

ENROLLED ORDINANCE 166-11

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY CREATING
SECTION 13-2-9(i)(20)f RELATING TO RECREATIONAL LIGHTING STANDARDS
(ZT-1716)

WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town Board on March 10, 2011, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on June 24, 1979, is hereby amended to create Section 13-2-9-(i)(20)f relating to recreational lighting standards, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference ZT-1716, is hereby approved.

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

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

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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

FILE NO: ZT-1716
TAX KEY NUMBER: N/A
DATE: April 7, 2011
NAME OF PETITIONER: Town Board of Waukesha
Town of Waukesha Town Hall
W250 S3567 Center Rd.
Waukesha, WI 53189

NATURE OF REQUEST:
Amend the Zoning Code of the Town of Waukesha to create Section 13-2-9(i)(20)f pertaining to recreational lighting standards.

PUBLIC HEARING DATE:
January 27, 2011.

PUBLIC REACTION:
There were a number of comments from the public, with most opposing the proposed ordinance. The majority of the comments referenced a specific proposed baseball/softball complex on the "5 Diamonds" property within the Town of Waukesha. Several of the comments indicated a concern that lights on the 5 Diamonds property would negatively impact neighboring properties.

TOWN PLAN COMMISSION ACTION:
On March 10, 2011, the Town of Waukesha Plan Commission voted to recommend approval of the proposed amendment to the Town Zoning Code to the Town of Waukesha Board.

TOWN BOARD ACTION:
On March 10, 2011, the Town of Waukesha Board adopted an ordinance to amend the Town of Waukesha Zoning Code in accordance with the recommendation of the Town Plan Commission (See Exhibit "A").

BACKGROUND AND SUMMARY OF CHANGES:
The Town of Waukesha is proposing to add a new section to its Recreation Facilities Conditional Use provisions that are contained within the Town Zoning Code. Section 13-2-9(i)(20)f would allow for a Conditional Use process whereby requests for the placement of poles or other structures used for the illumination of outdoor recreational sites could be considered, provided that the poles or structures do not exceed 75 feet in height. It should be noted that a recent request for recreational light poles in excess of 70' was made by the operator of a proposed baseball and softball facility that is proposing to locate within the Town (see public reaction section above). Although a proposed recreational facility request appears to have precipitated the proposed ordinance amendment, specific development requests would be considered through the Town's Conditional Use process, and approval of this text amendment request would not result in any specific request being automatically approved.

The current Town ordinance does not specify any requirements for recreational field lighting. Light pole height is currently restricted to a maximum of 28' for parking lots and internal drives. The current Town ordinance does allow for height exceptions for certain unique structures such as water towers, radio towers, windmill

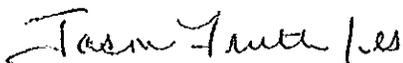
towers, masts, etc. The Planning and Zoning Division Staff feels that recreational light towers could be considered such as an exception, as a light pole is a type of mast. The County zoning codes allow for similar exceptions, and Planning Staff informed the Town Planner that we would consider applying this exception provision if such a request were presented within the County's jurisdiction. The County zoning codes also prohibit light spillage and require the submittal of a Lighting or Photometric Plan as part of the Site Plan/Plan of Operation review process. Similarly, the current Town ordinance states that a lighting and photometrics plan may be required by the Town upon request as part of its Site Plan/Plan of Operation procedures. The existing Town code also contains General Architectural Principles within the Site Plan review parameters which require that exterior lighting be directed downward and that no rays shall be directed towards adjacent properties.

Planning Staff does not feel that placing a height cap on recreational lighting is inappropriate, but does feel that additional requirements relative to such lighting should be considered as part of a more comprehensive change to the ordinance. Staff feels that it would be appropriate for the Town to consider either insertion of cross references or new provisions relative to certain performance standards relative to photometrics, light spillage, hours of operation, setbacks, etc. Furthermore, Staff feels that more research should be done to determine whether a 75 foot maximum height is the optimal restrictive height for recreational lighting. Town minutes indicate that some Town representatives did visit athletic fields in the Village of Pewaukee to observe lighting at that approximate height and found it to be appropriate. However, a range of lighting types could be proposed over time, and while one example may have been positive, it may be that other styles or vendor installations at the same height may not be as appropriate. The Town of Waukesha has recently retained a Planning consultant to work with the Town in drafting a new zoning code over the course of the next year or two. Planning Staff is in the process of drafting a letter to the Town's planning consultants regarding this recreational lighting topic suggesting that such lighting standards be further expanded and considered as part of the comprehensive revision process.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the proposed ordinance to amend the Town of Waukesha Zoning Code relative to recreational lighting be approved as presented. Staff feels that the proposed language makes the Town code slightly more restrictive relative to such uses than the current ordinance language, which does not limit recreational light pole height. Staff does believe that additional measures to regulate recreational lighting should be considered as the Town drafts more comprehensive changes to their Zoning Code. As mentioned previously, a letter will be sent by Planning Staff to Town Staff recommending that additional ordinance language relative to recreational lighting be considered during the upcoming comprehensive code amendment process. Additional standards would help to clarify that taller light poles are not exempt from other general code requirements that prohibit lighting from being directed towards adjacent properties and might more clearly set forth other lighting standards. Additional investigation would also help to assure the Town that the selected 75' height maximum is, in fact, the most appropriate maximum height.

