

ENROLLED ORDINANCE 169-30

AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE
TO MODIFY VARIOUS ZONING PROVISIONS (ZT-1784)

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 2, 2014, 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 60.61, 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 modify various zoning provisions, 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-1784, 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.

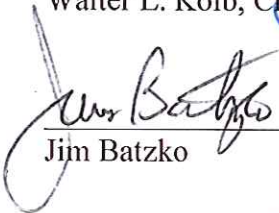
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE
TO MODIFY VARIOUS ZONING PROVISIONS (ZT-1784)

Presented by:
Land Use, Parks, and Environment Committee



Walter L. Kolb, Chair



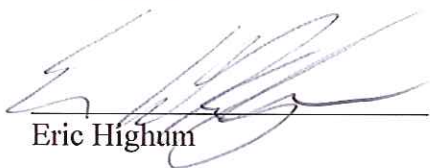
Jim Batzko

<ABSENT>

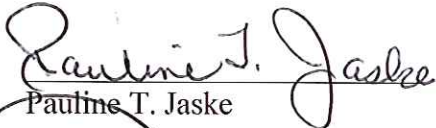
Jennifer Grant

<ABSENT>

Keith Hammitt



Eric Highum



Pauline T. Jaske

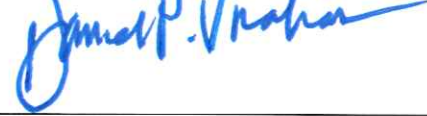


Thomas J. Schellinger

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

Date: 7/22/14, 
Kathleen Novack, County Clerk

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

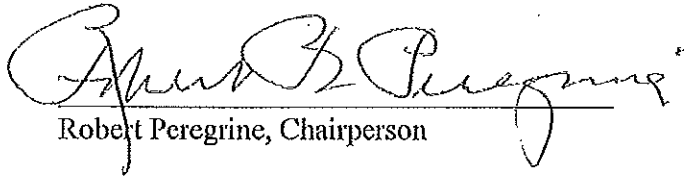
Approved: _____
Vetoed: _____
Date: 7-24-14, 
Daniel P. Vrakas, County Executive

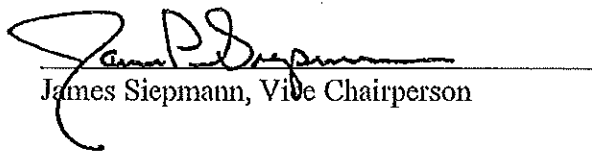
COMMISSION ACTION

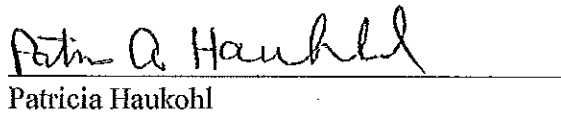
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Mukwongo Zoning Ordinance hereby recommends approval of ZT-1784 (Text Amendment) in accordance with the attached "Staff Report and Recommendation".

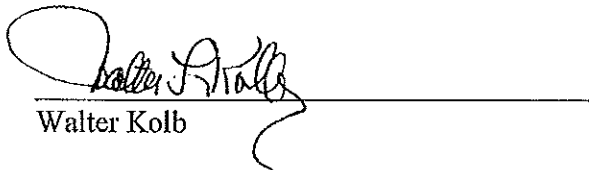
PARK AND PLANNING COMMISSION

June 16, 2014

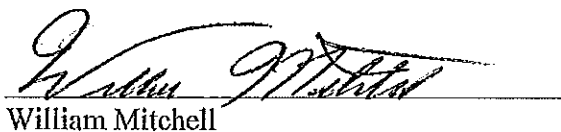

Robert Peregrine, Chairperson


James Siepmann, Vide Chairperson


Patricia Haukohl


Walter Kolb

Absent
Gary Goodchild


William Mitchell

Fritz Ruf

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

FILE NO.: ZT-1784

DATE: May 15, 2014

PETITIONER: Town of Mukwonago Board
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:

Amend Section 82 of the Town of Mukwonago Zoning Code (Town Ordinance 2014-O-13) with regard to sign regulations, use variances, vegetation management in the EC and C-1 zoning districts, setback requirements from the EC and C-1 zoning districts and other various provisions.

