

ENROLLED ORDINANCE 178-61

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 E ½ OF THE SE ¼ OF SECTION 5, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ127)

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 October 2, 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 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 E ½ of the SE 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 RZ127, subject to the following conditions:

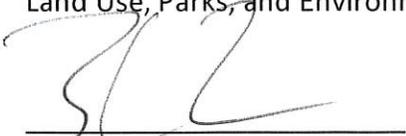
1. The Zoning Amendment shall only amend the zoning on the five (5) acre parcel as shown on Sheet 1 of the proposed CSM (Exhibit A). No other lands are to be rezoned.
2. A Certified Survey Map of the proposed parcel shall be prepared by a Professional Land Surveyor in the State of Wisconsin, dividing 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, one (1) additional development right remains 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.

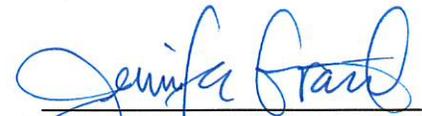
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Oconomowoc.

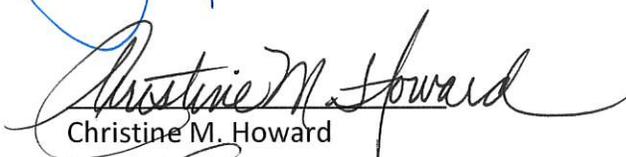
Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The E ½ Of The SE ¼ Of Section 5, T8N, R17E, Town Of Oconomowoc, From The FLP Farmland Preservation District To The R-1 Residential District (RZ127)

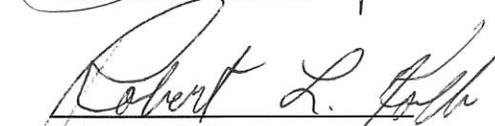
Presented by:

Land Use, Parks, and Environment Committee

  
Tyler J. Foti, Chair

  
Jennifer Grant

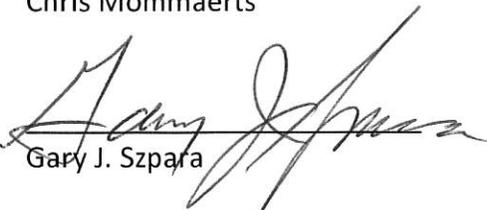
  
Christine M. Howard

  
Robert L. Kolb

  
Brian Meier

**Absent**

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: 12/1/23

  
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 12/4/2023

  
Paul Farrow, County Executive

**COMMISSION ACTION**

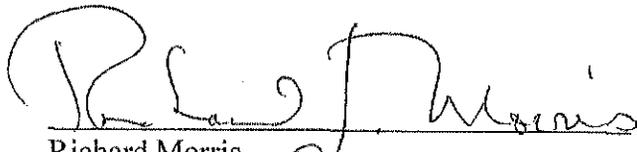
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends approval of **RZ127 (Tremaine)** in accordance with the attached "Staff Report and Recommendation".

**PARK AND PLANNING COMMISSION**

**October 19, 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:** October 19, 2023

**FILE NO.:** RZ127

**OWNER/APPLICANT:** Scott D. Tremaine Survivor's Trust  
N88 W37962 Mapleton Road  
Oconomowoc, WI 53066-8904

**TAX KEY NO.:** OCOT 0452.999

**LOCATION:**

The subject property is described as the E ½ of the SE ¼ of Section 5, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at W380 N8856 Mill Street, containing approximately 77.8 acres.

**EXISTING ZONING:**

FLP Farmland Preservation District

**PROPOSED ZONING:**

R-1 Residential District

**EXISTING USE(S):**

Agricultural and Residential

**REQUESTED USE(S):**

Divide a 5-acre farm consolidation parcel from the parent parcel.

**PUBLIC HEARING DATE:**

September 18, 2023

**PUBLIC COMMENT:**

Matthew Burrill at W383 N9110 Klug Ct. asked if the existing home was utilized as a rental. The owner relayed that the existing residence is utilized as a rental and that his primary residence is next door to the subject property.

**TOWN PLAN COMMISSION ACTION:**

On October 2, 2023, 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 five (5) 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 CTH CW (Mapleton Road) and east of STH 67. Mill St. bisects the subject property and provides access to the existing home site as well as the adjacent residential development to the west. The property is approximately 77.8 acres and is currently being farmed. The property contains an existing single-family residence and an outbuilding. The existing residence is rented out and the property owner lives on the adjacent residential property to the east, off CTH CW.

