

ENROLLED ORDINANCE 178-12

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (RZ117)

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 March 28, 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 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 A-3 Suburban Home District, certain lands located in part of the NE ¼ of Section 31, 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 RZ117, is hereby approved.

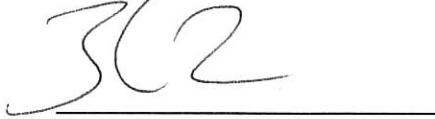
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

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

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-3 SUBURBAN HOME DISTRICT (RZ117)

Presented by:

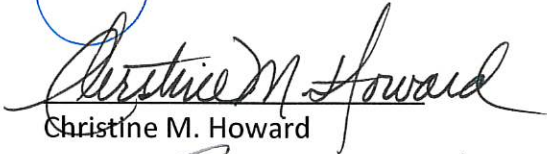
Land Use, Parks, and Environment Committee



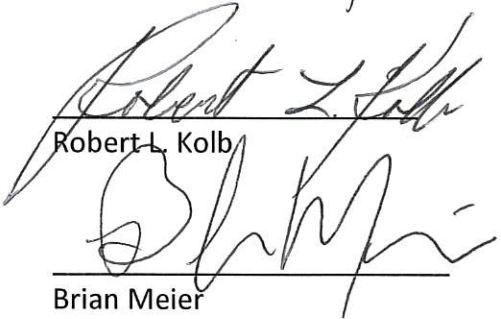
Tyler J. Foti, Chair



Jennifer Grant



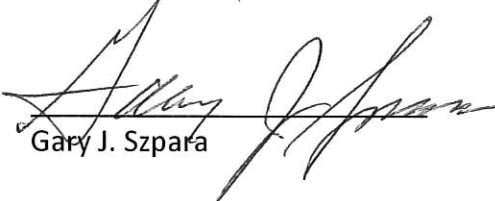
Christine M. Howard



Robert L. Kolb

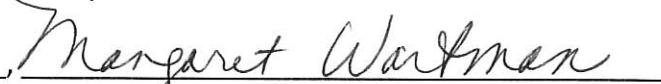
  
Brian Meier

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: 5/30/2023,   
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 4/2/2023,   
Paul Farrow, County Executive

**VOTE RESULTS**

21 YES | 1 NO | 0 ABSTAIN | 3 ABSENT

**Ordinance 178-O-012**

Ordinance 178-O-012: Amend the District Zoning Map of the Town of Delafield Zoning Code by Rezoning Ce  
Section 31, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, from the A-1 Agricultural District to the A-3 Suburban Home District (RZ117)

 **Passed By Majority Vote**


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

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 RZ117 (Kessler) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

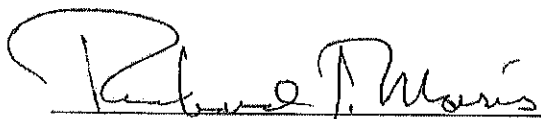
April 20, 2023

  
\_\_\_\_\_

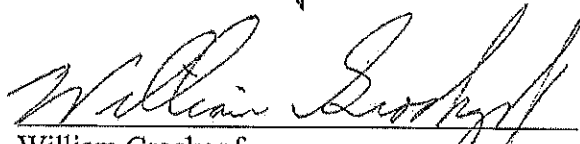
James Siepmann, Chairperson

**Absent**


Robert Peregrine

  
\_\_\_\_\_

Richard Morris

  
\_\_\_\_\_

William Groskopf

  
\_\_\_\_\_

William Mitchell

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

**DATE:** April 20, 2023

**FILE NO.:** RZ117

**OWNER:** Bruce J. Kessler Living Trust  
W333 S221 Glen Oaks Drive  
Delafield, WI 53018

**APPLICANT:** Scott Kessler  
W334 N5810 Garvin Lane  
Nashotah, WI 53058

**TAX KEY NO.:** DELT 0841.031.002

**LOCATION:**  
The property is described as part of the NE ¼ of Section 31, T7N, R18E, Town of Delafield. More specifically the property is located on Cushing Park Road containing approximately 2.8 acres.

