

ENROLLED ORDINANCE 177-86

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 5, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ107)

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 December 5, 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, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Oconomowoc 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 conditionally rezone certain lands located in part of the SW ¼ of Section 5, T8N, R17E, Town of Oconomowoc, 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 RZ107, subject to the following conditions:

1. The Zoning Amendment shall only amend the zoning on the two (2) acre parcel as shown on Sheet 1 of the proposed CSM (Exhibit A). No other lands are to be rezoned.
2. A Certified Survey Map of the proposed parcel shall be prepared by a Professional Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission and Town Board.
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, three (3) additional development rights remain for the remnant farm holdings 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.

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

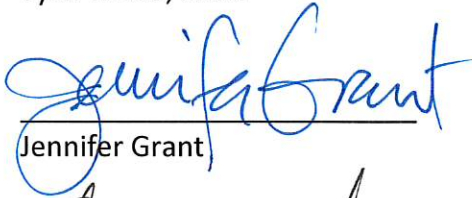
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 5, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ107)

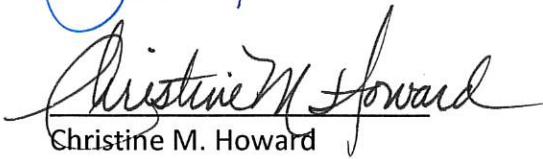
Presented by:
Land Use, Parks, and Environment Committee



Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard

Absent

Robert L. Kolb



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: 3/3/2023, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____


Date: 3/3/2023, Paul Farrow
Paul Farrow, County Executive

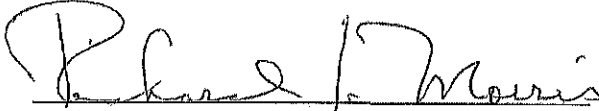
COMMISSION ACTION

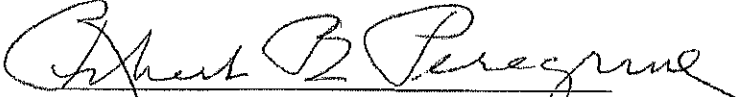
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends approval of **RZ107** in accordance with the attached "Staff Report and Recommendation".

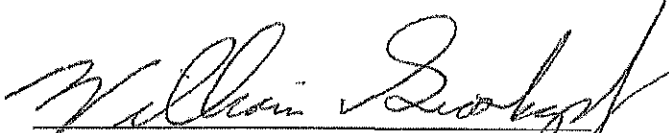
PARK AND PLANNING COMMISSION

January 19, 2023


James Siepmann, Chairperson


Richard Morris


Robert Peregrine


William Groskopf

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

DATE: January 19, 2023

FILE NO.: RZ107

OWNER: L & N.M. Enterprises, LLC
N68 W35460 Country Road K
Oconomowoc, WI 53066

APPLICANT: Jacob Miller
402 S. Worthington Street
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0451.987.003

LOCATION:
The property is described as Lot 4, Certified Survey Map No. 9933, part of the SW ¼ of Section 5, T8N, R17E, Town of Oconomowoc. The property is located immediately south of Lot 1, CSM No. 8592 with frontage on Pennsylvania Street, and contains approximately 55.9 acres.

EXISTING ZONING:
FLP Farmland Preservation District.

PROPOSED ZONING:
R-1 Residential District.

EXISTING USE(S):
Agricultural.

REQUESTED USE(S):
Divide off a 2-acre parcel from the existing larger parent parcel, currently utilized for agriculture, for the construction of a single-family residence.

PUBLIC HEARING DATE:
November 21, 2022.

PUBLIC COMMENT:
None.

TOWN PLAN COMMISSION ACTION:
On December 5, 2022, the Town of Oconomowoc Plan Commission and Town Board 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 north of the CTH CW (Mapleton Road) and west of STH 67 with frontage on Pennsylvania Street. The property is approximately 56 acres and is currently being farmed. The property is vacant and does not contain any improvements. The property is bordered to the south by the Ashippun River and to the west by Pennsylvania Street. The land adjacent to the Ashippun River is designated as floodplain and floodway as well as wetlands and environmental corridor. There is an intermittent stream on the east side of the property, running north to south, and connecting to the Ashippun River. The land adjacent to the stream is also designated as wetlands and environmental corridor.

