A PERFECT ENVIRONMENT

RESIDENTIAL ◆ RECREATIONAL ◆ RESPONSIBLE

TOWN OF DELAFIELD PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 4, 2020, 6:30 P.M.
DELAFIELD TOWN HALL - W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order and Pledge of Allegiance

2. Approval of the minutes of December 3, 2019.

3. Communications (for discussion and possible action):
   A. City of Pewaukee (12/27/29) Notice of Public Hearing for Land Use Plan amendment for property on Bluemound Road.
   B. Village of Hartland (12/9/19), Ordinance adopting changes/amendments to the Hartland Comprehensive Plan.
   C. Waukesha County, Planning and Zoning Division (12/26/19), Conditional approval for commercial truck parking on the Steve Wittman property at N13 W28828 Silvernail Road.
   D. Waukesha County, Planning and Zoning Division (12/4/19), Draft animal keeping and miscellaneous zoning amendments.

4. Unfinished Business:

   NOTICE: This unfinished business item has been noticed for a public hearing before the Town Board and Plan Commission on February 17, 2020. Therefore, no public comment will be heard at this meeting. The public is invited and encouraged to participate at the forthcoming public hearing.

5. New Business: None

6. Discussion: None

7. Announcements and Planning Items: Next meetings
   A. Monday February 24, 2020 6:30 p.m. (to consider comments at the 2/17/20 public hearing and possible make a recommendation to the Town Board regarding contemplated chapter 17 code amendments).
   B. Tuesday, March 3, 2020, 6:30 p.m.
8. Adjournment

Dan Green, Town Clerk

PLEASE NOTE:

✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, December 3, 2019

Members present: K. Fitzgerald, R. Troy, E. Kranick, T. Frank, N. Dickenson, C. Diderrick
Also present: T. Barbeau, Town Engineer; Kelly Smith, Waukesha Freeman; 23 citizens

First Order of Business: Call to order and Pledge of Allegiance
Chairman Fitzgerald called the meeting to order at 6:32 p.m., and led all in the Pledge of Allegiance.

Second Order of Business: Approval of the minutes of November 5, 2019

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY, TO APPROVE THE NOVEMBER 5, 2019 MINUTES. MOTION CARRIED.

Third Order of Business: Communications (for discussion and possible action)
A. Communications from Town residents Re: Land use and Mixed Use Zoning

Chairman Fitzgerald acknowledged the inclusion of all correspondence received for the public hearing as well as other letters received from the town since that time.

Fourth Order of Business: Unfinished Business: None

Fifth Order of Business: New Business
A. John and Jennifer Schroeder, W310 S478 Maple Avenue, Re: Consideration and possible action on a request for a Home Occupation to operate an office, and vehicle and equipment storage related to a dry ice blasting contract cleaning service at their residence.

Engineer Barbeau recommends that the request should be granted with the condition that work vehicles are parked in the garage. John Schroeder stated that all dry ice and blasting equipment is stored at the customer’s home, not at the Schroeder residence. No business sign will be displayed at the Schroeder’s property.

MOTION BY MR. KRANICK, SECONDED BY MR. FRANK TO ALLOW THE HOME OCCUPATION ON THE BASIS THAT IT WILL NOT NEGATIVELY IMPACT NEIGHBORS, SUBJECT TO THE FOLLOWING CONDITION: THAT HIS WORK VEHICLES AND EQUIPMENT BE STORED INSIDE A GARAGE. MOTION CARRIED.

B. Mark and Konstance Remshak, W303 N2625 Maple Avenue, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine a portion of lot 15 and a portion of lot 16, Crystal Springs Park subdivision that they own into one lot.

MOTION BY MR. KRANICK, SECONDED BY MR. FRANK TO APPROVE THE CERTIFIED SURVEY MAP OF THE CSM DATED 11/12/19 SUBJECT TO THE SURVEYOR REMOVING THE REFERENCE TO CTH E, UPDATING THE NAMES OF TOWN OFFICIALS AND SATISFACTION OF ANY COUNTY COMMENTS. MOTION CARRIED.

C. Bryant and Sarah Ferguson, owner, W303 N2595 Maple Avenue, by Kyle Kohlmann, Seasonal Services, Ltd., Re: Consideration and possible action on a request to construct a six-foot high entry gate an stone pillars across their driveway located in the front of their house.

The purpose of the fence gate is for security of the site since the house sits far off Maple Avenue. It will be an electric gate. Access will be granted to the fire department via a manual override system or key. Engineer Barbeau stated that fences in the front yard are subject to a 3-foot height limitation unless approved by the Plan Commission. The proposed pillars will be 6 feet and the fence gate will be 5 feet 6 inches.
MOTION BY MR. KRANICK, SECONDED BY MR. DIDERRICH TO APPROVE THE FENCE/GATE AS PROPOSED. MOTION CARRIED.

D. Amy Thomas, Charlotte Thomas, Rob and Ann Thomas, Jennifer Holquist and Kellen Wesson, Re: Consideration and possible action on the adoption of a Resolution to change the town of Delafield Land Use Plan as follows: Tax Key No. DELT 0811-999 from Commercial and Office Park to Mixed Use, except in areas designated as Primary Environmental Corridor (PEC); Tax Key No. DELT 0809-966 from Suburban 1 Density Residential to Low Density Residential, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Suburban 1 Density Residential to Low Density Residential for lands located north of a line between the southeast corner of tax parcel DELT 0809-996 and the center line of Elmhurst Drive directly west of the southwest corner of Lot 9, Golf Ridge subdivision, except in the areas designated as PEC; Tax Key No. DELT 0809-995 from Commercial and Office Park to Mixed Use for lands located south of said line.

The Plan Commission allowed the following people to speak at the meeting: Peter Ogden, W290 N2171 Happy Hollow Road; Teri Ogden W290 N2171 Happy Hollow Road, Jay Crouse, N18 W29082 Golf Ridge South.

MOTION BY MR. KRANICK, SECONDED BY MR. TROY TO ADOPT THE RESOLUTION OF THE CHANGE IN THE LAND USE PLAN. MOTION CARRIED.

E. Town of Delafield, Re: Consideration and possible action on the adoption of an ordinance to repeal and recreate the definition of light industrial, and to create Section 17.04 5.R. Mixed Use of the Town of Delafield Municipal Code.

