

ENROLLED ORDINANCE 178-2

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY
REPEALING AND RECREATING SECTION 17.08 7. B, RELATING TO THE
PROCEDURE FOR ISSUANCE OF SIGN PERMITS
RZ113

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 February 14, 2023; 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.

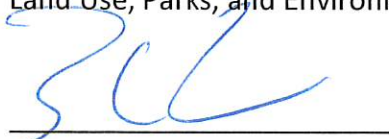
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, is hereby amended to repeal and recreate Section 17.08 7. B, relating to the procedure for issuance of sign permits, more specifically 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 RZ113, 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 TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY REPEALING AND RECREATING SECTION 17.08 7. B, RELATING TO THE PROCEDURE FOR ISSUANCE OF SIGN PERMITS RZ113

Presented by:
Land Use, Parks, and Environment Committee



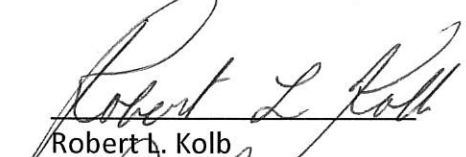
Tyler J. Foti, Chair



Jennifer Grant



Christine M. Howard



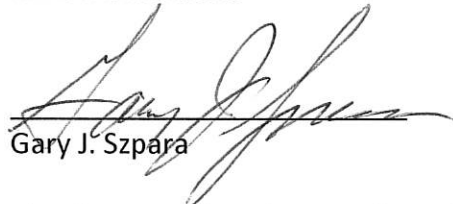
Robert L. Kolb



Brian Meier



Chris Mommaerts



Gary J. Szpara

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

Date: May 1 2023, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

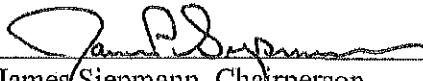
Date: May 1, 2023, Paul Farrow
Paul Farrow, County Executive

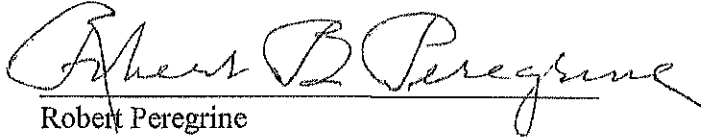
COMMISSION ACTION

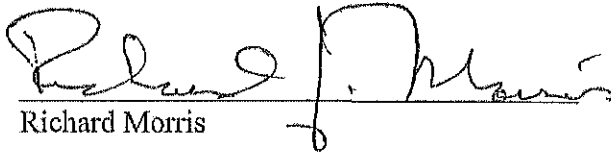
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Delafield Zoning Code hereby recommends approval of **RZ113 (Text Amendment/Town of Delafield Board)** in accordance with the attached "Staff Report and Recommendation".

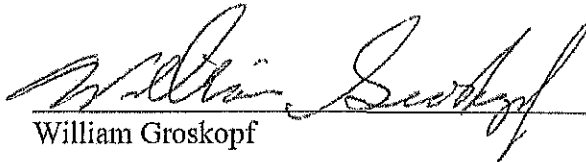
PARK AND PLANNING COMMISSION

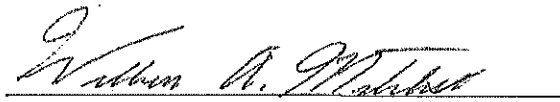
March 16, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


William Mitchell

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

FILE NO.: RZ113
DATE: March 16, 2023
PETITIONER: Town of Delafield Board
W302 N1254 Maple Ave.
Delafield, WI 53018

REQUEST:
Amend the Town of Delafield Zoning Code (Town Ordinance No. 2023-06) relating to the procedure for issuance of sign permits.

PUBLIC HEARING DATE:
February 7, 2023.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION ACTION:
The Town of Delafield Plan Commission, at their meeting of February 7, 2023, unanimously recommended approval of the request.

TOWN BOARD ACTION:
The Town Board of Delafield, at their meeting of February, 14, 2023, unanimously recommended approval of the request per Town Ordinance 2023-06.

COMPLIANCE WITH THE COUNTY LAND DEVELOPMENT PLAN:
The plan does not provide any guidance for the assignment of basic administrative zoning review functions, however, the proposed changes should make reviews more expedient which can be construed as contributing positively to economic development.

OTHER CONSIDERATIONS:
The Town of Delafield is proposing a minor amendment to its signage review procedures. The amendments would eliminate the necessity of some signage requests needing to be before the town plan commission for review. The Code Enforcement Officer would review all permits. The changes make signage review an entirely administrative staff review function.

