

ENROLLED ORDINANCE 178-3

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY  
REVISING VARIOUS SECTIONS OF CHAPTER 500  
RZ112

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 January 3, 2023; 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 November 30, 2021, is hereby amended by revising various sections of Chapter 500, 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 RZ112, is hereby approved, as set forth in the Town of Eagle Ordinance No. 2023-01.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Eagle.

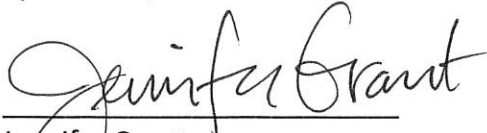
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY REVISING  
VARIOUS SECTIONS OF CHAPTER 500 RZ112

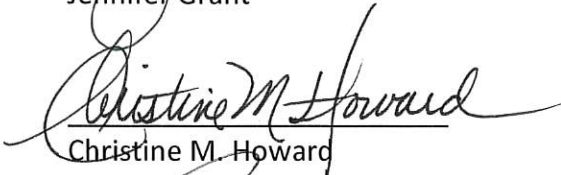
Presented by:  
Land Use, Parks, and Environment Committee



Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



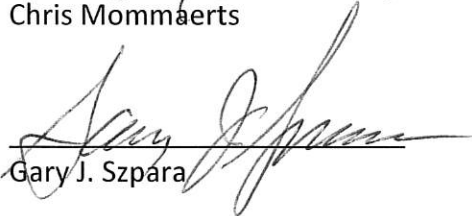
Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: May 1, 2023, Margaret Wartman  
Margaret Wartman, County Clerk

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

Approved: X

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


Date: May 1, 2023, Paul Farrow  
Paul Farrow, County Executive

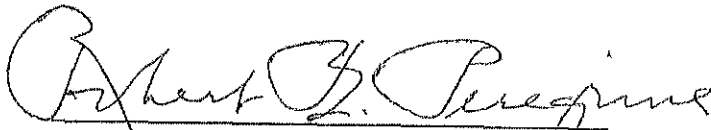
COMMISSION ACTION

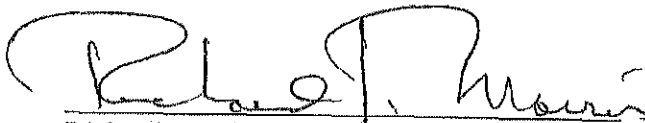
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends **approval** of **RZ112 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

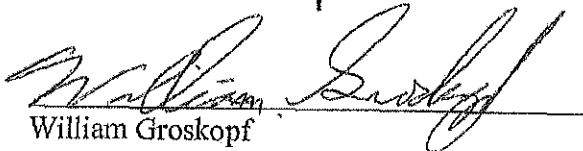
PARK AND PLANNING COMMISSION

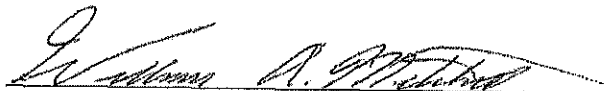
March 16, 2023

  
James Siepmann, Chairperson

  
Robert Peregrine

  
Richard Morris

  
William Groskopf

  
William Mitchell

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

**FILE NO:** RZ112  
**TAX KEY NUMBER:** N/A  
**DATE:** March 16, 2023  
**NAME OF PETITIONER:** Town Board of Eagle  
Eagle Town Hall  
P.O. Box 327  
820 East Main Street  
Eagle, WI 53119

**NATURE OF REQUEST:**  
Revise and amend various sections of Chapter 500 of the Town of Eagle Zoning Code.

**PUBLIC HEARING DATE:**  
January 3, 2023.

**PUBLIC REACTION:**  
A person attending the public hearing had questions regarding Section 9, Commercial Greenhouse, Section 21, Accessory Building, Section 22 Commercial Truck Parking and Section 25, Household Livestock. The questions were answered by the Town Planner.

**TOWN PLAN COMMISSION ACTION:**  
At their meeting of January 3, 2023, the Town of Eagle Plan Commission recommended approval of the proposed text amendments with minor amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their meeting of January 3, 2023, the Town of Eagle Board unanimously approved the proposed text amendments to Town of Eagle Zoning Code.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:**  
The county and town plans call for a variety of use types to be accommodated. The proposed text amendments are consistent with both plans.

**STAFF ANALYSIS:**  
The Town of Eagle is proposing to modify various standards of its zoning code. For instance, the changes add agricultural tourism, greenhouses and commercial truck parking as available conditional uses within the Rural Residential zoning district. A number of minor changes are proposed to various farm related accessory uses. Other changes relate to household livestock, solar equipment and driveway standards. The proposed changes are identified in track changes format (see attached town ordinance).

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of the Town of Eagle's request. The changes are fairly minor and provide modernized standards for various use types making review of such requests more efficient.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Town Ordinance No. 2023-01

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## AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted 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; 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 January 3, 2023; 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 finds that the recommended revisions to the Town's zoning regulations could be potentially interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in § 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; 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.** Include the definition listed below in section 500.41, to be placed in alphabetical order.

**Active farm operation** A property where the principal current and ongoing use of the property is crop production, animal production, or growing Christmas trees or ginseng. Land that was engaged in the preceding activities, but has been harvested at the end of the last possible production season, continues to be an active farm operation unless and until it fails to engage in production in the next production season or after a period of 12 months, whichever occurs first.

**Section 2.** Repeal and recreate section 500.112 to read as revised below.

**500.112 Nature of staff comments**

Statements and recommendations that are made by the zoning administrator, town staff and officials, and other representatives prior to or during the application review process are informational and are not shall not be binding on the decision-making body responsible for making the final decision.

**Section 3.** Create section 500.970 to read as follows.

**500.970 Landscape guarantee**

The property owner must provide a financial guarantee consistent with Article 5 to ensure the required landscaping survives the first two growing seasons. The amount of the guarantee must be 50 percent of the cost of the required plant materials.

**Section 4.** Repeal and recreate the first section in Appendix A to read as revised below.

	Type of Review	Base Zoning District												
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1
<b>1 Agriculture</b>														
1.01 Agriculture (35 acres or less)	-	-	-	-	P	-	P	-	-	-	-	-	-	-
1.02 Agriculture (more than 35 acres)	-	-	-	-	P	-	P	-	-	-	-	-	-	-
1.03 Agriculture related use	ZP	-	-	-	-	C	-	-	-	-	-	P	C	-
1.04 Agriculture, crop [14]	-	-	-	P	-	P	P	P	-	-	P	P	P	-
1.05 Agriculture, general	-	-	-	-	-	P	-	-	-	-	-	-	-	-
1.06 Agriculture, intensive	SP,PO,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-
1.07 Greenhouse	SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	P	P	P	-

**Section 5.** Repeal and recreate the second section in Appendix A to read as revised below.

	Type of Review	Base Zoning District												
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1
<b>2 Agri-Tourism</b>														
2.01 Agro-ecology center	BP,SP,PO,ZP	-	-	-	-	C	-	-	-	-	-	-	-	-
2.02 Bird hunting preserve	BP,SP,PO,ZP	-	C	C	-	C	-	-	-	-	-	-	-	-
2.03 Farm education	BP,SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.04 Farm recreation	BP,SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.05 Farm restaurant	BP,SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.06 Farm store	BP,SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.07 Fee fishing	SP,PO,ZP	-	C	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.08 Petting farm	BP,SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.09 U-Cut Christmas tree operation	SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-
2.10 U-Pick operation	SP,PO,ZP	-	-	-	-	C	<del>C</del>	-	-	-	-	-	-	-

**Section 6.** Remove Personal Storage Facility from the fifteenth section in Appendix A and renumber the remaining uses in that section.

**Section 7.** Repeal and recreate the eighteenth section in Appendix A to read as revised below.

	Type of Review	Base Zoning District													
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	T-1	
<b>18 Accessory Uses</b>															
18.01 Accessory building, non-residential [10]	ZP	P	-	-	-	-	-	-	P	P	P	P	P	-	
18.02 Accessory building, residential [7]	ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.03 Adult family home [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.04 Amateur radio and/or citizens band antenna [7]	ZP	-	-	-	P	P	P	P	P	P	P	P	P	-	
18.05 Backyard chickens	-	-	-	-	P	P	P	P	-	-	-	P	P	-	
18.06 Bed and breakfast [7,13]	SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.07 Bus parking	-	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.08 Commercial truck parking	-SP	-	-	-	-	C	-C	-	-	-	-	-	-	-	
18.09 Exterior communication device	-	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.10 Family day care home [7,13]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.11 Farm building for non-farm storage	BP,SP,PO,ZP	-	-	-	-	C	C	-	-	-	-	-	-	-	
18.12 Farm residence	ZP	-	-	-	-	P	P	-	-	-	-	-	-	-	
18.13 Fence	-	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.14 Foster home and treatment foster home [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.15 Home occupation, Type 1 [7]	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.16 Home occupation, Type 2 [7]	SP,PO,ZP	-	-	-	C	C	C	C	C	C	-	-	-	-	
18.17 Hot tub [7]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.18 Household livestock [7,13]	ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.19 In-law dwelling unit [7,13]	BP,SP,ZP	-	-	-	P	P	P	P	-	-	-	-	-	-	
18.20 Kennel, hobby [7,13]	SP,PO,ZP	-	-	-	C	C	C	-	-	-	-	-	-	-	
18.21 Kennel, private [7]	-	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.22 Light Industrial use incidental to sales/service	SP,PO,ZP	-	-	-	-	-	-	-	-	C	P	P	-	-	
18.23 Outdoor food and beverage service	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.24 Play structure [8]	-	-	-	-	P	P	P	P	P	P	P	P	-	-	
18.25 Pond	ZP	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	-	
18.26 Retaining wall, major	ZP	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	TC	-	
18.27 Retaining wall, minor	-	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.28 Rural accessory building [7]	-	P	-	-	-	-	P	P	-	-	-	-	-	-	
18.29 Sales incidental to Industrial use	SP,PO,ZP	-	-	-	-	-	-	-	-	-	P	P	C	-	
18.30 Service window, drive-up	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.31 Service window, walk-up	SP,PO,ZP	-	-	-	-	-	-	-	C	C	P	C	-	-	
18.32 Solar energy system, building-mounted	ZP	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.33 Solar energy system, free-standing	SP	P	P	-	P	P	P	P	P	P	P	P	P	-	
18.34 Storage container	SP	-	-	-	-	-	-	-	C	C	C	C	C	-	
18.35 Swimming pool [7,13]	ZP	-	-	-	P	P	P	P	P	P	-	-	-	-	
18.36 Utility cabinet	ZP	P	P	P	P	P	P	P	P	P	P	P	P	-	
18.37 Work/live dwelling unit	SP	-	-	-	-	-	-	-	C	C	C	-	-	-	



**Section 8.** Repeal and recreate the nineteenth section in Appendix A to read as revised below and renumber the subsequent uses accordingly.

	Type of Review	Base Zoning District												
		P-1	Q-1	C-1	UC	AP	RR	R-1	B-1	B-2	B-4	M-1	M-2	
<b>19 Temporary Uses</b>														
19.01 Earth materials stockpile	SP,PO	P	P	-	-	C	-	-	-	-	C	C	C	
19.02 Farmers market	SP,PO	P	-	-	-	C	-	-	-	C	C	C	-	
19.03 Farmstand, off-site	ZP	-	-	-	-	C	-	-	P	P	P	P	P	
19.04 Farmstand, on-site [13]	ZP	-	-	-	P	P	P	C	C	-	-	-	-	
19.05 Livestock for vegetation management	ZP	P	P	P	P	P	P	P	P	P	P	P	P	
19.06 Model home	ZP	-	-	-	P	-	P	P	-	-	-	-	-	
19.07 Off-site construction yard	SP,PO	C	C	-	-	-	-	-	-	-	C	C	C	
19.08 On-site construction office	SP,PO,ZP	-	-	-	-	-	P	P	P	P	P	P	P	
19.09 On-site construction yard	SP,PO,ZP	-	-	-	-	-	P	P	P	P	P	P	P	
19.10 Party tent	-	-	-	-	P	P	P	P	-	-	-	-	-	
19.11 Portable storage container	-	P	-	-	P	P	P	P	P	P	P	P	P	
19.12 Relocatable building	BP,SP,PO	C	-	-	-	-	-	-	C	C	C	-	-	
19.13 Seasonal product sales	ZP	C	-	-	-	C	-	-	C	P	P	C	-	
19.14 Special event	SP,PO	C	-	-	-	-	-	-	-	-	-	-	-	
19.15 Wind test tower	ZP	P	P	P	P	P	P	P	P	P	P	P	P	
19.16 Yard sale	-	P	-	-	P	P	P	P	P	P	P	-	-	

**Section 9.** Repeal and recreate series 1.07, titled “Greenhouse” in Appendix B to read as revised below.

**1.07 Greenhouse**

**Description:** A place where fruit, vegetables, flowers, and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight and/or artificial lighting. ~~For the purpose of this definition, a mushroom farm is considered a greenhouse.~~ Note: A greenhouse on a residential lot is considered an accessory building. See Series 18.

