

ENROLLED ORDINANCE 162-3

AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF THE NW ¼ OF SECTION 21, T5N, R19E, TOWN OF VERNON, FROM THE A-5 MINI FARM AND C-1 CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (CZ-1640)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing, and a recommendation for approval thereon reported to the Land Use, Parks and Environmental Committee, and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.69 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Town of Vernon 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 from the A-5 Mini Farm and C-1 Conservancy Districts to the R-1 Residential and C-1 Conservancy Districts, located in part of the NE ¼ of the NW ¼ of Section 21, T5N, R19E, Town of Vernon, 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 (CZ-1640), subject to the following conditions:

1. The rezoning shall not be in full force and effect until the Town of Vernon Planning Commission and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division have approved and recorded the Certified Survey Map submitted concurrent with this rezoning petition in substantial conformity with the presentation made to the Plan Commission at their meeting of February 8, 2007, except as further restricted herein, and as modified and further restricted by the comments and concerns of the Plan Commission at the hearing and in their meeting(s) following the public hearing.
2. The lands to be rezoned, including all lands designated as C-1 Conservancy District, shall not exceed a density of one (1) dwelling unit per five (5) acres. Therefore, there shall be no more than three (3) units, which allows for one (1) additional unit in the future, provided the future lot complies with all Town and County Ordinances. This condition is considered null and void if, and when, the Town and County Land Use Plans are amended to allow a greater density.
3. Prior to the rezoning being in full force and effect, the applicant shall obtain approval of soil boring logs and data from the County Environmental Health Division and Town Engineer, once the final layout is approved. Such borings and logs must demonstrate that the soil conditions on the proposed lot are suitable for residential development with approvable on-site sanitation systems, to the satisfaction of the County Environmental Health Division and Town Engineer. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal high ground water conditions, or any other condition deemed unacceptable by the County Environmental Health Division, Planning and Zoning Division, or Town Board. No assurance of sanitary systems or basement elevation approval is included herein.

4. Prior to the rezoning being in full force and effect, the applicant shall obtain SEWRPC concurrence with all the Primary Environmental Corridor boundaries and the applicant shall provide written evidence of same to the Town Planner and Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
5. Prior to the rezoning being in full force and effect, the applicant shall obtain WDNR concurrence with the wetland boundary and have all navigable waterways identified and the ordinary high water marks determined and shown on the Certified Survey Map, which must be approved by the Town Planner and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division staff. Written evidence of said wetland concurrence and navigability and ordinary high water mark determinations shall be provided to the Town Planner and the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
6. A building envelope shall be provided on the new parcel large enough to accommodate a home site based on the determinations required in Conditions 4 and 5 above and so noted on a Certified Survey Map.
7. The lot lines shall be adjusted to accommodate the poultry shed, which complies with all Ordinance requirements, or the petitioner must either relocate or remove the structure, or remove the animals from the structure, and so restrict said use to not allow poultry or domesticated animals.
8. Subject to the applicant satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval.
9. Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions. This condition is not enforceable by Waukesha County.
10. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval. This condition is not enforceable by Waukesha County.

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

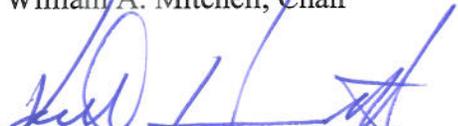
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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

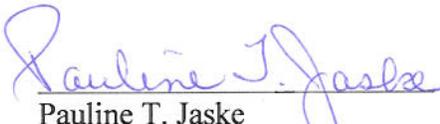
AMEND THE TOWN OF VERNON DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF VERNON BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF THE NW ¼ OF SECTION 21, T5N, R19E, TOWN OF VERNON, FROM THE A-5 MINI FARM AND C-1 CONSERVANCY DISTRICTS TO THE R-1 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (CZ-1640)

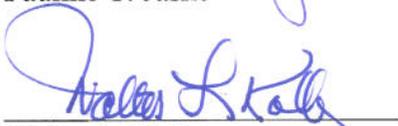
Presented by:  
Land Use, Parks, and Environment Committee

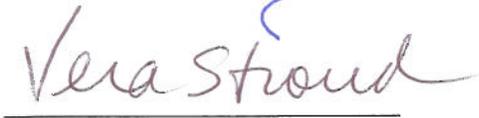
  
William A. Mitchell, Chair

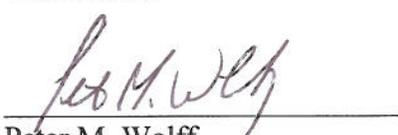
  
Keith Hammitt

  
Keith Harenda

  
Pauline T. Jaske

  
Walter L. Kolb

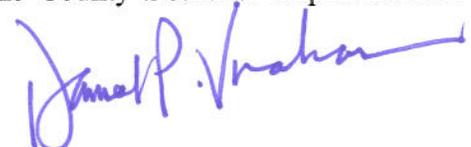
  
Vera Stroud

  
Peter M. Wolff

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

Date: 4-27-07,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 4-30-07,   
Daniel P. Vrakas, County Executive

