

Date: March 22, 2021  
To: Town of Eagle Plan Commission and Town Board  
From: Tim Schwecke, Town Planner  
Subject: Potential amendments to the zoning code  
Meeting: March 24, 2021 Special meeting

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Work relating to the proposed code amendment started in 2018 following passage of 2017 Act 67 by the state legislature.

That new state law fundamentally changed how municipalities in the Wisconsin needed to review conditional uses. To recap the significance of that law, conditional uses are now treated more like a permitted use, rather than a proposed use reviewed on a case-by-case basis.

In 2018, the Town adopted two ordinances in direct response to 2017 Act 67.

- **Ordinance 2018-06** made various revisions to the land use table as a temporary measure to allow the Town more time to carefully consider what land uses should be treated as conditional uses and where.
- **Ordinance 2018-07** is the second ordinance that was adopted. This ordinance temporarily removed Planned Unit Developments as a conditional use.

A steering committee was established to prepare an initial draft of final amendments. Those recommendations were reviewed by both the Plan Commission and Town Board over a number of meetings.

The proposed code incorporates changes to the review procedures for conditional uses and where conditional uses are allowed and appropriate development standards. These changes are being recommended again in the context of Act 67 and the Town's limited ability to control where conditional uses can be located based on a case-by-case review.

In addition to revisions relating to Act 67, there are other revisions to correct various provisions. The organization of the code was also revised to better reflect how the code would be used. Most notably, the land use table and the land use summary were removed from Article 7 and put in the appendix.

As indicated in the proposed ordinance, the ordinance will be effective when the county Board adopts the proposed ordinance.

Below are revisions recommended by the Plan Commission that were inadvertently left out of the review draft.

1. Appendix B - golf courses (11.02)

**Parking Requirements:** 36 spaces for each 9 holes of golf; plus 1 space for each employee on the largest work shift. If a tavern or restaurant is also part of the golf course facility, the parking requirements for ~~those uses~~ such tavern or restaurant are 50 percent of what is normally required for that use (in addition to what is required for the golf course). For example, if a restaurant would normally require 40 spaces, 20 spaces are needed when part of a golf course facility (in addition to what is otherwise required for the golf course).

2. In appendix C, all references to "No restriction" should be changed to "Not applicable".

3. Add the following content to s. 500.397, titled "Application form and content"

As part of the application, the following information must be provided for the plan of operation:

1. The proposed use of the land and/or structures.
2. Activities to occur both inside and outside of any principal buildings.
3. The frequency and duration of all activities.
4. The number of employees of any business or manufacturing enterprise.
5. The estimated number of occupants of any residential use.
6. The number, size, and type of all vehicles associated with the use.
7. The season, days, and hours of operation.
8. The expected starting and completion dates of construction.
9. The proposed phasing of the project if appropriate.
10. Other information as requested by the Plan Commission.

4. In appendix B, add the following to Berm (20.01):

**Maximum height.** The maximum height of a berm is 6 feet, except the Town Board, upon a recommendation from the Plan Commission, may allow a height exceeding that standard via a site plan or other development review process.