

ENROLLED ORDINANCE 177-5

AMEND THE TOWN OF MUKWONAGO ZONING MAP BY REZONING SEVERAL PROPERTIES LOCATED IN THE SE ¼ OF SECTION 7, T5N, R18E AND THE NW ¼ OF SECTION 10, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ99)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Mukwonago Town Board on February 9, 2022; 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 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the map of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November 30, 2020, is hereby amended by rezoning several properties located in the SE ¼ of Section 7 and the NW ¼ of Section 10, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, from the A-1 Agricultural District to the R-1 Residential District, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ99, is hereby approved.

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

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

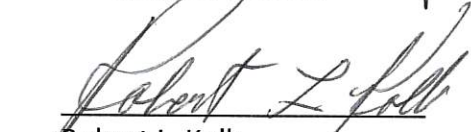
AMEND THE TOWN OF MUKWONAGO ZONING MAP BY REZONING SEVERAL PROPERTIES
LOCATED IN THE SE ¼ OF SECTION 7, T5N, R18E AND THE NW ¼ OF SECTION 10, T5N, R18E,
TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1
AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ99)

Presented by:
Land Use, Parks, and Environment Committee


Thomas A. Michalski, Chair

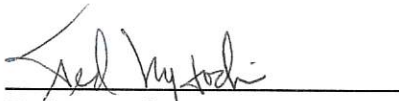

Jennifer Grant


Christine M. Howard


Robert L. Kolb


Brian Meier


Chris Mommaerts


Ted Wysocki

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

Date: 5/31/22, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

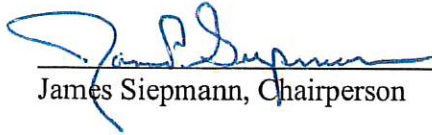
Date: 5/31/2022, 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Map of the Town of Mukwonago Zoning Code hereby recommends **approval** of **RZ99 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

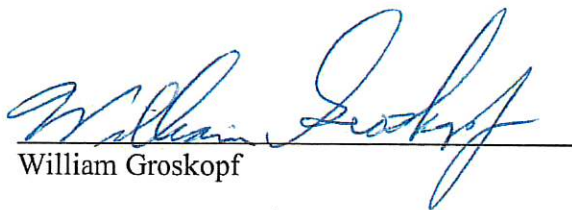
April 21, 2022

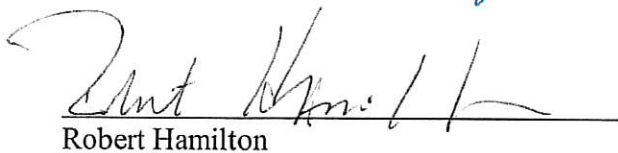

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

absent
Richard Morris


William Groskopf


Robert Hamilton

District (see Map 1). The proposed zoning will match that of the existing parcels. The split-zoning was likely a zoning error, as the A-1 portions of the lots match the areas of Environmental Corridor, and the lots do not meet the required 3 acre minimum lot size. While the base zoning district will change, the Environmental Corridor overlay will remain. The lots will also now comply with the district minimum lot size of 1 acre. The subdivision is located east of CTH I and to the west of the STH 83 corridor.

The Town of Mukwonago has also proposed to amend the zoning designation of a residential property on the west side of CTH E, just north of Sudgen Road (see Map 2). The property is zoned A-1 Agricultural District and is proposed to be rezoned to the R-1 Residential District. The proposed rezone will make the property conforming to district requirements, as the A-1 requires a minimum of 3 acres, whereas the R-1 requires a minimum of 1 acre. The Certified Survey Map which created the lot in 1981 indicates that the lot is 1.001 acres in size.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. This rezoning resolves split zoning on a number of properties and creates a conforming lot that would not otherwise conform to district standards. The zoning designation will allow private property owners to be able to utilize their properties more fully.

Respectfully submitted,

Jacob Heermans

Jacob Heermans
Senior Land Use Specialist

Attachments: Town Ordinance No. 2022-O-58
Rezone Map 1
Rezone Map 2

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ99 T Mukwonago Map Amendment mkt.doc

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on January 5, 2022, recommended various revisions to the zoning code/map as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on February 2, 2022, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on February 2, 2022; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on February 2, 2022; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Mukwonago, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Mukwonago, Waukesha County, does hereby ordain as follows:

Section 1. Revise the zoning map for the parcels indicated below:

Map #	Parcel Number	Description
1.	MUKT1910005	Change from A-1 and R-1 to R-1
2.	MUKT1910006	Change from A-1 and R-1 to R-1
3.	MUKT1910007	Change from A-1 and R-1 to R-1
4.	MUKT1910008	Change from A-1 to R-1
5.	MUKT1910009	Change from A-1 and R-1 to R-1
6.	MUKT1910010	Change from A-1 and R-1 to R-1
7.	MUKT1910011	Change from A-1 and R-1 to R-1
8.	MUKT1900992	Change from A-1 to R-1





Section 2. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

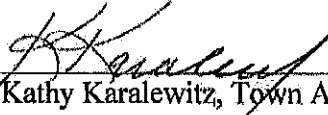
Section 4. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 2nd day of February 2022

