

## Chapter 22.01. General Provisions

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### 22.01.01. Title

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This ordinance, effective as of ####, shall be known and may be cited and referred to as the Zoning Code of the City of Waukesha, Wisconsin. This Title may also be known and referred to as “the Code” or “this Code.”

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### 22.01.02. Zoning Map

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The Zoning Map is hereby incorporated into and made part of this Code. The Community Development Director or their designee shall maintain the Zoning Map in accordance with Section ####.

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### 22.01.03. Authority

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- A. **General.** This Title is created pursuant to authority under ss. 62.23(7), 62.231, 87.30, 236.45, and 281.31, Wis. Stats., and amendments thereto.
- B. **References to Wisconsin Law.** Where this Code refers to or cites a section of the Wisconsin Statutes and that section is later amended or superseded, then this Code shall be deemed to refer to the amended section or the section that nearly corresponds to the superseded section.

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#### 22.01.04. Title Purpose and Applicability

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A. **Purpose.** The purpose of this Code is to:

1. Protect the public health, safety, and welfare,
2. Implement the City's Comprehensive Plan, consistent with Wis. Stat. § 66.1001,
3. Provide adequate light and air; secure safety from fire, panic, and other dangers,
4. Promote safe and efficient access for all users of the transportation system
5. Encourage efficiency and economy in the use and development of land,
6. Facilitate adequate provisions for transportation, water, sewage, schools, parks, and other public requirements, and
7. Allow for the development of residential, commercial, public and institutions, and industrial areas which function in an orderly and harmonious manner, both internally and in relation to each other, and which promote the convenience and prosperity of the public and institutions.

B. **Applicability.**

1. **Jurisdiction.** This Code applies to:
  - a. All lands within the corporate limits of the City, and
  - b. Those lands located outside the corporate limits that have been formally designated by the Common Council for extraterritorial zoning pursuant to Wis. Stat. § 62.23(7a).
  - c. **Application to Government Units.** To the extent allowed by the State of Wisconsin, this Code shall apply to any development, subdivision, land, building, structure, or use by City, county, state, or federal agencies on lands subject to this Code. Where this Code does not control, such agencies are encouraged to meet the provisions of this Code.

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#### 22.01.05. District Boundaries

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A. **General Rule.** Except as otherwise provided for conservancy and flood-related districts, zoning district boundaries shall follow:

1. Corporate limits;
2. U.S. Public Land Survey lines; or
3. Lot or property lines.

- B. **C-1 Lowland Conservancy Overlay District.** District boundaries are based on the Wisconsin Wetland Inventory Maps for the City of Waukesha, as updated from time to time. These maps illustrate general wetland limits; precise delineations require field verification prior to development.
- C. **ECO Environmental Conservancy Overlay District.** Boundaries follow the property lines of parcels containing important woodlands, steep slopes, wildlife habitat, scenic viewsheds, or other significant natural resources.
- D. **Floodway and Flood-Related Overlay Districts (FWO, FFO, GFP, and FSO).**
  - 1. Boundaries are determined using the technical data from the Flood Insurance Study – City of Waukesha (March 2, 1982) and updated Fox River III Hydraulic Analysis (Hey and Associates, April 2001) on file in the Planning Department. For lands annexed after March 2, 1982, boundary determinations shall be based on applicable Flood Insurance Rate Maps (FIRMs) issued by FEMA, as updated from time to time.
- E. **Boundary Interpretation.** Where uncertainty exists regarding the exact location of a district boundary, the Board of Zoning Appeals shall make the final determination.

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#### **22.01.06. Interpretation**

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- A. The provisions of this Code shall be held to be minimum requirements.
- B. This Ordinance shall be liberally construed in favor of the City.
- C. These provisions shall not be deemed a limitation or repeal of any other power granted by Wisconsin law.

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#### **22.01.07. Conflicting Provisions**

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Where a conflict arises between this Ordinance and any other regulation, the more restrictive provision shall govern unless otherwise required by State or federal law.