadplexes, cottage home courts, rowhomes, and small-scale multifamily buildings with six or fewer dwelling units per building (rather than the current limit of four units) by-right. In the RM-2 District, the City should allow rowhomes, multifamily buildings of all scale, as well multifamily complexes. In both districts, the City should consider prohibiting the construction of new single-family detached homes and removing strict density thresholds. Instead of strict density thresholds, density should be controlled through other required site improvements like open space, park space, landscape, and parking which should be provided in proportion to number of residential units.

Future Land Use Category - Residential Flexible (RF)

Provides flexibility for different types of residential buildings, including detached, attached, and multi-unit structures.

Aligned Zoning District – RM-3 Multi-Family Residential District

RM-3 District Level of Alignment

- Intent: Low
- Uses: Moderate
- Density: Low

Recommended Amendments for Further Alignment

To better align the RM-3 Multi-Family Residential District with the Residential Flexible (RF) Future Land Use Category, several key amendments are recommended. First, the City should allow all housing types from single-family detached homes to multifamily complexes to maximize flexibility. The City should also consider removing strict density thresholds, and instead tailor the lot size and area standards to the various types of housing in order to accommodate their specific space needs as detailed in the *Zoning Code Update Key Themes* Section of this report.

Future Land Use Category - Commercial (C)

Permits retail, service, and office activities, while excluding most other non-commercial uses.

Aligned Zoning Districts – B-3 General Business & B-5 Community Business Districts

B-3 District Level of Alignment

- Intent: High
- Uses: High
- Density: High

B-5 District Level of Alignment

- Intent: High
- Uses: High
- Density: Moderate

Recommended Amendments for Further Alignment

No amendments to either district are needed for further alignment. To further ensure that future development achieves an orderly and attractive grouping of buildings as specified in each District's purpose and intent statement, the City should establish building design standards as specified in the *Zoning Code Update Key Themes* section of this report.

Future Land Use Category - Mixed Residential Commercial (MRC)

Facilitates a blend of commercial and residential uses, both vertical and horizontal. Within community nodes, ground-floor spaces must be dedicated to walkable hospitality, retail, or service establishments, all oriented along the street edge.

Aligned Zoning District - B-2 Central Business District

Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

Recommended Amendments for Further Alignment

The B-2 Central Business District exhibits a high level of alignment with the MRC Mixed Residential Commercial land use category. To further match the intent of the future land use category, the City should allow (as a by-right use) dwelling units located in the rear of a building's ground floor or in the upper floor of a building containing a nonresidential ground-floor use.

Given that the Mixed Residential Commercial District encompasses sites in commercial corridors along Sunset Drive at S West Avenue and S Grand Avenue, the City should consider establishing a new MC Mixed-Use Corridor District to allow mixed-commercial and residential uses in corridor sites designated for Mixed Residential Commercial Development.

The new B-1 Mixed-Use Corridor District (see *Create Community Nodes* section of this report) should be established to allow a variety of commercial entertainment, food service, retail, office and personal service uses. Upper floor residential uses above ground-floor commercial businesses should also be allowed, as should standalone multifamily buildings of various scales that do not contain a commercial use. The City should establish minimum lot size and width requirements as well as building setbacks that create larger lot development that is appropriate to the City's larger vehicular corridors. Dimensional and bulk standards should ensure development in the district is designed to serve both motorists and pedestrians. The City should also establish site and building design standards as detailed in the *Zoning Code Update Key Themes* section of this report to ensure the development of high-quality environments in the District.

Future Land Use Category - Community Node

An intersection defined by parcels with walkable, ground-floor hospitality uses that are oriented along and easily accessible from the street edge.

Aligned Zoning District – B-1 Neighborhood Business District

Level of Alignment

- Intent: Moderate
- Uses: Moderate
- Density: Moderate

Recommended Amendments for Further Alignment

To better align with the Community Node category, the City should transition the B-1 Neighborhood Business District to the B-1 Neighborhood Mixed Use District as detailed in the *Zoning Code Update Key Themes* section of this report.

Future Land Use Category - Industrial/Commercial (I/C)

Supports a combination of industrial and commercial uses, whether arranged vertically or horizontally.

Aligned Zoning District – MM-1 Mixed-Use Manufacturing District

Level of Alignment

- Intent: High
- Uses: High
- Density: High

Recommended Amendments for Further Alignment

The MM-1 Mixed-Use Manufacturing District is well-aligned with the I/C Industrial/Commercial Land Use category. To further encourage the development of new commercial uses, the City should consider streamlining use categories, establishing modern commercial use designations, and broadening use allowances as detailed in the *Zoning Code Update Key Themes* section of this report.

Future Land Use Category - Industrial (I)

Permits manufacturing and assembly, service-oriented activities, construction supply, warehousing, distribution, and related office functions. Additionally, allows for food service, kennels, and indoor recreation.

Aligned Zoning Districts – M-1 Light Manufacturing & M-2 General Manufacturing Districts

M-1 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

M-2 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

Recommended Amendments for Further Alignment

The M-1 Light Manufacturing District and M-2 General Manufacturing District already exhibit a high level of alignment with the I Industrial Future Land Use category. To further align the allowed uses in the district with the I Industrial future land use category, the City should consider consolidating its existing industrial use categories depending on a given use's potential to generate off-site impacts as detailed in the *Zoning Code Update Key Themes* section of this report. Heavy industrial uses that have the potential to generate off-site impacts should be allowed in the M-2 General Manufacturing District only. The City should also consider allowing office, restaurant, and indoor entertainment uses in both the M-1 and M-2 Districts.

Future Land Use Category - Civic and Institutional (CIV)

Includes public and private schools, colleges, and universities, as well as facilities owned by city, county, and state governments, and private institutions, churches, and hospitals.

Aligned Zoning District – I-1 Institutional District

Level of Alignment

- Intent: High
- Uses: High
- Density: High

Recommended Amendments for Further Alignment

No major amendments recommended for alignment.

Future Land Use Category - Public Parks and Recreation (P)

Designates publicly owned areas for conservation, as well as active or passive recreation.

Aligned Zoning District – P-1 Park District

Level of Alignment

- Intent: High
- Uses: High
- Density: High

Recommended Amendments for Further Alignment

No major amendments recommended for alignment.

Future Land Use Category - Private Open Space (OS)

Designates homeowner association and other privately maintained areas for conservation or for active and passive recreational uses.

Aligned Zoning Districts – P-1 Park & RS-1, RS-2, RS-3 Single Family Residential Districts

P-1 District Level of Alignment

- Intent: High
- Uses: High
- Density: High

RS-1 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

RS-2 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

RS-3 District Level of Alignment

- Intent: High
- Uses: Moderate
- Density: High

Recommended Amendments for Further Alignment

The City should consider specifying active or passive open space as an allowed use in the RS Districts to ensure that the provision of privately maintained open space areas is clearly allowed in future single-family residential developments.

Future Land Use Category - Utilities, Transportation, and Communication (UTC)

Parcels containing privately owned railroads, as well as utility and communication facilities.

Aligned Zoning Districts – A-1 Airport & M-2 General Manufacturing District

Level of Alignment

- Intent: High
- Uses: High
- Density: High

Recommended Amendments for Further Alignment

No major amendments recommended for alignment.

3. Lot Standards Applicability Analysis

This lot standards applicability analysis includes both a nonconformities analysis and a subdivision opportunities analysis. The nonconformities analysis compares the existing minimum lot area and width requirements of a district with existing development within that district. The analysis provides insight on whether regulations reflect existing development patterns or if they should be adjusted to ease the burden on landowners as they seek to reinvest in their property and on staff and elected/appointed officials as they consider variance requests.

The nonconformities analysis first determines the number of parcels in each district that do not conform with the existing lot size and width requirements. It then determines the number of parcels in each district that would remain nonconforming if the lot area and width requirements were reduced.

