

**ORDINANCE NO. 2023-14**

**ORDINANCE TO AMEND SECTIONS 40.221(a), 40.229(a), 40.268, 20.301, 40.319, AND 40.400.1(2)(b) OF THE VILLAGE CODE REGARDING BUILDING HEIGHT REGULATIONS, AND SECTION 40.426(J)(1) OF THE VILLAGE CODE REGARDING RESIDENTIAL USE PARKING REGULATIONS.**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION I**

**WHEREAS:** The Village of Pewaukee currently lists Multi-Family Residential among the Conditional Uses that may be considered for approval in the B-2 Downtown Business Zoning District; and

**WHEREAS:** Unlike, the single-family, plex and multi-family residential zoning districts in the Village, the B-2 Conditional Use listing for multi-family residential use does not specify any maximum density standard to apply when evaluating the suitability of any multi-family project as may be proposed in this B-2 Downtown Business District; and

**WHEREAS:** The Village of Pewaukee staff and Planning Commission did review and consider how other, similar, communities in Waukesha County handle density with respect to multi-family residential development in their downtown areas and learned that, by establishing other specific criteria with respect to, for instance, maximum building height and minimum required parking, the issue of maximum density can be left to resolve itself in these infill and redevelopment-type downtown settings; and

**WHEREAS:** The Planning Commission did, on June 8, 2023, following several months of review and discussion, unanimously recommend to the Village Board in favor of modifying certain sections of the Code related to maximum building height (even beyond just the B-2 Downtown Business District, for consistencies sake as a Village-wide matter) and minimum required residential use parking standards applicable to the B-2 Downtown business District as will, by their own limitations, constrain the potential density that can be achieved in multi-family development projects as may be proposed for consideration in the B-2 Downtown Business District; and

**NOW, THEREFORE,** Be it ordained by the Village Board of the Village of Pewaukee, Wisconsin that it is both necessary and appropriate to modify the maximum building heights and minimum required residential use parking requirements as a means of limiting overall density of multi-family residential in districts where no such residential density limit is otherwise specified: and

**SECTION 1.** That the following Sections of the Village of Pewaukee Municipal Code are hereby amended to read as follows:

**40.426(j) Required number of stalls.** The following parking standards shall be applied unless deviations have been specifically approved by the planning commission:

(1) Residential uses.

- a. Single-family dwellings and two-family dwellings. Two spaces per dwelling unit (excluding garages).
- b. Multifamily dwellings.
  1. One bedroom or efficiency units = 1.75 enclosed parking spaces per unit.
  2. Two bedrooms = 2.0 enclosed parking spaces per unit.
  3. Three bedrooms = 2.0 enclosed parking spaces per unit.
  4. Guest parking requires one parking stall for every two units.
- c. Multifamily dwellings in the B-2 Downtown Business District.
  1. One bedroom = 1.0 enclosed parking spaces per unit.
  2. Two bedrooms = 2.0 enclosed parking spaces per unit.
  3. Three bedrooms = 2.0 enclosed parking spaces per unit.
  4. Guest parking requires .25 parking stalls for every residential unit.
- d. Housing for the elderly. Subject to planning commission approval on a case by case basis.

**40.268 (B-2 Downtown Business District)** The height of any structure shall not be less than 1.5 stories nor more than 3 stories by design, and may not exceed 42 feet (up to 45 feet if the building design incorporates a gabled roofline) unless otherwise approved in accordance with the conditional use grant process.

**40.301(B-4 Business Park District)** The height of any structure in the B-4 district shall not exceed 55 feet...”

**40.319 (B-5 Light Industrial District)** The height of any structure in the B-5 district shall not exceed 55 feet...”

**40.221(a) (R-6 Plex-Residential District)** The height of the principal structure in the R-6 district shall not exceed 42 feet (up to 45 feet if the building design incorporates a gabled roofline).

**40.229 (R-M Multi-Family Residential District)** The height of the principal structures in the RM district shall not exceed three stories or 42 feet (up to 45 feet if the building design incorporates a gabled roofline).

**40.400.1(2)(b) (Housing for the Elderly Overlay District)** Height of any principal structure shall not exceed four stories or 52 feet (up to 55 feet if the building design incorporates a gabled roofline).

## SECTION II

The Village President and Village Clerk are authorized to execute this ordinance on behalf of the Village of Pewaukee.

This ordinance shall take effect upon passage and publication as required by law.

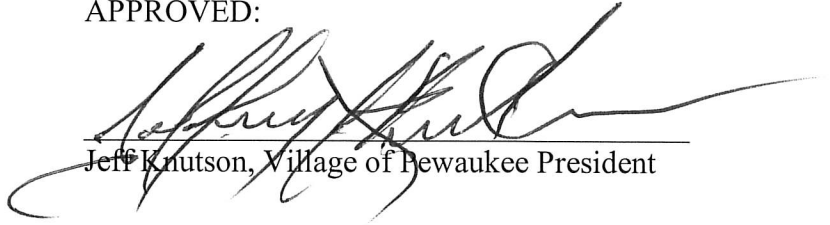
**SECTION III**

The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

**PASSED AND ADOPTED** by the Village Board this 15 day of August, 2023.

APPROVED:

  
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Jeff Knutson, Village of Pewaukee President

Countersigned:

  
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Casandra Smith, Village of Pewaukee Clerk