

ENROLLED ORDINANCE 173-092

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 34 AND PART OF THE SW ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT (TOWN) TO THE A-2 RURAL HOME DISTRICT (TOWN) (RZ27)

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 December 11, 2018; 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 (Town) to A-2 Rural Home District (Town), certain lands located in part of the SE ¼ of Section 34 and part of the SW ¼ of Section 35, 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 RZ27, 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 SE ¼ OF SECTION 34
AND PART OF THE SW ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT
(TOWN) TO THE A-2 RURAL HOME DISTRICT (TOWN) (RZ27)

Presented by:
Land Use, Parks, and Environment Committee


David D. Zimmermann, Chair

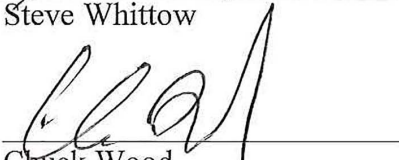

Kathleen M. Cummings


Keith Hammitt



William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: March 1 2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

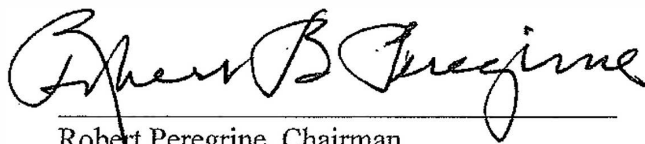
Date: 3/4/2019, 
Paul Farrow, County Executive

COMMISSION ACTION

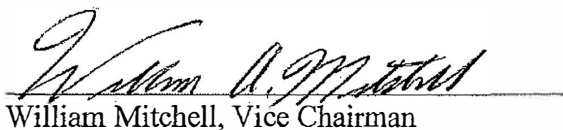
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **RZ27 (Joseph Gliniecki)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

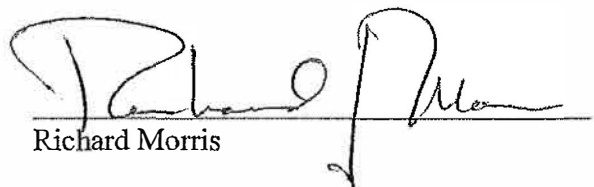
January 17, 2019



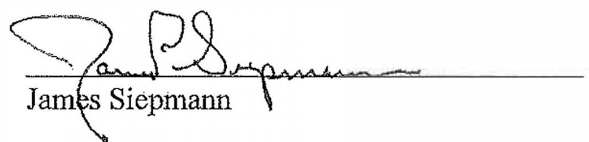
Robert Peregrine, Chairman



William Mitchell, Vice Chairman



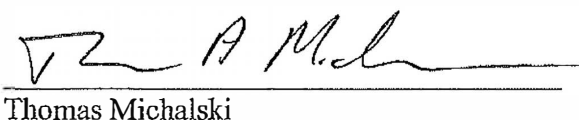
Richard Morris



James Siepmann

Absent

William Maslowski



Thomas Michalski

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

DATE: January 17, 2019

FILE NO.: RZ27

TAX KEY NO.: DELT 0856.981

OWNER: Joseph Gliniecki
W300 S1350 Brandy Brook Road
Waukesha, WI 53188-9322

LOCATION:
Lot 1, Certified Survey Map No. 7325, part of the SE ¼ of Section 34 and part of the SW ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically, the property is located at the Brandy Brook Road address cited above, containing approximately 4.6 acres.

PRESENT ZONING CLASSIFICATION:
A-1 Agricultural District (Town). Other parts of the property are within County Shoreland jurisdiction and are zoned A-1 Agricultural District, HG High Groundwater District and contain C-1 Conservancy (floodplain), EC Environmental Corridor and DSO Delafield Shoreland Overlays.

PRESENT LAND USE:
Residential.

PROPOSED ZONING:
A-2 Rural Home District (Town). County zoning to remain unchanged.

PROPOSED LAND USE:
Residential.