The Plan Commission made the following changes to the proposed Mixed Use zoning district:

Include “and related warehousing” after the word “materials” in the definition of Light Industrial.
Remove the words “limited retail” in Section 1 Statement of Intent, Item A.
Add the words “and a preliminary traffic analysis” at the end of paragraph 1.B.
Remove paragraphs (5) and (6) under section 2.a. and renumber.
Insert “Restaurant or retail facility located inside an office or light industrial building as an ancillary use to the primary building use shall be permitted” as section 2.b. (3) and renumber.
Add “Distribution Centers,” “Stand Alone Restaurants,” and “Stand Alone Retail” to section 2.c.
Add “100 feet from exterior boundary of the parent parcel” to section 3.a.
Remove 55 feet (overall height) from section 4.c. and replace with “47 feet pitched roof, 35 feet flat roof” Remove the word “retail” from 5.b.
Change “35%” to “50%” in section 5.d.
Change “12” to “10” in section 6.b.
Add the words “commercial multi-family/senior housing after the statement “...maximum number of” in Section 6.c.
Change “420” to “200” on section 6.c.
Remove paragraph 6.d. in its entirety.

MOTION BY MR. KRANICK, SECONDED BY MR. DIDERRICH, TO RECOMMEND TO THE TOWN BOARD THAT THE ORDINANCE, WITH ABOVE STATED CHANGES, BE APPROVED AT THE NEXT TOWN BOARD MEETING. MOTION CARRIED.

F. Town of Delafield, Re: Consideration and possible action on revisions to an ordinance pending at Waukesha County Parks and Land Use Department related to conditional uses.

MOTION BY MR. TROY, SECONDED BY MR. KRANICK, TO APPROVE THE PROPOSED CODE MODIFICATIONS AS IT RELATES TO CONDITIONAL USES AS PROPOSED. MOTION CARRIED.
Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items:

Eighth Order of Business: Adjournment
MOTION BY MR. KRANICK, SECONDED BY MR. FRANK, TO ADJOURN AT 8:39 P.M., MOTION CARRIED.

Respectfully submitted,

[Signature]

Lori Schmeling
Town of Delafield, Office Staff
NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF PEWAUKEE will conduct a public hearing on **Monday, March 2nd, 2020**, at 7:00 PM, or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Pewaukee City Hall, W240N3065 Pewaukee Road, Pewaukee, Wisconsin 53072, to hear public comment regarding a proposed ordinance to amend the City of Pewaukee 2035 Comprehensive Master Plan and Neighborhood Plans 2015-2050 to change the Year 2050 Land Use/Transportation Plan use designation for the **Arce Handyman, LLC** property located on Bluemound Road from Manufacturing/Fabrication/Warehousing to Manufacturing/Fabrication/Warehousing and Flood Plains, Lowland & Upland Conservancy, and Other Natural Areas (Lot 1); and from Manufacturing/Fabrication/Warehousing to Medium Density Residential (6,500 SQ. FT. – 1/2 AC./Dwelling Unit) and Flood Plains, Lowland & Upland Conservancy, and Other Natural Areas (Lot 2). The property which is the subject of this application bears Tax Key No. 0951995001, consisting of approximately 7.503 total acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Pewaukee Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Pewaukee City Hall, W240N3065 Pewaukee Road, Pewaukee, Wisconsin 53072, during normal business hours. In addition, the draft ordinance is available for review at [www.cityofpewaukee.us](http://www.cityofpewaukee.us). Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Nick Fuchs, City of Pewaukee Planner and Community Development Director, at 262-691-6007.

Dated this 27th day of December, 2019.

Nick Fuchs  
Planner & Community Development Director
VILLAGE OF HARTLAND
BOARD OF TRUSTEES

ORDINANCE NO. 86019

A VILLAGE BOARD ORDINANCE ADOPTING CHANGES / AMENDMENTS
TO THE VILLAGE OF HARTLAND COMPREHENSIVE PLAN

WHEREAS, the Village of Hartland, pursuant to the provisions of Section 62.23 of the Wisconsin Statutes, has created a Village Plan Commission; and

WHEREAS, the Village Plan Commission has updated/amended, with the assistance of the planning consultant from SRF Consulting, the comprehensive plan for the physical development of the Village of Hartland. Said plan is entitled The Village of Hartland 2045 Comprehensive Plan; and

WHEREAS, the Village Plan Commission held a public hearing on the 6th day of June, 2019 and adopted the comprehensive plan and its attendant recommended land use plan on the 18th day of November, 2019 and has submitted a certified copy of the resolution to the Board of Trustees of the Village of Hartland; and

WHEREAS, the Board of Trustees of the Village of Hartland concurs with the Village Plan Commission and the objectives and recommendations set forth in The Village of Hartland 2045 Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED, that the Board of Trustees of the Village of Hartland hereby adopts The Village of Hartland 2045 Comprehensive Plan and its attendant recommended land use plan as a guide for the future development of the Village of Hartland and its environs.

Passed and adopted this 4th day of Dec, 2019 by the Board of Trustees of the Village of Hartland.

VILLAGE OF HARTLAND

By: [Signature]
Jeffrey Piampersill, Village President

ATTEST:

[Signature]
Darlene Igl, MMC, WCF, Village Clerk
November 26, 2019

Steve Wittmann
N13 W28828 Silvernail Road
Pewaukee, WI 53072

Re: CU33 and SP 80 Town of Delafield Section 24

Dear Mr. Wittmann:

At its meeting of November 21, 2019, the Waukesha County Park and Planning Commission reviewed your Conditional Use and Plan of Operation requests for an “after-the-fact permit for commercial truck parking” on your property located at the Silvernail Road address cited above in the Town of Delafield. After discussion, the Commission approved your request, subject to the following conditions:

1. The commercial truck parking use shall automatically terminate upon sale or transfer of the property. Any new owner of the property shall re-apply for a Conditional Use Permit in order to continue the commercial truck parking use on the property.

2. The commercial truck, trailers and commercial equipment kept on the property shall be limited to one (1) pickup truck with plow, (1) flatbed trailer, (1) enclosed trailer and commercial lawn mower.

3. Replacement of the existing truck, trailers and commercial equipment must be similar in nature and written notice of any replacements must be submitted to the Town Planner and Waukesha County Planning and Zoning Division Staff for review and approval. Replacement of the existing truck, trailers and equipment shall not require a new public hearing.

4. All vehicles and equipment stored on the property shall be owned or leased and operated by the owner or occupant of the premises.
5. There shall be no outside storage of commercial materials on the property, unless specifically approved by the Town Plan Commission and Waukesha County Planning and Zoning Division Staff.

