TOWN OF DELAFIELD PLAN COMMISSION MEETING
Tuesday, May 1, 2018, 7:00 p.m.
Town of Delafield Town Hall
W302 N1254 Maple Avenue, Delafield, WI 53018
AGENDA

1. Call to Order and Pledge of Allegiance

2. Approval of the minutes of April 5, 2018 and April 23, 2018

3. Communications (for discussion and possible action):
   A. Mark Moertl, Boatgas Marine Refueling Service, LLC (3/26/18) Re: Annual Report
   B. Church of the Resurrection (4/19/18) Re: Lake Country Childcare CUP.

4. Unfinished Business:
   A. DaySpring Baptist Church, Daniel Reehoff, pastor, (tabled 4/5/18) Re: Consideration and possible action on a request for approval for a variance to the sign code to allow exterior signage for the church facility located at N14 W29489 Silvernail Road.

5. New Business:
   A. Patricia Mayer Revocable Trust of 2012 Revocable Trust, Re: Re-consideration and possible action to add a 33 foot wide reservation along the west side of proposed Lots 1 and 2 on a previously approved, but not recorded Certified Survey Map located at S11 W30520 Summit Avenue.
   B. Request by Town staff for Plan Commission interpretation of code section 17.07 2. C. Legal Conforming Uses on a Conforming Lot or Nonconforming Lot Containing Legal Nonconforming Structures, with respect to improvements planned for the barn located on the west side of Bryn Drive at N3 W29350 Bryn Drive.

6. Discussion: None

7. Announcements and Planning Items: Next meeting - June 5, 2018

8. Adjournment

The Plan Commission may take action on any item on the agenda. It is possible that members of and possibly a quorum of members 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. Please note that, 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 Mary Elsner, Town Clerk, at W302 N1254 Maple Avenue, Delafield, WI 53018-2117. This agenda is for informational purposes only. Posted on 4/26/18.

W302N1254 Maple Avenue ◆ Delafield, Wisconsin 53018-2117 ◆ Phone: 262-646-2398 ◆ Fax: 262-646-8687
www.townofdelafiled.org
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, April 5, 2018

Members present: P. Kanter, C. Dundon, G. Reich, E. Kranick, K. Fitzgerald, L. Krause
Members absent: T. Oberhaus
Also present: T. Barbeau, Town Engineer, 6 citizens

First order of business: Call to Order and Pledge of Allegiance
Acting Chairman Krause called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of March 5, 2018
MOTION MADE BY MS. DUNDON, SECONDED BY MR. FITZGERALD TO APPROVE WITH ONE CORRECTION. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
None

Fourth Order of Business: Unfinished Business
A. Bill Zach, Iron Pipe Development, Re: Consideration and possible action on an updated CSM for lands located west of Cushing Park Road, between Abitz Road and USH 18

MOTION MADE BY MS. DUNDON, SECONDED BY MR. REICH TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that the Plan Commission and Town Board approved the subject 3-lot CSM, one lot for the subdivision, one lot being kept by the developer and one by the Rejmer family. Lot 3 will share driveway access with Lot 2. There will be no access off Cushing Park Rd., because it is unsafe. The only buildable area on that lot is in the northwesterly corner, and access off of Cushing Park Rd. would be through the floodplain. Comments from Waukesha County were related to preserving lands along Scuppernong Creek and designating them for public or quasi-public ownership. Outlet 1 will be used for open space by the Waukesha Land Conservancy if Mr. Zach and the WLC can come to terms; otherwise, it will be owned by the subdivision HOA.

MOTION MADE BY MR. KANTER, SECONDED BY MR. REICH TO APPROVE AN UPDATED CSM FOR LANDS LOCATED WEST OF CUSHING PARK ROAD, BETWEEN ABITZ ROAD AND USH 18 SUBJECT TO STAFF RECOMMENDATIONS:
1. STAFF AND GOVERNMENTAL APPROVAL. SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED JANUARY 31, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION PER CHAP. TRANS. 233, WISCONSIN ADMINISTRATIVE CODE, WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT AND VILLAGE OF SUMMIT IN REGARD TO THE CSM.

