

Ordinance No. 2012-10

An Ordinance to repeal and recreate certain portions of Section 17.04 5. A., 17.04 5. B., 17.04 5. H., and 17.04 5. I. of the Town of Delafield Code of Ordinances regarding the required percentage of open space on a property.

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)(B) of the Town of Delafield Zoning Code, and

WHEREAS, the Plan Commission, on March 6, 2012, received a petition signed by 180 residents of the Town requesting that the open space in the A-2 zoning district be reduced from 92% to 80% and that the inclusion of driveways in the open space calculation should be eliminated, and

WHEREAS, the Plan Commission has conducted the necessary investigation, held informal hearings and has reported its recommendation to the Town Board pursuant to 17.10 (5)(E)(2) of the Town of Delafield Zoning Code as noted in the minutes of the May 1, 2012 Plan Commission meeting, and

WHEREAS, the Town of Delafield Plan Commission has recommended that certain sections of the zoning code be modified to better meet the purpose of the 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 May 22, 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 District," subsection A. entitled "R-1

Residential District”, subsection 5. Entitled “Area Regulations”, subsection d. entitled Open Space is hereby repealed and recreated as follows:

d. Open Space

With the exception of rustic structures, which shall be permitted, 85% of each lot shall remain as open space.

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 B. entitled “R-1A Residential District”, subsection 5. Entitled “Area Regulations”, subsection d. entitled Open Space is hereby repealed and recreated as follows:

d. Open Space

With the exception of rustic structures, which shall be permitted, 85% of each lot shall remain as open space.

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 5. Entitled “Area Regulations”, subsection d. entitled Open Space is hereby repealed and recreated as follows:

d. Open Space

With the exception of rustic structures, which shall be permitted, 85% of each lot shall remain as open space.

With the exception of rustic structures, the total space occupied by all accessory buildings shall not exceed 1% of the total lot space unless the land is greater than 10 acres in which case the accessory buildings can be 2%.

Section 4: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning Ordinance,” Section 17.04 entitled “Zoning Districts”, subsection 5. entitled “Specific District,” subsection I. entitled “A-3 Suburban Home District”, subsection 5. Entitled “Area Regulations”, subsection d. entitled Open Space is hereby repealed and recreated as follows:

d. Open Space

With the exception of rustic structures, which shall be permitted, 85% of each lot shall remain as open space.

Section 5: 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

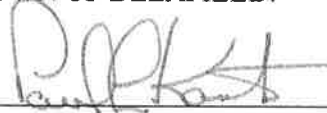
affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 6: Effective Date

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

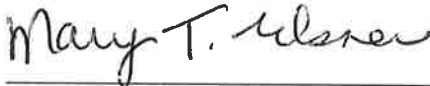
This ordinance passed this 22nd day of May, 2012.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk

