

ORDINANCE NO. 2014-06**AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.05 5. AM. 2.d. (6) OF THE TOWN OF DELAFIELD CODE OF ORDINANCES REGULATING ZONING**

WHEREAS, Chapter 17 of the Town of Delafield Code provides standards regulating zoning for the Town of Delafield; and

WHEREAS, the Plan Commission for the Town Board has recommended that the Town Board revise Chapter 17 of the Town of Delafield Code of Ordinances to update a regulation of the Code, and

WHEREAS, following a Class 2 notice, the Town Board of the Town of Delafield held a public hearing on July 1, 2014 concerning the text amendment as provided for in Section 17.10 of the Town of Delafield Code of Ordinances; and

WHEREAS, THE Town Board has determined that the adoption of the Plan Commission's recommendation will promote the public health, safety and general welfare of the community, lessen congestion in the streets and highways; further the orderly layout and use of the land; to secure safety from fire, panic and other dangers; to provide adequate light and air; including access to sunlight for solar collectors and to wind for wind energy systems; to prevent the overcrowding of land; to avoid undue concentration of population; facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of the municipality with a view of conserving the value of the buildings placed upon land; providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the municipality, and further finds that these amendments will be consistent with the Town of Delafield Comprehensive Plan.

NOW, THEREFORE, THE TOWN BOARD FOR THE TOWN OF DELAFIELD, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled "ZONING CODE", subsection 17.05 entitled "CONDITIONAL USES," subsection 5 entitled "CONDITIONAL USES PERMITTED," subsection AM entitled "Residential Planned Unit Development," subsection 2. Entitled "Conditions Under Which Permitted," subsection d. (6) shall be repealed and recreated as follows:

- (6) Except as specifically provided in subsection (6)(a), (7)(a), (7)(b) and (8)(a), below, the application of these regulations shall be limited to parcels of not less than 20 acres in area.
- (a) Adjacent Development Exception. The 20 acre minimum area requirement may be waived by the Town Plan Commission if the Town Plan Commission finds all of the following to be true:
1. The parcel for development (New Parcel) is adjacent to a previously constructed development or earlier phase of the same development (Old Parcel). Adjacent for purposes of this exception, includes land that shares a common lot line, and also land that would share a common lot line except for a public right-of-way that lies between the parcels.
 2. The planning objectives of the development of the Old Parcel would not be disrupted by, and would be consistent with, the planning objectives of the development of the New Parcel.

SECTION 2: 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 ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

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

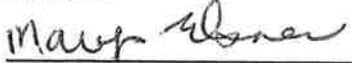
This ordinance passed this 8th day of July, 2014.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary Elsher, Town Clerk