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

**PROPOSED ZONING:**  
A-3 Suburban Home District

**EXISTING USE(S):**  
Vacant lot

**REQUESTED USE(S):**  
Single-family residential home site

**PUBLIC HEARING DATE:**  
March 21, 2023

**PUBLIC COMMENT:**  
None

**TOWN PLAN COMMISSION AND BOARD ACTION:**  
On March 21, 2023, the Town of Delafield Plan Commission recommended unanimous approval of the rezone.

On March 28, 2023, 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 town and county land use plans designate the subject parcel in the Suburban I Density Residential category which allows a density of 1.5 to 2.9 acres per dwelling unit. The proposed rezoning complies with both plans.

**STAFF ANALYSIS:**  
The property owners are seeking a zoning change for their approximately three-acre property located on Cushing Park Road in order to make the parcel conforming to the Town of Delafield Zoning Ordinance.



There is no county shoreland zoning jurisdiction for this property, so the property is solely subject to the Town code. The Town Planner indicated that the former farm that was subdivided to create this parcel and several others along Cushing Park Road was zoned A-1 Agricultural District. At the time of the land division, the A-1 District allowed for a minimum lot size of three acres. The proposal to rezone the property to the A-3 Suburban Home District, which requires a two acre minimum lot size, would again make the lot conforming to the effective code. The primary difference between the A-1 and A-3 District standards is that the open space requirements in the A-3 District require less open space (85%) than the A-1 District (95%).

The proposal is consistent with the Town Land Use Plan and the County Development Plan which identify the property in the Suburban I Density Residential category (1.5-2.9 acres per dwelling unit maximum density). The Town Planner's report indicates that the town considered whether all properties within the town that were zoned A-1 should be examined when the lot area minimum for the A-1 District was altered. Upon the advice of the town attorney, the town chose to instead address each property at the request of individual property owners. If this request is approved, the subject property will match the zoning of the lot to the north which was rezoned to the A-3 District in 2012. It is anticipated that the owners of other vacant lots in the immediate vicinity may also request similar zoning changes in the future.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The proposal conforms to the town and county land use plans and will make the subject parcel a conforming lot.

