

ORDINANCE NO. 2011-3

– Proposed –

AN ORDINANCE AMENDING THE TOWN OF MUKWONAGO'S COMPREHENSIVE PLAN

WHEREAS, the Town Board for the Town of Mukwonago adopted a comprehensive plan on November 19, 2008 pursuant to section 62.23(2) and (3) of the *Wisconsin Statutes*; and

WHEREAS, the Town Board for the Town of Mukwonago is authorized to make changes to the adopted comprehensive plan upon recommendation of the Plan Commission; and

WHEREAS, the Town Board for the Town of Mukwonago adopted Resolution 2009-R-6 which established procedures and requirements to amend the adopted comprehensive plan; and

WHEREAS, Jim and Karen McNelly have submitted an application to amend the future land use map included in the comprehensive plan pursuant to the aforementioned resolution; and

WHEREAS, the proposed amendment would change the future land use map by changing the land use classification of a portion of the subject property located at W312 S6510 Willow Spring Drive from Suburban Density II to Low Density Residential; and

WHEREAS, the Plan Commission reviewed the petitioner's application on September 7, 2011 and again on October 5, 2011; and

WHEREAS, the Plan Commission adopted resolution 2011-R-5, a copy of which is on file in the Town Clerk's office, recommending to the Town Board the amendment of the plan as described in the petitioner's application; and

WHEREAS, the Town Board conducted a public hearing on November 16, 2011 regarding the proposed amendment in compliance with the requirements of section 66.1001(4)(d) of the *Wisconsin Statutes*.

WHEREAS, the Town Board of the Town of Mukwonago, having carefully reviewed the recommendation of the Plan Commission for the Town of Mukwonago, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, including consideration of the plan components, as may be herein amended, relating to issues and opportunities, housing, transportation, utilities and community facilities, agricultural, natural and cultural resources, economic development, intergovernmental cooperation, land-use, and implementation, has determined that the comprehensive plan dated November 13, 2008, as herein amended, will serve the general purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Town of Mukwonago which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development.

NOW, THEREFORE, the Town Board of the Town of Mukwonago, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. FINDINGS

The Town Board makes the following findings relating to the plan amendment:

1. The portion of the subject property to be reclassified on the future land use map adjoins other parcels having that same land use classification.
2. The proposed amendment is consistent with the spirit and intent of the comprehensive plan.

SECTION 2. AMENDMENT

The Town of Mukwonago's comprehensive plan is hereby amended by changing the land use classification of the northern portion of the subject property as indicated on Exhibit A from Suburban Density II to Low Density Residential on the future land use map.

SECTION 3. DISTRIBUTION OF RECOMMENDED AMENDMENT

The Town Administrator is directed to send a copy of this ordinance to the following, along with an explanatory cover letter:

1. clerk of each adjoining municipality,
2. Kathy Nickolaus, County Clerk; Waukesha County Administration Center; 1320 Pewaukee Road, Room 120; Waukesha, WI 53188;
3. Executive Director of the Southeast Wisconsin Regional Planning Commission; P.O. Box 1607; Waukesha, WI 53187-1607;
4. Dale Shaver, Director; Waukesha County Department of Parks and Land Use; 515 W. Moreland Blvd; Waukesha, WI 53188;
5. Wisconsin Department of Administration (c/o Joanna Schumann, Wisconsin Department of Administration, Comprehensive Planning Program, 101 E. Wilson Street, 10th Floor; Madison, WI 53702-0001);
6. Alice Baker Memorial Public Library; 820 E. Main Street; Eagle, WI 53119; and
7. Mukwonago Community Library; 300 Washington Avenue; Mukwonago, WI 53149.

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.

Adopted this 16th day of November 2011

TOWN OF MUKWONAGO

Dave Dubey, Town Chairman

ATTEST:

Kathy Karalewitz, Town Administrator

Published and posted this ____ day of _____, 2011

Exhibit A

Subject Property: W312 S6510 Willow Spring Drive
Tax Key: MUKT 1885-994-005

