

ENROLLED ORDINANCE 181-16

AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND PROTECTION ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼ OF SECTION 7 AND PART OF THE NE ¼ OF SECTION 12, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME DISTRICT TO THE R-3 RESIDENTIAL DISTRICT (RZ174)

WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Town of Delafield on May 5, 2026; 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 59.692, Wis. Stats.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town of Delafield District Zoning Map of the Waukesha County Shoreland Protection Ordinance, Waukesha County, Wisconsin, adopted by the Waukesha County Board of Supervisors on July 20, 1998, is hereby amended to conditionally rezone from the A-2 Rural Home District to the R-3 Residential District, certain lands located in part of the NW ¼ of Section 7 and part of the NE ¼ of Section 12, T7N, R18E, Town of Delafield, 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 conditions:

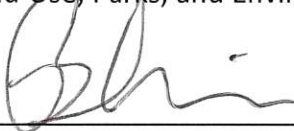
1. There shall be a maximum of one dwelling unit on the property and the property shall not be further divided, with the exception of a transfer of lands to a land conservancy organization.
2. The petitioner shall provide a revised vegetation replacement plan for the vegetation removal permit (D23:020) that includes species tolerant of wet conditions and species that will resist animal browsing. A new plan shall be provided by July 15, 2026 with a replacement schedule to be established as part of the approval of the revised plan.
3. In conjunction with the submittal of a Zoning Permit for a new residence, a construction vehicle staging plan shall be submitted to and approved by Waukesha County, Lake Country Fire and Rescue and, if applicable, the Town of Delafield to ensure safe access to the parcel in the event of an emergency and to ensure neighboring property access. Consideration must be given to the private access easement.
4. A lighting plan shall be submitted to and reviewed by the Waukesha County Planning & Zoning Division and Town of Delafield as part of any new Zoning Permit application. Existing and proposed lighting on the property shall not spill onto neighboring properties or the lake. Existing floodlights pointing towards the lake shall be removed by July 15, 2026. All exterior lighting fixtures shall be fully shielded and directed downward. Illumination levels at residential property lines shall not exceed 0.2 foot-candles. Exterior residential

lighting fixtures shall have a correlated color temperature (CCT) of 2700K or less.
Additionally, the outdoor lighting requirements of the Town of Delafield Ordinance 2025-01, Section 18.06(13) shall be adhered to.

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

AMEND TOWN OF DELAFIELD DIST ZONING MAP OF WAUK COUNTY SPO BY
CONDITIONALLY REZONING CERTAIN LANDS FROM A-2 TO R-3 (RZ174)

Presented by:
Land Use, Parks, and Environment Committee


Brian Meier, Chair


Wayne Euclide
Absent


John G. Gscheidmeier


Robert L. Kolb


Joseph T. O'Brien

 (NO)
Thomas J. Schellinger


Steve Styza

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

Date: 06-26-2026 
Georgia E. Maxwell, County Clerk

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

Approved: _____

Vetoed: _____

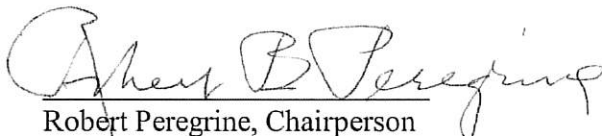
Date: 7-13-2026 
Paul Farrow, County Executive

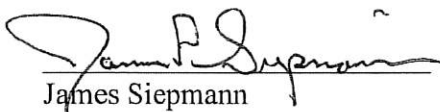
COMMISSION ACTION

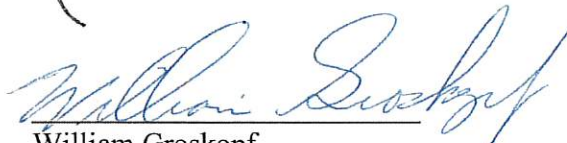
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland Protection Ordinance hereby recommends **approval** of **RZ174 (Jewell)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

May 21, 2026


Robert Peregrine, Chairperson


James Siepmann


William Groskopf

Absent
Gary Szpara


Christine Howard

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

DATE: May 21, 2026

FILE NO.: RZ174

OWNER/APPLICANT: John and Jamie Jewell
S69 W7901 Muskego Drive
Muskego, WI 53150-8876

TAX KEY NO.: DELT 0765.995.006

LOCATION:

The property is described as Lot 2, Certified Survey Map No. 3775, part of the NE ¼ of Section 12, T7N, R18E, and part of the NW ¼ of Section 7, T7N, R18E, Town of Delafield. More specifically, the property is located at W280 N3595 Taylors Woods Road NE containing approximately 2.32 acres.

EXISTING ZONING:

A-2 Rural Home District, HG High Groundwater, EC Environmental Corridor Overlay, C-1 Conservancy Overlay (wetland), FF Flood Fringe District, DSO Delafield Shoreland Overlay

PROPOSED ZONING:

Rezone the approximately 0.79-acre A-2 District area to R-3 Residential District. All other zoning overlays and conservancy zoning districts are to remain unchanged.

EXISTING USE(S):

Residential with wetlands to the north.

REQUESTED USE(S):

Residential with wetlands to the north.

PUBLIC HEARING DATE:

May 5, 2026

PUBLIC COMMENT:

Leading up to the public hearing, staff received written correspondence from numerous individuals in the community which included the following:

- The shoreline of this area of Pewaukee Lake is protected by the Pewaukee Lake Sanitary District and a valuable habitat for migratory and breeding birds.
- The environmentally sensitive shoreland and wetland constraints are not conducive to new development.
- The rezone will create a precedent and does not comply with the land use plan.
- The rezone will allow for increased density.
- Fire and emergency access during construction will be difficult to maintain.
- The property does not have consistent depth for recreation or accessibility for boating like other R-3 properties.
- The amount of vegetation removal that has occurred is detrimental to the natural resources and wildlife in the area.
- The proposed rezone is of no benefit to the community.

RZ174 Jewell

During the public hearing, three neighbors spoke in opposition to the request stating the following:

- One questioned why one parcel (subject parcel) has more precedence than others and is allowed to do something else and that it is deceitful of the town to allow this request for personal gain of the property owner.
- Fines should be levied for previous vegetation removal, which has impacted wildlife.
- The owner knew about the building constraints at time of purchase.
- The rezone and subsequent new residence will reduce property values.
- Emergency access is difficult due to narrow configuration of the easement and several driveways in nearby vicinity to one another. There is concern regarding the placement of construction equipment and materials during new home construction.
- The property will become more degraded with the proposed construction, which will have a negative impact on paddlers and boaters.

TOWN PLAN COMMISSION:

On May 5, 2026, the Town of Delafield Plan Commission unanimously recommended approval of the rezone request, subject to the following conditions:

1. Previous and future vegetation removal shall comply with all requirements of the Waukesha County Planning and Zoning Division. The County shall ensure the plants that have been replanted as part of a prior, or any future, Shoreland Cutting Permit continue to survive and thrive on the parcel.
2. A construction vehicle staging plan shall be submitted and approved by Waukesha County, Lake Country Fire and Rescue and, if applicable, the Town of Delafield to ensure safe access to the parcel in the event of an emergency.
3. Existing and proposed lighting on the property shall not impact the neighbors or community, and be sensitive to the Primary Environmental Corridor and wildlife.

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

The Town and County plans designate the subject parcel as Low Density Residential (LDR; 20,000 SF to 1.4 acres per dwelling unit), similar to the properties to the south and west. The conservancy areas of the parcel are designated on the Town and County plans as PEC Primary Environmental Corridor. The proposal is consistent with the density recommendations of both plans.

