

STATE OF WISCONSIN TOWN OF EAGLE WAUKESHA COUNTY

ORDINANCE 2024-01

AN ORDINANCE TO AMEND APPENDIX C OF THE ZONING REGULATIONS

WHEREAS, the Town Board of the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 pursuant to sections 60.62(1), 61.35, and 62.23(7)(d)(2) of the Wisconsin Statutes and has adopted amendments and recodifications of such zoning code from time to time since then; and

WHEREAS, Town Staff have recommended that the Town Board consider adoption of an ordinance to clarify certain provisions of the zoning code pertaining to detached residential garages as set forth in this Ordinance; and

WHEREAS, the Town Board for the Town of Eagle has (1) referred the matter to the Planning and Zoning Commission; (2) notified the Waukesha County Park and Planning Commission of the proposed amendment; and (3) previously conducted a joint public hearing with the Planning and Zoning Commission on March 4, 2024; and

WHEREAS, upon due notice the Town Board and the Planning and Zoning Commission conducted a joint public hearing on March 4, 2024; and

WHEREAS, the Planning and Zoning Commission recommended conditional approval of the proposed ordinance for zoning code revision subject to addressing concerns identified at the March 4, 2024 public hearing; and

WHEREAS, the on March 4, 2024 the Town Board adopted the Planning and Zoning Commission's recommendation and conditionally approved the proposed ordinance for zoning code revision subject to addressing concerns identified by the Planning and Zoning Commission at the March 4, 2024 public hearing; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations do not constitute a down zoning ordinance because they do not decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Planning and Zoning Commission and the subsequent revisions to the proposed ordinance based on such recommendations 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. Chapter 500 of the Town of Eagle Zoning Code entitled, "Town Zoning," Section 500.557 entitled, "Floor Area," is hereby repealed and recreated to read as follows:

§500.557 Floor area

(A) Minimum residential living area. A building intended in whole or part for residential purposes shall provide a minimum floor area as specified in Appendix C. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. In a split level building the first floor level shall include all areas which are not over another living area of the building. The following areas are not counted as floor area for the purpose of this section: basements or attics not used for living purposes, attached garages, unenclosed porches, stoops, any space where the floor-to-ceiling height is less than 7 feet, and similar features.

(B) Limitations on floor area of residential garages. The floor area of residential garages shall comply with the standards in Appendix C for attached and detached garages as applicable. Per Appendix B, Section 18.02, detached residential garages are an "accessory building-residential" and shall be subject to all applicable standards for accessory buildings in Appendix C.

Section 2. Chapter 500 of the Town of Eagle Zoning Code entitled, "Town Zoning," Section 500.567 entitled, "Number of Accessory Buildings on Lot," Subsection A entitled, "Generally," Subsection 1 is hereby created to read as follows:

- (1) Detached residential garages shall be counted and considered as accessory buildings for purposes of the maximum number of accessory buildings allowed on a lot in compliance with the requirements set forth in Appendix C.

Section 3. Appendix C to Chapter 500 of the Town of Eagle Code of Ordinances is repealed and recreated to read as set forth in Exhibit 1 attached hereto and incorporated into this Ordinance by reference.

Section 4. 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 5. The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval by the Waukesha County Board of Supervisors.

Section 6. This ordinance shall take effect upon passage and publication as required by law immediately upon the approval of the Waukesha County Board of Supervisors as required by Section 60.62(3) of the Wisconsin Statutes.

Adopted by a vote in favor by majority vote of the members-elect of the Town Board, or more, this 6th day of May, 2024.

Town of Eagle

Chris Mommaerts
Chris Mommaerts, Town Chairperson

ATTEST:

Mercia Christian
Mercia Christian, Town Clerk/Treasurer

Published and posted this 29 day of July, 2024