

ENROLLED ORDINANCE 176-110

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND NW ¼ OF SECTION 15 AND THE SW ¼ OF SECTION 10, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ91)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Oconomowoc Town Board on January 17, 2022; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 59.69 and 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Oconomowoc, Waukesha County, Wisconsin, and the Waukesha County Zoning Code adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby amended to rezone certain lands located in part of the NE ¼ and NW ¼ of Section 15 and the SW ¼ of Section 10, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin from the FLP Farmland Preservation District to the R-1 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 RZ91, is hereby approved, subject to the following conditions:

1. The Zoning Amendment shall only amend the zoning on the 2.00 acres as shown on the Certified Survey Map dated 10-19-2021, with a revision date of 12/17/2021, including the 20-foot access easement along the west side of the property, from the FLP Farmland Preservation District to the R-1 Residential District. No other lands are to be rezoned (see attached Map A (Exhibit A)).
2. The Preliminary Certified Survey Map, prepared by Paul Hilmer, Professional Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission, Town Board and Waukesha County.
3. A Declaration of Restrictions shall be prepared and reviewed and approved by the Town Planner and Waukesha County Planning and Zoning Division Staff and recorded in the Waukesha County Register of Deeds Office that states that, pursuant to the Town of Oconomowoc Comprehensive Land Use Plan -2035 and the Waukesha County Comprehensive Development Plan, no additional development rights remain for the remnant parcel and the proposed new lot is entitled to only one (1) dwelling unit. Said restriction must state that the restriction shall apply in perpetuity unless the County

Comprehensive Development Plan Farmland Preservation designation under both the Town of Oconomowoc Comprehensive Land Use Plan – 2035 and the Waukesha County Comprehensive Development Plan for the property is amended in the future.

4. A Declaration of Restrictions shall be prepared and reviewed and approved by the Town Planner and Waukesha County Planning and Zoning Division and recorded in the Waukesha County Register of Deeds Office that states that the two parcels may not be sold separately until and unless the farm living quarters is removed from the property designated as Farmland Preservation to comply with the density requirements of the Farmland Preservation District. This deed restriction may be combined with the required deed restriction in Condition No. 3.

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.

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ AND NW ¼ OF SECTION 15 AND THE SW ¼ OF SECTION 10, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ91)

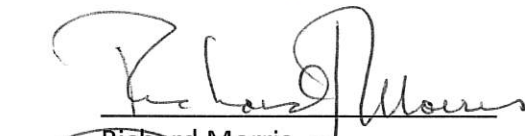
Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammitt


Thomas A. Michalski


Chris Mommaerts



Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

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

Date: 3/28/22, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

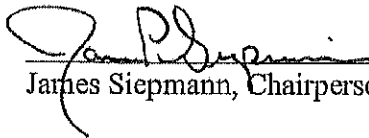
Date: 3/28/22, 
Paul Farrow, County Executive

COMMISSION ACTION

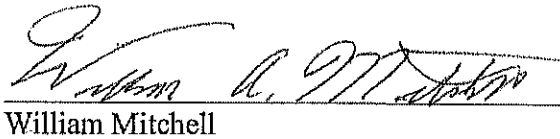
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends approval of (RZ91 Colts Neck, LLC_Jablonski) in accordance with the attached "Staff Report and Recommendation".

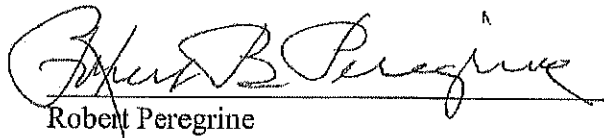
PARK AND PLANNING COMMISSION

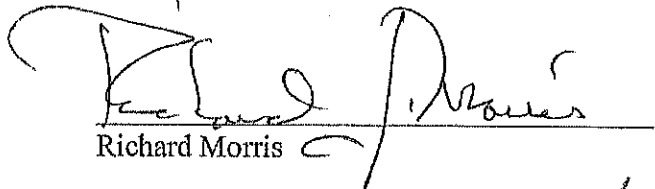
February 24, 2022

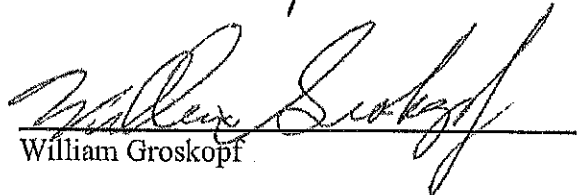

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


William Mitchell


Robert Peregrine


Richard Morris


William Groskopf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: February 24, 2022

FILE NO.: RZ91

OWNER AND APPLICANT: Colts Neck LLC
c/o Nancy Jablonski
W289 N4756 Wild Rose Court
Hartland, WI 53029

TAX KEY NO.: OCOT 0489.011.001

LOCATION:
Parcel 1, Certified Survey Map No. 8735, Redivision of Lot 11, Saddlebrook Farms, part of the NE ¼ and NW ¼ of Section 15 and the SW ¼ of Section 10, T8N, R17E, Town of Oconomowoc, containing approximately 36 acres.

EXISTING ZONING:
FLP Farmland Preservation District.

PROPOSED ZONING:
R-1 Residential District.

EXISTING USE(S): Agricultural.

REQUESTED USE(S): Residential (proposed R-1 parcel)
Agricultural, horse boarding operation and farm dwelling unit (FLP parcel)

PUBLIC HEARING DATE:
December 6, 2021

PUBLIC COMMENT:
A neighbor indicated that it would not be feasible to cross or modify the existing drainage ditch on the property. The owner clarified there were no plans to modify the drainage ditch.

TOWN PLAN COMMISSION ACTION:
On December 20, 2021, the Town of Oconomowoc Plan Commission recommended conditional approval of the rezone to the Town Board.

TOWN BOARD ACTION:
On January 17, 2022, the Oconomowoc Town Board of Supervisors recommended conditional approval of the rezone.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC CDP:

The property is designated in the Farmland Preservation category on the Comprehensive Development Plan for Waukesha County and in the Prime Agricultural category on the Town Land Use Plan. The proposal to rezone approximately two (2) acres is consistent with plan recommendations that call for a maximum density of one dwelling unit per 35 acres. The remnant acreage will be deed restricted from further non-agricultural development in accordance with Section 6.19 of the Waukesha County Zoning Code and Section 11(i) of the Waukesha County Shoreland and Floodland Protection Ordinance.

STAFF ANALYSIS:

The subject property is located northwest of Ashippun Lake in the Saddlebrook Farms subdivision. The property is just over 36 acres and is currently being farmed. There is a 30' storm drainage easement that takes drainage from Saddlebrook Lane across much of the frontage of the parcel and drains to a drainage easement on the neighboring property. There are no environmental features such as corridor or wetland identified on the property.

The lands are zoned Farmland Preservation (FLP) pursuant to the Waukesha County Zoning Ordinances. Plan designations are Farmland Preservation per the Waukesha County Comprehensive Development Plan and Prime Agricultural on the Town of Oconomowoc Land Use Plan. The Farmland Preservation District states that new lots or new residences on less than 35 acres shall only be permitted with the creation and rezoning of a new parcel. The overall density of the farm tract must be maintained at one dwelling unit per 35 acres. Given that the property contains approximately 36 acres in the Farmland Preservation category, the petitioners have one (1) density right for the parcel.

The property owner is proposing to divide two acres from the southwest corner of the property and rezone the property to R-1 Residential for the purpose of constructing a single-family home, utilizing its single development right. The proposed lot contains approximately 158' of frontage along Saddlebrook Lane. A 20 ft. wide access easement is proposed on the west property line to accommodate access to the remnant farm lands, as crossing the existing drainage easement is not feasible. The proposed lot would be entirely within the County's Shoreland and Floodland Protection Ordinance jurisdictional limits.

The proposed parcel complies with the lot size requirements (1 to 3 acres) set forth by the FLP rezoning process, as well as the minimum average width requirements (150 ft.) of the R-1 District. The parcel location and subsequent residence will not limit the agricultural use of the 34-acre remnant farmlands, preserving and maintaining productive and viable agricultural land that adds to the economic base of Waukesha County. The proposed 2-acre parcel meets the Farmland Preservation District siting standards as the new home site will be located near the road, generally clustered with other nearby development, and provide the least disruption to cultivated lands.

The petitioner is also proposing additional agricultural uses on the remnant 34-acres, including a hay and equipment storage building, a commercial stable/boarding operation with approximately 14 stalls and a riding arena, and a personal dog training building for her four dogs that will contain a farmhand living quarters. The horse boarding operation will require a Conditional Use Permit from the town and county. A site plan has not been submitted to the town and county for review at this time. In order to comply with the FLP density requirements of one dwelling unit per 35 acres, it is recommended below that the rezone be conditioned that the remnant farm acreage left in the FLP District be tied via deed restriction to the proposed R-1 Residential lot so that the farmhand living quarters remains accessory to the farm use (riding arena) that is operated by the owner of the adjacent residential parcel. The FLP district allows farm living quarters for full time employees of the farming operation as an agricultural accessory use.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's conditions. Additions to the town's conditions are shown in **bold** and deletions are identified in a strikethrough format.