After alternate lot area and width standards are tested, and nonconformity levels are brought down to approximately 10 percent, the subdivision opportunities analysis is conducted. The subdivision opportunity analysis tests the alternate standards to determine whether they would create new subdivision opportunities that do not exist with the current standards. A subdivision opportunity is a lot that is two times the minimum lot area and two times the minimum lot width and therefore could be split into two lots.

The lot standards applicability analysis was conducted for the:

RS-1 Single Family Residential District

RS-2 Single Family Residential District

RS-3 Single Family Residential District

RS-4 Mobile Home/Park Subdivision

RD-2 Two Family Residential

RM-1 Multi-Family Residential District

RM-3 Multi-Family Residential District

RS-1 Single Family Residential District

The analysis revealed that four percent of the RS-1 parcels, or eight of the 181 total parcels, do not comply with the existing area minimum, while 13 percent, or 23, do not comply with the existing width minimum. Due to the high level of conformity with the minimum lot area and minimum lot width requirement standards, no changes to the RS-1 district standards are proposed.

RS-2 Single Family Residential District

Nonconformities Analysis

The nonconformities analysis revealed that five percent of the RS-2 parcels, or 55 of the 1,139 total parcels, do not comply with the existing area minimum, while 30 percent, or 339 of 1,139, do not comply with the existing width minimum. To understand which lot width requirements would be more appropriate for the district, alternate minimums were tested as shown in the table below.

| RS-2 | # of Parcels | % of Parcels |
|-------------------------|--------------|--------------|
| <i>Lot Area</i> | | |
| Existing – 12,000 sq ft | 55 | 5% |
| <i>Lot Width</i> | | |
| Existing – 90 ft | 339 | 30% |
| Alternative – 85 ft | 152 | 13% |
| Alternative – 80 ft | 107 | 9% |

The analysis revealed that a more appropriate lot width standard would be either 85 or 80 feet.

Subdivision Opportunities Analysis

To ensure that the reduced lot width minimum would not create new subdivision opportunities that could alter the character of neighborhoods in the RS-2 District, the alternates were tested to determine the number of new subdivision opportunities each would create. A total of two opportunities for subdivision exist under the City’s current RS-2 standards. The new opportunities for subdivision under alternate standards are detailed in the table below.

| RS-2 | # of Parcels | % of Parcels |
|----------------------------------|--------------|--------------|
| <i>Subdivision Opportunities</i> | | |
| 12,000 sq ft / 85 ft | 1 | 0% |
| 12,000 sq ft / 80 ft | 1 | 0% |

Recommendation

Based on the results of the lot standards applicability analysis, it is recommended that the RS-2 District lot area minimum of 12,000 square feet be retained and the lot width minimum be revised to 80 feet.

RS-3 Single Family Residential District

Nonconformities Analysis

The nonconformities analysis revealed that 14 percent of RS-3 parcels, or 1,445 of the 10,408 total parcels, do not comply with the existing area minimum, while 27 percent, or 2,801 of the 10,408, do not comply with the existing width minimum. To understand which lot area and lot width requirements would be more appropriate for the district, alternative minimums were tested as shown in the table below.

| RS-3 | # of Parcels | % of Parcels |
|-------------------------------|--------------|--------------|
| <i>Lot Area</i> | | |
| Existing – 8,000 sq ft | 1,445 | 14% |
| Alternative – 7,500 sq ft | 1,137 | 11% |
| Alternative – 7,000 sq ft | 727 | 7% |
| <i>Lot Width</i> | | |
| Existing – 65 ft | 2,801 | 27% |
| Alternative – 60 ft | 2,243 | 22% |
| Alternative – 55 ft | 1,829 | 18% |
| Alternative – 50 ft | 1,163 | 11% |
| Alternative – 45 ft | 405 | 4% |

The analysis revealed that a more appropriate lot area standard would be 7,500 or 7,000 square feet and a more appropriate lot width standard would be 50 feet.

Subdivision Opportunities Analysis

To ensure that the reduced lot area and lot width minimums would not create new subdivision opportunities that could alter the character of neighborhoods in the RS-3 District, the alternates were tested to determine the number of new subdivision opportunities each would create. A total of 177 opportunities for subdivision exist under the City’s current RS-3 standards. The new opportunities for subdivision under alternate standards are detailed in the table below.

| RS-3 | # of Parcels | % of Parcels |
|----------------------------------|--------------|--------------|
| <i>Subdivision Opportunities</i> | | |
| 8,000 sq ft / 50 ft | 251 | 2% |
| 7,500 sq ft / 50 ft | 359 | 3% |
| 7,000 sq ft / 50 ft | 516 | 5% |

Recommendation

Based on the results of this analysis, it is recommended that the RS-3 District lot area minimum of 8,000 square feet be retained and the lot width minimum be revised to 50 feet.

RS-4 Mobile Home/Park Subdivision

The analysis revealed that zero percent of the RS-4 parcels, or none of the two total parcels, do not comply with the existing area minimum or the existing width minimum. Due to the high level of conformity with the minimum lot area and minimum lot width standards, no changes to the RS-4 district standards are proposed.

RD-2 Two Family Residential

Nonconformities Analysis

The analysis revealed that 12 percent of the RD-2 parcels, or 80 of the 663 total parcels, do not comply with the existing area minimum, while 36 percent, or 239 of the 663, do not comply with the existing width minimum. To understand which lot area and lot width requirements would be more appropriate for the district, alternative minimums were tested as shown in the table below.

| RD-2 | # of Parcels | % of Parcels |
|-------------------------------|--------------|--------------|
| <i>Lot Area</i> | | |
| Existing – 8,000 sq ft | 80 | 12% |
| <i>Lot Width</i> | | |
| Existing – 70 ft | 239 | 36% |
| Alternative – 65 ft | 182 | 27% |
| Alternative – 60 ft | 169 | 25% |
| Alternative – 55 ft | 95 | 14% |
| Alternative – 50 ft | 71 | 11% |
| Alternative – 45 ft | 14 | 2% |

The analysis revealed that a more appropriate lot width standard would be 50 feet.

Subdivision Opportunities Analysis

To ensure that the reduced lot area and lot width minimums would not create new subdivision opportunities that could alter the character of neighborhoods in the RD-2 District, the alternates were tested to determine the number of new subdivision opportunities each would create. A total of eight opportunities for subdivision exist under the City’s current RS-3 standards. The new opportunities for subdivision under alternate standards are detailed in the table below.

| RD-2 | # of Parcels | % of Parcels |
|----------------------------------|--------------|--------------|
| <i>Subdivision Opportunities</i> | | |
| 8,000 sq ft / 55 ft | 4 | 1% |
| 8,000 sq ft / 50 ft | 7 | 1% |

Recommendation

Based on the results of this analysis, it is recommended that the RD-2 District lot area minimum of 8,000 square feet be retained and the lot width minimum be revised to 50 feet.