Respectfully submitted,



Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance

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RECEIVED

MAR 18 2011

DEPT OF PARKS & LAND USE
WAUKESHA COUNTY

STATE OF WISCONSIN: TOWN OF WAUKESHA:

**AN ORDINANCE CREATING SECTION 13-2-9(i)(20)f.
OF THE TOWN CODE OF THE TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 13-2-9(i)(20)f. of the Town Code of the Town of
Waukesha is hereby created to read as follows:

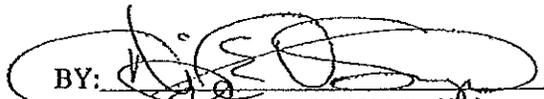
f., Notwithstanding any limitation or restriction relating to the height of
structures contained in this code, the Town Board, upon recommendation
from the Plan Commission, may authorize the placement of poles or other
structures used for the illumination of outdoor recreational sites provided that
the poles or structures may not exceed 75 feet in height.

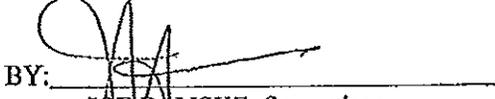
SECTION 2: All ordinances or parts of ordinances conflicting with or
contravening the provisions of this ordinance are hereby repealed.

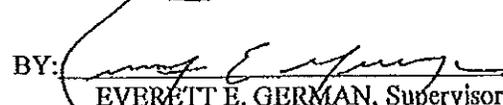
SECTION 3: This ordinance shall take effect upon passage and posting as
provided by law.

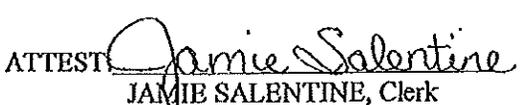
PASSED AND ADOPTED by the Town Board of the Town of Waukesha,
Waukesha County, Wisconsin this 10th day of March, 2011.

**TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN**

BY: 
ANGIE E. VAN SCYOC, Chairman

BY: 
JOE BANSKE, Supervisor

BY: 
EVERETT E. GERMAN, Supervisor

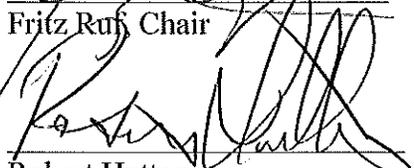
ATTEST 
JAMIE SALENTINE, Clerk

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(ZT-1716)

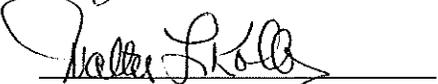
Presented by:
Land Use, Parks, and Environment Committee

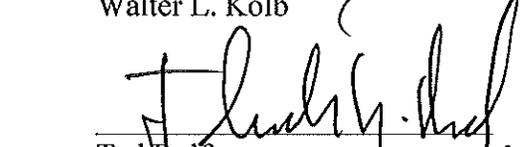

Fritz Ruf, Chair


Robert Hutton


Michael J. Linda


James Jeskewitz


Walter L. Kolb

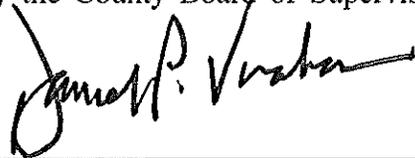

Ted Golfs


Thomas J. Schellinger

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

Date: 5-27-11, 
Kathy Nickolaus, County Clerk

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

Approved: x
Vetoed: _____
Date: 5-31-11, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/24/11

(ORD) NUMBER-1660011

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....
- 7 P. HAUKOHL.....NAY
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 ^{D. Draeger}~~K. CHIAVEROTTI~~.....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 M. INDA.....AYE
- 16 D. PAULSON.....NAY
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....
- 24 W. KOLB.....AYE

TOTAL AYES-19

TOTAL NAYS-02

CARRIED X

DEFEATED _____

UNANIMOUS_ _

TOTAL VOTES-21