

ENROLLED ORDINANCE 165-81

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY AMENDING SECTION 13-2-9(I)(24) PERTAINING TO SALVAGE YARDS AUTHORIZED AS CONDITIONAL USES AND AMENDING SECTION 13-2-4(H)(1)D PERTAINING TO SITE PLAN AND PLAN OF OPERATION REVIEW REQUIREMENTS FOR THE PERCENTAGE OF A SITE UTILIZED FOR STORAGE PURPOSES RELATIVE TO SALVAGE YARDS (ZT-1709)

WHEREAS the subject matter of this Ordinance having been approved by the Waukesha Town Board on July 8, 2010, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

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 June 24, 1979, amending Section 13-2-9(i)(24) pertaining to salvage yards authorized as Conditional Uses and amending Section 13-2-4(h)(1)(d) pertaining to Site Plan and Plan of Operation review requirements for the percentage of a site utilized for storage purposes relative to salvage yards and 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 ZT-1709 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.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY AMENDING SECTION 13-2-9(I)(24) PERTAINING TO SALVAGE YARDS AUTHORIZED AS CONDITIONAL USES AND AMENDING SECTION 13-2-4(H)(1)D PERTAINING TO SITE PLAN AND PLAN OF OPERATION REVIEW REQUIREMENTS FOR THE PERCENTAGE OF A SITE UTILIZED FOR STORAGE PURPOSES RELATIVE TO SALVAGE YARDS (ZT-1709)

Presented by:
Land Use, Parks, and Environment Committee

Absent
Fritz Ruf, Chair

Absent
Robert Hutton

[Signature]
Michael J. Inda

[Signature]
James Jeskewitz

[Signature]
Walter L. Kolb

[Signature]
Ted Rolfs

Absent
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: 2/1/11, [Signature]
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 2-4-11, [Signature]
Daniel P. Vrakas, County Executive

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

FILE NO: ZT-1709
TAX KEY NUMBER: N/A
DATE: December 9, 2010
NAME OF PETITIONER: Town Board of Waukesha
Town of Waukesha Town Hall
W250 S3567 Center Rd.
Waukesha, WI 53189

NATURE OF REQUEST:

Amend Section 13-2-9(i)(24) of the Zoning Code of the Town of Waukesha pertaining to salvage yards authorized as Conditional Uses and amend Section 13-2-4(h)(1)(d) of the above code pertaining to Site Plan requirements for the percentage of a site utilized for storage purposes relative to salvage yards.

PUBLIC HEARING DATE:

July 8, 2010.

PUBLIC REACTION:

There were no comments from the public.

TOWN PLAN COMMISSION ACTION:

On July 8, 2010, the Town of Waukesha Plan Commission voted to recommend approval of the proposed amendments to the Town Zoning Code to the Town of Waukesha Board.

TOWN BOARD ACTION:

On July 8, 2010, the Town of Waukesha Board adopted an ordinance to amend the Town of Waukesha Zoning Code in accordance with the recommendation of the Town Plan Commission (See Exhibit "A").

BACKGROUND AND SUMMARY OF CHANGES:

The Town of Waukesha is proposing changes to two sections of the Town of Waukesha Zoning Code pertaining to salvage yards. It should be noted that these amendments were considered at the same meeting that the Town was considering a request from the B & M Auto salvage yard for rezoning approval (ZT-1708), but the two requests are separate amendment requests. The current Town Code does allow for salvage yards as a Conditional Use, but the Code's Site Plan requirements limit storage areas to 20% of a site's area. The Town is proposing language to increase the maximum percentage of a site in storage use for salvage yards to 30% of a site's area. Other uses would remain subject to the 20% requirement. The proposed text changes would also provide a definition for salvage yards to clarify the range of activities that may occur within such an area.

The Conditional Use process gives the Town Board authority in their review of individual requests and allows for the unique conditions of a site or neighborhood to be taken into account during the review process. In addition, the required Site Plan review process provides further opportunity for analysis of

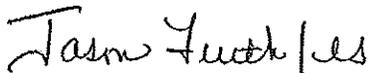
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site layout and numerous site aesthetics issues. In comparison, the Waukesha County Zoning Code allows for salvage yards as permitted uses in the M-1 Limited Industrial District, which does not cap the amount of a site that can be devoted to storage. Therefore, in light industrial districts, the Town's existing salvage yard provisions are more restrictive than County codes. Staff feels that the proposed change would constitute only a slight relaxation of the existing provisions.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the proposed ordinance to amend the Town of Waukesha Zoning Code relative to salvage yards be **approved** as presented. Staff feels that these code changes are reasonable, given that the Town maintains a Conditional Use process for salvage yards, which gives the Town opportunity to hear public comment and consider unique constraints prior to authorizing approval of such uses. Given that salvage yards are inherently a space intensive use; Staff feels that the proposed changes to increase the allowable percentage of such sites for storage are appropriate. The text changes will continue to allow for the Town to consider proposals for salvage yard use on a case-by-case basis via the Conditional Use process.

