

ENROLLED ORDINANCE 175-6

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY REPEALING AND RECREATING CERTAIN SECTIONS OF CHAPTER 17 AND ALL OF SECTION 17.05 RELATING TO CONDITIONAL USE PROVISIONS (RZ40)

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 March 26, 2019; 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 text of the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1988, is hereby amended to repeal and recreate certain sections of Chapter 17 and all of Section 17.05 relating to conditional use provisions, more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ40, 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.

COMMISSION ACTION

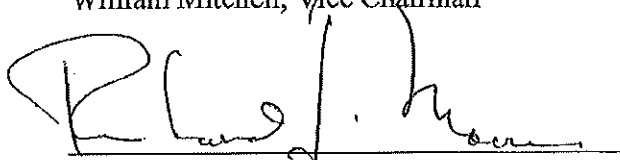
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ40 (Text Amendment/Town of Delafield Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

March 19, 2020


Robert Peregrine, Chairman


William Mitchell, Vice Chairman


Richard Morris

James Siepmann via teleconference

James Siepmann

Absent

William Maslowski

Absent

Thomas Michalski

Robert Hamilton via teleconference

Robert Hamilton

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

FILE NO.: RZ40

DATE: March 19, 2020

PETITIONER: Town of Delafield Board
W302 N1254 Maple Ave.
Delafield, WI 53018

REQUEST:
Amend the Town of Delafield Zoning Code (Town Ordinance No. 2019-04) relating to Conditional Use Provisions.

PUBLIC HEARING DATE:
November 13, 2019.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of March 5, 2019, recommended approval of the request.

TOWN BOARD ACTION:
The Town Board of Delafield, at their meeting of March 26, 2019, recommended approval of the request per Town Ordinance 2019-04.

Note: The amendments are available for viewing on the Planning and Zoning Division webpage at www.waukeshacounty.gov/landandparks/planning-and-zoning/zoning-ordinances - click "Draft County/Town Ordinances" tab, then "Town of Delafield Conditional Use Ordinance (2019-04)".

COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT PLAN:
The proposal is consistent with plan recommendations to provide for various use types provided that detailed standards are adhered to.

OTHER CONSIDERATIONS:
The Town of Delafield is proposing amendments to update the town's conditional use standards in accordance with recent law changes. The amendments eliminate many conditional use options, some of which are dated use types such as outdoor theaters or uncommon use types within a suburban environment such as campgrounds and commercial fish ponds. Some of the uses removed from the conditional use section will instead be permitted in certain appropriate districts, while others will become prohibited uses or will be regulated in another manner. Self-storage facilities are added as an available option.

The residential planned unit development (PUD) standards will generally be re-allocated to the town land division control ordinance. Another notable change is the removal of the requirement that lands within the A-1 District be developed via PUD only. In addition, the A-2 District, which previously required conservation type design if lands were to be subdivided, will now refer to the PUD provisions of the land

division ordinance which allows for subdivision development without conserved open space if lots of five acres or more are provided. This is a major shift in policy for the town and the town may wish to monitor whether they are satisfied with the results from an open space and natural resource preservation standpoint.

More detailed standards for review have been prepared to comply with legal requirements and standard conditions of approval have been provided ahead of the detailed standards for each individual use.

County staff did share a number of recommendations with the town and the town made several changes in response with regards to clarifying jurisdictional responsibility with regards to quarries, review of manure management plans and change of ownership rules for commercial planned unit developments. County staff also recommended that the town analyze their existing open space requirements for commercial PUDs and business park uses. County staff shared that the town's open space thresholds are quite high compared to other local and county codes. For instance, the town's M-1 open space requirement is 60%, while the county's is 30%. The town business park district requires 75% open space while the county's equivalent district requires 35% open space. The town responded that they are analyzing open space as part of a separate ongoing effort to create a mixed use zoning district.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments modernize the town's conditional use provisions in accordance with recent law changes. The removal of conditional use types that are no longer likely or compatible with the town's setting, makes code administration more efficient. In addition, the creation of standardized general conditions and more detailed specific use review standards should make conditional use reviews easier for all involved parties.

Respectfully submitted,

Jason Fruth

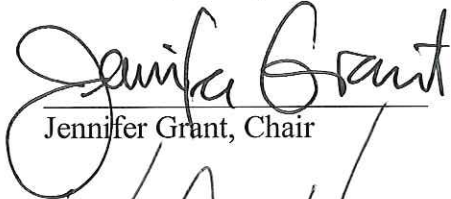
Jason Fruth
Planning and Zoning Manager

JF:kb

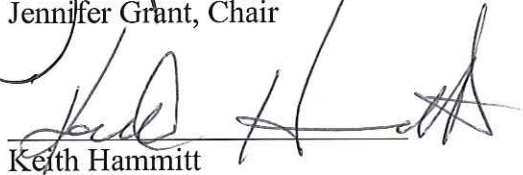
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AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY REPEALING
AND RECREATING CERTAIN SECTIONS OF CHAPTER 17 AND ALL OF SECTION
17.05 RELATING TO CONDITIONAL USE PROVISIONS (RZ40)

Presented by:
Land Use, Parks, and Environment Committee



Jennifer Grant, Chair



Keith Hammitt



Thomas J. Michalski



William A. Mitchell

absent

Chris Mommaerts


absent

Richard Morris



Thomas J. Schellinger

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

Date: 5/29/2020, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 6/1/2020, 
Paul Farrow, County Executive



Ordinance 175-O-005: Amend The Part Of The Town Of Deerfield Zoning Code By Repealing And Replacing Certain Sections Of Chapter 17 And All Of Section 17.05 Pursing To Conform To The Provisions Of...

VOTE RESULTS: Passed By Majority Vote

AYE: **25** NAY: **0** ABSENT: **0**

D1 - Foti	Yes
D2 - Zimmermann	Yes
D3 - Morris	Yes
D4 - Batzko	Yes
D5 - Dondlinger	Yes
D6 - Walz	Yes
D7 - Grant	Motion Yes
D8 - Michalski	Yes
D9 - Heinrich	Yes
D10 - Swan	Yes
D11 - Howard	Yes
D12 - Wolff	Yes
D13 - Decker	Yes

D14 - Mommaerts	Yes
D15 - Mitchell	Yes
D16 - Crowley	Yes
D17 - Paulson	Yes
D18 - Nelson	Yes
D19 - Cummings	Yes
D20 - Schellinger	Yes
D21 - Gaughan	Yes
D22 - Wysocki	Yes
D23 - Hammitt	Yes
D24 - Whittow	Yes
D25 - Johnson	Second Yes