

**CITY OF ELKHORN  
ORDINANCE NO. 23-12**

**AN ORDINANCE AMENDING THE ELKHORN MUNICIPAL CODE  
BY CREATING ARTICLE 17.16-7 ENTITLED “INTERIM ZONING ORDINANCE TO  
PRESERVE EXISTING ZONING IN THE EXTRATERRITORIAL ZONING  
JURISDICTION AREA OF THE TOWN OF SUGAR CREEK”**

**WHEREAS**, the City of Elkhorn adopted Resolution No. 23-25 declaring the City’s intention to prepare a comprehensive zoning ordinance for all or part of the area of the Town of Sugar Creek representing approximately 1.5 miles from the jurisdictional border of the City as described on **Exhibit A** hereto and incorporated herein (the “ETZ Area”); and

**WHEREAS**, pursuant to Wis. Stat. § 62.23(7a)(b), the City may enact, without referring the matter to the City plan commission, an interim zoning ordinance to preserve existing zoning in the ETZ Area which is subject to a general zoning ordinance under s. 59.69, 60.61, or 60.62 and to preserve existing uses in the ETZ Area not subject to a general zoning ordinance in all or part of the extraterritorial zoning jurisdiction while a comprehensive zoning plan is being prepared;

**NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDAINED** by the Common Council of the City of Elkhorn:

**Section 1:** Article 17.16-7 of the Elkhorn Municipal Code is created to read as follows:

**“Article 17.16-7. Interim Zoning Ordinance to Preserve Existing Zoning in the  
Extraterritorial Zoning Jurisdiction Area of the Town of Sugar  
Creek.**

- (1) **Intent; Purpose.** The intent and purpose of this Article is to exercise extraterritorial zoning power over a portion of the Town of Sugar Creek pursuant to Wis. Stat. § 62.23(7a) as set forth below:
  - (a) The City’s extraterritorial zoning jurisdiction shall be the unincorporated area of the Town of Sugar Creek within one and one-half (1 ½) miles from the corporate limits of the City and more specifically described in the map created pursuant to Wis. Stat. § 62.23(7a)(a) attached hereto as **Exhibit A** and incorporated herein by reference that is also attached to the City’s resolution declaring its intention to prepare a comprehensive zoning ordinance for all or part of its extraterritorial zoning jurisdiction.
  - (b) The existing zoning in areas subject to a general zoning ordinance under Wis. Stat. §§ 59.69, 60.61, or 60.62, and any existing uses not subject to a general zoning ordinance within the extraterritorial zoning jurisdiction, are hereby preserved while the comprehensive zoning plan is being prepared

pursuant to Wis. Stat. § 62.23(7a)(b).

- (c) This Article shall be in effect for eighteen (18) months after its enactment, except that the City Council may extend this Article for up to an additional year upon the recommendation of a joint extraterritorial zoning committee.
- (d) While this Article is in effect, the City Council may amend districts and regulations pursuant to Wis. Stat. § 62.23(7a).
- (e) The City shall provide for the enforcement and administration of this Article. This includes that the City building inspector shall have the authority to review and approve all Town of Sugar Creek building permits in the extraterritorial zoning jurisdiction as to zoning prior to the issuance of such Town of Sugar Creek building permit.”

**Section 2:** If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision(s) or application(s) of this Ordinance that can be given effect without the invalid or unconstitutional provision(s) or application(s).

**Section 3:** This Ordinance shall be in full force and effect from and after its date of adoption and notice to the public after compliance with Wisconsin statutory requirements for adoption and publication.

**Section 4:** City personnel are hereby authorized and directed to make all changes to the Code of the City of Elkhorn necessary to reflect this amendment.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Bruce Lechner, Mayor

ATTEST:

\_\_\_\_\_  
Lacey L. Reynolds, City Clerk

1<sup>st</sup> Reading \_\_\_\_\_  
 2<sup>nd</sup> Reading \_\_\_\_\_  
 Adopted \_\_\_\_\_  
 Published \_\_\_\_\_