The lands are zoned Farmland Preservation (FLP) pursuant to the Waukesha County Zoning Ordinances. The wooded area on the northwest corner of the property is zoned Environmental Corridor Overlay. Plan designations are Farmland Preservation and Farmland Preservation with Environmental Corridor Overlay 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 77.8 acres in the Farmland Preservation category, and only one development right has been utilized, the petitioner has one (1) available density right.

The property owner is proposing to divide five (5) acres from the southeast side of the property, adjacent to Mill St., and rezone the property to the R-1 Residential District for a farm consolidation, utilizing one (1) development right. The proposed lot will have frontage on both Mill St. and CTH CW. The proposed lot contains all of the existing improvements 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 right 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 existing residence, along Mill St.

The proposed parcel complies with the lot size requirements (1-5 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 existing residence will not limit the agricultural use of the remnant farmlands, preserving and maintaining productive and viable agricultural land that adds to the economic base of Waukesha County. The proposed 5-acre parcel meets the Farmland Preservation District siting standards for a farm consolidation as the improvements are clustered together and provide 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 five (5) 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, one (1) additional development right remains 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 five acres of land will allow the petitioner to consolidate all of the existing improvements 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  
Senior Land Use Specialist

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

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ127 Tremaine oct.doc

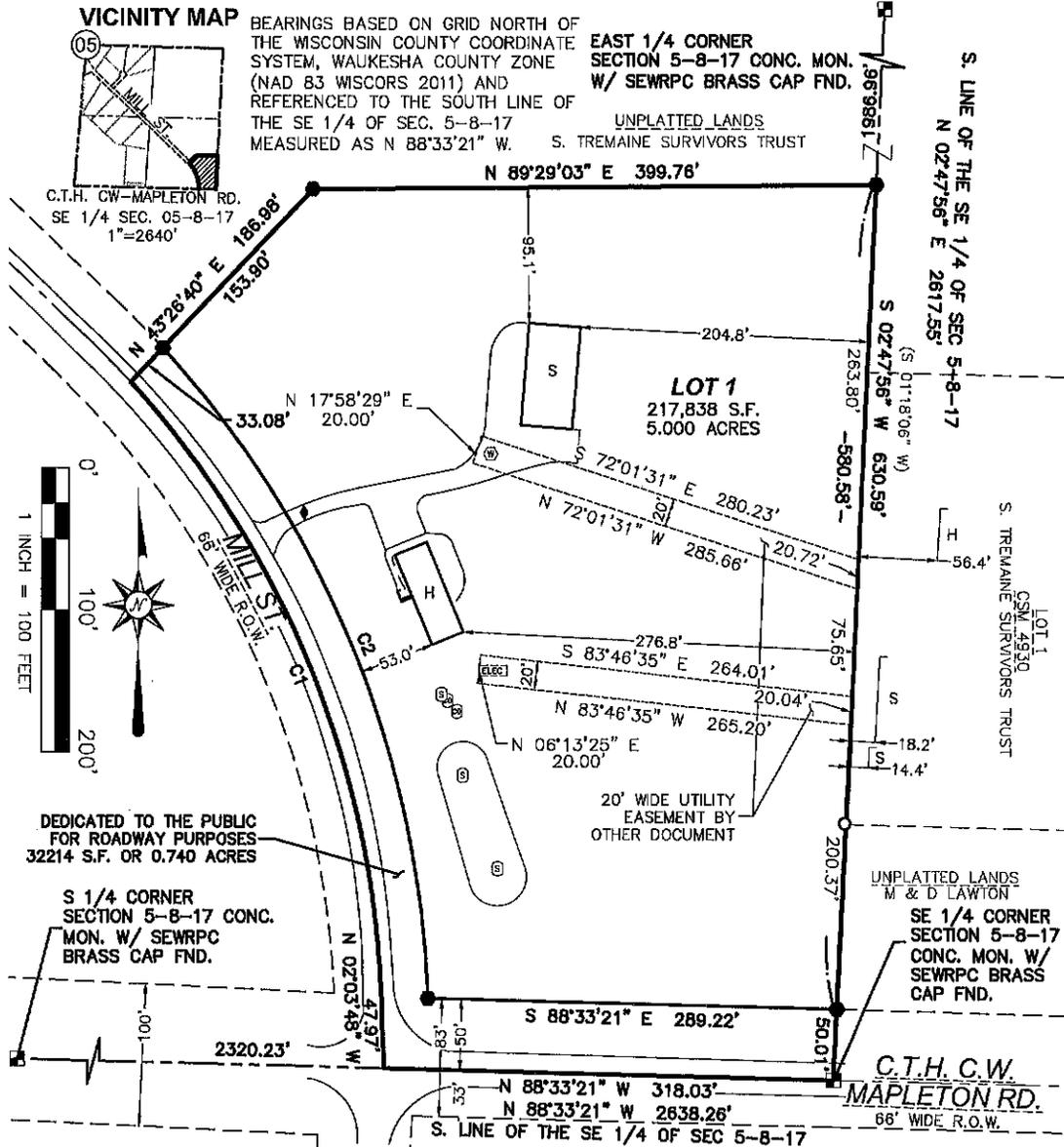
# Exhibit A

**RECEIVED**  
Waukesha County Dept Parks  
and Land Use  
07/14/2023

## PRELIMINARY

### WAUKESHA CO. CERTIFIED SURVEY MAP NO. \_\_\_\_\_

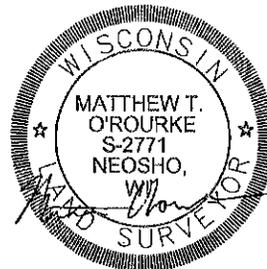
UNPLATTED LANDS BEING A PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5, TOWN 8 NORTH,  
RANGE 17 EAST, TOWN OF OCONOMOWOC WAUKESHA COUNTY, WISCONSIN.



CURVE #	RADIUS	DELTA	ARC DIST	CHORD DIST	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	660.00'	40°23'34.30"	479.39'	469.53'	N 22°15'36" W	N 02°03'48" W	N 42°27'23" W
C2	713.00'	40°34'28.81"	504.92'	494.43'	N 22°21'32" W	N 02°04'18" W	N 42°38'47" W

#### LEGEND

- ☒ SECTION CORNER MONUMENT
- SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT. FOUND 1" IRON PIPE OR NOTED WELL
- WELL
- ⊙ SEPTIC VENT
- ⊙ SEPTIC CLEANOUT
- ◆ DRIVEWAY LOCATION



