

ORDINANCE NO. 2006-003**AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.05 5. AO  
OF THE ZONING ORDINANCE IN THE TOWN OF DELAFIELD**

WHEREAS, the Town Board of the Town of Delafield recognizes that there may be existing structures within the setback and offset areas of existing properties that will not meet the requirements of Section 17.05 5 AO. Riding Academies and Commercial Stables of the Town Zoning Code, and

WHEREAS, the Town Board desires to allow riding academies and commercial stables to foster the rural character of the Town, and

WHEREAS, the conditions stated in Section 17.05 5. AO. restrict the use of existing farm buildings if they are too close to an adjacent zoning district line that allows residential uses, and

WHEREAS, the Town Plan Commission recommended approval on December 6, 2005, and the Town Board held a public hearing on January 24, 2006, to hear all parties regarding the proposed ordinance modifications,

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

**SECTION 1:** Section 17.05.5 AO., Riding Academies and Commercial Stables, is hereby repealed and recreated to read as follows:

**Section 17.05 5. AO.****AO. Riding Academies or Commercial Stables**

1. **Where Permitted.** Subject to the provisions of subsection 2., riding academies and commercial stables are conditional uses which may be permitted in the following districts:
  - A-1 Agricultural District
  - A-2 Rural Home District
  - A-3 Suburban Home District
  - A-E Exclusive Agricultural District
2. **Conditions Under Which Permitted.** Conditional use status shall not be granted to riding academies or commercial stables unless all of the following conditions are met;
  - a. The lot is at least 7 ½ acres in area.
  - b. Building location:
    - (1) All buildings shall comply with the setback and offset provisions of the underlying zoning district, except as provided below.
    - (2) No new building housing animals shall be closer than 100' to the lot line of an adjoining lot in a district permitting residential use. All other new buildings shall meet the offset and/or setback requirements of the zoning district in which they are located.
    - (3) Existing buildings constituting legal nonconforming structures may remain although their use may be restricted in the grant of permit.

- (4) No existing building, except one designated as a rustic structure pursuant to Town ordinance, which is located closer than 100' to the lot line of an adjoining lot in a district permitting residential use, may be used to house animals except as may be specifically authorized in the grant of permit after review by the Plan Commission of the following factors:
- the overall size of the property;
  - the nature of the building's use;
  - the intensity of the building's use, including the type and number of animals to be housed, and the hours and days of operation,
  - the pattern and location of other activity on the property;
  - the location and use of buildings on neighboring properties;
  - the activities conducted on neighboring properties;
  - the consent of neighboring property owners to the intended use; and,
  - provisions for manure storage and disposal.
  - the location of the existing building in relationship with the adjacent property line.

Any such building may be reconstructed or enlarged only as specifically authorized in the grant of permit or an amendment thereto.

- c. No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of permit.
- d. No lighting installations shall be permitted which create a hazard to traffic or nuisance to surrounding property. The use of flashing or revolving spot lights, are specifically prohibited.

SECTION 2: Severability

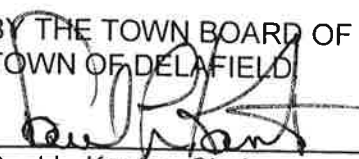
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 3: Effective Date

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

This ordinance passed this 14<sup>th</sup> day of February, 2006.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD

  
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Paul L. Kanter, Chairman

ATTEST:

  
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Mary T. Elsner, CMC, Town Clerk