**Exhibit A**  
**Map of Area of**  
**Extraterritorial Zoning Jurisdiction**

**Zoning Within City Limits**

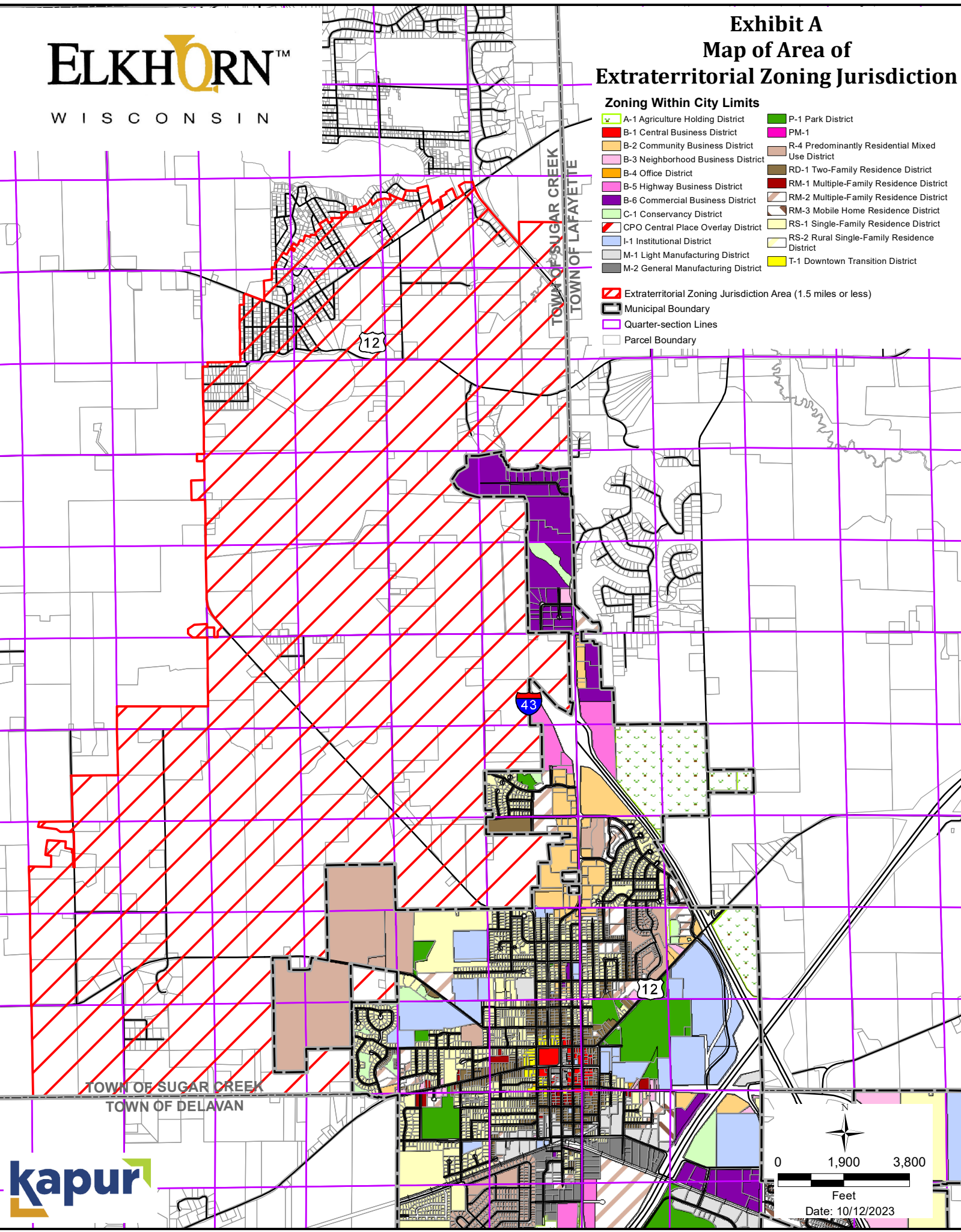
- A-1 Agriculture Holding District
- B-1 Central Business District
- B-2 Community Business District
- B-3 Neighborhood Business District
- B-4 Office District
- B-5 Highway Business District
- B-6 Commercial Business District
- C-1 Conservancy District
- CPO Central Place Overlay District
- I-1 Institutional District
- M-1 Light Manufacturing District
- M-2 General Manufacturing District
- P-1 Park District
- PM-1
- R-4 Predominantly Residential Mixed Use District
- RD-1 Two-Family Residence District
- RM-1 Multiple-Family Residence District
- RM-2 Multiple-Family Residence District
- RM-3 Mobile Home Residence District
- RS-1 Single-Family Residence District
- RS-2 Rural Single-Family Residence District
- T-1 Downtown Transition District

Extraterritorial Zoning Jurisdiction Area (1.5 miles or less)

Municipal Boundary

Quarter-section Lines

Parcel Boundary



TOWN OF SUGAR CREEK  
TOWN OF DELAVAN