

ENROLLED ORDINANCE 163-1

AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 10, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (ZT-1670)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Delafield Zoning District Map of the Town of Delafield, adopted on July 20, 1998, is hereby amended to conditionally rezone from the A-1 Agricultural District to the R-2 Residential District, certain lands located in part of the SE ¼ of Section 10, 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 (ZT-1670), subject to the following conditions:

1. The land shall never be split into two or more parcels.
2. A Declaration of Restrictions stating that the land shall never be split into two or more parcels shall be signed by the property owners and recorded in the Waukesha County Register of Deeds Office. The Declaration of Restrictions shall not be removed without the approval of the Town of Delafield Board and the Waukesha County Department of Parks and Land Use.

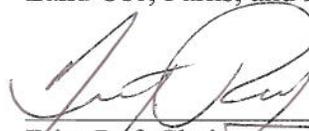
BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the Town Clerk of Delafield.

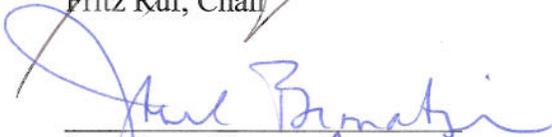
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

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FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

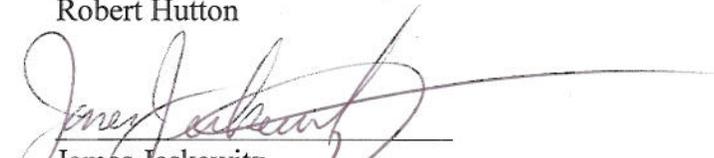
AMEND THE ZONING DISTRICT MAP OF THE TOWN OF DELAFIELD ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 10, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE R-2 RESIDENTIAL DISTRICT (ZT-1670)

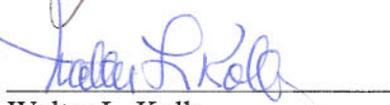
Presented by:
Land Use, Parks, and Environment Committee

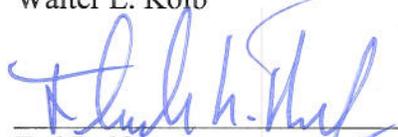

Fritz Ruf, Chair


Janel Brandtjen


Robert Hutton

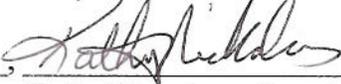

James Jeskewitz


Walter L. Kolb

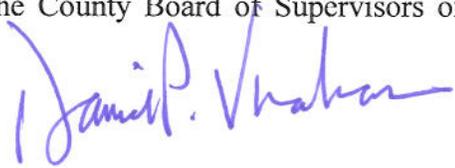

Ted Rolfs


Gilbert W. Yerke

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

Date: 5/30/08, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 6-2-08, 
Daniel P. Vrakas, County Executive

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

DATE: April 3, 2008

FILE NO: ZT-1670

PETITIONER: Thomas and Nancy Crichton
W300 N3401 Maple Avenue
Delafield, Wisconsin 53072

TAX KEY NO.: DELT 0760.995

LOCATION:
The property is located in part of the SE ¼ of Section 10, T7N, R18E, Town of Delafield. More specifically, the property is located the Maple Avenue address listed above and contains approximately 1.72 acres.

PRESENT ZONING: A-1 Agricultural District (Town).

PRESENT LAND USE:
The property is presently used for residential purposes.

PROPOSED ZONING:
The parcel is proposed to be rezoned from the A-1 Agricultural District to the R-2 Residential District under the Town Zoning Code.

PROPOSED LAND USE:
The petitioner is proposing to replace a shed on his property that he recently moved. The current zoning requires that 95% of the lot shall remain in open space. The new shed will not comply with the open space requirement of the A-1 district, thus necessitating a change as proposed.

PUBLIC HEARING DATE: March 4, 2008.

PUBLIC REACTION: None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:
The Town of Delafield Plan Commission, at their meeting of March 4, 2008, voted to recommend approval of the proposed rezoning with the condition that this lot not be further subdivided with this language being included in the zoning ordinance. The Delafield Town Board, at their meeting of March 11, 2008, accepted the Plan Commission's recommendation and approved the zoning amendment with the condition that the land shall never be split into two or more parcels, see attached Exhibit "A."

CONFORMANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF DELAFIELD LAND USE PLAN:

The property is in a Suburban I Residential category on the Waukesha County Development Plan, which requires 1.5 to 2.9 acres of lot area per dwelling unit. The property is in a Conventional Residential category on the Town of Delafield Land Use Plan. Based on the Town's condition that the land shall never be split into two or more parcels, the proposed rezoning complies with both the Waukesha County Development Plan and the Town of Delafield Land Use Plan.

163-0-001

STAFF ANALYSIS:

The property is 1.72 acres in size and currently contains a single-family residence with attached garage. The petitioners have indicated they would like to replace a shed on their property which has recently been removed. Based on the current A-1 Agricultural Town zoning, a Building Permit cannot be issued by the Town Building Inspector for the proposed shed because the property will not meet the 95% open space requirement of the Town Zoning Code. Therefore, the petitioner is requesting to rezone the property to the R-2 Residential Town zoning category, which requires a minimum lot size of 30,000 sq. ft. and 85% open space.

The property is bounded on the south by the Hawksnest Subdivision which contains approximately one acre lots. North of the property, in the Village of Hartland, is the River Reserve Subdivision which contains lots that are approximately 22,000 sq. ft. to one acre in size. Immediately across the street from the subject property there are several properties that are zoned R-3 and are approximately 22,000 sq. ft. in size. Because the property is used for residential purposes, it would be more appropriately placed in a category which is intended for residential purposes. Therefore, the proposed change is in conformance with the character of the neighborhood.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the proposed rezoning, subject to the following conditions:

1. The land shall never be split into two or more parcels.
2. A Declaration of Restrictions stating that the land shall never be split into two or more parcels shall be signed by the property owners and recorded in the Waukesha County Register of Deeds Office. The Declaration of Restrictions shall not be removed without the approval of the Town of Delafield Board and the Waukesha County Department of Parks and Land Use.

The proposed rezoning, with the conditions recommended above, is in conformance with the Town of Delafield Land Use Plan and the Waukesha County Development Plan, and will allow the continued residential use of the property while not allowing the property to be further divided.

Respectfully submitted,


Peggy S. Filley
Senior Land Use Specialist

Attachments: Exhibit "A" and Map

EXHIBIT "A"

State of Wisconsin

Town of Delafield

Waukesha County

Ordinance No. 2008-002

An Ordinance to amend the Zoning Map of the Town of Delafield from A-1 to R-2 for lands located in the Southeast ¼ of Section 10, Township 7 North, Range, 18 East, Town of Delafield, Waukesha County, Wisconsin, also known as Tax Key No. DELT 0760-995 and W300 N3401 Maple Avenue.

WHEREAS, the landowners have petitioned the Town of Delafield to amend the zoning map of the Town of Delafield in order for them to bring their legal, non-conforming lot into conformance with the current zoning code, and

WHEREAS, based on the existing lot width, existing public road location and proposed zoning, the land could not be split further, and

WHEREAS, it is the recommendation of the Plan Commission that the land be restricted such that it may never be split in the future,

NOW, THEREFORE, 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 R-2 on the following described parcel of land:

All that part of the Southeast ¼ of Section 10, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the East Quarter corner of said Section 10; thence due South along the east line of said Southeast Quarter of Section 10 and the centerline of Maple Avenue (formerly CTH E) right-of-way 552.09 feet to the place of beginning of the land hereinafter to be described: thence continuing due south along said section line and right-of-way centerline 205.00 feet; thence North 88 46' West along an existing fence line and fence line extended 425.10 feet; thence due North 195.85 feet; thence due East, 425.00 feet to the place of beginning; containing 1.9554 acres of land. Excepting and reserving the easterly 50.00 feet for road right-of-way purposes.

Section 2: As a condition of the rezoning the land shall never be split into two or more parcels.

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 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 by Waukesha County and posting or publication as provided by law.

This ordinance passed this 11th day of March, 2008.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

