

Ordinance No. 2012-03

An Ordinance to repeal Sections 17.04.5.A.2.b.(4), 17.04 5.B.2.b.(4) and 17.04 5.I.2.b.(6) of the Town of Delafield Zoning Ordinance related to the allowance of non-residential structures used solely in conjunction with the raising of water fowl, minnows, and other similar lowland animals, fowl or fish.

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 February 7, 2012, 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 17.04 entitled "ZONING DISTRICTS", subsection 5 entitled "SPECIFIC DISTRICTS", subsection A, entitled "R-1 RESIDENTIAL DISTRICT", subsection 2. entitled, "USE REGULATIONS", paragraph b. entitled "Permitted Accessory Uses", subparagraph (4) is hereby repealed in its entirety

Section 2: Chapter 17 of the Town of Delafield Municipal Code entitled "ZONING ORDINANCE," Section 17.04 entitled "ZONING DISTRICTS", subsection 5 entitled "SPECIFIC DISTRICTS", subsection B, entitled "R-1A RESIDENTIAL DISTRICT", subsection 2. Entitled, "USE REGULATIONS", paragraph b. entitled "Permitted Accessory Uses", subparagraph (4) is hereby repealed in its entirety

Section 3: Chapter 17 of the Town of Delafield Municipal Code entitled "ZONING ORDINANCE," Section 17.04 entitled "ZONING DISTRICTS", subsection 5 entitled "SPECIFIC DISTRICTS", subsection I, entitled "A-3 SUBURBAN HOME DISTRICT", subsection 2, entitled "USE REGULATIONS", paragraph b. entitled "Permitted Accessory Uses", subparagraph (6) is hereby repealed in its entirety

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.

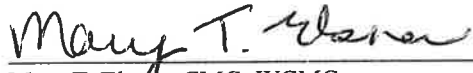
This ordinance passed this 14th day of February, 2012.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk