

ENROLLED ORDINANCE 162-43

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 ALL THAT PART OF THE NE ¼ OF THE NW ¼ OF SECTION 11, T8N, R17E, IN THE TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT AND FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE A-2 RURAL HOME DISTRICT (CZ-1652)

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 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 all that part of the NE ¼ of the NW ¼ of Section 11, T8N, R17E, Town of Oconomowoc, Waukesha County, Wisconsin, from the A-1 Agricultural District to the A-P Agricultural Land Preservation District and from the A-P Agricultural Land Preservation District to the A-2 Rural Home 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 (CZ-1652), subject to the following conditions:

1. Development of the lands being rezoned shall be limited to a maximum of two (2) single-family lots (approximately 3.09 acres and approximately 72 acres) with on-site private waste disposal systems.
2. The proposed 3.09 acre lot must be created by Certified Survey Map. The Certified Survey Map creating that lot shall be submitted to the Town of Oconomowoc Plan Commission and Town Board for review and approval and all conditions of the same shall be satisfied.
3. The existing 2.02 acre parcel of land must be combined with the adjacent parcel via a Deed Restriction or other instrument approved by the Town Planner and Town Attorney or as part of a Certified Survey Map, prior to the Town signing the Certified Survey Map creating the 3.09 acre lot. The Deed Restriction, other instrument, or Certified Survey Map used to combine the 2.02 acre parcel with the larger adjacent parcel must also contain a restriction that the approximately 72 acre parcel remaining after creation of the 3.09 acre lot cannot be further divided until the Town of Oconomowoc Land Use Plan is amended and/or sanitary sewer is provided to the property. The Certified Survey Map creating the proposed 3.09 acre lot shall be prepared and submitted for review and approval by the Town of Oconomowoc Clerk and the Waukesha County Department of Parks and Land Use Staff within one (1) year of the approval of the Zoning Amendment request by the Waukesha County Board of Supervisors. Failure to comply with this

condition will require the petitioner to reapply for a new zoning amendment subject to all procedures in place at the time of the new application.

4. The Waukesha County Department of Public Works must approve the Certified Survey Map and the access onto C.T.H. "CW", prior to the approval of any land division.

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.

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 OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN ALL THAT PART OF THE NE ¼ OF THE NW ¼ OF SECTION 11, T8N, R17E, IN THE TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT AND FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT TO THE A-2 RURAL HOME DISTRICT (CZ-1652)

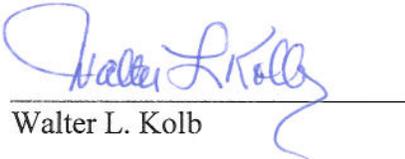
Presented by:  
Land Use, Parks, and Environment Committee

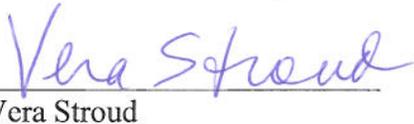
  
William A. Mitchell, Chair

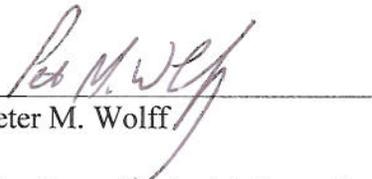
  
Keith Hammitt

  
Keith Harenda

  
Pauline T. Jaske

  
Walter L. Kolb

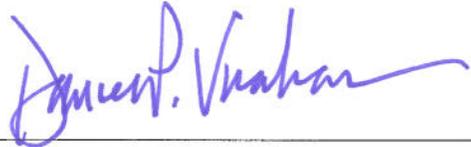
  
Vera Stroud

  
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: 8/31/07,   
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 9-4-07,   
Daniel P. Vrakas, County Executive

**TOWN OF OCONOMOWOC PLAN COMMISSION & TOWN BOARD  
PLANNER'S REPORT AND RECOMMENDATION  
ZONING MAP AMENDMENT**

**PROJECT NAME:** Patrick Agnew

**TAX KEY NUMBER:** OCOT 0474.999  
OCOT 0474.999.001

**DATE:** June 15, 2007

**OWNER:** Patrick Agnew  
W359 N8470 Brown Street  
Oconomowoc, WI 53066

**LOCATION OF PROPERTY:**

The property in question is part of the NW ¼ of Section 11, in the Town of Oconomowoc. More specifically, the property is located on the north side of C.T.H. CW, about 2,500 feet east of C.T.H. P (Brown Street) and contains approximately 78 acres of land.

**PRESENT ZONING:** A-P Agricultural Land Preservation District.  
A-1 Agricultural District.

**PRESENT LAND USE:** Vacant Agricultural Land.

**COMPLIANCE WITH THE TOWN OF OCONOMOWOC LAND USE PLAN - 2020:**

The Town of Oconomowoc Land Use Plan - 2020 designates the 3.09 acre parcel in the Low Density Residential category and the 2.02 acre parcel in the 35-acre Agricultural category. Therefore, the proposed use complies with the recently amended Town of Oconomowoc Land Use Plan - 2020.

**PROPOSED REQUEST:**

The property encompasses approximately 78 acres of land and is currently vacant. The petitioner is not proposing to create any additional lots, but merely exchange land between separate lots. The petitioner is proposing to amend the zoning category on a 2.02 acre parcel from A-1 Agricultural District (3-acre minimum lot size) to A-P Agricultural Land Preservation District (35-acre minimum lot size) and amend the zoning on a 3.09 acre parcel from A-P Agricultural Land Preservation District (35-acre) to A-2 Rural Home District (3-acre). The petitioner recently applied for an amendment to the Town of Oconomowoc Land Use Plan – 2020 and the Waukesha County Development Plan. That request was approved provided the following guidelines were followed: the 3.09 acre parcel shall be allowed provided the 2.02 acre parcel, which is also owned by Mr. Agnew, be combined with the existing 73.08 acre parent parcel (less the 3.09 acres) and a Declaration of Restriction be recorded on the parent (combined) parcel stating the remainder of the property cannot be further divided until the Town of Oconomowoc Land Use Plan – 2020 is amended and/or sanitary sewer is provided to the property. It is important to note that the Town of Oconomowoc Land Use Plan – 2020 and the Waukesha County Zoning Code allow development in

Patrick Agnew

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the 35-acre Agricultural category at an overall density of one (1) dwelling unit for every 35-acres of land. Since the parent parcel size exceeds 70-acres, under undeveloped conditions, Mr. Agnew would be allowed two (2) dwelling units for the seventy acres.

Allowing the creation of one (1) parcel (3.09 acres) and the elimination of another parcel (2.02 acres) complies with the goals and objectives of the Town of Oconomowoc Land Use Plan – 2020, which is to preserve, to the greatest extent possible, prime agricultural land.

**PLANNER'S RECOMMENDATION:**

It is the opinion of the Town Planner that the Town Plan Commission recommends to the Town Board to approve the proposed request subject to the following conditions:

1. The Development of the lands being rezoned shall be limited to a maximum of two (2) single-family lots (approximately 3.09 acres and 75.15 acres) with on-site private waste disposal systems and private wells.
2. Subject to a Certified Survey Map being prepare for the creation of the 3.09 acre parcel. The CSM shall be submitted to the Town of Oconomowoc Plan Commission and Town Board for review and approval and all conditions of the same shall be satisfied.
3. Subject to the 2.02 acre parcel of land being transferred to an adjacent property via a deed restriction or other instrument approved by the Town Planner and Town Attorney or as part of the CSM, prior to the Town signing the CSM.
4. The CSM shall be prepared and submitted to the Town of Oconomowoc Clerk within one (1) year of the approval of the Zoning Amendment request by the Waukesha County Board of Supervisors. Failure to comply with this request will require the petitioner to reapply for a new amendment subject to all procedures in place at the time of the new application.
5. Subject to the Waukesha County Department of Public Works approving the CSM and access onto C.T.H. CW prior to the approval of any land division.