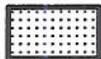
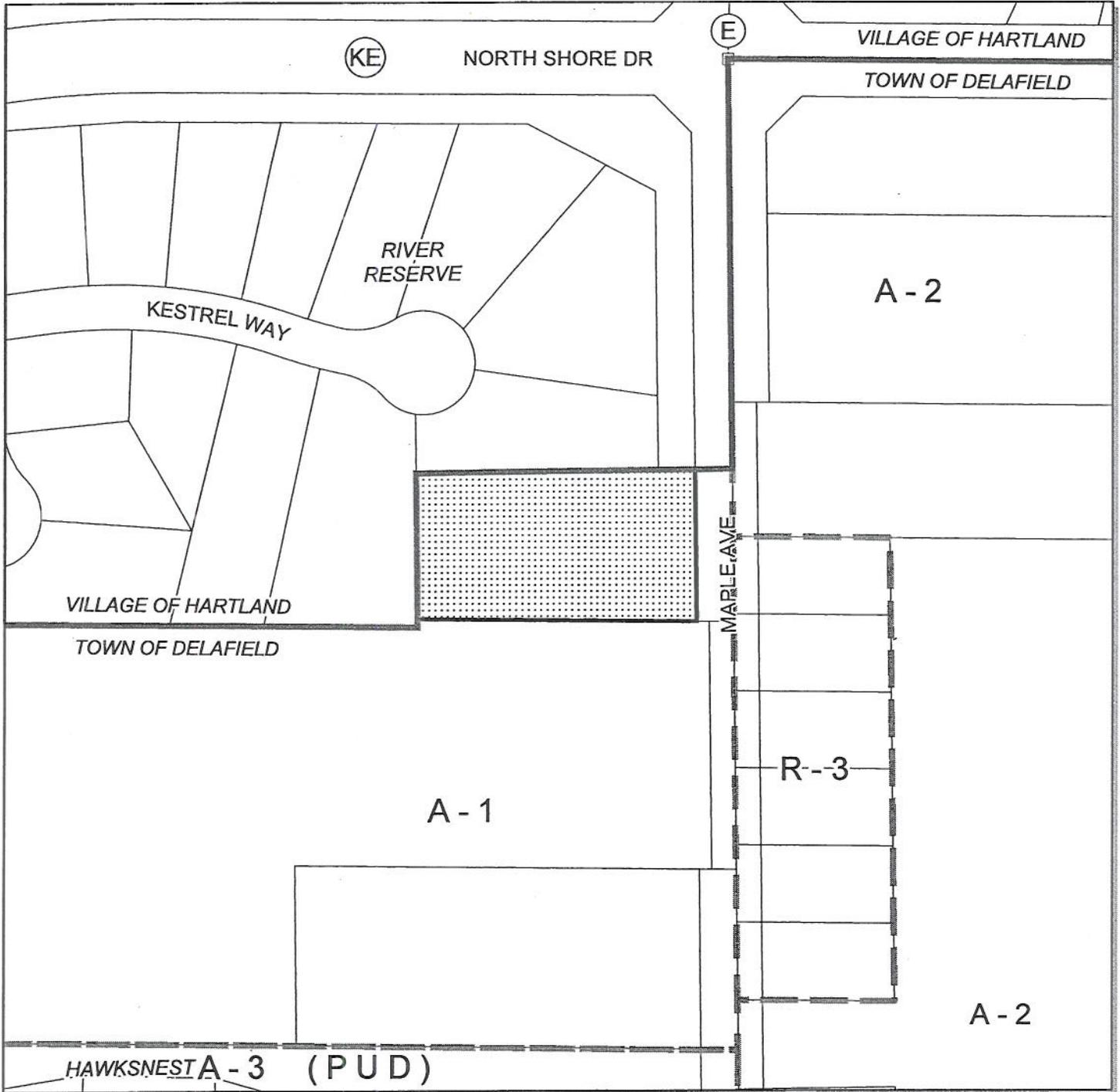
ATTEST:

Mary T. Elsner, CMC, WCMC
Town Clerk

tgb:H:\Delafield-T\1081603 Crichton Rezoning\Doc\O060419RezoningOrdinance.doc

ZONING MAP AMENDMENT

PART OF THE SE 1/4 OF SECTION 10
TOWN OF DELAFIELD



CONDITIONAL TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-2 RESIDENTIAL DISTRICT

FILE.....ZT-1670

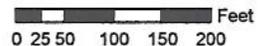
DATE.....04-03-08

AREA OF CHANGE.....1.72 ACRES

TAX KEY NUMBER.....DELT 0760.995



1 inch equals 200 feet



Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/27/08

(ORD) NUMBER-1630001

1 D. FALSTAD.....AYE
3 R. HUTTON.....AYE
5 J. JESKEWITZ.....AYE
7 P. HAUKOHL.....AYE
9 J. HEINRICH.....AYE
11 F. RUF.....AYE
13 J. BEHREND.....AYE
15 P. MEYERS.....AYE
17 J. TORTOMASI.....AYE
19 S. WIMMER.....AYE
21 W. ZABOROWSKI.....AYE
23 J. PLEDL.....AYE
25 G. YERKE.....AYE

2 T. ROLFS.....AYE
4 J. DWYER.....AYE
6 J. BRANDTJEN.....AYE
8 T. SCHELLINGER....AYE
10 D. SWAN.....AYE
12 P. WOLFF.....AYE
14 B. MORRIS.....AYE
16 D. PAULSON.....AYE
18 K. CUMMINGS.....AYE
20 P. JASKE.....AYE
22 P. GUNDRUM.....AYE
24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25