



City of Waukesha
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Committee: Plan Commission	Date: 6/26/2023
Common Council Item Number: PC23-0411	Date: 6/26/2023
Submitted By: Doug Koehler, Principal Planner	City Administrator Approval: Click here to enter text.
Finance Department Review: Click here to enter text.	City Attorney's Office Review: Click here to enter text.
Subject: Proposed updates to Section 22.15 and 22.67 of the Zoning Code to allow issuance of citations when the Plan Commission's deadlines are not met	

Details: Most projects that receive Site Plan and Architectural Review approval from the Plan Commission also require Building Permits. As part of the Building Permit approval process, the Planning and Engineering Departments review the plans to ensure they are consistent with what the Plan Commission approved, and that any required changes or additional submittals have been made. The Building Department then requires multiple inspections over the course of the construction process and has a number of enforcement options if the completed work does not match what was proposed.

Plan Commission approvals also typically include a requirement that the applicant provide sureties for completion of work which will be finished after Occupancy is granted, such as landscaping, as-built drawings, and stormwater management systems. The sureties, which take the form of a bond or a letter of credit, are a promise by the applicant's bank to pay the cost of the work. In theory this would allow the City to have the work completed if it is not done. Revoking sureties is a complicated process though, and it is undesirable for all parties. The City would only resort to that option as an absolute last resort.

In some cases where no Building Permit was required the Plan Commission has imposed completion deadlines to ensure work is done in a timely manner. This is particularly common in cases where a zoning code violation is present, to ensure that compliance happens as quickly as is reasonably possible. Several recent projects have not been completed by the deadline imposed by the Plan Commission. Rather than jumping to revocation of bonds in these cases, staff would prefer to start with the more typical method of issuing citations to compel compliance.

However, the City Attorney's office has advised Planning Department staff that the way the code is written only clearly grants the authority to revoke the sureties that have been issued and doesn't necessarily include authority to issue citations for these violations. The proposed code change would give the City the clear authority to issue citations in these cases and would make the code enforcement process much smoother.

Along with this change staff is proposing a minor cleanup to Section 22.67, which grants the City code enforcement authority for the entirety of the zoning code. That section currently references 25.04 of the municipal code as the basis for penalties for violations, but it should actually reference 25.05.

Options & Alternatives:

Click here to enter text.

Financial Remarks:

No financial impact to the City.

Staff Recommendation:

Staff recommends approval of the proposed changes to Section 22.15 and 22.67 of the zoning code.