

ENROLLED ORDINANCE 176-25

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ82)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Delafield Town Board on April 13, 2021; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Section 60.62, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the NE ¼ of Section 31, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ82, is hereby approved.

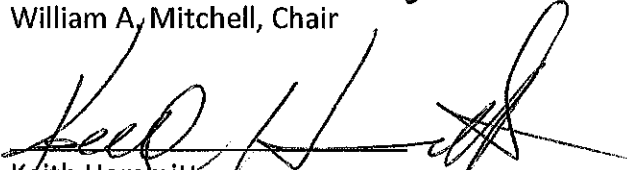
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ82)

Presented by:
Land Use, Parks, and Environment Committee

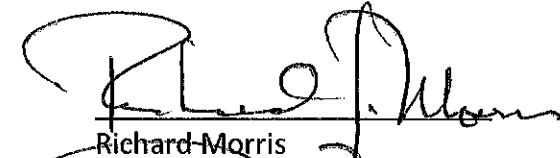

William A. Mitchell, Chair

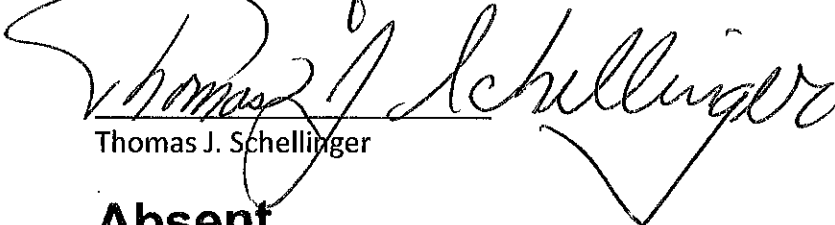

Keith Hammitt

Absent

Thomas A. Michalski


Chris Mommaerts

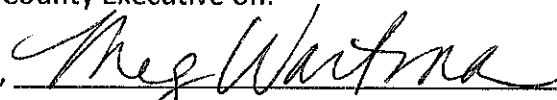

Richard Morris


Thomas J. Schellinger

Absent

Steve Whittow

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

Date: 6/25/2021, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 6/28/2021, 
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ82 (Ernest)** in accordance with the attached “Staff Report and Recommendation”.

PARK AND PLANNING COMMISSION

May 20, 2021

William Mitchell (via Microsoft Teams)

William Mitchell, Chairperson

James Siepmann (via Microsoft Teams)

James Siepmann, Vice Chairperson

Robert Peregrine (via Microsoft Teams)

Robert Peregrine

Richard Morris (via Microsoft Teams)

Richard Morris

Thomas Michalski (via Microsoft Teams)

Thomas Michalski

William Groskopf (via Microsoft Teams)

William Groskopf

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: May 20, 2021

FILE NO.: RZ82

TAX KEY NO.: DELT 0841.997.002

OWNER: Sharon Ernest
W334 S564 Cushing Park Road
Delafield, WI 53018-3025

LOCATION:
Lot 3, Certified Survey Map No. 6387, part of the NE ¼ of Section 31, T7N, R18E, Town of Delafield. More specifically, the property is located at W334 S564 Cushing Park Road, containing approximately 4 acres.

PRESENT ZONING CLASSIFICATION:
A-1 Agricultural District (Town).

PRESENT LAND USE:
Residential.

PROPOSED ZONING:
A-2 Rural Home District (Town).

PROPOSED LAND USE:
Residential.

PUBLIC HEARING DATE:
April 13, 2021

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On April 13, 2021, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION
On April 13, 2021, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:
The Waukesha County and Town of Delafield Comprehensive Development Plans designate this property as Suburban Density 1 Residential (1.5 to 2.9 acres per dwelling unit). The proposed use complies with both plans.

OTHER CONSIDERATIONS:
The petitioner is proposing to rezone the subject parcel from the A-1 Agricultural District to the A-2 Rural Home District to bring the parcel into a district that better matches the dimensions and proposed use of the existing parcel. The property is subject to the Town of Delafield Zoning Ordinance. The A-1 District requires

a 40 acre minimum lot size and 95% green space, whereas the A-2 District requires a minimum of three acres and 85% green space.

