

ENROLLED ORDINANCE 178-44

AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 18, T6N, R17E, TOWN OF OTTAWA, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT  
(RZ122)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Town of Ottawa on August 7, 2023; 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, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Ottawa 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 rezone certain lands located in part of the NW ¼ and SW ¼ of Section 18, T6N, R17E, Town of Ottawa, 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 RZ122.

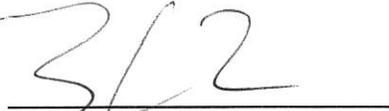
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Ottawa.

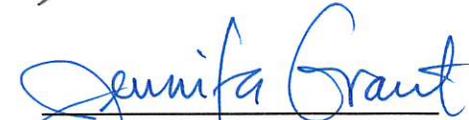
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

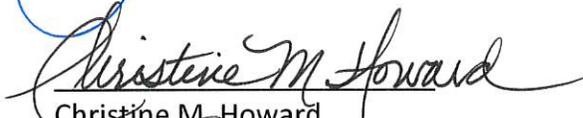
AMEND THE TOWN OF OTTAWA DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ AND SW ¼ OF SECTION 18, T6N, R17E, TOWN OF OTTAWA, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ122)

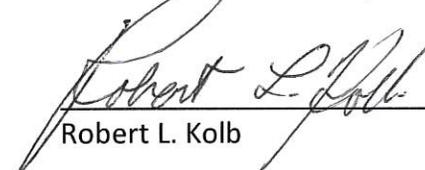
Presented by:

Land Use, Parks, and Environment Committee

  
Tyler J. Foti, Chair

  
Jennifer Grant

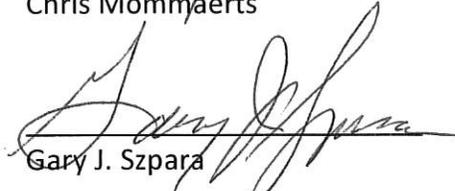
  
Christine M. Howard

  
Robert L. Kolb

**Absent**

Brian Meier

  
Chris Mommaerts

  
Gary J. Szpara

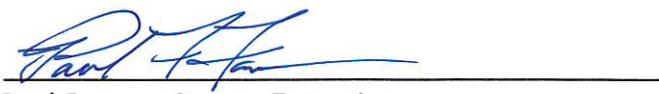
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 9/29/2023,   
Margaret Wartman, County Clerk

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

Approved: X

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

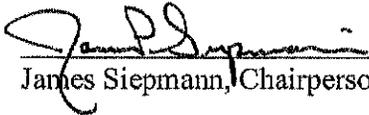
Date: 10/2/2023,   
Paul Farrow, County Executive

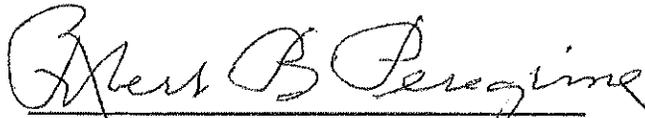
**COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends **approval** of **RZ122 (Pape)** in accordance with the attached "Staff Report and Recommendation".

**PARK AND PLANNING COMMISSION**

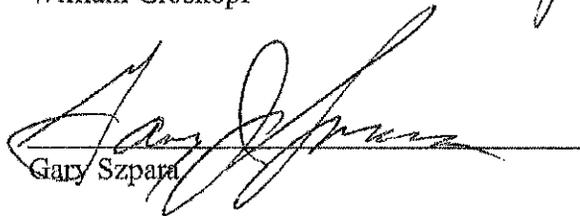
**August 17, 2023**

  
James Siepmann, Chairperson

  
Robert Peregrine

  
Richard Morris

  
William Groskopf

  
Gary Szpara

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

**DATE:** August 17, 2023

**FILE NO.:** RZ122

**OWNER/PETITIONER:** Dan and June Pape  
W395 S3611 Hardscrabble Road  
Dousman, WI 53118

**TAX KEY NO.:** OTWT 1654.999.003

**LOCATION:**  
Lot 3, CSM 9317, Volume 84, Page 274, part of the NW1/4 and SW1/4 of Section 18, T6N, R17E, Town of Ottawa. More specifically, the property is located at the Hardscrabble Road address cited above, containing approximately 76 acres.

**EXISTING USE(S):**  
Single family residence with an attached garage and three accessory buildings, one of which may be used to store commercial vehicles and equipment. A small amount of acreage is also farmed, and approximately 55 acres is wooded and/or undeveloped.

**REQUESTED USE:**  
Rezone a portion of the property in order to divide a 1.2 acre parcel for a family member to construct a new single family residence.