1. The Zoning Amendment shall only amend the zoning on the 2.00 acres as shown on the Certified Survey Map dated 10-19-2021, **with a revision date of 12/17/2021**, including the 20-foot ~~access strip~~ **access** easement along the west side of the property, from the FLP Farmland Preservation District to the R-1 Residential District. No other lands are to be rezoned (see attached Map A (**Exhibit A**)).
2. The **Preliminary** Certified Survey Map, prepared by Paul Hilmer, ~~Registered Professional~~ **Registered Professional** Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission, Town Board and Waukesha County.

3. A Declaration of Restrictions shall be prepared and reviewed and approved by the Town Planner and Waukesha County Planning and Zoning **Division** Staff and recorded in the Waukesha County Register of Deeds Office that states that, pursuant to the Town of Oconomowoc Comprehensive Land Use Plan -2035 and the Waukesha County Comprehensive Development Plan, no additional development rights remain for the remnant parcel and the proposed new lot is entitled to only one (1) dwelling unit. Said restriction must state that the restriction shall apply in perpetuity unless the County Comprehensive **Development** Plan Farmland Preservation designation under both the Town of Oconomowoc Comprehensive Land Use Plan – 2035 and the Waukesha County Comprehensive **Development** Plan for the property is amended in the future.

4. **A Declaration of Restrictions shall be prepared and reviewed and approved by the Town Planner and Waukesha County Planning and Zoning Division and recorded in the Waukesha County Register of Deeds Office that states that the two parcels may not be sold separately until and unless the farm living quarters is removed from the property designated as Farmland Preservation to comply with the density requirements of the Farmland Preservation District. This deed restriction may be combined with the required deed restriction in Condition No. 3.**

If approved as conditioned, the zoning change is consistent with Town and County Comprehensive Development Plan recommendations as the 35-acre farmland preservation density requirement is being met. The rezoning of two acres of land will allow the petitioner to construct a residence on a new parcel while not limiting the agricultural use of the remaining farmlands. As conditioned and in accordance with the requirements of the Waukesha County Zoning Codes, a Deed Restriction will be recorded to disclose to future owners that there are no remaining density rights on the original farm tract and the farmhand dwelling unit must remain in same ownership as the residential parcel until and unless it is removed. This will ensure that the 35-acre density is maintained over time and that the vast majority of the land preserved on site remains in productive farmland or agricultural uses. This furthers the goals of the Farmland Preservation Plan to preserve the last remaining five square mile blocks of productive farmland within the County, adding to the economic base of Waukesha County and preserving the rural landscape.

Respectfully submitted,

Rebekah Leto

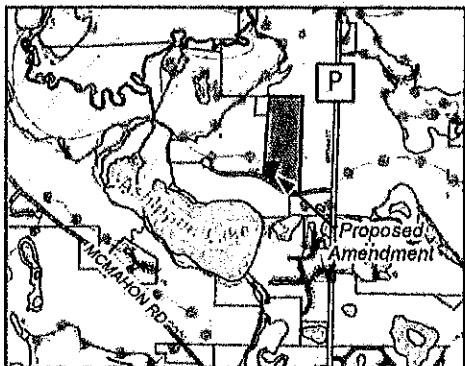
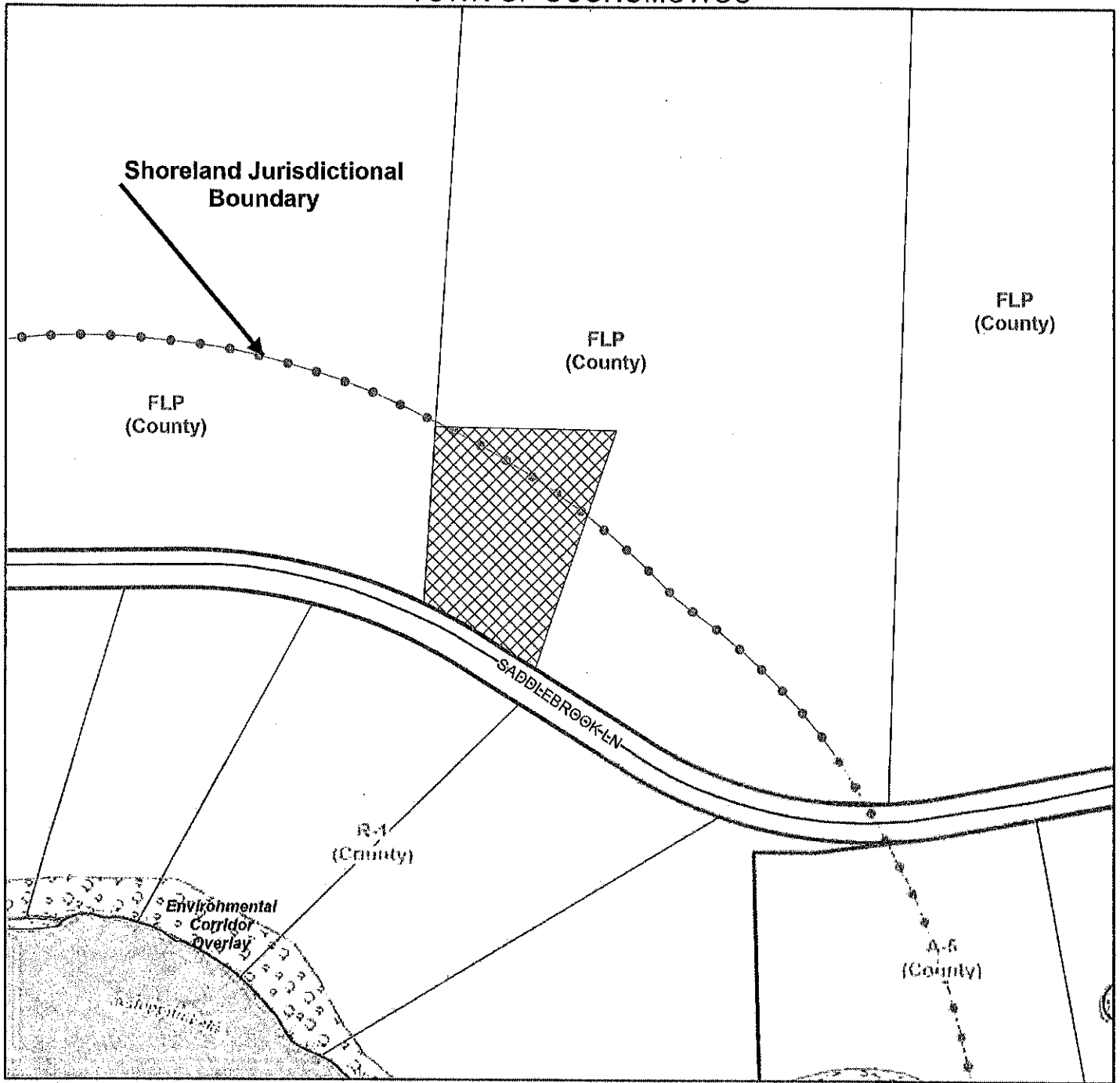
Rebekah Leto
Senior Planner


Attachments: Exhibit A: Preliminary CSM (Sheet 1)
 Rezone Map

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ZONING AMENDMENT

PT OF THE NORTH 1/2 OF SECTION 15 AND THE SOUTHWEST 1/4 OF SECTION 10,
TOWN OF OCONOMOWOC



 CONDITIONAL COUNTY ZONING AMENDMENT FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT (2.1 AC)

FILE.....RZ91
 DATE OF PLAN COMMISSION.....2/24/22
 AREA OF CHANGE.....2.1 ACRES
 TAX KEY NUMBER.....OCOT 0489.011.001

Prepared by the Waukesha County Department of Parks and Land Use

N
 0 150 300 Feet

VOTING RESULTS

AVE 21 NAY 0 ABSTAIN | ABSENT 4

Ordinance 176-O-115

Ordinance 176-O-115: Amend The District Zoning Map...

 **Passed By Majority Vote**

D1 - Foti	AVE	D14 - Mommaerts	AVE
D2 - Zimmermann	AVE	D15 - Mitchell	AVE
D3 - Morris	AVE	D16 - Crowley	AVE
D4 - Batzko	AVE	D17 - Paulson	AVE
D5 - Dondlinger	AVE	D18 - Nelson	AVE
D6 - Walz	AVE	D19 - Vacant	ABSENT
D7 - LaFontain	AVE	D20 - Schellinger	AVE
D8 - Michalski	ABSENT	D21 - Gaughan	AVE
D9 - Heinrich	AVE	D22 - Wysocki	AVE
D10 - Swan	AVE	D23 - Hammitt	AVE
D11 - Howard	AVE	D24 - Whitlow	ABSENT
D12 - Wolff	AVE	D25 - Johnson	ABSENT
D13 - Decker	AVE		

March 22 2022 - March 22 2022 07:07:33 PM

