TO: David Valentine, Chairman  
Town Board
FROM: Eric Ryer, Assistant Administrator
MEMO WRITTEN: June 25, 2014
REVIEWED BY: Jim Culotta, Administrator
SUBJECT: Agenda Item # 9b: Public hearing to take comment on proposed Ordinance 2014-9 to rezone the property located at 7806 Pleasant Valley Road from A-1 Agricultural to E-1 Estate Residential [SE ¼ of Section 4, 8.96 acres, zoned A-1 Agricultural District]
Agenda Item # 11a: Discussion and possible motion on proposed Ordinance 2014-9 to rezone the property located at 7806 Pleasant Valley Road from A-1 Agricultural to E-1 Estate Residential [SE ¼ of Section 4, 8.96 acres, zoned A-1 Agricultural District]*
Agenda Item # 11b: Discussion and possible motion on a minor land division application for the property located at 7806 Pleasant Valley Road by Andrew Lyneis [SE ¼ of Section 4, 8.96 acres, zoned A-1 Agricultural District]*

BACKGROUND INFORMATION

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Lyneis Minor Land Division &amp; Rezone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name</td>
<td>Andrew Lyneis</td>
</tr>
<tr>
<td>Consulting Planner and/or Engineer</td>
<td>M Squared Engineering / Daniel Boehnlein</td>
</tr>
<tr>
<td>Size of Parcel</td>
<td>8.96 acres</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>A-1</td>
</tr>
<tr>
<td>Requested Zoning</td>
<td>E-1</td>
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<tr>
<td>Abbreviated Legal</td>
<td>SE ¼ of Section 4</td>
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<tr>
<td>Future Land Use Map Designation</td>
<td>Rural Neighborhood – Countryside (A-1 &amp; E-1 allowed)</td>
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ADJACENT LAND USE/ZONING MATRIX

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural, Conservancy</td>
<td>A-1, C-1</td>
</tr>
<tr>
<td>East</td>
<td>Prime Agricultural</td>
<td>A-2</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
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ZONING CONSISTENCY MATRIX

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<th>Provided</th>
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<tr>
<td>Zoning Requested:</td>
<td>E-1</td>
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<tr>
<td>Minimum Lot Size</td>
<td>4 acres</td>
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<tr>
<td></td>
<td>Lot #2 = 4 acres</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>200’</td>
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<tr>
<td></td>
<td>Lot #2 = 406.58’ feet</td>
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<tr>
<td>Minimum Street Building Setback</td>
<td>Outbuildings = 125 feet Residential = 100 feet (section line road)</td>
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<tr>
<td></td>
<td>Lot #1 home = 29.6’</td>
</tr>
<tr>
<td></td>
<td>Lot #2 = no structures</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>Outbuildings = 40 feet Residential = 40 feet</td>
</tr>
<tr>
<td></td>
<td>Lot #1 outbuilding = 122.6’</td>
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<td></td>
<td>Lot #1 home = &gt;125’</td>
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<td></td>
<td>Lot #2 = no structures</td>
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<tr>
<td>Minimum Rear Yard Setback</td>
<td>Outbuildings = 40 feet Residential = 40 feet</td>
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<tr>
<td></td>
<td>Lot #1 outbuilding = ~125’</td>
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<tr>
<td></td>
<td>Lot #1 home = several hundred feet</td>
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<tr>
<td></td>
<td>Lot #2 = no structures</td>
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Meeting Date: July 2, 2014  
Agenda Items: # 9b, 11a, 11b
BACKGROUND
Andrew Lyneis has submitted a minor land division application to divide his 8.96 acre lot currently zoned A-1 Agricultural located at 7806 Pleasant Valley Road into two parcels. The draft CSM shows an intent to divide the original parcel into a 4.96 acre parcel (with existing structures) and a 4 acre parcel with no structures. He has also submitted a rezone application to rezone the entire property from A-1 to E-1.

