

ENROLLED ORDINANCE 179-24

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-03 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 36, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (RZ145)

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 May 14, 2024; 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 Town of Delafield Ordinance No. 2024-03 which amends the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to rezone from the A-1 Agricultural District to the A-3 Suburban Home District, certain lands located in the NW ¼ of Section 36, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, as 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, is hereby approved.

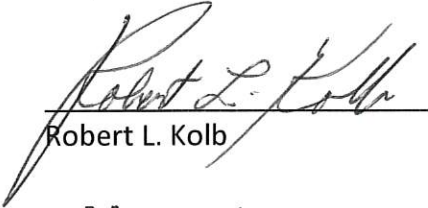
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2024-03 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN THE NW ¼ OF SECTION 36, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (RZ145)

Presented by:
Land Use, Parks, and Environment Committee


Christine M. Howard, Chair


Wayne Euclide


Robert L. Kolb

Absent


Johnny Koremenos


Brian Meier


Richard Morris


Steve Styza

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

Date: 7/29/2024, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

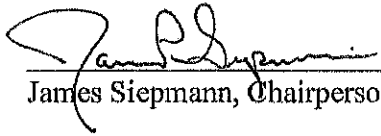
Date: 7/29/24, 
Paul Farrow, County Executive

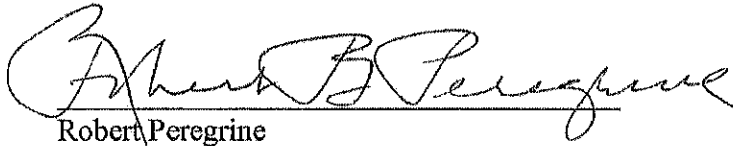
COMMISSION ACTION

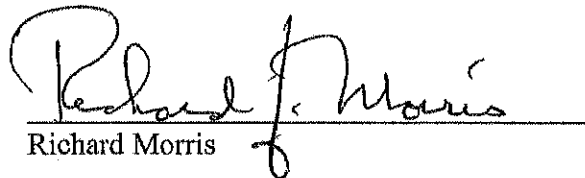
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of **RZ145 (Hulls)** in accordance with the attached "Staff Report and Recommendation".

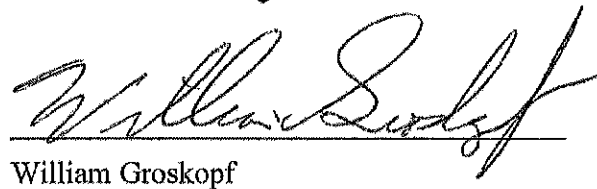
PARK AND PLANNING COMMISSION

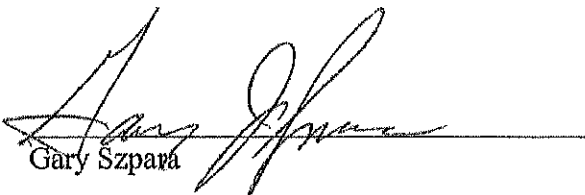
June 20, 2024

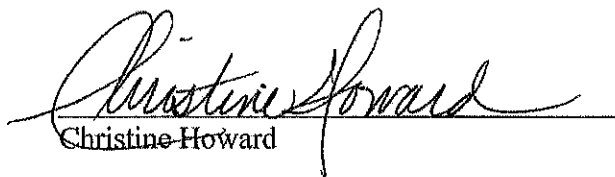

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara


Christine Howard

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

DATE: June 20, 2024

FILE NO.: RZ145

OWNER: Katrina Hulls
W289 N3322 Lost Creek Ct.
Pewaukee, WI 53072

TAX KEY NO.: DELT 0862.997

LOCATION:
The property is described as part of the W ½ of the NW ¼ of Section 36, T7N, R18E, Town of Delafield. More specifically, the property is located at W288 S250 Elmhurst Road and contains approximately 2.2 acres.