**EXISTING ZONING DISTRICT CLASSIFICATION(S):**  
FLP Farmland Preservation District under the Waukesha County Zoning Code which requires a minimum lot size of 35 acres.

**PROPOSED ZONING DISTRICT CLASSIFICATION(S):**  
R-1 Residential District which requires a minimum lot size of one acre and a minimum average width of 150 feet.

**SOIL TYPES:**  
The proposed land division contains soils that are well drained and are prime agricultural soils of statewide significance.

**CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):**

The Town CDP designates the land to be divided as Prime Agricultural (35+ acres/dwelling unit). The County's CDP is similar, except the ag category is Farmland Preservation. The proposed zoning change complies with both the Town and County CDP's as the FLP District allows for rezoning of parcels between one and three acres in size (minimum average width of 150 feet) to the R-1 category.

**PUBLIC HEARING DATE:** August 7, 2023

**PUBLIC COMMENT:**

Three persons spoke in favor of the request. The petitioner noted no one wants to farm this area of his property anymore as it is too small.

**TOWN PLAN COMMISSION ACTION:**

On August 7, 2023, the Town of Ottawa Plan Commission unanimously recommended approval of the zoning amendment request to the Waukesha County Park and Planning Commission subject to the Town Planner's report and recommendation.

**STAFF ANALYSIS:**

The parent parcel is located on the north side of Hardscrabble Road (66' ROW), approximately 2,850 feet east of the county line and where CTH Z turns to the south (refer to Exhibit A). The parent parcel contains wetland, floodplain, ditches and streams, PEC, hydric and prime ag soils as well as soils of statewide significance.

In order to divide the 1.2 acre lot from the parent parcel as proposed (refer to rezone map), the rezone request is required in accordance with the County Zoning Code-FLP District. If the proposed zoning change is approved, the new parcel would be approximately 160 feet in width and used for single family residential purposes. The proposed parcel is located adjacent to Hardscrabble Road where other residences are clustered on small acreage, and on lands that are no longer cultivated, all of which complies with the siting standards for new residences on new lots as outlined in the FLP District. The remnant parcel would be 75.2 acres in size and contain the existing single family residence, attached garage, and three accessory buildings.

Since this is a farmland preservation zoned parcel, density credits are tracked. This parcel has one credit remaining and if the rezone is approved and the land division is recorded, no density credits will remain. The proposed land division will require a Driveway and Access Agreement to be drafted and reviewed and approved by the Town Planner and the Waukesha County Planning and Zoning Division as part of the CSM review process. The Town of Ottawa and the County Park and Planning Commission will also need to consider a lot not abutting a public road (flag lot) and a remnant parcel waiver as part of the CSM review process.

The larger parcel is surrounded by PEC to the west, north, and northeast, FLC and FLP to the southwest, Other Open Lands to be Preserved and PEC to the east, and Rural Density and Other Agricultural Land (County)/Agricultural 10 Acre Density (Town) to the southeast. The adjacent zoning districts are C-1 Overlay (DFA to the north and east; wetlands to west, north and east); EC Overlay to the west, north and east; HG High Groundwater to the west, north and east; FLC and FLP to the southwest; AD-10 to the east.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division staff recommends **approval** of the request. The proposal is consistent with the Town and County Comprehensive Development Plans and will comply with the Waukesha County Zoning Code in that the proposed one acre plus parcel is

being rezoned to R-1 as required in the FLP District and will meet the required lot size. The next step in the process will be for the property owner to submit a formal Certified Survey Map to the Town of Ottawa and the County Planning and Zoning Division for consideration.

