

ENROLLED ORDINANCE 176-48

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY REZONING CERTAIN LANDS LOCATED WITHIN THE VALLEY WOODS SUBDIVISION, SECTION 2, TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE P-1 PUBLIC DISTRICT TO THE R-1 RESIDENTIAL AND A-1 AGRICULTURAL DISTRICTS (RZ83)

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 June 2, 2021; 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 District Zoning Map for the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November 24, 2020, is hereby amended to rezone certain lands located within the Valley Woods Subdivision, Section 2, Town of Mukwonago, Waukesha County, Wisconsin, from the P-1 Public District to the R-1 Residential and A-1 Agricultural Districts, 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 RZ83, is hereby approved, as set forth in the Town of Mukwonago Ordinance No 2021-O-53.

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 DISTRICT ZONING MAP OF THE TOWN OF MUKWONAGO ZONING CODE BY  
REZONING CERTAIN LANDS LOCATED WITHIN THE VALLEY WOODS SUBDIVISION, SECTION 2,  
TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE P-1 PUBLIC  
DISTRICT TO THE R-1 RESIDENTIAL AND A-1 AGRICULTURAL DISTRICTS (RZ83)

Presented by:  
Land Use, Parks, and Environment Committee

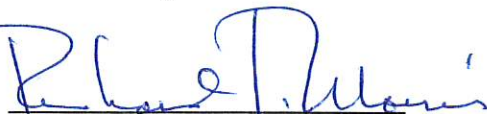
  
William A. Mitchell, Chair

**Absent**

Keith Hammitt

  
Thomas A. Michalski

  
Chris Mommaerts


  
Richard Morris

  
Thomas J. Schellinger

**Absent**

Steve Whittow

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

Date: 8/27/21   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 8/30/2021   
Paul Farrow, County Executive

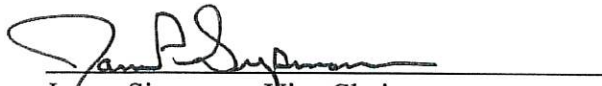
COMMISSION ACTION

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 **RZ83 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

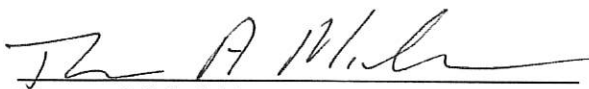
July 15, 2021

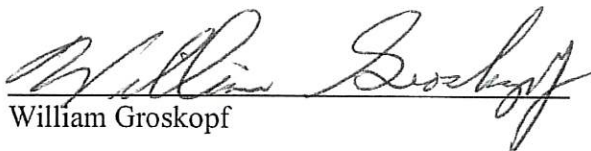
  
William Mitchell, Chairperson

  
James Siepmann, Vice Chairperson

  
Robert Peregrine

  
Richard Morris

  
Thomas Michalski

  
William Groskopf

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

**DATE:** July 15, 2021  
**FILE NO.:** RZ83  
**APPLICANT:** Town of Mukwonago Board  
W320 S8315 Beulah Road  
Mukwonago, WI 53149  
**TAX KEY NO:** Multiple- areawide change (see Map, Exhibit A)

**LOCATION:**  
Parts of Section 2, T5N, R18E, Town of Mukwonago. The properties are located in the Valley Woods subdivisions south of CTH I.

**EXISTING ZONING:** P-1 Public District with EC Environmental Corridor Overlay (town)

**PROPOSED ZONING:** R-1 Residential District and A-1 Agricultural District with EC Environmental Corridor Overlay.

**EXISTING USE:** Residential use and wooded areas.

**PROPOSED USE:** No change.

**PUBLIC HEARING DATE:** June 2, 2021

**PUBLIC COMMENT:**  
None.

**TOWN PLAN COMMISSION ACTION:**  
On June 2, 2021, the Town of Mukwonago Plan Commission unanimously recommended to approve the map amendments.

**TOWN BOARD ACTION:**  
On June 2, 2021, the Mukwonago Town Board unanimously approved Ordinance 2021-O-53.

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

The county plan designates the majority of the subject lands in the Primary Environmental Corridor category with a small area designated Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit). The town plan shows the affected lands in the Upland Conservancy category. With environmental corridor zoning protections proposed to remain in place, the request to amend the underlying zoning designations is consistent with the plans.