2. PROFESSIONAL FEES. PETITIONER SHALL, ON DEMAND, REIMBURSE THE TOWN FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DEVELOPMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (INCLUDING ENGINEERING, LEGAL, PLANNING AND OTHER CONSULTING FEES) FOR THE REVIEW AND PREPARATION OF REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED PROFESSIONAL SERVICES FOR THIS APPLICATION, AS WELL AS TO ENFORCE THE CONDITIONS IN THIS CONDITIONAL APPROVAL DUE TO A VIOLATION OF THESE CONDITIONS.
3. PAYMENT OF CHARGES. ANY UNPAID BILLS OWED TO THE TOWN BY THE SUBJECT PROPERTY OWNER OR HIS OR HER TENANTS, OPERATORS OR OCCUPANTS, FOR REIMBURSEMENT OF PROFESSIONAL FEES (AS DESCRIBED ABOVE); OR FOR PERSONAL PROPERTY TAXES; OR FOR REAL PROPERTY TAXES; OR FOR LICENSES, PERMIT FEES OR ANY OTHER FEES OWED TO THE TOWN; SHALL BE PLACED UPON THE TAX ROLL FOR THE SUBJECT PROPERTY IF NOT PAID WITHIN THIRTY (30) DAYS OF BILLING BY THE TOWN, PURSUANT TO SECTION 66.0627, WISCONSIN STATUTES. SUCH UNPAID BILLS ALSO CONSTITUTE A BREACH OF THE REQUIREMENTS OF THIS CONDITIONAL APPROVAL THAT IS SUBJECT TO ALL REMEDIES AVAILABLE TO THE TOWN, INCLUDING POSSIBLE CAUSE FOR TERMINATION OF THE CONDITIONAL APPROVAL. MOTION CARRIED.

B. DaySpring Baptist Church, Daniel Reehoff, pastor, (tabled 3/6/18) Re: Consideration and possible action on a request for approval for a variance to the sign code to allow exterior signage for the church facility located at N14 W29489 Silvernail Road

Pastor Reehoff provided a letter visibility chart and stated his request for a monument sign of roughly 360 sq. ft. (80 sq. ft. is allowed under current Town zoning). He displayed plans of the proposed logo on the building by night and day view.

The Plan Commission's opinion was divided on the building sign logo. Those who were not in favor felt that it is duplicative, since there is a monument sign included in the proposal.

MOTION MADE BY MR. FITZGERALD, SECONDED BY MR. KRANICK TO APPROVE THE VARIANCE AS REQUESTED. MR. REICH - NO, MS. DUNDON - NO, MR. KRAUSE - NO, MR. KANTER - NO, MR. FITZGERALD - YES, MR. KRANICK - YES. MOTION FAILED 4-2.

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO APPROVE THE MONUMENT SIGN AS PRESENTED WITHOUT THE ADDITIONAL BUILDING SIGN. MR. FITZGERALD - NO, MR. KANTER - NO, MR. KRANICK - NO, MR. KRAUSE - YES, MS. DUNDON - YES, MR. REICH - YES. MOTION FAILED.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. FITZGERALD TO APPROVE THE MONUMENT SIGN AND REQUEST THAT THE SIGN ON THE BUILDING BE REDUCED FROM 28-INCH HEIGHT TO 15 INCHES AND THAT THE WORDS TOWN OF DELAFIELD ON THE MONUMENT SIGN BE NO LESS THAN 4 INCHES IN HEIGHT. MR. FITZGERALD - YES, MR. KANTER - NO, MR. KRANICK - YES, MR. KRAUSE - YES, MS. DUNDON - NO, MR. REICH - NO. MOTION FAILED.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. REICH TO TABLE. MOTION CARRIED.