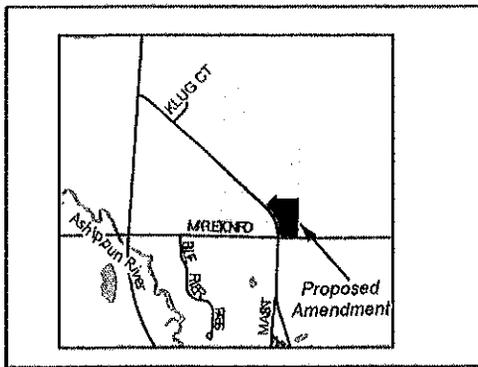
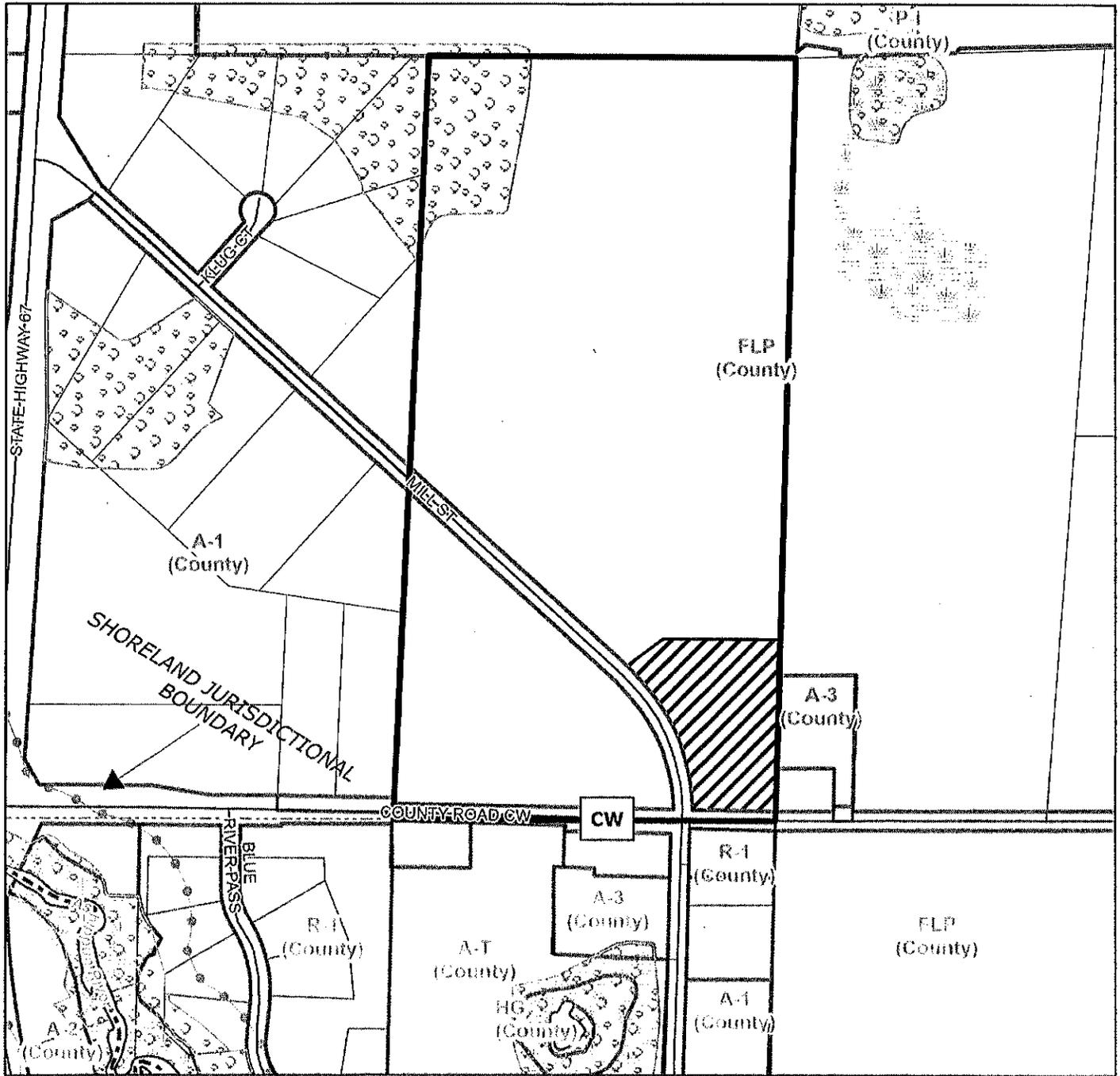
PREPARED FOR:  
SCOTT D TREMAINE  
SURVIVOR'S TRUST  
NBBW37962 MAPLETON RD.  
OCONOMOWOC, WI 53066

LAND SURVEYING • LAND PLANNING  
111 W. 2ND STREET  
OCONOMOWOC, WI 53065  
WWW.LANDTECHWI.COM  
(262) 367-7599

DATED 07/12/2023  
JOB# 23124  
SHEET 1 OF 3

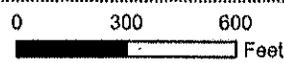
# ZONING AMENDMENT

PART OF THE E 1/2 OF THE SE 1/4, SECTION 5,  
TOWN OF OCONOMOWOC



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

FILE.....RZ127  
 DATE OF PLAN COMMISSION.....10/19/23  
 AREA OF CHANGE.....5 ACRES  
 TAX KEY NUMBER.....OCOT 0452.999



Prepared by the Waukesha County Department of Parks and Land Use

**VOTE RESULTS** >

**24** YES

**0** NO

**0** ABSTAIN

**1** ABSENT

**Ordinance 178-O-061**

Ordinance 178-O-061: Amend the Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Conditionally Rezoning Certain Lands Located in Part of the E 1/2 of the SE 1/4 of Section 5, T8N, R17E, Town of Oconomowoc, from the FLP Farmland Preservation District to the R-1 Residential District (RZ127)

 **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	AYE
D6 - Walz	AYE	D15 - Kolb	ABSENT	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

**9th Meeting, 178th Year of the County Board of Supervisors - November 28 2023 07:08 PM**

November 28, 2023