EXISTING ZONING:
A-1 Agricultural District

PROPOSED ZONING:
A-3 Suburban Home District

EXISTING USE(S):
Residential

REQUESTED USE(S):
Residential

PUBLIC HEARING DATE:
May 7, 2024

PUBLIC COMMENT:
None

TOWN PLAN COMMISSION AND BOARD ACTION:
On May 7, 2024, the Town of Delafield Plan Commission recommended unanimous approval of the rezone. On May 14, 2024, the Town of Delafield Board recommended unanimous approval of the rezone.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:
The lands are designated in the Rural Density and Other Agricultural Lands (one dwelling unit per five acres) category. The parcel contains one dwelling unit that existed prior to its designation in this category. The plans recommend zoning lands as used. Therefore, because the zoning change does not create additional density, the proposal conforms to plan recommendations.

STAFF ANALYSIS:
The subject 2.2-acre parcel has frontage on Elmhurst Road. The parcel is fairly long and narrow and contains a wetland in the middle part of the property with wooded areas to the east. The petitioners have recently razed a non-conforming garage that sat near the road and the existing home remains. The existing A-1 zoning designation has a 40-acre minimum lot size. The A-3 district minimum lot area is two acres. The A-3 district requires 85% open space, whereas the A-1 requires 95% open space. The amended

category will enable the petitioner to construct an outbuilding in a conforming location without violating the open space standards of the proposed zoning designation.

STAFF RECOMMENDATION:

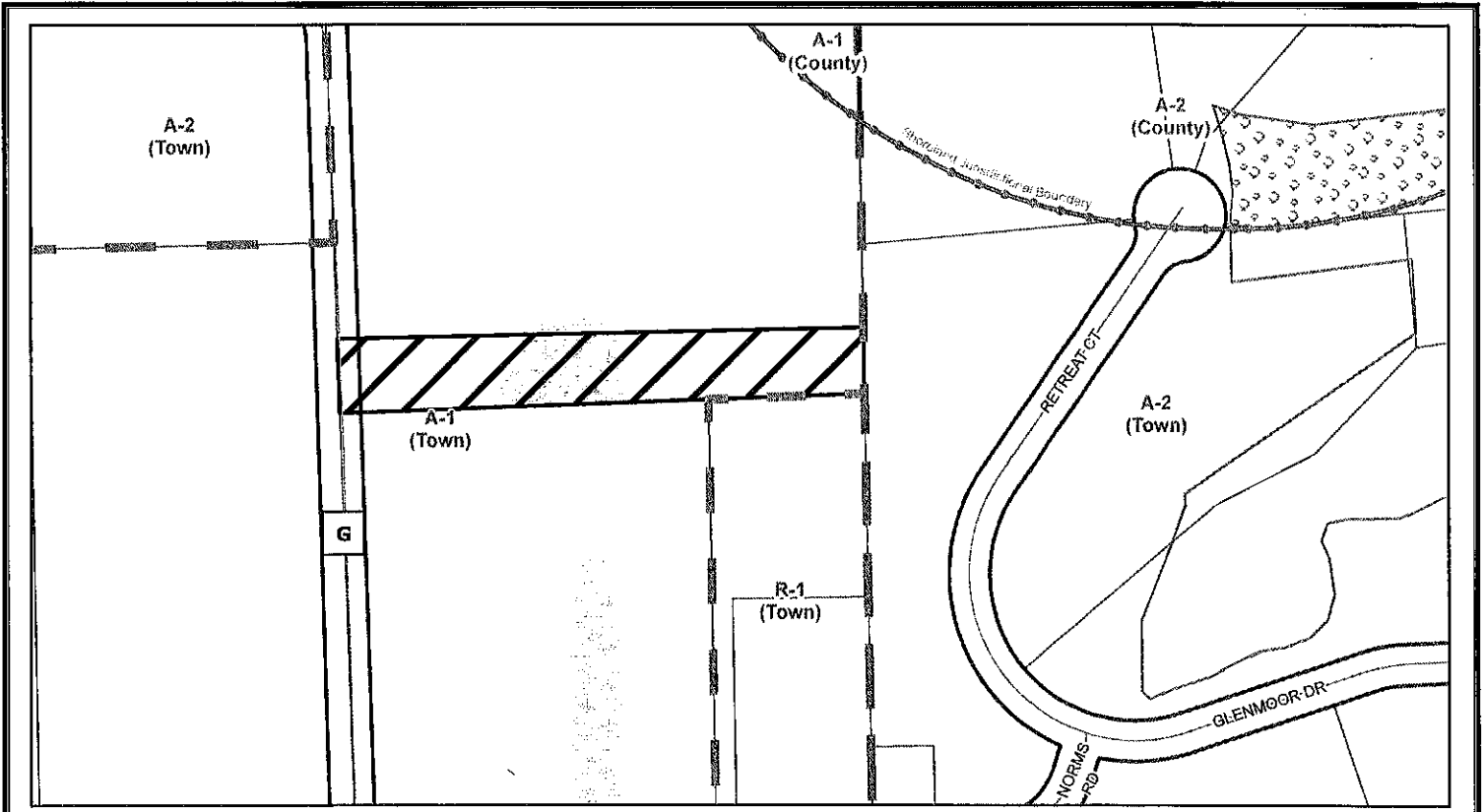
It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed rezoning places the subject parcel to a more appropriate category and will allow for a reasonable amount of impervious surface on the lot enabling the owners to further improve the lands.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning Manager

