

ENROLLED ORDINANCE 160-36

AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 1, T5N, R19E, FROM THE A-5 MINI-FARM DISTRICT TO THE B-2 LOCAL BUSINESS AND B-3 GENERAL BUSINESS DISTRICTS (CZ-1573)

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 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Town of Vernon District Zoning Map of the Waukesha County Zoning Code, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby amended to conditionally rezone certain lands from the A-5 Mini-Farm District to the B-2 Local Business and B-3 General Business Districts, located in part of the NE ¼ of Section 1, T5N, R19E, Town of Vernon, 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 (CZ-1573), subject to the following conditions:

1. The rezoning shall not be in effect until the Town of Vernon Plan Commission and the County Zoning Agency have approved the Building Plans, Site Plan and Plan of Operation and Conditional Uses to allow Superior Landscape and Supply to operate a contractors yard and a wholesale and retail sales operation. The uses approved by this rezoning shall only be operated and constructed if such approvals are granted and in that event shall be in compliance with the Zoning Permit, Building Plans and Site Plan and Plan of Operation approved by the Town Plan Commission and the County Zoning Agency.
2. Any use not specifically listed as permitted on the Building Plans, Site Plan and Plan of Operation shall be considered to be prohibited, except as may be otherwise specifically provided herein. In case of a question as to the classification of the use, the question shall be submitted to the Plan Commission and County Zoning Agency for a determination.
3. The two existing residential structures, which are in the area to be zoned B-2 are to be used only for residential purposes. Any non-residential use of the residential structures is prohibited.
4. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law,

ordinance, rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America, or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute the Building Permit nor shall this order constitute any license or permit required by the Town Ordinance or other law.

5. Neither residential structure located in the B-2 zoning district shall be structurally altered, remodeled, or allowed to be rebuilt if it is damaged and if the value of the improvements exceeds 50% of the current fair market value of each structure.
6. All non-residential structures approved and constructed pursuant to approved Building Plans and Site Plan and Plan of Operation shall comply with the requirements of the Town of Vernon Ordinance No. 38, an Ordinance to Establish Standards for Non-residential Buildings and Development, unless otherwise waived by the Town of Vernon pursuant to the terms of the Ordinance.
7. Except as described herein and in the approved Building Plans and Site Plan and Plan of Operation and Conditional Use Permits issued for the property, no additional uses of the subject property are permitted even if described as permitted uses in the applicable Zoning District regulations of the Waukesha County Zoning Code.
8. The subject property must be developed and used in substantial conformity with the plans presented with the rezoning petition (Exhibit "B"), and in substantial conformity with the presentation at the public hearing of May 26, 2005.
9. Prior to the zoning becoming effective, the applicant is required to accept the terms and conditions of this conditional rezoning in its entirety in writing provided by the Town and County.
10. The rezoning shall not become effective until the Conditional Use Permits are approved and issued, and subject to the petitioner satisfying all the aforementioned conditions of this rezoning and Conditional Use Permit for the contractor's yard within one (1) year (May 26, 2006).
11. Any use not authorized by this conditional rezoning shall require the applicant or owner of the property to file for a new rezoning petition, which must be approved by the Town of Vernon Board and the Waukesha County Board
12. Petitioner shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions. This provision is enforceable only by the Town of

Vernon.

13. Any unpaid bills owed to the Town of Vernon by the subject property owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. This provision is enforceable only by the Town of Vernon.

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

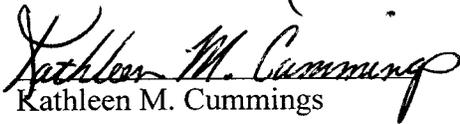
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

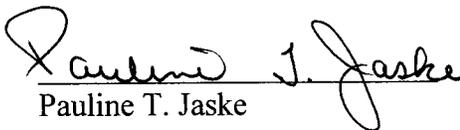
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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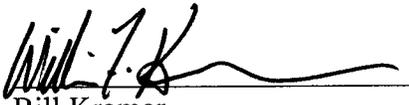
Presented by:  
Land Use, Parks, and Environment Committee

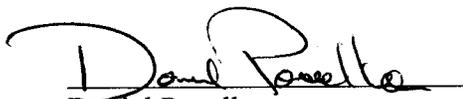
  
Walter L. Kolb, Chair

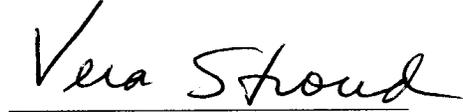
  
Kathleen M. Cummings

  
Pauline T. Jaske

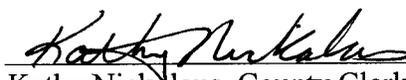
ABSENT  
Scott J. Klein

  
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:

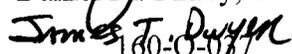
Date: 8-26-05,   
Kathy Nickolaus, County Clerk