**Parking requirements:** 1 space for each employee on the largest work shift; plus parking for customers determined on a case-by-case basis

**Development Requirements:**

- (a) Minimum lot area. The minimum lot area for a greenhouse is 5 acres.
- (b) Construction. A greenhouse shall have 50 percent or more of transparent surfaces.
- (c) Number. A greenhouse that has an overall height of more than 9 feet counts as a building and is subject to the limitation on the number of accessory buildings allowed under the base zoning standards.
- (d) Floor area. The floor area of all greenhouses shall not exceed 2.5 percent of the lot area, provided the floor area complies with the building coverage standards referenced in Section 500.558.
- (e) Retail sales. Plants grown on site in a greenhouse may be sold on site at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants. The type of merchandise shall be enumerated in the Town’s approval.
- (f) Use of artificial lighting. If artificial lighting is used in the growing operation, the operator shall ensure such lighting does not cause a negative impact on surrounding properties.
- (g) Maintenance. A greenhouse shall be kept in a good condition.

(h) Storage. A greenhouse may be used to store tools and equipment specifically related to the greenhouse operation. Other storage of any kind is strictly prohibited.

(i) Periodic review. If the greenhouse is covered with a non-durable material, such as plastic sheeting, the Town's approval shall expire 12 months after issuance of the approval. Prior to such expiration, the Town Board upon recommendation of the Plan Commission may grant an extension of a specified period, but not more than 3 years. In reviewing a renewal request, the Plan Commission and Town Board should consider the extent to which the greenhouse complies with the Town's approval and this part.

(j) Not in a subdivision. This use may not be located within a platted residential subdivision.

(k) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 10.** Repeal and recreate series 2.03, titled "Farm education" in Appendix B to read as revised below.

### **2.03 Farm education**

**Description:** Farm tours and how-to clinics or classes related to farming, farm life, or food (e.g., gardening, cooking, canning produce, jam-making, candle making, soap making, flower arranging, quilting).

**Parking Requirements:** Determined on a case-by-case basis

#### **Supplemental Standards:**

(a) Validity of use. Farm education must be operated as an ancillary use in conjunction with an active farm operation.

~~(b) Minimum lot area. The minimum lot area for farm education is 10 acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.~~

(be) Subordinate to other farm uses. Any building that is constructed to house clinics or classes shall be clearly subordinate to the other farm buildings on the property.

(cd) Parking. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Group limitations. For any parcel that is 10 acres or smaller, the maximum number of people coming to the property is 25 at any point in time. For any parcel larger than 10 acres, the maximum number of people coming to the property is 50 at any point in time, except the Town Board may allow a larger number, but not more than 100, as part of the conditional use review process.

(e) Frequency of events. For any parcel that is 10 acres or smaller, the maximum number of events in a calendar week is 1. For any parcel larger than 10 acres, the maximum number of events in a calendar week is 2. For the purpose of this subsection, an event shall not exceed a 12-hour period of time.

(fe) Special provisions in AP district. When located in the AP zoning district, farm education must also comply with the requirements set forth in s. 505.226.

(gf) Application fee. This use is classified as a Type 12 conditional use in the fee schedule when the property is 10 acres or smaller. This use is classified as a Type 2 conditional use in the fee schedule when the property is larger than 10 acres.

**Section 11.** Repeal and recreate series 2.04, titled “Farm recreation” in Appendix B to read as revised below.

**2.04 Farm recreation**

**Description:** One or more of the following or similar activities: sleigh/hay rides, corn maze, haunted house, ropes course, pumpkin cannons, zip lines, paint ball courses, and obstacle courses.

**Parking Requirements:** Determined on a case-by-case basis

**Supplemental Standards:**

(a) Validity of use. Farm recreation must be operated as an ancillary use in conjunction with an active farm operation.

(b) Minimum lot area. The minimum lot area for farm recreation is 20 acres when located in the AP zoning district and 35 acres when located in the RR zoning district. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.

(c) Activity areas. Activity areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Parking. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(e) Hours of operation. When allowed as a conditional use, the business may be only operated from 8:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(f) Not in a subdivision. This use may not be located within a platted residential subdivision.

(g) Special provisions in AP district. When located in the AP zoning district, farm recreation must also comply with the requirements set forth in s. 500.226.

(h) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 12.** Repeal and recreate series 2.05, titled “Farm restaurant” in Appendix B to read as revised below.

**2.05 Farm restaurant**

**Description:** A place where food and beverages are offered for retail sale primarily for on-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A farm restaurant may also prepare food as part of a catering business.

**Parking Requirements:** Determined on a case-by-case basis

**Supplemental Standards:**

(a) Validity of use. A farm restaurant must be operated as an ancillary use in conjunction with an active farm operation.

(b) Minimum lot area. The minimum lot area for a farm restaurant is 35 acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.

- (c) Subordinate to other farm uses. Any building that is constructed for a farm restaurant shall be clearly subordinate to the other farm buildings on the property.
- (d) Road access. The property with a farm restaurant shall front on and have access to a major road as depicted on the adopted zoning map.
- (e) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (f) Hours of operation. When allowed as a conditional use, the business may be only operated from 5:00 am to 9:00 pm. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.
- (g) Special provisions in AP district. When located in the AP zoning district, a farm restaurant must also comply with the requirements set forth in s. 500.226.
- (h) Seating capacity. Seating capacity is limited to 24, except the Town Board may establish a larger number through the conditional use review process.
- (i) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.
- (j) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 13.** Repeal and recreate series 2.06, titled "Farm store" in Appendix B to read as revised below.

#### **2.06 Farm store**

**Description:** A retail outlet that features agricultural products and goods derived from the farm on which the farm store is located and other farms in the region. Non-agriculturally related products such, as T-shirts, other clothing, and knick-knacks, may be offered so long as such products are clearly subordinate in number and scale to the featured agricultural products and goods.

**Parking Requirements:** Determined on a case-by-case basis

#### **Supplemental Standards:**

- (a) Validity of use. A farm store must be operated as an ancillary use in conjunction with an active farm operation.
- (b) Minimum lot area. The minimum lot area for a farm store is ~~35~~20 acres. The acreage of adjoining parcels, which are part of a single farm entity as determined by the Town Board, may be combined for the purpose of meeting the minimum lot size requirements.
- (c) Subordinate to other farm uses. Any building that is constructed for a farm store shall be clearly subordinate to the other farm buildings on the property.
- (d) Road access. The property with a farm store shall front on and have access to a major road as depicted on the adopted zoning map.
- (e) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (f) Hours of operation. When allowed as a conditional use, the business may be only operated from 8:00 am to 9:00 pm. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(g) Special provisions in AP district. When located in the AP zoning district, a farm store must also comply with the requirements set forth in s. 500.226.