The property consists of a single family residence, accessory building and swimming pool. No improvements to the property are currently proposed. All existing structures will meet the setback and offset requirements of the A-2 Rural Home District. The parcel contains no mapped natural resources and slopes gradually from east to west. Surrounding uses include single family residential with various zoning districts, including A-1 Agricultural District, A-2 Rural Home District and R-1 Residential District.

Prior to 1998, the A-1 District only required a three acre minimum lot size. The parcel and many nearby it became substandard relative to lot area when the Town amended its zoning code in 1998 to increase the A-1 District minimum lot size to 40 acres. As noted in a review of a similar 2012 rezoning request on the adjacent property to the north, the Town, acting upon the advice of the Town Attorney, chose not to place the lots that were rendered substandard into a new zoning classification but instead left the decision to rezone to individual owners, if and when they were so inclined. The majority of the parcels in the immediate area are developed, so the need for additional rezoning in the area would likely be spurred by future proposals for building additions, new outbuildings or new hard surfaces.

The Town Engineer previously indicated that the remaining substandard parcels along Cushing Park Road in the vicinity would be candidates for rezoning to the A-2 District if other property owners come forward in the future. Therefore, Staff feels that the proposed single lot rezoning is another incremental rezone in an area that will likely continue to evolve into an A-2 neighborhood.

STAFF RECOMMENDATION

The proposed rezoning meets the purpose and intent of the County and Town Land Use Plans and the new zoning category better accommodates the existing parcel. The County Development Plan recommends that lands be zoned as used. Properties in this area are no longer in agricultural use and should be considered for rezoning to a more appropriate residential district in the future.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

Attachments: Town Ordinance No. 2021-03
Map

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STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2021-03

**AN ORDINANCE TO AMEND THE ZONING MAP
OF THE TOWN OF DELAFIELD FROM A-1 TO A-2 ON LANDS LOCATED IN THE
NORTHWEST ¼ AND SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 31, TOWN 7
NORTH RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN
(ERNEST PROPERTY)**

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

SECTION 1: The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to A-2 on the following described parcel of land:

Lot 3 of Certified Survey Map No. 6387, being a part of the Northwest ¼ and Southwest ¼ of the Northeast ¼ of Section 31, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

SECTION 2: SEVERABILITY.

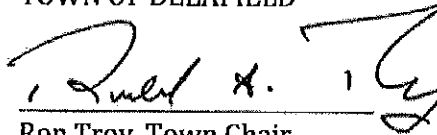
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

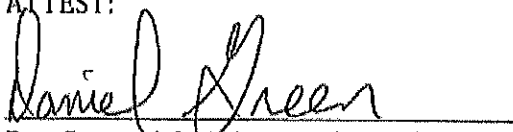
This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

