

ENROLLED ORDINANCE 179-81

APPROVE TOWN OF MUKWONAGO ORDINANCE NO. 2024-O-66 FOR
COMPREHENSIVE MAP AMENDMENTS TO THE DISTRICT ZONING MAP OF THE
TOWN OF MUKWONAGO, FOR CERTAIN LANDS LOCATED IN SECTIONS 3, 7, 8 AND
9, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN
(RZ156)

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 April 3, 2024; and

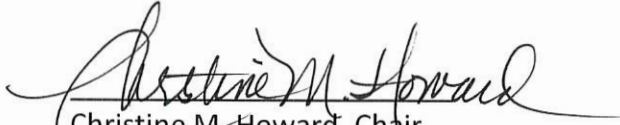
WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Mukwonago Ordinance No. 2024-O-66 approving comprehensive map amendments to the District Zoning Map for the Town of Mukwonago, adopted by the Town of Mukwonago on November 30, 2020, for certain lands located in Sections 3, 7, 8 and 9, T5N, R18E, Town of Mukwonago, Waukesha County, as 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, is hereby approved.

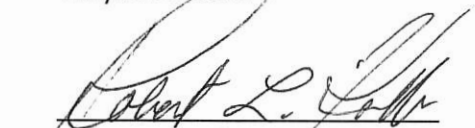
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Mukwonago.

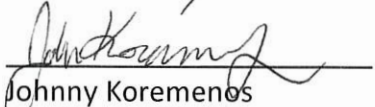
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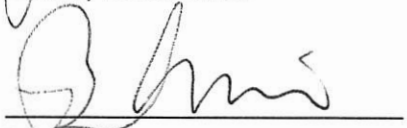
Presented by:
Land Use, Parks, and Environment Committee



Christine M. Howard, Chair



Wayne Euclide


Robert L. Kolb

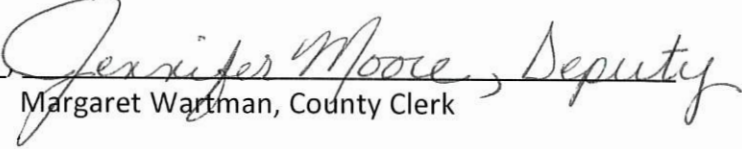

Johnny Koremenos


Brian Meier


Richard Morris


Steve Styza

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

Date: 03/28/2025 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

Date: 3/31/25 
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 Town of Mukwonago Zoning Ordinance hereby recommends **approval** of **RZ156 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

February 20, 2025


Robert Peregrine, Chairperson


James Siepmann

Absent
Richard Morris


William Groskopf


Gary Szpara


Christine Howard

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
MAP AMENDMENT

DATE: February 20, 2025
FILE NO.: RZ156
APPLICANT: Town of Mukwonago Board
W320 S8315 Beulah Road
Mukwonago, WI 53149
TAX KEY NO: Multiple- areawide change

LOCATION:
Various properties located in Sections 3, 7, 8 and 9, T5N, R18E, Town of Mukwonago.

PUBLIC HEARING DATE: April 3, 2024

PUBLIC COMMENT: None

TOWN PLAN COMMISSION ACTION:

On April 3, 2024, the Town of Mukwonago Plan Commission unanimously recommended to approve the map amendments.

TOWN BOARD ACTION:

On April 3, 2024, the Mukwonago Town Board unanimously approved Ordinance No. 2024-0-66

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF MUKWONAGO CDP:

The proposed maps are consistent with plan recommendations in assigning properties to appropriate "as used" zoning categories.

STAFF ANALYSIS:

The Town of Mukwonago is proposing comprehensive amendments to the Town Zoning Map in response to revised floodplain boundaries that changed the town's zoning jurisdictional boundaries. New FEMA floodplain mapping was adopted by Waukesha County in late 2023 and the county's shoreland zoning maps for each of the towns were updated at that time. Since that time, most of the towns in the county have been working to make similar updates to their town zoning maps which govern the areas outside of floodplains and shoreland areas. In some instances, floodplain boundaries have reduced in area along waterways which also reduced county floodplain/shoreland jurisdiction. Therefore, the town is now proposing to establish town zoning in those areas that were formerly subject to county shoreland/floodland jurisdiction.

