

*Enrolled* 1  
~~PROPOSED ORDINANCE 156-T~~

AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE TO PROVIDE FOR  
THE MODIFICATION OF OPEN SPACE REQUIREMENTS ON RESIDENTIAL LOTS,  
MULTIPLE HOME OCCUPATION PROVISIONS AND PLANNED UNIT  
DEVELOPMENTS AS REPLACEMENTS FOR RESIDENTIAL DESIGN VARIATION  
(ZT-1406)

WHEREAS the subject matter of this ordinance having been approved by the Delafield Town Board on August 22, 2000, after public hearing and the giving of requisite notice of said hearing, and duly referred and considered by the Waukesha County Park and Planning Commission and a recommendation for approval thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Section 60.61 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the ordinance amending the text of the Town of Delafield Zoning ordinance, approved by the Delafield Town Board on March 27, 1979, and recodified on July 20, 1998, to provide for the modification of open space requirements on residential lots, multiple home occupation provisions and Planned Unit Developments as replacements for Residential Design Variation, and 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-1406), 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.

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or with contravention of provisions of this ordinance are hereby repealed.

Referred on: 04/10/01	File Number: 156-O-001	Referred to: LU
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AMEND THE TEXT OF THE TOWN OF DELAFIELD ZONING CODE TO PROVIDE FOR  
THE MODIFICATION OF OPEN SPACE REQUIREMENTS ON RESIDENTIAL LOTS,  
MULTIPLE HOME OCCUPATION PROVISIONS AND PLANNED UNIT DEVELOPMENTS  
AS REPLACEMENTS FOR RESIDENTIAL DESIGN VARIATION (ZT-1406)

Presented by:  
Land Use, Parks, and Environment Committee

Paul G. Vrakas  
Paul G. Vrakas, Chair

Pauline T. Jaske  
Pauline T. Jaske

James Jeskewitz  
James Jeskewitz

Walter L. Kolb  
Walter L. Kolb

Karen J. McNelly 'No'  
Karen J. McNelly

Daniel F. Meissner  
Daniel F. Meissner

Ronald V. Rydberg  
Ronald V. Rydberg

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

Date: April 27, 2001, Patricia E. Madden  
Patricia E. Madden, County Clerk

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

Approved: ✓

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

Date: 4-30-01, D.M. Finley  
Daniel M. Finley, County Executive

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

FILE NO: ZT-1406

DATE: March 8, 2001

NAME OF PETITIONER: Town Board of Delafield  
Town Hall  
N14 W30782 Golf Road  
Delafield, Wisconsin 53018

**NATURE OF REQUEST:**

Amendments to the text of the Town of Delafield Zoning Ordinance to modify the requirements for open space on residential lots, to require minimum open space percentages for each lot in different zoning districts, provide for multiple home occupation being carried on in a single-dwelling unit subject to specific regulations approved by the Town, and minimum required parking for such uses, and to change the Residential Design Variation (RDV) reference on the Zoning Map to indicate that such developments are now known as Planned Unit Developments (PUD's), as the RDV provision was previously eliminated from the Ordinance.

**PUBLIC HEARING DATE:**

June 6, 2000 and October 24, 2000.

**PUBLIC REACTION:**

At the June 6, 2000 hearing, a number of residents were present from various homeowners associations and other areas throughout the Town who were in support for liberalization of the open space requirements as many of them built, pursuant to the new definition of open space under the Town of Delafield Ordinance, but are unable to build outdoor decks or accessory structures on their parcels. With respect to the October 24, 2001 hearing, only one person was present who was supportive of changing the open space requirements for the R-1 District, however, it was pointed out that the amendment applied to standard lots in the R-2 and R-3 Districts and to PUD's only.

**TOWN PLAN COMMISSION ACTION:**

The Town of Delafield Plan Commission, at their meeting on June 6, 2000, recommended in favor of the amendment of the provisions for home occupations. On September 19, 2000, the Commission recommended in favor of amending the open space provisions.

**TOWN BOARD ACTION:**

The Town of Delafield Board, at their meeting on June 13, 2000, recommended in favor of amending the home occupation and RDV provisions and on October 24, 2000, the Board voted in favor of the open space provisions amendment.