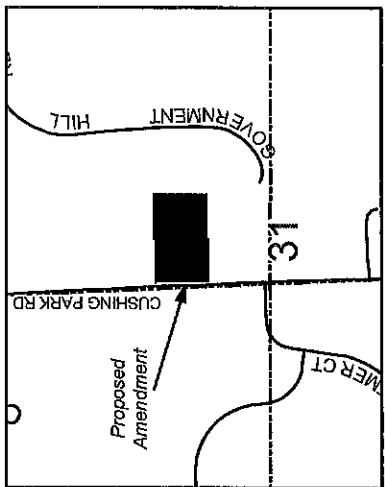
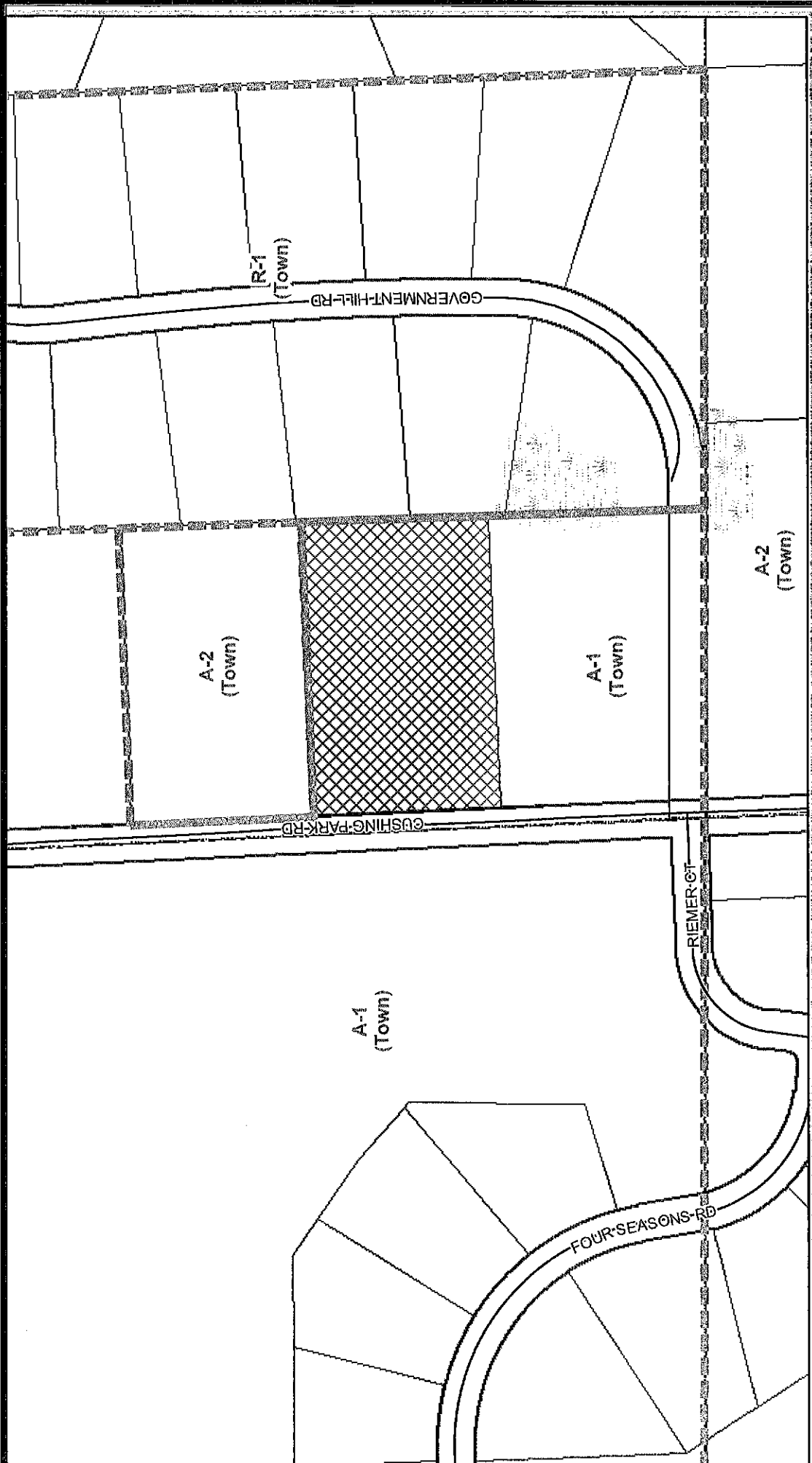
PASSED AND ADOPTED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this 13 day of ~~February~~ April, 2021.

TOWN OF DELAFIELD


Ron Troy, Town Chair

ATTEST:


Dan Green, Administrator/Clerk/Treasurer



TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT

Wetlands Overlay

FILE.....RZ82

DATE OF PLAN COMMISSION.....5/20/21

AREA OF CHANGE.....4 ACRES

TAX KEY NUMBER.....DELT0841.987.002

1 in = 250 ft

Feet
0 125 250

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE NE 1/4 OF SECTION 31,
TOWN OF DELAFIELD

VOTING RESULTS

AYE 23


NAY 0

ABSTAIN

ABSENT 2

Ordinance 176-O-026

Ordinance 176-O-026: Amend the District Zoning Ma...

 **Passed By Majority Vote**

D1 - Foti	ABSENT	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	ABSENT	D16 - Crowley	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Howard	AYE	D24 - Whittow	AYE
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

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