(h) Not in a subdivision. This use may not be located within a platted residential subdivision.

(i) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 14.** Repeal and recreate series 2.07, titled “Fee fishing” in Appendix B to read as revised below.

**2.07 Fee fishing**

**Description:** An operation that provides the opportunity for anglers to pay a fee for the right to fish on a farm.

**Vehicle Parking:** Determined on a case-by-case basis

**Supplemental Standards:**

(a) Minimum lot area. The minimum lot area for fee fishing is 10 acres.

(b) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.

(c) Activity areas. Activity areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(e) Hours of operation. When allowed as a conditional use, the business may be only operated from 8:00 ~~am~~ 30 minutes before sunrise to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(f) Special provisions in AP district. When located in the AP zoning district, fee fishing must also comply with the requirements set forth in s. 500.226.

(g) Not in a subdivision. This use may not be located within a platted residential subdivision.

(h) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

**Section 15.** Repeal and recreate series 2.08, titled “Petting farm” in Appendix B to read as revised below.

**2.08 Petting farm**

**Description:** An operation where the public is invited to pet and touch farm animals, but not exotic animals.

**Vehicle Parking:** Determined on a case-by-case basis

**Supplemental Standards:**

(a) Validity of use. A petting farm must be operated as an ancillary use in conjunction with an active farm operation.

(b) Minimum lot size. The minimum lot size for a petting farm is 10 acres.

(c) Limitation on guests. The number of guests at any point in time shall not exceed 1 guest for each livestock allowed on the property, except the Town Board may allow a larger number as part of the conditional use review process, but not more than 5 per livestock.

(d) Number of livestock. The number of livestock shall not exceed the number otherwise allowed on the subject property.

(e) Road access. The property with a petting farm shall front on and have access to a major road as depicted on the adopted zoning map.

(f) Location of buildings. A building that houses animals shall be located at least 50 feet from any lot line.

(g) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(h) Special provisions in AP district. When located in the AP zoning district, a petting farm must also comply with the requirements set forth in s. 500.226.

(i) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.

(j) Not in a subdivision. This use may not be located within a platted residential subdivision.

(k) Licensing and other approvals. Prior to establishing this use, the property owner shall obtain any licenses and other approvals as may be established by Waukesha County and the state of Wisconsin.

(l) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 16.** Repeal and recreate series 2.09, titled "U-Cut Christmas tree operation" in Appendix B to read as revised below.

**2.09 U-Cut Christmas tree operation**

**Description:** A place where customers can harvest their own Christmas tree.

**Vehicle Parking:** Determined on a case-by-case basis

**Supplemental Standards:**

(a) Minimum lot size. The minimum lot size for a U-cut Christmas tree operation is ~~35~~10 acres.;

(b) Ancillary retail sales. Aside from the sale of Christmas trees and wreaths, no other retail sales are allowed.

(c) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.

(d) Special provisions in AP district. When located in the AP zoning district, a U-cut Christmas tree operation must also comply with the requirements set forth in s. 500.226.

(e) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset.

(f) Not in a subdivision. This use may not be located within a platted residential subdivision.

(g) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

**Section 17.** Repeal and recreate series 2.10, titled “U-Pick operation” in Appendix B to read as revised below.

**2.10 U-Pick operation**

A farm operation where customers can pick or harvest fruits and vegetables directly from the plants grown on the premises.

**Vehicle Parking:** Determined on a case-by-case basis

**Supplemental Standards:**

- (a) Minimum lot area. The minimum lot area for a u-pick operation is 10 acres.
- (b) Ancillary retail sales. Aside from the sale of products grown on site, no other retail sales are allowed.
- (c) Parking areas. Parking areas shall be located and configured so as to minimize potential conflicts with surrounding properties.
- (d) Special provisions in AP district. When located in the AP zoning district, a U-pick operation must also comply with the requirements set forth in s. 500.226.
- (e) Hours of operation. The use may only operate from 9:00 am to 30 minutes past sunset. The Town Board may, however, allow extended hours as a special exception after reviewing the location of the use on the subject property and/or proximity to other existing and potential land uses.
- (f) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (g) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

**Section 18.** Repeal and recreate series 3.01, titled “Dam” in Appendix B to read as revised below.

**3.01 Dam**

**Description:** An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

**Parking Requirements:** 1 space for each employee on the largest work shift

**Supplemental Standards:**

- (a) State and federal compliance. A dam ~~constructed after March 28, 2017,~~ shall comply with all state and federal rules and regulations.
- (b) Removal. A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.
- (c) Safety. The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.
- (d) Unsafe conditions. If it is determined that a dam is unsafe or otherwise defective, the administrator shall follow the procedure outlined in article 6 relating to unsafe conditions.
- (e) Termination of use. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 6 relating to the termination of an approval.
- (f) Special provisions in AP district. when located in the AP zoning district, a dam shall also comply with the requirements set forth in s. 500.226.

(g) Application fee. This use is classified as a Type 2 conditional use in the fee schedule.

**Section 19.** Repeal and recreate series 6.01, titled "Campground" in Appendix B to read as revised below.

**6.01 Campground**

**Description:** A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.

**Parking requirements:** 1 space at each camping space; plus 1 space at the office, if one is provided, for each 15 camping spaces

**Development Requirements:**

- (a) Minimum lot size. The minimum lot size for a campground is 20 acres.
- (b) Continuing maintenance. The owner of the campground shall maintain the campground in a clean and sanitary manner.
- (c) Accessory facilities. Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by nonoccupants.
- (d) Density. The density shall not exceed 2.5 campground spaces per acre (gross).
- (e) Access. Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
- (f) Setbacks from lot line. A campground space shall be no closer than 40 feet to the perimeter lot line of the site.
- (g) Solid waste collection. An off-street area for the collection of solid waste (trash) shall be provided within a campground.
- (h) Sanitation. Onsite wastewater treatment facilities must be shown on the approved site plan and must be located to minimize the impact to surrounding properties.
- (i) Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
- (j) Emergency shelter. A campground with 8 or more camping spaces shall provide an on-site emergency shelter of sufficient size and construction for campers during a severe weather event.
- (k) State license. Prior to the establishment of a campground, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.