**COMPLIANCE WITH THE TOWN OF DELAFIELD LAND USE PLAN AND COUNTY DEVELOPMENT PLAN:**

These issues are related to the text of the Zoning Code and are not applicable to the issue of the Land Use Plan.

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**OTHER CONSIDERATIONS:**

The proposed amendment regarding the home occupations is to permit multiple home occupations, which may be carried out in a single-family dwelling unit as long as the home occupations meet all of the regulations contained in the Ordinance, specifically enumerated therein. It requires there be least two off-street parking spaces reserved for the business uses therein, rather than two spaces for each business. The other amendment regarding the RDV provides for notations on the Town of Delafield's Zoning Map. Previously, when the RDV provision was applied to a project in the Town, a notation was made on the Zoning Map of the Town so that anyone using that map would realize a specific area was subject to an RDV. Since the RDV provision has been eliminated from the Town's Code and substituted with a PUD provision, this amendment only changes the designation as shown on the map to reflect the fact that PUDs are now being utilized in the Town rather than the RDV designation.

With respect to the other amendment regarding open space, this amendment changes the open space requirement for the A-2 Rural Home, R-2 and R-3 Residential Districts. In the A-2 District (three-acre minimum) the present open space minimum on the lot is 95%, whereas the amendment provides for 92%. With respect to the R-2 (30,000 sq.ft. minimum) and R-3 (20,000 sq.ft. minimum) Residential Districts there shall be a minimum of 85% in these two categories remains the same, however, the new amendment provides for changes to lots having less than the minimum required lot size of the R-3 District known as legal nonconforming lots. The requirement will be provided on the basis of a sliding scale. For example, the Ordinance requires for a lot between 19,400 and 19,999 sq.ft., the open space percentage shall be 85%, and on a lot that has 17,000 to 17,599 sq.ft., the open space percentage minimum shall be 81%. The sliding scale ranges all the way down to lots that have 5,000 sq.ft. or less in area, in which case a 60% minimum will apply. It should also be recognized that the definition of open space in the Town of Delafield's Ordinance does not count or include areas occupied by structures, impervious surfaces, gravel drives or parking areas so the open space is of a natural-type surface.

The final part of the amendment alters the open space minimum percentages for lots in various zoning districts that will be subject to a PUD. At the present time the minimum open space is 85% for A-1, A-2, A-3, R-1 and R-1a Districts, which range in lot size from three acres down to one acre, with the R-2 District having an 80% requirement and the R-3 and RL Districts having a 75% requirement, both of which are ½ acre districts. The proposed amendments will allow 80% minimum open space for A-1, A-2, R-1a and R-2 lots, and 75% for the A-3, R-1, R-3 and RL Districts. This provision only applies to developments which are intended to be PUDs under the terms of the Town's Ordinance and do not apply to existing lots or any new lots created other than as PUDs.

**STAFF RECOMMENDATION:**

It is the opinion of the staff that this request be approved. We feel the proposed amendments serve to provide clarification and eliminate much controversy and administrative problems for issuance of Building Permits in the Town, which the Town has been experiencing with the newly recodified Ordinance of 1998. We feel the provisions are reasonable and provide for minimum requirements, which presently exist in the Town.

Respectfully submitted,



Richard L. Mace  
Planning and Zoning Manager

RLM:kab/smv

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State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 00-508

**An Ordinance modifying Section 17.03 1. D.  
of the Town Code of Ordinances  
and the Town of Delafield Zoning Map**

The Town Board of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:**

That conditions i. and k. of Section 17.031.D. 3. be modified to read as follows:

- "i. Multiple home occupations may be carried on in any single dwelling unit, if all uses meet the conditions of the home occupation regulations and if the plans of operation do not negatively affect adjacent or surrounding neighbors."
- "k. Regardless of the number of home occupations taking place in a single dwelling unit, a minimum of 2 off-street parking spaces reserved for business use shall be provided on site."

**Section 2:**

That the Town of Delafield Zoning Map be modified in recognition that the Residential Design Variation (RDV) designation has been eliminated from the Town Zoning Code.