RM-1 Multi-Family Residential District

Nonconformities Analysis

The analysis revealed that 69 percent of the RM-1 parcels, or 1,435 of the 2,095 total parcels, do not comply with the existing area minimum, while 83 percent, or 1,734 of the 2,095, do not comply with the existing width minimum. To understand which lot area and lot width requirements would be more appropriate for the district, alternative minimums were tested as shown in the table below.

| RM-1 | # of Parcels | % of Parcels |
|-------------------------------|--------------|--------------|
| <i>Lot Area</i> | | |
| Existing - 8,000 sq ft | 1,435 | 69% |
| Alternative - 7,500 sq ft | 1,164 | 56% |
| Alternative 7,000 sq ft | 824 | 39% |
| Alternative - 6,500 sq ft | 670 | 32% |
| Alternative - 6,000 sq ft | 518 | 25% |
| Alternative - 5,500 sq ft | 188 | 9% |
| Alternative - 5,000 sq ft | 111 | 5% |
| <i>Lot Width</i> | | |
| Existing - 65 ft | 1734 | 83% |
| Alternative - 60 ft | 1636 | 78% |
| Alternative - 55 ft | 1485 | 71% |
| Alternative - 50 ft | 1113 | 53% |
| Alternative - 45 ft | 340 | 16% |
| Alternative - 40 ft | 94 | 4% |

Subdivision Opportunities Analysis

To ensure that the reduced lot area and lot width minimums would not create new subdivision opportunities that could alter the character of neighborhoods in the RM-1 District, the alternates were tested to determine the number of new subdivision opportunities each would create. A total of 37 opportunities for subdivision exist under the City’s current RM-1 standards. The new opportunities for subdivision under alternate standards are detailed in the table below.

| RM-1 | # of Parcels | % of Parcels |
|----------------------------------|--------------|--------------|
| <i>Subdivision Opportunities</i> | | |
| 5,500 sq ft / 45 ft | 128 | 6% |
| 5,500 sq ft / 40 ft | 94 | 4% |
| 5,000 sq ft / 45 ft | 128 | 6% |
| 5,000 sq ft / 40 ft | 181 | 9% |

Recommendation

Based on the results of this analysis, it is recommended that the RM-1 District lot area minimum be reduced to 5,500 square feet and the lot width minimum be revised to 40 feet.

RM-3 Multi-Family Residential District

Nonconformities Analysis

The analysis revealed that 55 percent of the RM-3 parcels, or 426 of the 774 total parcels, do not comply with the existing area minimum, while 72 percent, or 560 of the 774, do not comply with the existing width minimum. To understand which lot area and lot width requirements would be more appropriate for the district, alternative minimums were tested as shown in the table below.

| RM-3 | # of Parcels | % of Parcels |
|-------------------------------|--------------|--------------|
| <i>Lot Area</i> | | |
| Existing - 8,000 sq ft | 426 | 55% |
| Alternative - 7,500 sq ft | 390 | 50% |
| Alternative 7,000 sq ft | 296 | 38% |
| Alternative - 6,500 sq ft | 253 | 33% |
| Alternative - 6,000 sq ft | 203 | 26% |
| Alternative - 5,500 sq ft | 150 | 19% |
| Alternative - 5,000 sq ft | 119 | 15% |
| Alternative - 4,500 sq ft | 73 | 9% |
| <i>Lot Width</i> | | |
| Existing - 70 ft | 560 | 72% |
| Alternative - 65 ft | 520 | 67% |
| Alternative - 60 ft | 469 | 61% |
| Alternative - 55 ft | 423 | 55% |
| Alternative - 50 ft | 326 | 42% |
| Alternative - 45 ft | 138 | 18% |
| Alternative - 40 ft | 78 | 10% |

Subdivision Opportunities Analysis

To ensure that the reduced lot area and lot width minimums would not create new subdivision opportunities that could alter the character of neighborhoods in the RM-3 District, the alternates were tested to determine the number of new subdivision opportunities each would create. A total of 39 opportunities for subdivision exist under the City’s current RM-3 standards. The new opportunities for subdivision under alternate standards are detailed in the table below.

| RM-3 | # of Parcels | % of Parcels |
|----------------------------------|--------------|--------------|
| <i>Subdivision Opportunities</i> | | |
| 5,000 sq ft / 45 ft | 94 | 12% |
| 5,000 sq ft / 40 ft | 128 | 17% |
| 4,500 sq ft / 45 ft | 94 | 12% |
| 4,500 sq ft / 40 ft | 128 | 17% |

Recommendation

Based on the results of this analysis, it is recommended that the RM-3 District lot area minimum be reduced to 4,500 square feet and the lot width minimum be revised to 40 feet.

4. Proposed Code Structure

Land development regulations are best organized in a manner that makes them straightforward for the City to administer and for the public to understand. This type of user-friendly format employs tables and graphics where appropriate, organizes information that is typically used together in the same sections, and orders the sections sequentially with those that are most generally applicable and frequently referenced at the beginning of the document.

Waukesha's land development regulations are currently organized across various Sections of the Municipal Code of Ordinances. The City's zoning regulations are in Chapter 22 Zoning. Within these Sections, information that is often referenced together is located in different areas, requiring excessive cross referencing. It is recommended that the new City's Zoning Code be organized into 14 Articles, as detailed below, to improve the document's user-friendliness. Please note: The proposed Zoning Code structure is subject to change as the document is developed.

Article 1: Purpose and Applicability

Article 2: Zoning District Standards

Article 3: Use Standards

Article 4: General Development Standards

Article 5: Building Design Standards

Article 6: Access and Mobility Standards

Article 7: Landscape and Buffer Standards

Article 8: Natural Resource Protection Standards

Article 9: Shoreland and Wetland Standards

Article 10: Sign Standards

Article 11: Administrative Procedures

Article 12: Nonconforming Uses, Buildings, Structures, and Lots

Article 13: Performance, Maintenance, and Enforcement

Article 14: Definitions

The subsections below detail which existing Chapter 22 Sections should be reorganized into the new Chapters of the Zoning Code. Please note that the Sections referenced herein may be fully updated or rewritten but are referenced here to ensure that all applicable regulations are addressed. Diagrams, flow charts, and other visualizations will be utilized throughout the Zoning Code to make the regulations more user-friendly and to minimize opportunities for various interpretations of the same standard.

Article 1: Purpose and Applicability

Chapter 1: Purpose and Applicability should include high-level information regarding the title, authority, jurisdiction, purpose, and intent of the Zoning Code, which are currently contained in different areas of the existing Zoning Code. The following existing provisions should be relocated to Article 1:

- Section 22.01 Authority and Title
- Section 22.02 Purpose and Scope
- Section 22.03 Municipalities and State Agencies Regulated
- Section 22.06 Interpretation
- Section 22.07 Compliance Required
- Section 22.10 District Boundaries
- Section 22.025 Comprehensive Plan

Article 2: Zoning District Standards

Article 2: Zoning District Standards should establish the purpose and intent statements and dimensional standards for all zoning districts in Waukesha, including base and overlay districts. Most of the content of this Article is located in portions of the consecutive Sections between Sections 22.24 and Section 22.44. For instance, the purpose of the RS-1 District is specified in Section 22.24(1), while the bulk and dimensional standards are in Section 22.24(5), (6), and (7). This information is proposed to be reorganized in Article 2 for the RS-1 District, as well as for all the other base and overlay districts established in the Zoning Code.

Article 2: Zoning District Standards should also contain regulations that have relevance to the bulk and dimensional standards in the Zoning Code. Section 22.55, which establishes exceptions to the height standards in the Zoning Code, as well as Section 22.56, which establishes certain exceptions to the Zoning Code's yard standards, should be within Article 2. Provisions regarding annexations in Section 22.12 should also be established in Article 2.

Article 3: Use Standards

Article 3: Use Standards should establish all allowed uses by District and any supplemental use standards that apply to them. The uses allowed by District are currently located within portions of the consecutive Code Sections located between Section 22.24 and Section 22.44.

For example, the principal and accessory uses allowed in the RS-1 District are currently established in Sections 22.24(2) and (3). This information should be consolidated in the new Article 3: Use Standards and displayed in a tabular format. Likewise, the allowed principal and accessory uses in the RS-2 District are currently in Sections 22.25(2) and (3), which should be consolidated in the new Article 3: Use Standards and displayed in a tabular format.

The existing Zoning Code also contains some use-specific standards that regulate the appearance and off-site impact of specific uses. For example, the standards for Satellite Antennas are in Section 22.58(4) while the standards for home occupations and professional home offices are in Section 22.58(5). All of these regulations that apply to specific uses should be consolidated in the new Article 3: Use Standards.