**STAFF ANALYSIS:**  
The Town of Mukwonago has initiated a multi-property rezoning to amend the zoning designation of a number of properties within the Valley Woods subdivisions from the P-1 Public District to either the A-1 Agricultural District or the R-1 Residential District. The subdivisions are located south of CTH I and to the west of the STH 83 corridor. The state owns a substantial amount of land to the east and south of the subdivisions. It may have been an inadvertent mapping error that this designation was applied to the general

STATE OF WISCONSIN

TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2021-O-53

**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 May 5, 2021, recommended various revisions to the zoning code as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on June 2, 2021, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval of this ordinance at their meeting on June 2, 2021; and

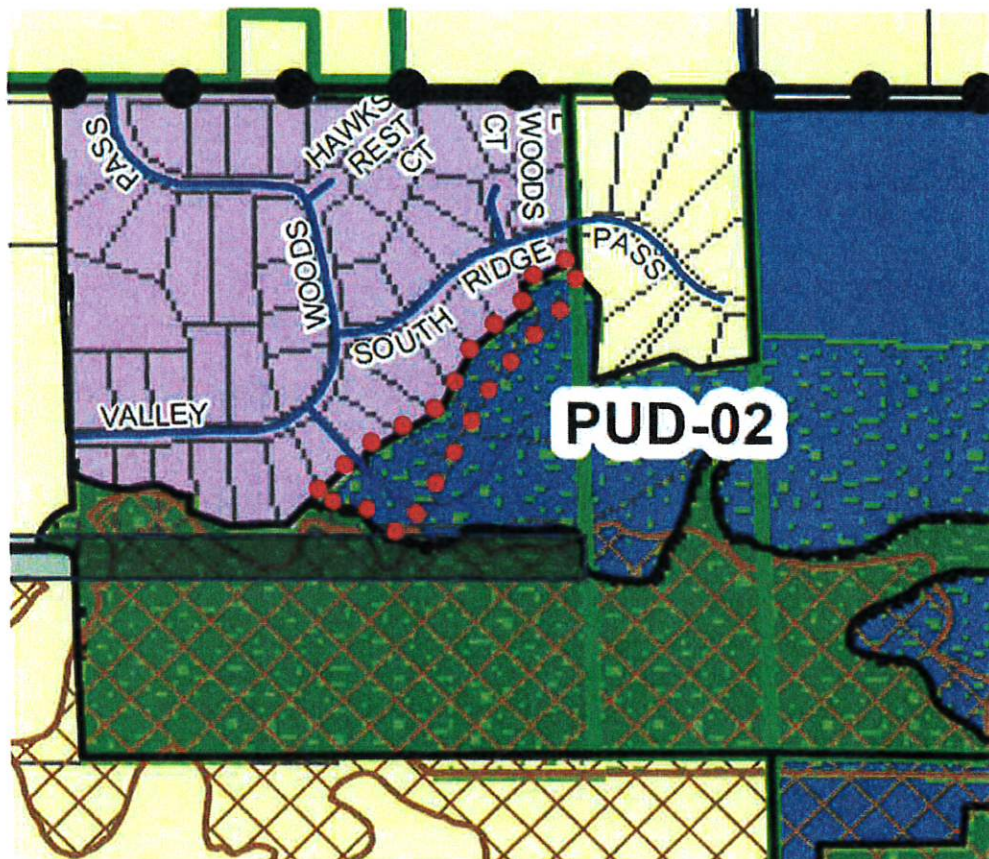
WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on June 2, 2021; and