The subject property is part of a larger farm tract comprising of five parcels and a total of 163 acres. The farm tract extends north to Evergreen Road, along the border of Waukesha and Dodge County. The northern portion of the farm tract (OCOT 0450.998.001 and OCOT 0453.995) contain several ponds which make up a large wetland complex. The ponds are connected to the wetland complex and Ashippun River to the south via the aforementioned intermittent stream. There is one residential parcel within the farm tract which was created via a Certified Survey Map in 1998 and utilizes one (1) density right. The parcel which is owned by Forrest and Jennifer Derse contains a single-family residence and two (2) accessory buildings.

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 farm tract contains 163 acres in the Farmland Preservation category, and only one development right has been utilized, the petitioners have three (3) available density rights.

The property owner is proposing to divide two acres from the west side of the property and rezone the property to R-1 Residential for the purpose of constructing a single-family home, utilizing one (1) development right. The proposed lot will be directly south of the Derse property in an attempt to cluster the residential development. The proposed lot contains 322.7' of frontage along Pennsylvania Street and does not contain any of the mapped environmental features. The proposed lot would be outside of the County's Shoreland and Floodland Protection Ordinance jurisdictional limits. The owner does not intend to utilize the other development rights at this time, however, based on the required clustering provision for new residences within the FLP district and existing environmental features, any new lots would likely be created to the north of the Derse property, along Pennsylvania Street.

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 56-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 residential development, outside of the mapped environmental features and provides the least disruption to cultivated lands.

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 two (2) acre parcel as shown on ~~the~~ **Sheet 1 of the proposed CSM** (Exhibit A). No other lands are to be rezoned.
2. A Certified Survey Map of the proposed parcel shall be prepared by a ~~Registered~~ Professional Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission and Town Board.

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, three (3) additional development rights remain for the remnant farm holdings 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.

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 the remaining density rights on the original farm tract. 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,

Jacob Heermans

Jacob Heermans
Senior Land Use Specialist

Attachments: Exhibit A: Sheet 1 of Proposed CSM
Rezone Map

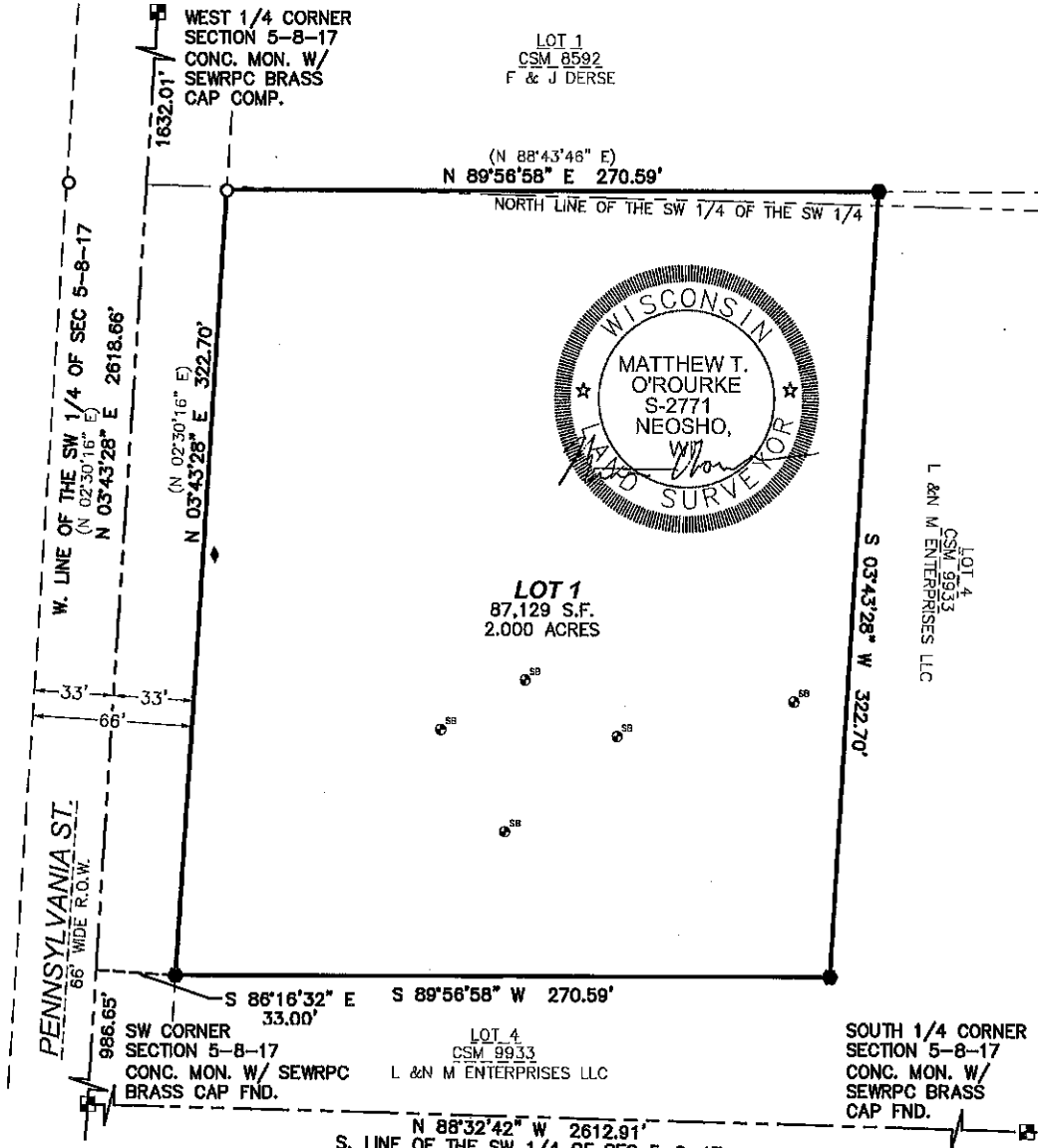
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Exhibit A

