

CITY OF WAUKESHA, WISCONSIN

ORDINANCE NO. \_\_\_\_\_-14

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**An Ordinance Amending Section 22.56(2) of the Waukesha Municipal Code,  
Regarding the Adjustment of Setbacks in Certain Circumstances**

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**Whereas**, the Plan Commission having passed a resolution at its September 24, 2014 regular meeting recommending the amendment of Municipal Code §22.56(2) to correct an unintended result arising from its enforcement, to wit, the adjustment of street-yard setbacks to make them greater than the otherwise-applicable street yard; and

**Whereas**, the Common Council having considered, at a duly-noticed regular meeting of the Common Council held on October 7, 2014, the recommendation of the Plan Commission; and

**Whereas**, the Common Council having had full debate on the matter and having heard the arguments of members, and being fully advised on the matter; and

**Whereas**, the Common Council having found that the amendment to §22.56(2) recommended by the Plan Commission is in the best interests of the City by eliminating an unintended result; and

**Whereas**, a motion to adopt the recommendation of the Commission having been made, duly seconded and carried by the affirmative vote of a majority of the Common Council;

**Now, therefore**, the Mayor and the Common Council of the City of Waukesha do ordain as follows:

**Section 1.** Section 22.56(2) of the Waukesha Municipal Code is amended to read in its entirety as follows:

**(2) Setback Averaging.** (Cr. 66-01, Am. ##-14)

**(a) Purpose and Intent.** This subsection applies only in residential districts, and is intended to address circumstances where the street-yard setbacks applicable to new construction may exceed the setbacks allowed when existing structures were built, so that street-yard setbacks for new construction may be adjusted to avoid large differences in setbacks between adjacent properties, to allow for more consistency of appearance of properties in the district.

**(b) General Rule.** Any lot that is adjoined on both sides of its street frontage by lots which have residential structures on them, one or both of which have residential structures on them that are legally within the current street-yard

setback, shall have its street-yard setback adjusted to the average of the depth of the street yards on the adjoining lots.

**(c) Exceptions.** Regardless of the foregoing, no setback shall be reduced to less than 10 feet; no setback shall be increased to greater than the currently-applicable street-yard setback, and the street yards of a corner lot shall not be reduced to less than 25 feet.

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Approved:

\_\_\_\_\_  
Shawn N. Reilly, Mayor

Attest:

\_\_\_\_\_  
Gina L. Kozlik, City Clerk

For \_\_\_\_\_ Against \_\_\_\_\_ Absent \_\_\_\_\_