The lands affected by the changes are quite limited. The largest area affected is a wetland complex to the southwest of Spring Lake. The FEMA floodplain in this area was previously unstudied and the new studied boundaries reduced the floodplain area. However, the same area is entirely wetland, so it will remain in a protective C-1 Conservancy zoning category. Other parcels affected are generally located east or southeast of Willow Springs Lake. The proposed town zoning parallels the manner in which the previous county zoning designated the land and matches the town zoning that already exists on the balance of the affected parcels.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. The proposed map changes establish appropriate zoning for parcels that are no longer part of the regulatory floodplain. In accordance with plan recommendations, the lands will be zoned as used and proposed zoning categories match the adjacent zoning categories. These updates ensure that the town's zoning maps are consistent with recently adopted FEMA floodplain maps and that there are no un-zoned gaps between areas of town zoning and county shoreland zoning.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Town Ordinance No. 2024-0-66

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STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2024-O-66

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 February 7, 2024, 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 April 3, 2024, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on April 3, 2024; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on April 3, 2024; 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:

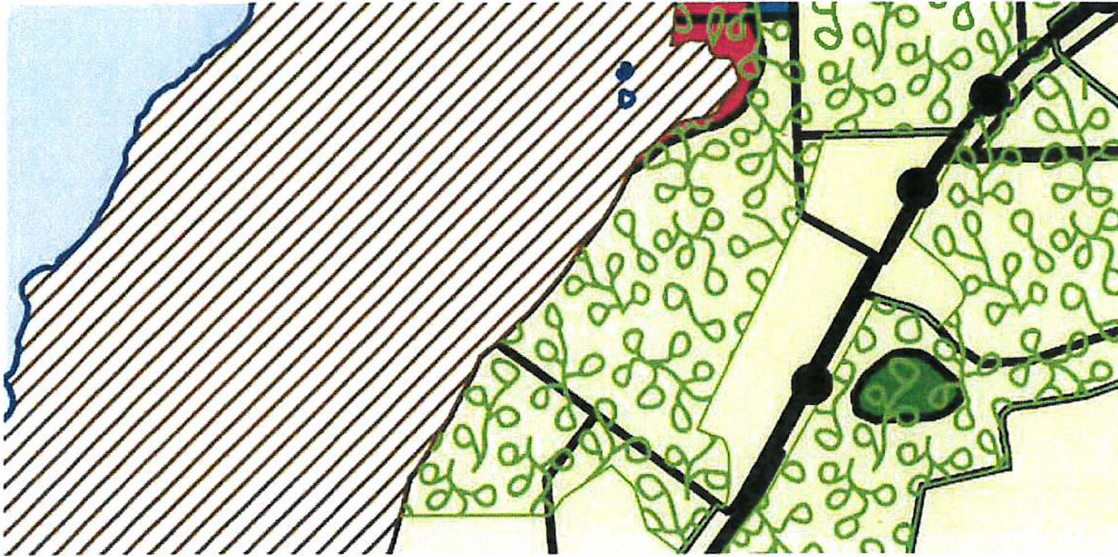
Section 1. Revise the zoning map to classify the area of the various lots shown in pink (below) to Conservancy (C-1) with Environmental Corridor (EC) overlay in those areas as indicated.



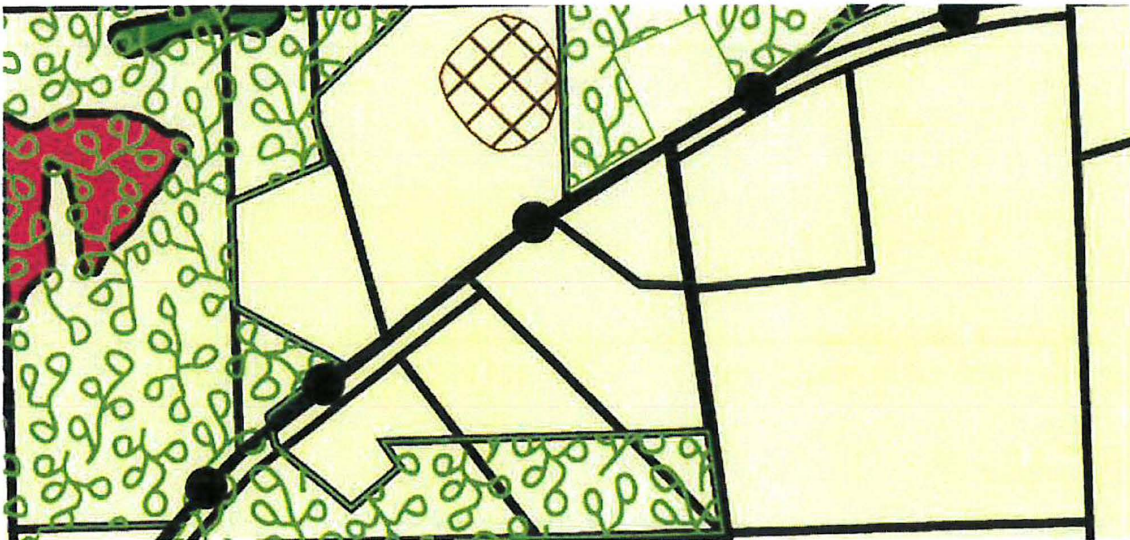
Section 2. Revise the zoning map to classify the area of parcel MUKT1882992006 shown in pink (below) to Public (P-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