C. FRED-Tumblebrook LTD Partnership, Mike Schiltz, agent, Re: Consideration and possible action on a recommendation to the Town Board to approve the use of the land designated as Outlot 3 in the Plat of Golf View for residential purposes

Engineer Barbeau stated that FRED-Tumblebrook LTD Partnership is requesting to allow the use of the subject Outlot for residential purposes. They have made application to the Town Board for an exception (per section 18.10 of the Town Code), and a Plan Commission recommendation is needed per State Statute. He stated that the Golf View Declaration of Restrictions read: The Developer shall maintain ownership of this Outlot and it shall remain in an undeveloped state until such time that the Town of Delafield approves the use on this land in conjunction with lands to the south thereof, which approval may include an extension of the cul-de-sac through Outlot 3."
MOTION MADE BY MR. KANTER, SECONDED BY MR. FITZGERALD TO GRANT THE WAIVER TO THE TOWN BOARD. MR. REICH – NO, MR. FITZGERALD – YES, MS. DUNDON – YES, MR. KRAUDE – YES, MR. KANTER – YES. MOTION PASSED 5-1.

Fifth Order of Business: New Business
A. Carolyn Davidson, Hair Expose, LLC, Re: Consideration and possible action on a request for a change in the current hours of operation for Hair Expose located at W307 N1497 Golf Road

Ms. Davidson stated her request to change her current hours of operation: 9:30 a.m. – 9:00 p.m., Monday thru Thursday, Friday, 9:30 a.m. – 6:00 p.m. and Saturday, 8:30 a.m. – 5:00 p.m. to the following: 7:00 a.m. – 10:00 p.m., Monday thru Friday and Saturday from 7:00 a.m. to 8:00 p.m.

MOTION MADE BY MR. REICH, SECONDED BY MR. KANTER TO ACCEPT THE EXTENDED HOURS OF 7:00 A.M. TO 9:00 P.M. MONDAY- FRIDAY AND 7:00 A.M. TO 8:00 P.M. SATURDAY, CLOSED SUNDAY. MOTION CARRIED.

B. Steve Wittmann, N13 W28828 Silvernall Road, Re: Consideration and possible action on a request for a Home Occupation for operation of a lawn care business at N13 W28828 Silvernall Road.

Mr. Wittmann stated that he cuts lawns, trims shrubs and plows snow. He was not aware of the requirement to obtain a home occupation permit, as he just moved into the subject property. Engineer Barbeau directed attention to the condition that no activity, materials, goods or equipment incident to the home occupation shall be externally visible. Mr. Wittmann desires to park trailers east of his garage. Mr. Kanter informed Mr. Wittmann that all conditions need to be met before approval.

MOTION MADE BY MR. REICH, SECONDED BY MR. FITZGERALD TO TABLE.

AMENDED MOTION MADE BY MR. REICH, SECONDED BY MR. KRAUDE TO TABLE FOR 60 DAYS. MOTION CARRIED.

C. Nancy Norris, owner, by Kevin Kain, agent, Consideration and possible action on the approval of a Certified Survey Map to combine two lots of record located at W286 N3070 Lakeside Road.

MOTION MADE BY MR. FITZGERALD, SECONDED BY MR. KRAUDE TO APPROVE CONDITIONED UPON STAFF RECOMMENDATIONS:
1. STAFF AND GOVERNMENTAL APPROVAL. SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED MARCH 27, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT.

