

ORDINANCE NO. 2016-04AN ORDINANCE TO REPEAL
SECTION 9.14(1)(b)2.
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
RELATED TO MINIMUM STANDARDS FOR LOT SEPARATION

WHEREAS, the State regulatory scheme which created State shoreland zoning standards, County shoreland zoning ordinance authority and zoning preemption, including amendments to those laws pursuant to 2015 Wisconsin Act 55 and 2015 Wisconsin Act 41 resulted in the Town creating minimum standards for lot separation through ordinary police powers; and

WHEREAS, the lot separation for principal and accessory structures required in Chapter 9.14 (1)(b)2. And 9.14 (1)(b)3. of the Town Code is 15 feet for a lot of 100 feet or greater and 15% of the lot width for lots less than 100 feet; with no lot separation to be less than 7.5 feet without an exception or modification from the Town Board as provided for in chapter 9.14 (9), and

WHEREAS, Waukesha County Parks and Land Use, Planning Division recently adopted changes to their Shoreland Floodland Protection Ordinance which provided for the offset requirement to meet the following:

Lot Width	Required Offset
35 feet or less	5 ft.
>35 feet to 50 feet	7 ft.
>50 feet to <84 feet	10 ft.
>84 feet to <120 feet	14 ft.

and,

WHEREAS, the Town Board has consistently granted exceptions to the lot separation requirement to allow applicants to match the County ordinance, and

WHEREAS, the Town Board has determined that the offset requirements set forth in the Waukesha County Shoreland and Floodland Protection Ordinance for those homes within the Shoreland areas of the Town of Delafield, duly protects the health, safety and welfare of Town residents, allows for consistency in regulating offsets in the Shoreland areas and is not detrimental to the Town,

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 2. entitled "Lot Separation: Principal Buildings" is hereby repealed.

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 (1) entitled "Building Separation," subsection (b) entitled "Minimum Standards", subsection 3. entitled "Lot Separation, Accessory Buildings" is hereby repealed.

SECTION 3: SEVERABILITY.

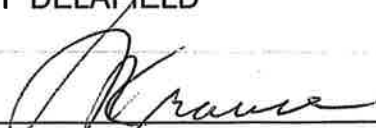
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, 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 13th day of December, 2016.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chairman

ATTEST:



Mary Elsner, Town Clerk

This ordinance ~~posted~~ or published 12/20/16.