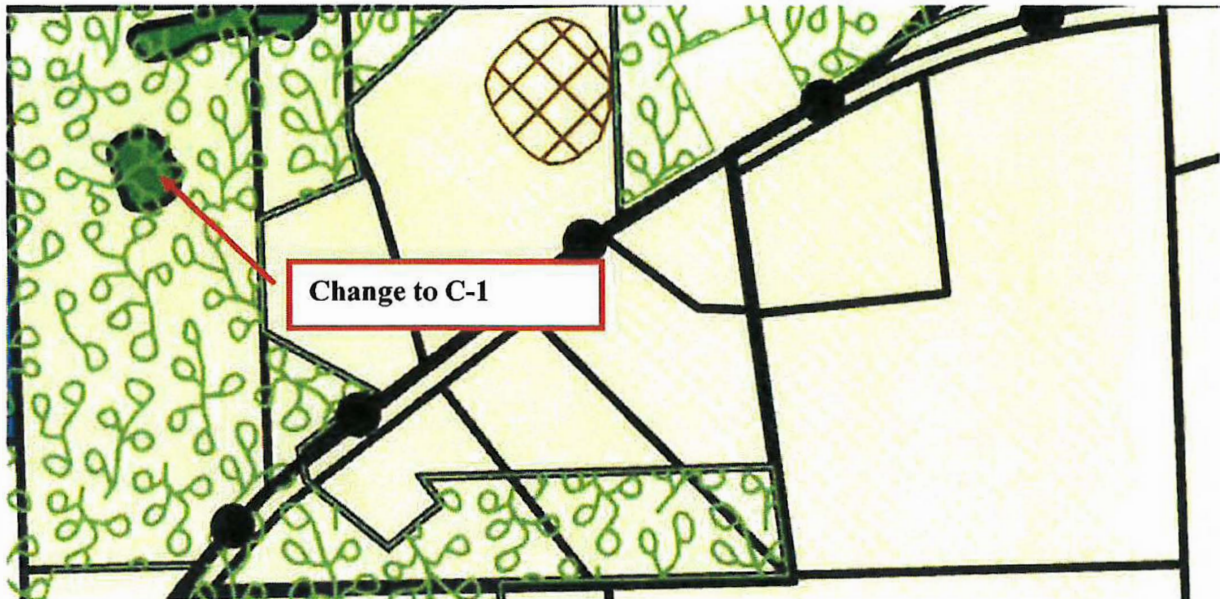
Section 3. Revise the zoning map to classify the area of parcel MUKT1883996004 shown in pink (below) to Agriculture (A-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



Section 4. Revise the zoning map to classify the area of parcel MUKT1883998 shown in pink (below) to Agriculture (A-1) with the Environmental Corridor (EC) overlay in those areas as indicated.



Section 5. Revise the zoning map to further classify the area of parcel MUKT1883998 as Conservancy (C-1) in those areas as indicated below with the Environmental Corridor (EC) overlay.



Section 6. 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 7. 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.

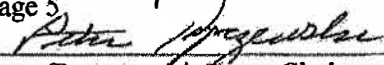
Section 8. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 3rd day of April 2024

TOWN OF MUKWONAGO

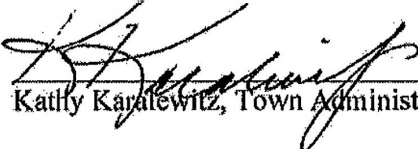
Ordinance 2024-O-66

Page 5



Peter Topczewski, Town Chair

ATTEST:



Kathy Karalewitz, Town Administrator

Published and/or posted this 16 day of January, 2024

VOTE RESULTS >

25 YES | 0 NO | 0 ABSTAIN | 0 ABSENT

Ordinance 179-O-085

Ordinance 179-O-085: Approve Town Of Mukwonago Ordinance No. 2024-O-66 For Comprehensive Map Amendment No. 179-O-085, Town Of Mukwonago, For Certain Lands Located In Sections 3, 7, 8 And 9, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin (RZ156)

 **Passed By Majority Vote**

D1 - Styza	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	M AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	S AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

13th Meeting, 179th Year of the County Board of Supervisors - March 25 2025 07:13:36 PM

March 25, 2025



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