# EXHIBIT "A"

**R.A.SMITH**  
& ASSOCIATES, INC.

February 14, 2007

Mr. Richard Mace  
Department of Parks and Land Use  
1320 Pewaukee Road, Room 230  
Waukesha, WI 53188

**Re: Sipek Rezone, Town of Vernon  
R.A. Smith File #1069130**

Dear Mr. Mace:

This letter is to advise you that the Town Attorney has approved the Vernon Plan Commission conditions of approval of the Mary Sipek rezoning, S88 W25530 Edgewood Avenue, Town of Vernon, to R-1 subject to the following conditions:

1. The rezoning shall not be in full force and effect until the Town of Vernon Planning Commission and County Zoning Agency have approved and recorded the Certified Survey Map submitted concurrent with this rezoning petition in substantial conformity with the presentation made to the Plan Commission at their meeting of February 8, 2007, except as further restricted herein, and as modified and further restricted by the comments and concerns of the Plan Commission at the hearing and in their meeting(s) following the public hearing.
2. Lot 1 of said CSM shall have development rights for no more than 2 residential dwelling units, in accordance with the density limitations of the Town of Vernon Master Plan (as amended), and the Waukesha County Development Plan.
3. Prior to the rezoning being in full force and effect, the Applicant shall obtain approval of soil boring logs and data from the County Environmental Health Division and Town Engineer. Such borings and logs must demonstrate that the soil conditions are suitable for residential development with approvable on-site sanitation systems, to the satisfaction of the County Environmental Health Division and Town Engineer. Said soil logs and data must also demonstrate that there are no basement elevation restrictions caused by hydric soil conditions, seasonal high ground water conditions, or any other condition deemed unacceptable by the County Environmental Health Division or Town Board. No assurance of sanitary systems or basement elevation approval is included herein.
4. Prior to the rezoning being in full force and effect, the Applicant shall obtain SEWRPC concurrence with all environmental corridor boundaries and isolated natural resource area boundaries, and the Applicant shall provide written evidence of same to the Town Planner and County Zoning Agency.

262-786-1777  
FAX 262-786-0826  
16745 W. Bluemound Road  
Suite 200  
Brookfield, WI 53005-5938

Branch Offices  
Oshkosh, WI  
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Mr. Richard Mace

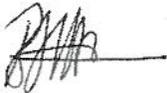
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5. Prior to the rezoning being in full force and effect, the Applicant shall obtain Wisconsin DNR Determinations of Navigability and depict same on the Certified Survey Map, and subject to the final CSM bearing this depiction being approved by the Town Planner. The Applicant shall provide written evidence of the Determination of Navigability and depiction thereof to the Town Planner and County Zoning Agency, subject to their approval.
6. Professional Fees. Applicant shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
7. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner or his or her agents, tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
8. Subject to the Applicant satisfying all of the aforementioned conditions within one (1) year of granting this conditional approval.

If you have any questions, please contact me at (262) 317-3273.

Sincerely,

R.A. Smith & Associates, Inc.



