

ENROLLED ORDINANCE 162-82

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY AMENDING THE CONDITIONS OF ENROLLED ORDINANCE NO. 161-59 (ZT-1634) FOR CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 35, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN (ZT-1634A)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on October 17, 2007, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Mukwonago Zoning Ordinance, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to reflect changes in the conditions of Enrolled Ordinance No. 161-59 (ZT-1634) for certain lands location in part of the NW ¼ of Section 35, T5N, R18E, Town of Mukwonago, Waukesha, Wisconsin, 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 (ZT-1634A), subject to the following conditions:

- A. The first floor of any proposed new construction on the subject property must be no less than 2 ft. and no greater than 5 ft. above the elevation of 794.3’ msl. First floor is defined as the top of the first floor’s sub flooring.
- B. A detailed Grading and Drainage Plan must be submitted to and approved by the Land Resource Division of the Waukesha County Department of Parks and Land Use and the Town Engineer prior to the rezoning being effective. Said plan shall demonstrate to the satisfaction of the Town Engineer that, once implemented, the grades will accommodate all existing and proposed drainage patterns, surface water runoff and infiltration in order to improve the water quality of the water draining on and through the subject parcel.
- C. A Vegetative Buffer Plan must be submitted to and approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use prior to the rezoning becoming effective for 50 ft. inland from the Ordinary High Water Mark along 80 percent of the frontage on Phantom Lake. The vegetative buffer shall consist of grasses and vegetation at least two feet tall and shall be installed prior to occupancy on the new residence. If the required vegetation is not at least two feet tall prior to occupancy, a letter of credit or cash must be posted with the Town of Mukwonago to cover installation and maintenance of said vegetative buffer.
- D. Pursuant to Section 82-175 of the Municipal Code of the Town of Mukwonago, Wisconsin, the applicant must submit an application for a special exception to the Town of Mukwonago Plan Commission to allow a footprint of no more than 1,140 sq. ft. on the subject property and this rezoning ordinance shall not take effect unless such special exception is granted and all conditions complied with. Adoption of this ordinance shall in no way limit or restrict the authority of the Plan Commission in consideration of the

special exception and its conditions, and this ordinance shall not be interpreted as vesting any right to the Petitioner with regard to the special exception.

- E. Any necessary variances must be applied for and granted by the Waukesha County Board of Adjustment to allow a minimal sized house on a lot of record, prior to the rezoning becoming effective.
- F. Prior to removal of the existing residence, a holding tank permit must be applied for and approved by the Waukesha County Environmental Health Division.
- G. Prior to the rezoning becoming effective, the applicant must submit to and receive approval from the Town Attorney and Town Engineer proof that the subject property has lawful access to an improved public road.
- H. Prior to issuance of any Zoning or Building Permits on the subject property by Waukesha County or the Town of Mukwonago, a structural soil analysis must be submitted to and approved by the Town Engineer verifying the structural integrity of the underlying soils on the subject property, and what may have to be done in order to accommodate any proposed new living unit.
- I. Petitioner shall submit to and receive approval from the Town Attorney and the Town Engineer, Deed Restrictions that will be imposed on the subject lands, prior to commencing construction of any improvement, whether public or private, or site plan or this conditional rezoning ordinance taking effect, whichever is earlier. The Deed Restrictions shall include but not necessarily be limited to such requirements as may be required pursuant to Section 82-175(2) of the Municipal Code of the Town of Mukwonago, Wisconsin.
- J. The Petitioner shall submit to and receive approval from the Town of Mukwonago Town Board, Town Engineer and the Waukesha County Parks and Land Use Department-Planning and Zoning Division a Certified Survey Map which complies with all provisions of the Town of Mukwonago Land Division and Development Control Ordinance, and Chapter 82 of the Municipal Code of the Town of Mukwonago, Wisconsin, prior to this rezoning taking effect. The Certified Survey Map shall set forth the access to subject property, the 100-year floodplain, and wetland boundaries, and any requirements that the Town Engineer recommends be imposed on the subject lands.
- K. The Petitioner shall submit to and receive approval from the Town Engineer a Drainage Plan prior to this rezoning ordinance taking effect. The Drainage Plan shall accommodate all existing and proposed drainage patterns and surface water runoff which is generated on the subject property and flows through the subject property.
- L. The Petitioner shall satisfy all comments, conditions, and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies in regard to the Certified Survey Map, and shall obtain all necessary permits and approvals prior to commencing construction of any improvement, whether public or private, or site development or approval of the final Certified Survey Map, whichever is earlier.
- M. Subject to the Petitioner approving in writing the issuance of this Conditional Rezoning Ordinance and the Petitioner 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 would therefore need to re-commence that application process.

- N. The Petitioner shall pay all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursements of any expenses, costs and disbursements which have been incurred by the Town of Mukwonago in the drafting, review and enforcement of this Zoning Ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- O. The Petitioner shall satisfy all the aforementioned conditions within three years of the Town Board approving conditional rezoning Ordinance #2006-B.

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

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.

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Presented by:
Land Use, Parks, and Environment Committee



William A. Mitchell, Chair



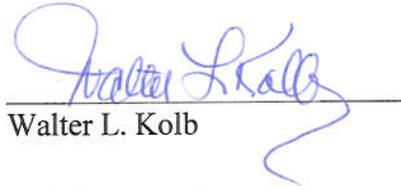
Keith Hammitt

Resigned

Keith Harenda



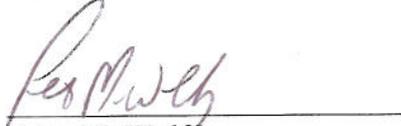
Pauline T. Jaske



Walter L. Kolb

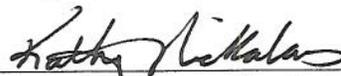
Absent

Vera Stroud



Peter M. Wolff

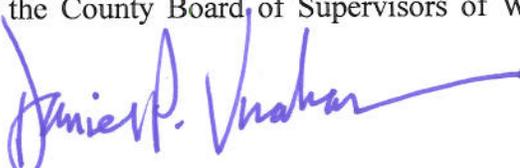
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 12-14-07, 
Kathy Nickolaus, County Clerk

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

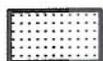
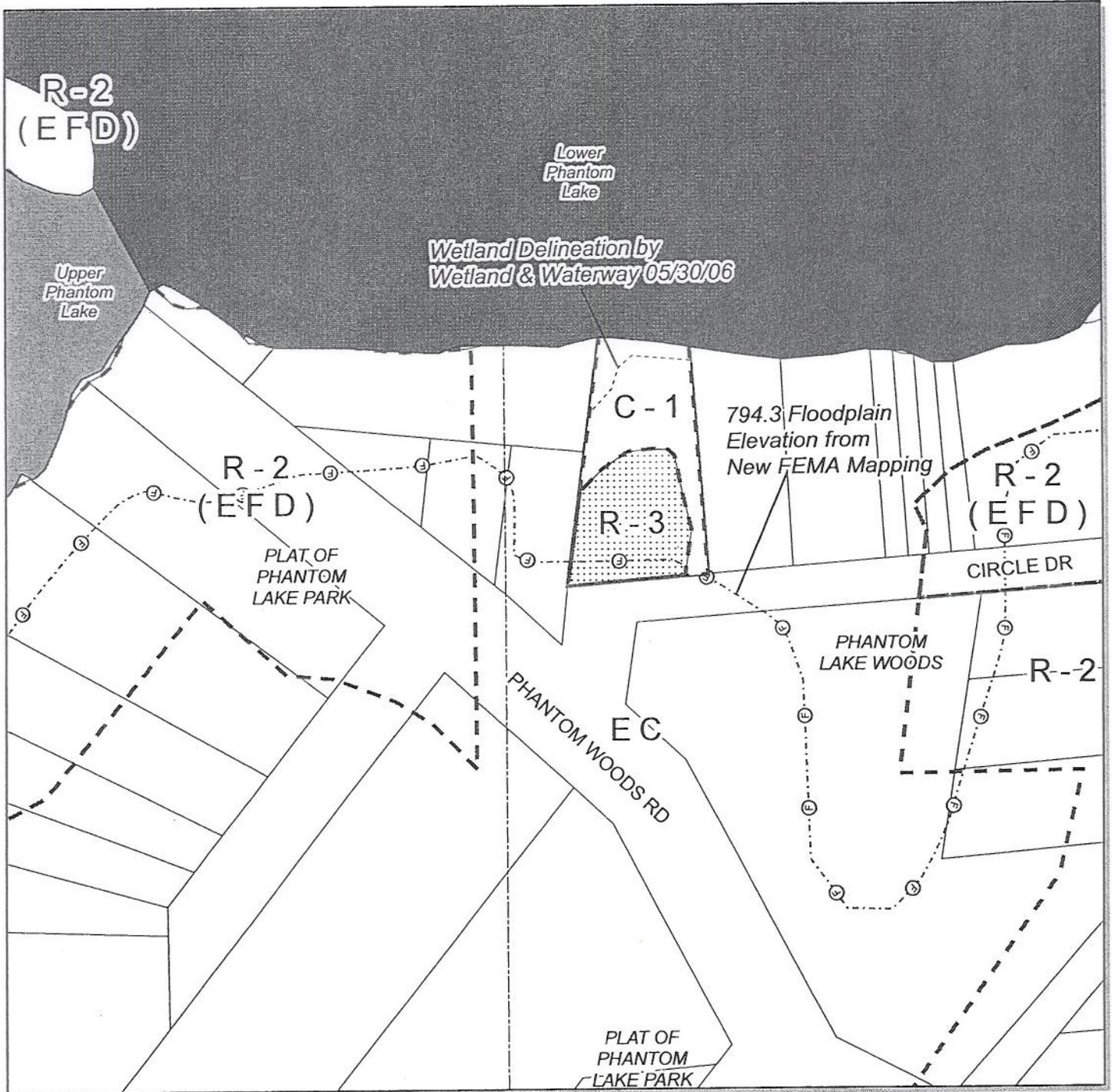
Approved: X