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

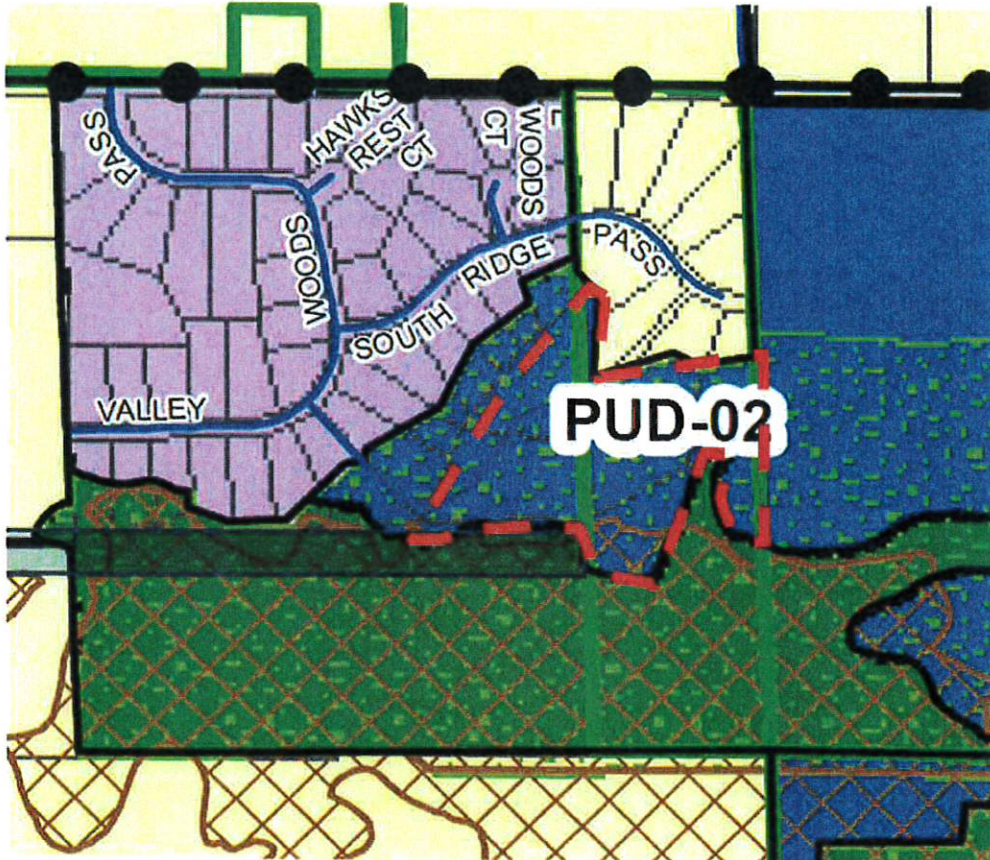
WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based 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 by changing the zoning designation for the area within the dashed red line from P-1 to A-1. That part located within PDD-02 shall remain subject to such approval.



**Section 2.** Revise the zoning map by changing the zoning designation for the area within the dotted red line from P-1 to R-1.




**Section 3.** 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 4.** 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.

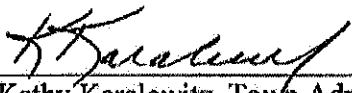
**Section 5.** This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 2<sup>nd</sup> day of June 2021

TOWN OF MUKWONAGO

  
Peter Topczewski, Town Chair

ATTEST:

  
Kathy Karalewitz, Town Administrator

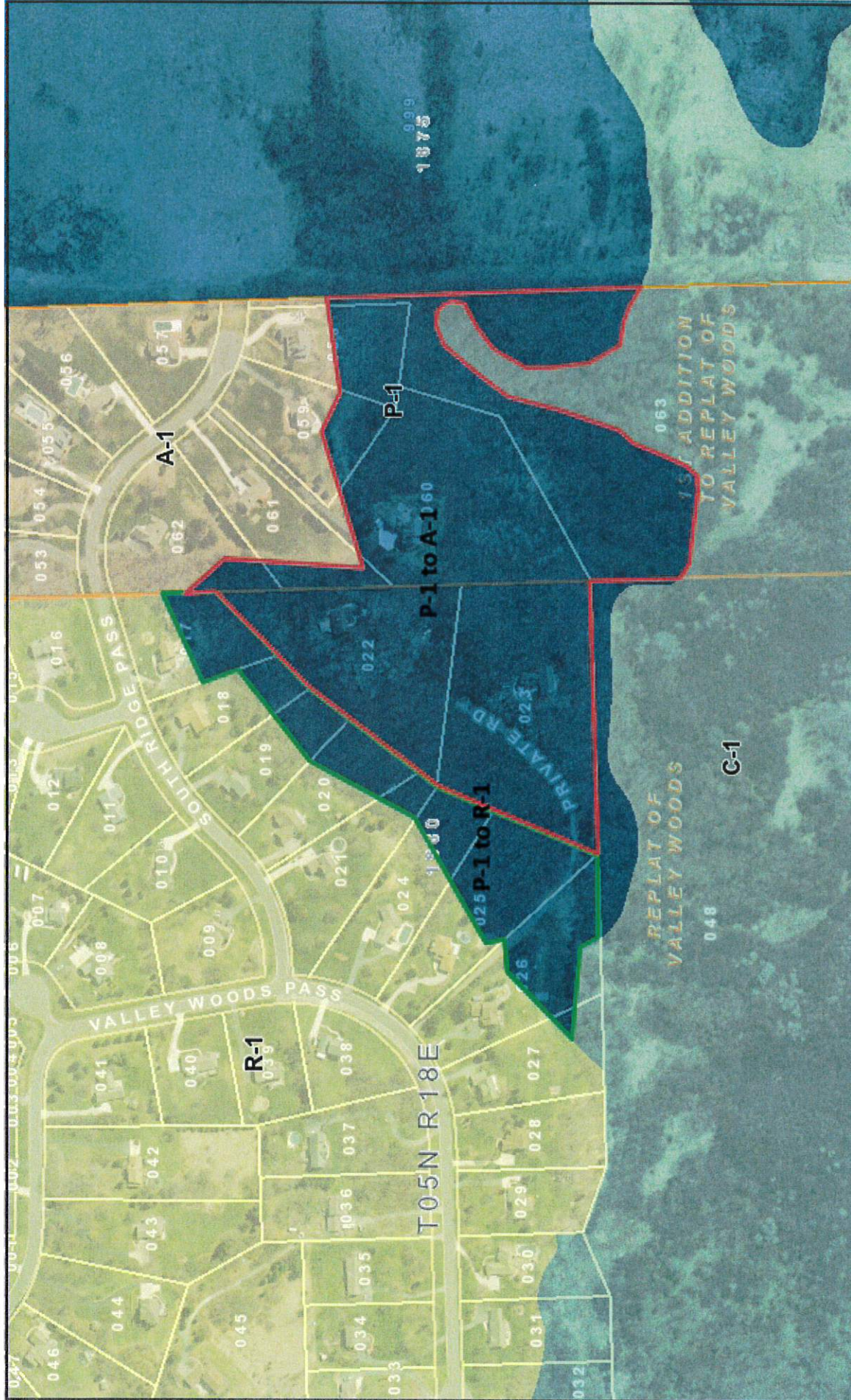
Published and/or posted this 7 day of June, 2021





LAND INFORMATION SYSTEMS DIVISION

# Exhibit A- RZ83



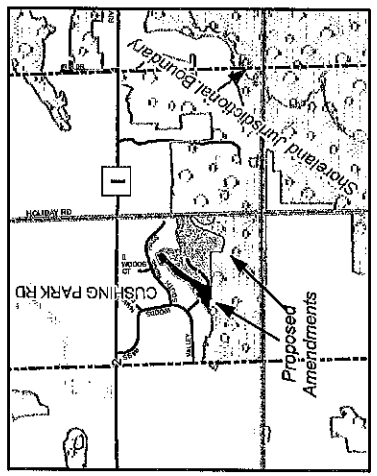
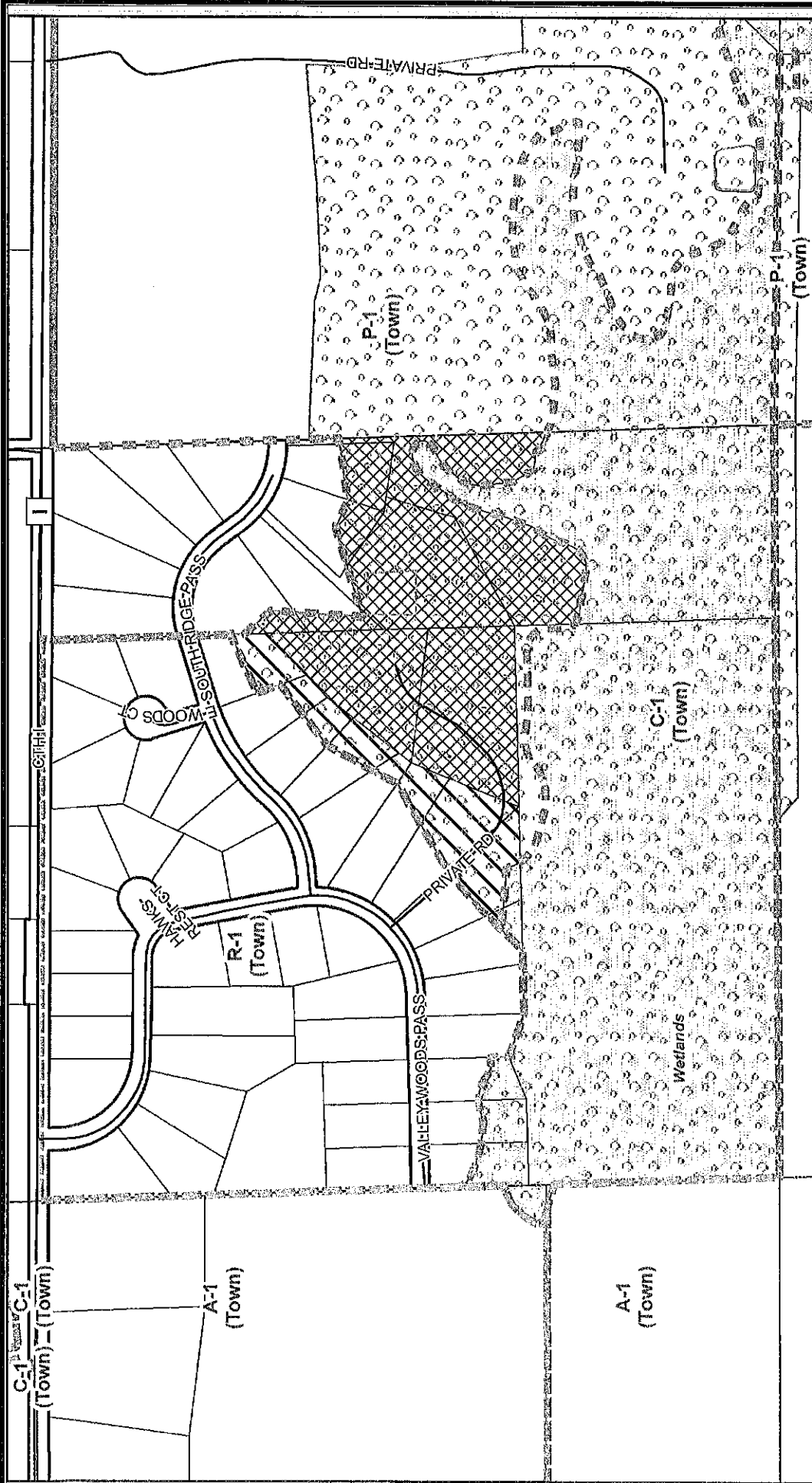
0 317.17 Feet

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**Notes:**

Printed: 6/29/2021





**TOWN ZONING CHANGE FROM P-1 PUBLIC DISTRICT TO A-1 AGRICULTURAL DISTRICT**

**TOWN ZONING CHANGE FROM P-1 PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT**

Environmental Corridor Overlay

FILE.....RZ83

DATE OF PLAN COMMISSION.....7/15/21

AREA OF CHANGE.....23.5 ACRES

TAX KEY NUMBER.....MULTIPLE

1 in = 500 ft

0 250 500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

**ZONING AMENDMENT**


PART OF THE SE 1/4 OF SECTION 2, TOWN OF MUKWONAGO

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN ABSENT 2

# Ordinance 176-O-051

Ordinance 176-O-051: Amend the District Zoning Ma...

 Passed By Majority Vote

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummins	ABSENT
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wvsocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whitrow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

August 24 2021 - August 24 2021 07:06:21 PM