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

Approved: \_\_\_\_\_

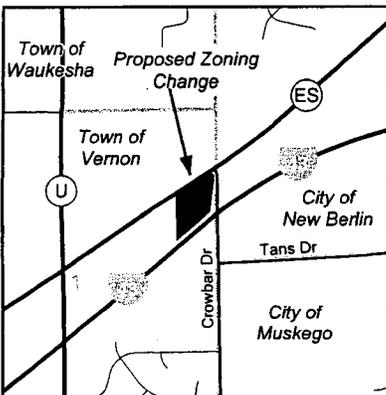
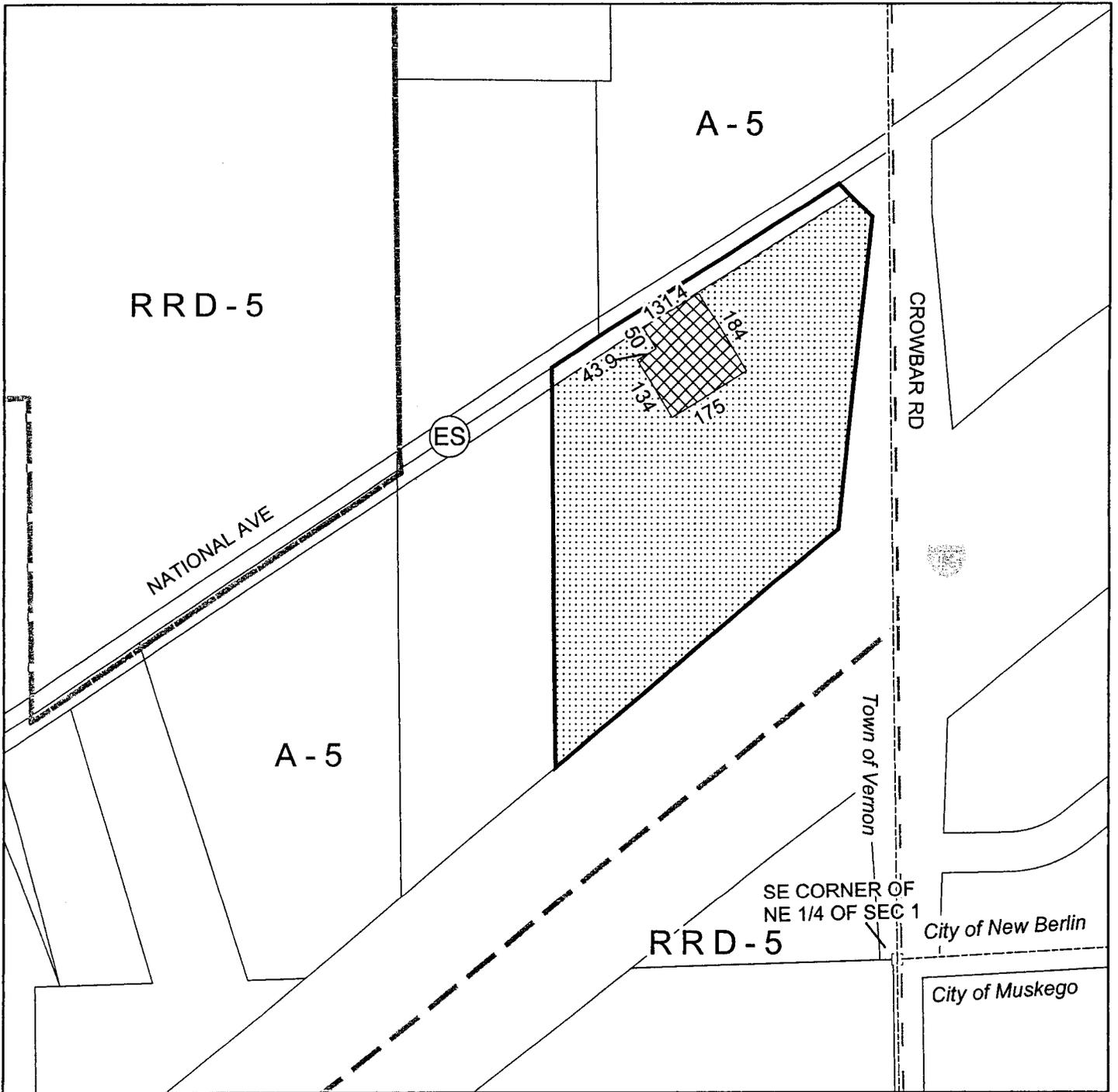
Vetoed: \_\_\_\_\_

Date: 8/26/05,   
Daniel M. Finley, County Executive

  
160:0-08

# ZONING MAP AMENDMENT

PART OF THE NE 1/4 OF SECTION 1  
TOWN OF VERNON



CONDITIONAL ZONING CHANGE FROM A-5 AGRICULTURAL TO B-2 LOCAL BUSINESS (0.7 ACRES)



CONDITIONAL ZONING CHANGE FROM A-5 AGRICULTURAL TO B-3 LOCAL BUSINESS (9.2 ACRES)

FILE.....CZ-1573

DATE.....07-21-05

AREA OF CHANGE.....9.9 ACRES

TAX KEY NUMBER.....VNT 2017.976



1 inch equals 300 feet  
0 50 100 200 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

160-0-031

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/23/05

(ORD) NUMBER-1600037

- |                          |                       |
|--------------------------|-----------------------|
| 1 K. HERRO.....          | 2 R. THELEN.....AYE   |
| 3 D. STAMSTA.....AYE     | 4 R. HUTTON.....      |
| 5 J. MARCHESE.....AYE    | 6 D. BROESCH.....AYE  |
| 7 J. JESKEWITZ.....AYE   | 8 J. DWYER.....AYE    |
| 9 P. HAUKOHL.....AYE     | 10 S. WOLFF.....      |
| 11 K. HARENDA.....AYE    | 12 B. RONCKE.....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.....AYE  | 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.....AYE  |
| 31 V. STROUD.....        | 32 P. GUNDRUM.....AYE |
| 33 D. PAVELKO.....       | 34 R. SINGERT.....AYE |
| 35 C. SEITZ.....AYE      |                       |

TOTAL AYES-30

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-30