

**ORDINANCE NO. 808**

**ORDINANCE AMENDING MAP 7-4 CITY OF DELAFIELD 2030 MASTER LAND USE PLAN  
MAP, PART OF THE 2030 COMPREHENSIVE PLAN IN THE CITY OF DELAFIELD,  
WAUKESHA COUNTY WISCONSIN**

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The Common Council of the City of Delafield, Waukesha County, Wisconsin, does ordain as follows:

**WHEREAS**, pursuant to the general purposes set forth in §62.23(3) (a), Wis. Stats., the Plan Commission adopted a Comprehensive Plan (Master Plan) in 1976 and amended the Plan on March 4, 1991; and

**WHEREAS**, the Comprehensive Plan was amended in 2009 pursuant to §66.1001, Wis. Stats.; and

**WHEREAS**, §66.1001(1)(a), Wis. Stats., defines a Comprehensive Plan for a city as a master plan that is adopted or amended under §62.23(2) or (3), Wis. Stats.

**WHEREAS**, the City's Comprehensive Plan was made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which, in accordance with existing and future needs, would in the opinion of the Plan Commission best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

**WHEREAS**, it is necessary to amend the Comprehensive Plan by incorporating therein amendments, extensions or additions to the Comprehensive Plan; and

**WHEREAS**, the Plan Commission of the City of Delafield has recommended that Map 7-4 City of Delafield 2030 Master Land Use Plan Map, part of the 2030 Comprehensive Plan, be amended from the Institutional category to the Medium Density Residential category (up to 4 units/acre) for properties described in **Exhibit A** and as further located at:

DELC0792060, Lots 1-12 Block Q Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield

DELC0792069, Lots 1, 2, 11 & 12 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792073, Lots 3, 4, 9 & 10 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792074, 439 St. Johns Road, Lots 5-8 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792078, 411 St. Johns Road, Lots 1-12 Block S Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; and

**WHEREAS**, the Plan Commission discussed the matter at their meetings on June 29, 2022 and July 27, 2022, with advance notice given to the property owners directly impacted, as well as neighbors located within 300 feet; and

**WHEREAS**, at their meeting on July 27, 2022, the Plan Commission found and determined that the proposed land use plan amendment from the Institutional category to the High Density Residential category (> 4 units/acre) was reasonable and consistent with the intent and purpose of the Delafield Comprehensive Plan by adopting Resolution# 2022-22; and

**WHEREAS**, all notices relating to the request were properly noticed, and the public hearing has been given and conducted on August 15, 2022, in accordance with Wisconsin State Statutes and the City's 2030 Comprehensive Plan; and

**WHEREAS**, at their meeting on August 15, 2022, Common Council denied the request to amend the land use plan map to the High Density Residential category; and

**WHEREAS**, the City of Delafield requested that plan commission consider a revised resolution at their meeting on August 31, 2022 to amend the land use plan map to the Medium Density Residential category; and

**WHEREAS**, at their meeting on August 31, 2022, the Plan Commission found and determined that the revised land use plan amendment from the Institutional category to the Medium Density Residential category (up to 4 units/acre) is reasonable and consistent with the intent and purpose of the Delafield Comprehensive Plan by adopting Resolution# 2022-24; and

**WHEREAS**, all notices relating to the revised request were properly noticed, and the public hearing has been given and conducted on October 17, 2022, in accordance with Wisconsin State Statutes and the City's 2030 Comprehensive Plan; and

**WHEREAS**, the proposed amendments result in less density than recommended by the Economic Development Focus Group recommendations that were developed in 2021; and

**WHEREAS**, the proposed request was made with the consent of the property owner.

**NOW, THEREFORE**, the Common Council of the City of Delafield does ordain as follows:

**SECTION 1:** That the Land Use Plan designation of the properties legally described in **Exhibit A** and as listed below be designated as Medium Density Residential (up to 4 units/acre).  
From Institutional to Medium Density Residential:

DELC0792060, Lots 1-12 Block Q Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield

DELC0792069, Lots 1, 2, 11 & 12 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792073, Lots 3, 4, 9 & 10 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792074, 439 St. Johns Road, Lots 5-8 Block R Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield; also that portion of the vacated alley

DELC0792078, 411 St. Johns Road, Lots 1-12 Block S Village of Delafield North, part of Sections 17 & 18, T7N, R18E, City of Delafield

**SECTION 2:** The changes in use designation, as approved by the ordinance, shall be contingent upon the compliance with the following requirements and events:

- (1) The property owner submit to the City, and the City approve, a Rezone for the development of the subject properties and that all conditions of the Rezone be met;
- (2) Any development of the above conditioned property be connected to sanitary sewage disposal facilities owned and operated by the Delafield-Hartland Water Pollution Control Commission.