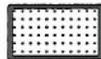
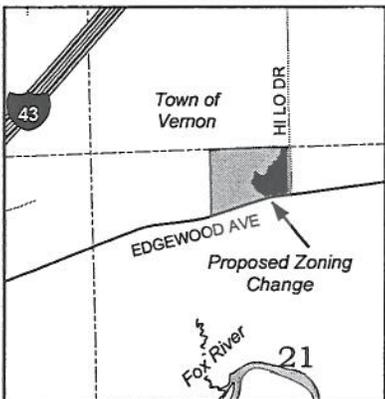
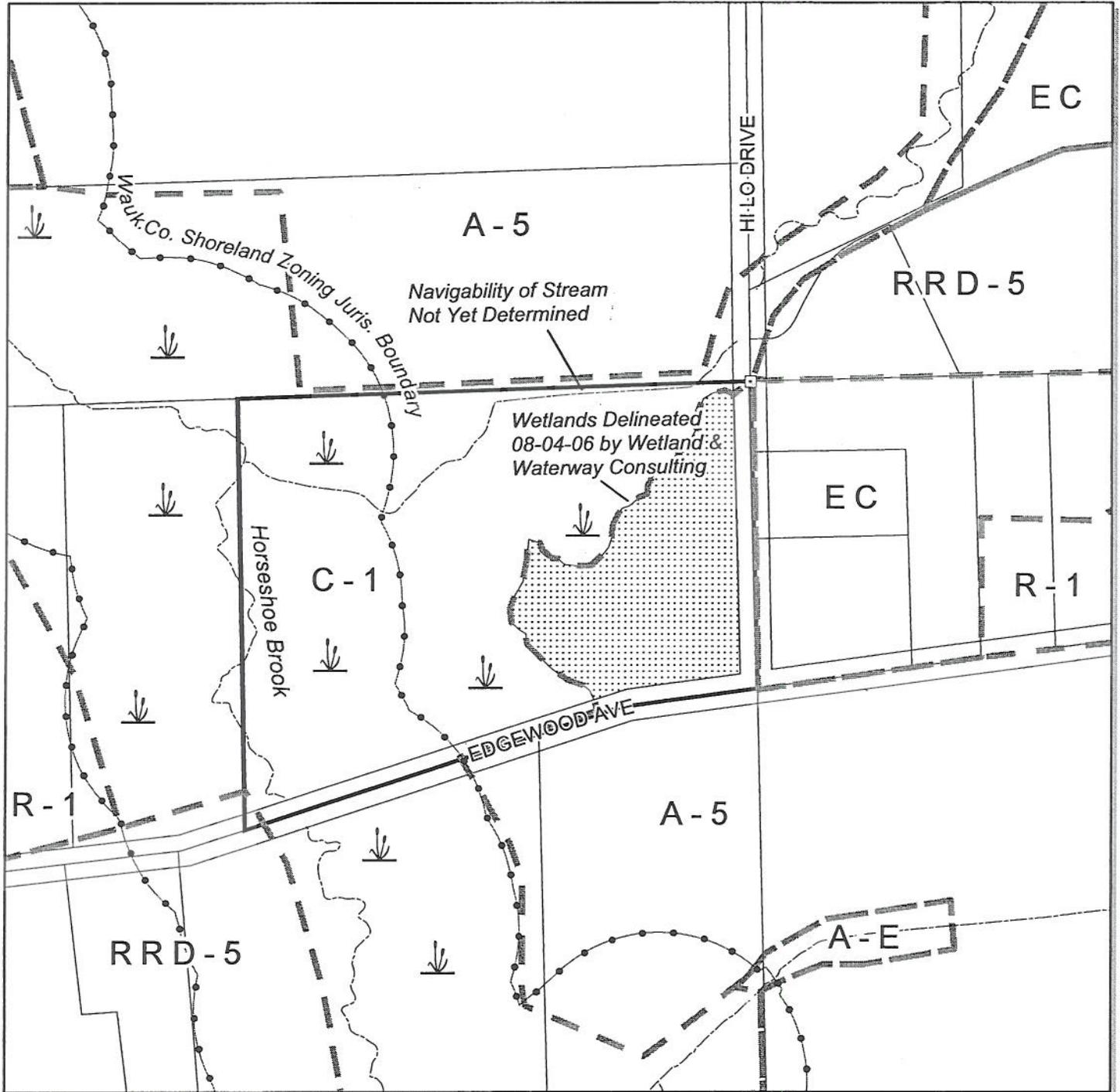
Brian D. Turk  
Town of Vernon Planner

C: Gina Gresch, Town Clerk  
John Macy, Town Attorney  
Town of Vernon Plan Commission

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# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 21  
TOWN OF VERNON



CONDITIONAL COUNTY ZONING CHANGE FROM A-5 MINI-FARM TO R-1 RESIDENTIAL

FILE.....CZ-1640

DATE.....03-15-07

AREA OF CHANGE.....3.7 ACRES

TAX KEY NUMBER.....VNT 2098.999



1 inch equals 300 feet

0 50 100 200 300 Feet

Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/07

(ORD) NUMBER-1610110

1 K. HERRO.....AYE  
 3 T. ROLFS.....AYE  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 K. HARENDA.....AYE  
 13 J. MORRIS.....  
 15 D. SWAN.....AYE  
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 19 W. MITCHELL.....AYE  
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 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 T. BULLERMANN.....  
 31 V. STROUD.....AYE  
 33 K. HAMMITT.....AYE  
 35 P. MEYER.....AYE

2 R. THELEN.....AYE  
 4 R. HUTTON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 T. SCHELLINGER....AYE  
 14 S. WIMMER.....  
 16 R. STEVENS.....AYE  
 18 B. MORRIS.....AYE  
 20 P. WOLFF.....AYE  
 22 G. BRUCE.....AYE  
 24 J. VITALE.....AYE  
 26 F. RUF.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....AYE  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-32