

ENROLLED ORDINANCE 160-92

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND SE ¼ OF SECTION 26, T7N, R17E, TOWN OF SUMMIT, FROM THE A-P AGRICULTURAL LAND PRESERVATION, A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS (COUNTY) AND THE A-1 AGRICULTURAL AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN AND COUNTY) (SZT-1571)

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 the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 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 District Zoning Map for the Town of Summit, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Summit Zoning Ordinance adopted on August 12, 2003, are hereby amended to conditionally rezone from the A-P Agricultural Land Preservation, A-2 Rural Home and C-1 Conservancy Districts (County) and the A-1 Agricultural and C-1 Conservancy Districts (Town) to the R-1 Residential and C-1 Conservancy Districts (Town and County), as noted in the Town of Summit amending Ordinance No. 05-261, adopted by the Town of Summit on September 1, 2005, certain lands located in part of the NE ¼ and SE ¼ of Section 26, T7N, R17E, Town of Summit, 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 (SZT-1571) subject to the following conditions:

1. *Subject to Plan Presentation and Compliance.* The subject parcel must be developed in substantial conformity with the plans presented at the public hearing on July 27, 2005, including, but not limited to: a maximum of 40 lots for single-family residential development and a minimum of 3 outlots which shall be dedicated in equal, undivided interest to the 40 lots of this subdivision.
2. *Subject to Preliminary and Final Plat.* All conditions of approval of the Preliminary Plat, if said approval is granted, shall be complied with; and Petitioner shall prepare and submit a Final Plat for approval. The Final Plat shall be subject to the approval of the Town of Summit Town Plan Commission and Town Board. In addition, all terms and conditions of the Town of Summit Zoning Code and the Town of Summit Ordinance regulating the division and platting of land shall be complied with in all respects, along with all applicable rules ordinances, statutes and other procedures related to said Preliminary and Final Plat, and subject to satisfying any conditions that may be imposed upon that land division, prior to this conditional rezoning ordinance being effective.
3. *Subject To Homeowner's Association Documents And Developer's Agreement.* Petitioner

shall prepare and submit the Homeowner's Association documents and Developer's Agreement for the subject parcel to the Town Manager/Planner. These documents shall be subject to the approval of the Town of Summit Town Board being granted prior to this conditional zoning ordinance being effective. The Town Board approval will be based on the approval of the Town of Summit Town Attorney as to form, including, but not limited to, requirements of the respective lot owners concerning ownership and maintenance of the outlots on the subject parcel.

The Homeowner's Association documents and Deed Restrictions must specifically refer to the existing, operating quarry to the immediate south and private airstrip to the west, and identify the ability of that operation to exist as permitted by local, county and state regulations.

4. *Subject To Adequate Ingress And Egress.* Petitioner shall submit a scale drawing and map depicting the ingress and egress design, and location, for the proposed road intersection with Sawyer Road (CTH P), to the Town of Summit Manager/Planner. These documents shall be subject to approval of the Town of Summit Town Engineer being granted prior to this conditional zoning ordinance being effective. Petitioner shall also provide written approvals from the Waukesha County Highway Department for such improvement.

Petitioner shall present a plan for access restrictions to the lands south of this property, providing for a future connection and road construction up to the south property line.

5. *Subject To Adequate Septic System.* Petitioner shall submit proof that each of the lots shown in the Preliminary Plat has adequate soils to maintain an on-site septic system to the Town Manager/Planner, subject to the Town Engineer's approval as to reliability of the information and form, and subject to such approval being granted by the Town Engineer prior to this conditional zoning ordinance being effective.
6. *Subject To Landscaping Plan.* Petitioner shall submit a detailed Landscaping Plan for the roadway frontage along Sawyer Road and Genesee Lake Road to the Town Manager/Planner subject to the approval of both the Plan Commission and Town Engineer being granted prior to this conditional zoning ordinance being effective.

Petitioner shall submit a detailed Landscaping Plan for the south property line adjacent to the existing and operating quarry to the Town Manager/Planner, subject to the approval of both the Plan Commission and Town Engineer being granted prior to this conditional zoning ordinance being effective.

7. *Subject To Erosion Control And Stormwater Management Plan.* Petitioner shall submit a detailed Erosion Control Plan and a detailed Stormwater Management Plan for the subject parcel to the Town Manager/Planner, subject to the approval of the Town Engineer. Petitioner shall submit any easements for stormwater facility maintenance to the Town Manager/Planner, subject to the approval of the Waukesha County Parks and Land Use Department and the Town Attorney for form being granted prior to this conditional zoning ordinance being effective.

