

ENROLLED ORDINANCE 173-076

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE
RELATING TO PLANNED UNIT DEVELOPMENTS (RZ23)

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 November 5, 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 relating to Planned Unit Developments, 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 RZ23, 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
RELATING TO PLANNED UNIT DEVELOPMENTS (RZ23)


Presented by:
Land Use, Parks, and Environment Committee



David D. Zimmermann, Chair

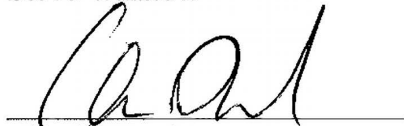

Kathleen M. Cummings


Keith Hammitt

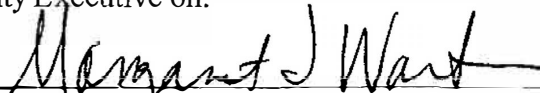

William A. Mitchell


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: January 22 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 1/29/19, 
Paul Farrow, County Executive

COMMISSION ACTION

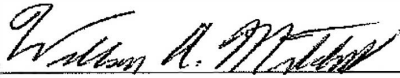
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Code hereby recommends **approval** of **RZ23 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

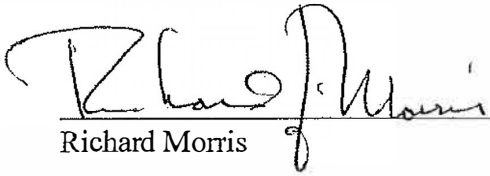
December 6, 2018

Absent

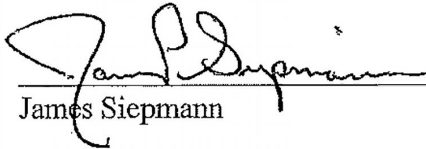
Robert Peregrine, Chairman



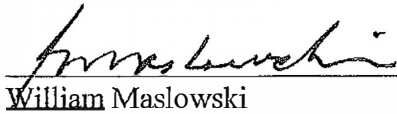
William Mitchell, Vice Chairman



Richard Morris



James Siepmann



William Maslowski



Thomas Michalski

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

FILE NO.: RZ23

DATE: December 6, 2018

PETITIONER: Town of Eagle Board
P.O. Box 327
Eagle, WI 53119

NATURE OF REQUEST:
Amend the Town of Eagle Zoning Code (Town Ordinance 2018-07) relating to Planned Unit Developments.

PUBLIC HEARING DATE:
November 5, 2018.

PUBLIC REACTION:
None

TOWN PLAN COMMISSION:
On November 5, 2018, the Town of Eagle Plan Commission unanimously recommended adoption of the proposed ordinance.

TOWN BOARD ACTION:
On November 5, 2018, the Town of Eagle Board unanimously approved the proposed ordinance.

OTHER CONSIDERATIONS:
In response to recent Conditional Use law changes, the Town of Eagle recently amended their zoning ordinance to temporarily reserve several Conditional Use sections within the code. That action was taken to allow the Town sufficient time to more comprehensively revise various Conditional Use provisions. The Town's Planned Unit Development standards are a stand-alone part of the Town Code, but such uses require a Conditional Use. The Town has now decided to also temporarily reserve this section of the code as they deliberate Conditional Use code amendment options further. Planned Unit Developments allow flexibility from conventional zoning standards and provide for unique designs by allowing clustering of lots to provide more open space or amenities.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that the proposed text amendments be **approved**. The proposed amendments are intended to be an interim measure with more comprehensive amendments planned in the future to more fully describe Conditional Use performance standards and conditions.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance 2018-07

ORDINANCE 2018-07

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING REGULATIONS RELATING TO PLANNED UNIT DEVELOPMENTS AND RELATED MATTERS

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 revise various sections of the adopted zoning code with regard to planned unit developments and related matters; and

WHEREAS, the proposed revisions are meant to allow the Town time to further review requirements for planned unit developments including the way in which they are reviewed; 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 joint 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 November 5, 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:

RECEIVED
11/06/2018
DEPT OF
PARKS & LAND
USE

Section 1. Division 3 of Article 6 of the zoning code is repealed and recreated to read as follows:

Division 3
Reserved.

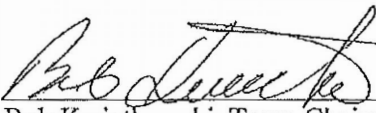
Section 2. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified 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.

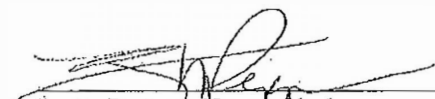
Adopted this 5th day of November 2018

TOWN OF EAGLE



Bob Kwiatkowski, Town Chairman

ATTEST:



Lynn Peppet, Town Clerk

Published and posted this ___ day of _____ 2018