EXECUTIVE ANALYSIS
1. Zoning / Setbacks
   A rezoning from A-1 to E-1 is necessary because the A-1 district requires a 5 acre minimum parcel size, and both of the proposed new parcel sizes are less than 5 acres. Setbacks are met with the exception of the street yard setback for the existing home, detached garage, and dilapidated wooden outbuilding on lot #1, which would be far less than the required setbacks for such structures on an E-1 lot on a section line road, as seen in the table on the first page of this memo. The parcel is currently existing nonconforming in regards to these setbacks for the A-1 district. The shape of both lots are rectangular in nature, creating favorable building conditions for both lots. The property falls outside of any extraterritorial plat review.

2. Onsite Sewage Disposal
   All lots created by certified survey maps for residential use will be required to complete a percolation and boring test which would support the installation of the initial and replacement conventional soil absorption systems, in accordance with Comm 83.09(4) and (5) and 83.23, Wis. Adm. Code. The soil tests are attached, and they show the new lot would support a long narrow mound for the best results. The bores and site were observed by Ozaukee County, with no water observed in the bores.

3. Open Space / Shared Driveway
   There is no open space requirement for the E-1 zoning district. A shared driveway is not proposed for this minor land division.

4. Shoreland Zoning / Floodplain
   The property is affected by shoreland/floodplain zoning as can be seen on the attached map. Construction on both parcels would be subject to County shoreland zoning and floodplain regulations.

5. Planting Strip
   Typically minor land divisions that abut a section line road are required to have a 100 foot (perpendicular to the road right-of-way) non-access planting strip easement to be provided along the entire frontage length of the future land division. In this instance, however, staff does not believe this would apply as the land division would only create one new lot along Pleasant Valley Road which does not result in a typical “residential subdivision.” Therefore, the CSM does not show a planting strip easement.

CSM REVIEW COMMENTS
Gremmer & Associates has reviewed the final draft CSM and found all necessary corrections have been made.

PUBLIC COMMENT / PLAN COMMISSION RECOMMENDATION
As with all rezone applications, two types of public notice were issued: 1) the owners of record situated within 1,000 feet of the boundaries of the applicant’s property were sent a notice postmarked at least 10 days prior to the date of consideration by the Town Board, 2) a Class Two notice appeared in the News Graphic (published twice time). A sign was also placed in the front of the property. Staff has not received any written comment to this point.
PLAN COMMISSION RECOMMENDATION
At their meeting on June 18th, the Plan Commission unanimously recommended the Town Board approve the CSM and rezone, following the completion of the CSM corrections as requested by Gremmer & Associates.

ACTION REQUESTED
Staff requests the Town Board hold a public hearing on the rezone application and come back to the item at #11a and 11b. The Board could then consider public comment, the Plan Commission recommendations, and final action on:
1) The application to rezone the property located at 7806 Pleasant Valley Road from A-1 Agricultural to E-1 Estate Residential (proposed Ordinance 2014-9);
2) The minor land division application for the property located at 7806 Pleasant Valley Road.

ATTACHMENTS
I. Zoning Map / Aerial / photos
II. Floodplain Map / Shoreland Zoning
III. CSM Review letter from Gremmer & Associates
IV. Final CSM, Soil tests, & Ordinance to rezone the property

COPIES MAILED/E-MAILED TO
I. Andrew Lyneis: alyneis@hotmail.com

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
<th>Status</th>
</tr>
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<tbody>
<tr>
<td>Rezone Public notice News Graphic</td>
<td>6-17 &amp; 6-24-14</td>
<td>Published</td>
</tr>
<tr>
<td>Rezone Post Cards within 1,000 feet</td>
<td>6-16-14</td>
<td>Mailed</td>
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<tr>
<td>Plan Commission meeting</td>
<td>6-18-14</td>
<td>Recommended approval</td>
</tr>
<tr>
<td>Town Board public hearing &amp; meeting</td>
<td>7-2-14</td>
<td>This meeting</td>
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Property Aerial
Above: photo of the home and west side of what would be lot #1 from Pleasant Valley Road.

Above: photo of the home and east side of the what would be lot #1 from Pleasant Valley Road.
June 27, 2014

Town of Cedarburg
1293 Washington Avenue
Cedarburg, WI 53012

Subject: Lyneis Certified Survey Map

Dear Mr. Ryer:

I have completed my review of the final certified survey map for Andrew F. Lyneis, Sr. All comments from the preliminary certified survey map review have been addressed, and there are no additional comments. The applicable Minor Land Division checklist items have been completed, and are considered ‘OK’.