STAFF ANALYSIS:

The approximately 2.32-acre property is located on the north side of Pewaukee Lake, in a shallow bay, south of the extensive wetland holdings of the Pewaukee Lake Sanitary District. More than half the property is wetland and mapped environmental corridor, much of which is located to the north of the existing home. The southern portion of the property contains the residence and attached garage and has steep slopes ranging from 15-25%. A walkway to the south of residence allows access to the lakeside of the property. The property has access to Taylor's Woods Road via a 40' wide access easement across three (3) neighboring properties.

The petitioner is seeking rezoning as part of their new home planning process. With the existing A-2 District side yard offset and wetland setback provisions, 30' and 75' respectively, the conforming building envelope is approximately 612 SF (Exhibit A). A home of 612 SF would not comply with the minimum building footprint provision in the ordinance of 1,100 SF. Nonconforming structure rules would also allow in-kind replacement of the existing home, but the configuration and height would

RZ174 Jewell

need to be identical to the existing condition. In kind replacement of the home has the negative impact of leaving a home just 32' from the wetlands.

The provisions of the A-2 district and the R-3 district are nearly identical, however, a rezone to the R-3 district would allow for a slightly reduced offset, which would provide an approximately 2800 SF building envelope (Exhibits B (R-3 building envelope) and C (comparison chart)). While the building envelope would be larger, the configuration of the envelope would still be constrained and narrow on both sides. Therefore, it is expected that the petitioner will likely also pursue further setback/offset relief from the Waukesha County Board of Adjustment.

The request to rezone the approximately 0.79-acre portion that is zoned as A-2 Rural Home District to the R-3 Residential District would place the property in a zoning district that is consistent with the developed properties on the south side of Taylor's Woods Road and along Pewaukee Lake, which are also zoned R-3. The area proposed to be rezoned is also consistent with the size of the parcels to the south, which range in size from 0.38 acres to 1.4 acres. Similarly, the LDR land use plan designation on the subject property is found on the properties along the shore of Pewaukee Lake to the south. The much larger parcels to the north that are almost entirely environmental corridor are planned Primary Environmental Corridor (PEC) and are zoned A-2 with multiple overlays, including PEC. The conservancy areas on the subject property are proposed to remain protected by their existing zoning and land use plan categories.

A wetland delineation was completed by an assured delineator (Heartland Ecological) in June of 2023. A vegetation removal permit to remove dead and non-native trees and invasive shrub species was issued in November of 2023 and a rip rap general permit was issued by the DNR in May of 2024. Both the vegetation removal and rip rap permits have been completed. In conjunction with the recorded Deed Restriction (Doc #4744825) associated with the vegetation removal permit, seven (7) trees and 29 shrubs were required to be replaced. In April of 2026, staff conducted a site inspection which revealed the replacement vegetation had been installed. However, a couple of trees and numerous shrubs were dead and in poor health because of deer rub and deer browsing. Some shrubs appeared to be affected by wet conditions. The site inspection also revealed a significant amount of a prominent wetland species, skunk cabbage, growing through the turf along the shoreline.

As stated above, staff has received numerous comments and concerns regarding the vegetation removal and acknowledges the more open condition that the removal of 2800 SF of invasive shrubs has created (Exhibit D). County staff will be requiring vegetation plan adjustments and replacement plantings to ensure the above-described replacement plantings become appropriately established. Because the petitioner will likely be seeking additional ordinance relief, he has also discussed with staff that he is open to additional wetland buffering or wetland enhancement activities.

Staff has contacted the Lake Country Fire Department seeking advice on where construction staging shall take place on the property to ensure emergency access remains available to the adjacent properties. The recommendations and requirements of the fire department will be carried into Zoning Permit requirements for a new home at such time as permits are sought.

