

Chapter 9:

Implementation

The City of Muskego has worked diligently with its elected officials, staff, and concerned residents during the formulation of this *Plan*. As part of the 2020 Comprehensive Plan adoption, the community is expressing a greater goal and vision for its future. Whether or not the objectives, goals, and recommendations of this *Plan* are realized depends largely on the extent to which the elements of this *Plan* are put to action by the decision-making units. Overall, the community requires a strong commitment to uphold the *Plan* in order to forward the principles found herein.

Implementation Requirements

The Implementation element was prepared pursuant to Section 66.1001 of the Wisconsin Statutes. Section 66.1001 requires this element to include a compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, recommendations, plans and programs. The element shall describe how each of the elements of the comprehensive plan will be integrated and made consistent with the other elements of the comprehensive plan, and shall include a mechanism to measure the local governmental unit's progress toward achieving all aspects of the comprehensive plan. The element shall include a process for updating the comprehensive plan. A comprehensive plan under this subsection shall be updated no less than once every 10 years.

By law beginning on January 1, 2010, if a local government unit engages in official mapping, local subdivision regulation, City zoning ordinance, or zoning of shorelands or wetlands in shorelands, those actions shall be consistent with the Comprehensive Plan.

If a governmental action is desired, that is inconsistent with the *Plan*, the local governmental unit should amend the *Plan* as needed and publicly note the reasons that led to the amendment.

Development Control

The Comprehensive Plan can be a guide in aiding the desired layout of current and future development. However, a variety of tools that govern the actual restrictions on each piece of land in the City is required in order to assure the desired uses are carried out appropriately. Thus, one of the most important tools of *Plan* implementation is the authority to control development of the private lands. The City of Muskego has zoning and subdivision regulations in place and the City maintains its own control over these regulations. The requirements of the ordinances have been in place since the incorporation of Muskego and the City has maintained and updated the regulations as the desires of the community change and as land use decisions have been modified. The recommendations found in this *Plan* have further influenced the zoning and subdivision regulations and a discussion of each of the ordinances and how they may be altered or viewed due to the Comprehensive Plan adoption is found below. A discussion on other developmental control tools is also included as each can aid the integrity of the Comp *Plan* to regulate future growth.

Zoning Ordinance and Map Regulations

Ensuring that zoning districts and ordinances match the desires in the *Future Land Use Plan and Map* will only aid in accomplishing the goals of the Comprehensive Plan. The City's Zoning Code (Chapter 17 of the Muskego Municipal Code) and map were fully updated in 2007 to largely match the 2010 Comprehensive Plan.

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It should be noted that not all existing zoning districts will follow the future desires of the 2020 Comprehensive Plan. Where a zoning district allows a use in conflict with the Plan, that use and zoning district may continue in what would be considered legal nonconforming according to how that use relates to the 2020 Comprehensive Plan. If a landowner of one of these conflicting parcels desires a rezoning or land use change, that rezoning or land use change will have to be consistent with the Comprehensive Plan or the governing body must find reason to amend the Comprehensive Plan so the land use decision is consistent with the zoning.

The smart growth law states that each zoning and land use decision should be consistent with the adopted Comprehensive Plan. The City has found that they can't simply remove a use that is defined as undesirable by this Plan if the use has a prior vested interest. However, the City can make sure that any future use for those properties will be consistent with the 2020 Comprehensive Plan.

Subdivision Regulations

It is important that the City's regulated boards continue to give careful attention to the enforcement of land division regulations. Each land division should be reviewed thoroughly to assess the compatibility to the surrounding uses and infrastructure. Further, all areas to be platted should be assessed according to how they adapt to the elements of this Plan. Proper road, recreational, school, and conservation dedications should be made when already proposed herein. Additionally, improvements must be requested to on-site and off-site road, sanitary, storm, and water infrastructure when the impacts of a proposed development deem them necessary. Lastly, planned developments should be utilized where deemed appropriate in meeting the objectives of the *Plan*.

The importance of using the *Plan* as a critical tool in the future platting of land in the Muskego is a priority for all City governmental units. The Land Division ordinance is Chapter 18 of the Muskego Municipal Code.

The adoption of this Plan recommends the land division ordinance changes associated with implementing the updated Conservation Subdivision Ordinances to further the recommendations of the 2020 Comprehensive Plan.

Future Land Use Map / Official Map

The *Future Land Use Map* found in the Chapter 8 Land Use element is the all-encompassing tool for the future guidance of land use regulation of the City of Muskego. The map also provides further objectives as well by presenting Desired Development Areas (DDAs), which foster the City's intent on given areas. The DDAs provide landowner, or prospective developer, guidance on how the City wishes the lands are to be developed so they are planned appropriately and consistently with the elements found in this Plan. Chapters 60 and 62 of the Wisconsin Statutes provide for the establishment of an official map. The bottom line is that the *Future Land Use Map* presented herein is also the *Official Map* of the City of Muskego (Note: Ultimate rights-of-way of streets in the City are found on the 2020 Transportation Facilities Map which is adopted as part of the Official Map).

