

ENROLLED ORDINANCE 171-1

AMEND SECTION 8b.01(1) OF THE WAUKESHA COUNTY ZONING CODE TO
CORRECT AN OMISSION FROM RECENTLY APPROVED TEXT AMENDMENTS
IN ENROLLED ORDINANCE NO. 170-72 (CZ-1459L-CORRECTION)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning Code on February 26, 1959, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinances pursuant to Sections 59.69, Wisconsin Statutes, and

WHEREAS, the Waukesha County Board of Supervisors approved text and map amendments to the Ordinance (CZ-1459L) relative to farmland preservation through Enrolled Ordinance No. 170-72 on December 15, 2015, and

WHEREAS, the amending Ordinance inadvertently omitted the subsections of Section 8b.01(1), and

WHEREAS, the matter was referred to and considered by the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.69 Wis.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Zoning Code adopted on February 26, 1959, is hereby amended as follows:

Repeal and recreate Section 8b.01(1) to read as follows:

- (1) Purpose and Intent: The purpose of this zoning district is to allow the development of land at densities not greater than one (1) unit for each five (5) acres on all non-prime agricultural areas, in order to encourage the preservation of Prime Agricultural tillable land, (U.S.D.A. Class I and II soils) to discourage residential development on environmentally sensitive areas, provide some marketability for such lands, and to encourage a more economical use of land which is suited to residential development by permitting more intensive use of such lands without changing the overall rural character of the Town and the population density of the Town as set forth in the adopted Land Use Plan. Further, only 20% of the lands in the C-1 Conservancy District may be used when calculating the allowable living units.

This district encourages the transfer of residential development rights from one area of a parcel to another, and from one tract of land to another, thereby increasing the density of development in exchange for establishing the preservation of other lands as "agricultural preserved lands."

- (A) Development Goals: The stated intent of the density regulations where preserved lands will be established can be implemented in the following manner:

1. Development would occur at five (5) acre densities with the buildable parcels having the building site outside of the prime agricultural tillable area and the open area transferring lands) would be retained through a deed restriction or covenants with no development rights until such time as it could be served with

municipal sewer and a zoning change is approved by the Town and County Boards, in accordance with the adopted local Land Use Plan.

2. All lot owners would own an undividable interest in the large open space area with development rights transferred and only to be developed at such time as sewer is available and a zoning change is approved by the Town and County Boards in accordance with the adopted local Land Use Plan.
3. The land owner or his heirs and assign who sold the development rights could retain those lands with the original farmstead; however, no development rights of that parcel beyond those available under this provision would be allowed to be transferred until such time as sewer became available and rezoning of the parcel is approved by the Town and County Board in accordance with the adopted Local Land Use Plan.

- (B) Preservation of Rural Character: A basic goal of this density transfer technique is to promote the preservation of the rural character of the Town by encouraging farm fields, pastures and orchards and natural open spaces to be retained, either as common open spaces or as part of a farm operation under the "preserved land" category.
- (C) Preservation of Agricultural Lands: The shape and arrangement of preserved lands designated for agricultural use should be consistent with practical requirements for an agricultural activity and be of justifiable value for farm use or as a contribution to the goal of preserving the rural environmental character. The preserved areas must be at least twenty (20) acres of contiguous area, not necessarily on the same parcel, and consist of U.S.D.A. Class I and II soils for prime agricultural use, and be tillable without the necessity of removing mature vegetation.
- (D) Relationship of Development to Agricultural Area: Consideration shall be given as to whether the development plans for roads, building sites and preserved agricultural areas is based upon the careful consideration of the most appropriate relationship to the existing terrain conditions, suitable capacity for onsite sewage disposal systems, provisions for storm water drainage and retention, the potential impact upon surrounding areas, the size, location and the agricultural viability of the agricultural lands being preserved.
- (E) Access to Town and County Roads: In order to preserve the rural character, as well as the efficiency and safety of existing road systems, it will be required to minimize the development of lots strung out along such roads with individual driveway accesses from each lot. One goal of density control is to encourage the grouping of lots on interior streets which will access the existing road system.

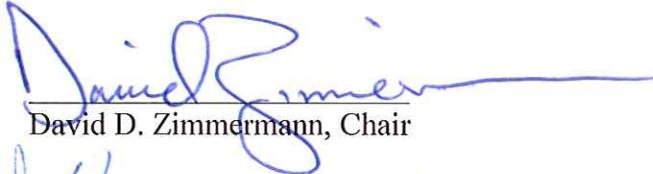
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

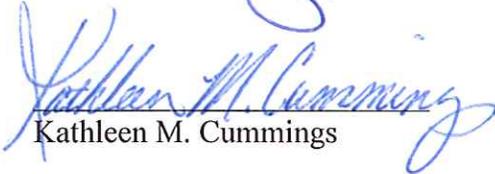
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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

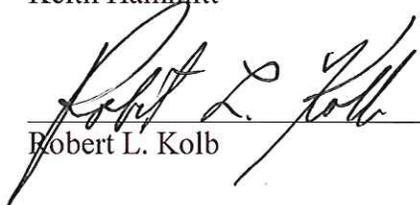
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Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

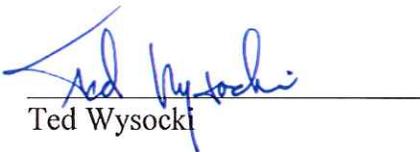

Kathleen M. Cummings

Absent
Keith Hammitt


Robert L. Kolb

Absent
William Mitchell

Absent
Thomas J. Schellinger


Ted Wysocki

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

Date: 5/24/16, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 6/10/16, 
Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/16

NUMBER-1710001

- | | |
|------------------------------------|----------------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJENAYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUMAYE |
| 9 J. HEINRICH..... | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTISAYE |
| 15 B. MITCHELL.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER.....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKEAYE |
| 23 K. HAMMITT..... | 24 S. WHITTOW..... |
| 25 C. YERKEAYE | |

TOTAL AYES-22

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-22