STAFF RECOMMENDATION:

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

RZ174 Jewell

1. There shall be a maximum of one dwelling unit on the property and the property shall not be further divided, with the exception of a transfer of lands to a land conservancy organization.
2. The petitioner shall provide a revised vegetation replacement plan for the vegetation removal permit (D23:020) that includes species tolerant of wet conditions and species that will resist animal browsing. A new plan shall be provided by July 15, 2026 with a replacement schedule to be established as part of the approval of the revised plan.
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As conditioned, the rezoning will bring the property into a zoning district that is consistent with the town and county land use plans and the neighboring properties to the southeast along the Pewaukee Lake shoreline. The change in zoning will provide side yard offsets that will allow for a more reasonable building envelope where there is currently a very substandard envelope. The existing natural resource zoning and zoning overlays will protect the wetlands and environmental corridor areas on the property. The above conditions ensure that previous vegetation removal activities are remediated and that lighting and construction activities do not create nuisance conditions.

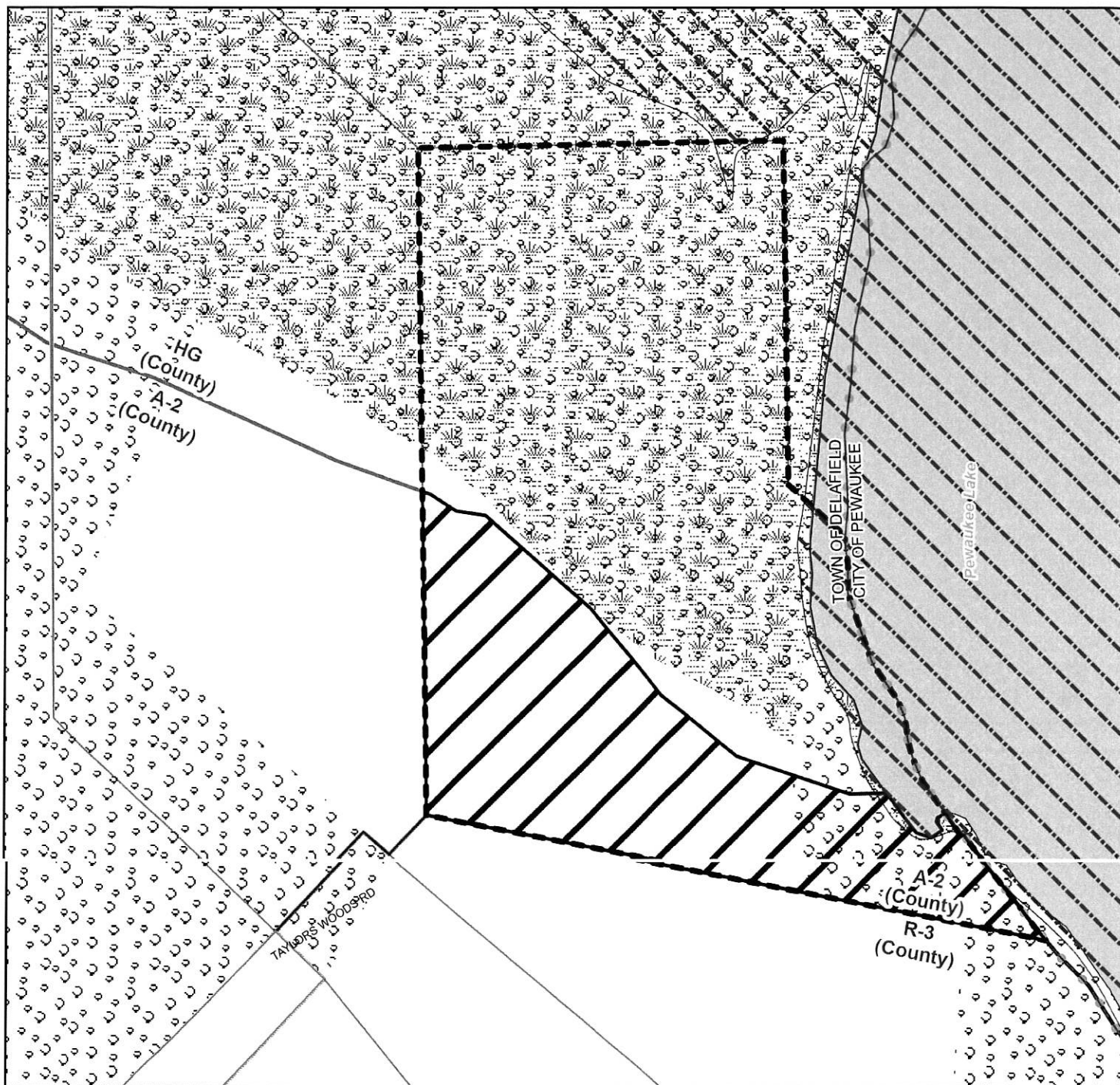
Respectfully submitted,



Kassie Slotty
Senior Land Use Specialist

Attachments:

Rezone Map
Exhibit A-A-2 building footprint
Exhibit B-R-3 building footprint
Exhibit C-comparison chart
Exhibit D-vegetation removal plan



ZONING AMENDMENT

PART OF NE1/4, SEC 12
T7N R18E, ALSO PT OF
NW1/4, SEC 7 T7N R18E
TOWN OF DELAFIELD

0 1,500 3,000
Feet



COUNTY ZONING CHANGE FROM A-2 RURAL HOME
DISTRICT TO R-3 RESIDENTIAL DISTRICT



EC Environmental Corridor Overlay (to remain)



C-1 Conservancy Overlay (to remain)



Flood Fringe District (to remain)

FILE.....RZ174 JEWELL
DATE OF PLAN COMMISSION.....05/21/26
AREA OF CHANGE.....0.79 ACRES
TAX KEY NUMBER.....DELT0765995006

