

Enrolled 157-19  
PROPOSED ORDINANCE 157-18

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2  
3 AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE, SECTION 17.02 2.  
4 AND 17.05 5 AH. 2.a, AND CREATE SECTION 17.05 5. Al. 2. c. AND d. REGARDING  
5 THE DEFINITION OF UTILITY STRUCTURES, SETBACKS AND OFFSETS  
6 RELATED TO PLACEMENT OF UTILITY STRUCTURES  
7 (ZT-1447)  
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10 WHEREAS the subject matter of this Ordinance having been approved by the Delafield Town  
11 Board on March 26, 2002, after Public Hearing and the giving of requisite notice of said hearing,  
12 and duly referred and considered by the Waukesha County Park and Planning Commission and a  
13 recommendation thereon reported to the Land Use, Parks and Environment Committee and the  
14 Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
17 ORDAIN that the Ordinance amending the text of the Town of Delafield Zoning Ordinance,  
18 approved by the Delafield Town Board on July 20, 1998, Section 17.02 2. and 17.05 5 AH. 2. a,  
19 and creating Section 17.05 5. Al. 2. c. and d. regarding the definition of utility structures, setbacks  
20 and offsets related to placement of utility structures, and more specifically described in the "Staff  
21 Report and Recommendation" on file in the office of the Waukesha County Department of Parks  
22 and Land Use and made a part of this Ordinance by reference (ZT-1447), is hereby approved.  
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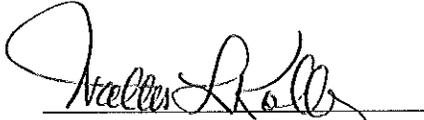
24 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this  
25 Ordinance with the Town Clerk of Delafield.  
26

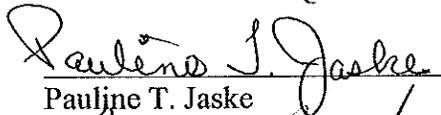
27 BE IT FURTHER ORDAINED that the Ordinance shall be in full force and effect upon passage,  
28 approval and publication.  
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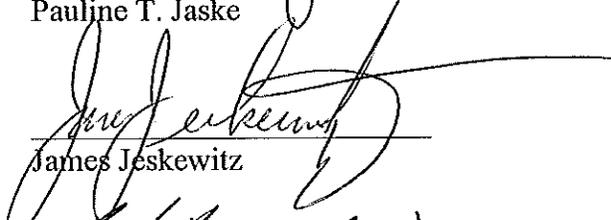
30 BE IT FURTHER ORDAINED that all Ordinances inconsistent with or with contravention of  
31 provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE, SECTION 17.02 2.  
AND 17.05 5 AH. 2.a, AND CREATE SECTION 17.05 5. Al. 2. c. AND d. REGARDING  
THE DEFINITION OF UTILITY STRUCTURES, SETBACKS AND OFFSETS  
RELATED TO PLACEMENT OF UTILITY STRUCTURES  
(ZT-1447)

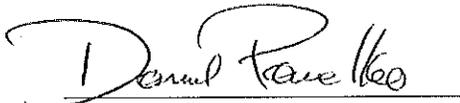
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

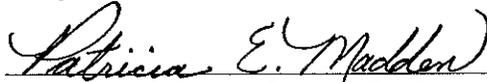
  
Scott J. Klein

  
Daniel Pavelko

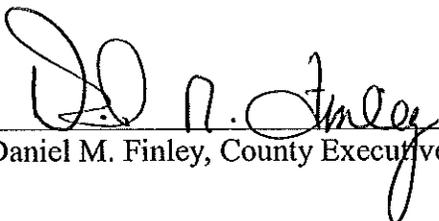
  
Vera Stroud

  
Matt Thomas

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

Date: June 14, 2002,   
Patricia E. Madden, County Clerk

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

Approved:  \_\_\_\_\_  
Vetoed:  \_\_\_\_\_  
Date: 6-17-02,   
Daniel M. Finley, County Executive

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

**DATE:** May 9, 2002

**FILE NO.:** ZT-1447

**PETITIONER/OWNER:** Delafield Town Board  
Town of Delafield Town Hall  
N14 W30782 Golf Road  
Delafield, Wisconsin 53018

**NATURE OF REQUEST:**

Text Amendments to Section 17.02 2. and 17.05 5 AH. 2.a, and creating Section 17.05 5. Al. 2. c. and d. regarding the definition of utility structure and setbacks and offsets related to placement of utility structures.

**PUBLIC HEARING DATE:**

March 19, 2002.

**PUBLIC REACTION:**

No public comment was heard and letters were not received stating for or against the proposal.

**TOWN PLAN COMMISSION ACTION:**

The Town of Delafield Plan Commission, at their meeting of March 19, 2002, recommended approval of the text amendments.