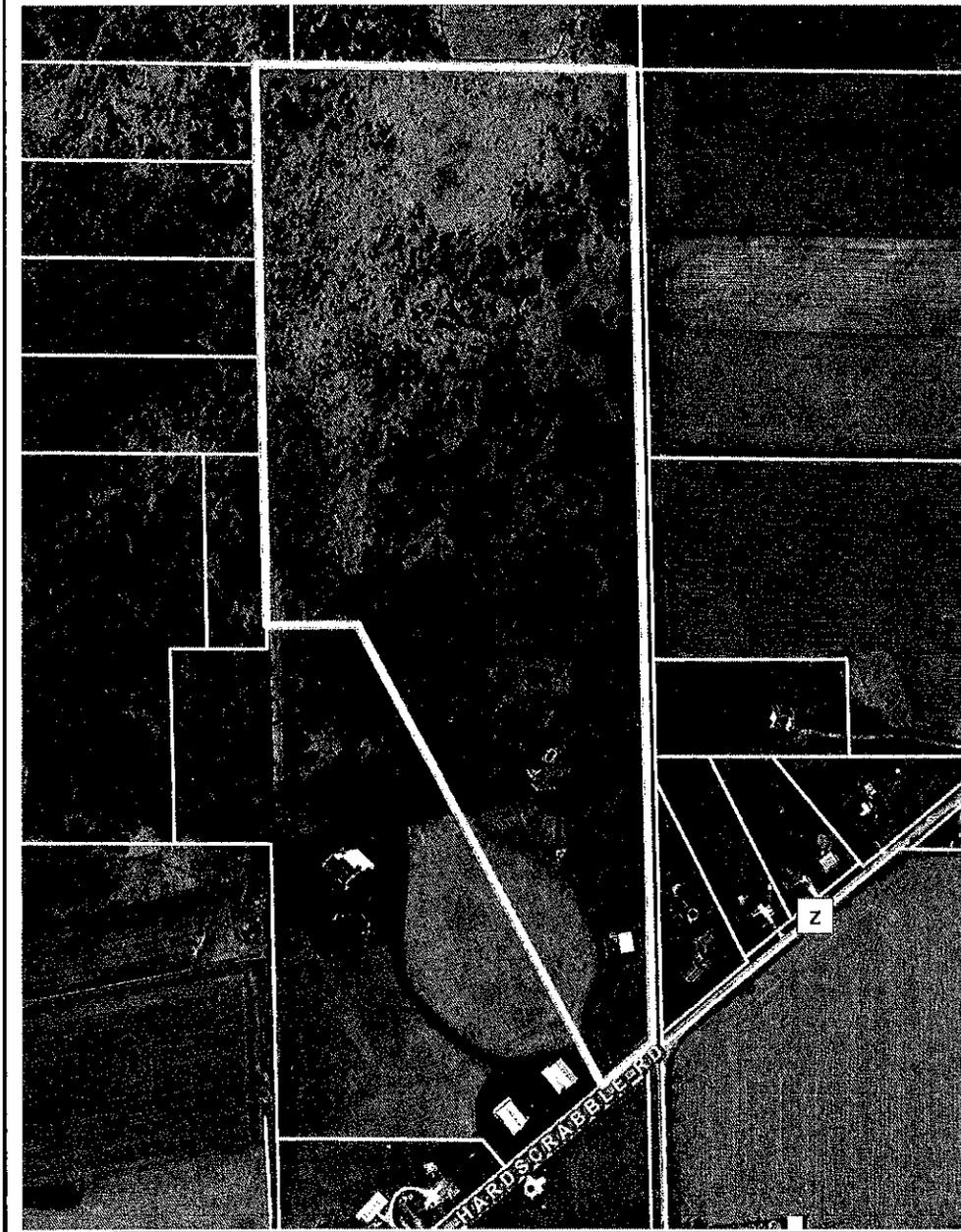
Respectfully submitted,

*Sandra L Scherer*

Sandy Scherer  
Senior Planner

Attachments: Exhibit A  
Rezone Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ122 Pape owt.doc



Legend

- Municipal Boundar
- Points of Interest
- Parcel\_Dimension
- Note\_Text\_2K
- Lots\_2K
  - Lot
  - Unit
  - General Common
  - Outlot
- SimultaneousConv
  - Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K
  - EA-Easement\_Lin
  - PL-DA
  - PL-Extended\_Tie
  - PL-Meander\_Line
  - PL-Note
  - PL-Tie
  - PL-Tie\_Line
  - <all other values>
- Road Centerlines\_
- Railroad\_2K
- TaxParcel\_2K
- Waterbodies\_2K\_)
- Waterlines\_2K\_La

0 580.06 Feet

Notes:

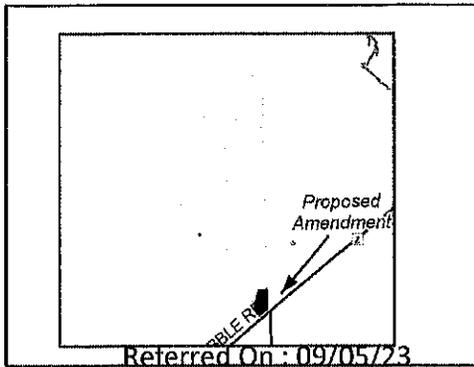
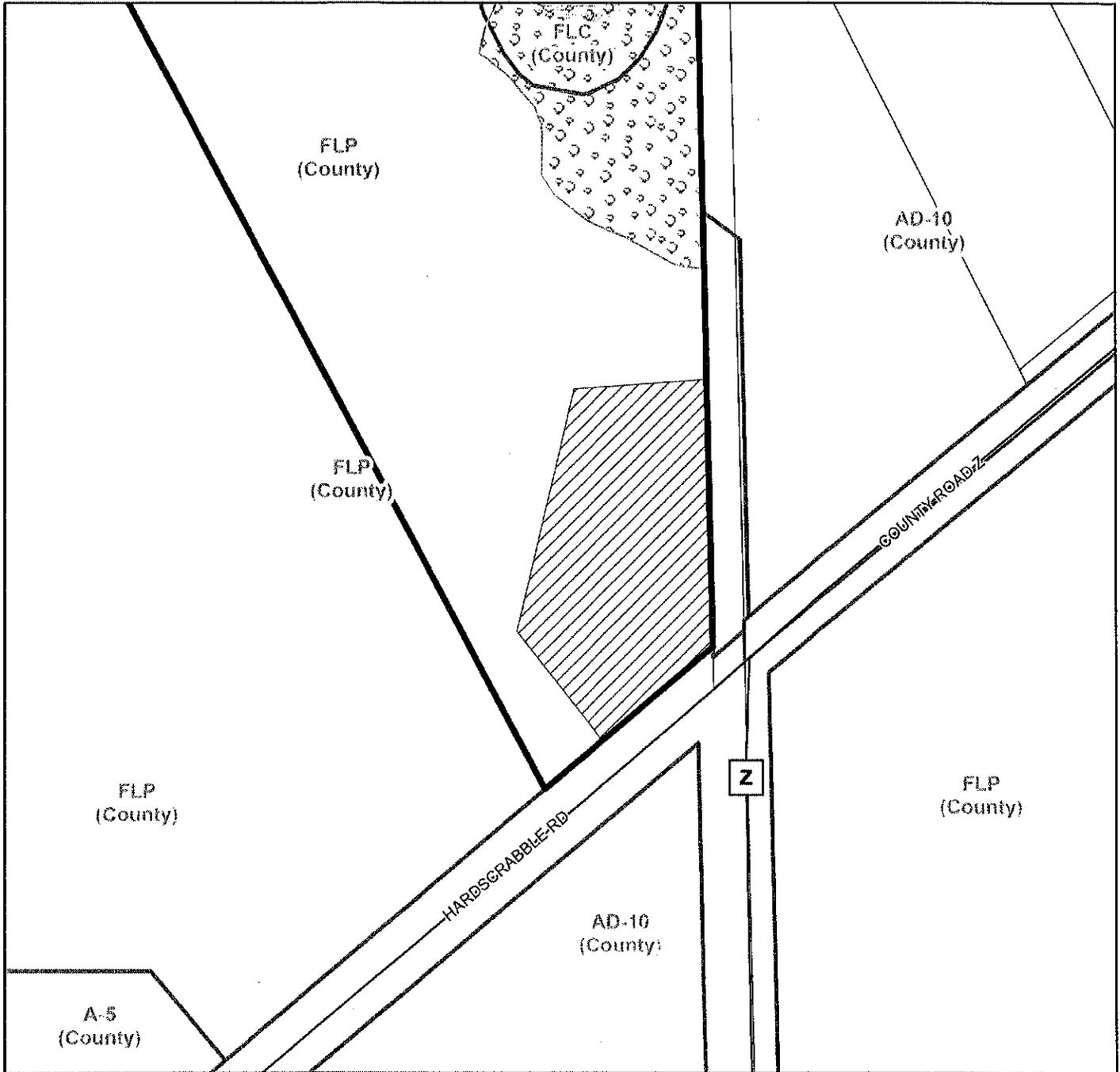
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Printed: 6/23/2023

# ZONING AMENDMENT

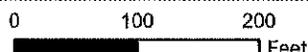
PART OF THE W 1/2 SECTION 18,  
TOWN OF OTTAWA



Referred On : 09/05/23

-  CONDITIONAL COUNTY ZONING CHANGE FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT
-  EC Environmental Corridor Overlay
-  C-1 Conservancy Overlay

FILE.....RZ122  
 DATE OF PLAN COMMISSION.....8/17/23  
 AREA OF CHANGE.....1.2 ACRES  
 TAX KEY NUMBER.....OTWT 1654.999.003



File Number 178-O-044

Referred to: LU

VOTE RESULTS >

24

YES

0

NO

0

ABSTAIN

1

ABSENT

**Ordinance 178-O-044**

Ordinance 178-O-044: Amend the Town of Ottawa District Zoning Map of the Waukesha County Zoning Code  
Lands Located in Part of the NW 1/4 and SW 1/4 of Section 18, T6N, R17E, Town of Ottawa, from the FLP Farmland Preservation District to the R-1 Residential District (RZ122)

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	ABSENT
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

6th Meeting, 178th Year of the County Board of Supervisors - September 26 2023 07:30 PM

September 26, 2023