PUBLIC HEARING DATE:

April 2, 2014.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION:

On April 2, 2014, the Town of Mukwonago Plan Commission recommended in favor of the proposed amendments.

TOWN BOARD ACTION:

On April 2, 2014, the Town of Mukwonago Town Board approved the Zoning Ordinance Amendments as recommended by the Town Plan Commission.

CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:

The County Development Plan calls for the protection and preservation of natural resources including wetlands and environmental corridors. The proposed amendments seek to further these goals by allowing for invasive species removal and by introducing environmental corridor buffering provisions. Other proposed amendments are intended to protect the public welfare. Therefore, the proposed amendments are consistent with plan recommendations.

OTHER CONSIDERATIONS:

The Town of Mukwonago is proposing amendments to the Town Zoning Code regarding several different topics. The list of issues addressed is summarized in the "nature of request" section above. The proposed amendments alter both setback and offset requirements. Specifically, proposed changes relative to setback requirements clarify that a 75' setback from wetlands applies in all districts except for the R-3 District. The R-3 District provides lesser requirements because it is intended for smaller existing lots of record, primarily within the shoreland zone. A new subsection of the code is also proposed within the "offsets" section to require that no land altering activity, impervious surfaces or buildings shall be closer than 50' to the boundary of the Environmental Corridor District unless a special exception is granted by the Town Plan Commission to reduce

the offset to no less than 20'.

The proposed amendments relative to signage introduce new provisions and regulations for electronic message display signs in commercial or institutional settings. The code is currently silent regarding such signs. Specifically, the provisions do not allow scrolling messages and require that a message stay static for at least two minutes. There are also controls on sign brightness and a requirement that such signs be turned off between 11:00 p.m. and 5:00 a.m. The Town is also proposing a new section relative to real estate signs that limits the number and size of temporary for sale or lease signs on a property.

There are minor changes proposed to the C-1 District language that include provisions for the allowance of removal of invasive species without specific approvals. The Town is also changing its maximum disturbance thresholds within the Environmental Corridor District. At present, the Town allows for no more than 15% of five acres (32,600 square feet) of disturbance within the district. The Town is proposing that disturbance be limited to 25,900 square feet for lots that are 3.5 acres or larger, 18% of the lot area for lots that are between 2 and 3.5 acres and 19% of the lot area for lots less than 2 acres. These changes for lots of less than 3 acres are quite similar to contemplated County EC District amendments that would allow for a minimum of 15,000 square feet of disturbance area on smaller lots.

Finally, the amendments include a provision that suggests that the board of adjustment may not issue a use variance. Courts have advised that use variances should be used sparingly and a number of units of government around the State have gone the next step and simply prohibited their approval.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the proposed text amendments be approved. The Town is updating various provisions to recognize new use issues that are currently not addressed in code language and is also attempting to better protect environmental corridors by bringing forward a buffer zone approach for such resources. The proposed changes are largely minor in nature and will further modernize the code.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance 2014-O-13

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ORDINANCE 2014-O-13

AN ORDINANCE TO MAKE VARIOUS REVISIONS TO CHAPTER 82
OF THE TOWN OF MUKWONAGO 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 Plan Commission for the Town of Mukwonago prepared a recommended ordinance to make various revisions to Chapter 82; and

WHEREAS, the Town Clerk for the Town of Mukwonago has properly referred the matter to the Plan Commission and to the Waukesha County Park and Planning Commission, pursuant to Section 82-265(c) of the Town of Mukwonago Zoning Code; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board, pursuant to Section 82-265(c)(2) of the Town of Mukwonago Zoning Code; and