6. The Town Plan Commission and Waukesha County Planning and Zoning Division Staff reserve the right to require additional screening if it is determined by the Town Plan Commission and Waukesha County Planning and Zoning Division Staff that additional screening is necessary.

7. An updated site plan, drawn to scale, shall be submitted to the Town Planner and Waukesha County Planning and Zoning staff for review and approval, prior to the issuance of any permits. The site plan shall include the driveway, gravel accesses, parking area and fencing. If any additional fencing is required by the Town or County as noted in Condition No. 6, the petitioner shall submit a modified site plan which incorporates the required changes to the Waukesha County Planning and Zoning Division.

8. The hours of operation shall be from 8:00 a.m. to 5:00 p.m. seven (7) days a week in addition to 24-hour snow removal services after storm events.

9. With the exception of lawn mower blade sharpening, there shall be no other commercial use in the accessory buildings.

10. On-site storage of fuel, fertilizers and other chemicals used by Steve’s Lawncare LLC., is strictly prohibited.

11. Stockpiling of a soil, mulch, gravel and other landscaping supplies used by Steve’s Lawncare LLC., is strictly prohibited.

12. With the exception of bookkeeping for the business, which is consistent with a home occupation, there shall be no other commercial use in the residence.

13. No signage is proposed or permitted herein.

14. Any increase in employees, change in hours or other operational or site plan changes shall require a modification to the Site Plan / Plan of Operation. Any changes deemed substantial may require a new public hearing and an amendment to the Conditional Use Permit.

15. The trailers must be located within the approved area as depicted on Exhibit “A” prior to January 1, 2020. Trailers must be stored within the approved area no later than 6pm every day.

16. Per Section 4(g)(10)(E) of the Waukesha County Shoreland and Floodland Protection Ordinance, the Conditional Use Permit shall be reviewed every two (2) years by the Town Plan Commission in order to determine conformance with the terms of the permit, and if it is determined that the use is no longer compatible with adjacent land uses as they develop in the vicinity, the Conditional Use Permit may be revoked in accordance with the revocation procedures contained in the Waukesha County Shoreland and Floodland Protection Ordinance.

17. Subject to a letter from the petitioner acknowledging and accepting all terms and conditions of this Conditional Use and Site Plan/Plan of Operation being submitted to Waukesha
County, prior to issuance of a Use Permit.

18. Subject to the property being in compliance with all Federal, State, County and local laws, ordinances, codes, rules and regulations.

19. Subject to the applicant allowing the premises to be available for inspection by the Town of Delafield and Waukesha County officials at any reasonable time and upon reasonable notice.

20. Subject to all activities on the subject property herein may not in any way become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.

21. The Town and County reserve the right to review this Conditional Use & Plan of Operation if said use becomes a problem in the area.

Upon compliance with Condition No. 17 listed above, your Conditional Use and Plan of Operation Permits will be issued. When you comply with the conditions, or in the event you have any questions, please contact Ben Greenberg, Senior Land Use Specialist at (262) 548-7790. A copy of the “Staff Report and Recommendation” is enclosed for your reference.

Very truly yours,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

JF:pd

Enclosures

cc: Town of Delafield Clerk (Please distribute to the Town Plan Commission and Town Board at your discretion)
Town of Delafield Building Inspector
Peter Wolff, County Board Supervisor
File (2)
Our office has experienced an increase in the number of inquiries regarding the keeping of chickens on residential properties in recent years. In response, county planning staff researched local ordinances and best management practices regarding this use trend. Our office extended an invitation to all town planners within the county late last year to participate in discussing draft zoning accommodations for chickens on residential property. Several town planners and county staff subsequently met and discussed chicken keeping and also assessed existing standards for horses, bees and other types of livestock. The workgroup supported chicken keeping accommodations and expressed an interest in streamlining the animal keeping standards to make them easier to understand and administer. Below is a summary of proposed ordinance amendments related to animals. The proposed animal keeping amendments would pertain to both the General County Zoning Code (applicable to the non-shoreland areas of the Towns of Oconomowoc and Ottawa only) and the County Shoreland and Floodland Protection Ordinance (shoreland areas of all eleven towns):

- Creates “recreational chicken use” accommodations within the zoning ordinances (Section 3(w), Shoreland Ordinance, and Section 3.21, General Zoning Code). Keeping of chickens is currently restricted to parcels of a minimum of three or five acres depending upon a property’s zoning district. The new code option would allow a maximum of five chickens via a registration process on parcels that are between 20,000 square feet and 3 acres in area. The proposed chicken keeping provisions contain standards for coops, enclosures and preventing nuisance conditions.
- The recreational chicken use provisions include a cross reference to a best management practices document for keeping of chickens to make animal care, disease prevention and other resources readily accessible to individuals considering keeping chickens.
- Standardizes that one head of livestock is permissible if parcels are at least three acres (one additional head of livestock per each acre thereafter). At present, some districts require a minimum of five acres for livestock. The animal keeping rules would be consolidated in the A-1 Agricultural District.
- Reduces acreage requirements for keeping of bees from five acres to three acres so that the three acre minimum is consistent across zoning districts.
Animal keeping amendments

In addition to one head of livestock per three acres, the proposed amendments would also allow up to twenty poultry per acre if a property contains at least three acres. Current rules allow either one head of livestock or up to twenty poultry per acre.

- Reduce the minimum required acreage for cultivation of lands from five to three acres and preserve ability of town and county to authorize cultivation on smaller tracts with consideration of neighborhood setting.
- In residential and agricultural districts (other than the farmland preservation districts), clarify that animal keeping on parcels or farms of between five and twenty acres is limited to one head of livestock for the first three acres of land and one head of livestock per each additional acre thereafter and provide a waiver option for more animals to be sought upon a review of adjacent land uses by the town and county.

