

Ordinance No. 2012-001

**An Ordinance to amend the following sections of the Town of Delafield Code of Ordinances:
Section 17.06 4. B. regarding fence height between a shoreline and a principal building
Section 17.09 2. Q. regarding driveway slopes**

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 December 6, 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 17.06 entitled "ACCESSORY USES, ACCESSORY BUILDINGS AND OTHER STRUCTURES", subsection 4. entitled "STRUCTURES OTHER THAN BUILDINGS," subsection B entitled "Fences" is hereby repealed and recreated as follows:

Fences. Fences and other architectural screening devices where anchored to supports embedded in the ground shall be considered permanent structures and shall be subject to the following:

1. No fence or other architectural screening device as described above may be constructed unless a zoning permit is first secured through the building inspection department, except a fence to enclose a farming operation.
2. Any such structures not in excess of three feet in height may be permitted anywhere on the lot consistent with standards set forth in this chapter, subject to acquiring a zoning permit as specified in 1 above.

3. Any such structure greater than three feet in height and up to six feet in height may be permitted anywhere behind the nearest portion or projection of the principal structure as measured from the right-of-way, extended to the side lot line, except as regulated below, subject to acquiring a zoning permit as specified in 1 above.
4. Any such structure greater than three feet in height located between the road right-of-way line and the nearest portion or projection of the principal structure measured from the right-of-way line, extended to the side lot lines may be permitted with the approval of the Plan Commission.
5. Any such structure located between the Ordinary High Water Mark (OHWM) (as determined by the Wisconsin Department of Natural Resources (WDNR)) of a lake or stream and the nearest portion or projection of the principal structure measured from the OHWM, extended to the side lot lines, shall be no greater than three feet, without Plan Commission approval.
6. Any such structure greater than six feet in height may be permitted, provided it conforms to the height, offset and setback requirements of the district in which it is located, subject to the approval of the Plan Commission; however, any such structure may be permitted closer to the required offset from the adjoining lot line with the written consent of the adjoining property owners and subject to the approval of the Plan Commission.
7. Any fence shall be erected so that the finished side faces the abutting property

Section 2: Chapter 17 of the Town of Delafield Municipal Code entitled "ZONING ORDINANCE," Section 17.09 entitled "LOADING AND OFF-STREET PARKING", subsection 2. entitled "PARKING REQUIREMENTS," subsection Q entitled "Driveway Slope" is hereby created as follows:

Q. Driveway Slope

1. The maximum driveway slope shall be 12%, with the following exceptions;
 - a. Existing driveways that exceed 12% may remain.
 - b. Repair or repaving of existing driveways that exceed 12% shall be allowed, however, shall not increase in slope.
 - c. The Plan Commission may grant a driveway slope variance at the petition of the property owner.

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 and posting or publication as provided by law.

This ordinance passed this 10th day of January, 2012.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk

kat: H:\1111600\Doc\O 111111 Zoning Code Fences and Driveway Slope.docx