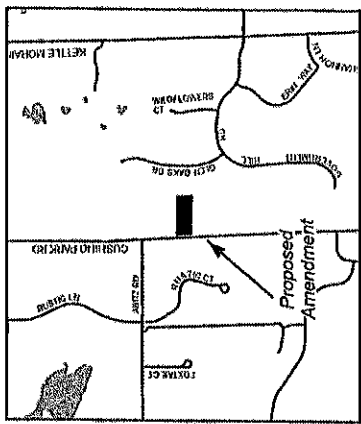
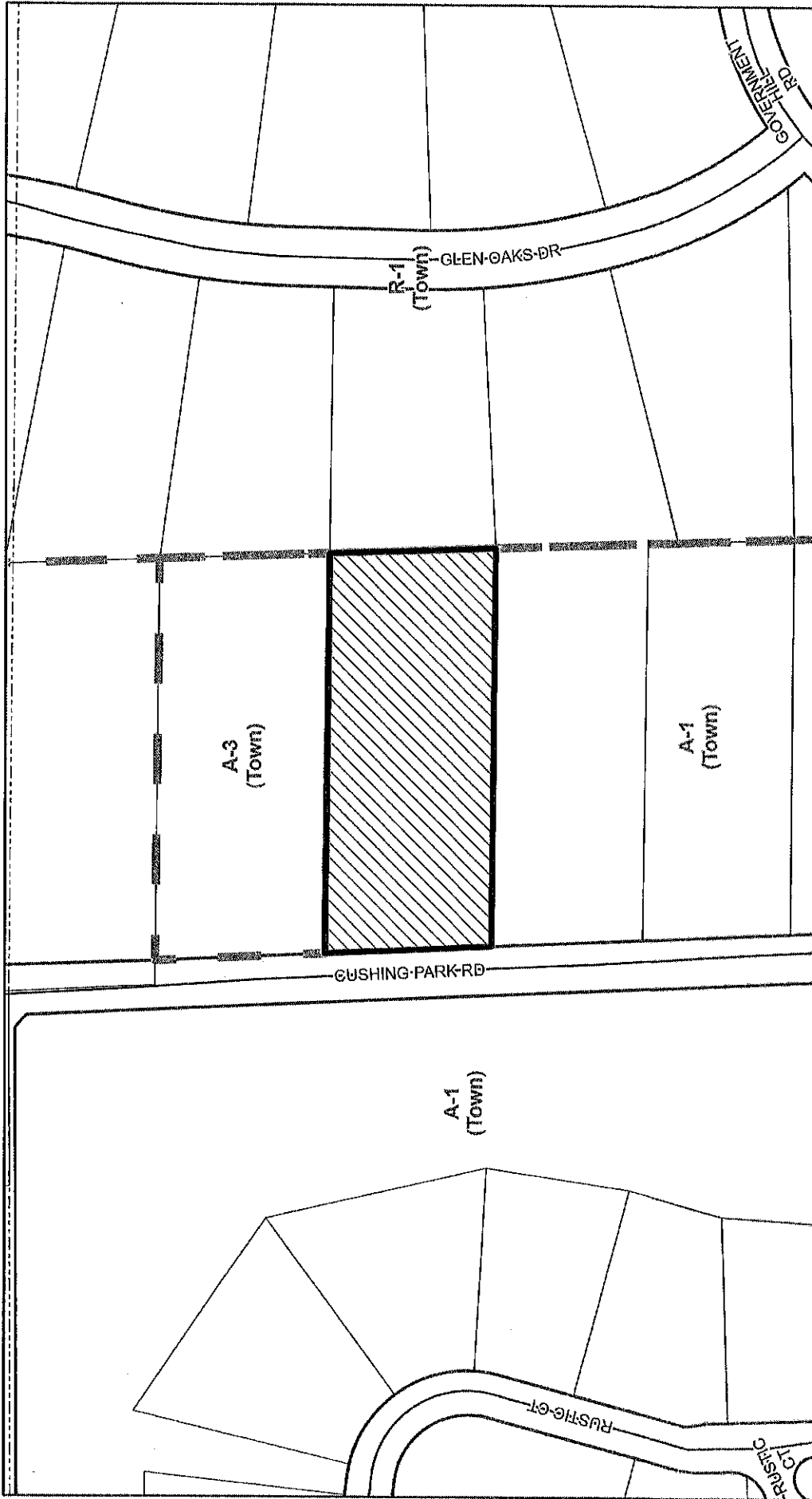
Respectfully submitted,



Jacob Heermans  
Senior Land Use Specialist

Attachments:      Rezone Map  
                            Town Ordinance

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TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO A-3 SUBURBAN HOME DISTRICT

FILE.....RZ117  
 DATE OF PLAN COMMISSION.....4/20/23  
 AREA OF CHANGE.....2.8 ACRES  
 TAX KEY NUMBER.....DELT 0841.031.002

**ZONING AMENDMENT**

PART OF THE NE 1/4, SECTION 31,  
 TOWN OF DELAFIELD

0 150 300 Feet

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2023-08

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**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD  
FROM A-1 TO A-3 ON LANDS LOCATED AT THE NORTH ¼ CORNER OF SECTION  
31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN**

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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:

Commencing at the North ¼ corner of Section 31, T7N, R18E, thence South 2°32' East, 433.17 feet to the point of beginning; thence South 89°15' East, 574.16 feet; thence South 1°44' East, 227.00 feet; thence North 89°15' West, 570.96 feet; thence North 2° 32' West, 227.16 feet to the point of beginning, excluding the westerly 33 feet for road purposes

**SECTION 2: Severability.**

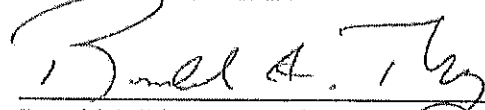
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision,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

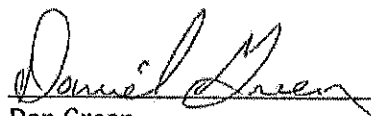
This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 28th day of March 2023.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

  
\_\_\_\_\_  
Ronald A. Troy, Town Chairman

ATTEST:

  
\_\_\_\_\_  
Dan Green  
Town Administrator/Clerk/Treasurer

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