

Enrolled Ordinance 171-082

REPEAL AND RECREATE THE TOWN OF EAGLE  
ZONING CODE AND ZONING MAP (ZT-1844)

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 December 21, 2016, 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ORDAINS that the text and map of the Town of Eagle Zoning Code, adopted by the Town of Eagle on November 10, 2009, and repealed and recreated by the Town of Eagle on December 21, 2016, more specifically described in the "Staff Report and Recommendation" on file in the office of the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-1844, 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.

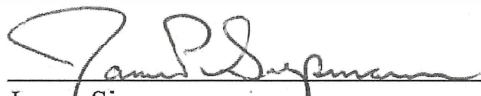
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.


**COMMISSION ACTION**

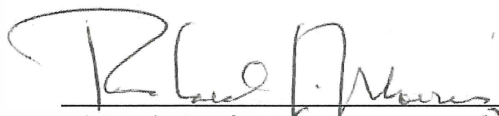
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Code and Map hereby recommends **approval** of **ZT-1844 (Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".


**PARK AND PLANNING COMMISSION**

**February 23, 2017**

  
James Siepmann,

  
Robert Peregrine

  
Richard Morris (CHAIRPERSON)

  
Bonnie Morris

  
William Mitchell

  
Keith Hammitt

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

**FILE NO:** ZT-1844  
**TAX KEY NUMBER:** N/A  
**DATE:** February 23, 2017  
**NAME OF PETITIONER:** Town Board of Eagle  
Town of Eagle Hall  
P.O. Box 327  
Eagle, WI 53119

**NATURE OF REQUEST:**

Repeal and recreate the Town of Eagle Zoning Code including the Official Zoning Map of the Town of Eagle.

**PUBLIC HEARING DATE:**

December 5, 2016, adjourned to December 21, 2016.

**PUBLIC REACTION:**

Several individuals asked questions and made comments at the public hearing. Most of the comments related to seeking clarification regarding the changes to agricultural zoning and livestock provisions. One individual expressed general comments against multi-family housing.

**TOWN PLAN COMMISSION ACTION:**

At their meeting of December 21, 2016, the Town of Eagle Plan Commission recommended approval of the proposed Town of Eagle Zoning Code and Map to the Town Board.

**TOWN BOARD ACTION:**

At their meeting of December 21, 2016, the Town of Eagle Board unanimously approved the proposed Town of Eagle Zoning Code and Map.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:**

The proposed zoning code and zoning map comply with various Town and County Plan recommendations including accommodating a wide variety of land uses, adequately protecting natural resources, providing for farmland preservation areas while also enabling economic development by making improvements to business district provisions, simplifying building area requirements and making code interpretation and understanding easier.

**STAFF ANALYSIS:**

The Town of Eagle has been working on a comprehensive set of text amendments over the past three years. The project includes a wide variety of content and code structure changes and also includes changes to the Town's farmland preservation requirements to comply with new Department of Agriculture, Trade and Consumer Protection requirements. A full copy of the Town Code is located for viewing at [www.townofeaglewi.us](http://www.townofeaglewi.us) (click "proposed Town of Eagle Zoning Code". The related Town Zoning Map is located on the Waukesha County Planning & Zoning Division webpage at [www.waukeshacounty/planningandzoning](http://www.waukeshacounty/planningandzoning) (click on Map Resources/Draft Town Zoning Maps).

The Town Planner shared a draft of the code with Waukesha County ahead of the public hearing for the proposed amendments. County Planning & Zoning Staff offered a number of recommendations and questions regarding the draft and worked closely with the Town Planner to work through the issues of concern. The Town has been very responsive to those comments and has addressed all major issues of concern.

The code brings forward a unique structure in that use regulations are contained and consolidated within matrices at the back of the code. This will aid readers in determining where they can locate certain types of businesses or uses. Distinct sections for applicability, review procedures, imposition of conditions, appeals, etc. are made part of each code section, which aids the reader in understanding application and process parameters. The following is a summary of selected amendments of note.

- Replaced floor area ratio standards with lot coverage standards.
- Introduced overlay districts for the following:
  - Natural resource areas within farmland preservation districts (required by DATCP).
  - Hydric soils (similar to County scheme)
  - Wellhead Protection District
- Modified farmland preservation requirements to comply with new State requirements (generally matches recently adopted County language)
- Amended multi-family provisions, including lowering minimum multi-family unit sizes and specifying that 3-5 unit multi-family projects are permissible via Conditional Use in the R-1, B-1 and B-2 Districts and 2-unit buildings are Conditional Uses in the RR and R-1 Districts.
- Removed signage and outdoor lighting regulations; these topics will be regulated in stand-alone ordinances.
- Added reasonable accommodations provisions for improvements to structures/facilities for people with disabilities.
- Added more detailed standards for site plan, architectural, landscaping and parking plans.
- Map updates relative to farmland preservation (incorporated required DATCP overlays).
- Map updates to remove Town zoning from County shoreland zoning areas.
- Map updates to recognize miscellaneous zoning district changes.

