

ENROLLED ORDINANCE 159-43

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 24, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1538)

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 24, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-T Agricultural Land Preservation Transition District to the R-3 Residential District, 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-1538), subject to the following conditions:

1. The area shown as Primary Environmental Corridor shall be rezoned to the EC Environmental Corridor District and a restriction be placed in the Deed Restrictions on the face of the Final Plat stating the following:

Every lot will be allowed one 4 ft. private access walkway to the lake within the 30 ft. view corridor as allowed under NR-115, and prior to any earth-altering activities to construct the walkway or the view corridor, a detailed and selective Cutting and Grading Plan must be submitted to and approved by the Planning and Zoning Division Staff, by each property owner prior to commencement of construction. No other clearing, cutting or any vegetative removal beyond what is approved in the Cutting and Grading Plan above will be permitted.
2. Lots 2 through 8 on the lake must have a minimum of 100 ft. building setback and no earth-altering activities occur in the area zoned Primary Environmental Corridor, except for the view corridor and access walkway mentioned above.
3. Lot 1 must have a varying setback from the lake from 100 ft. on its north side to 75 ft. in order to accommodate an adequate building envelope transition because of the shape of the lot.
4. The development should be limited to a maximum of 12 residential lots, with no more than one single-family dwelling per lot with an onsite sewage disposal and private wells.
5. All lots having frontage on Okauchee Lake shall be a minimum of one acre in size.
6. Documentation shall be submitted to the Town Planner that the Waukesha County

Department of Public Works has approved any proposed land division and any future road improvements to C.T.H. "K" for this development shall be the responsibility of the subdivider.

7. All issues regarding the status of Road "J" shall be resolved to the satisfaction of the Town Plan Commission, the Staff of the Waukesha County Department of Parks and Land Use, and the Town Attorney prior to Final Plat approval by the County.
8. Any and all necessary road improvements, as required by the Town for any proposed land divisions, shall be determined prior to the approval of any land divisions.
9. The Waukesha County Department of Parks and Land Use, Land Resources Division, prior to commencement of any construction activity, shall approve an Erosion and Stormwater Management Plan and a Preliminary Review Letter for said plan must be submitted prior to approval of the Preliminary Plat.
10. The exact language preserving the Primary Environmental Corridor and allowing the Cutting Plan and access walkway shall be approved by the Town Planner and a Staff Representative of the Waukesha County Park and Planning Commission.
11. No boathouses shall be allowed on any of the lots abutting the lake.

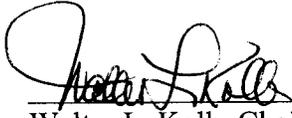
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

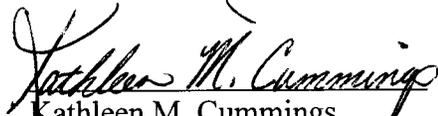
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

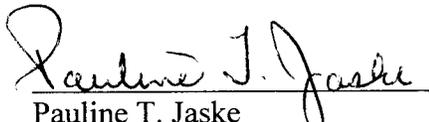
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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 24, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-T AGRICULTURAL LAND PRESERVATION TRANSITION DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (SCZ-1538)

Presented by:  
Land Use, Parks, and Environment Committee

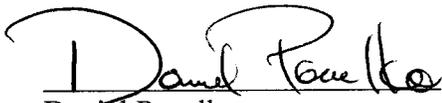
  
Walter L. Kolb, Chair

  
Kathleen M. Cummings

  
Pauline T. Jaske

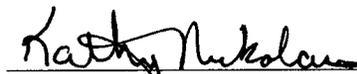
  
Scott J. Klein

  
Bill Kramer

  
Daniel Pavelko

  
Vera Stroud

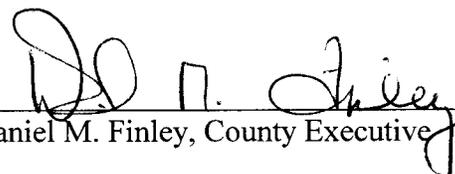
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 9-24-04,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