Article 4: General Development Standards

Chapter 4: General Development Standards should be comprised of standards that are broadly applicable to development throughout Waukesha, regardless of District or use, including:

- Fencing (From existing Section 22.58(2)(l))
- Vision clearance areas (From existing Municipal Code section 22.53)
- Screening (From existing Sections 22.11(3), 22.15(3)(e) and (4), 22.16, and 22.53)
- Performance Standards (Section 22.59)
- Architectural Diversity (Section 22.14(5)) - to be updated per Zoning Code Update Themes portion of the report

Article 4 should also contain new standards for Outdoor Lighting as recommended in the Miscellaneous Recommendations section of this report.

Article 5: Building Design Standards

Article 5: Building Design Standards should include new, general standards for the design of multifamily, mixed-use, and commercial buildings. These new standards would address exterior building cladding materials, glazing, building entryway design, façade design and articulation, and roof design as detailed in the Key Zoning Code Update Themes section of this report.

The Article should also include use specific building design standards as needed. For example, duplex, triplex, and quadplex design standards can be established to ensure their visual consistency within existing neighborhoods, as described in the Key Zoning Code Update Themes section of this report.

Article 5 should contain certain design-related standards from the existing Zoning Code, including the Architectural Diversity Standards in Section 22.14(5).

Article 6: Access and Mobility Standards

Article 6: Access and Mobility Standards should include regulations that pertain to vehicle, pedestrian, and cyclist access and connectivity; vehicle parking, loading, driveways, and bicycle parking; and sidewalks, trails, and pedestrian walkways. The content of this Chapter will replace the existing content in Section 22.53, including off-street parking and loading requirements and driveways.

Article 7: Landscape and Buffer Standards

Article 7: Landscape and Buffer Standards should replace the City's existing landscape guidelines as detailed in the Key Zoning Code Update Themes section of this report.

Article 8: Natural Resource Protection Standards

Article 8: Natural Resource Protection Standards should consolidate the existing provisions of the Zoning Code.

Article 9: Shoreland and Wetland Standards

Article 9: Shoreland and Wetland Standards should consolidate and carry forward standards in the existing Zoning Code. Floodplain Zoning standards were recently recodified into Section 24. Where applicable, the Zoning Code should remove any instances of floodplain zoning that may remain in Section 22.

Article 10: Sign Standards

Article 10: Sign Standards should replace the entirety of Chapter 27 Signs and Outdoor Advertising, currently located in the Municipal Code. The existing regulations are proposed to be replaced as detailed further in the Miscellaneous Recommendations section of this report. The intent of the new standards is to ensure content neutrality, improve clarity, and provide flexibility in a manner that requires high quality but allows for variety and creative design.

Article 11: Administrative Procedures

Article 11: Administrative Procedures should include all procedures and regulations that pertain to the administration of the Zoning Code. The City's procedures for the administration are currently located across several existing sections of the Zoning Code as described below.

- Section 22.62 Zoning Administrator
- Section 22.63 Conditional Use Permit
- Section 22.68 Board of Zoning Appeals
- Section 22.69 Amendments and District Changes
- Section 22.52 PUD Planned Unit Development Overlay District

Article 12: Nonconforming Uses, Buildings, Structures, and Lots

Article 12: Nonconforming Uses, Buildings, Structures, and Lots should be derived from Section 22.61 of the current Zoning Code and updated, and the provisions regarding non-conforming signs in Section 27.09 of the current Sign Code should also be updated.

Article 13: Performance, Maintenance, and Enforcement

Article 13: Performance, Maintenance, and Enforcement should contain the City's procedures and standards that ensure the requirements of the Zoning Code are met and maintained over time. The Article should contain the enforcement standards established in Section 22.67 of the existing Zoning Code. The Article should also include new standards for fees in lieu of required improvements, performance guarantees, improvement completion and acceptance by the City, maintenance of required improvements, and ownership and maintenance of common areas.

Article 14: Definitions

Article 14: Definitions should consolidate all definitions relevant to the City's Zoning Code from the existing locations, including Section 22.05 Definitions from the existing Zoning Code and Section 27.02 Definitions from Chapter 27 Signs and Outdoor Advertising.

5. Miscellaneous Recommendations

This section of the report includes preliminary recommendations not addressed in other sections. The chart below identifies issues with the City’s current Zoning Code but arranges them within the proposed new Article structure described in Chapter 4 of this report. The Existing Code Issue column conveys the issue with the existing Code mentioned during outreach or observed by the project team and cites the existing Code Section(s) that address the issue presented. The Recommendations column presents preliminary recommendations regarding how the Zoning Code could be amended to address the existing Code issue. Please note that the issues included in the Existing Code Issue column are not an exhaustive list of all Code issues expressed by staff or issues that should be addressed during the process. Rather, they convey the important issues that require discussion among staff, the project team, and the City’s Boards and Commissions during this diagnostic phase of the process.

| Existing Code Issue | Current Code Section | Recommendation |
|---|---|---|
| <i>Article 1: General Provisions</i> | | |
| The title, authority, jurisdiction, purpose, and intent portions of the Zoning Code are currently contained in different areas of the existing Zoning Code. | Sections 22.01, 22.02, 22.03, 22.06, 22.07, 22.10, 22.025 | Consolidate and relocate to Article 1. |
| <i>Article 2: Zoning District Standards</i> | | |
| There is no reason for differentiation for some commercial districts. | Section 22.08 | Consider consolidating the B-4 Office and Professional Services District with other commercial districts that allow potentially complementary land uses, including the B-3 and B-5 Districts, as detailed in the <i>Zoning Code Update Key Themes</i> Section of this report. |
| There is no reason for differentiation for some residential districts. | Section 22.08 | Consider consolidating the RS-1 and RS-2 Single-Family Residential Districts as detailed in the <i>Zoning Code Update Key Themes</i> Section of this report. |
| The Code does not appropriately address the downtown fringe area. | Section 22.34 | Consider the need for a new Central Business-Transition District to encompass development on the periphery of the City’s downtown. Additional discussion with City staff and elected and appointed officials would be required to determine the appropriate land use policy for the City’s downtown adjacent areas and whether a new district is truly merited. |

| Existing Code Issue | Current Code Section | Recommendation |
|---|---|--|
| <p>The Code does not activate the riverfront.</p> | <p>Section 22.52</p> | <p>Rework the Planned Unit Development process as specified in the <i>Zoning Code Update Key Themes</i> section of this report. Specify the provision of public spaces that engage with the City’s natural assets and resources, such as the Fox River, as one of the modification standards that applicants can satisfy to request departures from the base zoning district standards.</p> |
| <p><i>Article 3: Use Standards</i></p> | | |
| <p>The Code has a lot of barriers to affordable housing, including prohibiting alternative housing types.</p> | <p>Sections 22.28, 22.29, 22.30, 22.31, 22.32</p> | <p>Delineate new missing middle housing types such as stacked and horizontal duplexes, townhomes, triplexes/quadplexes, and small-scale multifamily dwelling units, and tailor the district bulk and dimensional standards to these different formats as discussed in the <i>Zoning Code Update Key Themes</i> section of this report.</p> <p>Simplify the dimensional standards for housing by eliminating minimum living area requirements and minimum density standards as discussed in the <i>Zoning Code Update Key Themes</i> section of this report.</p> |
| <p>The Code limits independent senior living.</p> | <p>Sections 22.28, 22.29, 22.30, 22.31, 22.32</p> | <p>Consider allowing senior housing as a by-right use in the RM-1, RM-2, and RM-3 Districts rather than as a conditional use as it currently is allowed. Remove the existing density restrictions of 22 units per acre.</p> <p>Consider allowing senior housing in additional districts such as RD-1 and RD-2 Districts.</p> <p>Consider eliminating senior housing as a separate land use category in the RD-1, RD-2, RM-1, RM-2, and RM-3 districts, instead allowing them as any other permitted residential land use in the district (Note: this will require more discussion to determine impacts for other zoning requirements or incentives).</p> |

