

ENROLLED ORDINANCE 177-43

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY ESTABLISHING SHORELAND ZONING FOR 19 PROPERTIES LOCATED IN THE SE ¼ AND SW ¼ OF THE SW ¼ OF SECTION 25 AND THE NE ¼ AND NW ¼ OF THE NW ¼ OF SECTION 36, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN (RZ101)

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 June 14, 2022; 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 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Delafield, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on June 23, 1970, is hereby amended to establish Shoreland Zoning on 19 properties located in the SE ¼ and SW ¼ of the SW ¼ of section 25 and the NE ¼ and NW ¼ of the NW ¼ of Section 36, 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 RZ101, is hereby approved.

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

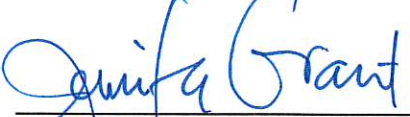
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD BY ESTABLISHING SHORELAND
ZONING FOR 19 PROPERTIES LOCATED IN THE SE ¼ AND SW ¼ OF THE SW ¼ OF
SECTION 25 AND THE NE ¼ AND NW ¼ OF THE NW ¼ OF SECTION 36, T7N, R18E,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN (RZ101)

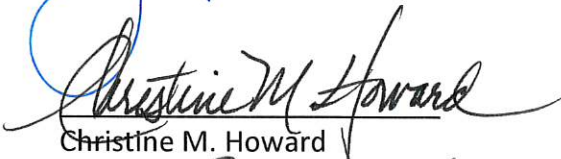
Presented by:
Land Use, Parks, and Environment Committee



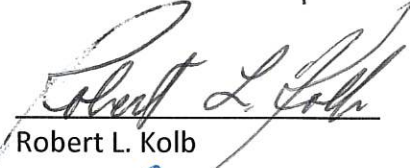
Thomas A. Michalski, Chair




Jennifer Grant



Christine M. Howard



Robert L. Kolb



Brian Meier



Chris Mommaerts

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

Date: 8/29/22, Kelley Jaeger, Deputy
Margaret Wartman, County Clerk

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

Approved: X

Vetoed:

Date: 8/29/2022, Paul Farrow

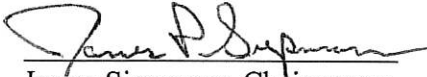
Paul Farrow, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends **approval** of **RZ101 (Waukesha County-Department of Parks and Land Use)** in accordance with the attached "Staff Report and Recommendation".


PARK AND PLANNING COMMISSION

July 21, 2022


James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson


Robert Peregrine


Richard Morris


William Groskopf

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

DATE: July 21, 2022

FILE NO.: RZ101

TAX KEY NO.: Multiple

APPLICANT: Waukesha County Department of Parks and Land Use
515 W. Moreland Blvd., Room AC230
Waukesha, WI 53188

LOCATION:
There are 19 properties affected. The properties are located in the SE ¼ and SW ¼ of the SW ¼ of Section 25 and the NE ¼ and NW ¼ of the NW ¼ of Section 36, T7N, R18E, Town of Delafield.

PRESENT ZONING CLASSIFICATION:
A-2 Rural Home District and A-1 Agricultural District (Town of Delafield).

PRESENT LAND USE: Residential, agricultural, conservancy.

PROPOSED ZONING:
Establishment of the County's zoning authority under the Waukesha County Shoreland and Floodland Protection Ordinance extending 1,000 feet from the Ordinary High Water Mark of a navigable pond. The zoning includes A-2 Rural Home, EC Environmental Corridor Overlay, C-1 Conservancy Overlay, HG High Groundwater and A-1 Agricultural Districts.

PROPOSED LAND USE:
Residential, agricultural and conservancy.

PUBLIC HEARING DATE:
June 7, 2022

PUBLIC REACTION:
One resident asked the County to clarify the zoning districts that were being proposed.

TOWN PLAN COMMISSION:
On June 7, 2022, the Town Plan Commission recommended approval of the rezoning request. The motion carried 4-1.

TOWN BOARD ACTION
On June 14, 2022, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN (CDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:

The Town Land Use Plan and County Comprehensive Development Plan designate the subject area as Suburban Density Residential II (3.0 – 4.9 ac/du), Rural Density and Other Agricultural, Isolated Natural Resource Area and Government and Institutional. The proposed zoning complies with both plans.

