

ENROLLED ORDINANCE 175-7

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY
REPEALING AND RECREATING VARIOUS SECTIONS REGARDING
CONDITIONAL USE PROVISIONS (RZ63)

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 9, 2020; 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 February 2, 2019, is hereby amended by repealing and recreating various sections relating to conditional use provisions, 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 RZ63, 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.

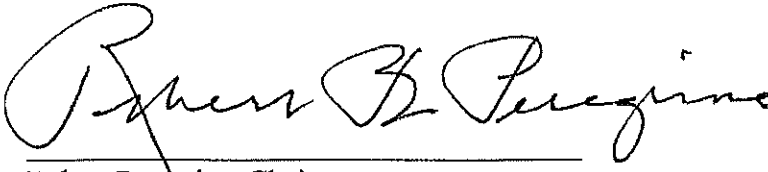
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

COMMISSION ACTION

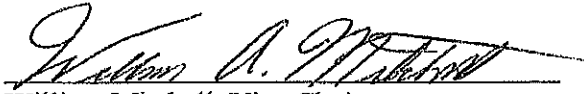
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of **RZ63 (Text Amendment/Town of Waukesha Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

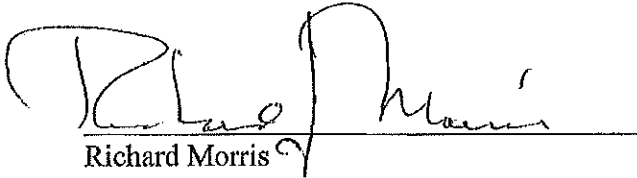
March 19, 2020



Robert Peregrine, Chairman



William Mitchell, Vice Chairman



Richard Morris

James Siepmann via teleconference

James Siepmann

Absent

William Maslowski

Absent

Thomas Michalski

Robert Hamilton via teleconference

Robert Hamilton

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

DATE: March 19, 2020

FILE NO.: RZ63

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

NATURE OF REQUEST:

Repeal and recreate various sections of the Town of Waukesha Zoning Code, relating to conditional use provisions.

PUBLIC HEARING DATE:

January 9, 2020

PUBLIC REACTION:

There were no public comments at the January 9, 2020 hearing continuation.

TOWN PLAN COMMISSION:

At their January 9, 2020 meeting, the Town of Waukesha Plan Commission unanimously recommended approval of the proposed amendments to the Town Board.

TOWN BOARD ACTION:

At their January 9, 2020 meeting, the Town of Waukesha Board approved the proposed amendments with a unanimous vote.

Note: The amendments are available for viewing on the Planning and Zoning Division webpage at www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances - click "Draft County/Town Ordinances" tab, then "Town of Waukesha Conditional Use Ordinance (2020-01)".

OTHER CONSIDERATIONS:

Similar to many of the other towns in the county, the Town of Waukesha is proposing to take action to respond to recent statutory changes relative to administration of conditional use (CU) provisions. A few months ago, the town advanced an ordinance to temporarily repeal its conditional use types. However, the town asked that action on that request be tabled and the town has now advanced an alternative ordinance that would preserve a number of the existing conditional use types while also adding modernized language to the general requirements. The town will likely bring forward additional amendments in the future for existing CU types that currently lack sufficient standards.

The changes clarify that any proposed use type not listed as an available conditional use cannot be considered without an ordinance amendment. Provisions have also been added to clarify that any existing conditional use that is no longer a specified CU type can seek amendments pursuant to the CU language that was in place immediately prior to the repeal of the CU type. Senior housing is being maintained as a CU option within the R-3 District, however, the use will become permitted by right within the B-1, B-2 and B-3 districts.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division staff that this request be **approved**. The proposed amendments update conditional use standards to be responsive to recent law changes while also preserving many of the most often sought conditional use types which allows for new applications to be considered as the town continues working on other related planned language improvements.

Respectfully submitted,

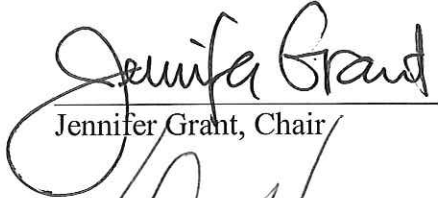
Jason Fruth

Jason Fruth
Planning Manager

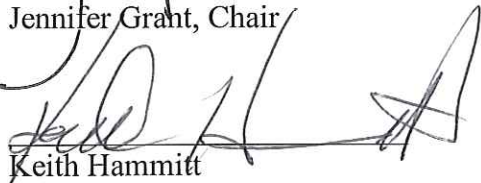
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AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY
REPEALING AND RECREATING VARIOUS SECTIONS REGARDING
CONDITIONAL USE PROVISIONS (RZ63)

Presented by:
Land Use, Parks, and Environment Committee



Jennifer Grant, Chair



Keith Hammitt



Thomas J. Michalski

A



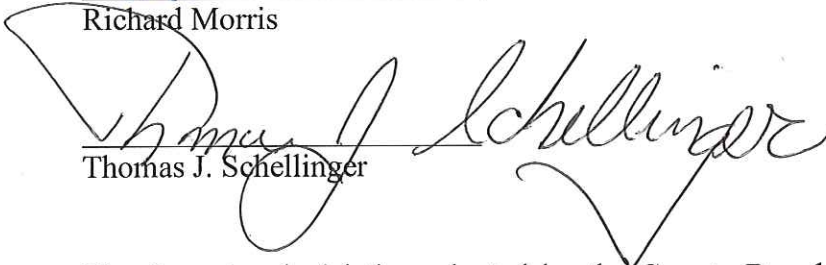
William A. Mitchell

absent

Chris Mommaerts

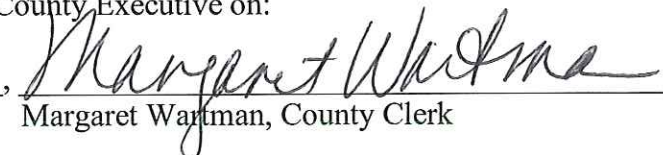
absent

Richard Morris



Thomas J. Schellinger

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

Date: 5/29/2020, 
Margaret Waitman, County Clerk

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

Approved: X

Vetoed: _____

Date: 6/1/2020, 
Paul Farrow, County Executive



VOTE RESULTS: Passed By Majority Vote

AYE: **25** NAY: **0** ABSENT: **0**

D1 - Foti	Yes
D2 - Zimmermann	Yes
D3 - Morris	Yes
D4 - Batzko	Yes
D5 - Dondlinger	Yes
D6 - Walz	Yes
D7 - Grant	Motion Yes
D8 - Michalski	Yes
D9 - Heinrich	Yes
D10 - Swan	Yes
D11 - Howard	Yes
D12 - Wolff	Yes
D13 - Decker	Yes

D14 - Mommaerts	Yes
D15 - Mitchell	Yes
D16 - Crowley	Second Yes
D17 - Paulson	Yes
D18 - Nelson	Yes
D19 - Cummings	Yes
D20 - Schellinger	Yes
D21 - Gaughan	Yes
D22 - Wysocki	Yes
D23 - Hammitt	Yes
D24 - Whittow	Yes
D25 - Johnson	Yes