

ENROLLED ORDINANCE 160-51

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE W ½ OF THE NW ¼ OF SECTION 14, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE C-1 CONSERVANCY DISTRICT (ZT-1563A)

WHEREAS the subject matter of this Ordinance having been approved by the Mukwonago Town Board on August 17, 2005, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Mukwonago Zoning Ordinance, adopted by the Town of Mukwonago on May 9, 1983, is hereby amended to conditionally rezone from the A-1 Agricultural District to the C-1 Conservancy District, certain lands located in part of the W ½ of the NW ¼ of Section 14, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, and 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 (ZT-1563A), subject to the following conditions:

- A. Subject to the applicant submitting to and receiving from the Town Attorney, Town Planner and Town Board, approval of a deed restrictions document, which includes but is not necessarily limited to the following requirements:
1. The restrictions must state that Outlot 4 as designated on the plan presented at the public hearing, on July 6, 2005, and located on the west side of S.T.H. 83, shall be for open space or right-of-way uses only and is not to be used for any development involving human habitation.
 2. The deed restrictions shall prohibit further re-division of such Outlot 4 except for roadway purposes for the reconstruction of S.T.H. 83 and utility purposes by the condemnation process.
 3. The uses on Outlot 4 shall be limited to farming (which includes CRP), utility construction, hunting, stormwater management and wetland mitigation.
 4. No structure of any kind shall be allowed on Outlot 4.
 5. The area in Outlot 4 shall not be used to obtain additional density in the future for other developments.
 6. Outlot 4 shall be owned by:
 - Any lot owner in the Pheasant Fields Subdivision Plat; or
 - An appropriate Conservation Organization approved by the Town Board; or
 - The Wisconsin Dept. of Transportation; or
 - As an undivided interest by all lot owners in the Pheasant Fields Subdivision and shall not be sold or transferred to any person or entity.

The Final Plat for Pheasant Fields shall designate the ownership of Outlot 4 on the face of the Final Plat at the time of submittal.

- B. Subject to the Petitioners recording the approved deed restrictions against the subject property, in the office of the Waukesha County Register of Deeds.
- C. Subject to the Petitioners paying all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursements of any expenses, costs and disbursements which have been incurred by the Town of Mukwonago in the drafting, review and enforcement of this Zoning Ordinance, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- D. Subject to the Petitioners accepting the terms and conditions of the conditional rezoning Ordinance in writing.

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

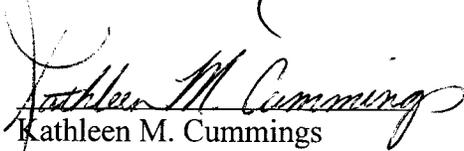
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

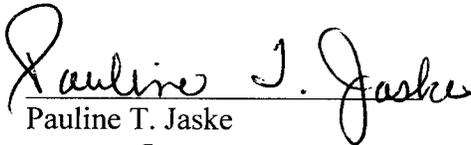
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING
ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN
PART OF THE W ½ OF THE NW ¼ OF SECTION 14, T5N, R18E, TOWN OF
MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1
AGRICULTURAL DISTRICT TO THE C-1 CONSERVANCY DISTRICT
(ZT-1563A)

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Kathleen M. Cummings


Pauline T. Jaske


Scott J. Klein


Bill Kramer


Daniel Pavelko

Absent
Vera Stroud

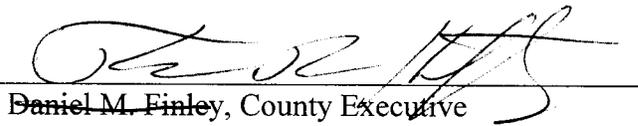
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 10-14-05, 
Kathy Nickolaus, County Clerk

