

Enrolled 158-43
PROPOSED ORDINANCE ~~158-45~~

1
2
3 REPEAL AND RECREATE THE ZONING CODE FOR
4 THE TOWN OF SUMMIT (ZT-1488)
5

6 WHEREAS the subject matter of this Ordinance having been approved by the Summit Town
7 Board on March 6, 2003, after Public Hearing, and the giving of requisite notice of said hearing,
8 and duly referred to and considered by the Waukesha County Park and Planning Commission,
9 and a recommendation for approval, thereon reported to the Land Use, Parks and Environment
10 Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the
11 Wisconsin State Statutes.
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
14 ORDAIN that the Ordinance amending the text of the Town of Summit Zoning Code, approved
15 by the Town Board on March 6, 2003, to repeal and recreate the Town of Summit Zoning Code,
16 more specifically described in the "Staff Report and Recommendation" on file in the office of
17 the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
18 reference (ZT-1488).
19

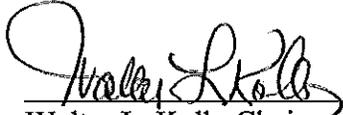
20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
21 this Ordinance with the Town Clerk of Summit.
22

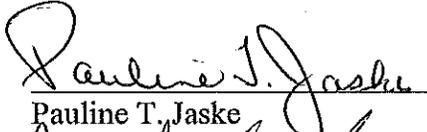
23 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
24 approval and publication.
25

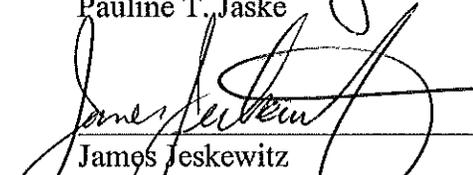
26 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
27 provisions of this Ordinance are hereby repealed.

REPEAL AND RECREATE THE ZONING CODE FOR
THE TOWN OF SUMMIT (ZT-1488)

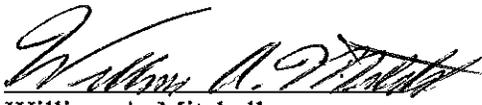
Presented by:
Land Use, Parks, and Environment Committee

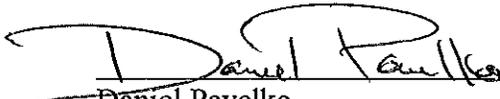

Walter L. Kolb, Chair

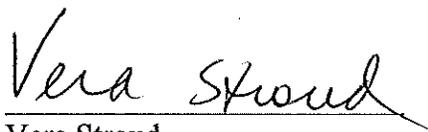

Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

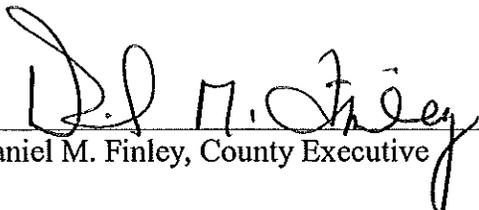

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8-15-03, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 8-15-03, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Summit Zoning Code hereby recommends approval of (ZT-1488 Text Amendment) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

June 19, 2003



Betty Willert, Chairperson



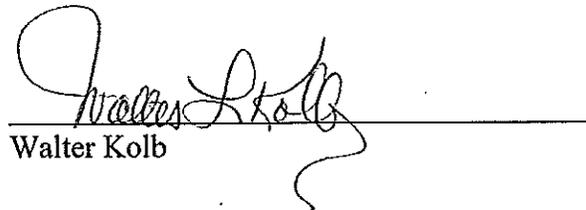
Vy Janusonis



Mareth Kipp

Absent

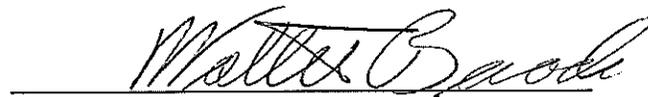
Ellen Gennrich



Walter Kolb

Absent

Joseph LaPorte



Walter Baade

158-0-041

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: ZT-1488

DATE: June 19, 2003

PETITIONER: Town Board of Summit
2911 North Dousman Road
Oconomowoc, WI 53066

TAX KEY NO.: N/A

NATURE OF REQUEST:

The Town of Summit is requesting approval for a new and reorganized Zoning Ordinance in concert with their newly adopted Land Use Plan.

PUBLIC HEARING DATE:

February 6, 2003.