- A. All areas designated RDV shall be changed to Planned Unit Development (PUD) and noted with an asterisk.
- B. A note shall be added to the map that reads the following:
  - \* This land was previously designated as a Residential Design Variation (RDV) classification. The zoning code codification approved in July 20, 1998 eliminated the RDV Conditional Use Section. Any improvements on these properties shall meet the requirements of the Planned Unit Development (PUD) Conditional Use Section of the Zoning Code.

**Section 3: 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

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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 4: Effective Date**

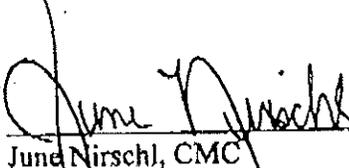
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 13th day of June, 2000

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

  
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Paul L. Kanter, Town Chairman

ATTEST:

  
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June Nirschl, CMC  
Town Clerk

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State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 00-513

**An Ordinance modifying Sections  
17.04 5. H. 5. d. , 17.05 AM. 2. g. , 17.04 5. C. 5. d. and 17.04 5.D. 5. d.  
of the Town Code of Ordinances**

The Town Board of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1:**

Section 17.04 5. H. 5. d. of the Town Zoning code shall read:

- d. **Open Space**  
92% of each lot shall remain as open space

**Section 2:**

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Table 17-2, referred to in Section 17.05 AM. 2. g. of the Town Zoning code shall be revised such that the Minimum Open Space per Lot percentage shall be as follows:

	Old	New
A-1	80%	85
A-2	80%	85
A-3	75%	85
R-1	75%	85
R-1A	80%	85
R-2	80%	—
R-3	75%	—
RL	75%	—

**Section 3:**

Section 17.04 5. C. 5. d. and 17.04 5. D. 5. d. shall be amended to read:

For lots 20,000 square feet or larger, a minimum of 85% shall remain as open space. For existing lots with an area less than 20,000 square feet, the following scale shall be used:

Lot size (sq. ft.)	Open Space Percentage (%)
19,400-19,999	85
18,800-19,399	84
18,200-18,799	83
17,600-18,199	82
17,000-17,599	81

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16,400-16,999	80
15,800-16,399	79
15,200-15,799	78
14,600-15,199	77
14,000-14,599	76
13,400-13,999	75
12,800-13,399	74
12,200-12,799	73
11,600-12,199	72
11,000-11,599	71
10,400-10,999	70
9,800-10,399	69
9,200-9,799	68
8,600-9,199	67
8,000-8,599	66
7,400-7,999	65
6,800-7,399	64
6,200-6,799	63
5,600-6,199	62
5,000-5,599	61
5000 and below	60

**Section 4: 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.

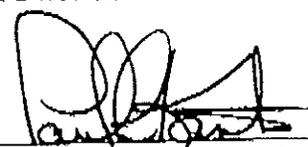
156-0-001

**Section 5: Effective Date**

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

This ordinance passed this 24th day of October, 2000

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Janet Jahnke  
Town Clerk

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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-1406 Text Amendments) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION      March 8, 2001

Absent  
Betty Willert, Chairperson

*Vytautas Janusonis*  
Vy Janusonis

Absent *when she took place - was 25 min late for meeting - SMC*  
Mareth Kipp

*Ellen Gennrich*  
Ellen Gennrich

*Walter L. Kolb*  
Walter Kolb

Joseph LaPorte

*Walter Baade*  
Walter Baade

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/24/01

NUMBER-1560001(ORD)

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 S. WOLFF.....AYE
- 11 B. TESMER.....
- 13 E. LA MONTE.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 C. SEITZ.....AYE
- 21 W. KOLB.....AYE
- 23 E. KRAUS.....AYE
- 25 K. CUMMINGS.....NAY
- 27 D. PAULSON.....AYE
- 29 J. MAAS.....AYE
- 31 V. STROUD.....AYE
- 33 P. GUNDRUM.....AYE
- 35 K. McNELLY.....

- 2 C. WILSON.....AYE
- 4 D. MEISSNER.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 P. HAUKOHL.....AYE
- 12 J. WILLIAMS.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 J. ARNDT.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 R. RYDBERG.....AYE
- 26 P. VRAKAS.....AYE
- 28 P. JASKE.....AYE
- 30 M. THOMAS.....AYE
- 32 C. WICHGERS.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-01

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-33