

ENROLLED ORDINANCE 174-096

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY ZONING
CODE MODIFYING THE CONDITIONAL USE PROVISIONS
FOR CONTRACTOR'S YARDS (RZ53)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning Code on February 26, 1959; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.69, Wisconsin Statutes; and

WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on January 16, 2020; and

WHEREAS, the proposed amendments have been duly referred, considered and approved by the Waukesha County Park and Planning Commission at its meeting of February 20, 2020; and

WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Zoning Code is hereby amended to modify the conditional use provisions for contractor's yards and are more specifically described in the "Staff Report and Recommendation" by reference RZ53, on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

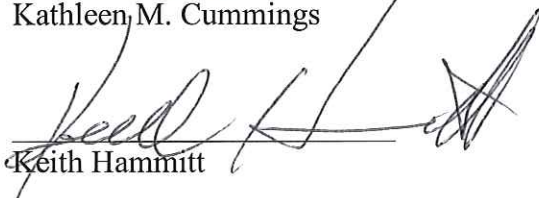
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall field a certified copy of this Ordinance with each of the town clerks of Ottawa and Oconomowoc.

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY ZONING
CODE MODIFYING THE CONDITIONAL USE PROVISIONS
FOR CONTRACTOR'S YARDS (RZ53)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

absent
Kathleen M. Cummings


Keith Hammitt

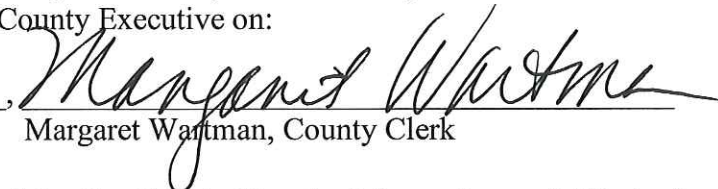

William A. Mitchell

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 Waitman, 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 TO THE WAUKESHA COUNTY
SHORELAND AND FLOODLAND
PROTECTION ORDINANCE & ZONING CODE

FILE NO.: RZ52 and RZ53
DATE: February 20, 2020
PETITIONER: Waukesha County Park and Planning Commission

REQUEST:
Text amendment proposed to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) and Waukesha County Zoning Code (ZC) to modify the conditional use provisions for contractor's yards.

PUBLIC HEARING DATE:
January 16, 2020

PUBLIC COMMENT:
There was no public comment.

TOWN COMMENT:
All Towns were notified of the proposed amendments and were given an opportunity to comment. The Town of Vernon expressed their support and the Town of Delafield indicated that their minimum lot size for such uses is also three acres.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:

The County Development Plan calls for the promotion of economic development in appropriate settings. The plan identifies the need for adequate water supply, sanitation, stormwater facilities, and power supply. The plan also calls for ready access and safe ingress/egress to an arterial and highway system, adequate parking, and a site design that integrates or is compatible with adjacent land uses.

The proposal to modify the conditional use provisions for contractor's yards will provide for additional economic development opportunities on properties that are suitable for the use.

STAFF ANALYSIS:

The Park and Planning Commission, on behalf of the Planning and Zoning Division, is proposing an amendment to the minimum lot size requirements for contractor's yards. A contractor's yard is a use that involves outside storage of construction, maintenance, or landscaping materials and equipment for off-site business. The SFPO and ZC currently require a minimum of five acres for a contractor's yard use within the A-1 Agricultural, A-5 Mini-Farm, B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial, and M-2 General Industrial Districts.

The proposed text amendment would reduce the minimum acreage required to three acres if the property is zoned B-3 General Business District, Q-1 Quarrying District, or an Industrial District (M-1 and M-2). The minimum acreage would remain at 5 acres for properties zoned A-1 Agricultural or A-5 Mini-Farm. All other conditional use provisions will remain unchanged. The other existing provisions, including planting screens, increased offsets, and neighborhood compatibility, help ensure that the purpose and

intent of the County's development plan and zoning ordinances are upheld. In response to recent changes in conditional use law, staff has begun working on possible comprehensive refinements to the conditional use sections of each ordinance. Additional amendments to the standards for contractor's yards may be proposed after a more detailed analysis of all conditional use standards is completed.

This text amendment was prompted by a request in the Town of Vernon to operate a contractor's yard on a property that is three acres in size. The property was previously conditionally rezoned to B-3 General Business District to allow an outdoor equipment sales and service business only. The conditions of the zoning were never satisfied. The property was recently sold for the purpose of storing materials and equipment for a poured foundation business. The property is subject to a pending rezone and conditional use for the modified contractor's yard use. In order for the use to be considered on the subject property, this text amendment is required. The Town will be advancing a similar text amendment to the Town Zoning Ordinance at a future meeting.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**.

The proposed amendments will provide the ability to have contractor's yards on smaller lots in areas that are otherwise designated for commercial, land extraction, and industrial uses. The smaller proposed lot size standards recognize that fairly intensive uses are already available by right within certain business, industrial, and quarrying districts. This modification will allow for more diverse economic development opportunities. The remaining conditional use provisions will ensure compatibility with adjacent land uses and ensure that the storage of materials are properly screened. Therefore, the proposed amendments comply with the purpose and intent of the County's land use plan and zoning ordinances.