2. PROFESSIONAL FEES. PETITIONER SHALL, ON DEMAND, REIMBURSE THE TOWN FOR ALL COSTS AND EXPENSES OF ANY TYPE THAT THE TOWN INCURS IN CONNECTION WITH THIS DEVELOPMENT, INCLUDING THE COST OF PROFESSIONAL SERVICES INCURRED BY THE TOWN (INCLUDING ENGINEERING, LEGAL, PLANNING AND OTHER CONSULTING FEES) FOR THE REVIEW AND PREPARATION OF REQUIRED DOCUMENTS OR ATTENDANCE AT MEETINGS OR OTHER RELATED PROFESSIONAL SERVICES FOR THIS APPLICATION, AS WELL AS TO ENFORCE THE CONDITIONS IN THIS CONDITIONAL APPROVAL DUE TO A VIOLATION OF THESE CONDITIONS.
3. **PAYMENT OF CHARGES.** ANY UNPAID BILLS OWED TO THE TOWN BY THE SUBJECT PROPERTY OWNER OR HIS OR HER TENANTS, OPERATORS OR OCCUPANTS, FOR REIMBURSEMENT OF PROFESSIONAL FEES (AS DESCRIBED ABOVE); OR FOR PERSONAL PROPERTY TAXES; OR FOR REAL PROPERTY TAXES; OR FOR LICENSES, PERMIT FEES OR ANY OTHER FEES OWED TO THE TOWN; SHALL BE PLACED UPON THE TAX ROLL FOR THE SUBJECT PROPERTY IF NOT PAID WITHIN THIRTY (30) DAYS OF BILLING BY THE TOWN, PURSUANT TO SECTION 66.0627, WISCONSIN STATUTES. SUCH UNPAID BILLS ALSO CONSTITUTE A BREACH OF THE REQUIREMENTS OF THIS CONDITIONAL APPROVAL THAT IS SUBJECT TO ALL REMEDIES AVAILABLE TO THE TOWN, INCLUDING POSSIBLE CAUSE FOR TERMINATION OF THE CONDITIONAL APPROVAL. MOTION CARRIED.

**Sixth Order of Business:** Discussion

A. Archibald and Judith Pequet, by Jon Spheeris, agent, Re: Discussion on developing the Pequet land located in the A-2 district with conventional zoning and large estate lots versus a Planned Unit Development open space development.

Mr. Spheeris stated the proposal for 9, 5-acre parcels on the subject 49.5 acre parcel with the exception to 17.04 5 H. (PUD) of the Town Code. Discussion followed on how the upcoming change in code will possibly affect the current PUD section.

**Seventh Order of Business:** Announcements and Planning Items.

Next meetings: April 23, 2018 – Conditional Use code revisions
May 1, 2018 – Regular business meeting

**Eighth Order of Business:** Adjournment

MOTION MADE BY MR. KANTER, SECONDED BY MR. FITZGERALD TO ADJOURN AT 8:53 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Eisner, CMC, WCMA
Town Clerk/Treasurer
TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, April 23, 2018

Members present: T. Oberhaus, L. Krause, C. Dundon, G. Reich, E. Kranick, K. Fitzgerald, T. Frank
Also present: T. Barbeau, Town Engineer, C. Smith, Town Board Supervisor

First order of business: Call to Order and Pledge of Allegiance
Chairman Oberhaus called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.

Second order of business: New Business
A. Town of Delafield, Re: Discussion, consideration and possible action on amendments to the Town Zoning Code related to regulation of Conditional Uses