In addition to the proposed animal amendments, the following miscellaneous amendments are proposed to modernize the zoning ordinances relative to several other unrelated issues:

- Delete the C-1 Conservancy District and the EC Environmental Corridor District from the ordinance and revise references to those base zoning districts to the C-1 Conservancy Overlay District and the EC Environmental Corridor Overlay Districts, respectively. These base zoning districts are no longer mapped, as the phased conversion to overlay zoning districts was completed within the past few years.
- Deletes the R-1a District from the General Zoning Code, as no properties are zoned as such.
- Per State Department of Natural Resources requirements, incorporates minor changes to shore setback averaging language (Section 3(h)(2)(i)) of the Shoreland and Floodland Protection Ordinance.
- Revises farm signage provisions to allow for signs of a maximum of 20 square feet in area on farms of at least 35 acres in the various districts where signage is currently limited to small nameplates.
- Revises the “permitted use” language for the districts where private use greenhouses are permitted to clarify that nurseries, which are defined as containing sales activities, are not authorized in those districts.
- Modifies the Zoning Code requirements for conditional use notice mailing method and timeframe for town conditional use recommendations to match the Shoreland and Floodland Protection Ordinance (SFPO). The change would allow a town plan commission 45 days to advance a recommendation to the county rather than the 30 days that are currently specified. This extended timeframe better accommodates town meeting schedules. In addition, all references to mailing of conditional use certified mail would be amended to first class mail, which would resolve inconsistencies within the Zoning Code.

The proposed ordinance amendments can be viewed in a “track changes” format on the Waukesha County website at www.waukesha county.gov/planningandzoning. Click on “Zoning Ordinances” and then “Draft County Ordinances” or click the following link: https://www.waukesha county.gov/landandparks/planning-and-zoning/zoning-ordinances. Please note that the amendments are in displayed in the context of the ordinances as they existed prior to the adoption of the Downtown Okauchee amendments, that were adopted earlier this year. Upon adoption, all amendments will be finally incorporated and codified. Please provide comments or questions to Sandy Scherer or me no later than February 4, 2020 so that we can prepare final code language and begin the ordinance consideration process that will include a public hearing and final action by the County Board. We can be reached at (262)548-7790 or via email at ssccherer@waukesha county.gov or jjfruth@waukesha county.gov. Thank you in advance for your input.

cc: Town Clerks

N:\PRKANDLU\Planning And Zoning\Division Projects\Animal Ordinance\Correspondence\Memo To Town Planners 100719.Dox
Agenda Item No. 4. A.

Report:

Town staff (engineer, attorney and clerk), along with Town Chairman Troy and Plan Commission Fitzgerald, have been working on numerous revisions to the proposed Mixed Use zoning district code that was the subject of a public hearing on November 20, 2019 and Plan Commission consideration on December 3, 2019. The Town Board accepted public comments at their December 10, 2019 meeting and after consideration of the comments, sent the code back to the Plan Commission for additional consideration and revision. The Town staff also received input from the Waukesha County Parks and Land Use Department, Planning and Zoning Division (letter included in the packets). A draft of the latest version of the proposed code is included in your packets. The intent of the meeting on February 4, 2020 is to inform the Commission of the changes and allow the Plan Commission to deliberate about the proposed code. The next steps include a joint public hearing scheduled for 6:30 p.m. on Monday, February 17, 2020 and a Plan Commission meeting on Monday February 24, 2020 with anticipation of a recommendation to the Town Board at that meeting. The Town Board will then take up the issue at their March 10, 2020 Town Board meeting.

Summary of noteworthy changes to the draft ordinance discussed and recommended to the Town Board by the Plan Commission on December 3, 2019 are as follows:

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<tbody>
<tr>
<td>SECTION 1:</td>
<td>SECTION 1:</td>
<td>“and related warehousing” was added to the definition of Light Industrial</td>
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<tr>
<td>Section R.1.a.:</td>
<td>Section R.1.A.:</td>
<td>The words “limited retail” was removed from the Statement of Intent</td>
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<tr>
<td>Section R.1.c.:</td>
<td>Section R.1.C.:</td>
<td>Included language that states that sewer and water must be extended “with adequate capacity and without negatively affecting the system,” and that any upgrades will be at the expense of the developer.</td>
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<td>Section R.2.</td>
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<td>Created definition section to define Master Development Plan and Related or Affiliated Owners</td>
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<tr>
<td>Section R.3.</td>
<td></td>
<td>Created a new section to define the procedure for approval of mixed use zoning and a Master Development Plan.</td>
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<td>Section R.4.</td>
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<td>Created a new section that defined decision criteria for approval of a zoning amendment and approval of a Master Development Plan.</td>
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<td>Section R.5.a.(1):</td>
<td>Section R.2.a.(1)</td>
<td>Included daycare and health club facilities as permitted uses</td>
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<td>Section R.5.a.(4):</td>
<td>Section R 2.a.(4)</td>
<td>Removed the requirement that residential has to be located a minimum of 600 feet from the outside lane of I-94.</td>
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<td>Section R.2.a.(5) and (6)</td>
<td>Eliminated in said sections and added to prohibited uses</td>
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<td>Section R.2.a.(7)</td>
<td>Removed in its entirety to avoid confusion.</td>
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<tr>
<td>Section 5.b.(3)</td>
<td>Section R.2.b. Added restaurant or retail facility located within an office or light industrial building as a permitted accessory use</td>
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<td>Section 5.c. (27), (28), (29)</td>
<td>Section R.2.c. Added: Distribution centers, Stand-alone restaurants and Stand-alone retail facility as prohibited uses.</td>
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<td>Section R.6.a.(1) and (2)</td>
<td>Section R. 3. Eliminated 50 foot setback; added 35 foot setback from interior road system; added 100 foot buffer from exterior boundary of the parent parcel where zoning adjacent or across the street is R-1, R-1A, R-2, R-3 or R-L.</td>
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<tr>
<td>Section R.8.c.</td>
<td>Section R.5.c. Changed minimum floor area for single family home to 1,200 square feet; included reference to existing code language for minimum floor area for multiple story single family residential dwelling.</td>
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<td>Section R.8.d.</td>
<td>Section R.5.d. Open space for the overall development changed to 40%</td>
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<td>Section R.9.b.</td>
<td>Section R.6.b. Maximum density for multiple family dwellings changed to 10 units per acre.</td>
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<tr>
<td>Section R.9.c.</td>
<td>Section R.6.c. Land allowed for residential development changed to 25%; eliminated the maximum number of dwelling units</td>
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<td>Section R.9.e.</td>
<td>Section R.6.f. Eliminated requirement that parking lots cannot be in the setback and offset areas.</td>
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<td>Section R. 10.</td>
<td>Created a new section that allows the Town Board to modify the standards found in subsections 8.c, 8.d., 9.b., 9.c. and 11.a</td>
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<td>Section R. 11.j.</td>
<td>Section R.7. Requires a landscape buffer in the 100 foot setback area described in Section 6.a.(2)</td>
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<td>Section R.11.k.</td>
<td>Created subsection that would require developer’s to meet any new design standards that the Town develops (i.e. landscaping, lighting, architectural)</td>
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<td>Section R.12.</td>
<td>Created section to address changes to the Master Development Plan</td>
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<td>Section R.13.</td>
<td>Created section to address termination of the Master Development Plan</td>
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<td>Section R.14.</td>
<td>Provides notification that a developer may have to enter into a development agreement.</td>
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<td>SECTION 3 (of the ordinance)</td>
<td>Other changes to Chapter 17 including the requirement of a joint Plan Commission and Town Board hearing for zoning changes; procedure post public hearing; and statement indicating that land designated for mixed use on the Land Use Plan component of the Comprehensive Plan cannot be rezoned to B-1, B-2, B-3 or M-1.</td>
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Tim Barbeau, Town Engineer
January 28, 2120
TO: Tim Barbeau, Town of Delafield Planner  
FROM: Jason Fruth, Planning and Zoning Manager  
DATE: January 23, 2020  
SUBJECT: Proposed Town of Delafield Mixed Use District

As a follow-up to our meeting on January 22, 2020 regarding the town’s proposed Mixed Use District (dated 1/15/20), town officials asked if county Planning Division staff would summarize our staff comments in written form. We offer the following comments and recommendations:

- **R.5 (a)(4).** We recommend that the 600’ setback from the outer lane of I-94 for multi-family and senior housing be eliminated. 600’ encroaches significantly on properties along the highway and would force all residential development well north, whereas, it is not uncommon to site multi-family or senior housing along major highways as a transitional buffer. Allowing for such uses in certain areas along the highway may provide flexibility during the site master planning process to insulate existing residential uses from more intensive, planned business or light industrial uses.

- **R.5 (a)(5) and R.5(c)(29)** Consider specifying that limited freestanding service or supporting services such as daycare centers or fitness centers are permissible. The current language prohibits “retail” uses and it is not clear whether such uses would be considered retail. Such uses may complement business park type uses.

- **R.6 (a).** Consider reducing setbacks from interior roadways (perhaps 35’) and/or provide language that allows for the plan commission and board to flex setbacks and offsets from interior roadways and lot lines. Reduced setbacks lessen overall impervious surface by shortening driveways. In addition, a slightly more compact interior development pattern allows for more open space and buffering on the perimeter of the development.

- **R.8 (c)(1)(a).** We recommend that the minimum single family home size be set at 1,100 square feet to comply with Regional Housing Plan recommendations that urge modest minimum dwelling size restrictions to remove impediments to workforce housing. The town’s R-3 District provides a minimum dwelling size of 1,200 square feet.
• R.8 (c)(2). We recommend that senior housing units be exempted from the multi-family dwelling unit minimum size provisions, as senior housing developments often contain a range of unit sizes that may include smaller efficiency type units.

• R.8 (c)(2). We recommend that minimum multi-family dwelling unit sizes be provided for different unit types. Recent trends in multi-family development have shown smaller units with enhanced finishes becoming more commonplace. The county ordinance was recently amended to specify the following:

  > One bedroom units: 600 square feet
  > Two bedroom units: 700 square feet
  > Three bedroom units: 800 square feet
  > One hundred additional square feet per each additional unit

• R.8 (d). We recommend a lower open space requirement for the development as a whole. The proposed 50% threshold is a level typically provided in conservation design development. We recommend a minimum open space requirement in the 25-35% range to better align with typical mixed use or business use development standards.

• R.9 (b). Consider a higher multi-family density per acre maximum for portions of sites that are well positioned near major roadways and insulated from other uses. The Regional Housing Plan recommends densities of at least 20 units per acre in areas served by both municipal sewer and water. Our office has recently researched many newer local multi-family developments. We are willing to share renderings of many attractive local projects with high quality materials and design that exceeded ten units per acre.

• R.9 (c). Consider increasing the maximum percentage of a site that can be residential from perhaps 25% to 50%. The proposed language does provide the plan commission and board the ability to approve exceptions to the 25% threshold.

• R.9 (e). Revise parking setbacks to allow for parking within closer proximity to interior roadways and interior property lines. As written, parking would need to be setback 50’, which would often push structures back even further. Recommend a minimum parking setback of 10’.

• R.11 (a). Consider whether architectural treatments should be required on all four sides of buildings in all instances. For instance, if two light industrial buildings back up to one another and are not visible, it may be better to devote enhanced treatments to the more visible sides of buildings.

• R.11 (consider new sub-section). We recommend that substantial vegetative buffers (perhaps 100’ wide) be required between existing residential uses and proposed non-residential, multi-family and senior housing uses. Consider vegetative buffer zones of 50’ between existing residential use and new single family development.

• R.11 (i). We recommend that landscaping be required to screen walled dumpster enclosures.

We appreciate the opportunity to comment as you work to create this new district. We hope these comments are helpful as you prepare to finalize the district language. Please do not hesitate to contact me if you have any questions regarding the above or if our office can be of further assistance.

cc: Ron Troy, Town Chairman
    Kevin Fitzgerald, Plan Commission Chairman

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AN ORDINANCE TO REPEAL AND RE-CREATE THE DEFINITION OF LIGHT
INDUSTRIAL IN THE DEFINITIONS SECTION OF CHAPTER 17, AND
C. 17.10 5. F., 17.10 5. G. 1.; REPEAL SECTION 17.10 5. E. 2., AND CREATE
SECTION 17.04 5. R. MIXED USE OF THE TOWN OF DELAFIELD
MUNICIPAL CODE

WHEREAS, the Town of Delafield Comprehensive Plan, specifically, the Land Use Plan,
allows for the designation of Mixed Use land use in the Town, and

WHEREAS, the Plan Commission determined that it would be in the public interest to
develop a mixed use zoning classification to be used in conjunction with lands designated Mixed
Use on the Town’s Land Use Plan, and

WHEREAS, the Plan Commission, in developing a mixed use zoning classification,
concluded that the current definition of Mixed Use in Chapter 17.02 does not reflect the desired
mixed use uses, and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes
once each week for two consecutive weeks prior to the hearing, and to the clerk of every
contiguous municipality as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board
held a public hearing to consider input regarding the definition of light industrial and the creation
of a mixed use zoning district on November 20, 2019; and

WHEREAS, on December 3, 2019, the Town Plan Commission recommended the
ordinance be adopted; and

WHEREAS, on December 10, 2019 the Town Board referred the matter back to the
Town Plan Commission for further consideration, report and recommendation; and

WHEREAS, upon publication of a Class 2 Notice per Chapter 985 Wisconsin Statutes
once each week for two consecutive weeks prior to the hearing, and to the clerk of every
contiguous municipality as required by Wisconsin Statutes Section 62.23(7)(d), the Town Board
and Town Plan Commission held a joint public hearing to consider input regarding the definition
of light industrial and the creation of a mixed use zoning district on February 17, 2020; and

WHEREAS, following the joint public hearing, at a subsequent meeting on February 24,
2020, the Town Plan Commission recommended to the Town Board that the revised ordinance
be adopted; and

WHEREAS, the Town Board finds that the proposed repeal and recreation of the light
industrial definition and the creation of a mixed use zoning district in the Town Zoning Code is
not a down zoning ordinance because it does not decrease the development density of land and
it does not reduce the permitted uses of land, and therefore the super majority requirement of
Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and
WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

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

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.02 entitled, “Rules and Definitions,” subsection 2 entitled “Specific Words and Phrases,” the definition of “Light Industrial” shall be repealed and recreated to read as follows:

**Light Industrial.** Uses within enclosed buildings that include high technology industrial and incidental commercial uses of a light intensity which has minimal impacts; fabrication, manufacturing, assembly or processing of materials, and related warehousing that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line, all which are characterized by parklike grounds and attractive buildings.

SECTION 2: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.04 entitled, “Zoning Districts,” subsection 5 entitled “Specific District,” subsection R. entitled “MU-1 Mixed Use District,” is hereby created to read as follows:

**R. **MU-1 MIXED USE DISTRICT

1. **STATEMENT OF INTENT**

   a. The Mixed Use District is intended to be used as an implementation tool for the Town’s Mixed Use Land Use designation as depicted in the adopted Land Use Plan. The Town’s intent is to allow limited residential, office, limited medical related services, business uses, and light industrial. These uses may occur on individual sites or as part of a planned larger development. The Mixed Use zoning district shall only be allowed on lands designated as Mixed Use on the Town’s Land Use Plan.

   b. Prior to amending parcels of land to the Mixed Use zoning district, a Master Development Plan of the proposed mixed use property and any adjacent properties that are designated for
mixed use as shown in the Town Land Use Plan as mixed use and owned by the same, Related or Affiliated owners must be prepared and presented as described in subsections 3. and 4.

c. Uses in this code section are dependent upon the provision of public sanitary sewer and water. A condition of considering a zoning amendment to mixed use shall be that public sanitary sewer and water is available on the land or available to be extended to the land prior to development, with adequate capacity, and without negatively affecting the system. Any sewer or water system upgrades necessitated by the development shall be at the expense of the developer.

2. DEFINITIONS

For purposes of this Section 17.04 5. R. the following terms are hereby defined as follows:

a. Master Development Plan. The term “Master Development Plan” shall mean a complete plan for the development of the property and any adjacent properties that are zoned for mixed use or that are shown in the Town Land Use Plan as mixed use and owned by the same, Related or Affiliated owners, as defined. The Master Development Plan shall include the layout and proposed uses of the property as well as the items required in Section 18.14 Detailed Site Analysis and Mitigation Plans of the Town Code and general sizing of storm water management facilities based on anticipated uses to assure that adequate space is set aside for the storm water facilities, a preliminary traffic analysis, a preliminary landscaping plan and a preliminary lighting plan. The Town Plan Commission and Town Board may require additional details within the Master Development Plan in particular cases based upon the circumstances of the development, to ensure compliance with the regulations and design standards of this Section, and to aid in consideration of the decision criteria described herein.

b. Related or Affiliated Owners. Related or Affiliated owners shall include, without limitation, all of the following: any entity owned or controlled in whole or in part by the applicant; any person or entity that owns or controls in whole or in part the applicant; any entity owned or controlled in whole or in part by any current or prospective officer, principal, director, or owner of the applicant; any person related as sibling, parent or child to the applicant or to any current or prospective officer, principal, director or owner of the applicant; any person who is an officer, principal, director or owner of an entity and is related as sibling, parent or child to the applicant or any current or principal officer, principal director or owner of the applicant. Properties are owned by related or affiliated owners if any such
relationships exist, regardless of the extent or percentage of ownership rights.

3. PROCEDURE

The procedure for approval of mixed use zoning and a Master Development Plan shall be as follows:

a. Pre-application meeting. Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator to review applicable regulations and procedures, review applicable goals and objectives of the comprehensive plan and review the proposal.

b. Informal presentation to Plan Commission. Prior to submitting an application for review, the applicant shall meet with the Plan Commission to present the project and to engage in an informal discussion with the Plan Commission regarding the project. Topics for discussion may include the project location, general project themes and images, the general mix of land uses and dwelling unit types being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the consistency between the project and the comprehensive plan. Statements made at this meeting shall not be binding upon the applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. Depending on the nature of comments made at this meeting, the applicant may present a revised project to the Plan Commission for informal review at a subsequent meeting.

c. Submittal of application. The applicant shall submit a completed application to the Zoning Administrator along with the application fee as established by the Town Board.

d. Determination of completeness. The Zoning Administrator shall determine whether the application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has six months to resubmit the application or forfeit the application fee. The Zoning Administrator shall take no further steps to process the application until the deficiencies are remedied.

e. Notify LPSD and schedule Plan Commission Meeting. The Zoning Administrator shall provide a copy of the application to the Lake Pewaukee Sanitary District (LPSD) and invite the LPSD to submit its review of the application as it relates to sanitary district issues to the Plan Commission for its consideration. The Zoning Administrator shall schedule a Plan Commission meeting to consider the application.
f. Notice. The Zoning Administrator shall provide for a class 2 notice of the public hearing consistent with the requirements of chapter 985, Wis. Stats and such additional notice as may be required by law.

g. Public hearing. The Town Board shall conduct a public hearing jointly with the Plan Commission, per 17.10(5).

h. Plan Commission Recommendation. The Plan Commission shall consider the application pursuant to the decision criteria of the ordinance, and shall make a recommendation regarding the mixed use zoning and the Master Development Plan to the Town Board.

i. Town Board decision. Within a reasonable time following the public hearing, the Town Board shall make a decision based on the decision criteria contained in this section to approve, conditionally approve, or deny the establishment of the zoning district and the Master Development Plan.

j. Conditions of approval. The Plan Commission may recommend and the Town Board may impose conditions that must be satisfied prior to formal establishment of a mixed use development.

k. Administrative steps. If the district is conditionally approved, the zoning map shall be revised in a timely manner when the Zoning Administrator certifies in writing that all of the conditions have been satisfied. The Town Clerk shall maintain a copy of the approved Master Development Plan as a permanent record.