| Existing Code Issue | Current Code Section | Recommendation |
|---|------------------------------|--|
| The Code does not incentivize affordable housing. | Sections 22.35, 22.37, 22.53 | Establish incentives for the provision of affordable housing, including building height increases as detailed in the <i>Zoning Code Update Key Themes</i> section of this report. |
| The Code does not support job-housing-transit match. | Sections 22.35, 22.37, 22.53 | Consider establishing incentives for the provision of affordable housing in transit-served corridors as detailed in the <i>Zoning Code Update Key Themes</i> section of this report. |
| The City should revise its Home Occupation Standards to regulate them based on feedback obtained from the Community Open House. | Section 22.58 (5) and (6) | <p>Based on the Community Open House Feedback, the City should continue prohibiting high-impact operations such as vehicle repair, welding/machine shops, animal grooming and boarding, and firearm training and sales (with City Attorney review) as home occupations as it currently does.</p> <p>The City could permit certain types of operations that are currently prohibited as home occupations, including photography studios, real estate offices, and other personal and professional services.</p> <p>The City should consider removing the existing Home Industries designation and replacing it with “Accessory Commercial Units” (ACUs). The new accessory use would be similar to Home Occupations but more intensive, allowing a small number of employees to work at the operation from off-site. A Conditional Use Permit would be required for ACUs.</p> |
| The Code does not allow incubator and accelerator spaces. The Industrial zoning is too restrictive. | Section 22.38, 22.39, 22.40 | Call out specific uses such as co-working spaces and community kitchens specifically, and allow the uses in the City’s industrial and commercial zoning districts as detailed the <i>Zoning Code Update Key Themes</i> Section of this report. |

| Existing Code Issue | Current Code Section | Recommendation |
|--|--|--|
| <p>The City should revise its accessory structure location standards to ensure aesthetic appeal of neighborhoods while also allowing flexible use of lots for homeowners. The City should consider feedback obtained from the Community Open House to do this.</p> | <p>Section 22.58</p> | <p>Simplify the Accessory Use Regulations in Section 22.58. Consider establishing a set of general regulations for accessory structures that differentiate between small accessory structures (such as sheds and pergolas) and large accessory structures (like detached garages). The number of small and large accessory structures allowed should depend on the size of the lot.</p> <p>Based on the Community Open House feedback, the City should consider limiting the location of accessory structures to the interior side or rear of a principal structure.</p> <p>The City should retain its more specific standards for certain types of accessory structures such as chicken enclosures, swimming pools, and patios as needed.</p> |
| <p>Drive-through uses are allowed in areas where vehicle-pedestrian conflicts may occur, particularly in the B-1 district and along corridors/at nodes with a desired mixed-use, pedestrian orientation.</p> | <p>--</p> | <p>Prohibit auto-oriented uses in the B-1 and Mixed-Use districts; allow drive-throughs as accessory uses in specific districts that are designed to accommodate auto-oriented uses.</p> <p>Establish accessory and review standards for drive-throughs, including stacking requirements that vary by use.</p> |
| <p><i>Article 4: General Development Standards</i></p> | | |
| <p>Outdoor lighting standards are vague, outdated, and apply only to buffer yards, parking lots, recreational facilities, product display, or security.</p> | <p>Sections 22.14(3)(e), 22.59(4), 22.59(10)</p> | <p>Modernize the standards to clarify light limit trespass at property lines, regulate color temperature, include specific illumination standards by lighting type, and consider design standards for fixtures/luminaires.</p> |
| <p><i>Article 5: Building Design Standards</i></p> | | |
| <p>Building design standards in the Code are hard to understand.</p> | <p>--</p> | <p>Establish objective building design standards as recommended in the <i>Zoning Code Update Key Themes</i> section of this report.</p> |

| Existing Code Issue | Current Code Section | Recommendation |
|---|----------------------|--|
| The Code is not sufficiently explicit regarding design standards for historic buildings. | Section 22.51 | Revise the design standards specific to the City's downtown to require higher-quality building materials, first-floor transparencies, and build-to zones as detailed in the <i>Zoning Code Update Key Themes</i> section of this report. |
| Article 6: Access and Mobility Standards | | |
| The Code does not require bicycle racks in subdivisions. | Section 22.53 (8)(a) | Retain the existing standards that require the installation of bicycle racks in multifamily development. Consider requiring bicycle racks in other residential developments. |
| The Code is not strict enough regarding driveways. The width and number of driveways should be limited to promote greater access by multimodal travelers. | Section 22.53 (13) | Establish requirements for the spacing between driveways on multifamily, mixed-use, and non-residential properties. Consider replacing the width limitation on driveways in 22.53(13) that specifies that driveways shall not exceed 7% of the lot width, with more prescriptive standards for driveway width at a property line that vary depending on the site's use. For instance, the width of driveways for manufacturing uses should be greater than for general commercial uses. |
| Article 7: Landscape and Buffer Standards | | |
| Standards are currently located in different sections of the Zoning Code and require updates. | | See <i>Zoning Code Update Key Themes</i> Section of this report. |
| Article 8: Natural Resource Protection Standards | | |
| Standards are currently located in different sections of the Zoning Code. | | Consolidate and retain applicable standards. |
| Article 9: Shoreland and Wetlands Standards | | |
| Floodplain regulations were recently recodified into a separate Section, but remnants remain in Section 22. | Chapter 22 | Remove floodplain regulations where necessary. |

| Existing Code Issue | Current Code Section | Recommendation |
|---|----------------------|--|
| <i>Article 10: Sign Standards</i> | | |
| <p>The Code allows an excessive amount of signage.</p> | <p>Chapter 27</p> | <p>Consider adjusting the allowed height and area of signage required.</p> <p>Establish and clarify definite limits on the allowed area of an individual sign in square feet rather than allowances that depend on lot frontage. For example, the area of a monument sign should be between 50-70 feet.</p> <p>Establish a maximum total square footage of sign area allowed that depends on lot frontage. Allow the total square footage of sign area to be divided among all the allowed sign types in the district.</p> <p>Establish clear requirements and exemptions for temporary signs.</p> |
| <i>Article 11: Administrative Procedures</i> | | |
| <p>The Code requires Planning Commission approval for too many application types.</p> | | <p>Allow administrative approval for some application types as detailed in the <i>Zoning Code Update Key Themes</i> section of this report</p> <p>Consider allowing some of the existing conditional uses by-right, including the following:</p> <ul style="list-style-type: none"> • Senior Housing in the RM Districts. • Residential dwelling units on the upper floor of buildings or to the rear of a first-floor nonresidential use in the B-1, B-2, B-3, and B-5 Districts. • Solar energy accessory uses in the M-2, MM-1, and other Districts. |

| Existing Code Issue | Current Code Section | Recommendation |
|--|----------------------|---|
| Article 12: Nonconforming Uses, Buildings, and Lots | | |
| The Code does not have standards that allow sites to be adequately “grandfathered.” | Section 22.61 | Review the City’s existing standards for nonconforming uses for compliance with Statute and adjust as needed. Establish thresholds for compliance with new development standards contained in the Code as detailed in the <i>Zoning Code Update Key Themes</i> section of this report that vary depending on the improvement type. For instance, thresholds for compliance with new building design standards should be required in different redevelopment situations than the transition zone standards. |
| Article 13: Performance, Maintenance, and Enforcement | | |
| The Code does not require maintenance of different required improvements as strongly as needed. | -- | Establish a general set of maintenance standards that specify requirements for pavement, fencing, waste receptacles, lighting, and signage. Consider including a fee in lieu provision along with performance guarantees, improvement completion and acceptance by the City, maintenance of required improvements, and ownership and maintenance of common areas. |
| Article 14: Definitions | | |
| The Code does not have definitions related to accessibility. Other definitions will require updates. | Section 22.05 | Include and update definitions for all terms used throughout the Zoning Code, including those related to accessibility, including ADA ramps, braille signage, etc. |

