

ENROLLED ORDINANCE 170-92

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD  
ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN  
PART OF THE SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD,  
WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL  
DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1824)

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 October 13, 2015, 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 R-1 Residential District, certain lands located in part of the SW ¼ of Section 27, 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 ZT-1824, is hereby approved.

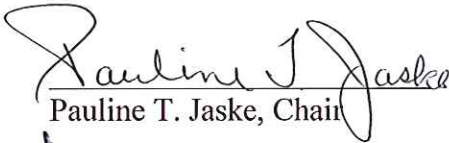
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

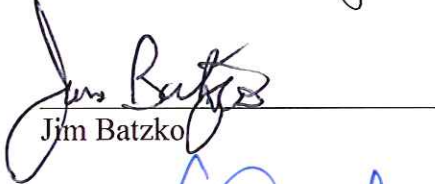
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

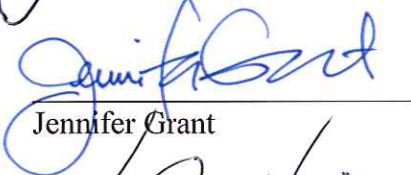
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

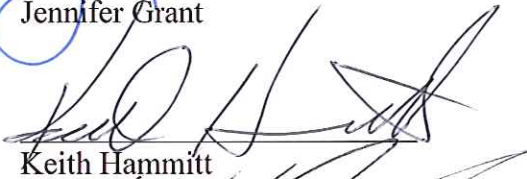
AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 27, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (ZT-1824)

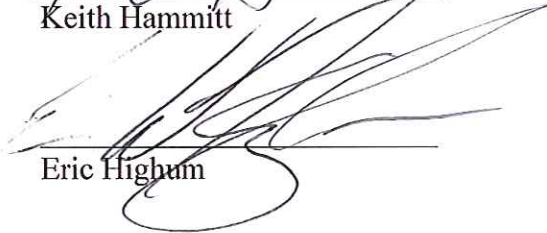
Presented by:  
Land Use, Parks, and Environment Committee

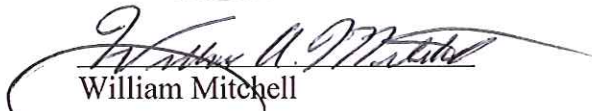
  
Pauline T. Jaske, Chair

  
Jim Batzko

  
Jennifer Grant

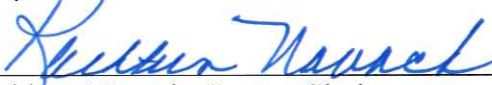
  
Keith Hammitt

  
Eric Highum

  
William Mitchell

  
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: 3/25/16,   
Kathleen Novack, County Clerk

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

Approved:  \_\_\_\_\_  
Vetoed:  \_\_\_\_\_  
Date: 3/28/16,   
Paul Farrow, County Executive

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

**DATE:** February 25, 2016  
**FILE NO.:** ZT-1824  
**PETITIONER/OWNER:** Randal Schoenfeld  
N6 W30515 Maple Avenue  
Waukesha, WI 53188

**TAX KEY NO.:** DELT 0828.997.004

**LOCATION:**  
Part of the SW ¼ of Section 27, T7N, R18E, Town of Delafield. More specifically the property is located at the Maple Avenue address cited above, containing approximately 1.56 acres.

**EXISTING LAND USE:**  
Single family residential.

**PROPOSED LAND USE:**  
Single family residential.

**EXISTING ZONING:**  
A-1 Agricultural District.

**PROPOSED ZONING:**  
R-1 Residential District.

**PUBLIC HEARING DATE:**  
October 6, 2015.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION ACTION:**  
The Town of Delafield Plan Commission, at their meeting of October 6, 2015 recommended approval of the request to the Town Board.

**TOWN BOARD ACTION**  
On October 13, 2015, the Town of Delafield Board approved the rezoning request. The Town transmitted the rezone ordinance to the Planning and Zoning Division on February 5, 2016.

**CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD COMPREHENSIVE DEVELOPMENT PLAN:**

The Waukesha County Comprehensive Development Plan designates the lands in the Rural Density and Other Agricultural Land category (5.0 to 34.9 acres per dwelling unit). The Town of Delafield Comprehensive Plan designates the lands in the same category.

**STAFF ANALYSIS:**

The petitioner owns an approximate 1.56 acre parcel located to the south side of Maple Avenue near the intersection of Mohawk Trail. The property is in single family residential use. The property is solely subject to the Town of Delafield Zoning Code and is currently zoned A-1 Agricultural, which requires a minimum of 40 acres. The petitioner intends to sell the property and would like to bring the property into a conforming district prior to sale. The similar property immediately adjacent to the west is also zoned R-1.