WHEREAS, upon due notice as required by Section 82-267(a), the Town Board held a public hearing on April 2, 2014 pursuant to Section 82-265(d) of the Town of Mukwonago Zoning Code along with the Plan Commission; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; 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. Subsection 82-22(a)(9) of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

- (9) In all zoning districts, except for the R-3 district, all buildings shall be a minimum of 75 feet from the C-1 conservancy district and the ordinary high-water mark, whichever is greater. Attached open decks shall maintain a minimum setback distance of 80 percent of the distance to the existing principal building or 60 feet, whichever is the shorter distance. A boathouse may be exempt from these provisions per subsection (b)(1)a of this section. The building inspector may, pursuant to section 82-17 of this chapter, allow the construction of an unenclosed wheelchair access ramp in a shore setback area for an existing building, provided:
- (i) the proposed location for the ramp is the only reasonable location based on the configuration of the existing building; and
 - (ii) the ramp encroaches into the shore setback area no more than is necessary to provide access to the existing building.

SECTION 2. Subsections 82-22(e) of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby created to read as follows:

(e) *Separation from EC district.* No land-altering activity, impervious surface, or buildings along with any attached structural improvement, such as stoops and porches, shall be closer than 50 feet to the boundary line of the EC district, except as provided for in this subsection. Upon petition from a property owner, the plan commission may grant a special exception to allow a lesser separation for buildings, but not less than 20 feet. In passing upon such matter, the plan commission shall consider each of the following factors:

- (1) the size and configuration of the buildable area of the subject property taking into account all setback and offset requirements that may apply;
- (2) the size and location of existing structures and other improvements on the subject property;
- (3) the impact, if any, of the encroachment on the natural resources within the EC district at the location of the encroachment;
- (4) the extent and necessity of the encroachment;
- (5) the effect of the encroachment on the structural integrity of the building and any structural improvement and the intended use of the building and any structural improvement;
- (6) the impact, if any, that the encroachment may have upon neighboring properties; and

- (7) any other factor the plan commission finds to be relevant in the interest of the public health, safety, and welfare.

The plan commission may not approve a special exception when the proposed building or building expansion does not otherwise comply with all other setback and offset requirements that may apply. The plan commission may impose conditions of approval it deems necessary to mitigate the impacts of the encroachment into the setback area. Upon approval, a deed restriction, in a form approved by the town attorney shall be filed in the office of the Waukesha County register of deeds, prior to issuance of the building permit indicating that a special exception has been granted and recording any conditions of approval, if any.

The building inspector may, pursuant to section 82-17 of this chapter, allow the construction of an unenclosed wheelchair access ramp in the EC setback area for an existing building, provided:

- (1) the proposed location for the ramp is the only reasonable location based on the configuration of the existing building; and
- (2) the ramp encroaches into the setback area no more than is necessary to provide access to the existing building.

SECTION 3. Section 82-29 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning" is hereby repealed and recreated to read as follows:

Sec. 82-29. Signs.

(a) *Use restricted.* Signs are prohibited in all zoning districts in the town except: (1) One or more sign may be specifically authorized by a duly issued conditional use permit; (2) One or more sign is permitted to the extent specifically authorized by the applicable zoning district regulations.

(b) *Setbacks and offsets.* In any district, no sign other than those permitted in a residential or agricultural district shall be permitted closer than 20 feet to the base setback line or to any other lot line, and any sign not directly related to the use of the premises on which it is located shall conform to the setback and offset requirements as would apply to a building in that district, unless otherwise approved by the town board upon recommendation of the plan commission.

(c) *Hazards or nuisances prohibited.* No sign, billboard, or other advertising media which creates a hazard or dangerous distraction to vehicular traffic, or a nuisance to adjoining residential property, shall be permitted in any district.

(d) *Directional signs.* A sign, not to exceed 12 square feet in area for the purpose of advertising and directing patrons to an establishment off the main traveled highway may be permitted in any district other than a residential district upon recommendation of the plan commission and approval of the town board.

