

ENROLLED ORDINANCE 161-15

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 14, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE R-H RURAL HOME DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (ZT-1621)

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 R-H Rural Home District to the A-1 Agricultural District, certain lands located in part of the SW 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-1621), subject to the following conditions:

1. The subject lands, as delineated in Exhibit A, shall be allowed to have no more than one (1) single family dwelling unit and may not be subsequently divided, except for a transfer of lands to the State Department of Transportation for the reconstruction of S.T.H. 83.
2. The applicant shall be allowed to construct no more than one (1) accessory building on the subject lands. The accessory building, moreover, shall be subject to the following requirements:
  - a. The accessory building must be located on the westerly 1/3 of the subject lands;
  - b. The accessory building shall have a footprint no larger than 1,600 sq. ft., and shall have only one floor level;
  - c. In no case shall the accessory building be used for commercial or industrial purposes, except with a Conditional Use Permit approved by the Town Board, and no assurance is provided that such a Conditional Use Permit would be granted;
  - d. The accessory building must be constructed in compliance with all applicable state, federal, county and Town of Mukwonago statues, codes, regulations, ordinances and other lawful orders.
3. Only uses allowed in the R-H Rural Home District shall be allowed.
4. The Petitioners shall accept the terms and conditions of the conditional rezoning ordinance in writing.
5. The Petitioners shall pay all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursement 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,
6. There shall only be one access allowed to S.T.H. 83 from the subject lands, as delineated

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/27/06

(ORD) NUMBER-1610016

- 1 K. HERRO.....AYE
- 3 T. ROLFS.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 J. TORTOMASI.....AYE
- 25 K. CUMMINGS.....
- 27 D. PAULSON.....AYE
- 29 T. BULLERMANN.....AYE
- 31 V. STROUD.....AYE
- 33 K. HAMMIT.....AYE
- 35 P. MEYER.....AYE

- 2 R. THELEN.....AYE
- 4 R. HUTTON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 T. SCHELLINGER....AYE
- 14 A. KALLIN.....AYE
- 16 R. STEVENS.....AYE
- 18 B. MORRIS.....
- 20 P. WOLFF.....AYE
- 22 G. BRUCE.....AYE
- 24 B. KRAMER.....AYE
- 26 F. RUF.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

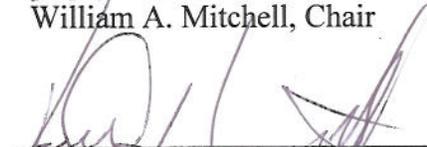
UNANIMOUS\_\_\_\_\_

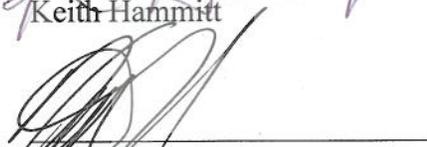
TOTAL VOTES-32

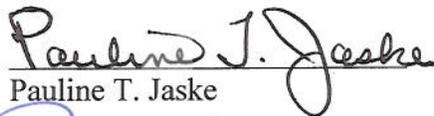
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 14, T5N, R18E, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE R-H RURAL HOME DISTRICT TO THE A-1 AGRICULTURAL DISTRICT (ZT-1621)

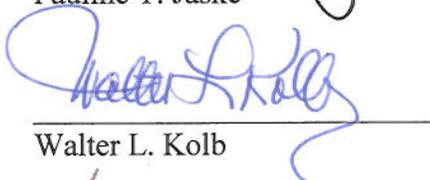
Presented by:  
Land Use, Parks, and Environment Committee

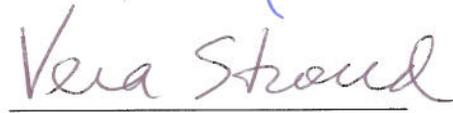
  
William A. Mitchell, Chair

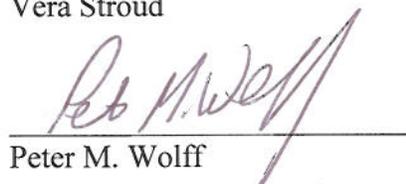
  
Keith Hammitt

  
Keith Harenda

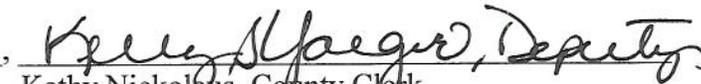
  
Pauline T. Jaske

  
Walter L. Kolb

  
Vera Stroud

  
Peter M. Wolff

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

Date: 7/3/06,   
Kathy Nickolaus, County Clerk

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

Approved:

Vetoed:

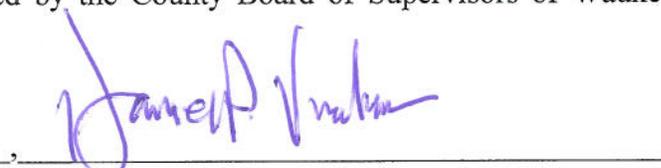
Date: 7/5/06,   
Daniel P. Vrakas, County Executive

Exhibit A  
2T-1621

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE NO. 2006-7

AN ORDINANCE TO AMEND THE TOWN OF MUKWONAGO ZONING DISTRICT MAP  
OF THE TOWN OF MUKWONAGO ZONING ORDINANCE BY CONDITIONALLY  
REZONING LANDS IN THE TOWN OF MUKWONAGO,  
FROM THE RH RURAL HOME DISTRICT TO THE A-1 AGRICULTURAL DISTRICT

WHEREAS, the petition has been filed by Rodney and Lori Scheckel, the owners of certain lands in the Town of Mukwonago (hereinafter "Petitioners") to rezone and develop certain property as described in Exhibit A attached hereto and incorporated herein, hereinafter "subject lands"; and

WHEREAS, said rezoning petition, was submitted to rezone the subject lands from the RH Rural Home District to the A-1 Agricultural District; and

WHEREAS, the rezoning petition has been submitted to the Town Plan Commission of the Town of Mukwonago for report and recommendation; and

WHEREAS, the petitioners have supplied all required data pursuant to the Town of Mukwonago Zoning Ordinance and a Public Hearing was conducted by the Town Board and the Plan Commission of the Town of Mukwonago on May 3, 2006; and

WHEREAS, the Town Plan Commission of the Town of Mukwonago has recommended to the Town Board of the Town of Mukwonago that said rezoning change may be made under certain conditions; and

WHEREAS, the Town Board of the Town of Mukwonago, after careful review and upon consideration of the recommendation of the Town Plan Commission of the Town of Mukwonago, having determined that all procedure requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the Zoning Ordinance for the Town of Mukwonago, will not be contrary to the public health, safety or general welfare of the Town of Mukwonago, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and is in strict compliance with the same. The Town Board has determined that to develop the land at a density of no more than would be allowed under the current R-H zoning is impractical on the subject property, for the following reasons: the potential impact on the parcel with the construction and widening of S.T.H. 83 which abuts the parcel, and which will require condemnation of some of the parcel, the existing parcel does not meet the width requirements of the R-H District, the westerly one third of the parcel being the only area for improvement because of the slopes and the easterly 60% of the site being wetlands, and as conditioned for approval, is consistent with the density of one unit per 5 acres on the Town of Mukwonago's Master Plan.

161-0-016

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NOW, THEREFORE, the Town Board of the Town of Mukwongo, Waukesha County Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: ZONING MAP CHANGE.

The zoning map of the Town of Mukwongo is hereby conditionally amended to change the zoning on the subject lands as delineated in Exhibit A, from the RH Rural Home District to the A-1 Agricultural District.

SECTION 2: CONDITIONS OF REZONING

The above rezoning is conditioned upon the following conditions:

- A. The subject lands, as delineated in Exhibit A, shall be allowed to have no more than one (1) single family dwelling unit and may not be subsequently divided, except for a transfer of lands to the State Department of Transportation for the reconstruction of S.T.H. 83.
- B. The applicant shall be allowed to construct no more than one (1) accessory building on the subject lands. The accessory building, moreover, shall be subject to the following requirements:
  - (1) The accessory building must be located on the westerly 1/3 of the subject lands;
  - (2) The accessory building shall have a footprint no larger than 1,600 sq. ft., and shall have only one floor level;
  - (3) In no case shall the accessory building be used for commercial or industrial purposes, except with a Conditional Use Permit approved by the Town Board, and no assurance is provided that such a Conditional Use Permit would be granted;
  - (4) The accessory building must be constructed in compliance with all applicable state, federal, county and Town of Mukwonago statues, codes, regulations, ordinances and other lawful orders.
- C. Only uses allowed in the R-H Rural Home District shall be allowed.
- D. The Petitioners shall accept the terms and conditions of the conditional rezoning ordinance in writing.
- E. The Petitioners shall pay all fees, costs and assessments due and owing to the Town of Mukwonago, including any permit fees for applicable permits, and for reimbursement 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,
- F. There shall only be one access allowed to S.T.H. 83 from the subject lands, as delineated in Exhibit "A".
- G. The Petitioners shall satisfy all of the aforementioned conditions within two (2) years of the Town Board approving this conditional rezoning ordinance.
- H. The Petitioners shall prepare and submit to the Town Board a proposed Deed Restriction which incorporates the foregoing conditions of rezoning, which shall be subject to the