Vetoed: _____

Date: 12-17-07, 
Daniel P. Vrakas, County Executive

ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 35
TOWN OF MUKWONAGO



AMEND CONDITION TO 2006 TOWN ZONING CHANGE FROM R-2 RESIDENTIAL TO R-3 RESIDENTIAL

FILE.....ZT-1634A

DATE.....11-15-07

AREA OF CHANGE.....0.14 ACRES

TAX KEY NUMBER.....MUKT 2010.012



1 inch equals 100 feet



RECEIVED

OCT 19 2007

DEPT OF PARKS & LAND USE

EXHIBIT "A"

CERTIFIED SURVEY MAP NO.

Being Lot 12, Phantom Lake Woods, being a part of the Southwest 1/4 of the Northwest 1/4 of Section 35, Town 5 North, Range 18 East, Town of Mukwonago, Waukesha County, Wisconsin.

100 YEAR FLOOD ELEVATION IS PER FEMA MAPS. FIELD ELEVATIONS WERE USED TO LOCATE THIS LINE

PROPERTY ADDRESS:
W299 510572 PHANTOM WOODS
MUKWONAGO WI 53149

OWNER:
DOMARK S. MARZION
109 E. MAIN STREET
EAGLE WI 53119

SURVEYOR:
KETTLE MORaine SURVEYING INC.
P.O. BOX 357
EAGLE WI 53119
(262)594-3484

PRIMARY ENVIRONMENTAL CORRIDOR LOCATION IS PER SEWRPC AND KATHY MOORE (TOWN PLANNER)

THIS C.S.M. WAS REQUIRED BY THE TOWN OF MUKWONAGO AS A CONDITION OF REZONING. IT DOES NOT CREATE A NEW LOT OR COMBINE PRE EXISTING LOTS