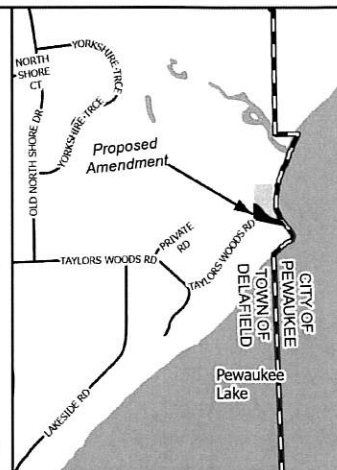


Exhibit A

Jewell Homes

PLAT OF SURVEY

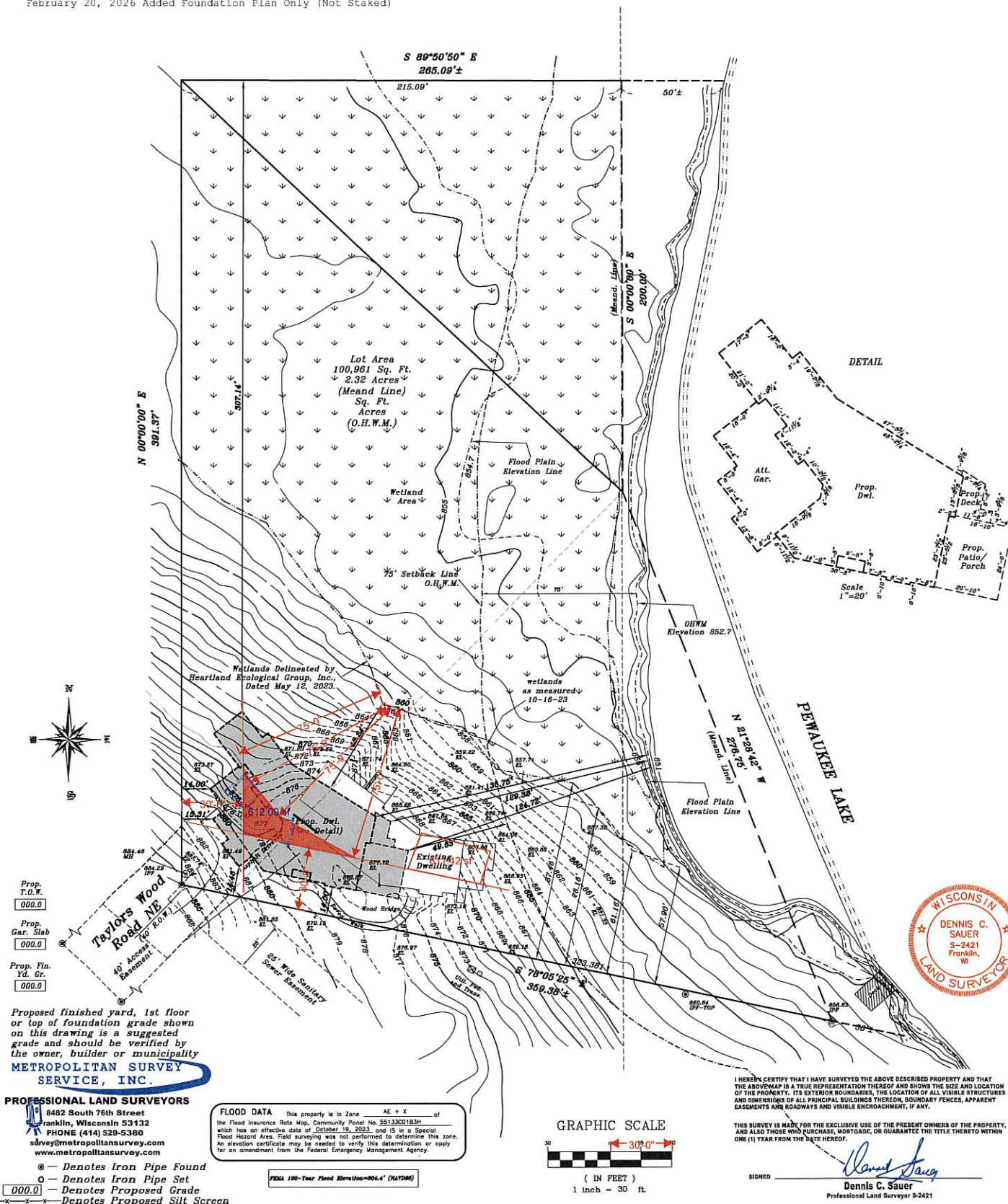
LOCATION: W280 N3595 Taylors Wood Road NE, Delafield, Wisconsin

LEGAL DESCRIPTION: Lot 2 of Certified Survey Map No. 3775, recorded January 18, 1980, in Volume 29 of Certified Survey Maps, Page 82, as Document No. 1118648, being a part of the Northeast 1/4 of Section 12, Township 7 North, Range 18 East and part of the Northwest 1/4 of Section 7, Township 7 North, Range 19 East, in the Town of Delafield, Waukesha County, State of Wisconsin. ALSO, that part of the Northwest 1/4 of Section 7, Township 7 North, Range 19 East and part of the Northeast 1/4 of Section 12, Township 7 North, Range 18 East, in the Town of Delafield, Waukesha County, State of Wisconsin, described as follows: Commencing at the Northwest corner of Lot 2 of Certified Survey Map No. 3775, recorded January 18, 1980, in Volume 29 of Certified Survey Maps, Page 82, as Document No. 1118648; thence South 89° 50' 50" East, 215.09 feet; thence Easterly, 50 feet, more or less, to the shore of Pewaukee Lake; thence Southerly along the shore of Pewaukee Lake to the point where shoreline intersects the South line of said Lot 2 of Certified Survey Map No. 3775 recorded as Document No. 1118648 extended; thence Westerly along the extended South line of said Lot 2, to the East line of said Lot 2; thence North 21° 28' 42" West, 276.750 feet and North 47° 00' 00" West, 294.095 feet to the point of beginning.

October 16, 2023

February 20, 2026 Added Foundation Plan Only (Not Staked)

Survey No. 116568-S



PLAT OF SURVEY

LOCATION: W280 N3595 Taylors Wood Road NE, Delafield, Wisconsin

LEGAL DESCRIPTION: Lot 2 of Certified Survey Map No. 3775, recorded January 18, 1980, in Volume 29 of Certified Survey Maps, Page 82, as Document No. 1118648, being a part of the Northeast 1/4 of Section 12, Township 7 North, Range 18 East and part of the Northwest 1/4 of Section 7, Township 7 North, Range 19 East, in the Town of Delafield, Waukesha County, State of Wisconsin.

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Exhibit B

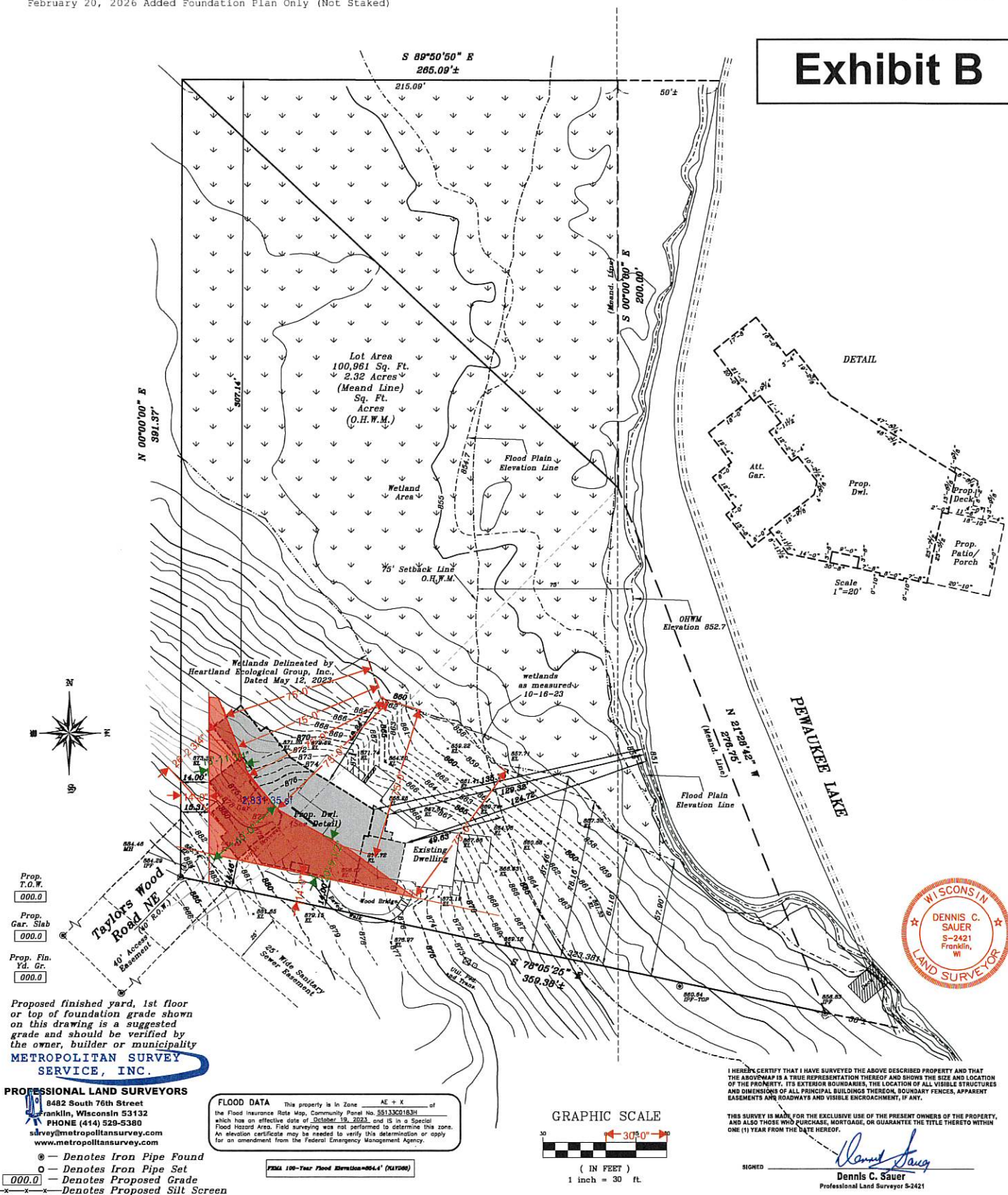


Exhibit C

A-2 RURAL HOME DISTRICT/R-3 RESIDENTIAL DISTRICT COMPARISON CHART

ZONING PROVISIONS	Required A-2	Required R-3 (sewered)	Existing Lot/Home A-2
CONSERVANCY ZONING DESIGNATIONS	C-1 Conservancy Overlay (wetland), EC Environmental Corridor Overlay, FF Flood Fringe District	C-1 Conservancy Overlay (wetland), EC Environmental Corridor Overlay, FF Flood Fringe District	C-1 Conservancy Overlay (wetland), EC Environmental Corridor Overlay, FF Flood Fringe District
LOT SIZE	3-acre min	3-acre min because lot does not abut a public road	2.32 acres (101,059 SF) Upland approx. 0.79 acres (34,412.4 SF)
AVG. WIDTH	200' min	200' because lot does not abut a public road	409' +/-
OFFSET	30' min	14' min	19.4'
TOTAL BUILDING FOOTPRINT	10% of lot size; however, offsets/setbacks limit footprint to approx. 600 SF	17.5% lot size; however, offsets/setbacks limit footprint to approx. 2800 SF	2568.8 SF (2.5%)
