

ENROLLED ORDINANCE 174-091

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY REPEALING
AND RECREATING SUBSECTION 500.522(A)(1) OF THE TOWN OF EAGLE
ZONING CODE RELATING TO THE PUBLIC (P-1) DISTRICT (RZ59)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Eagle Town Board on February 3, 2020; 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 Eagle Zoning Code, adopted by the Town of Eagle on March 31, 2017, is hereby amended to repeal and recreate Subsection 500.522 (A)(1) relating to the Public (P-1) District, 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 RZ59, 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 Eagle.

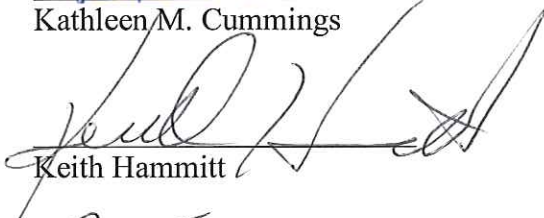
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY REPEALING
AND RECREATING SUBSECTION 500.522(A)(1) OF THE TOWN OF EAGLE
ZONING CODE RELATING TO THE PUBLIC (P-1) DISTRICT (RZ59)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair


absent
Kathleen M. Cummings


Keith Hammitt


William A. Mitchell

absent
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: 3/30/2020, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 3/30/2020, 
Paul Farrow, County Executive

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

FILE NO.: RZ59

DATE: February 20, 2020

PETITIONER: John Skatrud
N6 W30191 Bryn Dr.
Waukesha, WI 53188

NATURE OF REQUEST:
Repeal and recreate Subsection 500.522(A)(1) of the Town of Eagle Zoning Code relating to the Public (P-1) District.

PUBLIC HEARING DATE:
February 3, 2020.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On February 3, 2020, the Town of Eagle Plan Commission unanimously recommended adoption of the proposed ordinance.

TOWN BOARD ACTION:
On February 3, 2020, the Town of Eagle Board unanimously approved the proposed ordinance.

OTHER CONSIDERATIONS:
The petitioner is seeking to operate a school and has a pending application to rezone a parcel to the P-1 District for the purpose of operating a private, for-profit school. The Town of Eagle Zoning Code currently describes that the P-1 District is intended for publicly-owned facilities and lands or non-profit facilities and lands that serve a public purpose. The proposal is to amend the intent language to also provide for K-12 schools and facilities and lands used for telecommunications or utilities.

The existing code already identifies schools as a permitted use within the P-1 District, so the amendment is simply making purpose and intent language consistent relative to all schools.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division staff that the proposed text amendment be **approved**. The proposed amendment clarifies that both public and private schools are permissible within the town's P-1 District.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager
Attachment: Town Ordinance 2020-02



STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE 2020-02

AN ORDINANCE TO REVISE THE TEXT OF THE TOWN'S ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, John Skatrud has submitted a petition to the Town that, if adopted, would amend subsection 500.522(A)1) of the zoning code; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on February 3, 2020; and

WHEREAS, Section 500.165 of the zoning code sets forth factors that should be considered in evaluating a proposed text amendment; and

WHEREAS, the following determinations are made with respect to the aforementioned factors: and

1. The proposed text amendment is consistent with the town's comprehensive plan.
2. The proposed text amendment is consistent with other planning documents adopted by the town board.
3. The zoning code with the proposed text amendment is internally consistent.
4. The proposed text amendment is the least restrictive approach to address issues of public health, safety, and welfare.

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the

Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

Section 1. Repeal and recreate Subsection 500.522(A)(1) to read as follows:

(1) Public (P-1) district. This district is intended to include publicly-owned facilities and lands, facilities and lands used for telecommunications or utilities, facilities and lands used for K-12 schools, and non-profit facilities and lands that serve a public purpose.

Section 2. 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. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 4. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

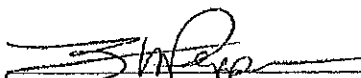
Adopted this 3rd day of February 2020

TOWN OF EAGLE TOWN BOARD



Don Malek, Town Chairman

ATTEST:



Lynn Pepper, Town Clerk

Published and posted this 5th day of February 2020

COMMISSION ACTION

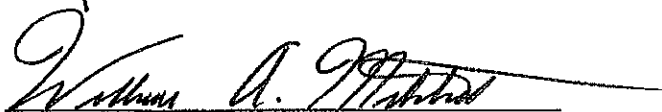
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends approval of **RZ59 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

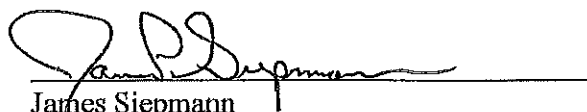
February 20, 2020



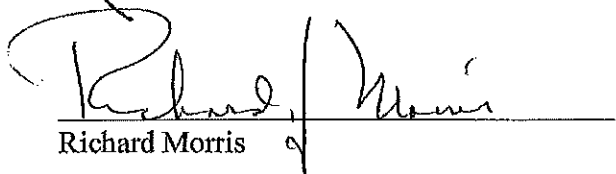
Robert Peregrine, Chairperson



William Mitchell, Vice Chairperson



James Siepmann



Richard Morris



Thomas Michalski



Robert Hamilton

Ordinance 174-O-095



Amend the Text of the Town of Eagle Zoning Code by Repealing and Repealing Subsection 500.522(A)(1) of the Town of Eagle Zoning Code Relating to the Public (P. 1) District (R25F)

VOTE RESULTS: Passed By Majority Vote

AYE: 21 NAY: 0 ABSENT: 4

D1 - Foti		Yes
D2 - Zimmermann	Motion	Yes
D3 - Morris	Second	Yes
D4 - Batzko		Yes
D5 - Dondlinger		Yes
D6 - Walz		Yes
D7 - Grant		Yes
D8 - Michalski		Yes
D9 - Heinrich		Yes
D10 - Swan		Yes
D11 - Howard		ABSENT
D12 - Wolff		Yes
D13 - Decker		Yes

D14 - Wood		Yes
D15 - Mitchell		Yes
D16 - Crowley		ABSENT
D17 - Paulson		Yes
D18 - Nelson		Yes
D19 - Cummings		ABSENT
D20 - Schellinger		Yes
D21 - Gaughan		Yes
D22 - Wysocki		ABSENT
D23 - Hammitt		Yes
D24 - Whittow		Yes
D25 - Johnson		Yes