

ENROLLED ORDINANCE 175-51

REPEAL AND RECREATE THE TOWN OF MUKWONAGO
ZONING CODE AND MAP (ZT-1852)

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 September 16, 2020; 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 text of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on February 27, 2007, is hereby amended to repeal and recreate the Town of Mukwonago Zoning Code and Map, 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 ZT-1852, 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.

REPEAL AND RECREATE THE TOWN OF MUKWONAGO
ZONING CODE AND MAP
(ZT-1852)

Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair

absent
Keith Hammitt


Thomas A. Michalski


Chris Mommaefts


Richard Morris


Thomas J. Schellinger

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

Date: 11/30/2020, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____
Date: 11/30/2020, 
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 text of the Town of Mukwonago Zoning Code hereby recommends approval of **ZT-1852 (Town Mukwonago Board)** in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

October 15, 2020

William Mitchell (via Microsoft Teams)

William Mitchell, Chairperson

James Siepmann (via Microsoft Teams)

James Siepmann, Vice Chairperson

Robert Peregrine (via Microsoft Teams)

Robert Peregrine

Richard Morris (via Microsoft Teams)

Richard Morris

Thomas Michalski (via Microsoft Teams)

Thomas Michalski

Absent

William Maslowski

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

FILE NO: ZT-1852
TAX KEY NUMBER: N/A
DATE: October 15, 2020
NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:
Repeal and recreate the Town of Mukwonago Zoning Code including the Official Zoning Map of the Town of Mukwonago.

PUBLIC HEARING DATE:
September 9, 2020

PUBLIC REACTION:
Several individuals asked questions or made comments regarding topics including accessory buildings, animals and outbuildings.

TOWN PLAN COMMISSION ACTION:
At their meeting of September 9, 2020, the Town of Mukwonago Plan Commission recommended approval of the proposed Town of Mukwonago Zoning Code and Map to the Town Board.

TOWN BOARD ACTION:
At their meeting of September 16, 2020, the Town of Mukwonago Board unanimously approved the proposed Town of Mukwonago Zoning Code and Map.

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

The proposed ordinance addresses numerous recommendations of the town and county plans. Natural resources are protected by protective zones, protection from groundwater flooding is provided, numerous use types are accommodated in a more efficient manner with the creation of a use matrix and many town procedures are more clearly described and ordained. Unique accommodations for telecommunications facilities, planned development districts and conservation design developments are provided. Mapping has been updated to provide the most current available natural resource datasets.

STAFF ANALYSIS:

The Town of Mukwonago has been working on a complete re-write of their zoning code over the past several years. Progress was delayed by significant changes to state conditional use law. The town has now addressed those statutory changes and advanced the final ordinance and new zoning map for county review and approval, as required by state law.

The town planner shared early drafts with county staff in 2017 when the effort began and again within the past several months as the ordinance neared completion. The town has been responsive to comments offered by staff. The below is a brief summary of some of the changes of note:

- Re-organization of the structure of the code. Many use requirements removed from individual sections of code and replaced by use matrix
- Reduction of number of zoning districts to greatly simplify code
- Modernized definitions
- New uses accommodated (i.e., craft brewery, artisan shop)
- Conditional Use standard conditions introduced
- Conservation design subdivisions provided for as alternative development option with maximum lot sizes
- Detailed landscape plan standards introduced
- Individual Planned Development District dimensional standards identified for each such project
- Reasonable accommodations provisions for those with disabilities
- Reduces minimum home size requirements for the R-1 District, consistent with Regional Housing Plan recommendations relative to providing for affordability

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Mukwonago's request. The new code brings forward many changes to improve the clarity of town processes, simplifies the district scheme and is responsive to recent law changes and use trends.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Exhibit A - Town Ordinance No. 2020-0-48
Proposed Town of Mukwonago Zoning Code and Map available for viewing at
<https://www.waukeshacounty.gov/landandparks/planning-and-zoning/>
(click on Zoning Ordinances/Draft County/Town Ordinances).

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ORDINANCE 2020-O-48

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 82 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 82 of the Town of Mukwonago Municipal Code, titled "Zoning;" and

WHEREAS, the Town initiated an effort to rewrite Chapter 82 by appointing an advisory committee consisting of five members; and

WHEREAS, the advisory committee prepared an initial draft of the new zoning code and submitted it to the Plan Commission and Town Board; and

WHEREAS, the Plan Commission and Town Board reviewed such draft and made revisions deemed appropriate; and

WHEREAS, the Plan Commission finalized the proposed zoning code at their meeting on June 23, 2020; and

WHEREAS, the Plan Commission and Town Board conducted a joint public hearing on September 9, 2020 to accept public input and take action deemed appropriate; and

WHEREAS, the Plan Commission passed a motion at their meeting on September 9, 2020 recommending the Town Board adopt the zoning code as amended; 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. Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated as Chapter 36 to read as indicated in Exhibit A, attached hereto.

SECTION 2. SUBMITTAL TO WAUKESHA COUNTY. 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 3. SEVERABILITY. Several sections of this ordinance are declared to be severable and if any section or portion thereof shall be declared by a decision of the 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 which shall remain. The remainder of the ordinance shall remain in full force and effect and any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

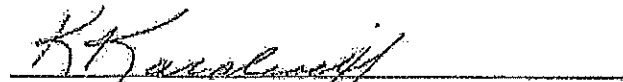
SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted this 16th day of September 2020

TOWN OF MUKWONAGO


Peter Topczewski, Town Chairman

ATTEST:


Kathy Karalewitz, Town Administrator/Clerk

Published and posted this 22 day of September 2020



Ordinance 175-O-051

Ordinance 175-O-051: Repeal and Recreate the Town of Mukwonago Zoning Code and Map (ZT-1852)

VOTE RESULTS: Passed By Majority Vote

AYE: 22

NAY: 0

ABSENT: 3

D1 - Foti	AYE
D2 - Zimmermann	AYE
D3 - Morris	AYE
D4 - Batzko	AYE
D5 - Dondlinger	AYE
D6 - Walz	AYE
D7 - LaFontain	ABSENT
D8 - Michalski	AYE
D9 - Heinrich	AYE
D10 - Swan	ABSENT
D11 - Howard	AYE
D12 - Wolff	AYE
D13 - Decker	AYE

D14 - Mommaerts	AYE
D15 - Mitchell	Motion
D16 - Crowley	AYE
D17 - Paulson	AYE
D18 - Nelson	AYE
D19 - Cummings	AYE
D20 - Schellinger	AYE
D21 - Gaughan	AYE
D22 - Wysocki	AYE
D23 - Hammitt	ABSENT
D24 - Whittow	AYE
D25 - Johnson	Second