It is anticipated that the *Future Land Use Map* will require amendments as priorities may change over the planning timeframe. Modifications may also be necessary as infrastructure and platting of lands is approved and implemented. Any updates/changes pertaining to the *Future Land Use Map* should be amended in accordance with the same procedures of amending the Comprehensive Plan in order to ensure proper input.

Other Ordinances/Codes

The City has many Municipal Codes that in some way interrelate to the objectives and goals found in this *Plan*. Although not all codes will directly relate, the codes previously adopted by the municipality all can play an important role on how the City is shaped and directed on daily basis. Specific code chapters that will aide in the implementing the development objectives found herein include the electrical, plumbing, housing, sewer utility, erosion control, building, fire prevention, stormwater, non metallic mining, and tree codes. It is the City’s intent to consider all existing codes and ordinances as implementation devices of the plan.

Detailed Components of the Comprehensive Plan

Section 62.23(2) of Wisconsin Statutes provides that the City of Muskego may from time to time amend, extend or add to the Comprehensive Plan or carry out any part of the subject matter in greater detail. The City has identified the plans and guides below as more detailed components of the City of Muskego Comprehensive Plan. Each shall have the same force and effect as the adopted Comprehensive Plan and each will be updated/amended as required during the planning period of this 2020 Comprehensive Plan. Many of the plans and guides listed below have their essential objectives incorporated into this *Plan*, however, each provides a deeper insight into the needs of the community for that particular subject. The City will consider the impacts when determining consistencies between the proposed developments and these plans. Any new guide or plan deemed necessary to become an integral component to the 2020 Comprehensive Plan must be adopted as part of the City of Muskego Municipal Code Chapter 41.

- Park and Conservation Plan
- Durham Hill Design Guide
- Downtown Design Guide
- General Design Manual
- Racine Avenue Gateway Design Guide
- Moorland Corridor South Design Guide
- Tess Corners Design Guide
- Business Park Design and Development Standards
- Economic Development Strategic Plan

Plan Element Consistency

The smart growth Wisconsin State statutes require that the implementation element discuss how all the elements of this Plan will be made consistent.

As discussed above, the City of Muskego has devoted great effort in this 2020 Comprehensive Plan assuring that each element is thoroughly communicated. Further, the objectives of each element of the *Plan* is ultimately collected into making the final decisions and recommendations found in the *Future Land Use Map* of the City.

City staff and the Comprehensive Planning Committee have carefully prepared all information found herein in order to ensure no internal inconsistencies exist between the different elements. Further, it is the desire of the City that the decision-making units will complete the implementation of this Plan by integrating the various elements in a complementary way.

Plan Adoption, Amending, Monitoring, and Updating

The responsible cooperation of the Planning Commission and the Common Council will be required in monitoring the progress in achieving the goals and recommendations of this *Plan*.

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Plan Adoption

Upon recommendation of the Planning Commission and various public input/informational meetings, the Common Council must first adopt this *Plan* by ordinance. Official adoption of the plan will formerly initiate the public policies on land development within the City of Muskego. Further, the action formalizes this document as the basic guide to the general development patterns thru the year 2020 and beyond. The adoption of the *Plan* initiates a statement by the City of Muskego that the objectives found herein will be carried out consistently in order to shape the City's growth in a desired manner.

Plan Amendments

The Comprehensive Plan is not a strict blueprint for development and land use patterns in the City of Muskego. The Plan will be flexible as constraints of the environment and community desires may change. The recommendations and objectives set forth herein were based upon existing factual data and the spoken priorities of those involved in the planning process. During the course of the planning process, it was known by those involved that constraints of the environment, infrastructure needs, or individual aspirations might change. Thus, this *Plan* should be amended if demonstrated as appropriate to the Common Council. However, amendments should only be made after a rational evaluation of the existing conditions and the potential impacts of such a change are made. Thus, this Plan recommends that the following be answered and/or shown to the Common Council and Planning Commission, with a public hearing, before any amendment request is fulfilled:

1. What has changed with the parcel(s) since the adoption of the 2020 Plan that warrants a new thinking/direction for the area?
2. Demonstrate that the proposed amendment is consistent in all respects to the spirit and intent of the City's ordinances, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of the adopted Comprehensive Plan.
3. Any other criteria that the Council and/or Planning Commission deems necessary. Said criteria may be adopted in the form of an adopted policy by the aforementioned bodies of Muskego government.

Plan Monitoring

Throughout the planning period, the City will monitor the progress of the plan and compare the decisions against the Plan's recommendations. The recommendations set forth in this Plan, within Chapter 10, are setup in a format that specifically allows the City to track the performance of each from year to year. Staff should annually review the recommendations to see what has been accomplished from year to year to assure compliance.

Plan Update

The City of Muskego intends on updating the Comprehensive Plan every ten years since the objectives and recommendations are based on development characteristics that can change as factual data about housing and population changes. Further, development patterns could alter within the planning timeframe as new concepts are brought to light or desires of elected officials and residents occur. The City will start a new effort to update this *Plan* before the 2020 timeframe occurs and a public participation procedure similar to the one used in adopting this *Plan* will be used.