6. Research Summary

This chapter of the report details how other communities have addressed issues and topics similar to those Waukesha seeks to address as a part of the Zoning Code Update process. The issues examined were identified based on feedback from the public, staff, and City officials during the project kick off phase. The comparative communities discussed include the following Wisconsin communities: Appleton, Brookfield, Eau Claire, La Crosse, Sun Prairie, Wausau, and West Allis. Where topics have not yet been addressed by the comparative communities, best practices are summarized instead. The topics and the comparative communities researched for each include:

Parking Requirements

Sun Prairie

Brookfield

West Allis

Eau Claire

Appleton

Wausau

La Crosse

Commercial Design Standards

Sun Prairie

Brookfield

Eau Claire

Appleton

Wausau

La Crosse

Affordable and Attainable Housing Incentives

Best Practice Example

Development Review Processes

Brookfield

West Allis

Eau Claire

Appleton

Wausau

La Crosse

Parking Requirements

| Land Use | Existing Minimum - Waukesha | Example Best Practice Community Minimum – West Allis | Example Best Practice Community Minimum - Brookfield | Example Best Practice Community Minimum - Wausau |
|---|---|---|---|---|
| Two-family dwellings | 2/dwelling unit | -- | 1/bedroom of which 1 must be enclosed plus .5/unit for visitors | 2/dwelling unit (maximum of 7) |
| Multifamily dwellings | 2/dwelling unit plus 1/number of dwelling units divided by 10 for guest parking | 0 spaces (maximum of 2 spaces/dwelling unit) | 1/bedroom of which 1 must be enclosed plus .5/unit for visitors | 1.5/dwelling unit containing 0—2 bedrooms, plus 0.5/additional bedroom over 2 bedrooms per unit (maximum of 3/unit) |
| Retail | 1/150 sf of floor area plus one per employee at largest shift | 0 spaces (maximum of 3 spaces/1,000 square feet of gross floor area (except storage rooms)) | 4.75/1,000 sf | 1/400 sf of gross floor area in excess of 2,000 sf (maximum 150% of the minimum parking requirement) |
| Restaurant | 1/100 sf of gross floor area, or 1/2 seats at maximum capacity, whichever is greater, plus 1 space per employee for the work shift with the largest number of employees | 0 spaces (maximum of 1 space/150 square feet of gross floor area (except storage rooms)) | 1/3 seats plus 2/3 employees on maximum shift; 10 minimum | 1/5 persons at the maximum capacity of the establishment (maximum 150% of the minimum parking requirement) |
| Tavern/Bar | 1/50 sf of gross floor area, plus 1 space/employee for the work shift with the largest number of employees | 0 spaces (maximum of 3/1,000 sq. ft. of gross floor area (except storage rooms)) | 1/2.5 seats plus 2/employee on maximum shift | 1/5 persons at the maximum capacity of the establishment (maximum 150% of the minimum parking requirement) |
| Manufacturing, Processing, and Fabrication Operations | 1/employee for the work shift with the largest number of employees | -- | 2/1,000 sf office/customer use plus 1/750 sf other or per vehicle used/stored | 1/each employee on the largest work shift (maximum 150% of the minimum parking requirement) |

Sun Prairie

The Sun Prairie zoning code specifies detailed parking requirements for both residential and commercial uses. Residential parking requirements are based on the number of units, with specifics on spaces needed for single-family, multifamily, and mixed-use developments. Commercial requirements vary by the type and size of the establishment, such as office buildings needing one space per 250 square feet of gross floor area. Waukesha's zoning code provides more flexibility through the Plan Commission, which can modify, reduce, or waive minimum parking requirements based on the unique nature of a property or its use. Waukesha also exempts the Downtown Parking District from standard parking rules. However, new residential and large commercial construction may still face specific requirements with the intent to support the dense, pedestrian-friendly urban core by reducing the emphasis on parking. These differences highlight that Sun Prairie has a more structured and prescriptive method compared to Waukesha.

Brookfield

Brookfield's zoning code includes specific allowances for reducing parking requirements based on the availability of alternative transportation options and proximity to public transit. For instance, commercial retail uses within 500 feet of a public transit station may reduce parking by 10%, while industrial and office uses within 1,000 feet of a station may reduce parking by 15%. Additionally, Brookfield allows for shared and off-site parking arrangements, provided they are within 500 feet of the building and properly documented, offering flexibility to developers based on specific site needs and use cases. Waukesha's zoning code is more prescriptive than Brookfield's, with specific minimum parking space requirements based on the type of residential or commercial use without the same degree of flexibility. For example, single-family and two-family dwellings require two parking spaces per unit. Waukesha also has specific dimensional requirements for parking spaces and mandates proximity (within 400 feet) of off-site parking spaces to the principal use. This is similar to Brookfield's requirements, but without the same flexibility for alternative transportation or shared parking scenarios. The primary difference is Brookfield's more flexible, context-sensitive approach, allowing parking reductions based on alternative transportation availability and site-specific circumstances, contrasted with Waukesha's more rigid, uniform standards across different zones.

West Allis

West Allis specifies *maximum* parking requirements based on the type of use, a different approach that dictates that no lot may contain more parking spaces than the amount allowed within the code without special permission from the common council. For residential uses, such as dwellings with three or more units, the City limits parking to two spaces per dwelling unit. For commercial uses, the maximum is three parking spaces per 1,000 square feet of gross floor area. West Allis also allows for certain exemptions and modifications, particularly the location of parking in relation to the building and specific design standards such as curbing, grading, drainage, and visual buffering. In contrast, Waukesha's zoning code generally mandates *minimum* parking requirements that are more detailed and stricter in terms of the number of spaces required. For example, Waukesha's code provides specific parking requirements for various institutional uses like schools and hospitals, and also includes provisions for reducing or modifying parking requirements under certain conditions. Waukesha has an additional focus on the location of parking spaces, ensuring that they are within a specified distance from the principal use and are buffered appropriately from the street and adjacent uses. In not requiring minimum parking, West Allis provides more flexibility than Waukesha.

Eau Claire

Eau Claire's zoning code specifies detailed parking requirements for both residential and commercial uses. For example, single-family and two-family dwellings require two parking spaces per unit, while multiple dwellings require one space per bedroom. For commercial uses, the code often bases requirements on floor area, such as one space per 300 square feet for general nonresidential buildings. To prevent excessive lot coverage with pavement or similar hard surfaces, and to reduce heat and surface water run-off from parking areas, off-street parking for nonresidential uses in Eau Claire cannot exceed the minimum number required by more than 25%. Parking in excess of the minimum required must be based on a parking analysis that shows the need for the extra parking, and exceptions can only be approved by the Commission. The code also provides flexibility with exemptions, like allowing parking for non-residential uses to be located within 500 feet of the development site but not necessarily located on the same lot. Additionally, Eau Claire's code has explicit shared parking standards, allowing for reduced parking requirements when peak parking demands do not overlap, such as for churches, religious meeting halls or temples, auditoriums, theaters, or places of public assembly. Waukesha's zoning code allows for flexible adjustments through the Plan Commission, which can authorize modifications or waivers of minimum parking requirements based on the specific circumstances of a property or use. Notably, the Downtown Parking District in Waukesha is exempt from general parking rules, though new residential or large commercial developments may still be subject to specific parking requirements.

Appleton

In Appleton, the minimum parking requirements vary by residential type. For example, single-family homes and two-family dwellings with up to three bedrooms require two spaces per dwelling unit, while those with four or more bedrooms require three spaces per unit. Multifamily dwellings are required to provide one space for units with up to two bedrooms and two spaces for units with three or more bedrooms, along with additional visitor parking. Appleton also has specific exemptions, notably in the Central Business District, where off-street parking and loading requirements are not enforced due to the area's pedestrian-oriented design. Waukesha has a more flexible approach with provisions allowing the Plan Commission to modify, reduce, or waive the minimum parking requirements based on the unique nature of a development, including factors such as the size or shape of the property. Additionally, Waukesha offers exemptions in its Downtown Parking District, where standard parking requirements do not apply, although the Plan Commission can impose requirements for new residential or large commercial developments. This flexibility is not as explicitly defined in Appleton's code. The key difference lies in the flexibility Waukesha offers to adjust parking requirements through its Plan Commission, while Appleton provides specific exemptions and requirements tailored to different areas and residential types.

