

RESOLUTION NO. 38-2021

**ADOPTING CONDITIONS AND RESTRICTIONS
FOR THE REINERT-BIRMILY PLANNED DEVELOPMENT DISTRICT
("REINERT-BIRMILY DISTRICT")**

WHEREAS, Mark & Jennifer Reinert and Jim Birmily, property owners (hereinafter "Property Owners") applied for and were granted a Planned Development District (PDD) overlay rezoning to their 4.9-acre property in an Rs-2: Single-Family Zoning District in the Village of Germantown more particularly described on Exhibit A attached hereto (the "Reinert-Birmily District"); and

WHEREAS, Section 17.27(4) of the Village of Germantown Municipal Code allows for the adoption of conditions and restrictions for Planned Development Districts; and

WHEREAS, on November 8, 2021, the Germantown Plan Commission reviewed a proposal by the Property Owners to create the Reinert-Birmily PDD and specific conditions & restrictions affecting the use and development of their property located at W168 N12184 & N12196 Century Lane;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Germantown hereby approves and adopts the following specific conditions and restrictions that shall apply to all development on and the use of property within the PDD:

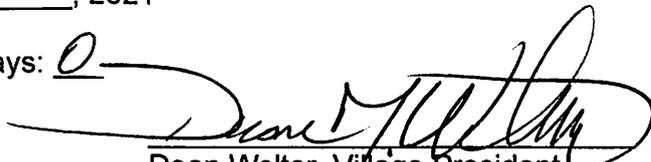
1. **PURPOSE AND INTENT.** The Reinert-Birmily Planned Development District is intended to facilitate the division of an existing 4.9-acre parcel into two equal parcels, each containing an existing single-family dwelling constructed prior to 1964 and at a time when zoning regulations allowed two dwellings on a single parcel (no longer allowed under the Village's current Zoning Code). Creation of a PDD with an underlying Rs-2 Single-Family Zoning District was deemed to be the best approach to creating separate parcels without creating non-conforming parcels and structures. Except for the specific restrictions and allowances set forth below, it is intended that the two parcels within this PDD will be used and/or further developed consistent with the Rs-2: Single-Family District in the Zoning Code.
2. **GENERAL DEVELOPMENT PLAN (GDP).** The General Development Plan (Exhibit A) establishes the basic parameters for all existing and future development within the PDD, including the approximate size and orientation of buildings. While future development within the PDD shall be generally consistent with the GDP, future development allowed under the Rs-2 Zoning District is deemed to be allowed under the GDP for the Reinert-Birmily District.
3. **UNDERLYING ZONING DISTRICT REGULATIONS.** Except as set forth in Section 5 below, all land uses, site development and building construction shall be in accordance with the specific requirements set forth in the underlying Rs-2: Single-Family Zoning District regulations and other applicable Zoning Code requirements for single-family residential land uses.

4. **LOT, YARD AND BUILDING REQUIREMENTS.** Except as set forth below, all site development and buildings shall be constructed in accordance with the lot, building and other applicable bulk requirements set forth in the underlying Rs-2: Single-Family District and other applicable Zoning Code regulations:
- a. **LOT AND BUILDING REQUIREMENTS**
- i. Principal & Accessory Building Setbacks (minimum)
1. Front/Street Yard:
- | | |
|----------------|---------|
| a. W168 N12184 | 45 feet |
| b. W168 N12196 | 24 feet |
2. Side Yard
- | | |
|------------------------|---------|
| a. W168 N12184 (south) | 30 feet |
| b. W168 N12184 (north) | 17 feet |
| c. W168 N12196 (north) | 19 feet |
| d. W168 N12196 (south) | 17 feet |
3. Rear yard 25 feet outward from the delineated wetland boundary
- ii. Lot Width/Frontage at Street Yard Setback
- | | |
|----------------|----------|
| 1. W168 N12184 | 114 feet |
| 2. W168 N12196 | 159 feet |
5. **APPLICABILITY OF MUNICIPAL CODE.** Unless otherwise set forth herein, all other applicable zoning and development regulations contained in the Germantown Municipal Code (e.g. Shoreland-Wetland Zoning, Floodplain Zoning, Subdivision) shall apply to development and land use within the SP-PDD. In the event a requirement, restriction or limitation set forth herein conflicts with a similar requirement, restriction or limitation found in another section of the Municipal Code, the most stringent requirement, restriction, or limitation shall apply.

Introduced by: Trustee Myers

Adopted: December 6, 2021

Vote: Ayes: 9 Nays: 0


Dean Wolter, Village President

ATTEST:

Deanna Braunschweig
Deanna Braunschweig, Village Clerk / Treasurer

EXHIBIT A
Reinert-Birmily Planned Development District (Rs-2/PDD)
Boundary Legal Description & General Development Plan

The Reinert-Birmily District shall include the following described property and subsequent land division thereof:

Tax Parcel: GTNV 153-995

Property Address: W168 N12184 Century Lane (Reinert Residence)
W168 N12196 Century Lane (Birmily Residence)

Legal Description:

The Northerly (5) Acres of that piece or parcel of land lying on the West side of a little stream called the Old Menomonee in the Southeast 1/4 of the Southwest 1/4 of Section 15, Township 9 North, Range 20 East.

More particularly described as follows:

Commencing at the Northwest corner of said Southwest 1/4; thence N88°58'00"E along the North line of said Southwest 1/4, 1323.48 feet to a point on the West line of the East 1/2 of said Southwest 1/4; thence S01°27'05"E along said West line, 1316.58 feet to the point of beginning and a point on the North line of the Southeast 1/4 of said Southwest 1/4; thence N88°57'39"E along said North line, 869.12 feet to a point on the Westerly meander line of the Menomonee River; thence S38°41'27"W along said Westerly meander line, 363.76 feet; thence S89°25'18"W, 634.67 feet to a point on the West line of the Southeast 1/4 of said Southwest 1/4; thence N01°26'53"W along said West line, 274.52 feet to the point of beginning of description. Including lands lying between Western meander line and Westerly High Water line of Menomonee River.