- Zoning district changes (Deleted B-3 in favor of new B-4 District to better accommodate Town's existing industrial park, deleted Residential Lake District, as it was only applicable within County shoreland areas.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of the Town of Eagle's request.

The proposed amendments significantly consolidate various zoning provisions and more clearly articulate procedural requirements, thus improving understanding for the public and code administrators and users alike. The code and map changes recognize and accommodate new use trends and improve and simplify building size regulations, while providing effective protections to ensure harmonious land use and protection of property values.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Exhibit "A" (Town Ordinance No. 2016-04)  
Proposed Town of Eagle Zoning Code available for viewing at [www.townofeaglewi.us](http://www.townofeaglewi.us) (click "Proposed Town of Eagle Zoning Code").  
Proposed Town Zoning Map- available for viewing at [www.waukeshacounty/planningandzoning](http://www.waukeshacounty/planningandzoning) (click on Map Resources/Draft Town Zoning Maps).

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**EXHIBIT "A"**

STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE 2016-04

RECEIVED

JAN 30 2017

AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND,  
SUPPLEMENT AND CODIFY CHAPTER 500 OF THE CODE OF  
THE TOWN OF EAGLE ENTITLED "TOWN ZONING"

DEPT OF PARKS & LAND USE

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, the Town of Eagle Town Board has determined that it is necessary to revisit the provisions of the Town's zoning regulations to ensure they adequately address the zoning needs of the Town of Eagle in 2016 and in the years to come; and

WHEREAS, pursuant to Wisconsin Statutes sections 60.62(1), 61.35, and 62.23(7)(d)(2), the Town Board has requested that the Town of Eagle Plan Commission prepare and recommend revisions to the district plan and regulations for the Town of Eagle; and

WHEREAS, pursuant to such request of the Town Board, the Plan Commission has prepared tentative recommendations for revisions to the district plan and regulations for the Town of Eagle; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on December 5, 2016 which, following the receipt of written and verbal comments, was adjourned to, and subsequently reconvened on, December 21, 2016; and

WHEREAS, upon consideration of the tentative recommendations made by the Plan Commission and all of the 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 the nuclear traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities, and ensure adequate standards of construction and planning, and to zone the land in accordance with the Town of Eagle 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 and to avoid undo 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 Eagle, the Town of Eagle Town Board hereby adopts the recommendations of the Plan Commission including the final revisions recommended by the Plan Commission at the meeting of December 21, 2016;

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

**Section 1. Adoption of code**

Pursuant to Wis. Stat. §§ 60.62(1), 61.35, 62.23(7)(d)(2) and 66.0103, the zoning ordinances of the Town of Eagle of a general and permanent nature adopted by the Town Board of the Town of

Eagle, as revised, are hereby approved, adopted, ordained and enacted, which shall be numbered and incorporated as part of any Code of the Town of Eagle that may be hereinafter adopted by the Town Board as Chapter 500.

**Section 2. Code supersedes prior ordinances**

This adoption ordinance and the Zoning Code shall supersede other ordinances of the Town of Eagle, to the extent they are inconsistent.

**Section 3. Continuation of existing provisions**

The provisions of the Zoning Code, insofar as they are substantively the same as those of the zoning ordinances in force immediately prior to the enactment of the Zoning Code by this Adoption Ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

**Section 4. Copy of code on file**

A copy of the Zoning Code, in loose-leaf form, has been filed in the office of the Town Clerk and has remained there for use and inspection by the public for not less than two weeks prior to the adoption of this Adoption Ordinance as required by Wis. Stat. § 66.0103. Upon adoption of this Adoption Ordinance, the copy of the Zoning Code on file with the Town Clerk shall be certified to by the Town Clerk, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Zoning Code is in effect. A copy of the Zoning Code shall further be incorporated into the Code of the Town of Eagle as Chapter 500.

**Section 5. Amendments to Zoning Code**

Any and all additions, deletions, amendments or supplements to the Zoning Code, when adopted in such form as to indicate the intention of the Town Board to make them a part thereof, shall be deemed to be incorporated into such Zoning Code so that reference to the "Zoning Code of the Town of Eagle" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Zoning Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted into Chapter 500 of the Code of the Town of Eagle as amendments and supplements thereto.

**Section 6. Publication; filing**

The Clerk of the Town of Eagle, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance in lieu of publication of the entire Zoning Code as provided for in Wis. Stat. § 66.0103. Sufficient copies of the Zoning Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adoption Ordinance, coupled with the availability of a copy of the Zoning Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Zoning Code for all purposes.