161-0-016

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approval of the Town Board and Town Attorney, and upon approval shall be recorded against the subject lands to run with the land.

SECTION 3: CERTIFICATION.

Upon certification by the Town Clerk that the aforementioned conditions have been satisfied, the Town of Mukwonago zoning maps shall be changed from the RH Rural Home District to the A-1 Agricultural District for the subject lands.

SECTION 4: SEVERABILITY.

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 to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the condition stated in Section 2, and this ordinance is null and void and the RH Rural Home District Zoning shall be in effect with no further notice if such conditions are not complied with on the terms and conditions stated herein.

Dated this 17<sup>th</sup> day of May, 2006.



TOWN OF MUKWONAGO

Dave Dubey  
Dave Dubey, Town Chairman

ATTEST:

Katherine W. Wilson  
Katherine W. Wilson, Town Clerk

Published and posted this 18<sup>th</sup> day of May, 2006.

\_\_\_\_\_  
Rodney Scheckel

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lori Scheckel

\_\_\_\_\_  
Date

09/29/05

ATTN: TERRY -  
KETTLE MORAINNE SURVEY

Exhibit "A"

All that part of the Southwest One-quarter (1/4) of Section Fourteen (14), Township Five (5) North, Range Eighteen (18) East, in the Town of Mukwonago, County of Waukesha, State of Wisconsin, bounded and described as follows:

Beginning at a point on the East line of the Southwest 1/4, said point being North 00° 08' 59" East of and 585.54 feet distant from the South 1/4 corner of said Section 14; thence continuing North 00° 08' 59" East, along said East line, 353.00 feet; thence North 89° 21' 26" West, 1068.56 feet; thence South 2° 08' 00" East, 435.00 feet; thence North 89° 21' 26" West, 1070.07 feet to the centerline of State Trunk Highway "83"; thence South 2° 08' 00" East, along said centerline, 267.0 feet; thence South 89° 21' 26" East, 1070.07 feet; thence North 72° 05' 32" East, 1094.47 feet to the place of beginning.

Excepting therefrom the following:

All that part of the Southwest One-quarter (1/4) of Section Fourteen (14), Township Five (5) North, Range Eighteen (18) East, in the Town of Mukwonago, County of Waukesha, State of Wisconsin, bounded and described as follows:

Beginning at a point on the East line of the Southwest 1/4, said point being North 00° 08' 59" East of and 585.54 feet distant from the South 1/4 corner of said Section 14; thence continuing North 00° 08' 59" East, along said East line, 353.00 feet; thence North 89° 21' 26" West, 1068.56 feet; thence South 2° 08' 00" East, 702.00 feet; thence North 72° 05' 32" East, 1094.47 feet to the place of beginning.