4. DECISION CRITERIA

The Plan Commission in making its recommendation and the Town Board in making its decision shall consider factors including but not limited to the following:

a. Whether development in the proposed district is in keeping with the spirit and intent of this chapter;

b. Whether development in the proposed district is consistent with the comprehensive plan;

c. The effects of development in the proposed district on traffic safety and efficiency and pedestrian circulation, both within and outside of the district;

d. Whether the proposed plan for development in the district is properly planned and is properly coordinated with the existing
and anticipated land uses on properties in the immediate and surrounding area.

e. The effects of development within the proposed district on the natural environment;

f. Whether development in the proposed district complies with provisions of this chapter and other chapters of the municipal code that may apply;

g. The effects of development in the proposed district on public services and facilities;

h. Whether adequate water and sanitary sewer facilities can be provided to the development in the proposed district, as required;

i. The proposed means of maintaining the undeveloped area of the district for the purpose for which it was set aside; and

j. Whether impervious surfaces in areas mapped as high ground water recharge are avoided or minimized

5. USE REGULATIONS

a. Permitted Uses

The following shall be permitted in the Mixed Use District subject to approval by the Plan Commission, of building, site, grading and drainage, landscape, lighting, and operational plans. All uses are subject to conformance to all requirements of this Section 17.04 5. R., including subsection 1 (“Statement of Intent”).

(1) Offices for professionals, business, studios, health care facilities and clinics, financial institutions, daycare, health club facilities, and general clerical offices.

(2) Light Industrial.

(3) Laboratory and research facilities.

(4) Residential, to include senior housing, single family, multi-family and condominiums. Single family residential development on individual lots shall follow the requirements of Section 17.04 5. D. (R-3 Residential District).
b. Permitted Accessory Use

(1) Garages for residential uses.

(2) Off-street parking and loading area for businesses in the mixed use development, provided it is hard surfaced.

(3) Restaurant or retail facility located inside an office or light industrial building as an ancillary use to the primary building use.

(4) Utilities such as power supply and other uses normally auxiliary to the principal uses in a mixed use development, provided they be screened from view by an appropriate vegetation, wall or fence.

(5) Roof-mounted solar collectors, provided a registered engineer or architect has certified that the structure is adequate to support the load.

c. Prohibited Uses

(1) Gas Stations
(2) Hospitals
(3) Truck or trailer sales
(4) New and used car lots
(5) Car wash facilities
(6) Bulk sales, storage or display of lumber
(7) Outdoor displays or storage of materials
(8) Drive-in theaters
(9) Mobile home sales, service or campgrounds
(10) Recreational vehicles, all-terrain vehicle or outdoor recreational vehicle sales and service
(11) Junkyards or wrecking yards
(12) Refining of petroleum or its products
(13) Petroleum storage yards, not including petroleum storage accessory to a permitted conditional use.
(14) Animal reduction facilities
(15) Forges
(16) Foundries
(17) Garbage or medical incinerators
(18) Rubbish storage or transfer station
(19) Slaughterhouses
(20) Stockyards
(21) Tanneries
(22) Bulk storage of salt, fertilizer, or similar materials; explosives, gasoline or other petroleum products and grease
(23) Storage of radioactive materials
(24) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, cold tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, proxylin, radium and radioactive materials

(25) Outside product or equipment testing

(26) Mini-warehouses or multi-tenant storage

(27) Distribution centers

(28) Stand-alone restaurants

(29) Stand-alone retail facility

(30) Similar uses as determined by the Plan Commission

6. BUILDING LOCATION

a. Setback:

   (1) 35 feet from public or private road right-of-way
   (2) 100 feet from exterior boundary of the parent parcel(s), where the zoning adjacent or across the road from the parcel is R-1, R-1A, R-2, R-3, or R-L

b. Offset:

   (1) 10 feet for non-residential principal or accessory structures
   (2) 20 feet for residential structures
   (3) 50 feet where adjacent district is residential;

7. HEIGHT REGULATIONS

a. Height Regulations for buildings that include a residential use:

   (1) Principal Building: 30 feet maximum (base height)
       45 feet maximum (overall height)
   (2) Accessory Building: 12 feet maximum (base height)
       20 feet maximum (overall height)

b. Height Regulations for all other buildings:

   (1) Principal Building, with pitched roof: 47 feet (overall height)
   (2) Principal Building, flat roof: 35 feet (overall height)

c. For purposes of the Mixed Use District height regulation, the overall height shall be measured from lowest point to top of parapet wall or highest point of the roof ridge, unless otherwise approved by the Plan Commission.

8. AREA REGULATIONS

a. Lot Size:

   (1) Lots in single family residential use: 20,000 square feet
(2) All other lots: 3 acres

b. Lot Width:

(1) Lots in single family residential use: 120 feet
(2) All other lots: 250 feet

c. Floor Area:

(1) Single family dwelling:
   (a) Single Floor: 1,200 square feet
   (b) All other: See §17.03 5.A.
(2) Multiple family dwelling unit: 800 square feet per unit
(3) All other buildings: no minimum floor area

d. Open Space: 40% for the Master Development Plan as a whole; 25% per lot; subject to Section, 10, below

9. ADDITIONAL REGULATIONS

a. Storage of products made on site or delivered to the site shall be stored inside.

b. The maximum density of multiple family dwellings shall be 10 units per acre.

c. No more than 25% of the land in the Master Development Plan shall be used for residential development, unless the Plan Commission and Town Board provide an exception as provided in Section 10, below, to allow additional land or units based on proposed location of such use.

d. All parking lots and driveways shall be hard surfaced.

e. Parking lots shall be shielded from adjoining properties by planting screen or decorative fencing, unless shared parking is allowed which prevents such landscaping and screening. Underground or garage parking shall be provided for resident parking in all multi-family developments.

f. All lands not used for buildings, parking lots, driveways, etc., shall be landscaped and kept in good appearance at all times, including required watering of lawns and shrubbery.

g. The site and operational plans shall include design features necessary to ensure that traffic generated by the operation, especially that involving heavy trucks, does not have an adverse effect on existing or planned roads and traffic movement considering especially adequacy, safety and
efficiency. A traffic impact analysis shall be prepared for each development application.

h. The operation plan submitted for Plan Commission approval shall specify and quantitatively describe any noise, vibration, dust, gas, smoke, toxic matter and odors produced by the operation and plans for containing or abating such nuisance.

i. The planned hours of operation and nighttime lighting plans shall be included in the plan of operation submitted for Plan Commission approval.

