

ENROLLED ORDINANCE 169-48

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE TO REPEAL AND RECREATE SECTION 17.05 5.AM.2.d. (6) RELATING TO CONDITIONS UNDER WHICH RESIDENTIAL PLANNED UNIT DEVELOPMENTS ARE PERMITTED (ZT-1792)

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 July 8, 2014, 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 60.61, 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, 1998, is hereby amended to repeal and recreate Section 17.05 5.AM.2.d. (6) relating to conditions under which Residential Planned Unit Developments are permitted, 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 ZT-1792 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.

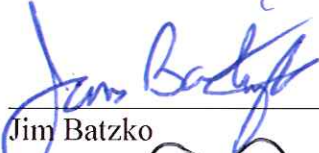
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

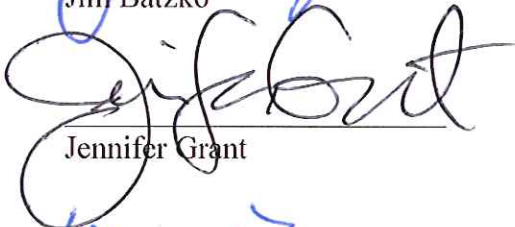
BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE TO REPEAL AND RECREATE SECTION 17.05 5.AM.2.d. (6) RELATING TO CONDITIONS UNDER WHICH RESIDENTIAL PLANNED UNIT DEVELOPMENTS ARE PERMITTED (ZT-1792)

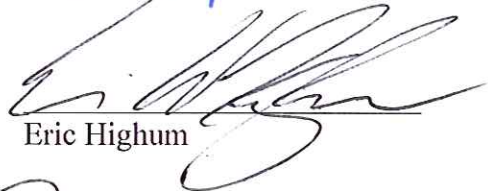
Presented by:
Land Use, Parks, and Environment Committee

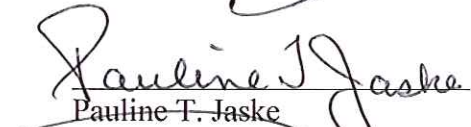

Walter L. Kolb, Chair


Jim Batzko


Jennifer Grant


Keith Hammitt


Eric Highum



Pauline T. Jaske


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: 8/26/14, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 8-27-14, 
Daniel P. Vrakas, County Executive


COMMISSION ACTION

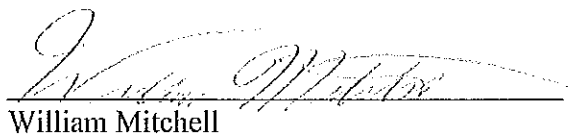
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends **approval** of **ZT-1792 (Town of Delafield Board)** in accordance with the attached "Staff Report and Recommendation".

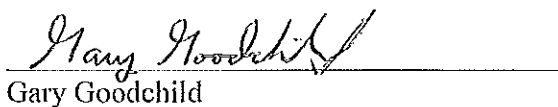
PARK AND PLANNING COMMISSION

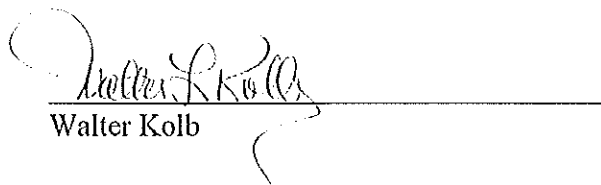
July 17, 2014

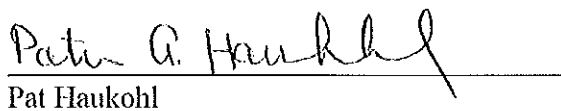

Robert Peregrine, Chairperson

ABSTAINED 
Jim Siepmann, Vice Chairperson


William Mitchell


Gary Goodchild


Walter Kolb


Pat Haukohl

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

FILE NO.: ZT-1792

DATE: July 17, 2014

PETITIONER: Town of Delafield Board
Town of Delafield Hall
N14 W30782 Golf Road
Delafield, WI. 53018

NATURE OF REQUEST:

Text amendment to repeal and recreate Section 17.05 5.AM.2.d.(6) of the Town of Delafield Zoning Code which will allow for a waiver option for Planned Unit Developments to be eligible for consideration on parcels less than 20 acres in area.

PUBLIC HEARING DATE:

July 1, 2014.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION:

On July 1, 2014, the Town of Delafield Plan Commission recommended in favor of the proposed amendment.

