

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

Ordinance No. 2010-005

**AN ORDINANCE TO REPEAL AND RECREATE CERTAIN PORTIONS
OF SECTION 17.03 1. AND 17.04 5. OF THE TOWN OF DELAFIELD
CODE OF ORDINANCES REGARDING SIGNATURES ON APPLICATIONS,
EXPIRATION TIME FOR APPROVALS AND LANGUAGE
REGARDING THE KEEPING OF POULTRY,
FOWL AND LIVESTOCK IN THE A-2 RURAL HOME DISTRICT; AND
THE REPEAL OF SECTION 17.036. E. REGARDING THE REQUIREMENT OF
SPRINKLER SYSTEMS IN HOUSES OVER A CERTAIN HEIGHT**

WHEREAS, from time to time, the Town Plan Commission reviews the Zoning Code (Chapter 17) of the Town of Delafield Municipal Code; and

WHEREAS, this amendment to the zoning regulations of the Town of Delafield was initiated by the Plan Commission pursuant to Section 17.10(5) of the Town of Delafield Zoning Code; and

WHEREAS, the Town of Delafield Plan Commission has determined that certain sections should be modified to clarify, add or delete language to better meet the purpose of the Chapter; and

WHEREAS, the Plan Commission has conducted the necessary investigation and has reported its recommendation to the Town Board pursuant to Section 17.10(5)(D) of the Town of Delafield Zoning Code; and

WHEREAS, upon due notice as required by Section 17.10(5)(F) and Section 17.10(6) of the Town of Delafield Zoning Code, the Town Board conducted a public hearing regarding the proposed amendments on April 7, 2010; and

WHEREAS, the Town Board of the Town of Delafield, having carefully reviewed the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, and having given the matter due consideration, and having based its determination on the effect of the zoning amendment on the health, safety and welfare of the community, and having given due consideration to the municipal problems involved as well as the impact on surrounding properties as to noise, dust, smoke and odor, hereby determines that the zoning amendment will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offense, or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of properties affected by these zoning amendments, and further finds that these amendments will be consistent with the Town of Delafield Comprehensive Plan,

NOW, THEREFORE, the Town of Delafield Board of Supervisors DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Ordinance," Section 17.03 entitled "General Regulations," subsection (1) entitled "General Permit

SECTION 4: Section 17 of the Town of Delafield Municipal Code entitled "Zoning Ordinance," Section 17.03 entitled "General Regulations," subsection (1) entitled "General Permit Regulations," subsection (D) entitled "Home Occupation Permit," subsection (4) entitled "Application," is hereby repealed and recreated as follows:

17.03 1. D. 4. Application

...

4. **Application.** All applications for home occupation permits shall be filed in the office of the Code Enforcement Officer and shall include a plan of operation of sufficient detail to enable the Plan Commission to make a determination as to the appropriateness of the proposed use. The application shall be signed by the owner of the property on which the approval is being requested.

SECTION 5: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Ordinance," Section 17.04 entitled "Zoning Districts," subsection (5) entitled "Specific District," subsection (H) entitled "A-2 Rural Home District," subsection (2) entitled "Use Regulations," subsection (a) entitled "Permitted Uses," is hereby repealed and recreated as follows:

- 17.04 5. H. 2. a. Permitted Uses.

...

a. Permitted Uses

(1) Single family dwellings

(2) The keeping of poultry, fowl and domestic livestock subject to the following conditions:

(a) One large animal (those animals with a mature weight of 50 pounds or more) or two fowl or two small animals, or combination thereof shall be allowed on lots of 3 acres. One additional large animal or equivalent fowl or small animal may be added per acre of land over 3 acres (2 fowl or 2 small animals equals 1 large animal).

(b) If more large animals or equivalent fowl or small animal(s) or combination thereof is desired beyond the maximum allowed on the lot per subsection a.(2)(a), above, they shall only be permitted as a Conditional Use under section 17.05. W. Keeping of Poultry or Livestock.

(c) Notwithstanding the foregoing, the keeping of any type of animal that is described in Section 17.05 of this Code as a conditional use in the A-2 District, and the keeping of

SECTION 7: SEVERABILITY

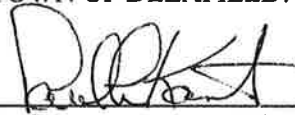
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 8: EFFECTIVE DATE

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

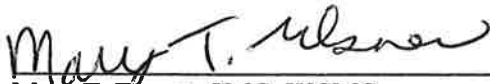
This ordinance passed this 13th day of April, 2010.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Eisner, CMC, WCMC
Town Clerk