**Section 20.** Remove Personal Storage Facility from the fifteenth section in Appendix B and renumber the remaining uses in that section.



**Section 21.** Repeal and recreate series 18.08, titled "Commercial truck parking" in Appendix B to read as revised below.

**18.08 Commercial truck parking**

**Description:** The parking and the storage of commercial type vehicles such as dump trucks, construction vehicles, and semi-trailers and tractors, and related equipment on a residential parcel as an accessory use.

**Parking requirements:** On-site parking not required

**Development Requirements:**

- (a) Minimum lot size. The minimum lot size for commercial truck parking is 5 acres in the AP zoning district and 35 acres in the RR zoning district.
- (b) Ownership requirements. All commercial motor vehicles and related equipment authorized under this part shall be owned and/or leased and operated by the owner or occupant of the premises.
- (c) Vehicle and equipment requirements. All commercial motor vehicles and related equipment authorized under this part shall be (1) licensed, if required by the state of Wisconsin or federal government; (2) fully operational; and (3) in active use.
- (d) Road access. The parcel used for commercial truck parking shall front on and have direct access to a state highway or a county trunk highway major road as depicted on the adopted zoning map.
- (e) Number. In the AP zoning district, no more than one commercial motor vehicle shall be parked or stored on the premises and no more than two additional construction vehicles, such as backhoes, front end loaders, and grading equipment, shall be allowed. Where considered appropriate due to trailer height, length, or parking location, two trailers may be allowed, but in no case may there be more than one semi-tractor or "cab" unit. In the RR zoning district, no more than one commercial motor vehicle shall be parked or stored on the premises.
- (f) Special dimensional standards. No such vehicle shall be allowed to be parked or stored closer than 50 feet to any adjacent lot line, and not closer than 100 feet from the base setback line. In the case of refrigerator trucks, the refrigeration unit may not be operated in the open if said truck is parked closer than 500 feet to the nearest neighboring residential property line.
- (g) Periodic review. The conditional use permit should be reviewed by the Town Board at least every 2 years to determine whether the terms of the approval are being met and whether the use is still compatible with the adjacent land uses. The failure of the Town Board to review the conditional use as specified in this part shall not limit the authority of the Town Board to act as authorized. If the Town Board determines that the terms of the approval are not being met, the Town Board shall initiate enforcement proceedings to ensure compliance. If it is determined that the use is no longer compatible with adjacent land uses, the conditional use permit may be revoked in accordance with the revocation procedures in this code.
- (h) Indoor storage. When allowed in the RR district, the commercial vehicle allowed under this part shall be kept inside of an enclosed building indoors from 10:00 pm to 6:00 am. Pursuant to the procedures and requirements in Article 6, the town board may approve a special exception to allow outdoor parking. The plan commission in making its recommendation and the town board in making its decision shall consider (1) the size of the subject property, (2) the location where the commercial vehicle would be kept, (3) the type of commercial vehicle being kept, (4) the extent to which the commercial vehicle would be visible from public and private streets and other properties in the area, (5) the character of the area, (6) other factors related to relevant circumstances.
- (i) Special provisions in AP district. When located in the AP zoning district, commercial truck parking must also comply with the requirements set forth in s. 91.01(1), Wis. Stats.

- (j) Not in a subdivision. This use may not be located within a platted residential subdivision.
- (k) Single use. If an owner is approved for this use, the owner may not also obtain approval for bus parking as may be allowed under this code.
- (l) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.

**Section 22.** Repeal and recreate series 18.15, titled "Home occupation" in Appendix B to read as revised below and revise the numbering accordingly.

**18.15 Home occupation, Type 1**

**Description:** An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the residential premises as an accessory use, but excludes any activity that creates, transfers, or produces physical products for sale or resale. The term does not include hobbies or similar noncommercial activities.

**Vehicle Parking:** additional parking not required~~1 space for each company vehicle, if any~~

**Supplemental Standards:**

- (a) Validity of use. The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.
- (b) Location and space limitation. The home occupation ~~must~~ may occur within the dwelling unit ~~or within an accessory building located on the lot, or both.~~ The space specifically designated for use of the home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.
- (c) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.
- (d) Storage of materials. Exterior storage of materials or equipment is ~~prohibited~~ allowed, but shall be screened from view from any adjoining parcel in a residential zoning district.
- (e) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit ~~and one individual not living in the dwelling unit.~~
- (f) Retail sales. On-site retail sale of merchandise is prohibited.
- (g) ~~Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.~~
- (g) Nuisance. A home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.
- (h) Prohibited uses. The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.
- (i) Special exception for an operator with a disability. Consistent with the procedures and requirements of article 6 of this chapter, the plan commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.
- (j) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(k) Special provisions in AP district. When located in the AP zoning district, a home occupation must comply with the requirements set forth in s. 91.01(1), Wis. Stats.

**Section 23.** Create a new use in the Accessory Uses section of Appendix B, titled "Home occupation, Type 2 to read as set forth below and revise the numbering accordingly.

**18.16 Home occupation, Type 2**

**Description:** An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the residential premises as an accessory use. The term does not include hobbies or similar noncommercial activities.

**Vehicle Parking:** 1 space for each company vehicle, if any

**Supplemental Standards:**

(a) Validity of use. The individual primarily responsible for operation of the home occupation shall reside in a dwelling unit on the parcel.

(b) Location and space limitation. The home occupation may occur within the dwelling unit or within an accessory building located on the lot, or both. The space specifically designated for use of the home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

(c) Exterior character of building. The exterior character of the building housing the home occupation shall not be altered to accommodate such use.

(d) Limitation on number of on-site workers. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.

(e) Retail sales. On-site retail sale of merchandise is prohibited.

(f) Limitations on business vehicles. The use shall not involve the use of a commercial vehicle for more than occasional delivery of materials to or from the premises.

(g) Nuisance. A home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

(h) Prohibited uses. The following uses do not qualify as a home occupation: veterinary services, medical offices, animal boarding or grooming, barber or hair care with 3 or more chairs, restaurant, vehicle repair, motor vehicle body work, or other similar activities.

(j) Special exception for an operator with a disability. Consistent with the procedures and requirements of article 6 of this chapter, the plan commission may approve a special exception to any of the requirements in this section when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.

(k) Multiple home occupations. Multiple home occupations may be permitted on a single lot provided all of the general requirements set forth in this section can be met based on an accumulation of activities.

(l) Special provisions in AP district. When located in the AP zoning district, a home occupation must comply with the requirements set forth in s. 91.01(1), Wis. Stats.

