

*Enrolled Ordinance 157-102*  
PROPOSED ORDINANCE 157-104

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2  
3 AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP AND THE WAUKESHA  
4 COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT  
5 ZONING MAP, OF THE TOWN OF DELAFIELD, BY CONDITIONALLY REZONING  
6 CERTAIN LANDS LOCATED IN OUTLOT 6, DOVER BAY II, AND PART OF THE SW ¼  
7 OF SECTION 23, AND THE NW ¼ OF SECTION 26, T7N, R18E, TOWN OF DELAFIELD,  
8 WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT  
9 (TOWN) TO THE A-3 SUBURBAN DISTRICT (TOWN) AND TO ESTABLISH AN A-3  
10 SUBURBAN HOME DISTRICT (SHORELAND)  
11 (SZT-1458)  
12  
13

14 WHEREAS the subject matter of this Ordinance having been duly referred to and considered by  
15 the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of  
16 requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks  
17 and Environment Committee and the Waukesha County Board of Supervisors, Waukesha  
18 County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
21 ORDAIN that the Town of Delafield District Zoning Map, adopted by the Town of Delafield on  
22 July 20, 1998, and the Waukesha County Shoreland and Floodland Protection Ordinance District  
23 Zoning Map for the Town of Delafield, Waukesha County, Wisconsin, adopted on June 23,  
24 1970, is hereby amended to conditionally rezone from the A-1 Agricultural District (Town) to  
25 the A-3 Suburban District (Town) and to establish an A-3 Suburban Home District (Shoreland),  
26 certain lands located in Outlot 6, Dover Bay II, and part of the SW ¼ of Section 23, and the NW  
27 ¼ of Section 26, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, and more  
28 specifically described in the "Staff Report and Recommendation" and map on file in the office of  
29 the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by  
30 reference (SZT-1458) and subject to the following conditions:  
31

- 32 1. The northerly building envelope line shall be a minimum of 1,000 feet from the  
33 southerly edge of the most southerly eastbound traffic lane of I-94.  
34  
35 2. Development of residential home(s) on the parcel described above shall be  
36 subject to the Deed Restrictions and covenants of the Dover Bay Subdivision,  
37 and shall have the Deed Restrictions recorded against the property prior to  
38 issuance of a Building Permit.  
39

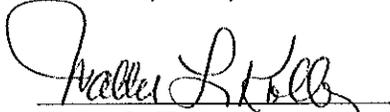
40 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
41 this Ordinance with the Town Clerk of Delafield.  
42

43 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
44 approval and publication.  
45

46 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of  
47 provisions of this Ordinance are hereby repealed.

AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP AND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP, OF THE TOWN OF DELAFIELD, BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN OUTLOT 6, DOVER BAY II, AND PART OF THE SW ¼ OF SECTION 23, AND THE NW ¼ OF SECTION 26, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT (TOWN) TO THE A-3 SUBURBAN DISTRICT (TOWN) AND TO ESTABLISH AN A-3 SUBURBAN HOME DISTRICT (SHORELAND)  
(SZT-1458)

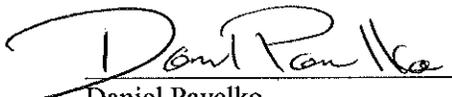
Presented by:  
Land Use, Parks, and Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

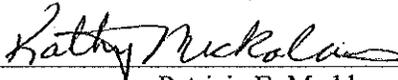
  
Scott J. Klein

  
Daniel Pavelko

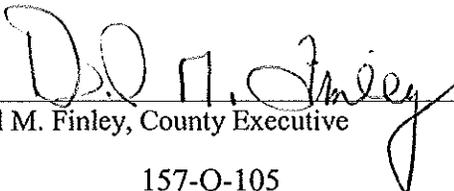
  
Vera Stroud

Absent  
Matt Thomas

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

Date: 1-28-03,   
Patricia E. Madden, County Clerk  
Kathy Nickolavs

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

Approved:   
Vetoed:   
Date: 1-31-03,   
Daniel M. Finley, County Executive

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

**DATE:** December 19, 2002

**FILE NO.:** SZT-1458

**PETITIONER/OWNER:** Joseph V. Pucci  
N14 W29503 Silvernail Road  
Pewaukee, WI 53072

**TAX KEY NO.:** DELT 811.995.002

**LOCATION:**

Outlot 6, Dover Bay II, and part of the SW ¼ of Section 23 and the NW ¼ of Section 26, T7N, R18E, Town of Delafield. More specifically, the property is located at the address cited above and contains approximately 40 acres.

