

ENROLLED ORDINANCE 172-088

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY  
REPEALING AND RECREATING SECTION 13-2-15(h) RELATING TO  
SIGN ILLUMINATION AND NUISANCE PREVENTION (RZ1)

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 January 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.

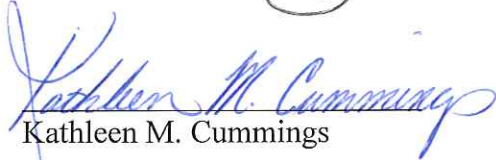
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Waukesha Zoning Code, adopted by the Town of Waukesha on October 30, 2017, is hereby amended to repeal and recreate Section 13-2-15(h) relating to sign illumination and nuisance prevention, more specifically 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 RZ1, 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.

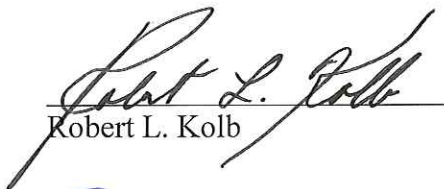
AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY  
REPEALING AND RECREATING SECTION 13-2-15(h) RELATING TO  
SIGN ILLUMINATION AND NUISANCE PREVENTION (RZ1)

Presented by:  
Land Use, Parks, and Environment Committee

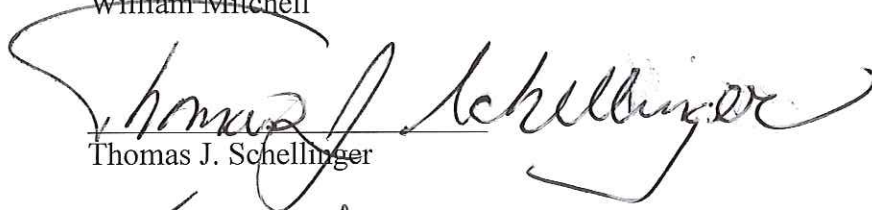
  
David D. Zimmermann, Chair

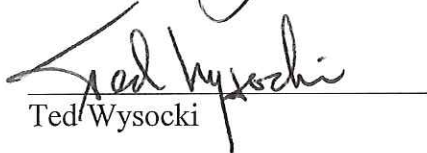
  
Kathleen M. Cummings

*(Absent)*  
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: 3/27/18,   
Kathleen Novack, County Clerk

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

Approved: X

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

Date: 3/30/18,   
Paul Farrow, County Executive

<b>D1 - Kolb</b>	<b>AYE</b>	<b>D14 - Wood</b>	<b>AYE</b>
<b>D2 - Zimmermann</b>	<b>(M) AYE</b>	<b>D15 - Mitchell</b>	<b>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>AYE</b>	<b>D20 - Schellinger</b>	<b>AYE</b>
<b>D8 - Michalski</b>	<b>AYE</b>	<b>D21 - Zaborowski</b>	<b>AYE</b>
<b>D9 - Heinrich</b>	<b>AYE</b>	<b>D22 - Wysocki</b>	<b>(2) AYE</b>
<b>D10 - Swan</b>	<b>AYE</b>	<b>D23 - Hammitt</b>	<b>AYE</b>
<b>D11 - Howard</b>	<b>AYE</b>	<b>D24 - Whittow</b>	<b>AYE</b>
<b>D12 - Wolff</b>	<b>AYE</b>	<b>D25 - Johnson</b>	<b>Absent</b>
<b>D13 - Decker</b>	<b>AYE</b>		

172-0-088

Passed (24 Y - 0 N - 1 Absent)

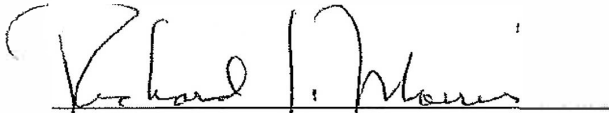
Majority Vote >

COMMISSION ACTION

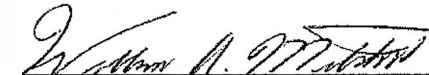
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends **approval** of **RZ1 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

