

ENROLLED ORDINANCE 180-74

APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2025-06 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ169)

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 December 12, 2025; 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 Town of Delafield Ordinance No. 2025-06 which amends the District Zoning Map for the Town of Delafield Zoning Code, adopted by the Town of Delafield on July 20, 1998, to conditionally rezone from the A-1 Agricultural District to the A-2 Rural Home District, certain lands located in part of the SE ¼ of Section 35, T7N, R18E, Town of Delafield, Waukesha County, Wisconsin, as 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, is hereby approved, subject to the following condition:

1. To preserve the Isolated Natural Resource Area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

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


APPROVE TOWN OF DELAFIELD ORDINANCE NO. 2025-06 WHICH AMENDS THE DISTRICT ZONING MAP OF THE TOWN OF DELAFIELD ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 35, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ169)

Presented by:
Land Use, Parks, and Environment Committee



Christine M. Howard, Chair


Wayne Euclide


John G. Gscheidmeier

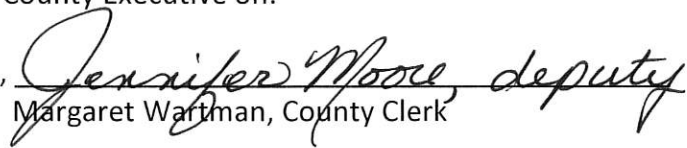

Robert L. Kolb


Johnny Koremenos


Brian Meier


Steve Styza

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

Date: 3-27-2026, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

Date: 4/7/2026, 
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 amend the District Zoning Map of the Town of Delafield Zoning Code, hereby recommends **approval** of **RZ169 (RED Properties, LLC_William B. & Cathy J. Davies Rev Trust)** in accordance with the attached "Staff Report and Recommendation".

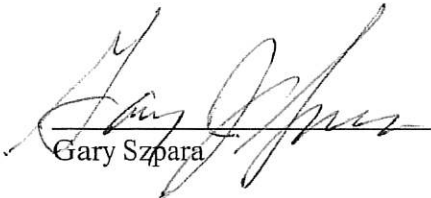
PARK AND PLANNING COMMISSION

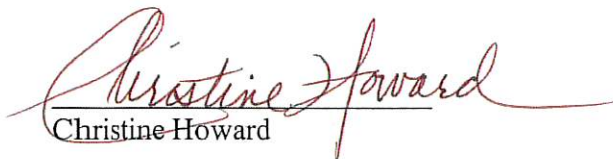
February 26, 2026


Robert Peregrine, Chairperson


James Siepmann


William Groskopf


Gary Szpara


Christine Howard

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

DATE: February 26, 2026

FILE NO.: RZ169

OWNER/APPLICANT: RED Properties LLC and
William B and Cathy J Davies Revocable Trust
S26 W29614 Jarmon Road
Waukesha, WI 53188-9224

TAX KEY NO.: DELT 0860.991.001

LOCATION:

The property is described as Parcel 2, Certified Survey Map No. 1723, part of the SE ¼ of Section 35, T7N, R18E, Town of Delafield. More specifically, the property is located on the south side of USH 18, west of Elmhurst Rd. and contains approximately 10.5 acres.

EXISTING ZONING:

A-1 Agricultural District (Town)

PROPOSED ZONING:

A-2 Rural Home District (Town)

EXISTING USE(S):

Vacant.

REQUESTED USE(S):

Residential.

PUBLIC HEARING DATE:

December 2, 2025

PUBLIC COMMENT:

None.

TOWN PLAN COMMISSION AND BOARD ACTION:

On July 1, 2025, Town of Delafield Plan Commission did not take action on the rezoning amendment pending questions regarding the proposed public road and other details for the project.

