

ENROLLED ORDINANCE 173-077

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE TO REPEAL AND RECREATE SECTIONS 13-2-15(c)(12) AND 13-2-15(g) AND CREATE SECTION 13-2-15(g)(6) RELATING TO OFF PREMISES SIGNS (RZ24)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Waukesha Town Board on October 11, 2018; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

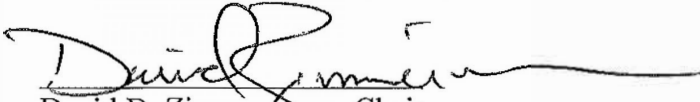
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on October 30, 2017, is hereby amended to repeal and recreate Sections 13-2-15(c)(12) and 13-2-15(g) and create Section 13-2-15(g)(6) relating to off premises signs, 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 RZ24, 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.

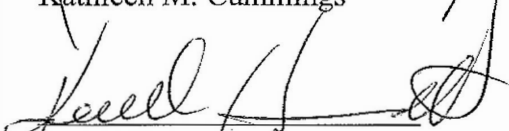
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE TO REPEAL AND RECREATE SECTIONS 13-2-15(c)(12) AND 13-2-15(g) AND CREATE SECTION 13-2-15(g)(6) RELATING TO OFF PREMISES SIGNS (RZ24)

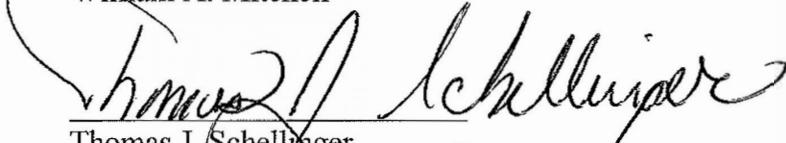
Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

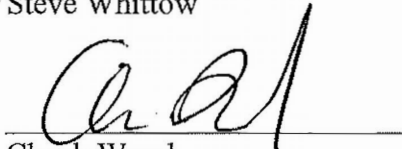
  
Kathleen M. Cummings

  
Keith Hammitt

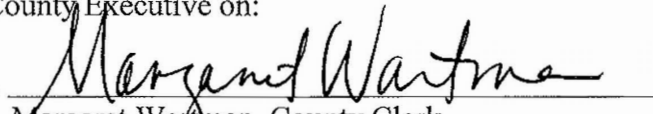
  
William A. Mitchell

  
Thomas J. Schellinger

  
Steve Whittow

  
Chuck Wood

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

Date: January 22 2019,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed:

Date: 1/29/19,   
Paul Farrow, County Executive

**COMMISSION ACTION**

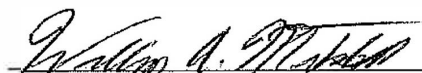
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends **approval** of **(RZ24 Text Amendment/Town of Waukesha Board)** in accordance with the attached "Staff Report and Recommendation".


**PARK AND PLANNING COMMISSION**

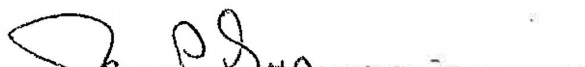
**December 6, 2018**


Absent


Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

  
William Maslowski

  
Thomas Michalski

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

**DATE:** December 6, 2018

**FILE NO.:** RZ24

**PETITIONER:** Town of Waukesha Board  
W250 S3567 Center Road  
Waukesha, WI 53189

**NATURE OF REQUEST:**

Repeal and re-create Sections 13-2-15(c)(12) and 13-2-15(g) and create Section 13-2-15(g)(6) of the Town of Waukesha Zoning Code, relating to off premises signs.

**PUBLIC HEARING DATE:**

October 11, 2018.

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION:**

At their October 11, 2018 meeting, the Town of Waukesha Plan Commission by a vote of 5 to 1, recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**

At their October 11, 2018 meeting, the Town of Waukesha Board by a vote of 5 to 1, approved the proposed amendments.

**OTHER CONSIDERATIONS:**

The Town is proposing to amend the signage provisions of its zoning code. The amendments were prompted by a request by a local business owner. The business owner explained that his storage business visibility will be greatly impacted by the altered road configuration that is part of the West Bypass construction project. Specifically, Merrill Hills Road, the road which his business fronts upon, will be terminated in a cul de sac near the property, whereas the road is currently a heavily traveled through road. The business owner is seeking the temporary off-premise sign as a short-term measure as he identifies alternative ways to market his business in the future.

The proposed provisions will allow for off premise signage for two different scenarios. The first would allow signage on an adjacent parcel where neighboring parcel owners will share signage. The second would allow off premise signs for a maximum of five years where the road that a property fronts is proposed to be or has been converted from a through road to a dead-end road as a result of a road improvement project.