**Section 24.** Repeal and recreate series 18.17, titled "Household livestock" in Appendix B to read as revised below.

**18.17 Household livestock**

**Description:** A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes.

Note: Also see backyard chickens in this Series, which are allowed on parcels that are 3 acres or smaller.

**Parking Requirements:** On-site parking not required

**Development Requirements:**

- (a) Minimum lot size. The minimum lot size for household livestock is 3 acres.
- (b) Number of animals. The number of animals shall not exceed one grazing animal for each full acre plus 10 fowl for each full acre.
- (c) Prohibited animals. The following are not permitted on parcels smaller than 35 acres: hogs; intact male goats; roosters; or fur-bearing animals, other than rabbits.
- (d) Location of new buildings. A building that houses household livestock shall not be located within a floodplain or closer than 100 feet to the ordinary high-water mark of a navigable body of water.
- (e) Special standards for hogs. Hogs are allowed provided the number does not exceed one-third of the total number of livestock allowed on the property. For example, if 3 livestock are allowed on a property, 1 may be a hog. Hogs shall be kept at least 75 from all lot lines.
- (ed) Fencing. Any area where poultry, domestic livestock, or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
- ~~(fe) Buildings not a structure. A loafing shed is not counted as an accessory building, provided (1) the floor area is not more than 240 square feet, (2) it is located within a fenced enclosure, (3) it is constructed so it can be easily moved to another location (i.e., its moveable), (4) it is constructed of exterior building materials similar to the horse barn/stable, and (5) the number of loafing sheds is limited to the following: 3 to 5 acres - 1; 5.1 to 10 acres - 2; 10.1 to 20 acres - 3; and 20.1 to 35 acres - 4. In the event there are no livestock kept on the property for 6 consecutive months or more, all loafing sheds must be moved off the subject property or kept inside of an accessory building on the property. A loafing shed shall not be used for storage of any kind.~~

**Section 25.** Repeal and recreate series 18.32, titled “Solar energy system, free-standing” in Appendix B to read as revised below.

**18.32 Solar energy system, free-standing**

**Description:** An installation that uses sunlight to produce electricity or provide heat or hot water to a building. For the purposes of this code, a solar energy system may be classified as a free-standing system or a building-mounted system.

**Parking Requirements:** On-site parking not required

**Supplemental Standards:**

- ~~(a) Surface area. The surface area of a free-standing solar energy system shall not exceed 120 square feet when located in one of the following zoning districts: UC, R-1, R-L, B-1, and B-2. The surface area of a free-standing solar energy system shall not exceed 200 square feet when located in one of the following zoning districts: P-1, Q-1, AP, RR, B-4, M-1, and M-2. The surface area of a free-standing solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.~~
- ~~(b) Number. There shall be no more than one free-standing solar energy system on a parcel of land.~~

(be) Maximum height. A free-standing solar energy system shall not exceed 15 feet in height as measured from the surrounding grade.

(ce) Setback. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in article 6, the Town Board may approve a special exception to allow a free-standing solar energy system to extend into a setback, offset, or buffer yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(de) Placement in yards. A free-standing solar energy system located in a residential or business zoning district shall only be located in the rear or side yard. Pursuant to the procedures and requirements in article 6 of this chapter, the Town Board may approve a special exception to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or manufacturing zoning may be located in any yard area.

(ef) Certification. A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(fg) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(gh) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 6 of this code relating to the termination of an approval.

(hi) Compliance with state law. The provisions in this part are intended to satisfy the requirements of s. 66.0401(1m), Wis. Stats. On a case-by-case basis, if the restrictions of this part are found not to comply with the authority of s. 66.0401(1m), Wis. Stats., they shall not be required. The Town Board shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the town pursuant to s. 66.0401(1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

**Section 26.** Insert "Livestock for vegetation management" in series 19 in Appendix B in alphabetical order and revise the series number of the uses that follow in that section.

**19. Livestock for vegetation management**

Keeping of sheep and/or goats on a temporary basis for controlling undesirable plant species such as buckthorn, honeysuckle, invasive rose, garlic mustard, and reed canary grass.

**Vehicle Parking:** On-site parking not required

**Development Requirements:**

(a) Vegetation management plan. A vegetation management plan must be submitted that describes (1) the areas to be treated; (2) the nature and extent of the plant species to be controlled; (3) the number of livestock being used; (4) the time periods when livestock will be used, not to exceed 30 days in a

calendar year; (5) the type of fencing used, and (6) other operating characteristics. The Town reserves the right to request a third-party review of the proposed management plan.

(b) Buildings. No permanent buildings may be erected or installed on the subject property for housing the livestock.

(c) Fencing. Fencing may be temporarily installed while livestock are kept on the subject property.

**Section 27.** Repeal and recreate Section 500.605 to read as revised below.

**500.605 Driveways**

(a) **Generally.** Every new residence, commercial building, or industrial building shall have a driveway that connects the dwelling-unit building to a public or private street as set forth in this section. The driveway shall be suitable for automobile use, and provide adequate slope, width, and overhead clearance to allow uninhibited access by emergency vehicles and equipment.

(b) **Clearance.** Prior to issuance of an occupancy permit, the property owner must establish a minimum unobstructed width of 12 feet and a minimum unobstructed vertical clearance of 15 feet. Thereafter, the property owner is responsible for maintaining such clearances.

(c) **Grade.** The grade of a driveway shall not exceed 10 percent.

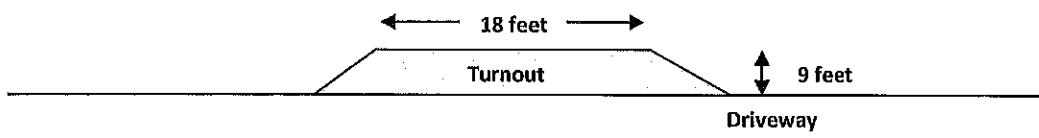
(d) **Turning radius.** The driveway must accommodate a WB-50 vehicle. If there is a question whether a proposed driveway will satisfy this requirement, the property owner shall supply a turning movement analysis prepared by a qualified professional.

(d) **Offsets.** The edge of a driveway shall not be closer than 5 feet to the side- or rear-lot lines.

(e) **Turnaround near building.** If the length of a private driveway is more than 300 feet, a hard-surfaced turnaround must be provided within 50 feet of the building.

(f) **Turnouts.** If the length of a private driveway is more than 300 feet, hard-surfaced turnouts, as shown below, must be provided at intervals not exceeding 400 feet along the driveway's length.

Figure: Standards for a turnout (not to scale)



(g) **Number.** No more than one driveway shall access onto a public road. The plan commission may however allow a second driveway as a special exception consistent with the procedures and requirements in article 6 of this chapter.