On December 2, 2025, the Town of Delafield Plan Commission unanimously recommended approval of the rezone request to the Town Board, subject to the following condition:

To preserve the Isolated Natural Resource area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

On December 12, 2025, the Town of Delafield Town Board unanimously approved the rezone request as conditioned by the Town Plan Commission.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF DELAFIELD CDP:

The Town and County plans designate the parent parcel in the Isolated Natural Resource Area (INRA) category. This plan designation calls for either preservation or limited development with a minimum, five acres of land per dwelling unit. The proposed Certified Survey Map (CSM) provided by the applicant shows two units off the new access road proposed for the site. Therefore, the proposal is consistent with the density recommendations of both plans.

STAFF ANALYSIS:

The proposal is to rezone the entirety of the subject 10.5-acre parcel from the Town of Delafield's A-1 Agricultural District, which is a 40-acre minimum district, to the Town's A-2 Rural Home District, which is a three-acre minimum category to allow for the creation of the two new residential lots, two outlots and a new public road extending from USH 18 to the south property line (see Exhibit A). The property is currently vacant and heavily wooded, located between a cluster of residential lots to the east and row cropped lands to the west. The property has direct access to US Highway 18 on its north side.

The subject rezone and related CSM are being brought forward at the same time the petitioner is also seeking to subdivide the commonly held lands just to the south. An eight-lot subdivision plat is pending and its road network would tie into the proposed public road that is depicted upon the CSM. The proposed lots would be 3.5 and 4.1 acres, respectively.

As noted above, the Town of Delafield Comprehensive Plan designates the lands as the Isolated Natural Resource Area (INRA). It appears as though the vegetative cover is dominated by planted evergreen species that first appear in aerial photos in 1980. As noted in the Town Planner's report to the Town's Planning Commission, INRA areas are recommended to be protected in the town and county comprehensive plans. This includes recommending these lands *"be preserved in natural, open uses insofar as is practicable, recognizing that such areas are often well suited for use as public or private parks and open space reservation. Such areas may, at the discretion of local units of government, also accommodate intensive urban uses."*

To meet the conservation intentions of the comprehensive plan, the town has conditioned their approval upon creation of a delineated disturbance envelope for the new lots. These envelopes will create a separation between parcels and define the maximum extent where structures, driveways, septic systems, and activities like clearing and mowing can take place. This helps preserve the natural state of the properties while providing plenty of space for building and site improvements. Maintaining the preservation areas can lessen the degree of runoff, improve soil health, provide habitat for wildlife, and keep the rural nature of these areas intact. The applicant's CSM has also designated a 60-foot wide tree preservation easement on the south side of the subdivision, with many of these trees being identified as high quality.

There are multiple nearby parcels similarly zoned A-2 while the other larger parcels in the vicinity are zoned A-1. Topographically, the parcel has some areas with steep slopes that should be accounted for in the design of disturbance envelopes and grading plans. There is also indication of soils that may exhibit high groundwater on the proposed parcel and any proposed residence may require soil testing and groundwater separation requirements from either the Town or County. The town will review access to USH 18 and future road connections to the south and west as part of the CSM review.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following condition:

1. To preserve the Isolated Natural Resource area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

The rezoning will allow for the subject parcel to be divided and developed for homesites, consistent with town and county plan recommendations, while also limiting overall disturbance within the Isolated Natural Resource Area.

Respectfully submitted,

Evan G. Hoier

Evan G. Hoier
Senior Land Use Specialist

Attachment: Town Ordinance No. 2025-06
 Rezone Map
 Exhibit A

N:\PRKANDLU\Planning and Zoning\Rezones\PROJECT FILES\Delafield\RZ169 Davies\Staff Report_Exhibits_Decision Letter\RZ169 Davies Staff Report.doc

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD FROM A-1 TO A-2 ON LANDS LOCATED IN THE TOWN'S ZONING JURISDICTION ON LANDS KNOWN AS THE DAVIES FARM, TAX KEY DELT 0860.991.001, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

The Town Board of Delafield, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1: The Town of Delafield Zoning Map for the 10.48-acre parcel identified as DELT0860.991.001 is hereby amended to change the zoning classification from A-1 to A-2 on the following described parcel of land:

Lot 2 of Certified Survey Map No. 1723, located in part of the Southeast ¼ of the Southeast ¼ of Section 35, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SECTION 2: The above zoning amendment is conditioned upon the following conditions, which must be met or this ordinance is null and void:

1. To preserve the Isolated Natural Resource Area, disturbance on Lots 1 and 2 is limited to 30,000 sq. ft. on each lot, excluding the grading required for the public road on Lot 2. The Disturbance Envelope includes grading, tree removal, all structures, and the septic system. In addition, Isolated Natural Resource Area Preservation Restrictions shall be added to the CSM.

