

Ordinance No. 2011-004

An Ordinance to create and repeal and recreate certain portions of Section 17.03 6. and 17.04 5. of the Town of Delafield Code of Ordinances regarding eave height, and garage size in A-1, A-E (by reference to the A-1 section) and A-2 zoning districts.

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 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 June 7, 2011, 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, duct, 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, duct, 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 6. entitled "Height Regulations," subsection E entitled "Additional Requirements (repealed in its entirety 2010-005)" is hereby created as follows:

E. Additional Requirements

- I. No building and zoning permit shall be issued for any principal building or structure greater than 30 feet measured to the highest eave immediately above the lowest grade along the perimeter of the building or structure unless the Plan Commission has granted approval of the height increase to no more than 35 feet based upon consideration of the following factors:
 - (a). review and comments by the fire department
 - (b). consideration of obstacles that would prevent access to all sides of the building.
 - (c). location of the building or structure in relationship with other buildings or structures on site.



- (d). location of upper decks and balconies
- (e). length and/or percent of the building where the height to the eave is greater than 30 feet.
- (f). installation of a fire sprinkler system

Section 2: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning Ordinance," Section 17.04 entitled "Zoning Districts", subsection 5. entitled "Specific District," subsection F. entitled "A-1 Agricultural District" subsection 2. entitled "Use Regulations", subsection b. entitled "Permitted Accessory Uses," subsection (1) is hereby repealed and recreated as follows:

- (1) Private, detached garages not involving the conduct of business and not including any sanitary facilities.

Section 3: 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 b. entitled "Permitted Accessory Uses," subsection (1) is hereby repealed and recreated as follows:

- (1) Private, detached garages not involving the conduct of business and not including any sanitary facilities.

Section 4: 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 5: Effective Date

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

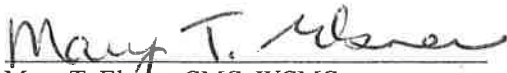
This ordinance passed this 14th day of June, 2011.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk

