

ENROLLED ORDINANCE 173-040

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE TO ALLOW GROUP DAYCARE CENTERS IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT (RZ14)

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 August 6, 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 Eagle Zoning Code, adopted by the Town of Eagle on March 31, 2017, is hereby amended to provide a Conditional Use process for group daycare centers in the Rural Residential (RR) Zoning 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 RZ14, 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.

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE TO ALLOW GROUP DAYCARE CENTERS IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT (RZ14)

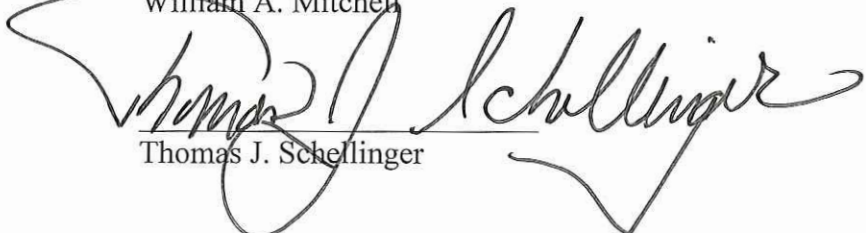
Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

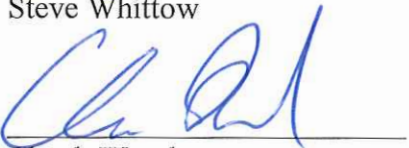

Kathleen M. Cummings


Keith Hammitt

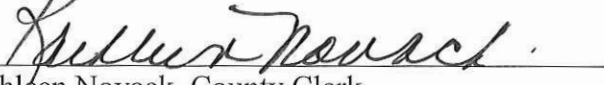

William A. Mitchell


Thomas J. Schellinger

absent
Steve Whittow


Chuck Wood

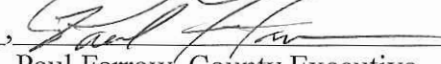
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 9/25/18, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

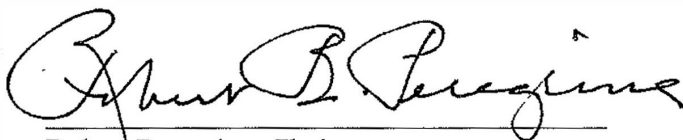
Date: 9/28/18, 
Paul Farrow, County Executive

COMMISSION ACTION

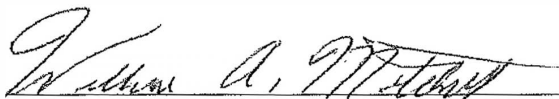
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Code hereby recommends **approval** of **RZ14 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

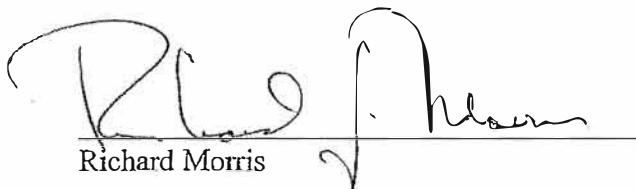
August 16, 2018



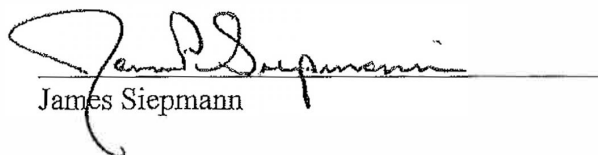
Robert Peregrine, Chairman



William Mitchell



Richard Morris



James Siepmann

Absent

William Maslowski



Thomas Michalski

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

FILE NO: RZ14
TAX KEY NUMBER: N/A
DATE: August 16, 2018
NAME OF PETITIONER: Town Board of Eagle
Town of Eagle Hall
P.O. Box 327
Eagle, WI 53119

NATURE OF REQUEST:
Text Amendment to the Town of Eagle Zoning Code to allow group daycare centers in the Rural Residential (RR) Zoning District as a Conditional Use.

PUBLIC HEARING DATE:
August 6, 2018

PUBLIC REACTION:
A comment was made in support of the request.

TOWN PLAN COMMISSION ACTION:
At their meeting of August 6, 2018, the Town of Eagle Plan Commission recommended approval of the proposed Town of Eagle Text Amendment to the Town Board.

TOWN BOARD ACTION:
At their meeting of August 6, 2018, the Town of Eagle Board unanimously approved the proposed Town of Eagle Text Amendment.

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

Local and County Plans call for a broad range of uses to be accommodated within the community and acknowledge that some service/business use is appropriate in rural areas. The proposed Conditional Use process affords the public and the Town the opportunity to review neighborhood compatibility of day care centers on a case by case basis thereby ensuring neighborhood harmony.

STAFF ANALYSIS:

The Town of Eagle is proposing a text amendment to its zoning code to make day care facilities an available Conditional Use option within the RR Rural Residential Zoning District. The request was prompted by an existing daycare facility near the intersection of S.T.H. 59 and Wilton Rd. seeking a five-year renewal of an existing Conditional Use Permit. Because the five-year period lapsed prior to the owner seeking a renewal and the new Town Zoning Code does not offer a Conditional Use option within the subject RR District, this text change has been initiated. The Town Code currently provides a Conditional Use option for day care facilities within business and light industrial districts and allows such facilities by right in the Public and Institutional and B-4 Mixed Business Districts.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Eagle's request. The amendment will allow for day care facilities to be considered as a Conditional Use in one of the Town's residential districts which will provide more options for those seeking to operate such facilities within a fairly rural environment where business zoned property is more lightly available.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2018-05

ORDINANCE 2018-05

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, the Plan Commission for the Town of Eagle prepared a recommended ordinance to amend the text of the zoning regulations to allow group day cares in the RR district as a conditional use; 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 August 6, 2018; and

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. Exhibit 7-1 is amended to show that group day cares are allowed in the RR district as a conditional use.

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.

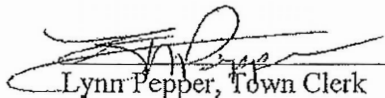
Adopted this 6th day of August 2018

TOWN OF EAGLE TOWN BOARD



Bob Kwiatkowski, Town Chairman

ATTEST:



Lynn Pepper, Town Clerk

Published and posted this ___ day of _____ 2018

D1 - Foti	AYE	D14 - Wood	AYE
D2 - Zimmermann	(M) AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	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	(2) AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

173-0-040

Passed (25 Y - 0 N - 0 Absent)

Majority Vote >