PUBLIC HEARING DATE:
December 4, 2018.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On December 4, 2018, the Town Plan Commission unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION
On December 11, 2018, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD LAND USE PLAN:
The properties are designated in the Suburban II Density Residential category (Town and County) which allows for a maximum of 3 to 4.9 acres per dwelling unit. There is no change in density proposed.

OTHER CONSIDERATIONS:

This rezoning was initiated by the property owner as part of a proposal to add an addition onto the north side of the existing home on the property. The Town's A-1 District requires 95% open space whereas the A-2 District only requires 85% open space. The proposed addition would fall within the range allowed for the A-2 District. The property is mapped as having an extensive area of floodplain, however, a draft flood study of Brandy Brook, which is located just east of the property, has revealed that the stream's floodplain is much smaller than the boundaries depicted upon FEMA mapping. The DNR has advised that the more detailed study can be used for permitting purposes because it is the best available data.

Other similar properties to the north are currently zoned to the A-1 District. Staff does not perceive the action to rezone this single property to be a "spot" zone, which has generally been discouraged by the courts, because it is expected that the two properties immediately to the north will also potentially be zoned to the same A-2 District at some point in the future. County Staff has made multiple recommendations to the Town that they consider a more comprehensive examination of smaller properties that are zoned A-1. Individual isolated requests to rezone to the A-2 District to seek relief from the Town's fairly restrictive A-1 Open Space rules have become somewhat commonplace. Although the Town Planner has suggested that he would ask the Town to consider such an exercise, nothing has come to fruition, to date.

STAFF RECOMMENDATION

It is the opinion of the Planning and Zoning Division Staff that the request be **approved**. The rezoning brings the property into a more appropriate zoning district and will allow the owners the ability to expand their residence.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2018-05
Map

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ27 Gliniecki Dlt.Docx

Ordinance No. 2018-05

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 to A-2 on lands located in the Southeast ¼ of Section 34, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin (Gliniecki 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 1 of Certified Survey Map No. 7325 located in part of the Southwest ¼ of the Southwest ¼ of Section 35 and the Southeast ¼ of the Southeast ¼ of Section 34, 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.

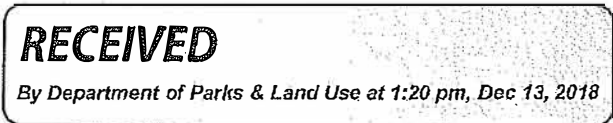
This ordinance passed this 11th day of December, 2018.

BY THE TOWN BOARD OF THE TOWN OF DELAFIELD;

