

ORDINANCE NO. 2015-01AN ORDINANCE TO REPEAL AND RECREATE  
SECTIONS 9.14(1)(b)(1) AND 9.14(6)(b)  
OF THE TOWN OF DELAFIELD MUNICIPAL CODE  
RELATED TO MINIMUM PROPERTY STANDARDS

WHEREAS, the Town Building Inspector has suggested that certain changes be made to Section 9.14 of the Town Code, which was adopted in 2014, for purposes of consistency and to aid in enforcement; and

WHEREAS, the Town Engineer and the Town Attorney have reviewed the Building Inspector's recommendations and have agreed that these changes will help to clarify certain requirements and aid in enforcement; and

WHEREAS, the Town Board agrees with the recommendations offered by Town Staff.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.14 entitled "Minimum Property Standards," subsection (1) entitled "Building Separation," subsection (b) entitled "Minimum Standards," subsection (1) entitled "Separation Between Buildings," is hereby repealed and recreated as follows:

1. Separation Between Buildings. No building or structure shall be hereafter erected, converted, relocated, enlarged, structurally altered or moved from one location to another so that the building or structure is closer than 20 feet to any other structure on an adjacent lot measured from the outward-most points of the two structures. No building or structure shall be hereafter erected, converted, relocated, enlarged, structurally altered or moved from one location to another so that the building or structure is closer than 10 feet to any other principal or accessory building or structure on the same lot measured from the outward-most points of the two structures.

SECTION 2: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.14 entitled "Minimum Property Standards," subsection (6) entitled "No Undesirable Structures," subsection (b) entitled "Minimum Standards," is hereby repealed and recreated as follows:

- (b) Minimum Standards. No building or structure shall be erected, converted, relocated, enlarged, structurally altered, occupied or reoccupied and no lumber, materials, furniture, equipment or excess excavation shall be stacked, piled or stored in a manner which adversely affects the property values or general desirability of the neighborhood.
  - 1. The Code Enforcement Officer shall submit any such case in question respecting undesirable structures to the Architectural Control Commission for its determination.
  - 2. The Architectural Control Commission shall base its determination on the following considerations:
    - a. Design or appearance of such unorthodox or abnormal character as to be considered unsightly or offensive to the degree that would have an adverse effect on the property values or general desirability of the neighborhood; or
    - b. Identical design and appearance with adjoining buildings or structures to the degree that monotony and commonness would have an adverse effect on the property values and general desirability of the neighborhood.
  - 3. The decision of the Architectural Control Commission shall be stated in writing, including the reason for the decision.

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 ordinance whose terms are in


conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

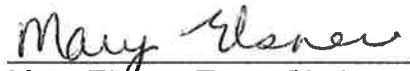
This ordinance shall be effective upon publication or posting as provided by law.

Dated this 28<sup>th</sup> day of April, 2015.

TOWN OF DELAFIELD

  
\_\_\_\_\_  
Lawrence G. Krause, Town Chairman

ATTEST:

  
\_\_\_\_\_  
Mary Elsher, Town Clerk

This ordinance ~~posted~~ or published 5/19/15.  
L:\MyFiles\Ordinance\Building Separation Property Limitations Ord.TOD.clean.05-01-15