**Section 28.** Repeal and recreate Appendix C to read as revised in Exhibit 1, attached hereto.

**Section 29.** Amend the zoning map by changing the designation of Parcel number EGLT1791998 from P-1 to RR.

**Section 30.** 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

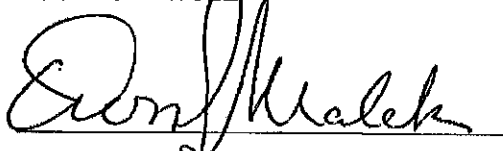
decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**Section 31.** 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 32.** 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.

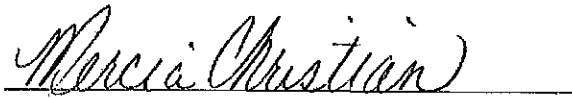
Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 3<sup>rd</sup> day of January 2023

TOWN OF EAGLE



Don Malek, Town Chairman

ATTEST:



Mercia Christian, Town Clerk

Published and posted this \_\_\_ day of \_\_\_\_\_ 2023

Exhibit 1.

Appendix C. Dimensional standards for lots

Zoning District	Minimum Area s. 500.552	Lot Density s. 500.554	Minimum Lot Width s. 500.555	Minimum Lot Frontage s. 500.556	Minimum Residential Living Area [1] s. 500.557(A)	Maximum Residential Garage Area s. 500.557(B)	Maximum Building Coverage s. 500.568	Building Height Maximum [2] s. 500.559	Minimum Setback [3,11,12] s. 500.560	Minimum Offset [4,5,12] s. 500.561	Maximum Number of Accessory Buildings [6] s. 500.566	Maximum Area and Distance s. 500.565
Public (P-1) District	40,000 sq. ft.	Not applicable	150 ft.	33 ft.	--	--	30 percent	Principal: 35 ft. Accessory: 20 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Quarry (Q-1) District	10 ac.	Not applicable	200 ft.	33 ft.	--	--	5 percent	Principal: 35 ft. Accessory: 60 ft.	See s. 500.563	See s. 500.563	Not applicable	Not applicable
Conservancy (C-1) District	--	Not applicable	--	33 ft.	--	--	--	--	--	--	Not applicable	Not applicable
Upland Conservancy (UC) District	3 ac.	1 du per 5 acres	Less than 8 acres: 200 ft. 8 acres or more: 300 ft.	33 ft.	Single-family: 1,500 sq ft with at least 900 sq ft on first floor	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	50-30 ft.	2, plus a minor shed not exceeding 150 sq ft	See s. 500.568
Agricultural Land Preservation (AP) District	35 ac. subject to s. 500.552(C)	Not applicable	600 ft.	33 ft.	Single-family: 1,500 sq ft with at least 900 sq ft on first floor	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Nonfarm Principal: 35 ft. Nonfarm Accessory: 19 ft. Farm Principal & Accessory: 60 ft. [7]	50 ft.	50 ft.	Not applicable	Not applicable
Rural Residential (RR) District	3 ac.	1 du per 3 acres	200 ft.	33 ft.	Single-family: 1,500 sq ft with at least 900 sq ft on first floor; Duplex: 850 sq ft per unit	Attached: 60 percent of floor area of residence Detached: 5 percent of lot area	15 percent	Principal: 35 ft. Accessory nonfarm: 18 ft. [7] Accessory farm: 60 ft.	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	30 ft.	Less than 35 acres; 2, plus a minor shed not exceeding 150 sq ft [8] 35 acres or more: 2, plus a minor shed not exceeding 150 sq ft [8] 3, plus a minor shed not exceeding 150 sq ft [8] 4, plus a minor shed not exceeding 150 sq ft [8] 5, plus a minor shed not exceeding 150 sq ft [8] 6, plus a minor shed not exceeding 150 sq ft [8] 7, plus a minor shed not exceeding 150 sq ft [8] 8, plus a minor shed not exceeding 150 sq ft [8] 9, plus a minor shed not exceeding 150 sq ft [8] 10, plus a minor shed not exceeding 150 sq ft [8] 11, plus a minor shed not exceeding 150 sq ft [8] 12, plus a minor shed not exceeding 150 sq ft [8] 13, plus a minor shed not exceeding 150 sq ft [8] 14, plus a minor shed not exceeding 150 sq ft [8] 15, plus a minor shed not exceeding 150 sq ft [8] 16, plus a minor shed not exceeding 150 sq ft [8] 17, plus a minor shed not exceeding 150 sq ft [8] 18, plus a minor shed not exceeding 150 sq ft [8] 19, plus a minor shed not exceeding 150 sq ft [8] 20, plus a minor shed 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not exceeding 150 sq ft [8]	Not applicable
Residential (R-1) District	1 ac.	1 du per acre	Corner lot: 180 ft. Other lots: 150 ft.	33 ft.	Single-family: 1,200 sq ft with at least 720 sq ft on first floor; Duplex: 850 sq ft per unit; Multi-family: 800 sq ft for one bedroom, 700 sq ft for two bedrooms, 800 sq ft for three bedrooms, 900 sq ft for four or more bedrooms, plus 100 sq ft for each additional bedroom over four	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	10 percent	Principal: 35 ft. Accessory: 18 ft. [7]	50 ft or 35 ft if lots in a residential development established after January 1, 2017 and lots served by a town road	20 ft.	2, plus a minor shed not exceeding 150 sq ft	Not applicable
Neighborhood Business (B-1) District	25,000 sq. ft.	Not applicable	Corner lot: 180 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sq ft for one bedroom, 700 sq ft for two bedrooms, 800 sq ft for three bedrooms, plus 100 sq ft for each additional bedroom over four	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Local Business (B-2) District	30,000 sq. ft.	Not applicable	Corner lot: 180 ft. Other lots: 120 ft.	33 ft.	Multi-family: 600 sq ft for one bedroom, 700 sq ft for two bedrooms, 800 sq ft for three bedrooms, plus 100 sq ft for each additional bedroom over four	Attached: 60 percent of floor area of residence Detached: 3 percent of lot area	30 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	10 ft.	Not applicable	Not applicable
Mixed Business (B-4) District	40,000 sq. ft.	Not applicable	Corner lot: 180 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 35 ft. Accessory: 20 ft.	50 ft.	20 ft.	Not applicable	Not applicable
Limited Industrial (M-1) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	50 percent	Principal: 45 ft. Accessory: 45 ft.	50 ft.	10 ft.	Not applicable	Not applicable
General Industrial (M-2) District	1 ac.	Not applicable	Corner lot: 190 ft. Other lots: 150 ft.	33 ft.	--	--	60 percent	Principal: 60 ft. Accessory: 60 ft.	50 ft. [10]	10 ft.	Not applicable	Not applicable