The Town's zoning code requires a minimum amount of open space per lot. The A-1 District requires 95% of the parcel to be open space, whereas the proposed R-1 District requires 85% open space. According to the Town Engineer, the property currently contains 92% open space, so the proposal to rezone would give the property owner the ability to construct additional improvements in the future.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The rezoning is consistent with Town and County Plan recommendations and the proposed rezoning will bring the property into a conforming zoning category which will provide additional opportunities for subsequent owners of the property to be able to further improve the lot.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map and Town Ordinance (2015-06)

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 2015-06

**An Ordinance to amend the Zoning Map  
of the Town of Delafield from A-1 to R-1 on lands located in the Northeast ¼ of the Southwest ¼ of  
Section 27, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin**

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 R-1 on the following described parcel of land:

Parcel 1 of CSM 6486 found in Volume 53 Pages 347-359, CSM's Waukesha County Register of  
Deeds, located in the Northeast ¼ of the Southwest ¼ of Section 27, T7N, R18E, 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.**

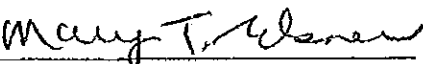
This ordinance shall take effect immediately upon passage by Waukesha County and posting or  
publication as provided by law.

This ordinance passed this 13<sup>th</sup> day of October, 2015.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

  
\_\_\_\_\_  
Lawrence G. Krause, Town Chairman

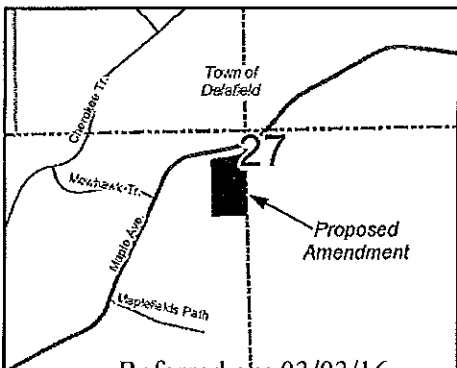
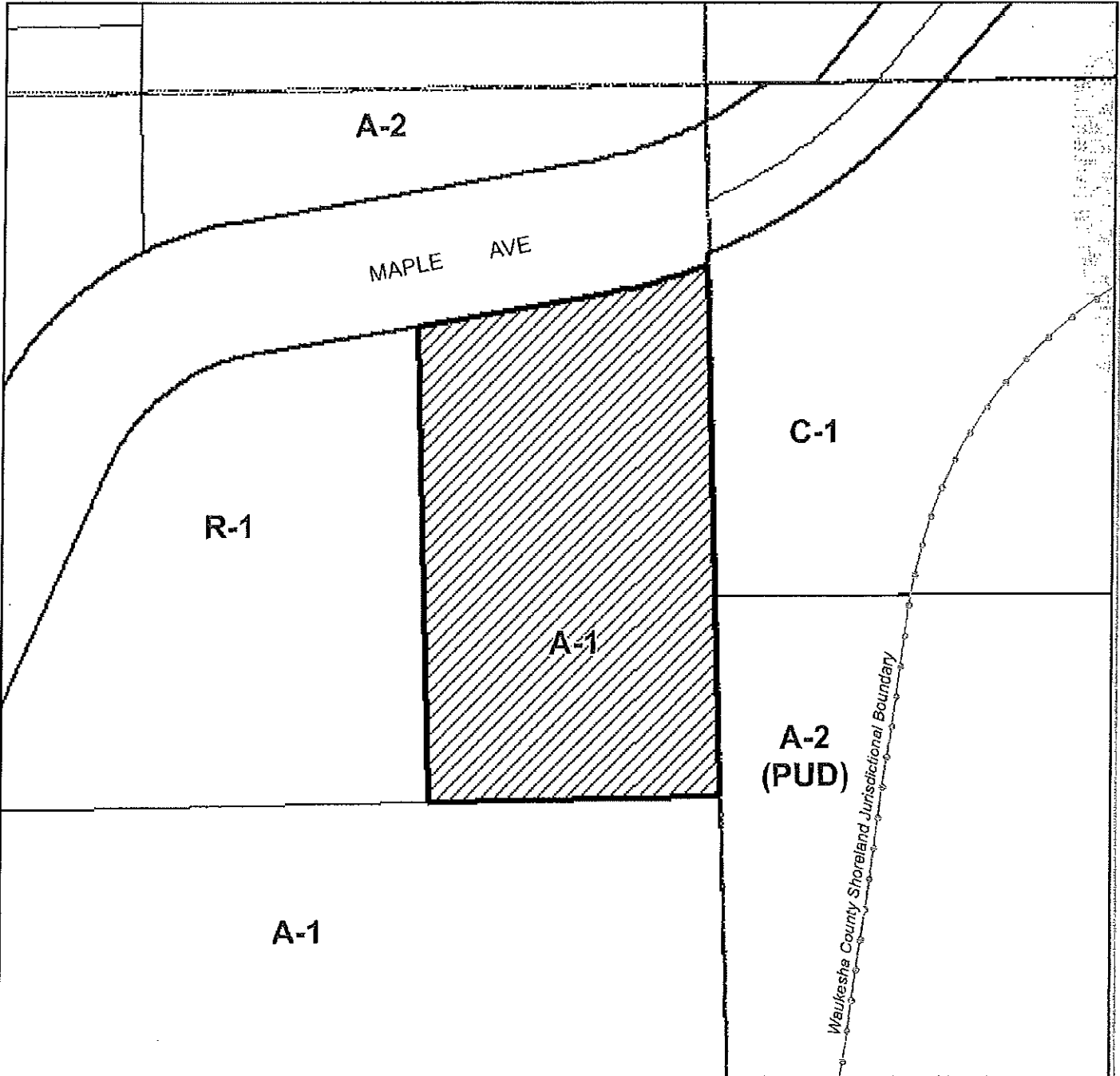
ATTEST:

  
\_\_\_\_\_  
Mary T. Elsner  
Town Clerk/Treasurer

tgb\_HA1151600Dec\O 151007 Schoenfeld Rezoning.docx

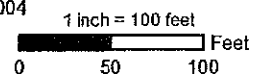
# ZONING AMENDMENT

PART OF THE SW 1/4 OF SECTION 27  
TOWN OF DELAFIELD



TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT

FILE NO. .... ZT-1824  
 PETITIONER..... RANDAL SCHOENFELD  
 DATE OF PLAN COMM. CONSIDERATION..... 02/25/16  
 AREA OF CHANGE..... 1.6 ACRES  
 TAX KEY NUMBERS..... DELT 0828.997.004



Referred on: 03/03/16

Prepared by the Waukesha County Department of Parks and Land Use  
 File Number: 170-O-095

Referred to: LU 6

COMMISSION ACTION

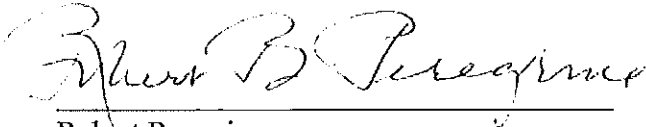
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of ZT-1824 (Randal Schoenfeld) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

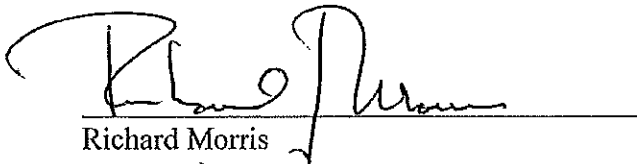
February 25, 2016

Absent

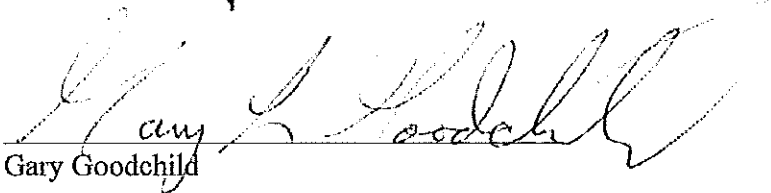
James Siepmann, Chairperson



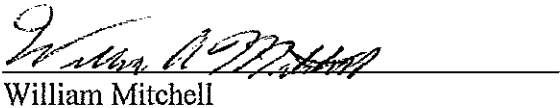
Robert Peregrine



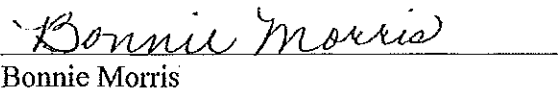
Richard Morris



Gary Goodchild



William Mitchell



Bonnie Morris

absent

Keith Hammitt

V

DATE-03/22/16

(ORD) NUMBER-1700095

- |                          |                          |
|--------------------------|--------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE  |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. WALZ.....           |
| 7 J. GRANT.....AYE       | 8 E. HIGHUM.....AYE      |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE      |
| 13 PT DECKER.....AYE     | 14 C. PETTIS.....AYE     |
| 15 B. MITCHELL.....AYE   | 16 M. CROWLEY.....AYE    |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE     |
| 19 K. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE      |
| 23 K. HAMMITT.....AYE    | 24 S. WHITTOW.....AYE    |
| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-24