PUBLIC REACTION:

There was little discussion at the Public Hearing regarding the new Zoning Code from the general public. There were numerous questions regarding how individual's properties would be zoned and some persons requested modifications, however, there were few if any changes made as a result of those comments. No one seemed to comment on the specific provisions as proposed in the new Code.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Summit Plan Commission, together with the Town of Summit Board have been working on an updated Ordinance since May 2002, as a result of the Town's adoption of the new Land Use Plan. The Town of Summit Plan Commission presented the Town of Summit Board with its recommendations for the new Ordinance in December 2002. The Town of Summit Board on March 6, 2003, approved the proposed new Ordinance.

OTHER CONSIDERATIONS:

On June 4, 2001, the Town of Summit adopted a new Land Use Plan for its jurisdiction. That plan was recently adopted by the Waukesha County Board of Supervisors in the Year 2003 Plan Amendment process. Included in that plan in the chapter regarding implementation was a requirement that a new Zoning Ordinance for the Town be developed which would serve to implement the goals and objectives of the new Land Use Plan. Since May 2002, the Town of Summit Plan Commission and Board have been meeting regularly to review and upgrade the existing Ordinance and after 17 meetings over a seven-month period, the work was completed and a new Ordinance was established in draft form. The Planning and Zoning Division Staff reviewed a copy of the draft Ordinance and a number of comments were made to the Town, which have been incorporated into the Ordinance adopted by the Town Board on March 6, 2003.

It should be noted that although the new Ordinance is considered a new draft and incorporates new concepts and ideas taken from other Ordinances in the Town, the general character of the Ordinance has not changed from what presently exists. There have been numerous sections which have been realigned and/or placed in other sections, however, many of the provisions of the old Ordinance remain, and in some cases have been redrafted or clarified.

158-0-041

Highlights of the new Ordinance include, the provision for two new Agricultural Districts rather than one in the old Ordinance and four Residential Districts rather than five, which did not provide for any type of multi-family structures. The new Ordinance has a separate district to allow duplexes as well as multi-family structures. The old Ordinance had three Commercial Districts and those have been replaced with three new business type districts called Mixed Use Districts, which require all uses to be regulated as a Conditional Use. The Neighborhood Business District and Business Park District are also new districts. The old Ordinance contained an Industrial District, which has not been included in the new Ordinance as the intent was to incorporate many of those permitted uses into the other districts such as the Business Park District. The Wetland/Floodplain Overlay District and Planned Unit Development Overlay District continue to exist as in the old Ordinance. The new Ordinance now identifies or recognizes Conservation Design Subdivisions, but the original ordinance did not refer to them as that, but rather more traditionally a Planned Unit Development.

A new provision has been incorporated and expanded to permit a guesthouse, which is called an accessory dwelling, which are Conditional Uses. Bed and breakfasts, which are also Conditional Uses now are also allowed. One of the more significant changes is the Town's attempt to eliminate duplication. At the present time, the Town has sign provisions in the Zoning Ordinance along with a separate and more detailed separate sign Ordinance, which is administered as a separate ordinance from the Zoning Code. It is the intent of the Town to roll in the provisions of that separate sign ordinance into the new Zoning Code and eliminate the old sign ordinance. The provisions from the separate sign ordinance have been incorporated into the new document. Another interesting and desirable part of the new Ordinance is the use of charts, examples, displays and sketches or diagrams in order to help explain the provisions which have been incorporated in the sign provisions. This is an interesting and desirable concept, as it helps to explain through charts and examples, what the intent of the various provisions might be. It would be appropriate for other communities to incorporate this kind of concept showing examples of how the application of the rules affects a specific proposal and lends assistance to the Administrator of the ordinance, as well as the public, as to what exactly is intended by the provision. Parking lot design standards are also incorporated with charts and descriptive drawings indicating the purpose and intent of the provisions.

The new district for Agriculture does not allow subdividing and requires the property to be rezoned to a more appropriate category, in contrast to the old existing provision, which did allow land development in that category. It is obvious to the Planning and Zoning Division Staff the new Ordinance is more readable and self explanatory than the existing Ordinance and we believe better organized, although the concepts and provisions are not all new, just restated and better explained in some cases. In addition, it is obvious from looking at the new Zoning Map that it serves to appropriately implement the goals, objectives and recommendations contained in the Land Use Plan. The new Ordinance also zones lands for their present use. The new Ordinance recognizes the existence of the Intergovernmental Agreement between the City of Oconomowoc and the Town of Summit, and provides for an opportunity to limit development to only areas where sewers are available, especially as it relates to the Commercial category. Without the ability to serve a property with sewer, those Commercial categories would not qualify for rezoning to said category unless or until sewers are available.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff this request for adoption of a new Zoning Ordinance be **approved**. We feel the new Ordinance substantially improves the organization and readability of the Town's Zoning Code and serves to implement the newly adopted Land Use Plan for the Town of Summit. We feel the use of charts and descriptive drawings, etc. in the Ordinance has been a highlight and is a technique, which should be an example for other communities throughout our County. We look forward to working cooperatively with the Town of Summit in the implementation of its new plan and Ordinance.