10. EXCEPTIONS

The standards of Sections 8.c., 8.d., 9.b., 9.c., and 11.a., may be modified by the Town Board, provided that no such modification may be made unless the Town Board finds that reasonable and appropriate accommodations are made for such change by the Master Development Plan, so that the intent of such Section and of this Code are preserved.

11. DESIGN STANDARDS

a. All buildings shall be architecturally treated on all 4 sides.

b. Variability in size and shape of buildings shall occur.

c. Large, unbroken expanses and long, continuous roof lines shall be avoided.

d. All rooftop and wall mounted mechanical, electrical, communication, service equipment, satellite dishes and vent pipes shall be screened from view by parapet walls, or other means approved by the Plan Commission.

e. Building exteriors must be of an attractive material or must be faced with an attractive material such as face brick, natural stone, wood, decorative masonry and glass or other substantial materials approved by the Plan Commission. Dryvit, metal and stucco may be used as trim material, not to exceed 20% of the exterior area. Metal, vinyl or aluminum sided buildings are not acceptable.

f. Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. The use of high intensity color, metallic colors, black or florescent colors shall be prohibited. Building trim and architectural accents elements may feature brighter colors, but such colors shall be muted, not metallic, not florescent, and not specific to particular uses or tenants.
g. The exterior of all structures, fences, planting screens, etc., shall be kept in good condition at all times by painting, trimming or other acceptable maintenance procedures. Subsequent additions or changes in the building and grounds shall conform to or enhance the original construction and be consistent therewith.

h. All materials and all vehicles (other than employee and visitor parking), when not in use shall be stored inside except where it is demonstrated that such storage can be adequately shielded from view by planting screen or decorative fencing. In no event shall such storage be permitted within the base setback area.

i. All garbage and waste containers shall be within an enclosure, and appropriately landscaped. The enclosure shall be made of the same exterior materials as the building, unless otherwise approved by the Plan Commission. The enclosure shall be six feet high, shall not be located on the street side of the parcel, can be freestanding or attached to the main building. The enclosure shall be reviewed and approved by the Plan Commission.

j. A landscaping buffer shall be required in those areas described in Section 6.a.(2).

k. Applicable design standards of this Code must be satisfied.

12. CHANGES TO PROJECT PLAN

Following establishment of a Mixed Use District, no changes shall be made to the Master Development Plan except as follows. The property owner may submit requested changes to the Master Development Plan to the Plan Commission for consideration. If in the opinion of the Plan Commission, the proposed change constitutes a minor alteration, the Plan Commission may approve the requested change without public hearing. If the Plan Commission concludes the proposed change constitutes a major alteration, no change shall be made unless it is approved by the Town Board as a zoning amendment conducted pursuant to all procedures described in Section 2, above.

13. TERMINATION OF MASTER DEVELOPMENT PLAN

If a building permit is not issued for a building within a Mixed Use District within five years of the establishment of the district or if construction of the building authorized by the building permit does not commence and continue in good faith to completion, the approval of the Master Development Plan shall expire unless
extended in writing by the Town Board. Upon expiration of the Master Development Plan approval, no development shall occur and no building permits shall be issued for any construction within the area encompassed by the expired Master Development Plan, unless and until a new Master Development Plan is submitted and approved by the Town Board upon receipt of a recommendation from the Town Plan Commission.

14. DEVELOPMENT AGREEMENT

Depending on the nature of the Mixed Use District, the Town Board may require the developer to enter into a development agreement that specifies the duties and obligations of both parties with respect to development in the district.

SECTION 3: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.10 entitled, “Administration and Enforcement,” subsection 5 entitled “Amendment to Zoning Regulations or Map,” subsection E. entitled “Referral,” Subsection 2 is hereby repealed:

SECTION 4: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.10 entitled, “Administration and Enforcement,” subsection 5 entitled “Amendment to Zoning Regulations or Map,” subsection F. entitled “Hearing,” is hereby repealed and re-created with the heading “Joint Hearing and Plan Commission Recommendation” as follows:

F. Joint Hearing and Plan Commission Recommendation.

The Town Board shall hold a public hearing jointly with the Plan Commission in the manner provided in Section 6 of this Section. Following the public hearing, the Plan Commission shall provide its report and recommendation to the Town Board.

SECTION 5: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.10 entitled, “Administration and Enforcement,” subsection 5 entitled “Amendment to Zoning Regulations or Map,” subsection G. entitled “Action,” Subsection 1 is hereby repealed and re-created as follows:

G. Action.

1. Upon receipt of the Plan Commission report and recommendation, or at least 60 days following the completion of the public hearing if no report or recommendation is provided, the Town Board shall act to approve, approve with conditions, modify and approve, modify and approve with conditions, or disapprove the proposed change or amendment.

c. **Mixed Use Prohibited**

Land designated on the Town of Delafield Land Use Plan component of the Town Comprehensive Plan for mixed use is not permitted to be developed for mixed use in the B-1 Restricted Business District, and shall not be rezoned to the B-1 Restricted Business District.


**c. Mixed Use Prohibited**

Land designated on the Town of Delafield Land Use Plan component of the Town Comprehensive Plan for mixed use is not permitted to be developed for mixed use in the B-2 Shopping Center District, and shall not be rezoned to the B-2 Shopping Center District.


**c. Mixed Use Prohibited**

Land designated on the Town of Delafield Land Use Plan component of the Town Comprehensive Plan for mixed use is not permitted to be developed for mixed use in the B-3 Business Park District, and shall not be rezoned to the B-3 Business Park District.


**c. Mixed Use Prohibited**

Land designated on the Town of Delafield Land Use Plan component of the Town Comprehensive Plan for mixed use is not permitted to be developed for mixed use in the M-1 Industrial District, and shall not be rezoned to the M-1 Industrial District.

SECTION 10: **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 11: EFFECTIVE DATE.

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

Dated this ___ day of ______________, 2020.

TOWN OF DELAFIELD

_____________________________________
Ronald A. Troy, Town Chairman

ATTEST:

_______________________
Dan Green, Town Clerk/Treasurer

This ordinance posted or published ______________________.

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