Please feel free to contact me if you have any questions or need anything else.

Sincerely,

[Signature]

Jay Panetti, RLS
Gremmer & Associates, Inc.
OZAUKEE COUNTY CERTIFIED SURVEY MAP NO.  
A REDIVISION OF LOT 3 OF CERTIFIED SURVEY MAP 2286 AND BEING IN 
THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 10 
NORTH, RANGE 21 EAST, TOWN OF CEDARBURG, OZAUKEE COUNTY, 
WISCONSIN 

SURVEYOR: ANTHONY J. GROMACKI, RLS-2090
M SQUARED ENGINEERING, LLC
W9P N015 WASHINGTON AVE
CEDARBURG, WI 53012
1-262-375-4246 FAX 1-262-375-2274

OWNER: ANDREW F. LYNESI SR
7808 PLEASANT VALLEY ROAD
SAUKVILLE WI 53080
1-262-893-8273

SURVEYOR'S CERTIFICATE:
I, ANTHONY J. GROMACKI, REGISTERED WISCONSIN LAND SURVEYOR, S-2090, DO HEREBY CERTIFY THAT BY THE DIRECTION 
OF ANDREW F. LYNESI SR, I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND SHOWN AND DESCRIBED HEREOF, THAT PART 
OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 21 EAST, TOWN OF CEDARBURG, 
OZAUKEE COUNTY, WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST ¼; THENCE S 88°13'16" W ALONG THE SOUTH LINE OF 
THE SOUTHEAST ¼ OF SAID SECTION 4, 943.70 FEET; THENCE N 02°27'25" W 33.00 FEET TO THE NORTH RIGHT OF WAY 
LINE OF PLEASANT VALLEY ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING N 02°27'25" W ALONG THE EASTERLY 
LINE OF LOT 2 OF CERTIFIED SURVEY MAP 2286, 428.62 FEET TO A SOUTHERLY LINE OF LOT 2 OF CERTIFIED SURVEY MAP 
2286; THENCE E 88°13'16" E ALONG SAID SOUTHERLY LINE 910.70 FEET TO THE WEST RIGHT OF WAY LINE OF COVERED 
BRIDGE ROAD; THENCE E 02°27'25" E ALONG SAID WEST LINE 428.62 FEET TO THE NORTH RIGHT OF WAY LINE OF PLEASANT 
VALLEY ROAD; THENCE S 88°13'16" W ALONG SAID NORTH LINE 910.70 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 8.960 ACRES (390,317 SQUARE FEET).

I FURTHER CERTIFY THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SEC. 236.34 OF WISCONSIN STATUTES AND THE 
TOWN OF CEDARBURG'S SUBDIVISION ORDINANCE AND LAND DIVISION ORDINANCE IN SURVEYING, DIVIDING, AND 
MAPPING SAID LAND, AND THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND 
SURVEYED AND THE DIVISION OF SAID LANDS.

DATED THIS 25th DAY OF JUNE, 2014.

ANTHONY J. GROMACKI
REGISTERED LAND SURVEYOR, S-2090

OWNER'S CERTIFICATE:
I, ANDREW F. LYNESI SR, HEREBY CERTIFY THAT I HAVE CAUSED THE LAND SHOWN AND DESCRIBED HEREOF TO BE 
SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP. WE ALSO CERTIFY THAT 
THIS CERTIFIED SURVEY MAP IS REQUIRED BY §236.10 OR §236.12 TO BE SUBMITTED TO THE FOLLOWING FOR 
APPROVAL OR OBJECTION: AN IMPACT FEE FOR THE NEW LOT SHALL BE PAID PER "TOWN CODE".

TOWN OF CEDARBURG PLAN COMMISSION
TOWN OF CEDARBURG TOWN BOARD

ANDREW F. LYNESI - OWNER

STATE OF WISCONSIN
OZAUKEE COUNTY JS.

PERSONALLY CAME BEFORE ME THIS _______ DAY OF ________, 2014, THE ABOVE NAMED, ANDREW F. 
LYNESI SR. KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND 
ACKNOWLEDGED THE SAME.