<table>
<thead>
<tr>
<th>17.05 CONDITIONAL USES (GOLD SECTION)</th>
<th>CONSensus of PLAN COMMISSION</th>
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</thead>
<tbody>
<tr>
<td>5. CONDITIONAL USES PERMITTED</td>
<td></td>
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<tr>
<td>A. Adult-Oriented Establishments – Repealed</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
</tr>
<tr>
<td>B. Airports, Landing Fields and Takeoff Strips</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
</tr>
<tr>
<td>C. Animal Hospitals and Kennels</td>
<td></td>
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<tr>
<td>D. Antique Shops, Gift Shops, Arts and Crafts Studios and Similar Uses</td>
<td>INCORPORATE INTO B-1 AND B-2 PERMITTED USE</td>
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<tr>
<td>E. Automobile Service Stations and Convenience Stores</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
</tr>
<tr>
<td>F. Bed and Breakfast Establishments</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
</tr>
<tr>
<td>G. Campgrounds</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
</tr>
<tr>
<td>H. Cemeteries and Mausoleums for the Burial of Human Remains. Only</td>
<td>ELIMINATE AS PERMITTED COND. USE, STATE MAY PRE-EMPT OUR CODE</td>
</tr>
<tr>
<td>I. Churches, Synagogues and Other Buildings for Religious Assembly</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
</tr>
<tr>
<td>J. Commercial Fish or Bait Ponds or Fish Hatcheries</td>
<td>ELIMINATE AS PERMITTED USE</td>
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<td>K. Commercial Greenhouses</td>
<td>INCORPORATE INTO PERMITTED USE IN M-1 DISTRICT</td>
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<td>L. Commercial Truck Parking</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>M. Communication Tower – Repealed</td>
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<td>N. Conversion</td>
<td>CHANGE CONDITIONS TO STANDARDS, LIMIT TO A-1, A-E, A-2, M-1</td>
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<tr>
<td>O. Drive-In Establishments Serving Food or Beverages to Customers Other Than at a Booth or Table</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>P. Elderly Housing Units</td>
<td>State Stats. pre-empt our code; Engineer Barbeau will perform further review</td>
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<td>Q. Feed Lot Operation</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<td>R. Fur Farms, Pig Farms, Pea Vineries, Creameries and Condenseries</td>
<td>ELIMINATE AS PERMITTED COND. USE; ALLOW CREAMERIES IN A-1 AND A-E; CHANGE DEFINITION OF AG/FARMING TO AVOID CAFO'S</td>
</tr>
<tr>
<td>S. Group Day Care Center</td>
<td>REVIEW STATE STATUTE PROVISIONS</td>
</tr>
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<td>T. Hobby Kennels</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
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<td>U. In-Law Units</td>
<td>INCORPORATE INTO PERMITTED USE IN R-1, R-1A, R-2, R-3, A-1, A-2, A-3</td>
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<td>Column 1</td>
<td>Column 2</td>
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<td>V. Immediate Day Care Home</td>
<td>REVIEW STATE STATUTES</td>
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<td>W. Keeping of Poultry or Livestock</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
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<tr>
<td>X. Laboratories for Testing, Experimental or Analytical Purposes</td>
<td>INCORPORATE INTO PERMITTED USE</td>
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<tr>
<td>Y. Legal Nonconforming Uses</td>
<td>NO CHANGES</td>
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<td>Z. Marina</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>Z-5. Master Sign Program</td>
<td>CONDITIONS RE-WRITTEN AS STANDARDS</td>
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<td>AA. Mobile Home Parks</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AB. Motels and Hotels</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AC. Other Uses</td>
<td>ELIMINATE – AFTER 5/1/18, NOT GRANTED</td>
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<td>AD. Outdoor Theatre</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AE. Private Clubs and Outdoor Recreational Facilities Such as Recreational Camps, Golf Courses, Bathing Beaches and Resorts</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
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<tr>
<td>AF. Private Stables</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AG. Public and Commercial Refuse Disposal Site</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AH. Public and Semipublic Buildings and Uses</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<td>AI. Public Utilities</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AJ. Quarrying</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
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<tr>
<td>AK. Quarters for Household or Farm Employees</td>
<td>INCORPORATE INTO PERMITTED USES IN A-1 AND A-E AND A-2 FOR FARMS OVER 10 AC.</td>
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<td>AL. Relocation</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AM. Residential Planned Unit Development</td>
<td>INCORPORATE INTO CHAPTER 18 - (DISCUSS DENSITY)</td>
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<td>AN. Restaurants, Fast Food Restaurants, Supper Clubs, Lake Resorts, Taverns and Similar Uses</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AO. Riding Academies or Commercial Stables</td>
<td>ELIMINATE A-3, CHANGE CONDITIONS TO STANDARDS</td>
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<tr>
<td>AP. Soil Processing for Resale Either at Wholesale or Retail</td>
<td>ELIMINATE AS PERMITTED CONDITIONAL USE</td>
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<tr>
<td>AQ. Solar Energy Systems</td>
<td>CHANGE CONDITIONS TO STANDARDS</td>
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<tr>
<td>AR. Commercial Planned Unit Development</td>
<td>INCORPORATE INTO CHAPTER 18 - (DISCUSS DENSITY)</td>
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</table>