Wausau

In Wausau, minimum parking requirements vary by residential and commercial land use. For example, single-family dwellings require two spaces, while townhouses and apartments require 1.5 spaces per unit, with additional spaces for units with more than two bedrooms. These are lower minimums than required in Waukesha. Commercial uses such as offices require one space per 400 square feet of gross floor area exceeding 2,000 square feet. Wausau also has maximum parking requirements for all uses, with the maximum number of spaces for many uses capped at 150% of the minimum requirement. Notably, Wausau provides exemptions and modifications in specific districts such as Downtown Historic Mixed Use and Urban Mixed Use. In these areas, parking requirements may be waived or reduced for most uses, particularly where public parking is available within 1,000 feet. Residential uses must provide evidence of the availability of off-street public or private parking in the amount of one parking space per dwelling unit within 1,000 feet of the unit. Waukesha's zoning code allows the Plan Commission to authorize modifications or reductions of parking requirements based on the particular nature of the use, property size, or other factors. However, in its Downtown Parking District, Waukesha exempts developments from standard parking requirements, except for specific cases such as new residential or large commercial constructions over 6,000 square feet. This is a similar approach compared to Wausau, which offers flexibility within designated mixed-use districts. While both cities have provisions for modifications, Waukesha's criteria are more generalized, focusing on case-by-case adjustments, and do not include parking maximums.

La Crosse

La Crosse's parking requirements vary significantly based on the type of use, with different formulas applied to residential, commercial, and institutional uses. For instance, commercial indoor lodging requires one space per room, and restaurants or taverns require one space per five persons at maximum capacity. These minimum parking standards are less than what Waukesha's code requires. The City also considers the proximity to public transportation and the use of shared parking agreements, allowing reductions in parking requirements when these conditions are met. Waukesha's code does not explicitly mention the same degree of flexibility regarding reductions based on location or shared parking agreements.

Commercial Design Standards

Sun Prairie

Sun Prairie's façade articulation standards require buildings over 100 feet long to incorporate techniques like wall plane projections, height variations, or different building materials. The code also mandates that 50% of the first-floor façade of commercial buildings be transparent glass, although this requirement is reduced for certain uses like clinics and residential buildings. Building materials are strictly regulated, with a preference for high-quality materials like brick and stone and prohibitions on certain materials like vinyl and wood on prominent facades. The code specifies that Class II (split face or decorative block, and stucco) and Class III (architectural/decorative metal panels; EIFS; residential aluminum siding; and siding made of wood, wood composite, vinyl, or fiber cement) materials may be used as accents and trim if they do not exceed 50% of the total building façade. Waukesha does not detail façade articulation or glazing requirements as extensively as Sun Prairie.

Brookfield

Brookfield's zoning code places significant emphasis on the aesthetic and functional aspects of commercial design, especially in the Village Area Business District. Façade articulation in the district is rigorously controlled to ensure visual interest and avoid monotonous building faces. This includes requirements for varied rooflines, building offsets, and the use of architectural details like cornices and columns. The code also specifies that glazing must cover a substantial portion of the façade, particularly at the ground level. Additionally, Brookfield mandates the use of high-quality building materials, such as brick or stone, and discourages the use of materials like metal siding or vinyl. Parking in the Village Area Business District is required to be located behind or to the side of buildings to maintain an attractive streetscape. In contrast, Waukesha allows a wider range of materials and façade designs provided they meet general guidelines for quality and consistency with surrounding developments. Glazing requirements in Waukesha are less stringent, with fewer specific mandates on the percentage of the façade that must be transparent. Parking regulations in Waukesha are more flexible as well, often allowing parking in front of buildings if adequate landscaping is provided to soften the visual impact.

Eau Claire

Eau Claire's zoning code emphasizes a comprehensive integration of the building's design with the surrounding environment. It requires all site plans to avoid long, unbroken façades and mandates that building materials and design features be consistent with the general theme of the development. In the Traditional Neighborhood Development District, the front façade on the ground floor of a commercial building must have a minimum of 50% transparency, consisting of window or door openings allowing views into and out of the interior. The code also requires landscaping for areas not occupied by structures, with specific guidelines based on the size of the development. Parking design in Eau Claire must be proportional and integrated with the landscape to minimize visual impact, and parking lots must be separated from residential buildings by landscaped areas. Waukesha places significant emphasis on architectural diversity, ensuring that adjacent buildings are not identical in appearance. The code has stringent requirements for parking areas, including setbacks from streets and residential districts, and mandates parking lot screening through landscaping or physical barriers like walls or berms. Waukesha also specifies surfacing and drainage requirements for parking lots, and demands landscape islands in larger lots, enhancing the visual appeal and functionality of these areas. Overall, while both cities aim to ensure aesthetically pleasing commercial developments, Eau Claire focuses more on environmental integration and proportionality, whereas Waukesha emphasizes architectural variety and the detailed treatment of parking areas.

Appleton

In Appleton, the zoning code requires that a minimum of 50% of the front façade on the ground floor of commercial buildings be transparent, consisting of windows or door openings allowing views into and out of the interior. This regulation is part of a broader approach to ensure that commercial buildings engage with the street and create a pedestrian-friendly environment. Additionally, Appleton's regulations dictate that new structures on opposite sides of the same street should follow similar design guidelines, promoting visual consistency within the streetscape. Waukesha's zoning code does not have prescriptive regulations about specific percentages of glazing, but does have different standards focusing more on the overall site layout. Appleton's regulations are more detailed regarding façade transparency and consistency than Waukesha's.

Wausau

The Wausau code places a strong emphasis on regulating the design standards for commercial buildings through detailed requirements for façade articulation, building materials, site design, and parking locations. Façades in Wausau must include articulation if they exceed 40 feet in length, requiring the use of architectural elements such as recesses, projections, or different textures to break up the mass of the building and provide visual interest. Additionally, at least 20% of the street-facing façade must consist of windows and doors to ensure connectivity with the street. Exterior materials in Wausau are also tightly controlled, with a preference for Class I materials (brick, brick veneer, stone, stone veneer, and glass (curtain/storefront)), and restrictions on Class IV materials (smooth face or non-decorative block; concrete panels (tilt-up or precast); asphaltic, fiberglass, metal, or poly-roofing siding; non-decorative metal panels; corrugated metal; and plywood, chipboard, or other non-decorative wood), which are prohibited except as minor accents. Waukesha's code also regulates commercial design but does so with different priorities and levels of specificity. Waukesha has less stringent requirements in the types of materials and building designs permitted, focusing more on the overall compliance with aesthetic guidelines rather than strict percentages or detailed articulation requirements.

La Crosse

La Crosse's zoning code emphasizes the aesthetic quality and functional integration of commercial buildings within their surroundings. It mandates specific standards for all nonmanufacturing or retail buildings for façade articulation, glazing, building materials, and site design. For example, La Crosse requires the use of architectural elements like porches and bay windows to interrupt the façade, and mandates that the total area of windows and doors on the street-facing façade be at least 20% of the total area. Additionally, commercial buildings in La Crosse must be built to the front yard setback line to reinforce the existing street pattern, with certain restrictions based on zoning districts. In contrast, Waukesha does not have many specific commercial design standards, placing more emphasis on the compatibility of building materials with existing structures. La Crosse is more prescriptive in terms of how buildings must relate to the street and surrounding area than Waukesha.

