

ORDINANCE 2020-04

AN ORDINANCE TO REVISE THE TEXT OF THE TOWN'S ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, John Skatrud has submitted a petition to the Town that, if adopted, would amend subsection 500.522(A)1) of the 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 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 February 3, 2020; and

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

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

1. The proposed text amendment is consistent with the town's comprehensive plan.
2. The proposed text amendment is consistent with other planning documents adopted by the town board.
3. The zoning code with the proposed text amendment is internally consistent.
4. The proposed text amendment is the least restrictive approach to address issues of public health, safety, and welfare.

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the

Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

Section 1. Repeal and recreate Subsection 500.522(A)(1) to read as follows:

(1) Public (P-1) district. This district is intended to include publicly-owned facilities and lands, facilities and lands used for telecommunications or utilities, facilities and lands used for K-12 schools, and non-profit facilities and lands that serve a public purpose.

Section 2. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 4. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted this 3rd day of February 2020

TOWN OF EAGLE TOWN BOARD

Don Malek, Town Chairman

ATTEST:

Lynn Pepper, Town Clerk

Published and posted this ____ day of _____ 2020