STAFF RECOMMENDATION:
It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposed amendments make sign review a more simple administrative process which should make the review process more expedient for applicants.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachment: Town of Delafield Ordinance No. 2023-06

JF:kb

Referred on: 03/21/23

File Number: 178-O-003

Referred to: LU

3

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2023-06

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.08 7. B. OF THE
TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING THE PROCEDURE FOR
ISSUANCE OF SIGN PERMITS**

WHEREAS, Section 17.08(7)(B) of the Town of Delafield Municipal Code requires Plan Commission approval of certain sign permits; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the Town's governing bodies, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Code Enforcement Officer, who is under the supervision of the Town Administrator, the power to approve the issuance of sign permits; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes once each week for two consecutive weeks prior to the hearing, as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board and Town Plan Commission held a joint public hearing to consider input regarding the proposed ordinance on February 7, 2023; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that ordinance to allow the Town staff to issue sign permits is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the

neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Code" Section 17.08 entitled "Signs," subsection 7. entitled "Permits, Requirements and Procedures," subsection B. entitled "Procedure," is hereby repealed and re-created as follows.

B. Procedure.

~~1. Initial Review.~~ All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, ~~who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission.~~ The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter, and shall otherwise issue the sign permits.

~~2. Plan Commission.~~ Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to approve or deny the application based on the following factors:

~~a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.~~

~~b. The proposed sign conforms to the location, size and style requirements set forth in this chapter.~~

~~c. The proposed sign conforms to the Town's long-range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., and Comprehensive Plan per Section 66.1001, Wis. Stats., or relevant portions thereof.~~

~~d. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.~~

SECTION 2: SEVERABILITY.

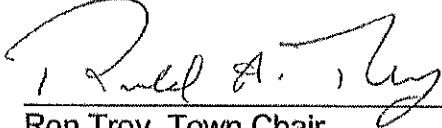
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 be effective upon publication or posting as provided by law.

Dated this 4th day of February, 2023.

TOWN OF DELAFIELD


Ron Troy, Town Chair

ATTEST:


Dan Green Town Administrator-Clerk/Treasurer


This ordinance posted or published 2/15/2023.

VOTE RESULTS

24 YES 0 NO 0 ABSTAIN 1 ABSENT

Ordinance 178-O-003

Ordinance 178-O-003: Amend The Text Of The Town Of Delafield Zoning Code By Repealing And Recreating S
Issuance Of Sign Permits RZ113

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	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		

ORDINANCE ADMINISTRATIVE FACT SHEET

Title of O/R:	AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE BY REPEALING AND RECREATING SECTION 17.08 7. B, RELATING TO THE PROCEDURE FOR ISSUANCE OF SIGN PERMITS RZ113	
Submitting Department:	Parks and Land Use – Planning & Zoning	
Department Contact(s): (Include dept. manager or staff who has worked on this ordinance in addition to the dept. head)	Dale Shaver, Director Jason Fruth, Planning Manager	
Who will appear at committee meetings?	Jason Fruth, Planning Manager	
Date of Co. Board Meeting at which you plan O/R to be considered:	04/25/23	Fiscal Note by DOA? N
Routing Number:	Routing #100-08-23	

<u>Checklist</u>	
<input checked="" type="checkbox"/>	Cover Sheet
<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Signature Sheet
<input checked="" type="checkbox"/>	Staff Report
<input type="checkbox"/>	N/A Map
<input checked="" type="checkbox"/>	Town Ordinance
<input checked="" type="checkbox"/>	Initials/kb

Does this O/R create or abolish any positions or involve other Human Resources issues in your department?

_____ Yes* X No

* If yes, the ordinance should be reviewed by HR prior to submission to Corp. Counsel.

Does this O/R appropriate or transfer expenditure authority, additional resources or change the Budget intent?

_____ Yes* X No

*If department staff developed a fiscal impact statement, please send to your assigned budget analyst concurrent with forwarding of O/R to Corp. Counsel.

Does this O/R authorize the execution of any new or extended contracts/leases/MOUs or other agreements that obligate the County?

_____ Yes* X No

*If yes, the proposed documents must be forwarded to risk management and Corp. Counsel for approval. The O/R will not be forwarded to the Co. Board until related agreements receive approval. Departments are responsible for putting approved documents on file with the Co. Clerk.

Are there documents (other than contracts, leases or MOUs) that should be included with this O/R before it goes to the County Board office?

 X Yes* _____ No

If yes, all documents must be received by Corp. Counsel before the ordinance can be forwarded to DOA for review. Contracts or leases that are affected by or are the subject of an O/R must be provided to Corp. Counsel.

Has this O/R been reviewed by Corporation Counsel?

 x Yes _____ No

Sec. 59.14(1m) Summary (for publication purposes): This ordinance will repeal and recreate Section 17.08 7. B, relating to the procedure for issuance of sign permits in the Town of Delafield Zoning Code.

Referred on: 03/21/23	File Number: 178-O-003	Referred to: LU
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