Affordable and Attainable Housing Incentives

None of the comparative communities offer incentives, like density bonuses or fee waivers, in their zoning codes for affordable or attainable housing. Although this practice is not yet common in the region, communities throughout the country are utilizing incentives to increase the amount of attainable housing in their communities. Incentives should be tailored to the various areas of Waukesha and offer various levels and types of incentives based on the level of affordability/attainability that is provided. An example approach, developed by Houseal Lavigne for the Town of Wake Forest, North Carolina, is presented below.

Best Practice Example

Purpose and Applicability

Purpose. The purpose of the affordable housing incentives is to support and promote the development of dwelling units that are affordable to households making 80 percent or less and 60 percent or less than the Wake County area median income.

Applicability. The affordable housing incentives may be utilized per residential use type or district, as detailed in the Types of Affordable Housing Incentives table, where a specified number of dwelling units are deed restricted affordable to households making 80 percent or less than the Wake County area median income.

Affordable Unit Standards

Dwelling units designated as affordable shall be comparable in finishes and size and have access to the same services and amenities as market rate dwelling units on the same development site.

Types of Affordability Requirements

The types of affordability requirements detailed below may be utilized, as detailed in the Types of Affordable Housing Incentives table, to utilize an affordable housing incentive. All affordability requirement types required the specified number of units to be deed restricted affordable to households making the specified percent or less than the Wake County area median income for a minimum of 30 years.

- **Affordability Requirement Type 1.** Twenty percent of dwelling units 80 percent or less than the Wake County area median income for a minimum of 30 years.
- **Affordability Requirement Type 2.** Ten percent of dwelling units in the development site shall be deed restricted affordable to households making 60 percent or less than the Wake County area median income for a minimum of 30 years.
- **Affordability Requirement Type 3.** Forty percent of dwelling units resulting from allowed increase in building height shall be deed restricted affordable to households making 80 percent or less than the Wake County area median income for a minimum of 30 years.
- **Affordability Requirement Type 4.** 20 percent of dwelling units resulting from allowed increase in building height shall be deed restricted affordable to households making 60 percent or less than the Wake County area median income for a minimum of 30 years.

| Types of Affordable Housing Incentives | | | |
|--|---|--|-----------------------------------|
| Use | District(s) | Incentive | Affordability Requirement Type(s) |
| Cottage Court | GR; MUR | Option 1: A maximum of two dwelling units may be allowed per building. A minimum of four and maximum of 12 dwelling units may be allowed per cottage court. The maximum allowed square footage per building may be increased to 2,700 square feet. | 1; 2 |
| | | Option 2: Maximum height of a cottage home building may be 35 feet to accommodate a full second story. The maximum allowed square footage per building may be increased to 2,700 square feet. | 1; 2 |
| Multifamily | MUR | Up to 40 dwelling units may be allowed per building | 1; 2 |
| | AC-O | Maximum height of a multifamily building may be 70 feet to accommodate six full stories. | 3; 4 |
| | AC-O; TOD-O | Option 1: If required mix of uses are provided in standalone buildings, required commercial space may be a pad ready outparcel rather than constructed by the time 50 percent of dwelling units are certified for occupancy. | 1; 2 |
| | | Option 2: Reduction in required non-residential uses provided by 25 percent. | |
| | TSR | Option 1: Minimum required open space may be reduced by 50 percent. | 1; 2 |
| | | Option 2: Minimum required tree canopy coverage may be reduced by 25 percent. | |
| AC-O; TOD-O | Option 1: Outside of the WP-O District, maximum impervious surface area may be increased to 90 percent. | | |
| Multifamily, above ground floor only | NB | Maximum height of a mixed-use building with above ground floor multifamily dwellings may be 40 feet to accommodate four full stories. | 3; 4 |
| All Residential | Any District | The impact fees, except for the Water and Sewer Capital Facility Fees, (Section 11.3) associated with the affordable units may be waived. | 1; 2 |
| | | Up to 50% of dwelling units may be front loaded. Attached front facing garages shall be set back a minimum of eight feet from the front façade. Attached, front facing garages shall have a maximum width of 14 feet. | |

Development Review Processes

Brookfield

Brookfield's zoning code requires a pre-application conference involving City departments prior to the submission of an application for site plan review of multiple-family dwelling, commercial, institutional, or industrial structures or uses, excluding eight-bed or less residential care facilities. This meeting is intended to provide an informal evaluation of the proposed development, helping the property owner understand the applicable zoning provisions, infrastructure requirements, and any other issues that might affect the proposal. The input from City departments during this pre-application stage is crucial as it provides guidance to the applicant before they proceed with the formal application process. If no formal application is filed within six months, the property owner must schedule another pre-application conference. Waukesha's zoning code does not mandate a formal pre-application conference involving City departments. Instead, the involvement of these departments typically occurs later in the process when specific information or evaluations are required by the Plan Commission, Building Inspector, or other relevant officials during the review of a conditional use permit application. Waukesha's process is more segmented, with departmental input being more ad-hoc and responsive to the needs of the review process as determined by the Plan Commission.

West Allis

In West Allis, the zoning code requires a pre-application conference with the Development Department and other City departments prior to the formal submission of an application for a Planned Development to obtain information and direction on development plan requirements and procedures. This conference is intended to guide developers by discussing the zoning code, infrastructure requirements, and other pertinent issues before a formal application is submitted. These departments provide early input during this informal meeting, which is meant to highlight potential concerns or requirements that could affect the development proposal. This proactive approach helps developers align their proposals with City standards and expectations, potentially streamlining the approval process. In contrast, Waukesha does not require a pre-application conference with various City departments. Rather, departments like engineering and planning typically review applications after submission, with their input provided during the formal review stages rather than in a preliminary conference.

Eau Claire

Eau Claire requires a pre-application conference as part of the planned development process. The purpose of this conference is to facilitate two-way communication between the prospective developer and various City departments, including legal, planning, and engineering. During this conference, City staff review the developer's initial sketches and other relevant materials, providing feedback on the project's alignment with City standards and ordinances. The feedback includes input from multiple departments, which ensures that the developer has a clear understanding of the requirements before submitting a formal general development plan. Waukesha does not mandate a pre-application conference in the same way Eau Claire does. This difference in procedure can influence the development timeline, with Eau Claire's approach potentially offering more guidance upfront, whereas Waukesha's process might lead to revisions later in the development review.

Appleton

Appleton mandates pre-application conferences for Planned Developed District Overlay District and Traditional Neighborhood Development Overlay District applications. The purpose of the pre-application conference is to provide two-way communication between the applicant, the Community and Economic Development Director, and City staff regarding the legal, planning, engineering, and storm water management aspects of the potential development. The applicant must submit conceptual plans and other pertinent information for review and discussion by other City departments prior to submittal of an overlay district application. Waukesha does not have a pre-application conference process.

Wausau

In Wausau, the zoning code mandates a pre-application conference for certain development projects, such as Planned Unit Developments, and encourages them for all site plan reviews. During this stage, the applicant meets with appropriate City staff, including departments like engineering, parks, and potentially the City Arborist/Forester. The goal of this meeting is to establish a mutual understanding of the proposed concept and ensure compliance with processing requirements. The input from City departments at this stage is informal and non-binding, setting the groundwork for the project's next steps. As previously mentioned, Waukesha does not have a pre-application conference process.

La Crosse

The La Crosse Zoning Code mandates a pre-application conference involving City departments, including the Department of Planning and Development and the City Engineer's Office. This is required for multifamily housing and commercial developments prior to submittal of building and development plans. This conference, where the developer discusses the project's scope and nature, is required at least 30 days before filing a petition for a Planned Development District. The input from City departments is integrated early in the development process, providing an informal, non-binding foundation for the subsequent steps in the review process. Comparatively, as previously mentioned, Waukesha does not have a pre-application conference process. The involvement of other City departments is typically coordinated by Planning and Zoning staff once an application is filed.