

ORDINANCE NO. 2017-04AN ORDINANCE TO REPEAL
SECTION 9.14(1)
OF THE TOWN OF DELAFIELD MUNICIPAL CODE
RELATED TO MINIMUM STANDARDS FOR BUILDING 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 building separation required in Chapter 9.14 (1)(b)1. of the Town Code 20 feet without an exception or modification from the Town Board as provided for in chapter 9.14 (9), and

WHEREAS, In September of 2016, Waukesha County Parks and Land Use, Planning Division adopted changes to their Shoreland Floodland Protection Ordinance which amended Section 37 to incorporate the Town's separation of building requirements as follows:

(d) Separation Between Buildings: The separation requirements listed below shall be met unless excepted or modified by the Plan Commission per procedures and standards adopted by the Town of Delafield.

1. No Principal Building shall be hereafter erected, converted, relocated, enlarged, structurally altered or moved from one location to another so that the Building is closer than twenty (20) feet to any other Building on an adjoining Lot measured from the outward-most points of the two Buildings.

2. No Accessory Building shall be hereafter erected, converted, relocated, enlarged, structurally altered or moved from one location to another so that the Building is closer than ten (10) feet to any other Principal or Accessory Building measured on the subject Lot from the outward-most points of the two (2) Buildings.

and

WHEREAS, the Town Board has determined that the building separation requirements are codified by Waukesha County in their Shoreland and Floodland Protection Ordinance and exceptions will be addressed by the Town of Delafield Plan Commission for those homes within the Shoreland areas of the Town of Delafield, and

the County ordinance 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," is hereby repealed.

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 be effective upon publication or posting as provided by law.

Dated this 23rd day of May, 2017.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chairman

ATTEST:



Mary Elsher, Town Clerk

This ordinance posted or published 5/24/17