SECTION 3: Severability.

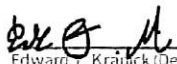
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 2nd day of December 2025.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



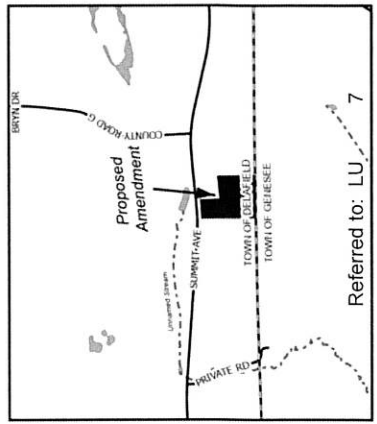
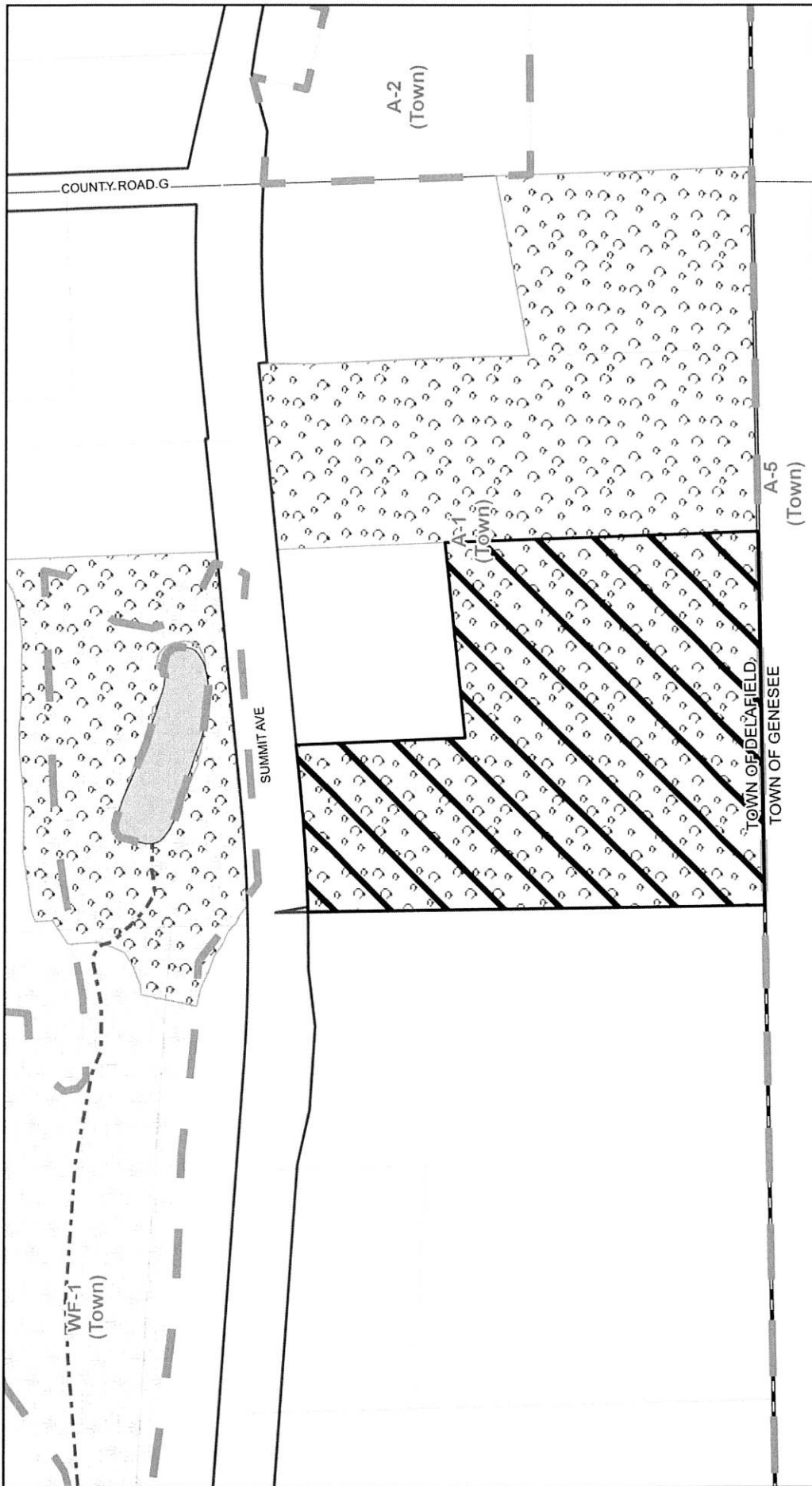
Edward J. Kranick (Dec 17, 2025 11:56:02 CST)