**Third order of business:** Adjournment

**MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO ADJOURN AT 9:36 P.M. MOTION CARRIED.**

Respectfully Submitted,

Mary T. Elsner, CMC, WCMC
Clerk/Treasurer

Minutes approved on:
March 26, 2018

Town of Delafield Plan Commission
W302 N1254 Maple Avenue
Delafield, WI 53018-2117

Re: Summer 2017 Report

Dear Commissioners:

I am filing this report in accordance with Condition “C” of the Order Granting Conditional Use in which is stated:

“An annual report shall be submitted to the Town Plan Commission no later than March 15 of each year of operation detailing the number of boats refueled, approximate hours, average number of gallons per refueling and problems encountered in the previous year.”

The following information is for all of Pewaukee Lake but does not include Lac La Belle, Nagawicka, North, Oconomowoc, Pine nor Okauchee Lake which also were serviced during the summer of 2017.

<table>
<thead>
<tr>
<th>Number of Boats Refueled</th>
<th>234</th>
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<tbody>
<tr>
<td>Hours on Lake (average per day)</td>
<td>4.5</td>
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<tr>
<td>Average Gallons (per fill)</td>
<td>17.8</td>
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</table>

Problems Encountered: None

We began the season on Tuesday, May 23rd and were on Pewaukee Lake every Tuesday and Friday through September 22nd. Typical hours were 10:00 AM to 2:30 PM.

2017 was our 11th consecutive summer in operation, and I’m happy to say we have yet to experience an incident involving any sort of collision, spill, fire, personal injury or property damage. Considering we have not even had a close call, I am confident the business will continue to be safe with the operating procedures we have in place. I hope this report has been informative and will suffice. I look forward to being in service again this summer.

Sincerely,

Mark Moertl
President

PO Box 486 • Grafton, WI 53024 • 262-377-2366 • markmoertl@sbcglobal.net
Church of the Resurrection

April 19, 2018

Dear Mr. Barbeau and Town of Delafield Board,

I am writing on behalf of our future tenants, Lake Country Childcare, LLC. Due to unforeseen and unfortunate timing, the owners applied for a Conditional Use Permit during the period in which the Township had set a three month moratorium on issuing CUPs.

I would like to encourage you to consider Lake Country Childcare’s CUP application at the earliest opportunity. The “conditional use” aspect of the space named in the application is not new. Church of the Resurrection has leased space to childcare and/or preschool businesses for many years.

We have formed a positive relationship with the Lake Country Childcare owners and are hoping that they will be granted the proper permit in a timely manner so the childcare center can open on the desired date. Expedited attention to the application would be greatly appreciated.

We are certain that the Board recognizes the many benefits that the establishment of new businesses bring to the Town of Delafield. We at Church of the Resurrection look forward to welcoming Lake Country Childcare, LLC to our building, and to many years of mutual interest and good will.

Thank you for your effort to attend to Lake Country Childcare’s CUP application in a timely manner.

Respectfully,

[signature]

The Rev. Kimberly Jordan
Pastor, Church of the Resurrection

The Rev. Kimberly A. Jordan
W287 N3700 North Shore Drive Pewaukee, WI 53072-3136  262-691-7700
www.churchoftheresurrection.org
Plan Commission Report for May 1, 2018

Day Spring Baptist Church
Agenda Item No. 4. A.