**TOWN BOARD ACTION:**

The Town of Delafield Board, on March 26, 2002, voted unanimously in favor of the text amendments.

**OTHER CONSIDERATIONS:**

This proposed amendment would provide a new definition for a utility structure, as a structure used primarily for housing telecommunication, electrical, cable T.V., and similar equipment. These structures will now be incorporated into the Semi-Public and Public Building and Uses category of the Zoning Code, which requires Conditional Use status and will be allowed as part of that category. The provision also provides for a "special exception" being granted by the Planning Commission to reduce offset and setback distances down to 0' (zero ft.) upon review and approval of the Plan Commission upon their determination that such structures will not result in safety hazards, or be detrimental to the property values and aesthetics of the surrounding area. This is based upon the fact that telecommunication towers, which are becoming numerous throughout our County, require very little space on which to function and the utility cabinets typically associated with those structures can be located at the base of said structures and are not necessary to be placed at double the offset and setback requirements. This utility structure is not defined as the "telecommunication tower" itself, but the "utility cabinets" associated with the tower. This provision for allowing the "special exception" to the setback and offset distance down to 0' (zero ft.) is also being provided for the public utilities provisions under Conditional Use, which is the section that accommodates

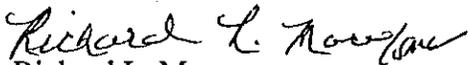
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the tower itself. This new language does give the Plan Commission the authority to provide an individual evaluation for each utility installation, rather than have a certain minimum standard to meet, which may not in all cases be appropriate.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning Staff that this request be approved. We feel the flexibility this new provision will afford the Town Plan Commission for siting telecommunication towers and the utility cabinets associated with them is appropriate, due to the fact that the space these installations occupy are generally on very small amounts of land, as these utility cabinets are usually very small structures, often not more than 8' in height and a 100 sq.ft. in area or less.

Respectfully submitted,

  
Richard L. Mace  
Planning and Zoning Manager

RLM:smv

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State of Wisconsin

Town of Delafield

Waukesha County

Ordinance Number 2002-03-008

An Ordinance amending Sections 17.02 2. and 17.05 5 AH. 2.a., and creating Section 17.05 5. Al. 2. c. and d. regarding the definition of utility structure and setbacks and offsets related to placement of a utility structure.

The Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:**

Section 17.02 2 of the Town Code shall be amended to read as follows:

Utility Structure. A structure used for the primary purpose of housing telecommunications, electrical, cable television and similar equipment including, but not limited to, utility cabinets, buildings and underground vaults.

**Section 2:**

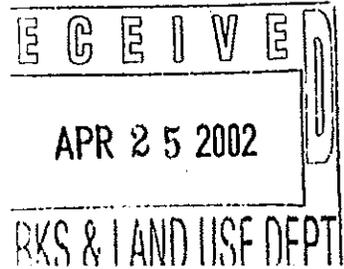
Section 17.05 5 AH 2.a. shall be amended to read as follows:

- a. Such use shall conform to double the offset requirements of the district in which it is located. A special exception may be granted by the Plan Commission for utility structures, to reduce the setback and offset distance to zero (0) feet, if upon review by the Plan Commission, such structures as proposed will not result in a safety hazard or be detrimental to the property values and aesthetics surrounding the site.

**Section 3:**

Section 17.05 5. Al 2.c. and d. shall be created as follows:

- c. A special exception may be granted by the Plan Commission for installation of a main line transmission facility such that the setback and offset distance are reduced to zero (0) feet, if upon review by the Plan Commission, such facilities as proposed will not result in a safety hazard or be detrimental to the property values and aesthetics surrounding the site.
- d. A special exception may be granted by the Plan Commission for utility structures associated with the installation of the main line transmission facilities, to reduce the setback and offset distance to zero (0) feet, if upon review by the Plan Commission, such structures as proposed will not



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result in a safety hazard or be detrimental to the property values and aesthetics surrounding the site.

**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 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: Effective date**

This Ordinance shall take effect immediately upon publication as provided by law.

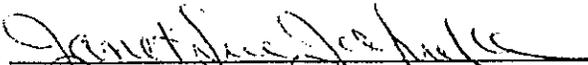
Dated this 26<sup>th</sup> day of March, 2002.

TOWN OF DELAFIELD



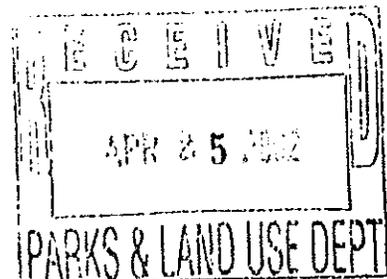
Paul L. Kanter, Town Chairman

ATTEST:

  
Janet Sue Jahnke, Town Clerk

Published the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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