Sign size for offsite signs related to road changes are proposed to be more restricted (maximum 64 square feet for a single use sign) and location is to be restricted to within ½ mile of the property that is being advertised.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments allow for limited off-site signage accommodations that provide flexibility for abutting commercial properties to share signage, which may save costs for business owners while providing visibility. In addition, the provisions recognize the practical difficulties for business owners that come with major changes to local roads as a result of public improvement projects. The Town is providing a limited term signage exception provision to help a local business through a transitional time as the local roadway network is significantly changed within the next few years.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning Manager

Attachment: Town Ordinance 2018-06

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ORDINANCE NO. 2018-06  
AN ORDINANCE TO AMEND  
TITLE 13: ZONING  
CHAPTER 2: GENERAL PROVISIONS  
SECTION 13-2-15,

WHEREAS, the Town Board of the Town of Waukesha has regulated zoning within the Town since approximately September 22, 1948; and

WHEREAS, the Town Clerk upon due notice as required by Sections 13-2-22(d)(1) and 13-2-23(b) of the town code and applicable State laws duly scheduled a public hearing and gave notice thereof, and the public hearing was duly held on October 11, 2018; and

WHEREAS, upon completion of the public hearing, the Plan Commission considered the testimony of the public hearing along with other pertinent information and made a recommendation to the Town Board concerning the proposed amendment to the Town Zoning Code; and

WHEREAS, the Town Board of the Town of Waukesha having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor and others, hereby determined that this Zoning Amendment will not be contrary to the public health, safety or general welfare of the Town of Waukesha; will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood, and will be consistent with the Town of Waukesha Comprehensive Plan, and updates the Waukesha Zoning Code for the future.

NOW, THEREFORE, the Town Board of the Town of Waukesha, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Title 13: zoning, chapter 2: general provisions, section 13-2-15(c) 12, section 13-2-15(g) and are hereby amended and section 13-2-15(g)(6) has been created follows:

Sec. 13-2-15(c)(12) Off Premises Sign

Off Premises Sign. A sign not intended to be temporary (see Temporary Sign), and for a use not conducted on the parcel where the sign is located. Off premise signs are not permitted in any District unless recommended by the Plan Commission and approved by the Town Board on the basis of the criteria contained within this subsection. An off premises sign may be approved where allowed by Sec. 13-2-15(g):

- a. Two or more adjacent parcel owners will share the sign to be located on one of the respective parcels; or
- b. The road that fronts the use or uses has been, or within one (1) year will be, converted from a through road to a dead-end as a result of a road improvement project.



All off premises signs shall require all parties involved to enter into a written agreement with respect to its use, location, maintenance, modification, replacement and/or its ultimate removal. Parties shall include the property owner(s) where the sign is to be located and the owner(s) of all uses for which the sign is intended. The agreement shall be subject to review and approval of the Town Board and the Town Attorney, and recorded with the Register of Deeds prior to installation of the sign. The sign shall be otherwise consistent with the purpose and intent of the Town Off Premises Sign restriction of minimizing visual clutter.

Sec. 13-2-15(g)

The following signs are restricted in total display area as follows: The total sign display area of all signs on any one parcel of land is limited to the area requirements set forth in subparagraphs (1)-(6). If multiple signs are desired, the total sign display area must be apportioned between these signs based on building frontage.

Sec. 13-2-15(g)(6)

Off Premises Signs shall follow the requirements for sign types set forth in subparagraphs (1)-(5) above except off premises signs approved per Sec. 13-2-15(c)(12)b:

- a. Shall not exceed 64 square feet of sign display area on all sides for a single advertised use, nor 128 square feet of sign display area for multiple advertised uses.
- b. Shall serve the same purpose as an on-premises sign for the business or uses existing on the property for which the sign is intended.
- c. Shall be located within one-half (1/2) mile of the property for which the sign is intended.
- d. Shall be limited to a maximum duration of five (5) years and shall not be renewed.
- e. May be permitted in any zoning district provided the location of the sign is not within a residential subdivision.

SECTION 2: SEVERABILITY.

The several sections of this ordinance 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 specified 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.

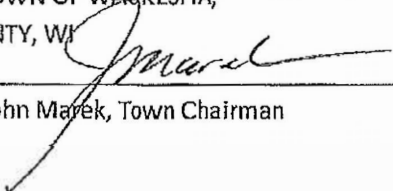
SECTION 3: EFFECTIVE DATE.

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

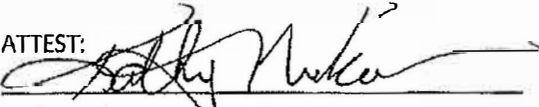
Adopted by the Town Board of the Town of Waukesha on this 8th, day of November, 2018.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WI

By:

  
John Marek, Town Chairman

ATTEST:

  
Kathy Nickolaus, Town Clerk-Treasurer



### Voting Results for 173-O-077

Amend The Text Of The Town Of Waukesha Zoning Code To Repeal And Recreate Sections 13-2-15(1,2) And 13-2-15(B) And Create Section 13-2-15(6) Relating To Off Premises Signs (RZZA)

Passed By **Majority Vote**

AYE: **23** NAY: **0** ABSTAIN: **0** ABSENT: **2**

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	Motion AYE	D15 - Mitchell	AYE
D3 - Morris	ABSENT	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - Grant	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	Second AYE	D24 - Whittow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		