Respectfully submitted,

Jeffrey C. Herrmann, AICP  
Town Administrator/Planner

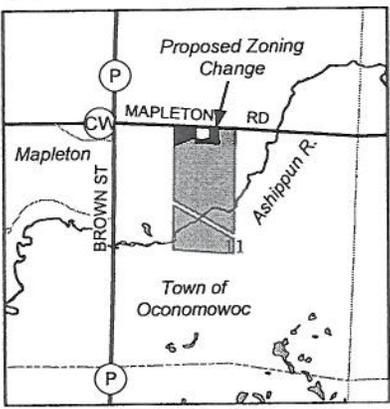
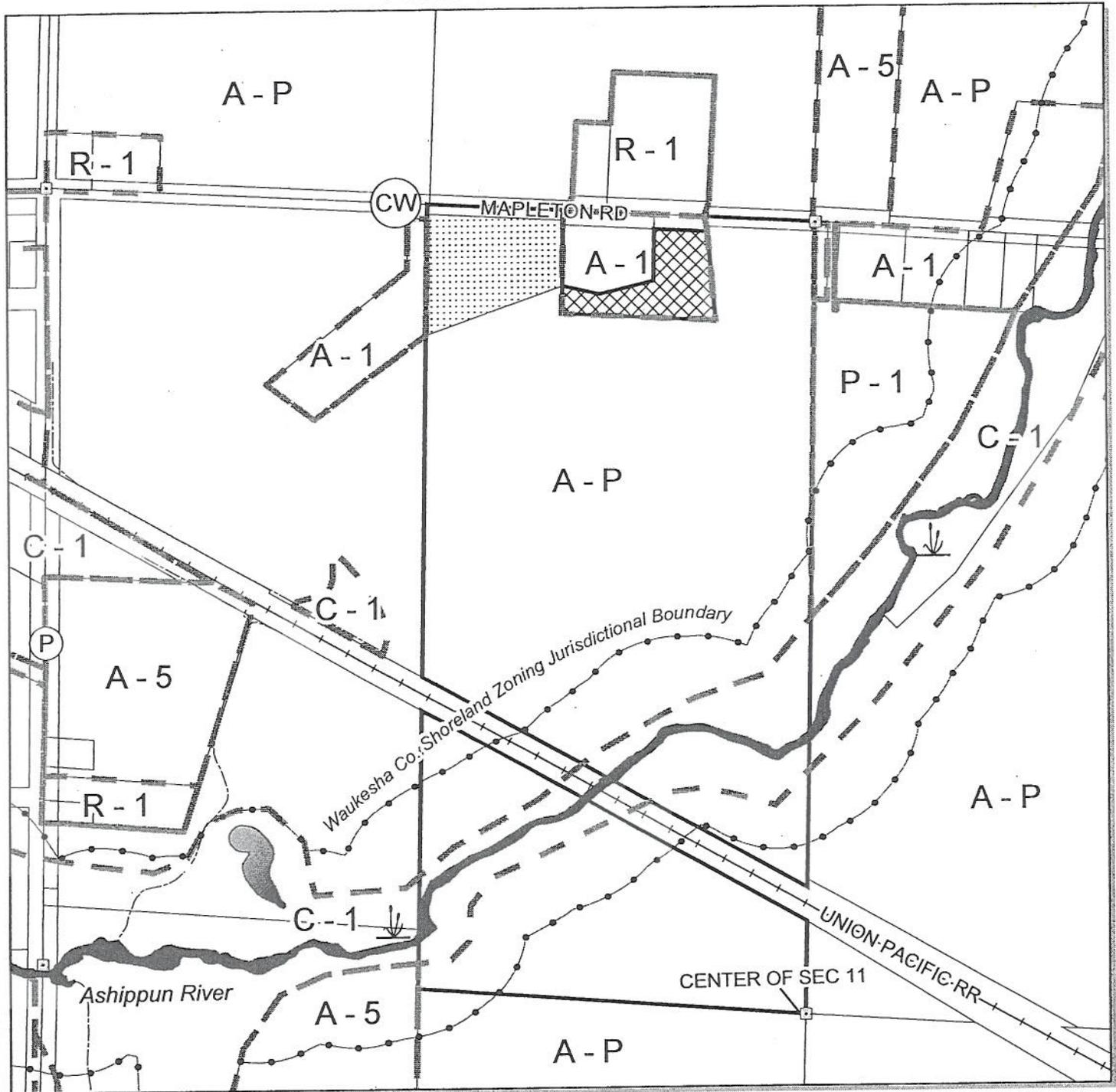
cc: Town of Oconomowoc Clerk  
Town of Oconomowoc Building Inspector  
Waukesha County Department of Parks and Land Use  
Sandra Scherer  
Patrick Agnew  
John Kilmer

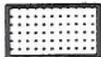
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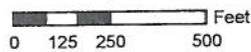
# ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 11  
TOWN OF OCONOMOWOC



-  CONDITIONAL COUNTY ZONING CHANGE FROM A-P AG LAND PRESERVATION TO A-2 RURAL HOME (3.09 AC)
-  CONDITIONAL COUNTY ZONING CHANGE FROM A-1 AGRICULTURAL TO A-P AG LAND PRESERVATION (2.02 AC)

FILE.....CZ-1652  
 DATE.....07-19-07  
 AREA OF CHANGE.....5.11 ACRES  
 TAX KEY NUMBERS.....PART OF OCOT 0474.999 & 0474.999.001

  
 1 inch equals 500 feet  
  
 0 125 250 500 Feet  
 Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/28/07

NUMBER-1620038

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

2 R. THELEN.....AYE  
 4 R. HUTTON.....  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 T. SCHELLINGER....AYE  
 14 S. WIMMER.....AYE  
 16 R. STEVENS.....AYE  
 18 B. MORRIS.....AYE  
 20 P. WOLFF.....AYE  
 22 G. BRUCE.....  
 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