

ENROLLED ORDINANCE 159-23

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 5, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE RRD-5 RURAL RESIDENTIAL DENSITY DISTRICT 5 (SCZ-1530)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Oconomowoc, Waukesha County, Wisconsin, is hereby amended to conditionally rezone certain lands located in part of the SW ¼ of Section 5, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-P Agricultural Land Preservation District to the RRD-5 Rural Residential Density District 5, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SCZ-1530), subject to the following conditions:

1. Development of the property south of the river shall be limited to a maximum of three, single-family lots served by private onsite sewage disposal systems.
2. The proposed septic sites must be protected from any grading, compaction or construction activities until the septic site is installed. No holding tanks will be allowed as the primary systems for the disposal of waste.
3. The lands north of the Ashippun River, which are used to calculate the one unit per five-acre density shall be combined with one of the parcels the applicant owns to the north of the subject property.
4. A four lot Certified Survey Map (CSM) shall be prepared which must be approved by the Town of Oconomowoc and Waukesha County and said CSM shall create no more than three lots south of the river and combine the remainder of the property north of the river with one of the contiguous parcels north of the site as a fourth lot on the CSM.
5. The existing three accessory buildings south of the river must be removed from the subject property prior to approval of the final Certified Survey Map.
6. All wetlands on the subject 39.5-acre parcels must be field delineated and approved by the Wisconsin Department of Natural Resources and shown on the face of the Certified Survey Map, which must designate who did the staking and the date of said delineation.
7. A wetland and conservancy preservation restriction, must be placed on the face of the Certified Survey Map for all floodplain and wetland areas.
8. All upland Primary Environmental Corridors (PEC) must be field staked and a PEC Preservation Statement must be placed on the face of the Final Certified Survey Map.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

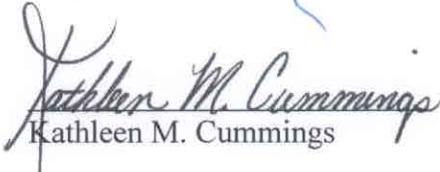
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

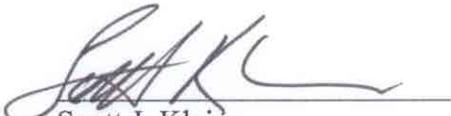
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Presented by:
Land Use, Parks, and Environment Committee

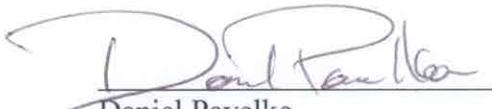

Walter L. Kolb, Chair

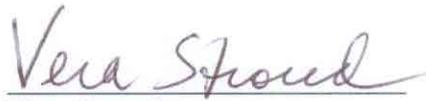

Kathleen M. Cummings

Absent
Pauline T. Jaske

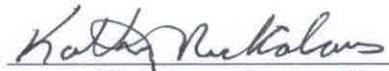

Scott J. Klein


Bill Kramer


Daniel Pavelko


Vera Stroud

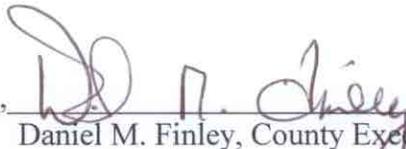
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 6-25-04, 
Kathy Nickolaus, County Clerk

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

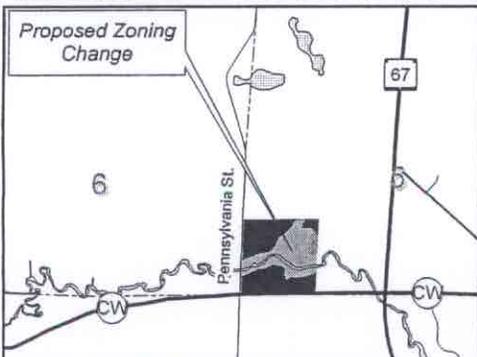
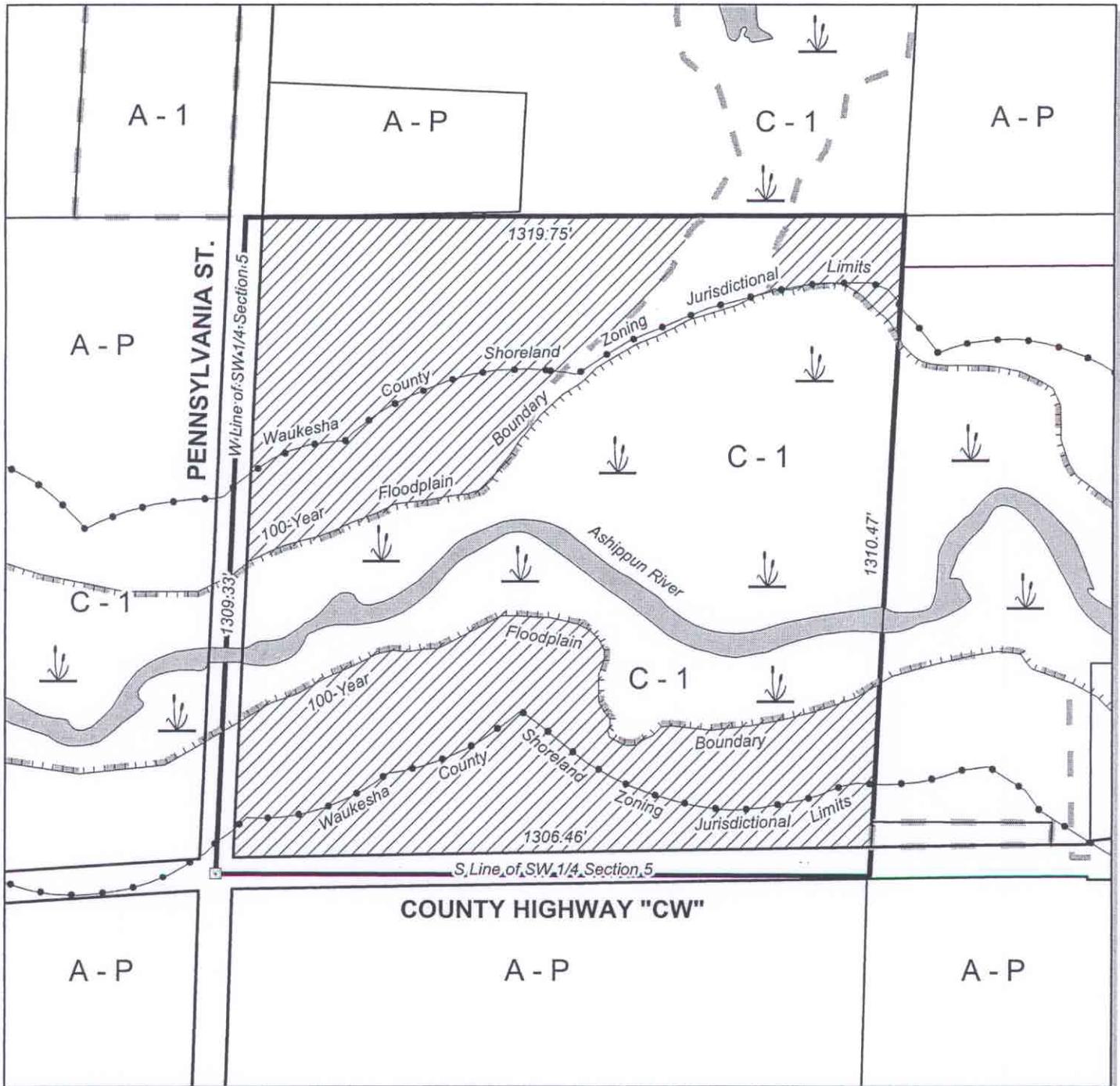
Approved:

Vetoed:

Date: 6-28-04, 
Daniel M. Finley, County Executive

ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 5
TOWN 8N RANGE 17E (OCONOMOWOC)



CONDITIONAL ZONING CHANGE FROM A-P (AG. LAND PRES. DISTRICT) TO RRD-5 (RURAL RES. DENSITY DISTRICT- 5 ACRE)

FILE.....SCZ-1530

DATE.....5-20-04

AREA OF CHANGE.....20.0 ACRES

TAX KEY NUMBER.....OCOT 0451.989



1 inch equals 300 feet
0 75 150 300 450 Feet

Prepared by the Waukesha County
Department of Parks and Land Use

159-0-024

7.

EXHIBIT "A"**TOWN OF OCONOMOWOC
PLAN COMMISSION
NOT APPROVED
MAY 3, 2004****DRAFT**

Currently, Ms. Livingston has a shop on the east side of Milwaukee on Downer Street. This will be a complete relocation to the Oconomowoc area for her. The east side has a marketing problem and the rent is too high. She stated that the rent was double than what it is here.

The Plan Commission stated that the Planner's Report should be amended to allow Ms. Livingston four employees and extend the hours of operation to 9:00 pm. She was informed that she must notify Jeff Herrmann when she fluctuates her hours for the holidays. This will avoid her having to come back and amend her Site Plan/Plan of Operation.

Robert Peregrine moved to recommend to Waukesha County to approve Ms. Livingston's Site Plan/Plan of Operation subject to the Planner's Report dated April 28, 2004 with the modifications stated in the above paragraph.

Jim Navin seconded the motion. The motion carried unanimously.

John Steiner/Parking/Johnny Hanna's Restaurant/N50 W35016 Wisconsin Avenue/OCOT 0569-145

John Steiner appeared as the petitioner. Mr. Steiner is requesting to utilize the new paved municipal parking lot across the street in order to be counted, as the number of lots require for the new restaurant. Under Waukesha County zoning, seven parking lots are required per 1,000 square feet. It is unclear at this time whether he will be able to utilize the municipal parking lot as part of the lots needed. The issue that remains is that other businesses in the area may also want to claim that as part of their parking plans. Mr. Steiner was told try to angle the parking in order to allow more vehicles to fit on his property.

Mr. Steiner was instructed to work up a diagram showing how much parking would be allowed on the east side of his building. He was also told that once this diagram is complete, to sit down with Jeff Herrmann to discuss his request and to bring a survey along.

SC2-1530

Mike Schutte/Rezone/W390 N8808 Pennsylvania Street/CTH CW/OCOT 0451-989

David Langhoff appeared on behalf of the petitioner. The petitioner is requesting a change in zoning from A-P 35 acre minimum to a RRD-5, which is a 5-acre density. North of the river there is a 25-acre parcel, which will still zoned A-P. Some accessory buildings exist on the parcel. Mr. Langhoff was informed that in order to keep those accessory buildings, he must apply for variance. Waukesha County would have to do a structural analysis.

The Plan Commission stated that item #5 should modified to include that the accessory buildings be removed with 6 months of being approved for the rezoning.

Robert Peregrine recommended to the Town Board to grant the rezone subject to the Planner's Report dated April 30, 2004 including the modifications stated in the above paragraph.

Richard Garvey seconded the motion. The motion carried unanimously.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/22/04

(ORD) NUMBER-1590024

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....AYE
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....
 31 V. STROUD.....AYE
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....AYE
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 A. KALLIN.....AYE
 16 R. MANKE.....
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....
 24 B. KRAMER.....
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....NAY
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-29

TOTAL NAYS-01

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-30