Date: 9-24-04,   
Daniel M. Finley, County Executive

**EXHIBIT "A"****TOWN OF OCONOMOWOC**

# Memo

**To:** Town of Oconomowoc Plan Commission Members  
**From:** Jeffrey C. Herrmann, Town Planner  
**Date:** 06/21/04  
**Re:** Klink Property - Zoning Amendment Request

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On June 17, 2004, the Town of Oconomowoc Plan Commission and a staff representative (Kathy Moore) from Waukesha County Department of Parks and Land Use heard a request by Siepman Realty Corporation to rezone approximately 18 acres of land in the Town of Oconomowoc from A-T Agricultural Land Preservation Transition District (35-acre minimum) to R-3 Residential District (20,000 square foot minimum). The owner of the property is the Klink Family, LLP, W345 N6777 Whittaker Road, Oconomowoc. The purpose for the rezoning is to allow the petitioner to create a new single-family residential subdivision development with approximately 12 lots served by private on-site waste disposal systems and private wells.

The proposed amendment complies with the Town's Land Use Plan 2020, which designates this property in the Low Density Residential category allowing development at .67 to 2.1 dwelling units per acre and represents lot sizes ranging from 20,000 square feet to 1.5 acres. It is the opinion of the Town Planner that this request be approved subject to the following conditions:

1. The Development shall be limited to a maximum density of no more than one (1) single-family dwelling unit per acre with on-site private waste disposal systems and private wells.
2. All lots having frontage on Okauchee Lake shall be a minimum of one (1) acre in size.
3. Documentation shall be submitted to the Town Planner that the Waukesha County Department of Public Works has approved any proposed land division, and any future road improvements to C.T.H. K shall be the responsibility of the subdivider.
4. All issues regarding the status of Road J shall be resolved to the satisfaction of the Town Planner and Town Attorney. Any and all necessary road improvements, as required by the Town for any proposed land divisions, shall be determined prior to the approval of any land divisions.
5. The Waukesha County Department of Parks and Land Use, Land Resources Division, prior to commencement of any construction activities, shall approve the Erosion Control and Stormwater Management Plans.

**EXHIBIT "A"**

6. Subject to the Primary Environmental Corridor (PEC) being delineated on the site and shown on any future land divisions. All areas designated as PEC shall contain a restriction limiting the amount of tree and vegetation removal. The Town and County shall approve the exact language.
7. Because of the topography of the lots, no boathouses shall be allowed within seventy-five (75) feet of the Ordinary High Water Mark.



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/21/04

(ORD) NUMBER-1590046

- |                           |                        |
|---------------------------|------------------------|
| 1 K. HERRO.....           | 2 P. THELEN..... AYE   |
| 3 D. STAMSTA..... AYE     | 4 H. CARLSON..... AYE  |
| 5 J. MARCHESE.....        | 6 D. BROESCH..... AYE  |
| 7 J. JESKEWITZ..... AYE   | 8 J. DWYER..... AYE    |
| 9 P. HAUKOHL..... AYE     | 10 S. WOLEF..... AYE   |
| 11 K. HARENDA..... AYE    | 12 J. GRIFFIN..... AYE |
| 13 J. MORRIS..... AYE     | 14 A. KALLIN..... AYE  |
| 15 D. SWAN..... AYE       | 16 R. MANKE..... AYE   |
| 17 J. BEHREND..... AYE    | 18 B. MORRIS..... AYE  |
| 19 W. MITCHELL..... AYE   | 20 M. KIPP..... AYE    |
| 21 W. KOLB..... AYE       | 22 G. BRUCE..... AYE   |
| 23 J. TORTOMASI.....      | 24 B. KRAMER..... AYE  |
| 25 K. CUMMINGS..... AYE   | 26 S. KLEIN..... AYE   |
| 27 D. PAULSON..... AYE    | 28 P. JASKE..... AYE   |
| 29 T. BULLERMANN..... AYE | 30 K. NILSON..... NAY  |
| 31 V. STROUD..... AYE     | 32 P. GUNDRUM..... AYE |
| 33 D. PAVELKO.....        | 34 R. SINGERT..... AYE |
| 35 C. SEITZ.....          |                        |

TOTAL AYES-29

TOTAL NAYS-01

CARRIED   X  

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-30