(NOTARY SEAL) __________________________ NOTARY PUBLIC, _________________________ COUNTY, WISCONSIN.

MY COMMISSION EXPIRES ____________________________

THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, RLS-2090
OZAUKEE COUNTY CERTIFIED SURVEY MAP NO. _______

A REDEVELOPMENT OF LOT 3 OF CERTIFIED SURVEY MAP 2286 AND BEING IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 21 EAST, TOWN OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN

CONSENT OF MORTGAGEE:

I, MORTGAGEE OF THE LANDS AS REPRESENTED ON THIS CERTIFIED SURVEY MAP DO HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LANDS AS REPRESENTED ON THIS CERTIFIED SURVEY MAP, AND DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF

ANDREW F. LYNES SR - OWNER

WITNESS THE HAND AND SEAL OF _______________________, MORTGAGEE,
THIS ___________ DAY OF ___________, 2014

IN THE PRESENCE OF:

MORTGAGEE

STATE OF WISCONSIN
OZAUKEE COUNTY

PERSONALLY CAME BEFORE ME THIS ___________ DAY OF ___________, 2014, THE ABOVE NAMED, ANDREW F. LYNES SR. KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

(NOTARY SEAL) ________________________ NOTARY PUBLIC, _____________ COUNTY, WISCONSIN.

MY COMMISSION EXPIRES

CONSENT OF MORTGAGEE:

I, MORTGAGEE OF THE LANDS AS REPRESENTED ON THIS CERTIFIED SURVEY MAP DO HEREBY CONSENT TO THE SURVEYING, DIVIDING AND MAPPING OF THE LANDS AS REPRESENTED ON THIS CERTIFIED SURVEY MAP, AND DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF

ANDREW F. LYNES SR - OWNER

WITNESS THE HAND AND SEAL OF _______________________, MORTGAGEE,
THIS ___________ DAY OF ___________, 2014

IN THE PRESENCE OF:

MORTGAGEE

STATE OF WISCONSIN
OZAUKEE COUNTY

PERSONALLY CAME BEFORE ME THIS ___________ DAY OF ___________, 2014, THE ABOVE NAMED, ANDREW F. LYNES SR. KNOWN TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

(NOTARY SEAL) ________________________ NOTARY PUBLIC, _____________ COUNTY, WISCONSIN.

MY COMMISSION EXPIRES
OZAUKEE COUNTY CERTIFIED SURVEY MAP NO. ______

A REDIVISION OF LOT 3 OF CERTIFIED SURVEY MAP 2286 AND BEING IN THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 4, TOWNSHIP 10 NORTH, RANGE 21 EAST, TOWN OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN

TOWN OF CEDARBURG PLAN COMMISSION APPROVAL:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF CEDARBURG PLAN COMMISSION

ON THIS _____ DAY OF __________________, 2014.

_________________ , CHAIRPERSON

_________________ , DEPUTY CLERK

DAVID VALENTINE, CHAIRPERSON
BONNIE ERICKSON, DEPUTY CLERK

TOWN OF CEDARBURG TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF CEDARBURG TOWN BOARD

ON THIS _____ DAY OF __________________, 2014.

_________________ , CHAIRPERSON

_________________ , DEPUTY CLERK

DAVID VALENTINE, CHAIRPERSON
BONNIE ERICKSON, DEPUTY CLERK

THIS INSTRUMENT WAS DRAFTED BY ANTHONY J. GROMACKI, RLS-2080
SOIL EVALUATION REPORT

in accordance with SPS 383, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.94 (1) (e)).

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<tr>
<th>Property Owner</th>
<th>Andrew F. Lynes</th>
<th>Property Location</th>
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<tr>
<td>Property Owner's Mailing Address</td>
<td>7806 Pleasant Valley Rd.</td>
<td>Govt. Lot SE 1/4 NE 1/4 S 4 T 10 N R 21 E (or) W</td>
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<tr>
<td>City</td>
<td>Cedarburg</td>
<td>Lot #</td>
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<tr>
<td>State</td>
<td>Wi</td>
<td>Block #</td>
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<tr>
<td>Zip Code</td>
<td>53012</td>
<td>Subdist. Name or CSM#</td>
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<td>Phone Number</td>
<td>( )</td>
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New Construction
Residential / Number of bedrooms 4 Code derived design flow rate 600 GPD

Replacement
Public or commercial - Describe:  

Parent material
loess/till

Flood Plain elevation if applicable

Long narrow mound for best results. All bores and site observed and O.K. by Mr. Barry Sullivan on 5/27/14. No water observed in any of the soil bores.

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<th>Boring #</th>
<th>Boring Pit</th>
<th>Ground surface elev.</th>
<th>Depth to limiting factor</th>
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<td>29 in.</td>
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* Effluent #1 = BOD₃ > 30 < 220 mg/L and TSS >30 ≤ 150 mg/L.  
* Effluent #2 = BOD₃ ≤ 30 mg/L and TSS < 30 mg/L.

CST Name (Please Print)  Daniel J. Boehnlein  Signature  
CST Number  #220926  
Address  7527 Devonshire Dr., Cedarburg, WI 53012  
Date Evaluation Conducted  5/27/14  
Telephone Number  414-581-8543  
SBD-8330 (R07/13)
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<th>Depth In.</th>
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<th>Redox Description Qu. Sz. Cont. Color</th>
<th>Texture</th>
<th>Structure Gr. Sz. Sh.</th>
<th>Consistence</th>
<th>Boundary</th>
<th>Roots</th>
<th>Soil Application Rate</th>
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**Boring #**

**Pit**

Ground surface elev. 837.60 ft. Depth to limiting factor 26 in.

1. 0-9 10YR3/3 --- cl (2)msbk mfr aw 2vf .4 .6
2. 9-21 7.5YR4/4 --- cl (2)mabk mfr cw 2vf .4 .6
3. 21-26 10YR4/4 --- cl (2)fshk mfr cw 2vf .4 .6
4. 26-30 10YR5/4 c(2)d 7.5YRS/8 mots. sicl (1)fshk mfi cw 1vf .2 .3
5. 30-43 7.5YR5/4 m(c)p 7.5YRS/8 & 10YR6/2 mots. sicl (1)fshk mfi --- --- .2 .3

* Effluent #1 = BOD₅ > 30 ≤ 220 mg/L and TSS >30 ≤ 150 mg/L
* Effluent #2 = BOD₅ ≤ 30 mg/L and TSS ≤ 30 mg/L
An Ordinance to Rezone Certain lands Zoned A-1 Agricultural to E-1 Estate Residential and Amend the Zoning Map for the Property Located at 7806 Pleasant Valley Road in the Town of Cedarburg, Ozaukee County, Wisconsin.

WHEREAS, the Town of Cedarburg Plan Commission, having previously reviewed all standards required to be considered by the Zoning Code of the Town of Cedarburg and after due deliberation, has recommended to the Town Board that certain property located at 7806 Pleasant Valley Road in the Town of Cedarburg, Ozaukee County, Wisconsin, be rezoned from A-1 Agricultural to E-1 Estate Residential; and,

WHEREAS, all notices of said proposed rezoning and public hearing thereon have been given as required by the Zoning Code and sec. 62.23(7)(d), Stats., and such public hearing was held before the Town Board of Supervisors on July 2, 2014; and,

WHEREAS, the Town Board has determined that the rezoning of such property will promote the public health, safety, morals and general welfare of the community, and has made a motion that the zoning districts and Official Zoning Map of the Town of Cedarburg be amended to reflect the above-described zoning change,

NOW, THEREFORE, the Town Board of the Town of Cedarburg, Wisconsin, does ordain as follows:

1. Certain portions of the property located at 7806 Pleasant Valley Road will be rezoned from A-1 Agricultural to E-1 Estate Residential in the Town of Cedarburg, Ozaukee County, Wisconsin.

2. The zoning districts and Official Zoning Map of the Town of Cedarburg shall be amended to reflect the revised zoning designation.

3. This Ordinance shall become effective upon passage and posting as provided by law.

Passed and approved this 2nd day of July, 2014.

David Valentine, Town Chairman

ATTEST:

Bonnie Erickson
Deputy Town Clerk