ACCESSORY FOOTPRINT	2% of lot size	2% of lot size	NA
MIN. FLOOR AREA	850 SF first floor/1100 SF overall	850 SF first floor/1100 SF overall	NA
BLDG HEIGHT	42' max (to peak)/44' w/ 3 trees planted	42' max (to peak)/44' w/ 3 trees planted	unknown
SHORE SETBACK	75'	75'	97.9' (res) 83.67' (deck)
WETLAND SETBACK	75'	75'	32' (res) 36.4' (deck)
FLOODPLAIN SETBACK	NA unless in 0.2% (35')	NA unless in 0.2% (35')	NA
IMPERVIOUS SURFACE	30%	30%	4736.5 SF (4.7%)

2023
DEL T0765995006
LOT 2 CSM #3775 VOL. 29/82 REC AS DOC #1118648
PT NE1/4 SEC 12 T7N R18E :: ALSO PT NW1/4 SEC
7 T7N R18E & NE1/4 SEC 12 T7N R18E; COM NW
CRNR LOT 2 CSM #3775; S89°50'50"E 215.09 FT;
ELY 50 FT TO LAKE; SLY ALNG LAKE SHORE TO
INTRSCN WHERE SHRLNE INTRSC S LINE LOT 2
CSM #3775 EXTND; WLY ALNG EXTND S LINE
LOT 2 TO E LINE OF LOT 2; N21°28'42"W 276.75 FT;
N47°00'00"W 294.10 FT TO BGN

Exhibit D

Vegetation Removal and Replanting Plan

APPROVED
SHORELAND
CUTTING
PLAN

RECEIVED 11/02/2023
DEPT PARKS & LAND USE

APPROVED
VEGETATION
PLAN



VOTE RESULTS

21 AYE 1 NAY 0 ABSTAIN 3 ABSENT

Ordinance 181-O-013

Majority Vote of Members Present

Amend Town of Delafield District Zoning Map of Waukesha County SPO by Conditionally Rezoning Certain Lands from A-2 to R-3 (RZ174) – APPROVED: LU 5-1 (Schellinger)

 **Passed**

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

1 AMEND THE TOWN OF DELAFIELD DISTRICT ZONING MAP OF THE WAUKESHA
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