PRELIMINARY

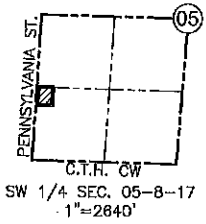
WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

BRING PART OF LOT 4 OF CERTIFIED SURVEY MAP 9933 RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS DECEMBER 13, 2004 IN VOL. 92, P. 258-263, AS DOCUMENT NO. 3231608 BEING A PART OF THE NW 1/4 AND SW 1/4 OF THE SW 1/4 OF SECTION 5, T8N, R17E, TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN.



S. LINE OF THE SW 1/4 OF SEC 5-8-17

VICINITY MAP

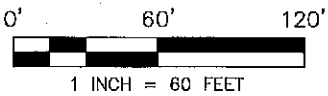


LEGEND

- SECTION CORNER MONUMENT
- FOUND 1" IRON PIPE OR NOTED
- SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.
- 800 — EXISTING CONTOUR
- SOIL BORE
- (R) RECORD DIMENSION
- ◆ EXISTING FIELD ENTRANCE

- SEE SHEET 2 FOR SOILS & CONTOURS
- SEE SHEET 3 FOR NOTES.

BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE SOUTH LINE OF THE SW 1/4 OF SEC. 5-8-17 MEASURED AS N88°32'42"W.