(e) *Heights.* No free standing sign shall exceed 20 feet in height from the ground, and no sign shall in any case exceed the maximum height limit for the district in which it is located.

(f) *Temporary signs.* All portable signs used for commercial purposes shall conform to the standards of this section and receive plan commission and town board approvals if installed for a continuous period of at least 14 days but less than 6 months. Campaign signs placed within the base setback areas shall be removed within 72 hours of the closing of polls.

(g) *Electronic message display.* A sign located on a commercially zoned property or on a property with a worship facility, school, or other public or quasi-public land use as determined by the plan commission, may include an electronic message display with review and approval as a conditional use subject to the following specific standards:

- (1) Except for time and temperature displays, the message shall remain static at least 2 minutes before the next message appears.
- (2) No part of the message shall give the appearance of movement.
- (3) There shall be no transition between messages (i.e., no traveling, scrolling, dissolving, or fading).
- (4) From dusk to dawn the lighting levels shall not exceed 500 NITs and from dawn to dusk the lighting levels shall not exceed 5,000 NITs.
- (5) An electronic message display shall be located on no more than one sign per road frontage.
- (6) The message on an electronic message display shall only relate to the premises on which it is located.
- (7) The electronic message center shall be turned off by 11:00 p.m. each day or one hour after the close of the above-mentioned land use whichever is later and shall remain off until 5:00 a.m. the following day.

In evaluating the application for an electronic message display, the plan commission and town board shall consider the surrounding area and may impose such conditions deemed appropriate to maintain the rural character. As part of the review of an electronic message display, the plan commission and town board may require the applicant to provide additional information.

(h) *Real estate signs.* Temporary on-premise signs indicating that a property is for sale, lease, or rent are allowed without a permit or other approval in all zoning districts, provided the sign complies with each of the following standards and all other applicable standards or requirements in this section:

- (1) The sign face shall not exceed 12 square feet or 24 square feet if double sided.
- (2) No more than one sign shall be located on a road frontage.

- (3) The sign copy shall be static.
- (4) The sign shall not be illuminated in any way other than existing outdoor lighting existing on the property.

SECTION 4. Section 82-60 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-60. Permitted uses.

The following shall be permitted uses in the C-1 conservancy district:

- (1) Grazing.
- (2) The harvesting of any wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (3) Hunting and fishing unless prohibited by other ordinances or laws.
- (4) Dams and hydro-electric power stations.
- (5) Telephone and power transmission lines.
- (6) Nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, and other similar lowland animals, fowl, or fish.
- (7) Telephone and electric distribution substations.
- (8) Park and recreational structures or facilities.

SECTION 5. Section 82-64 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby created to read as follows:

Sec. 82-64. Land disturbance.

Land within the C-1 conservancy district shall remain undisturbed except as follows:

- (1) Vegetation listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed without prior approval.
- (2) Timber harvesting may occur subject to a forest management plan as approved by the town board.

SECTION 6. Section 82-83 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-83. Building location.

Building location requirements for the A-B exclusive agricultural conservancy district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset: 50 feet minimum, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 7. Section 82-94 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-94. Building location.

Building location requirements for the A-P agricultural preservation district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset: 50 feet minimum, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 8. Section 82-112 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-112. Building location.

Building location requirements for the R-H rural home district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).

- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 9. Section 82-123 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-123. Building location.

Building location requirements for the EC environmental corridor district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 22(a)(9).

SECTION 10. Subsection 82-125(d) of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed.

SECTION 11. Section 82-126 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby created to read as follows:

Sec. 82-126. Land disturbance.