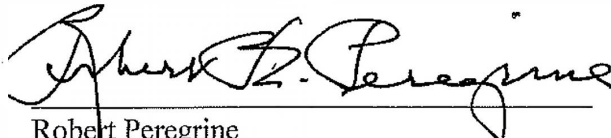
PARK AND PLANNING COMMISSION

February 22, 2018

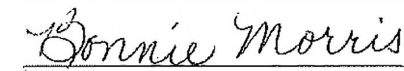
  
Richard Morris, Chairperson

Absent  
James Siepmann, Vice Chairperson

  
William Mitchell, Secretary

  
Robert Peregrine

Absent  
William Maslowski

  
Bonnie Morris

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

**DATE:** February 22, 2018

**FILE NO.:** RZ1

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

**NATURE OF REQUEST:**  
Repeal and re-create Section 13-2-15(h) of the Town of Waukesha Zoning Code, relating to sign illumination and nuisance prevention.

**PUBLIC HEARING DATE:**  
January 11, 2018.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION:**  
At their January 11, 2018 meeting, the Town of Waukesha Plan Commission recommended approval of the proposed amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their January 11, 2018 meeting, the Town of Waukesha Board approved the proposed amendments.

**OTHER CONSIDERATIONS:**  
The Town is proposing revised sign nuisance prevention standards to provide some degree of flexibility for signs that may exist or be proposed adjacent to residential properties. This issue came to light when a church that abuts a residentially zoned property proposed a small illuminated sign. Even though the adjacent property was undeveloped land, its residential zoning designation meant that the sign would be prohibited because of the Town Code's strict prohibition of internally illuminated signs on properties zoned or used for single family or duplex residential uses. Accordingly, the Town is proposing to ease its signage nuisance standards to allow for such signs, provided that a number of considerations or mitigating factors are taken into account. Factors to be considered are enumerated in the proposed ordinance, which is attached.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments will enable a case by case review for illuminated signs that abut residential properties. This will allow proper marking of institutional, business and other uses that abut residentially zoned or used areas while ensuring that such signs do not adversely affect neighboring uses.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning Manager

Attachment: Town Ordinance (2018-01)

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ00001 Text Amendment Wkt.Docx

ORDINANCE NO. 2018-01

AN ORDINANCE TO AMEND

TITLE 13: ZONING

CHAPTER 2: GENERAL PROVISIONS

SECTION 13-2-15(h) SIGN ILLUMINATION AND NUISANCE PREVENTION,



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 January 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(h) sign illumination and nuisance prevention, is hereby amended as follows:

(h) Sign Illumination and Nuisance Prevention

Illumination of all signs permitted in the Town must conform to the following restrictions:

- (1) Signs which are internally illuminated shall not face adjacent lands which are zoned for, or used as, single family or duplex use unless approved by the Town Board after consideration of whether the request would have a substantial adverse effect on adjacent residential property(ies). Factors to be considered shall include:
  - a. Distance between the proposed sign and existing or potential future single

- family or duplex residential uses;
  - b. Screening or buffers between the proposed sign and existing or potential future single family or duplex residential uses;
  - c. Size of the proposed sign; and
  - d. Whether the adjacent property(ies) are currently used for single family or duplex residential.
- (2) Signs shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties; shall not be flashing, revolving, blinking, strobe, or animated, except for the display of the time and temperature as approved by the Town Board.
  - (3) No illuminating element of any kind may be visually exposed.
  - (4) The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 foot candles of daytime (6:00 a.m. to 7:00 p.m.) candle power, nor 45 foot candles of nighttime (- 8:00 p.m. to 6:00 a.m.) candle power.
  - (5) Signs shall conform to the requirements of the COMM 16 (National Electrical Code).
  - (6) Signs shall not be constructed, operated, or maintained so as to constitute a nuisance to adjoining properties, or materially affect or detract from the value of the adjoining properties.

**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 11<sup>th</sup>, day of January, 2018.

TOWN BOARD, TOWN OF WAUKESHA,  
WAUKESHA COUNTY, WI

By: \_\_\_\_\_

*John Marek*  
John Marek, Town Chairman

ATTEST:

*Kathy Nickolaus*  
Kathy Nickolaus, Town Clerk-Treasurer

<p>RECEIVED 1/17/2018 DEPT OF PARKS &amp; LAND USE</p>
--