[Signature]
Lawrence G. Krause, Town Chairman

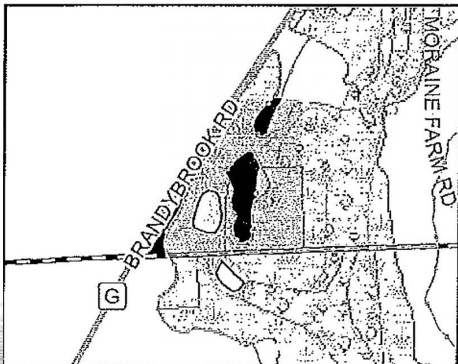
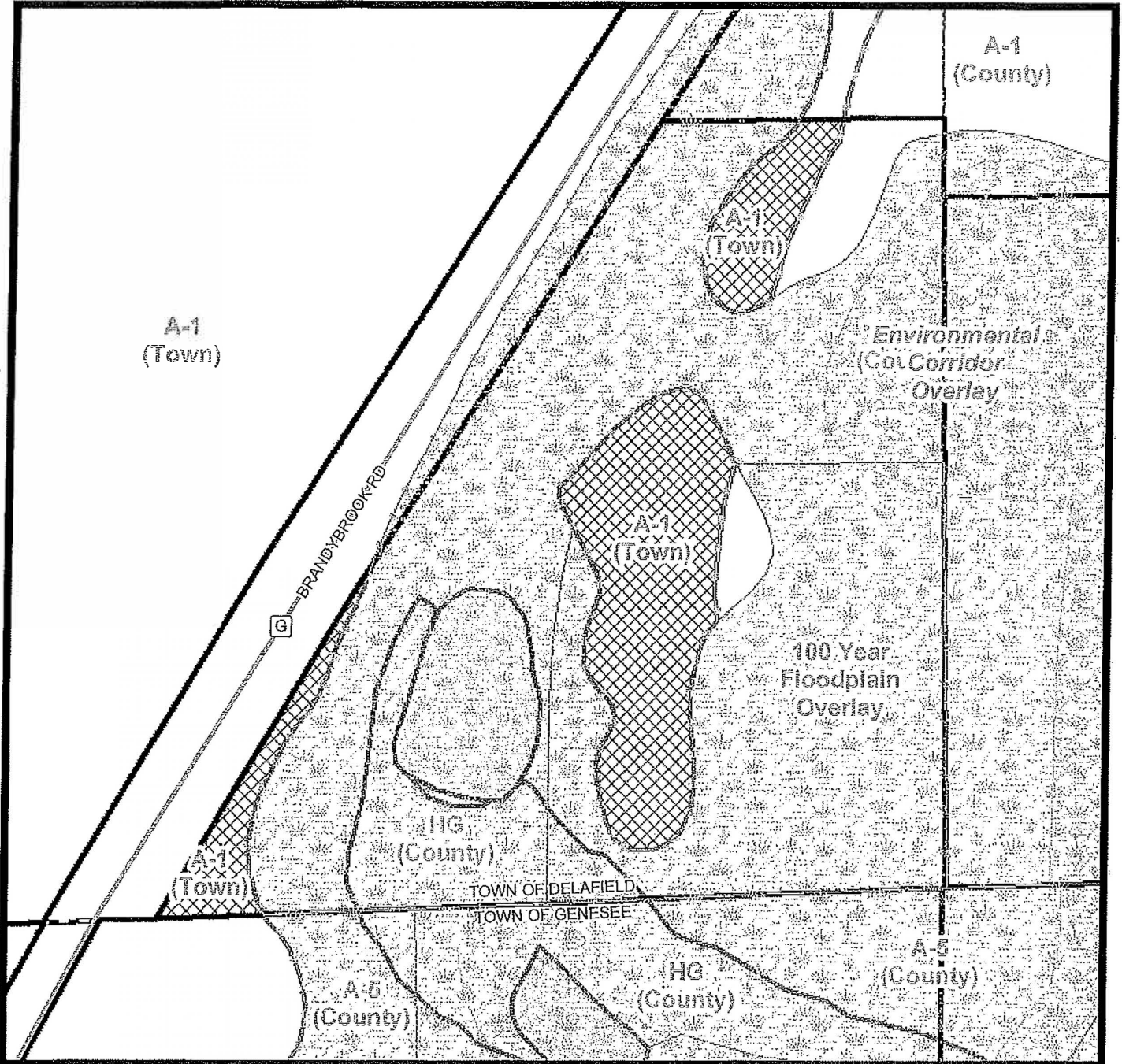
ATTEST:


[Signature]
Mary T. Elsner
Town Clerk/Treasurer



ZONING AMENDMENT

LOT 1 OF CSM 7325, PT OF THE SW 1/4 OF THE SW 1/4 OF SECTION 35,
TOWN OF DELAFIELD

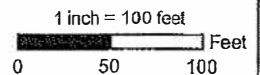


 TOWN ZONING AMENDMENT FROM A-1 AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT (.82 AC)

FILE.....R27
 DATE OF PLAN COMMISSION.....01/17/19
 AREA OF CHANGE......82 ACRES
 TAX KEY NUMBER.....DELT 0856.981



Prepared by the Waukesha County Department of Parks and Land Use





Voting Results for Ordinance 173-O-092

Absent The Roll Call System Map Of The Town Of Fitchburg County, Wisconsin, From The A-1 Agricultural District Shows To The A-2 Rural Home District (Sheet 027)

Passed By Majority Vote

AYE: 25
NAY: 0
ABSTAIN: 0
ABSENT: 0

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