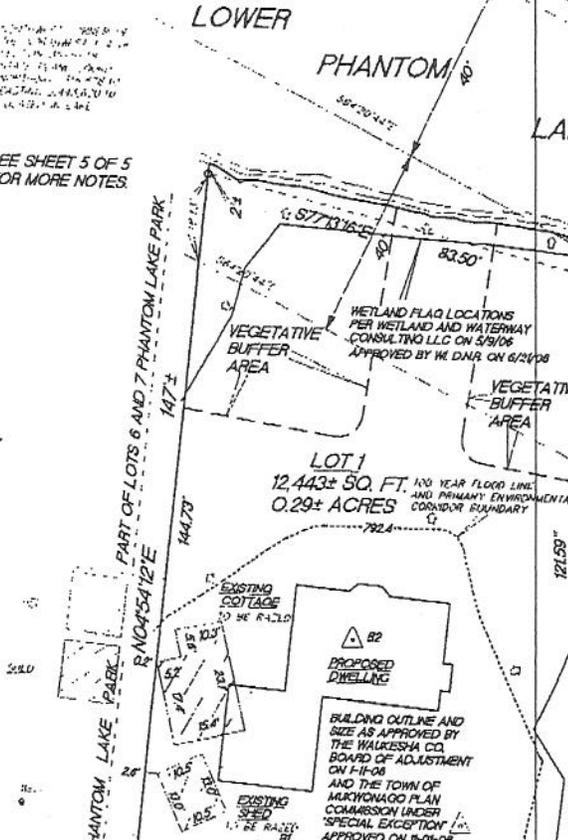
ORDINARY HIGH WATER MARK AS MARKED BY THE DNR IS 2' SOUTH OF LOCATED EDGE OF WATER

BEARING ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE

SEE WETLAND/SHORELAND AND PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION AREA RESTRICTIONS ON SHEET 1 & 2

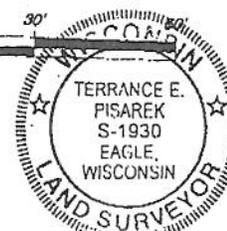
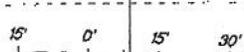
ENTIRE LOT IS WITHIN THE JURISDICTION OF THE WAUKESHA COUNTY SHORELAND AND FLOOD LAND PROTECTION ORDINANCE

SEE SHEET 5 OF 5 FOR MORE NOTES.



- FOUND 1" IRON PIPE
- () RECORDED AS DIMENSIONS
- △ SOIL BORINGS
- 6" CONC. MON. W/BRASS CAP

SCALE 1"=30'



GRADING TO BE IN ACCORDANCE WITH PLANS AS APPROVED BY TOWN OF MUKWONAGO PLAN COMMISSION

LOCATION MAP NW 1/4 SEC. 35-5-18 1"-2000'

TERRANCE E. PISAREK S-1930
 DATED THIS 24TH DAY OF JANUARY 2007
 REVISED THIS 30TH DAY OF JANUARY 2007
 REVISED THIS 14TH DAY OF FEBRUARY 2007
 REVISED THIS 14TH DAY OF FEBRUARY 2007
 REVISED THIS 21ST DAY OF FEBRUARY 2007
 REVISED THIS 30TH DAY OF MARCH 2007
 REVISED THIS 30TH DAY OF APRIL 2007

SOUTHEAST CORNER OF THE SECTION 35-5-18
 BEING THE INTERSECTION OF THE
 EAST LINE OF SECTION 35-5-18
 WITH THE NORTH LINE OF SECTION 35-5-18
 BEING THE INTERSECTION OF THE
 WEST LINE OF SECTION 35-5-18
 WITH THE NORTH LINE OF SECTION 35-5-18
 BEING THE INTERSECTION OF THE
 WEST LINE OF SECTION 35-5-18
 WITH THE SOUTH LINE OF SECTION 35-5-18
 BEING THE INTERSECTION OF THE
 WEST LINE OF SECTION 35-5-18
 WITH THE SOUTH LINE OF SECTION 35-5-18

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/11/07

(ORD) NUMBER-1620080

1 K. HERRO.....AYE
 3 T. ROLFS.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 VACANT.....
 13 J. HEINRICH.....
 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.....
 33 K. HAMMITT.....AYE
 35 P. MEYER.....AYE

2 R. THELEN.....AYE
 4 R. HUTTON.....AYE
 6 D. FARRELL.....
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 T. SCHELLINGER....AYE
 14 S. WIMMER.....AYE
 16 R. STEVENS.....AYE
 18 B. MORRIS.....AYE
 20 P. WOLFF.....AYE
 22 G. BRUCE.....AYE
 24 J. VITALE.....
 26 F. RUF.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....AYE
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-29

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-29