

Village of



Germantown

Willkommen

Fee Must Accompany Application

~~\$1115~~ Paid \_\_\_\_\_

~~\$200~~ PC Consultation Only  
Paid \_\_\_\_\_

Date Received by Village: 11-18-20

## ZONING CODE TEXT AMENDMENT APPLICATION

Please read and complete this application carefully. All applications must be signed and dated. Attach additional sheets and/or include supplemental information in support of your application.

AGENT: (if different from Applicant)

\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

APPLICANT:  
Village of Germantown - Jeff Retzlaff  
Director Community Development

Address: \_\_\_\_\_  
1112 W17001 Mequon Road

Phone: 262 250-4735

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Zoning Code(s) to be Amended: (Check all that apply)

- General Zoning Code (Chapter 18)
- Floodplain Zoning Code (Chapter 23)
- Shoreland-Wetland Zoning Code (Chapter 24)

Section(s) to be Amended:

SEE ATTACHED

**Zoning Code Text Amendment Application**

Page 2 of 3

**Proposed Text Amendment(s):** *(list text amendments using **STRIKEOUT** and UNDERLINE format)*

Refer to or Attach Additional Pages as Necessary

SEE ATTACHED

**Detailed Explanation and Justification for Proposed Amendment(s):**

Refer to or Attach Additional Pages as Necessary

SEE ATTACHED

**Zoning Code Text Amendment Application**

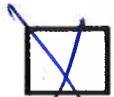
**APPLICATION SUBMITTAL REQUIREMENTS** (to be submitted at time of application):

All Amendment Applications:

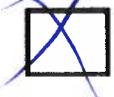
- 1. Complete Application Form (Affidavit of Understanding and signatures required)
- 2. Application Fee
- 3. Detailed explanation of and justification for proposed amendment(s)
- 4. Detailed explanation of if and how the proposed amendment(s) will affect other sections of the Zoning or other Municipal Code provisions
- 5. Specific amendment language proposed that is presented in a **strike-out** (text to be deleted) and **underline** (text to be added) format.
- 6. Electronic/Digital file containing in all information required under #3, #4 and #5 above. Acceptable formats include word processor, e.g. Microsoft Word (.doc or .docx) or plain text (.txt). File can be submitted via email attachment or flash drive.

**AFFIDAVIT OF UNDERSTANDING**

**Please read and indicate that you understand and agree to the following** (initials in box):



I understand that Village Staff, the Plan Commission and/or the Village Board may request additional information to properly evaluate this application and failure to provide such information may be sufficient justification to deny this application;

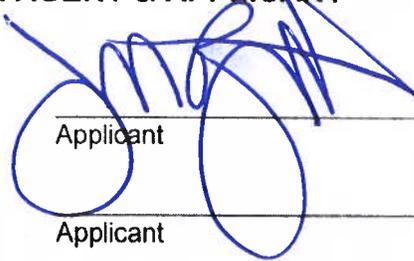


I understand that, regardless of the justification and/or information provided in support of my application, the Village is not obligated to approve my application nor amend the Zoning Code as requested;

**ALL APPLICATIONS MUST BE SIGNED BY THE AGENT & APPLICANT**

\_\_\_\_\_  
Agent Date

\_\_\_\_\_  
Agent Date

 11-19-20  
\_\_\_\_\_  
Applicant Date  
\_\_\_\_\_  
Applicant Date

AN ORDINANCE CREATING SECTION 17.48(3)(d) OF THE  
GERMANTOWN MUNICIPAL CODE RELATING TO  
DECKS ON CERTAIN NONCONFORMING STRUCTURES

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WHEREAS, the Village Board previously adopted Section 17.48 of the Municipal Code relating to nonconforming uses and structures within the Village; and

WHEREAS, upon request of certain owners within the Village, the Village Board has determined that it is appropriate to allow the reconstruction or enlargement of certain decks within single-family zoning districts; and

WHEREAS, the zoning of property is in the interest of the community's health, safety and welfare;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 17.48(3)(d) of the Municipal Code of Germantown is hereby created to read as follows:

- (d) Replacement or Extension of Decks on Certain Nonconforming Structures
1. Notwithstanding any other provision of this Section, where a nonconforming structure in any of the Single-Family Residential Districts contains a deck that is located within any applicable setback, such deck may be reconstructed at the same size and shape.
  2. Notwithstanding any other provision of this Section, where a nonconforming structure in any of the Single-Family Residential Districts contains a deck that is located within the applicable rear yard setback, and the rear yard abuts an outlot or subdivision common element, such deck may be reconstructed and enlarged subject to the following:
    - a. Such deck shall not be closer than 5 feet from the rear yard lot line;

- b. Such deck shall not be located over any utility or drainage easements;
- c. The building application for such deck must be accompanied by a signed written statement from the subdivision homeowner’s association approving the location and design of the deck; and
- d. As this paragraph is a variance to the standard rules concerning the reconstruction of decks within the Village, no further variance shall be permitted.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

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

SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by \_\_\_\_\_ on \_\_\_\_\_, 2020.

Adopted: \_\_\_\_\_, 2020    Vote: Ayes:            Nays:            Absent:

\_\_\_\_\_  
Dean Wolter, Village President

ATTEST:

\_\_\_\_\_

ORDINANCE NO. \_\_\_\_-20

Page 3

Deanna Braunschweig, Village Clerk

Approved as to form:

\_\_\_\_\_  
Brian C. Sajdak, Village Attorney

Published: \_\_\_\_\_