TAX KEY NO. MUKT 1927.99 006

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ROD + LORI SCHECKEL

W 299 S 8598 ST RD 83

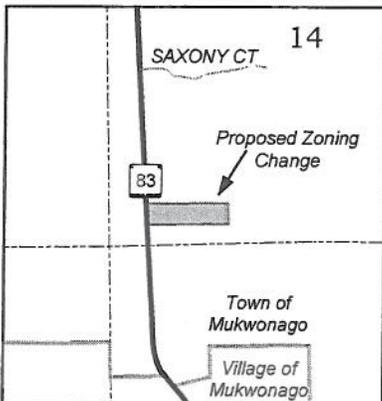
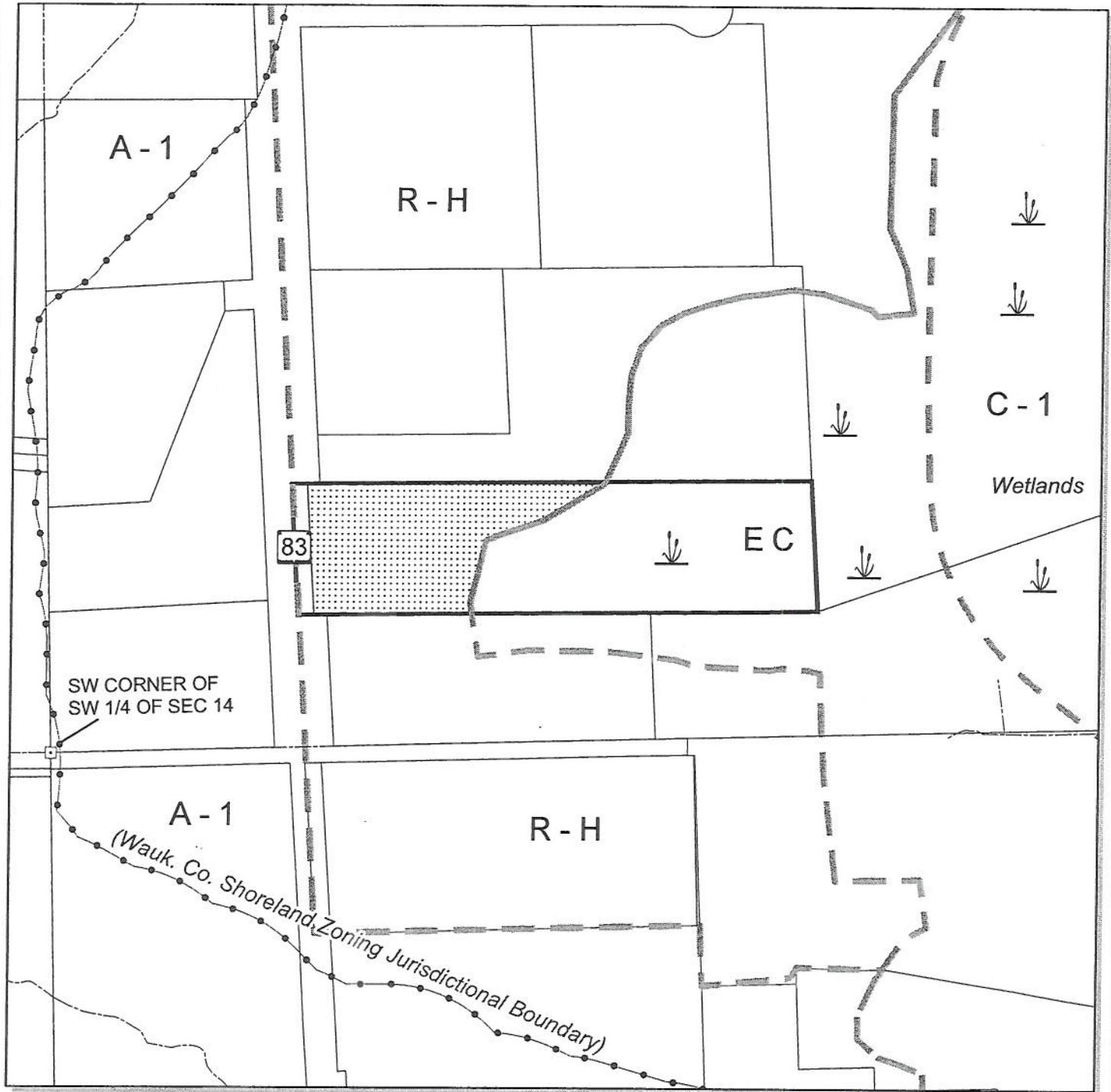
MUKWONAGO, WI 53149

(262) 490-6400

161-0-016

# ZONING MAP AMENDMENT

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



CONDITIONAL TOWN ZONING CHANGE FROM R-H RURAL HOME DISTRICT TO A-1 AGRICULTURAL DISTRICT

FILE.....ZT-1621

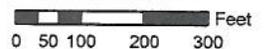
DATE.....05-18-06

AREA OF CHANGE.....2.5 ACRES

TAX KEY NUMBER.....MUKT 1927.999.006



1 inch equals 300 feet



Prepared by the Waukesha County Department of Parks and Land Use

161-0-016

10.