Applicant: Dan Reehoff, Pastor
Project: Day Spring Baptist Church
Requested Action: Approval of site and building signage variance
Zoning: A-1/Conditional Use
Location: N14 W29489 Silvernail Road

Report

At the April 5, 2018 Plan Commission meeting, the matter was tabled after the following motions were made:

Approval of the variance as requested: Failed 4-2
Monument sign approved without the building wall sign: Failed 3-3
Monument sign and reduced size of building wall sign: Failed 3-3

During the week of April 16, 2018, what appeared to be a wall sign was placed on the building. I was informed that it was not a permanent sign, but rather,

"the logo you see on the building is a paper cutout stick to the building temporarily for the purpose of experimenting. It is NOT the permanent signage. Since the building is under construction we are aware that temporary signage is allowed to help with construction - it is important to us and our sign installers to experiment with different sizes of our logo before our next variance request. Again, it is temporary construction signage used by the contractors for testing purposes only."

Our code requires that temporary signs require a permit from the code enforcement officer, which we did not have. The sign was removed. No new information has been submitted.

From my report for the April meeting:

The DaySpring Baptist Church has considered the comments made at the March Plan Commission meeting and had submitted revised plans for the building and site signage. The A-1 district allows 11 square feet of signage for each 200 foot of frontage. This results in an allowance of 88 square feet of signage for the site. They are proposing a total signage package of 144 square feet split between the building sign and the monument sign. The total variance amount requested is 56 square feet.

Building Wall Sign
The previous submittal requested a wall sign that was 70 square feet. They have reduced the proposed wall sign to 33 square feet. The sign will consist of individual channel letters back lit with yellow and
white LED illumination. They have provided an updated architectural rendering showing the sign at night with the proposed building lighting.

**Monument Sign**
The monument sign as originally submitted was determined to contain the sign on a 260 square foot cedar cement panel board. In reviewing this submittal, I considered what was was approved by the Town for the OAW sign, that being individual letters and the use of multiple background materials. I have concluded that the use of differing background materials as the outline of the sign was not appropriate and that the sign should be measured by the “area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters…” as stated in the sign code. Therefore, the area for the individual letters on the sign submitted for the previous meeting was 112 square feet. The area of the current submittal has 91 square feet. The proposed monument portion of the sign has been reduced from 455 square feet (previous submittal) to 324 square feet and is proposed to be 10.8 feet tall by 30 feet long. Materials to be used for the monument sign will match materials to be used on the exterior of the church building -- brushed aluminum steel with a cedar cement board accent.

The height of the monument sign is allowed to be 13.3 feet. The proposed height of the monument sign is 10.8 feet.

**Staff Recommendation:**

Section 10 of the sign code allows sign code variances by the Plan Commission. The Plan Commission is to review such requests using the following criteria:

**Area Enhancements:**

1. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
2. The proposed sign is unique and of exceptional design or style so as to enhance the area.

**Site Difficulties:**

Unusual site factors preclude the construction of a sign in accordance with the sign code which would be visible to the roadway adjacent to the site frontage.

The site is allowed 88 square feet of signage apportioned between the wall sign and the monument sign. Since the proposed sign area totals are over 88 square feet (proposed 144 square feet), a sign variance was requested. Based on the criteria noted above, I am of the opinion that the signs will not result in an undue concentration of signage which renders it difficult or confusing to read. The monument sign may be considered unique and of exceptional design because it incorporates exact elements of the building materials into the sign. I believe that is what the Town would like to see and promote for every sign. Unique to the site location for these signs is that they will be seen by motorists along I-94. Lettering on the signs need to be of adequate size such that drivers trying to read the signs are not distracted as they pass by. The monument sign will provide adequate vision to drivers on I-94 since there is nothing blocking it; therefore, I am of the opinion that the wall sign could be made smaller and still provide the adequate visual of the logo and words.

*If the Commission is in agreement with my conclusion, I suggest that the wall sign letter height be reduced from 28-inch height to 15 inches. I further request that the words Town of D tesfield on the monument sign be no less than 4 inches in height.*

Tim Barbeau, Town Engineer
April 24, 2018
DaySpring Baptist Church Sign Variance

DaySpring is requesting a variance for their monument and building sign.