PREPARED FOR:
L&N.M. ENTERPRISES LLC
N68W35460 COUNTY ROAD K
OCONOMOWOC, WI 53066

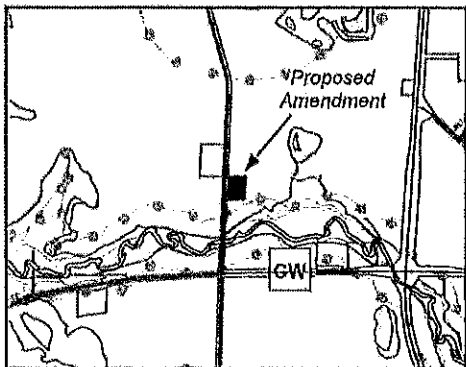
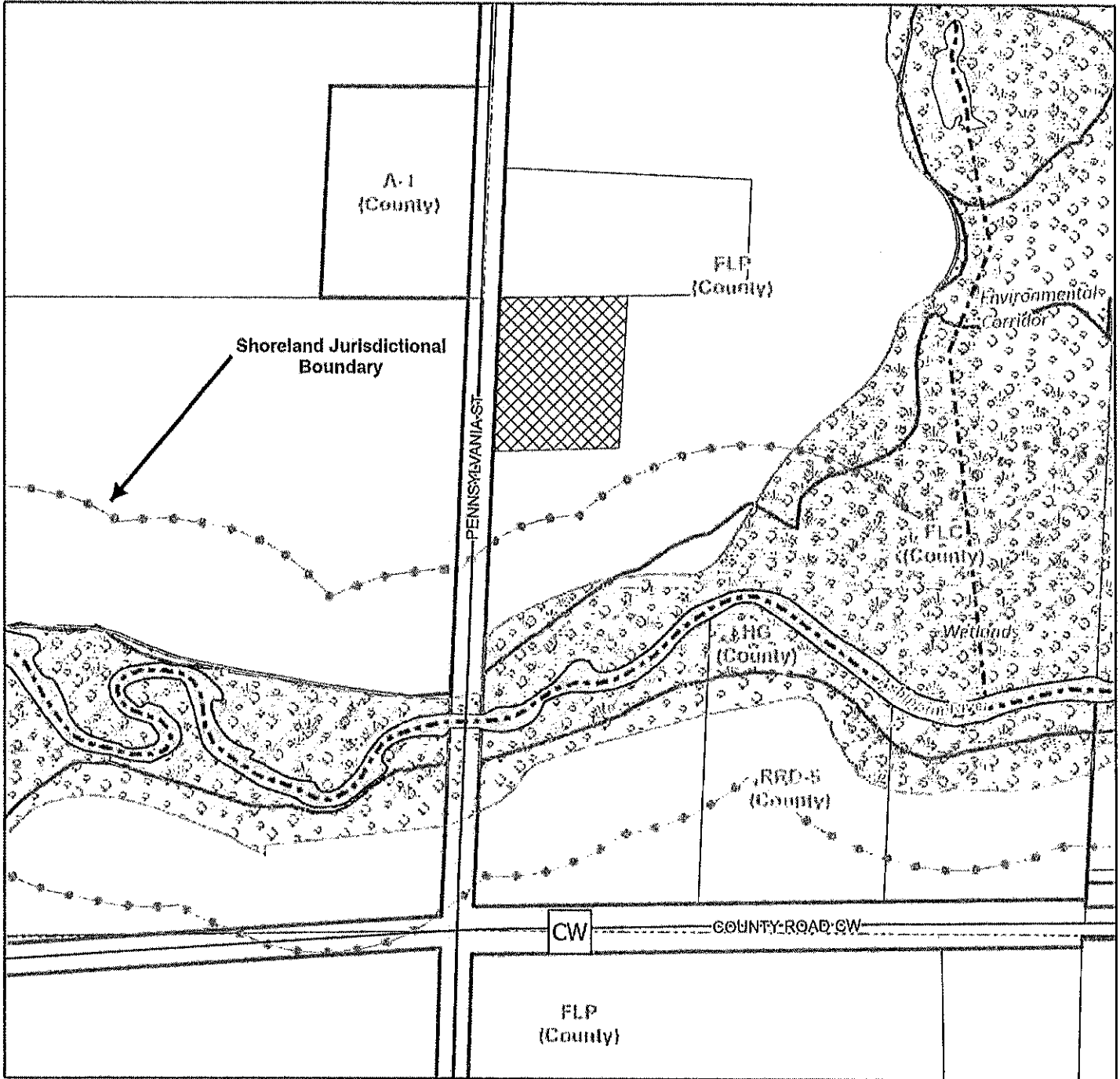
LAND SURVEYING • LAND PLANNING
111 W. 2ND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599


DATED 05/19/2022
JOB# 22134

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'Rourke, S-2771 SHEET 1 OF 5

ZONING AMENDMENT

PT OF THE SOUTHWEST 1/4, SECTION 5,
TOWN OF OCONOMOWOC



 CONDITIONAL COUNTY ZONING AMENDMENT FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT (2 AC)

FILE.....RZ107
 DATE OF PLAN COMMISSION.....1/19/23
 AREA OF CHANGE.....2.0 ACRES
 TAX KEY NUMBERS.....OCOT 0451,987,003



0 200 400 Feet

Prepared by the Waukesha County Department of Parks and Land Use

VOTE RESULTS

20 YES

0 NO

0 ABSTAIN

5

ABSENT

Ordinance 177-O-093

Ordinance 177-O-093: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zon Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 5, T8N, R17E, Town Of Oconomowoc, From The FLP Farmland Preservation District To The R-1 Residential District (RZ107)



Passed By Majority Vote

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

12th Meeting, 177th Year of the County Board Supervisors - February 27 2023 07:08:56

February 27 2023