TOWN OF MUKWONAGO


Peter Topczewski, Town Chair

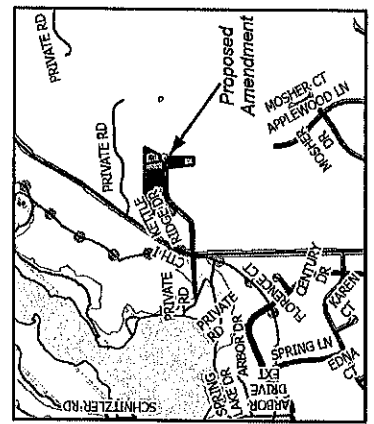
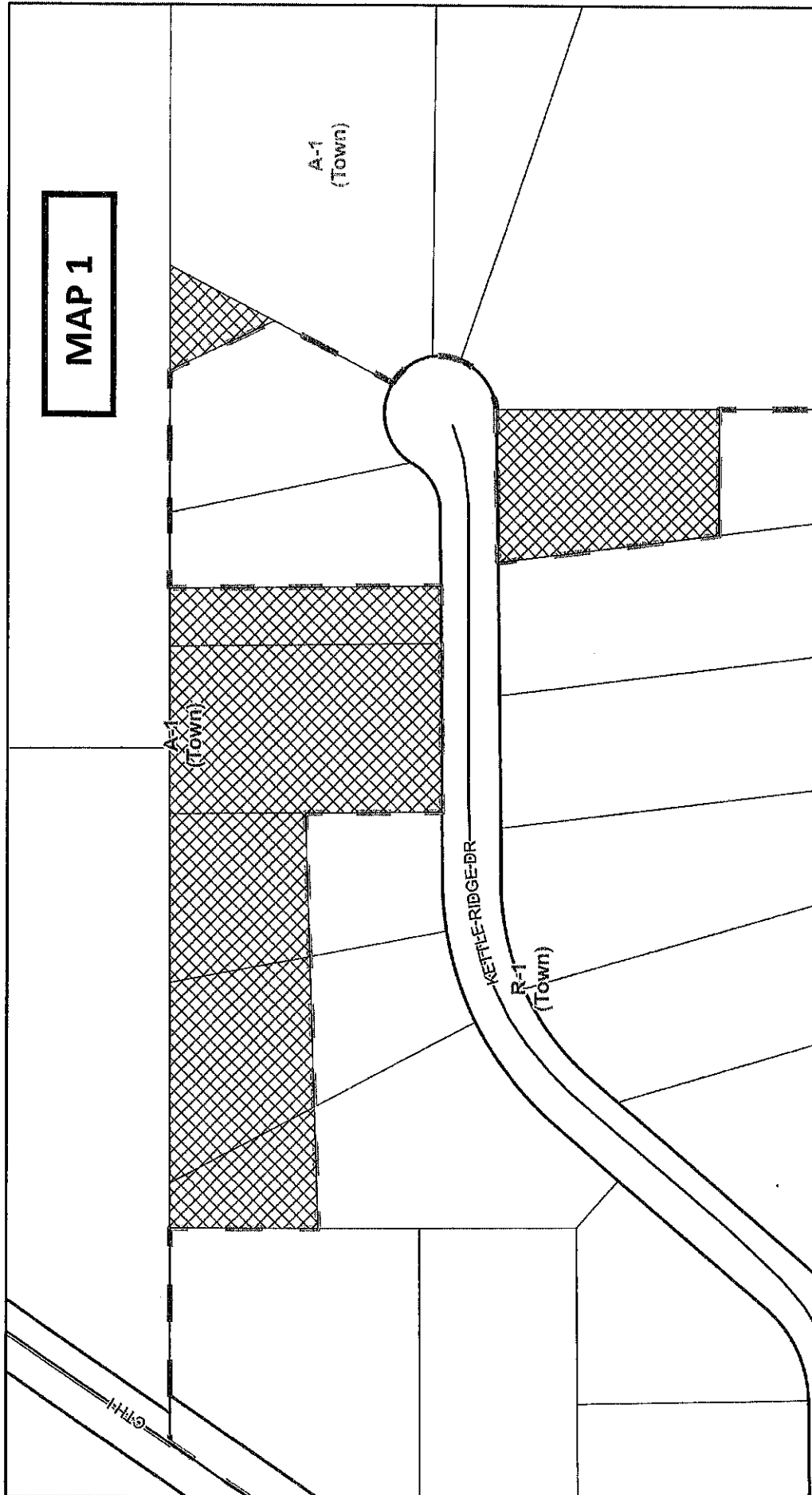
ATTEST:



Kathy Karalewitz, Town Administrator

Published and/or posted this 14 day of March, 2022

MAP 1



TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
(4.6 AC)

FILE.....RZ99
DATE OF PLAN COMMISSION.....4/21/22
AREA OF CHANGE.....4.6 ACRES
TAX KEY NUMBER.....MULTIPLE



Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE NW 1/4, SECTION 10,
TOWN OF MUKWONAGO



VOTING RESULTS

AVE 25 NAY 0 ABSTAIN | ABSENT 0

Ordinance 177-O-004

Ordinance 177-O-004: Amend The Town Of Mukwonago...

 **Passed By Majority Vote**

D1 - Foti	AVE	D14 - Mommaerts	AVE
D2 - Weil	AVE	D15 - Kolb	AVE
D3 - Morris	AVE	D16 - Crowley	AVE
D4 - Batzko	AVE	D17 - Meier	AVE
D5 - Grant	AVE	D18 - Nelson	AVE
D6 - Walz	AVE	D19 - Enriquez	AVE
D7 - LaFontain	AVE	D20 - Schellinger	AVE
D8 - Michalski	AVE	D21 - Gaughan	AVE
D9 - Heinrich	AVE	D22 - Wysocki	AVE
D10 - Thieme	AVE	D23 - Hammitt	AVE
D11 - Howard	AVE	D24 - Bangs	AVE
D12 - Wolf	AVE	D25 - Johnson	AVE
D13 - Decker	AVE		

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