

ORDINANCE 2020-O-51

**AN ORDINANCE TO ESTABLISH A PLANNED DEVELOPMENT
DISTRICT PURSUANT TO 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, No Limit Excavating LLC owns the property at S92W33360 CTH NN (MUKT1948999001) and has submitted a petition to the town to establish a planned development district pursuant to the standards and requirements in the zoning code for a development project consisting of 11 residential lots and 1 outlot; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on December 2, 2020 to consider the petitioner's application and to accept public comment; and

WHEREAS, the Plan Commission and Town Board considered the following factors in making their decisions as set forth in Article 8 of Chapter 36:

- (1) whether development in the proposed project is in keeping with the spirit and intent of this chapter;
- (2) whether development in the proposed project is consistent with the town's comprehensive plan;
- (3) the effects of development in the proposed project on traffic safety and efficiency, both within and outside of the district;
- (4) whether the proposed plan for development in the proposed project is properly planned and is properly coordinated with the existing and anticipated land uses on properties in the immediate and surrounding area;
- (5) the extent to which the natural features, open space, and/or farmland on the site are preserved;
- (6) the extent to which the rural character of the area is preserved;
- (7) whether development in the proposed project complies with provisions of this chapter and other land development regulations of the town that may apply;
- (8) the effects of development in the proposed project on public services and facilities;
- (9) whether adequate water and sanitary sewer facilities can be provided to development in the proposed project;
- (10) the proposed means of maintaining any undeveloped areas of the proposed project for the purpose for which it was set aside;
- (11) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (12) effects of the proposed use on the normal and orderly development and improvement of the surrounding properties for uses permitted in the zoning district and adjoining districts;

- (13) whether the proposed open space in the project, in terms of quality, size, location, and aesthetic value, justify the approval of the project;
- (14) whether the size, quality, and architectural design of all buildings in the project will have an adverse effect upon the general character of the town and surrounding neighborhood;
- (15) whether the proposed development is consistent with the general character of the town and the immediate neighborhood;
- (16) whether the plan for development is superior to development that is permitted based on the design and development standards of the underlying zoning district; and
- (17) any other factor that relates to the purposes of this chapter as set forth in s. 36-5 or as allowed by state law.

WHEREAS, the Plan Commission recommended approval at their meeting on December 2, 2020; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on December 16, 2020; 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. Amend the zoning map established in s. 36-666 to show the planned development district consisting of the area of the preliminary plat as depicted in Attachment A, excluding Outlot 2. The extent of the Environmental Corridor (EC) district shall remain unchanged.

Section 2. Amend Appendix D, titled "Dimensional Standards in Planned Development Districts," by adding the following content to the end of that part:

Heritage Hill Estates (PDD-17)

Lot density, maximum: 11 residential lots and 1 outlet

Lot size, minimum: 1.5 acres

Lot width, minimum: 120 feet, except 80 feet for lots on the cul-de-sac bulb

Setback, minimum: 35 feet

Offset, minimum: 20 feet

Maximum floor area of accessory buildings: 1,000 square feet (special exceptions for floor area are not allowed)

The design and exterior building materials for accessory buildings must match the principal building.

Unspecified standards: per Suburban Estates (SE) zoning district

Section 3. If the Town Board has not approved a final development plan for the proposed development project by June 1, 2022, the zoning of the subject property as set forth herein shall lapse and automatically revert to the previous zoning classifications without any further action by the Town.

Section 4. 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 5. 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 6. 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.

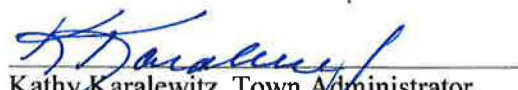
Adopted this 16th day of December 2020

TOWN OF MUKWONAGO



Peter Topczewski, Town Chair

ATTEST:



Kathy Karalewitz, Town Administrator

Published and/or posted this 16 day of Dec., 2020

Attachment A. Preliminary Plat of Heritage Hill Estates Subdivision