Edward Kranick, Town Chairman

ATTEST:



Michelle Luedtke - Town Administrator



Referred to: LU 7

CONDITIONAL TOWN ZONING CHANGE FROM A-1
AGRICULTURAL DISTRICT TO A-2 RURAL HOME DISTRICT

Isolated Natural Resource Area (INRA)

C-1 Conservancy District



FILE..... RZ169
DATE OF PLAN COMMISSION..... 2/26/2026
AREA OF CHANGE..... 10.4946 ACRES
TAX KEY NUMBER..... DELT0860991001

File Number: 180-C-077

ZONING AMENDMENT

PART OF SE 1/4 SEC 35 T7N R18E,
TOWN OF DELAFIELD

0 2,500 5,000 Feet

Referred on: 3/3/26

EXHIBIT A

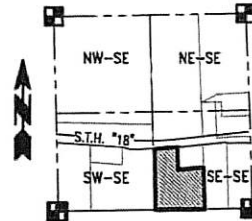
CERTIFIED SURVEY MAP NO. _____

BEING A REDVISION OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 1723, LOCATED IN A PART OF THE
SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 7 NORTH, RANGE 18 EAST, IN THE TOWN OF
DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

OVERALL DETAIL SHEET

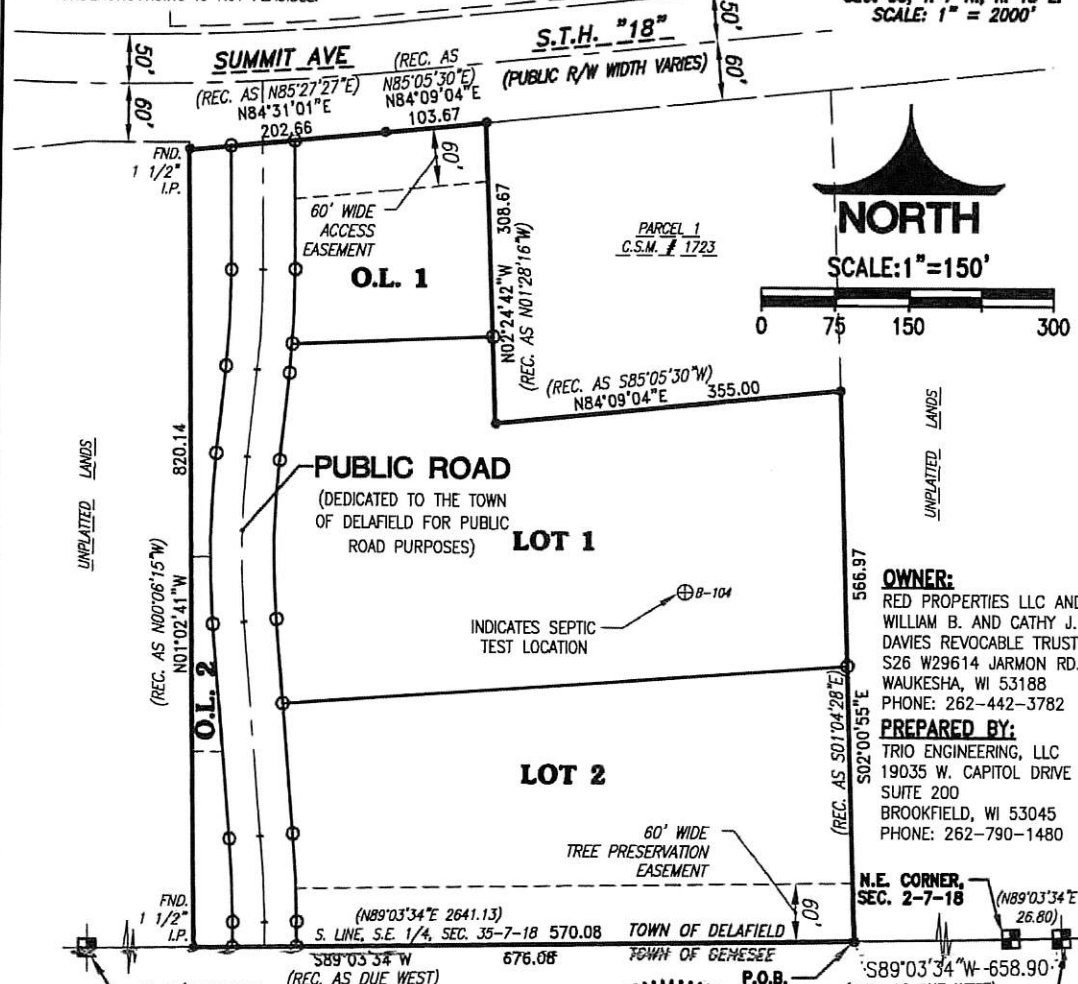
NOTES:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-83/2011), IN WHICH THE SOUTH LINE OF THE S.E. 1/4 OF SECTION 35, TOWN 7 NORTH, RANGE 18 EAST, BEARS N89°03'34"E.
- THE ENTIRE PROPERTY IS LOCATED IN AN ISOLATED NATURAL RESOURCE AREA AS DESIGNATED BY THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION.