Land within the EC environmental corridor district shall remain undisturbed except as follows:

- (1) Vegetation listed by the Wisconsin Department of Natural Resources as an invasive species under ch. NR 40, Wis. Admin. Code may be removed without prior approval.
- (2) Timber harvesting may occur subject to a forest management plan as approved by the town board.
- (3) A building envelope may be established to accommodate (1) a principal building and accessory buildings, as may be allowed; (2) an area for an onsite septic system and well, as may be required; (3) an area around the principal building for outdoor living; and (4) an access from a public roadway to the principal and accessory buildings. The size and configuration of the building envelope shall conform to the following requirements:

- a. For lots entirely within an EC environmental corridor district, the area of the building envelope shall be no larger than the amounts specified in the table below.

<i>Lot Size</i>	<i>Maximum Land Disturbance</i>
3.5 acres or larger	25,900 square feet
2 acres or larger, but less than 3.5 acres	18 percent of lot area
Less than 2 acres	19 percent of lot area

- b. For lots partially within and partially outside of the EC environmental corridor district that are vacant as of (effective date of ordinance) or where the principal building is located outside of the EC environmental corridor district, new development shall be limited to the area outside of the EC environmental corridor district (except when such land is in the C-1 conservancy district), unless a building envelope is shown on the face of an approved certified survey map or subdivision plat or on a site map recorded with a deed restriction as approved by the town board. Land within the EC environmental corridor district may be disturbed for driveways but only when such location is the only feasible alternative to provide access from the public roadway to the principal and accessory buildings as determined by the building inspector.

- c. For lots partially within and partially outside of the EC environmental corridor district that host a principal use as of (effective date of ordinance) in the EC environmental corridor district, the area of the building envelope shall comply with the amounts specified in the table in subsection 2(a) above.

SECTION 12. Section 82-133 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-133. Building location.

Building location requirements for the A-1 agricultural district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset: 20 feet minimum, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 13. Section 82-142 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-142. Building location.

Building location requirements for the S-E suburban estate district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).

- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 14. Section 82-151 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-151. Building location.

Building location requirements for the R-1 residential district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from BC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 15. Section 82-161 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-161. Building location.

Building location requirements for the R-2 residential district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.

- c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 16. Section 82-191 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby repealed and recreated to read as follows:

Sec. 82-191. Building location.

Building location requirements for the B-2 local business district shall be as follows:

- (1) Setback: 50 feet minimum, except as may be specified in subsection 82-22(a).
- (2) Offset:
 - a. Those buildings used to house any animals other than household pets shall have an offset of at least 50 feet.
 - b. Those buildings authorized to house a hobby kennel or a commercial kennel shall have an offset of at least 50 feet.
 - c. All other buildings and structures shall have a 50-foot minimum offset, except as may be specified in subsection 82-22(b).
- (3) Setback from C-1 district: 75 feet minimum, except as may be specified in subsection 82-22(a)(9).
- (4) Setback from EC district: 50 feet minimum, except as may be specified in subsection 82-22(e).

SECTION 17. Section 82-271 of Chapter 82 of the Town of Mukwonago municipal code entitled "Zoning," is hereby created to read as follows:

Sec. 82-271. Use variances.

The board of adjustment may not issue a use variance.

SECTION 18. 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 19. SEVERABILITY. Several sections 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 20. 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.

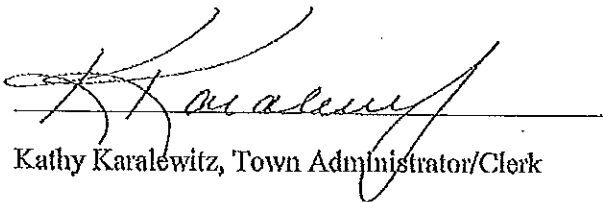
Adopted this 2nd day of April 2014

TOWN OF MUKWONAGO



David Dubey, Town Chairman

ATTEST:



Kathy Karalewitz, Town Administrator/Clerk

Published and posted this ___ day of _____ 2014

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-07/22/14 NUMBER-1690031

- | | |
|--------------------------|---------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 W. KOLB.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER.....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT..... | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-24