8. *Subject To Grading And Building Sites.* Petitioner shall submit to the Town Manager/Planner, subject to the approval of the Town Engineer, a final Grading Plan. In addition to showing the final grade, the Grading Plan shall also locate building sites on the lots depicted on the Preliminary Plat, and shall demonstrate to the satisfaction of the Town Engineer that the homes on those lots will be located above the groundwater table. The basement floor of each residence on this property shall be set at or above the seasonal ground water level. This grading shall be in conformance with the Master Grading Plan for this development, approved by the Town Engineer and Waukesha County, and on file with the Town of Summit. Any modifications to the Grading Plan require approval from the Town Engineer.
9. *Subject To Financial Security For Improvements.* Petitioner shall prepare and submit to the Town Clerk and receive approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash prior to commencing construction of any improvement, whether public or private, or site development or approval of the Final Plat, whichever is earlier.
10. *Subject To Reimbursement Of Expenses.* The Petitioner shall pay all fees, costs, and assessments due and owing to the Town of Summit, including any permit fees for applicable permits, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Town of Summit in the drafting, review or enforcement of this rezoning ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
11. *One Year To Satisfy Conditions.* All of the aforementioned conditions must be satisfied within one year of the date of Town Board approval of this conditional rezoning ordinance, unless extended by the Town of Summit Town Board, or the rezoning ordinance shall be null and void.
12. *Subject To Acceptance.* Subject to the Petitioner and the subject property owner acknowledging in writing that they have received a copy of this conditional approval, that they understand and accept the same, and that upon failure to satisfy these conditions this approval is void, and the same is deemed to not have been approved, and the Petitioner will therefore need to re-commence the application process.

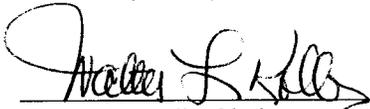
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Summit.

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

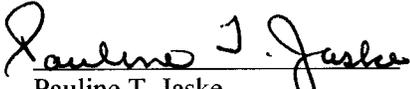
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF SUMMIT AND THE TOWN OF  
SUMMIT ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED  
IN PART OF THE NE ¼ AND SE ¼ OF SECTION 26, T7N, R17E, TOWN OF SUMMIT, FROM THE  
A-P AGRICULTURAL LAND PRESERVATION, A-2 RURAL HOME AND C-1 CONSERVANCY  
DISTRICTS (COUNTY) AND THE A-1 AGRICULTURAL AND C-1 CONSERVANCY DISTRICTS  
(TOWN) TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS  
(TOWN AND COUNTY) (SZT-1571)

Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Kathleen M. Cummings

  
Pauline T. Jaske

  
Scott J. Klein

  
Bill Kramer

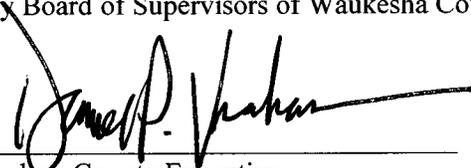
Absent  
Daniel Pavelko

Absent  
Vera Stroud

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

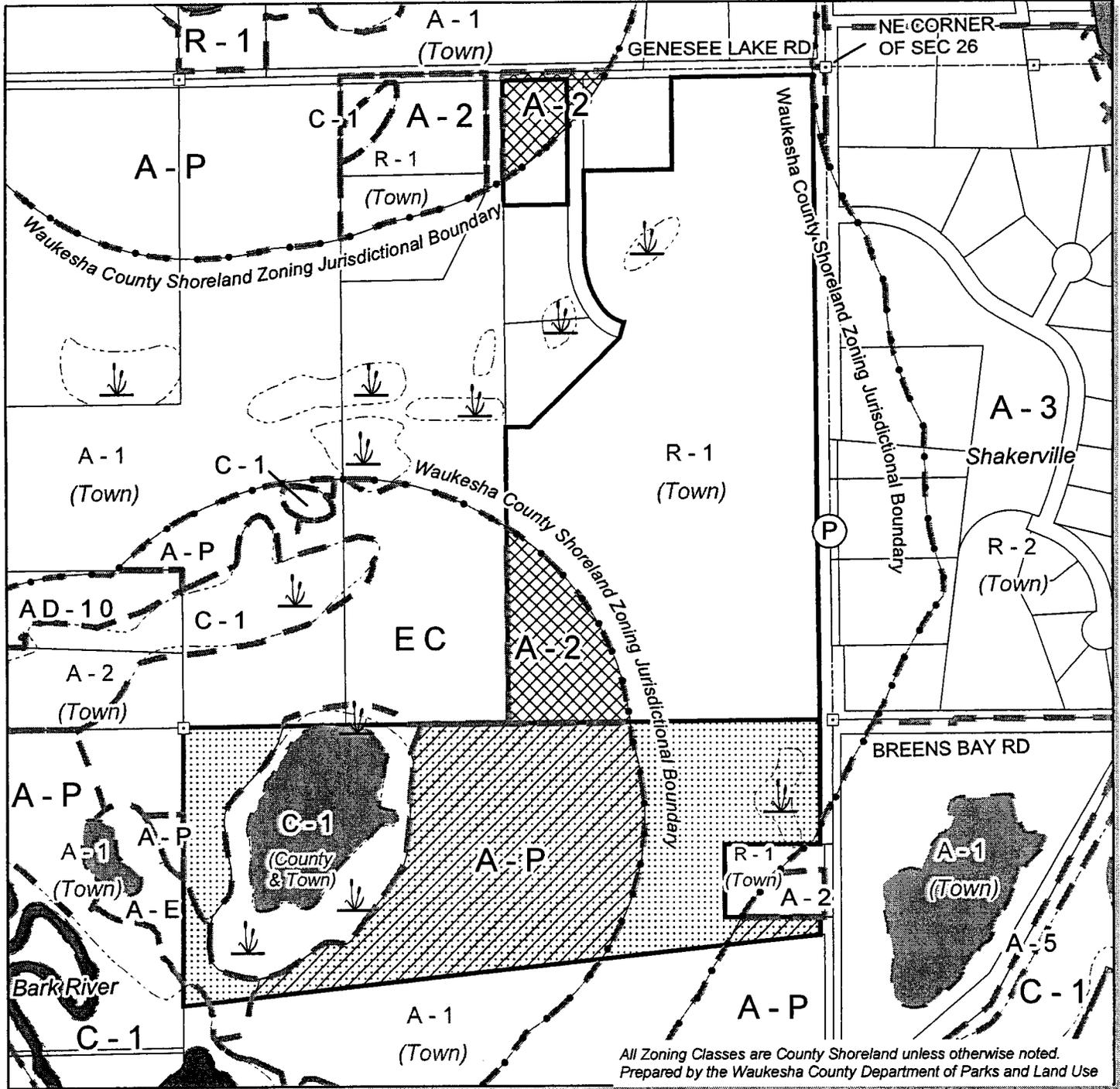
Date: 1-27-06,   
Kathy Nickolaus, County Clerk

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

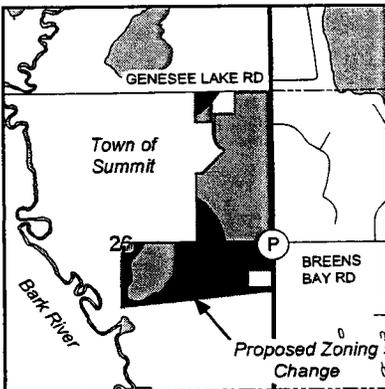
Approved:   
Vetoed:   
Date: 1/27/06,   
Daniel P. Vrakas, County Executive

# ZONING MAP AMENDMENT

PART OF THE EAST 1/2 OF SECTION 26  
TOWN OF SUMMIT



All Zoning Classes are County Shoreland unless otherwise noted.  
Prepared by the Waukesha County Department of Parks and Land Use



-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-P TO R-1 (24.5 AC)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-2 TO R-1 (8.5 AC)
-  CONDITIONAL TOWN ZONING CHANGE FROM A-1 TO R-1 (42.2 AC)

FILE.....SZT-1571

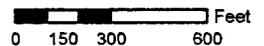
DATE.....12-01-05

AREA OF CHANGE.....50.7 ACRES

TAX KEY NUMBER.....SUMT 0680.999.003 & SUMT 0677.999.001



1 inch equals 600 feet



160-0-095

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/24/06

(ORD) NUMBER-1600095

- |                          |                       |
|--------------------------|-----------------------|
| 1 K. HERRO.....AYE       | 2 R. THELEN.....AYE   |
| 3 D. STAMSTA.....AYE     | 4 R. HUTTON.....AYE   |
| 5 J. MARCHESE.....AYE    | 6 D. BROESCH.....AYE  |
| 7 J. JESKEWITZ.....AYE   | 8 J. DWYER.....AYE    |
| 9 P. HAUKOHL.....AYE     | 10 S. WOLFF.....AYE   |
| 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.....          | 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.....AYE    | 34 R. SINGERT.....AYE |
| 35 C. SEITZ.....AYE      |                       |

TOTAL AYES-33

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-33