**EXISTING ZONING CLASSIFICATION:**

The County recently acquired shoreland zoning jurisdiction in this area of the Town of Delafield due to a navigability determination made on a tributary to Pewaukee Lake (Zion Creek, which is connected to Zion Lake) in conjunction with another development project in the area. Therefore, a zoning district has not been established. This zoning request will establish a zoning classification for the portion of this property located in the County's zoning jurisdiction (approximately the southern ½ of the property).

The property is zoned A-1 Agricultural District under the Town of Delafield Zoning Ordinance.

**REQUESTED ZONING CLASSIFICATION:**

To (re)zone the southwestern six acres of the property to A-3 Suburban Home District requiring a minimum lot size of two acres and a minimum average width of 200' (Town) and 175' (County); and the remaining 34 acres to A-2 Rural Home District requiring a minimum lot size of two acres and a minimum average width of 200' (Town).

**EXISTING USES:** Residential, agricultural, and a riding stable

**REQUESTED USES:**

To divide a six-acre portion of the property into three two-acre single-family residential parcels, and retain the existing structures on the remaining 34-acre parcel. The land division will require both Town and County approval.

**CONFORMANCE WITH THE WAUKESHA COUNTY LAND DEVELOPMENT PLAN (WCLDP) AND THE TOWN OF DELAFIELD LAND USE PLAN:**

The property is designated as Commercial-Office on the WCLDP, which allows for a mixture of residential and office uses and Recreational in the area of the riding stable. The Town and the County previously agreed that any residential uses would have densities consistent with the Suburban I Density Residential category of the WCLDP (1.5 to 2.9 acres per dwelling unit). The I-94 West Corridor 2010 Plan (adopted in 1994) was incorporated into the Town of Delafield's Land Use Plan in 1999. The Corridor Plan calls for a "special use" category in this area

157-0-105

providing for a mixture of office and residential uses (not retail/commercial type uses). The Corridor Plan also states buildings shall not be constructed within 1,000' of I-94. Therefore, the requested zoning change conforms with both plans.

**PUBLIC HEARING DATE:** September 3, 2002

**PUBLIC REACTION:**

Two neighbors from the Dover Bay Subdivision were present, and one wants the new lots to become part of the Dover Bay Homeowners Association and be subject to the same standards (Deed Restrictions). The other neighbor questioned the acreage and zoning of the lots. The Town's decision relative to this matter, outlined below, addresses the concern regarding the Homeowners Association.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On September 3, 2002, the Town Plan Commission recommended the approval of a portion of the rezoning request. Specifically, they recommended rezoning the six acres identified on the map dated August 12, 2002, from A-1 to A-3 conditioned on the parcels building envelopes meeting the 1,000' setback from I-94, the Developer adopt and meet the Dover Bay Homeowners restrictions, and the balance of the property remains as A-1. On September 24, 2002, Town Board approved the rezoning request as recommended by the Town Plan Commission (refer to attached ordinance).

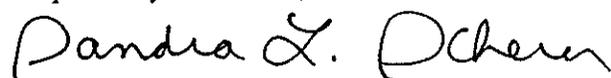
**STAFF ANALYSIS:**

The Town does not feel it is necessary to rezone the remaining 34 acres at this time, and therefore did not approve that portion of the request. The petitioner plans on rezoning that land, in conformance with the Town and County Land Use Plans, in the future. Access for all three of the proposed two-acre lots will be from Southampton Drive, and the Town Engineer has indicated this is acceptable with the Town. The soils within the building envelopes established by the road/highway setbacks are either 6-12% slopes or are designated as gravel pit on the SCS Soil Survey maps. It should be noted that a portion of this area was once a gravel pit and was restored in conjunction with the development of the Dover Bay Subdivision. The lots will be served with private septic systems and wells. There are suitable areas outside of the building envelopes for on site waste disposal systems.

**STAFF RECOMMENDATION:**

Based on the above information, the Planning and Zoning Division Staff recommends approval of the request to rezone the six acres identified on the map dated August 12, 2002, from A-1 to A-3, in accordance with the Town's decision relative to this matter which shall be an integral part of this approval. The requested amendment is in conformance with the Waukesha County Land Development Plan and the Town of Delafield Land Use Plan, and the proposed use is consistent with the development in the surrounding neighborhood.

