

Ordinance No. 2007-006

**An Ordinance
to amend the Zoning Map
of the Town of Delafield from A-2 to R-2 and from R-1A to R-2 and impose the PLO overlay
district on lands located in the Southeast 1/4 of Section 15, owned by Syed Hussain**

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-2 to R-2 on the following described parcel of land:

All that part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 15, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the northwest corner of said Southeast Quarter (SE 1/4); thence South 89°11'09" East along the north line of said Southeast Quarter (SE 1/4) 400.00 feet to the place of beginning of the land hereinafter described: thence South 00°25'08" West along the easterly line of Parcel 2 as recorded in C.S.M. 3560, 327.01 feet; thence North 89°11'09" West along the southerly line of said Parcel 2, 400.02 feet; thence South 00°25'18" West along the westerly line of said Southeast Quarter (SE 1/4) 210.06 feet; thence South 79°37'53" East 152.05 feet; thence North 75°52'07" East 340.89 feet, thence North 71°22'07" East 75.00 feet, thence North 35°22'07" East 75.00 feet, thence South 53°37'33" East 21.49 feet, thence North 37°07'34" East 49.11 feet, thence South 52°52'26" East 48.84 feet, thence North 37°05'32" East 192.94 feet, thence North 35°51'47" East 179.99 feet; thence North 38°59'10" East 58.01 feet; thence North 23°19'45" East 21.31 feet; thence North 09°36'43" East 21.56 feet to a point on the north line of said Southeast Quarter (SE 1/4); thence North 89°11'09" West along said north line 547.00 feet to the place of beginning; containing 261,231 square feet (6.00 acres) of land.

The Town of Delafield Zoning Map is hereby amended to change the zoning classification from R-1A to R-2 on the following described parcel of land:

All that part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 15, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, described as follows: Lot 3, Certified Survey Map No. 6546; containing 87,121 square feet (2.00 acres) of land.

The Town of Delafield Zoning Map is hereby amended to impose the PLO Pewaukee Lake Non-Shoreline Overlay District zoning classification on the following described parcel of land:

All of Lots 6, 7 and 8 and parts of Lots 5 and 20, Block "A", Plat of the Addition to Crystal Spring Park, a recorded subdivision, being a part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 15, Town 7 North, Range 18 East, Town of Delafield,

Waukesha County, Wisconsin, bounded and described as follows: Commencing at the northwest corner of said Southeast Quarter (SE 1/4); thence South 89°11'09" East along the north line of said Southeast Quarter (SE 1/4) 400.00 feet to the place of beginning of the land hereinafter described; thence South 00°25'08" West along the easterly line of Parcel 2 as recorded in C.S.M. 3560, 327.01 feet; thence North 89°11'09" West along the southerly line of said Parcel 2, 400.02 feet; thence South 00°25'18" West along the westerly line of said Southeast Quarter (SE 1/4) 210.06 feet; thence South 79°37'53" East 152.05 feet; thence South 32°17'25" East 346.87 feet along the southwesterly line of Lot 3 as recorded in C.S.M. 6546; thence North 37°07'34" East along the easterly line of said Lot 3, 314.19 feet; thence South 54°58'59" East along the southerly line of said Lot 8, 288.34 feet; thence North 36°41'29" East along the westerly right-of-way of Maple Avenue, as platted 310.00 feet; thence North 51°46'33" West 287.04 feet; thence North 37°05'32" East 126.84 feet; thence North 35°51'47" East 179.99 feet; thence North 38°59'10" East 58.01 feet; thence North 23°19'45" East 21.31 feet; thence North 09°36'43" East 21.56 feet to a point on the north line of said Southeast Quarter (SE 1/4); thence North 89°11'09" West along said north line 547.00 feet to the place of beginning; containing 443,698 square feet (10.19 acres) of land. The above description includes all of Lot 3, C.S.M. 6546.

ALSO, including a non-exclusive right-of-way pursuant to Document recorded on April 28, 1941 in Volume 303 of Records on Page 67 as Document No. 240226, being part of the Southeast Quarter (SE 1/4) of Section 15, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, to have and continue to have a right-of-way for ingress and egress over and across the land 20 feet in width on the northerly side of that part of Lots 1, 2 and 3, Block "A" and extending 20 feet adjoining the quarter section line in the Addition to Crystal Spring Park, a recorded subdivision, across the so-called right-of-way lot in said plat, and extending southerly along the one-eighth line, 20 feet in width adjoining said one-eighth line on the West, to the public highway.

REFERENCE BEARING: Bearings are referenced to the North line of the SE 1/4 of Section 15, T7N, R18E, which has a recorded bearing of N 89°11'09" W in C.S.M. No. 3560.

Section 2:

The rezoning of these lands is conditioned upon satisfaction of the following items:

- A. The land shall be developed in conformance with the site plan dated June 12, 2007.
- B. Preparation of a Certified Survey Map to reconfigure parcels
- C. Preparation of a Condominium Plat
- D. Completion of a Conditional Use permit
- E. Submittal and approval of a Developer's Agreement
- F. Approval of final plans prior to signing the ordinance
- G. Submittal of a Letter of Credit
- H. Project Start time limitation
- I. Waukesha County approval of the rezoning, CU and stormwater management plan
- J. If the development does not commence within one (1) year of the approval of this ordinance (date of publishing of the ordinance), the zoning shall revert back to its present zoning.

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 28th day of August, 2007.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter
Town Chairman

ATTEST:



Mary T. Elsner, CMC
Town Clerk