TOWN BOARD ACTION:

On July 8, 2014, the Town of Delafield Board voted to approve the proposed ordinance, as recommended by the Town Plan Commission.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The proposed text changes further the recommendations of the County Plan in providing a range of housing choices in unique neighborhoods. Planned Unit Developments (PUDs) provide substantial open space and assist in conserving natural resources. Therefore, the proposal to make PUDs available for more properties furthers plan recommendations.

BACKGROUND AND SUMMARY OF CHANGES

The Town of Delafield's Zoning Code currently generally limits the availability of the Conditional Use Planned Unit Development (PUD) option to properties that are greater than 20 acres in size. The proposed ordinance amendment would allow for the Town to consider, via waiver, a PUD process for parcels that are less than 20 acres and that are adjacent to a prior PUD development phase.

The County codes do not stipulate a minimum PUD parcel area and Planning & Zoning Staff recommends that the Town consider amending its code further in the future to allow for the same. Because PUDs must provide a specified amount of preserved open space, there do not appear to be good reasons for restricting the availability of a process that is intended to create more interesting developments with substantial open space. The Town has the right to consider appropriateness of any proposed PUD with regards to neighborhood context or other physical considerations and Planning & Zoning Staff feel that parcel size is not necessarily paramount in considering compatibility or viability of PUD projects.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that the proposed ordinance to amend the Town of Delafield Zoning Ordinance be **approved**. The proposed amendment will allow for PUDs to be considered on parcels smaller than 20 acres in limited situations. Such additional flexibility should help facilitate expansions of existing conservation design or PUD neighborhoods in appropriate settings.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town Ordinance

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ORDINANCE NO. 2014-06**AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.05 5. AM. 2.d. (6) OF THE TOWN OF DELAFIELD CODE OF ORDINANCES REGULATING ZONING**

WHEREAS, Chapter 17 of the Town of Delafield Code provides standards regulating zoning for the Town of Delafield; and

WHEREAS, the Plan Commission for the Town Board has recommended that the Town Board revise Chapter 17 of the Town of Delafield Code of Ordinances to update a regulation of the Code, and

WHEREAS, following a Class 2 notice, the Town Board of the Town of Delafield held a public hearing on July 1, 2014 concerning the text amendment as provided for in Section 17.10 of the Town of Delafield Code of Ordinances; and

WHEREAS, THE Town Board has determined that the adoption of the Plan Commission's recommendation will promote the public health, safety and general welfare of the community, lessen congestion in the streets and highways; further the orderly layout and use of the land; to secure safety from fire, panic and other dangers; to provide adequate light and air; including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of the municipality with a view of conserving the value of the buildings placed upon land; providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the municipality, and further finds that these amendments will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, THE TOWN BOARD FOR THE TOWN OF DELAFIELD, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "ZONING CODE", subsection 17.05 entitled "CONDITIONAL USES," subsection 5 entitled "CONDITIONAL USES PERMITTED," subsection AM entitled "Residential Planned Unit Development," subsection 2. Entitled "Conditions Under Which Permitted," subsection d. (6) shall be repealed and recreated as follows:

- (6) Except as specifically provided in subsection (6)(a), (7)(a), (7)(b) and (8)(a), below, the application of these regulations shall be limited to parcels of not less than 20 acres in area.
- (a) Adjacent Development Exception. The 20 acre minimum area requirement may be waived by the Town Plan Commission if the Town Plan Commission finds all of the following to be true:
1. The parcel for development (New Parcel) is adjacent to a previously constructed development or earlier phase of the same development (Old Parcel). Adjacent for purposes of this exception, includes land that shares a common lot line, and also land that would share a common lot line except for a public right-of-way that lies between the parcels.
 2. The planning objectives of the development of the Old Parcel would not be disrupted by, and would be consistent with, the planning objectives of the development of the New Parcel.

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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

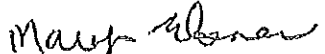
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 8th day of July, 2014.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD;


Paul L. Kanter, Town Chairman

ATTEST:


Mary Elsher, Town Clerk

RECEIVED

JUL 10 2014

DEPT OF PARKS & LAND USE

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/14

(ORD) NUMBER-1690048

1 R. KOLB.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 C. HOWARD.....AYE
 13 P. DECKER.....AYE
 15 W. KOLB.....AYE
 17 D. PAULSON.....AYE
 19 K. CUMMINGS.....AYE
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....
 25 G. YERKE.....AYE

2 D. Zimmermann.....AYE
 4 J. BATZKO.....AYE
 6 J. WALZ.....AYE
 8 E. HIGHUM.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 C. PETTIS.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER....AYE
 22 P. JASKE.....AYE
 24 S. WHITTOW.....

TOTAL AYES-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23