Respectfully submitted,



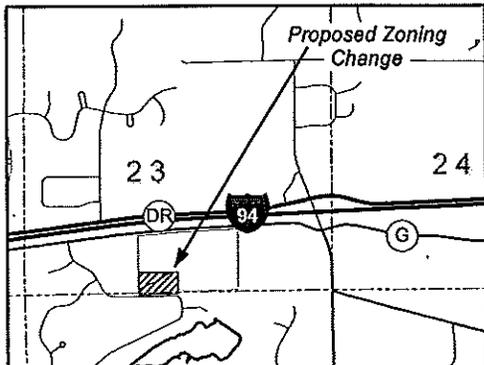
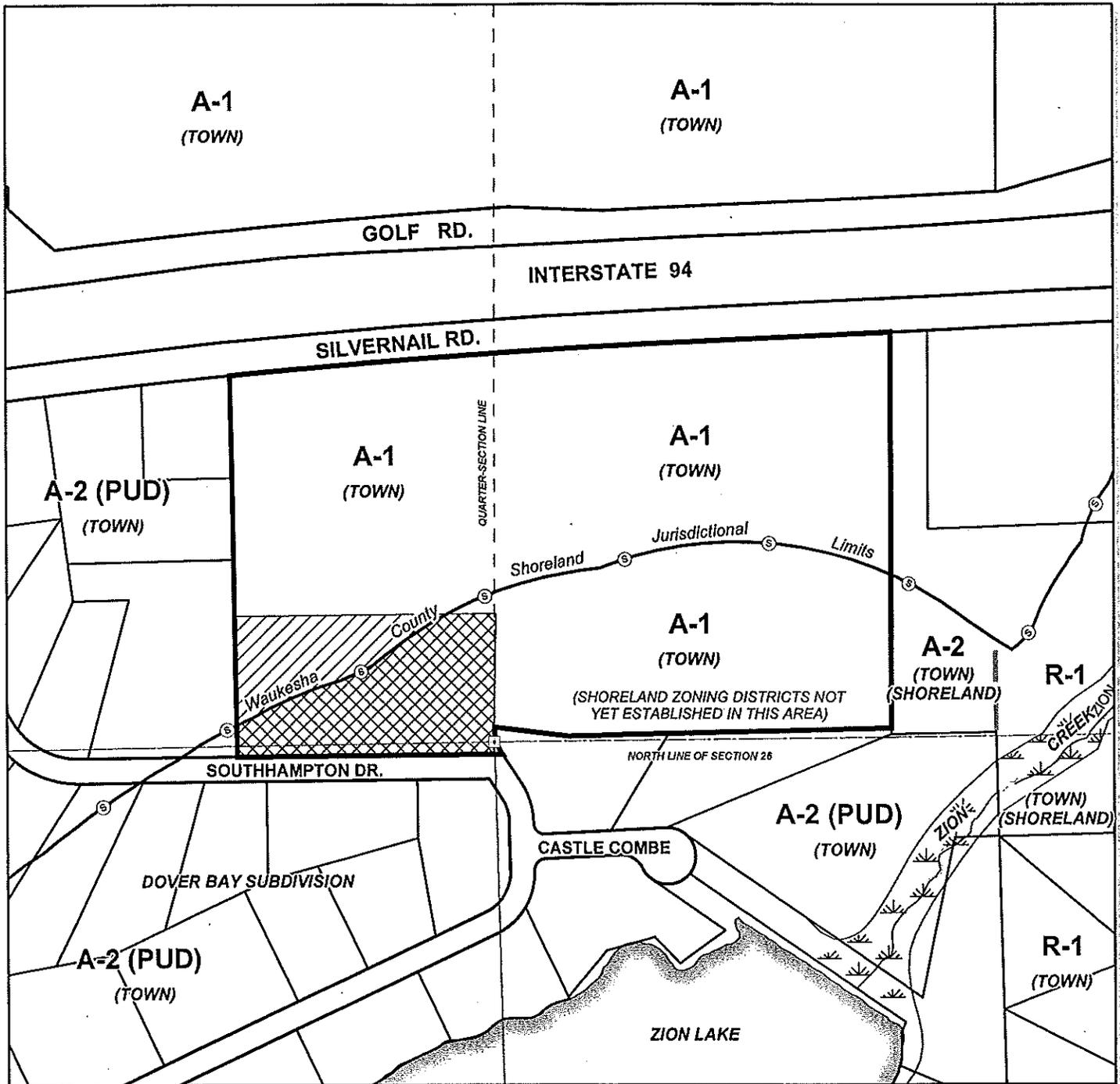
Sandy Scherer  
Senior Planner