**SECTION 3:** The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

**SECTION 4:** All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

**SECTION 5:** This Ordinance shall take effect and be in force from and after its passage and publication or posting, as required by law.

Passed and adopted this 17<sup>th</sup> day of October, 2022.

**CITY OF DELAFIELD**

By: \_\_\_\_\_  
Kent Attwell, Mayor

ATTESTED:

\_\_\_\_\_  
Molly Schneider  
City of Delafield, Clerk



Date Adopted: October 17, 2022  
Date Published: October 20, 2022  
Effective Date: October 21, 2022

# EXHIBIT “A”

## BEACON HILL TAX KEYS

### **LEGAL DESCRIPTION (Tax Key: DELC0792060):**

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK LETTERED "Q" IN THE PLAT OF THE VILLAGE OF DELAFIELD (NOW CITY), NORTH PART, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION EIGHTEEN (18), IN TOWNSHIP SEVEN (7) NORTH, RANGE EIGHTEEN (18) EAST, IN THE CITY OF DELAFIELD, COUNTY OF WAUKESHA, STATE OF WISCONSIN TOGETHER WITH VACATED ALLEY.

### **LEGAL DESCRIPTION (Tax Key: DELC0792069):**

LOTS ONE (1), TWO (2), ELEVEN (11) AND TWELVE (12) IN BLOCK LETTERED "R" IN THE PLAT OF THE VILLAGE OF DELAFIELD (NOW CITY), NORTH PART, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION EIGHTEEN (18), IN TOWNSHIP SEVEN (7) NORTH, RANGE EIGHTEEN (18) EAST, IN THE CITY OF DELAFIELD, COUNTY OF WAUKESHA, STATE OF WISCONSIN, TOGETHER WITH THAT PORTION OF THE VACATED ALLEY.

### **LEGAL DESCRIPTION (Tax Key: DELC0792073):**

LOTS THREE (3), FOUR (4), NINE (9) AND TEN (10) IN BLOCK LETTERED "R" IN THE PLAT OF THE VILLAGE OF DELAFIELD (NOW CITY), NORTH PART, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION EIGHTEEN (18), IN TOWNSHIP SEVEN (7) NORTH, RANGE EIGHTEEN (18) EAST, IN THE CITY OF DELAFIELD, COUNTY OF WAUKESHA, STATE OF WISCONSIN, TOGETHER WITH THAT PORTION OF THE VACATED ALLEY.

### **LEGAL DESCRIPTION (Tax Key: DELC0792074):**

LOTS FIVE (5), SIX (6), SEVEN (7) AND EIGHT (8) IN BLOCK LETTERED "R" IN THE PLAT OF THE VILLAGE OF DELAFIELD (NOW CITY), NORTH PART, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION EIGHTEEN (18), IN TOWNSHIP SEVEN (7) NORTH, RANGE EIGHTEEN (18) EAST, IN THE CITY OF DELAFIELD, COUNTY OF WAUKESHA, STATE OF WISCONSIN, TOGETHER WITH THAT PORTION OF THE VACATED ALLEY.

### **LEGAL DESCRIPTION (Tax Key: DELC0792078):**

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), SEVEN (7), EIGHT (8), NINE (9), TEN (10), ELEVEN (11) AND TWELVE (12) IN BLOCK LETTERED "S" IN THE PLAT OF THE VILLAGE OF DELAFIELD (NOW CITY), NORTH PART, BEING A SUBDIVISION OF A PART OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION EIGHTEEN (18), IN TOWNSHIP SEVEN (7) NORTH, RANGE EIGHTEEN (18) EAST, IN THE CITY OF DELAFIELD, COUNTY OF WAUKESHA, STATE OF WISCONSIN, TOGETHER WITH VACATED ALLEY AND VACATED ST. JOHN'S ROAD.