Respectfully submitted,

Amy Barrows

Amy Barrows
Senior Planner

Attachments:

- Exhibit A – Existing contractor's yard language in SFPO
- Exhibit B – Proposed text amendment to SFPO
- Exhibit C – Existing contractor's yard language in ZC
- Exhibit D – Proposed text amendment to ZC

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Existing Contractor's Yard Language**Shoreland & Floodland Protection Ordinance**

11. Contractor's Yard: In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:
- A. ~~The minimum lot area shall be at least five (5) acres.~~
 - B. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a residential district or at least fifty (50) feet from a lot line of an adjoining lot in any other District.
 - C. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the roads can accommodate the heavy equipment.
 - D. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
 - E. In determining whether or not the proposed Conditional Use should be approved, the plan commission and zoning agency shall make a determination that the proposed Conditional Use is compatible with adjacent land uses. If it is determined that the proposed Conditional Use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed Conditional Use shall not be approved.
 - F. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

**Amendments to the
Waukesha County Shoreland and Floodland Protection Ordinance**

- Repeal and re-create Section 4(g)11.A. to read as follows:
 - A. Minimum lot area requirements for this use are as follows:
 - i. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
 - ii. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

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EXHIBIT "C"

Existing Contractor's Yard Language

General Zoning Code

(H) Contractor's Yard:

In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:

1. ~~The minimum Lot Area shall be at least five (5) acres.~~
2. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the Lot Line of an adjoining Lot in a residential district or at least fifty (50) feet from a Lot Line of an adjoining Lot in any other District.
3. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major Collector Street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the Roads can accommodate the heavy equipment.
4. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
5. In determining whether or not the proposed conditional use should be approved, the plan commission and zoning agency shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
6. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

**Amendments to the
Waukesha County Zoning Code**

EXHIBIT "D"

- Repeal and re-create Section 3.08(7)(H)1 to read as follows:
 1. Minimum lot area requirements for this use are as follows:
 - a. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
 - b. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

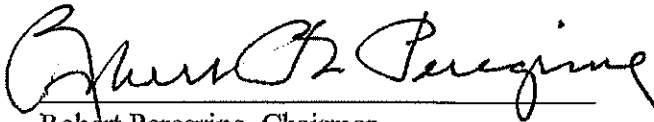
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COMMISSION ACTION

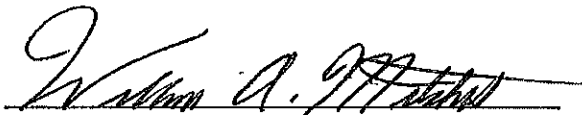
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of **(RZ53 Waukesha County Park and Planning Commission – ZC Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”

PARK AND PLANNING COMMISSION

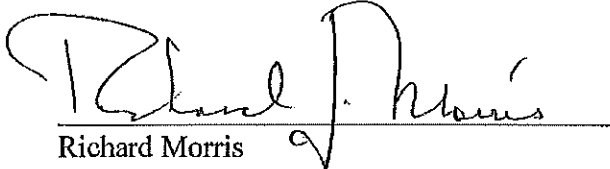
February 20, 2020



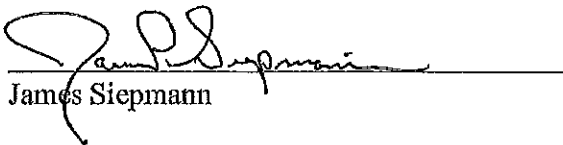
Robert Peregrine, Chairman



William Mitchell, Vice Chairman



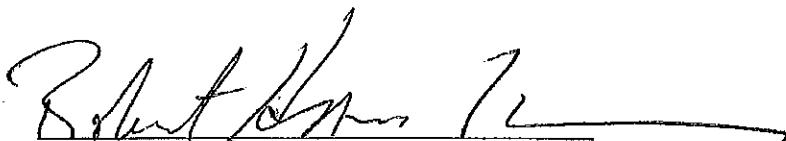
Richard Morris



James Siepmann



Thomas Michalski




Robert Hamilton

COMMISSION ACTION

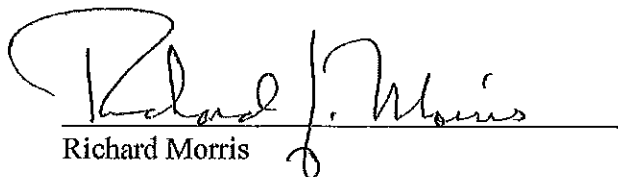
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of **(RZ52 Waukesha County Park and Planning Commission – SFPO Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”

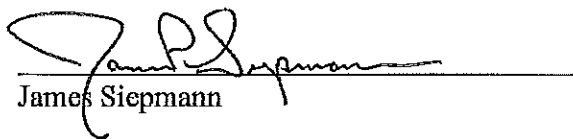
PARK AND PLANNING COMMISSION

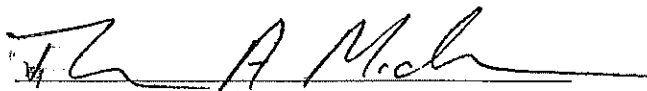
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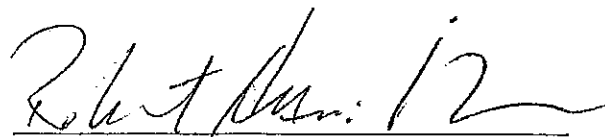

Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris


James Siepmann


Thomas Michalski


Robert Hamilton

Ordinance 174-O-101



Ordinance 174-O-101: Adopt Text Amendments To The Waukesha County Zoning Code Modifying The Conditional Use Provisions For Contractor's Yards (RZ253)

VOTE RESULTS: Passed By Majority Vote

AYE: 21

NAY: 0

ABSENT: 4

D1 - Foti	Second	Yes
D2 - Zimmermann	Motion	Yes
D3 - Morris		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