Attachments: Town Ordinance and Map

**157-0-105**

# ZONING MAP AMENDMENT

PART OF THE SW 1/4 OF SECTION 23 & THE NW 1/4 OF SECTION 26  
TOWN OF DELAFIELD



-  TOWN ZONING CHANGE FROM A-1 TO A-3 (2.11 ACRES)
-  TOWN ZONING CHANGE FROM A-1 TO A-3 & ESTABLISH A-3 DISTRICT UNDER SHORELAND JURISDICTION (3.89 AC)

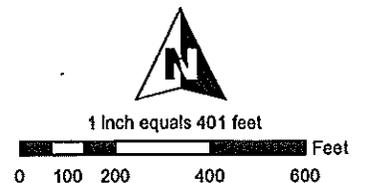
FILE.....SZT-1458

DATE.....12-19-02

AREA OF CHANGE.....6.0 ACRES

TAX KEY NUMBER.....DELT 811.995.002

Prepared by the Waukesha County Department of Parks and Land Use



157-0-105

State of Wisconsin

Town of Delafield

Waukesha County

**Ordinance Number 2002-09-013**

**An Ordinance to rezone lands located in the Southwest 1/4 of Section 23, and the Northwest of Section 26, T7N, R18E from A-1 to A-3**

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

Section 1:

The zoning map of the Town of Delafield is hereby amended to change the zoning classification from A-1 to A-3 on the following described property:

Being all of Outlot 6, Dover Bay II and a part of the SW 1/4 of Section 23, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, more fully described as follows:

Beginning at the SE corner of the SW 1/4 of said Section 23; thence N01°01'55"E, 351.55 feet along the east line of the SW 1/4 of said Section 23; thence N89°07'28"W, 689.59 feet to the east line of CSM No. 6735; thence S00°23'59"W, 382.82 feet along the east line of CSM No. 6735 to the north right-of-way line of South Hampton Drive; thence S89°07'28"E, 705.38 feet along said north right-of-way line; thence N31°38'20"W, 37.07 feet to the point of beginning. Said lands contain 263,486 square feet (6.05 acres).

Section 2:

The zoning map amendment is conditional on the owner meeting the following conditions:

- A. The northerly building envelope line shall be a minimum of 1,000 feet from the southerly edge of the most southerly eastbound traffic lane of I-94.
- B. Development of residential home(s) on the parcel described above shall be subject to the deed restrictions and covenants of the Dover Bay subdivision, and shall have the deed restrictions recorded against the property prior to issuance of a building permit

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 the Ordinance. The remainder of the

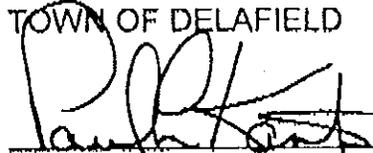
Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 4: Effective date

This Ordinance shall take effect immediately upon publication as provided by law.

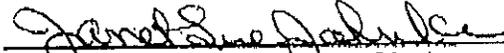
Dated this 24<sup>th</sup> day of September, 2002.

TOWN OF DELAFIELD

  
\_\_\_\_\_  
Paul L. Kanter Chairperson



ATTEST:

  
\_\_\_\_\_  
Janet Sue Jahnke, Town Clerk

Published the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/28/03

(ORD) NUMBER-1570105

1 K. HERRO.....AYE  
 3 D. STAMSTA.....  
 5 J. MARCHESE.....AYE  
 7 J. JESKEWITZ.....AYE  
 9 P. HAUKOHL.....AYE  
 11 K. HARENDA.....  
 13 J. MORRIS.....AYE  
 15 D. SWAN.....AYE  
 17 J. BEHREND.....AYE  
 19 M. SONNENTAG.....  
 21 W. KOLB.....AYE  
 23 P. PRONOLD.....AYE  
 25 K. CUMMINGS.....AYE  
 27 D. PAULSON.....AYE  
 29 M. THOMAS.....AYE  
 31 V. STROUD.....  
 33 D. PAVELKO.....AYE  
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE  
 4 H. CARLSON.....AYE  
 6 D. BROESCH.....AYE  
 8 J. DWYER.....AYE  
 10 S. WOLFF.....AYE  
 12 J. GRIFFIN.....AYE  
 14 J. LA PORTE.....AYE  
 16 R. MANKE.....AYE  
 18 D. FANFELLE.....AYE  
 20 M. KIPP.....AYE  
 22 G. BRUCE.....AYE  
 24 A. SILVA.....AYE  
 26 S. KLEIN.....AYE  
 28 P. JASKE.....AYE  
 30 K. NILSON.....AYE  
 32 P. GUNDRUM.....AYE  
 34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-31