**Section 7. Altering or tampering with Code; penalties for violation**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Zoning Code or to alter or tamper with such Zoning Code in any manner whatsoever which will cause the zoning ordinances of the Town of Eagle to be misrepresented thereby. Anyone violating this section or any part of this Adoption Ordinance shall be subject, upon conviction, to a penalty as provided in the municipal code as adopted.

**Section 8. Severability of Code provisions**

Each section of the Zoning Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**Section 9. Severability of ordinance provisions**

Each section of this Adoption Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**Section 10. Repealer**

All zoning ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this Adoption Ordinance and not contained in the Zoning Code are hereby repealed as of the effective date of this Adoption Ordinance, except as hereinafter provided.

**Section 11. Ordinances saved from repeal**

The adoption of this Zoning Code and the repeal of ordinances provided for in Sec. 10 of this Adoption Ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- a. Any ordinance adopted subsequent to the enactment of this Adoption Ordinance.
- b. Any ordinance adopted establishing the applicable zoning district/classification(s) of specific land(s) within the Town.
- c. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this Adoption Ordinance or any action or proceeding brought for the enforcement of such right or liability.
- d. Any offense or act committed or done before the effective date of this Adoption Ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- e. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Adoption Ordinance brought pursuant to any legislative provision.
- f. Any conditional use, license, right, easement, or privilege heretofore granted or



conferred.

- g. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- h. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.

**Section 12. Changes in previously adopted ordinances**

In compiling and preparing the ordinances for publication as the Zoning Code of the Town of Eagle, changes in the meaning or intent of such ordinances may have been made, including, but not limited to, certain grammatical and other changes. It is the intention of the Town Board that all such changes included in the copy of the Zoning Code on file with the Town Clerk be adopted as part of the Zoning Code as if the ordinances had been previously formally amended to read as such.

**Section 13. Effective date**

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

Adopted this 21st day of December 2016

TOWN OF EAGLE

  
Bob Kwiatkowski, Town Chairman

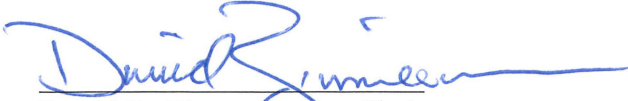
ATTEST:

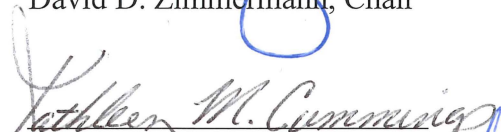
  
Lynn Pepper, Town Clerk


Published and posted this 26<sup>th</sup> day of January 2017

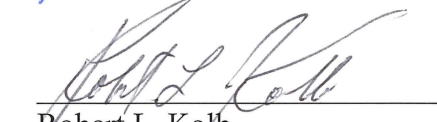
REPEAL AND RECREATE THE TOWN OF EAGLE  
ZONING CODE AND ZONING MAP (ZT-1844)

Presented by:  
Land Use, Parks, and Environment Committee


  
David D. Zimmermann, Chair

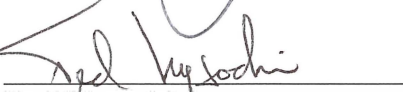
  
Kathleen M. Cummings

  
Keith Hammitt


  
Robert L. Kolb

  
William Mitchell

  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 3/28/17,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 3/31/17,   
Paul Farrow, County Executive

<b>D1 - Kolb</b>	<b>AYE</b>	<b>D14 - Wood</b>	<b>AYE</b>
<b>D2 - Zimmermann</b>	<b>Absent</b>	<b>D15 - Mitchell</b>	<b>(M) AYE</b>
<b>D3 - Morris</b>	<b>AYE</b>	<b>D16 - Crowley</b>	<b>AYE</b>
<b>D4 - Batzko</b>	<b>AYE</b>	<b>D17 - Paulson</b>	<b>AYE</b>
<b>D5 - Dondlinger</b>	<b>AYE</b>	<b>D18 - Nelson</b>	<b>AYE</b>
<b>D6 - Walz</b>	<b>AYE</b>	<b>D19 - Cummings</b>	<b>AYE</b>
<b>D7 - Grant</b>	<b>Absent</b>	<b>D20 - Schellinger</b>	<b>AYE</b>
<b>D8 - Michalski</b>	<b>Absent</b>	<b>D21 - Zaborowski</b>	<b>AYE</b>
<b>D9 - Heinrich</b>	<b>AYE</b>	<b>D22 - Wysocki</b>	<b>AYE</b>
<b>D10 - Swan</b>	<b>AYE</b>	<b>D23 - Hammitt</b>	<b>AYE</b>
<b>D11 - Howard</b>	<b>(2) AYE</b>	<b>D24 - Whittow</b>	<b>AYE</b>
<b>D12 - Wolff</b>	<b>AYE</b>	<b>D25 - Johnson</b>	<b>AYE</b>
<b>D13 - Decker</b>	<b>AYE</b>		

171-0-084

Passed (22 Y - 0 N - 3 Absent)

Majority Vote