- ALL TELEPHONE LINES, ELECTRIC LINES, CABLE TELEVISION LINES, TELECOMMUNICATIONS LINES, AND OTHER SIMILAR UTILITY SERVICES SHALL BE PLACED UNDERGROUND UNLESS THE APPLICANT OR UTILITY CAN DEMONSTRATE THAT UNDERGROUNDING IS NOT FEASIBLE.



LOCALITY MAP

S.E. 1/4
SEC. 35, T. 7 N., R. 18 E.
SCALE: 1" = 2000'



OWNER:
RED PROPERTIES LLC AND
WILLIAM B. AND CATHY J.
DAVIES REVOCABLE TRUST
S26 W29614 JARMON RD.
WAUKESHA, WI 53188
PHONE: 262-442-3782

PREPARED BY:
TRIO ENGINEERING, LLC
19035 W. CAPITOL DRIVE
SUITE 200
BROOKFIELD, WI 53045
PHONE: 262-790-1480



LEGEND:

- - INDICATES Section Corner
- - INDICATES "Set" 0.75" O.D. x 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- - INDICATES "Found" 1" Iron Pipe, unless otherwise noted.

DRAFTED THIS 11th DAY OF NOVEMBER, 2025
JOB NO. 24-039-1229

THIS INSTRUMENT WAS DRAFTED BY JAMES A. TRANDEL, JR., S-4069
SHEET 1 OF 7

X:\2024\24-039-1229\Drawings\Survey\CSM\5305CSM01.dwg

VOTE RESULTS

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

Consent Agena

19 Yes Votes Needed

 **Passed**

D1 - Styza	AYE	D10 - Thieme	ABSENT	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	M AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	ABSENT
D7 - LaFontain	S AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

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7 (RZ169)
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