Respectfully submitted,

Richard L. Mace / kab

Richard L. Mace
Planning and Zoning Manager

RLM:kab

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ORDINANCE NO. 03-242AN ORDINANCE TO REPEAL AND RECREATE
THE ZONING CODE FOR THE TOWN OF SUMMIT

WHEREAS, on or about November 3rd 1952 the Town of Summit Town Board adopted a Zoning Code which has been in effect since that time, subject to comprehensive amendments made 1960 and 1978 and ratified by the Waukesha County Board thereafter, and subject to minor amendments made and ratified from time to time; and

WHEREAS, it is now more than 50 years since the Zoning Code was first adopted, and more than 25 years since it was most recently comprehensively amended; and

WHEREAS, the Town of Summit and its environs face challenges today that are significantly different than were faced 50 or even 25 years ago, due to marked increases in population both within the Town of Summit and within surrounding communities; due also to changes in the law that have arisen over the years; and due also to demographic changes in Town of Summit which have resulted in increasing needs related to transportation, education, public services, public lands, and preservation of resources; and

WHEREAS, the Town of Summit Town Board has, therefore, determined that it is necessary to revisit the provisions of the Town of Summit Zoning Code to ensure that its provisions adequately address the zoning needs of the Town of Summit in 2003 and in the years to come; and

WHEREAS, pursuant to Wisconsin Statutes Section 60.62(1), 61.35, and 62.23(7)(d)(1), the Town of Summit Town Board has requested that the Town of Summit Plan Commission prepare and recommend a district plan and regulations for the Town of Summit; and

WHEREAS, pursuant to such request of the Town of Summit Town Board, the Town of Summit Plan Commission has prepared tentative recommendations for a district plan and regulation for the Town of Summit; and

WHEREAS, upon prior written notice of the tentative recommendations and hearings thereon to every municipality whose boundaries are within 1,000 feet of the Town of Summit, and by publication of class 2 notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, the Town Board held a public hearing regarding the tentative recommendation on February 6, 2002; and

WHEREAS, upon consideration of the tentative recommendations made by the Town of Summit Plan Commission, and of all information received at the public hearing, and being fully advised; and for the purpose of promoting health, safety, morals and the general welfare of the community; and to provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities, and insure adequate standards of construction and planning; and to zone the land in accordance with the Town of Summit Comprehensive Plan; and to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to encourage the protection of groundwater resources, to prevent the overcrowding of land, to avoid undue concentration of

population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and to preserve burial sites; and upon reasonable consideration of, among other things, the character of the districts hereby created and their particular suitability for particular uses; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Summit, the Town of Summit Town Board hereby adopts the tentative recommendations of the Town of Summit Plan Commission, including the final corrections at the Town Board meeting of March 6, 2003;

NOW, THEREFORE, the Town Board of the Town of Summit, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: The Town of Summit ordinance adopted on or about November 3, 1952, entitled the "Zoning Code", including the comprehensive amendments made on or about July 11, 1960 and April 3, 1978, and including such other amendments as have been made thereto from time to time, is hereby repealed in its entirety and recreated as follows:

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Text & Map

SECTION 2: SEVERABILITY.

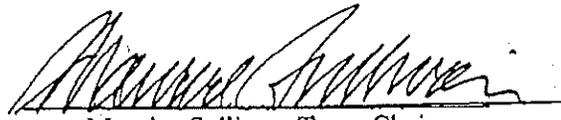
The several sections of the ordinance and portion thereof are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

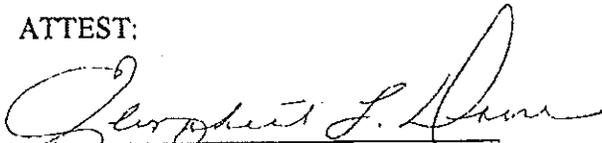
This ordinance shall take effect upon passage and posting or publication as provided by law, immediately upon the approval of the Waukesha County Board as required by Wisconsin Statutes Section 60.62(3).

Dated the sixth day of March, 2003.

TOWN OF SUMMIT


Maurice Sullivan, Town Chairman

ATTEST:


Elizabeth L. Dow
Town Clerk

Published and posted the _____ day of _____, 2003.

Approved by the Waukesha County Board this _____ day of _____, _____.

WAUKESHA COUNTY BOARD OF SUPERVISORS *EO 158-43*

V

DATE-08/12/03

(ORD) NUMBER-1580041

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-34

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-34