OTHER CONSIDERATIONS:

The Waukesha County Shoreland and Floodland Protection Ordinance jurisdictional limits apply to all structures, land and water in the unincorporated areas, that are within 1,000 ft. from the Ordinary High Water Mark (OHWM) of a navigable lake or pond, 300 ft. from the OHWM of a navigable river or stream, or the landward side of the floodplain, whichever is greater. In 2018, a request was made to the DNR by a private property owner to determine the navigability status of a small wetland pond located on their property, which is located in the Sylvan Hills subdivision south of I-94 and east of C.T.H. G in the Town of Delafield. The DNR determined that the pond was navigable, which enabled the establishment of county shoreland zoning. The northwest portion of the subdivision is already under the County's shoreland jurisdiction due to the proximity to Etter Lake. The 1,000 ft. buffer from the wetland pond extends the County's jurisdiction further south into the Sylvan Hills subdivision and the northern parcels of The Retreat subdivision, as well as some agricultural fields.

Nineteen properties are either wholly or in part proposed to be incorporated into the County's zoning jurisdiction. The proposed A-1 and A-2 County zoning districts mirror that of the town's existing zoning districts. The Town's A-1 Agricultural District requires larger lots than the County's A-1 Agricultural District (20 acres vs. 3 acres, respectively). However, both areas being zoned as A-1 in the southeast and southwest of the 1,000 ft. buffer do not appear to allow for the creation of a new lot due to access issues. Required setback, offsets and maximum square footage also may vary slightly between the town and county zoning codes, however, the allowed uses remain similar. All the residential parcels within the subject area have been developed, except for two parcels (and one outlot) within The Retreat subdivision to the south, which notes on the recorded plat that these properties will be under the County's Shoreland jurisdiction.

The Shoreland and Floodland Protection Ordinance also includes zoning districts that identify existing natural resources and soils indicative of high groundwater. The proposed zoning districts for the subject area consist of the HG High Groundwater District, C-1 Conservancy Overlay District, and EC Environmental Corridor Overlay District. The overlay districts coincide with existing natural resource inventories.

STAFF RECOMMENDATION

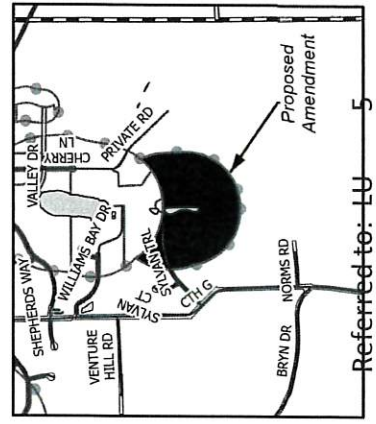
The Planning and Zoning Division Staff recommends approval of the proposed zoning districts under the Waukesha County Shoreland and Floodland Protection Ordinance due to a waterbody being deemed navigable. State statute requires counties to administer shoreland zoning within certain distances from navigable waters in the unincorporated areas. This action complies with state law and results and the zoning change generally mirrors the town zoning scheme in the area.






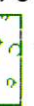
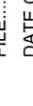
Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Planner

Attachments: Map



| | |
|---|--|
|  | Shoreland Zoning amendment to establish A-1 Zoning |
|  | Shoreland Zoning amendment to establish A-2 Zoning |
|  | Shoreland Zoning amendment to establish HG Zoning |
|  | Shoreland Zoning amendment to establish C-1 Conservancy (Wetlands) |
|  | Overlay Zoning |
|  | Shoreland Zoning amendment to establish EC Environmental Corridor |
|  | Overlay Zoning |

FILE.....RZ101
 DATE OF PLAN COMMISSION.....7/21/22
 AREA OF CHANGE.....64.4 ACRES
 TAX KEY NUMBER.....MULTIPLE

ZONING AMENDMENT

PART OF THE SW 1/4, SECTION 25,
TOWN OF DELAFIELD

0 0.5 1 Miles

Referred on: 08/04/22

File Number: 177-0-045

Prepared by the Waukesha County Department of Parks and Land Use


Referred to: LU 5

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN | ABSENT 2

Ordinance 177-O-045

Ordinance 177-O-045: Amend The Waukesha County...

 Passed By Majority Vote

| | | | |
|----------------|--------|-------------------|--------|
| D1 - Foti | AYE | D14 - Mommaerts | AYE |
| D2 - Weil | AYE | D15 - Kolb | AYE |
| D3 - Morris | AYE | D16 - Crowley | AYE |
| D4 - Batzko | AYE | D17 - Meier | AYE |
| D5 - Grant | AYE | D18 - Nelson | AYE |
| D6 - Walz | AYE | D19 - Enriquez | AYE |
| D7 - LaFontain | AYE | D20 - Schellinger | AYE |
| D8 - Michalski | AYE | D21 - Gaughan | AYE |
| D9 - Heinrich | ABSENT | D22 - Varant | ABSENT |
| D10 - Thieme | AYE | D23 - Hammitt | AYE |
| D11 - Howard | AYE | D24 - Bangs | AYE |
| D12 - Wolff | AYE | D25 - Johnson | AYE |
| D13 - Decker | AYE | | |

August 23 2022 - August 23 2022 07:07:00 PM