Respectfully submitted,



Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance (Exhibit "A")

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EXHIBIT "A"

RECEIVED

NOV 18 2010

DEPT OF PARKS & LAND USE

STATE OF WISCONSIN

TOWN OF WAUKESHA

WAUKESHA COUNTY

**ORDINANCE AMENDING THE ZONING CODE OF THE
TOWN OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN**

THE TOWN BOARD OF THE TOWN OF WAUKESHA, WAUKESHA COUNTY,
WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 13-2-9(i)(24) of the Town Code of the Town of Waukesha

is hereby amended to read as follows:

SEC. 13-2-9 CONDITIONAL USES.

* * * *

(24)Salvage Yards: Sites used for the storage or sale of salvageable materials, or for the purpose of salvage, wrecking, dismantling, or demolition of salvageable materials, are permitted subject to the following:

a. The location, building and site plans and plan of operations shall be submitted for approval per Section 13-2-4.

b. The outside storage area used in the salvage yard operation shall not exceed 30% of the lot area.

* * * *

SECTION 2: Section 13-2-4(h)(1)d. of the Town Code of the Town of Waukesha

is hereby amended to read as follows:

SEC. 13-2-4 SITE PLAN AND PLAN OF OPERATION REVIEW.

* * * *

d. Storage area shall not exceed 20% of the lot area; provided however that the storage area for salvage yards for which a conditional use has been granted may be increased so that the total storage area as to such salvage yards shall not exceed 30%.

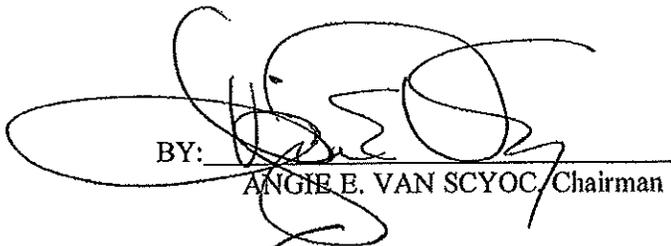
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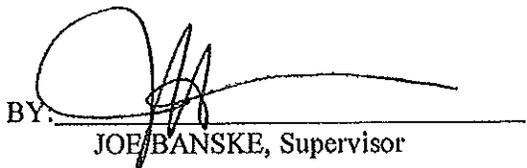
SECTION 3: All ordinances, or parts of this ordinance, conflicting or contravening the provisions of this ordinance are hereby repealed.

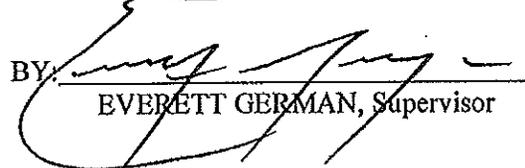
SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Waukesha, Waukesha County, Wisconsin this 17 day of November, 2010.

TOWN BOARD, TOWN OF WAUKESHA,
WAUKESHA COUNTY, WISCONSIN

BY: 
ANGIE E. VAN SCYOC, Chairman

BY: 
JOE BANSKE, Supervisor

BY: 
EVERETT GERMAN, Supervisor

ATTEST: 
JAMIE SALENTINE, Clerk

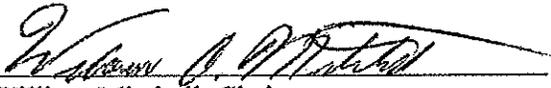
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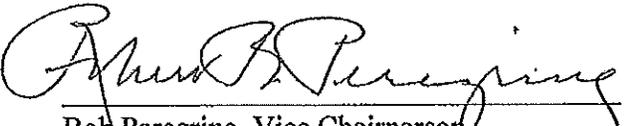
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of (ZT-1709 – Town of Waukesha) in accordance with the attached “Staff Report and Recommendation”.

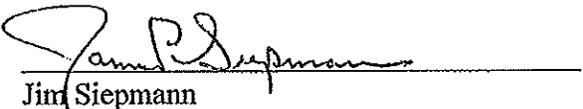
PARK AND PLANNING COMMISSION

December 9, 2010


William Mitchell, Chairperson


Bob Peregrine, Vice Chairperson


Gary Goodchild


Jim Siepmann


Walter Kolb


Pat Haukohl


Fritz Ruf

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/25/10

(ORD) NUMBER-1650082

1	D. FALSTAD.....	AYE	2	T. ROLFS.....	
3	R. HUTTON.....	AYE	4	J. DWYER.....	AYE
5	J. JESKEWITZ.....	AYE	6	J. BRANDTJEN.....	AYE
7	P. HAUKOHL.....	AYE	8	T. SCHELLINGER....	AYE
9	J. HEINRICH.....	AYE	10	D. SWAN.....	AYE
11	F. RUF.....		12	P. WOLFF.....	AYE
13	P. DECKER.....	AYE	14	M. INDA.....	
15	P. MEYERS.....	AYE	16	D. PAULSON.....	AYE
17	J. TORTOMASI.....	AYE	18	K. CUMMINGS.....	AYE
19	S. WIMMER.....	AYE	20	P. JASKE.....	AYE
21	W. ZABOROWSKI....	AYE	22	P. GUNDRUM.....	AYE
23	K. CHIAVEROTTI....	AYE	24	W. KOLB.....	AYE
25	G. YERKE.....	AYE			

TOTAL AYES-22

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-22