

## ORDINANCE 2020-03

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY  
IN SECTION 11 T5N R17E IN THE TOWN OF EAGLE AND TO AMEND  
THE ZONING MAP OF THE TOWN OF EAGLE

WHEREAS, John Skatrud (herein “property owner”) owns a parcel of land off of State Highway 59, designated as Tax Key EGLT1772998 (herein referred to as “subject property”), and more particularly described as follows:

PT NE1/4 SE1/4 SEC 11 T5N R17E COM NW COR NE1/4 SE1/4 E 264.0 FT S 163.3 FT W 260.0 FT N 163.3 FT TO BGN ALSO PT SE1/4 SEC 11 T5N R17E COM E1/4 COR W 1320 FT S0 33'W 163.3 FT THE BGN E 132 FT S0 33'W 165 FT W 132 FT N0 33'E 165 FT TO BGN VOL 1242/671 DEEDS & R1205/270-276 & R1311/618-620 & DOC# 2702362 & DOC# 2702363 & DOC# 2702364 & DOC# 2702365 & DOC# 2702366 & DOC# 2738062 & DOC# 2738062 & DOC# 2748135; and

WHEREAS, the property owner has submitted a petition to the Town requesting that the part of the subject property that is currently shown as RR be rezoned to P-1; and

WHEREAS, the rezoning petition has been submitted to the Town of Eagle Plan Commission for report and recommendation; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town’s zoning code; and

WHEREAS, the Town of Eagle Town Board and the Town of Eagle Plan Commission conducted a joint public hearing on January 6, 2020 and February 3, 2020; and

WHEREAS, Section 500.165 of the zoning code sets forth factors that should be considered in evaluating a proposed revision of the zoning map; and

WHEREAS, the following determinations are made with respect to the aforementioned factors:  
and

1. The proposed map amendment is consistent with the town’s comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

WHEREAS, the Town of Eagle Plan Commission has recommended to the Town of Eagle Town Board that said rezoning change be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town’s comprehensive plan; and

WHEREAS, the Town of Eagle Town Board, after careful review and upon consideration of the recommendation of the Town of Eagle Plan Commission, having determined that all procedural

requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Town of Eagle, will not be contrary to the public health, safety or general welfare of the Town of Eagle, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Town of Eagle Town Board, Waukesha County, Wisconsin, ordains as follows:

**SECTION 1: ZONING MAP CHANGE**

That portion of the subject property that is currently designated as RR is conditionally rezoned to P-1 and the zoning map is hereby conditionally amended to incorporate such change.

**SECTION 2: CONDITIONS OF REZONING**

The rezoning of the subject property and the amendment of the zoning map of the Town of Eagle are conditioned approval of the rezoning by the Waukesha County Board within one year from the date of this ordinance.

**SECTION 3: CERTIFICATION**

Upon certification by the Town Clerk that the aforementioned conditions have been satisfied, the Town Planner shall change the zoning classification of the subject property on the Town of Eagle zoning map as indicated herein.

**SECTION 4: SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

**SECTION 5: EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 3rd day of February, 2020

TOWN OF EAGLE TOWN BOARD

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Don Malek, Town Chairman

ATTEST:

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Lynn Pepper, Town Clerk

Published and posted this \_\_\_\_ day of \_\_\_\_\_, 2020