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

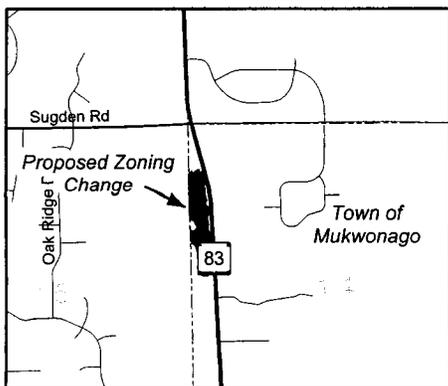
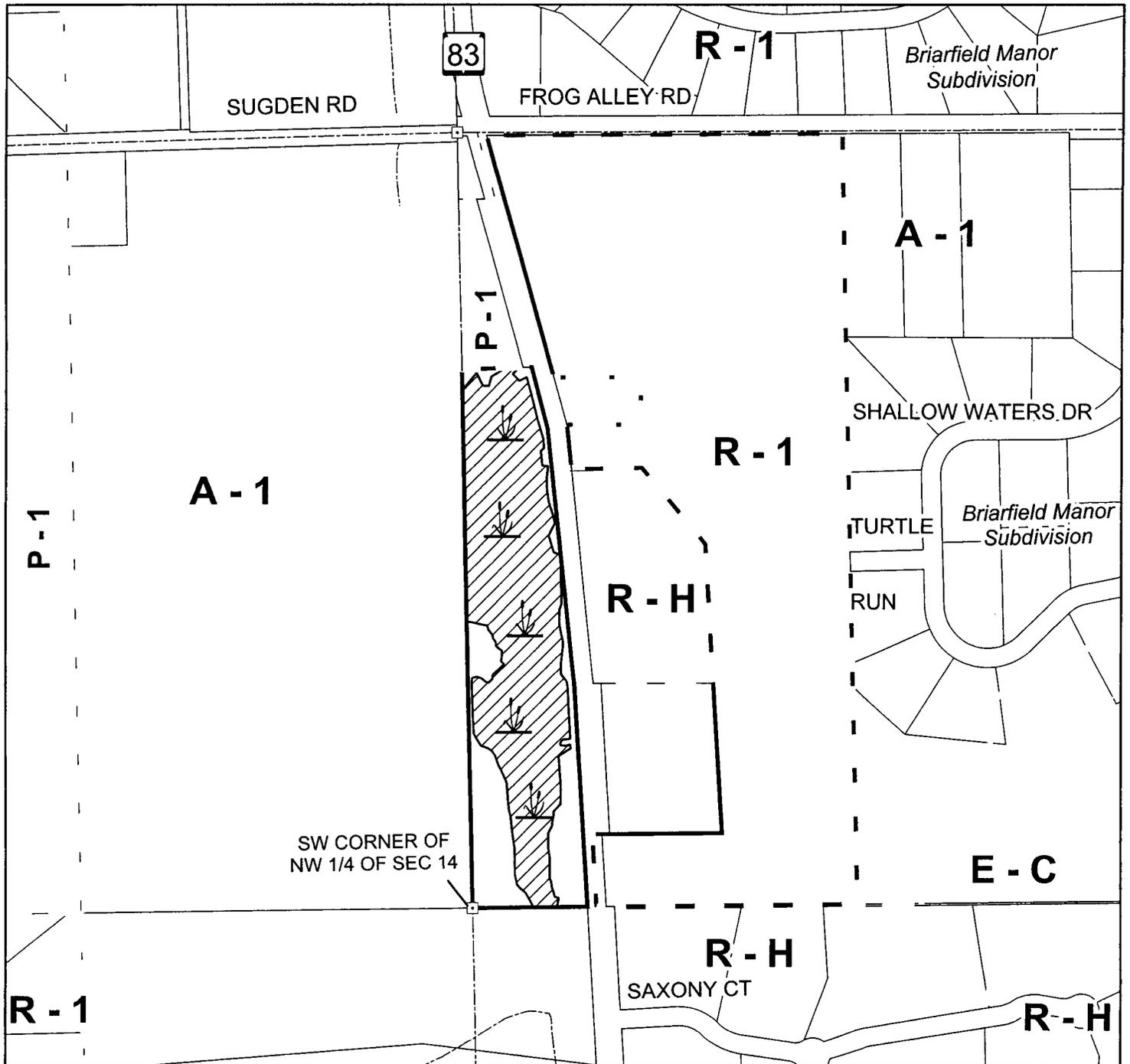
Approved: X

Vetoed: _____

Date: 10-17-05, 
Daniel M. Finley, County Executive
Thomas R. Hetty

ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 14
TOWN OF MUKWONAGO



 ZONING CHANGE FROM A-1 TO C-1 (10.2 ACRES)

FILE.....ZT-1563A

DATE.....09-01-05

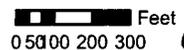
AREA OF CHANGE.....10.2 ACRES

TAX KEY NUMBERS.....MUKT 1926.998.002

Prepared by the Waukesha County Department of Parks and Land Use



1 inch equals 500 feet



160-0-032

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/11/05

(ORD) NUMBER-1600052

- | | |
|-------------------------|-----------------------|
| 1 K. HERRO.....AYE | 2 R. THELEN.....AYE |
| 3 D. STAMSTA.....AYE | 4 R. HUTTON..... |
| 5 J. MARCHESE..... | 6 D. BROESCH.....AYE |
| 7 J. JESKEWITZ.....AYE | 8 J. DWYER.....AYE |
| 9 P. HAUKOHL.....AYE | 10 S. WOLFF.....AYE |
| 11 K. HARENDA.....AYE | 12 B. RONCKE.....AYE |
| 13 J. MORRIS..... | 14 A. KALLIN.....AYE |
| 15 D. SWAN.....AYE | 16 R. MANKE..... |
| 17 J. BEHREND.....AYE | 18 B. MORRIS.....AYE |
| 19 W. MITCHELL.....AYE | 20 M. KIPP..... |
| 21 W. KOLB.....AYE | 22 G. BRUCE.....AYE |
| 23 J. TORTOMASI.....AYE | 24 B. KRAMER.....AYE |
| 25 K. CUMMINGS.....AYE | 26 S. KLEIN.....AYE |
| 27 D. PAULSON.....AYE | 28 P. JASKE.....AYE |
| 29 T. BULLERMANN..... | 30 K. NILSON.....AYE |
| 31 V. STROUD.....AYE | 32 P. GUNDRUM.....AYE |
| 33 D. PAVELKO.....AYE | 34 R. SINGERT.....AYE |
| 35 C. SEITZ.....AYE | |

TOTAL AYES-29

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-29