Notes:

Referred to: 03/21/23

File Number: 178-O-004

Referred to: LU 23



1. Both of the required floor areas shall be increased by 200 square feet for any building not having a basement with a floor area of at least 300 square feet.
2. In the event of a building (e.g., governmental office, or school) may exceed the height limitation established for the zoning district, up to a maximum height of 50 feet, provided the minimum required setbacks and offsets are increased one foot for each additional foot of height in excess of the permitted maximum of that district.
3. In certain circumstances, the minimum setback may be less than what is stated if setback averaging applies. See s. 550.560(C) for applicable standards.
4. Where a lot abuts a zoning district boundary line, the offset shall be the offset as specified for the district, or the offset of the other district, whichever is greater.
5. If a lot or record has a minimum average width less than that required, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided the actual minimum average width and the required minimum average width are less than 10 feet, except offsets for detached accessory buildings on lots of 100 feet in width or less may be reduced to 5 feet.
6. Any boathouse or any accessory building less than 150 square feet in floor area shall not be counted with regard to the maximum number of accessory buildings. Examples of accessory buildings include boathouses, sheds, and detached garages.
7. Pursuant to the procedures and requirements contained in article 6 of this code, the plan commission may grant a special exception to exceed the stated maximum height provided the setback is increased one foot for each additional foot in height up to a maximum of 10 additional feet. The plan commission may require screening to break up the view of the accessory building from adjacent properties or from a public road.
8. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more accessory buildings than what is specified when one or more of the accessory buildings on a lot are designated as a rural accessory building.
9. Pursuant to the procedures and requirements contained in article 6 of this chapter, the plan commission may allow more than the specified floor area when one or more of the accessory buildings on a lot are designated as a rural accessory building.
10. When property directly across the road of the subject property is in a special, agricultural, or residential zoning district, the setback shall be 100 feet.
11. The minimum setback may be more than what is stated if ch. Trans 233, Wis. Admin. Code applies.
12. In the event a parcel does not front on a public road, the Town Board with a recommendation of the Plan Commission, may upon petition review the nature of the lot to determine if there should be a front yard, and/or how the other yards should be so designated for the purposes of this code. In making such determination, the following factors should be considered: (1) size of the property; (2) the nature of the use to be regulated by the yard designations; (3) proximity of the lot to the road along with the type of road (main, private, Town, etc.); (4) size and zoning of surrounding properties; (5) visibility to the neighbors and the road; (6) preservation of the rural character and natural resources of the Town; and (7) available alternatives for the purpose proposed.

Amendment(s): Revised by Ordinance 2021-103

# VOTE RESULTS

24 YES | 0 NO | 0 ABSTAIN | 1 ABSENT

## Ordinance 178-O-004

Ordinance 178-O-004: Amend The Text Of The Town Of Eagle Zoning Code By Revising Various Sections Of Ch

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	ABSENT	D14 - Mommarts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

1st Meeting, 178th Year of the County Board Supervisors - April 25 2023 07:28:21 PM  
April 25 2023



# ORDINANCE ADMINISTRATIVE FACT SHEET

Title of O/R:	AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY REVISING VARIOUS SECTIONS OF CHAPTER 500 RZ112	
Submitting Department:	Parks and Land Use – Planning & Zoning	
Department Contact(s): (Include dept. manager or staff who has worked on this ordinance in addition to the dept. head)	Dale Shaver, Director Jason Fruth, Planning Manager	
Who will appear at committee meetings?	Jason Fruth, Planning Manager	
Date of Co. Board Meeting at which you plan O/R to be considered:	04/25/23	Fiscal Note by DOA? N
Routing Number:	Routing # 100-07-23	

Checklist
<input checked="" type="checkbox"/> Cover Sheet
<input checked="" type="checkbox"/> Ordinance
<input checked="" type="checkbox"/> Signature Sheet
<input checked="" type="checkbox"/> Staff Report
<u>N/A</u> Map
<input checked="" type="checkbox"/> Town Ordinance
<input checked="" type="checkbox"/> Initials/kb

**Does this O/R create or abolish any positions or involve other Human Resources issues in your department?**

\_\_\_\_\_ Yes\*                        X   No

\* If yes, the ordinance should be reviewed by HR prior to submission to Corp. Counsel.

**Does this O/R appropriate or transfer expenditure authority, additional resources or change the Budget intent?**

\_\_\_\_\_ Yes\*                        X   No

\*If department staff developed a fiscal impact statement, please send to your assigned budget analyst concurrent with forwarding of O/R to Corp. Counsel.

**Does this O/R authorize the execution of any new or extended contracts/leases/MOUs or other agreements that obligate the County?**

\_\_\_\_\_ Yes\*                        X   No

\*If yes, the proposed documents must be forwarded to risk management and Corp. Counsel for approval. The O/R will not be forwarded to the Co. Board until related agreements receive approval. Departments are responsible for putting approved documents on file with the Co. Clerk.

**Are there documents (other than contracts, leases or MOUs) that should be included with this O/R before it goes to the County Board office?**

  X   Yes\*                      \_\_\_\_\_ No

If yes, all documents must be received by Corp. Counsel before the ordinance can be forwarded to DOA for review. Contracts or leases that are affected by or are the subject of an O/R must be provided to Corp. Counsel.

Sec. 59.14(1m) Summary (for publication purposes): This ordinance will authorize revising and amending various sections of Chapter 500 of the Town of Eagle Zoning Code.

1 AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY  
2 REVISING VARIOUS SECTIONS OF CHAPTER 500  
3 RZ112  
4

5 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
6 this Ordinance was approved by the Eagle Town Board on January 3, 2023; and  
7

8 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
9 Planning Commission, which recommended approval and reported that recommendation to the  
10 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
11 as required by Section 60.62, Wis. Stats.  
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
14 that the text of the Town of Eagle Zoning Code, adopted by the Town of Eagle on November 30,  
15 2021, is hereby amended by revising various sections of Chapter 500, more specifically  
16 described in the "Staff Report and Recommendation" on file in the office of the Waukesha  
17 County Department of Parks and Land Use and made a part of this Ordinance by reference  
18 RZ112, is hereby approved, as set forth in the Town of Eagle Ordinance No. 2023-01.  
19

20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
21 this Ordinance with the Town Clerk of Eagle.  
22

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