Attachments: Rezone Map
 Town Ordinance No. 2024-03






ZONING AMENDMENT

W 1/2 OF THE NW 1/4 OF SECTION 36,
T7N, R18E, TOWN OF DELAFIELD

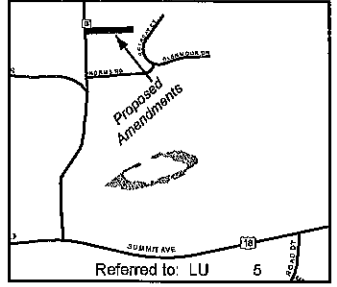
0 115 230
Feet

Referred on: 07/01/24

 TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-3 SUBURBAN HOME DISTRICT
 EC Environmental Corridor Overlay
 C-1 Conservancy Overlay

FILE.....RZ145
 DATE OF PLAN COMMISSION.....06/20/24
 AREA OF CHANGE.....2.2 ACRES
 TAX KEY NUMBER.....DELT 0862.997

File Number: 179-O-024



STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2024-03

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD
FROM A-1 TO A-3 ON LANDS LOCATED AT W288S250 ELMHURST ROAD, TAX
KEY DELT 0862-997, 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 A-3 on the following described parcel of land:

Part of the West ½ of the Northwest ¼ of Section 36, T7N R18E, commencing at the Northwest corner of said section, thence running East on the North line of said Section 1344.96 feet to the West 1/8 line of said Section; then South on West 1/8 line 605.41 feet to the point of beginning; then continuing South on West 1/8 line 104.00 feet; then South 87°32'22" West 845.78 feet to the centerline of Highway "G", thence North 1°53'44" West, along said centerline 125.30 feet; thence South 88°47'09" West, 847.51 feet to the West 1/8 line and the point of beginning.

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.

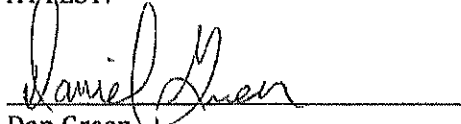
This ordinance passed this 14th day of May 2024.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Edward Kranick, Town Chairman

ATTEST:



Dan Green
Town Administrator/Clerk/Treasurer

VOTE RESULTS

24 YES 0 NO 0 ABSTAIN 1 ABSENT

Ordinance 179-O-024

Ordinance 179-O-024: Approve Town of Delafield Ordinance No. 2024-03 Which Amends the District Zoning Map of the Town of Delafield Zoning Code by Rezoning Cert 77N, R18E, Town of Delafield, Waukesha County, Wisconsin, from the A-1 Agricultural District to the A-3 Suburban Home District (RZ145)

Passed By Majority Vote

D1 - Styza	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	M	D20 - Schellinger	AYE
D3 - Morris	S AYE	D12 - Wolf	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Grant	ABSENT	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

4th Meeting, 179th Year of the County Board of Supervisors - July 23 2024 07:35:20 PM
July 23, 2024