**UPDATES since last Town Meeting:**
- Building Sign: Reduced the size Logo on the building from original size suggested by the architects by nearly 45%.
- Monument Sign: Increased size of "Town of Delafield" to 4" height

DaySpring Church requesting to be treated with the same variance that the OAW has. The OAW is a neighbor to DaySpring and is also on I94. The OAW requested a variance for 3.5 times their zoned amount, Dayspring is requesting a variance much less at only 1.5 times the zoned amount.

**Size Comparisons:**

<table>
<thead>
<tr>
<th>Dayspring</th>
<th>OAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>35.8 Acres</td>
<td>7 Acres</td>
</tr>
<tr>
<td>1764 Feet of frontage</td>
<td>700 Feet of frontage</td>
</tr>
<tr>
<td>202 foot wide building</td>
<td>280 foot wide building</td>
</tr>
<tr>
<td>Monument Sign 30' Wide</td>
<td>Monument Sign 61' Wide</td>
</tr>
<tr>
<td>Building Logo 38 Sq Ft</td>
<td>Building Logo 78.5 Sq Ft</td>
</tr>
</tbody>
</table>
Monument Size Comparison
Blue outline: Dayspring
Red outline: OAW
Logo on Building

DAYSPRING
Night View Logo on Building
Day View Logo on Building
Monument Day & Night View

DAYSpring
Church & Schools
Easter Sunday Breakfast 10AM
SECTION 17.05

CONDITIONAL USES

1. APPROVAL REQUIRED.

Certain uses and situations are of such a special nature, or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility of the detailing in the chapter of the specific standards, regulations or conditions which would permit such use. Therefore, these uses, upon determination in each individual situation, may be permitted as conditional uses in such district, subject to such requirements as are hereinafter specified for each situation.

2. BASIS OF APPROVAL.

The determination of such conditional use by the Town Board shall be based on whether or not the proposed use will violate the spirit or intent of the chapter; be contrary to the public health, safety or general welfare; be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factor, or for any other reason cause an adverse effect on the property values and general desirability of the neighborhood. Except as may be specifically otherwise provided, any such use shall conform to the building location, height, area, yards, parking, loading, traffic and highway access regulations of the district in which it is located and the approving body may require compliance with such other conditions as may be deemed necessary in the specific situation in addition to any which may be herein stated. The location, building plan, site plan, and plan of operation shall be in sufficient detail to enable the Town to make its determination as to the appropriateness of the proposed grant of conditional use. The Town may take into consideration architectural and landscape treatments. Satisfactory provision shall be made for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary, for operational control devices where necessary to eliminate noise, dust, odor or smoke; and such other factors as would be pertinent to such determination. Variances shall only be granted as provided in section 17.10 of this Chapter.

3. PROCEDURE.

A. Petition.
   A request for grant of conditional use status shall be submitted in writing to the Town Clerk who shall promptly refer such petition to the Plan Commission for recommendation.

B. Data Required.
   Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request including specifically the following:

   1. Names, addresses and phone numbers of the applicant, owner of the site, architect, engineer, and contractor.

   2. The site legal description, location, zoning district, building and site plans, and plan of operation.

   3. An accurate map of the property drawn to a reasonable scale, including indication of general terrain and topographic characteristics, the location of all significant terrain features such as streams, ponds, tree growth, etc., and the location of all existing structures.

Town of Delafield Zoning Code, rev. 5/17

1
4. An accurate and complete written description of the use for which conditional grant is being requested including pertinent statistics and operational characteristics (plan of operation).

5. An accurate and complete description of the current use of existing building and land.

6. Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc.

7. Any other pertinent information required by the Code Enforcement Officer, Town Engineer, Plan Commission or Town Board as set forth in forms supplied by the Town including percolation test results and well water data.

8. The person applying for a conditional use permit shall certify on the application that the information contained therein is accurate and complete to the best of that person’s knowledge.

C. Public Hearing.
Within a reasonable time after an application and all required information has been filed, a public hearing shall be held by the Plan Commission pursuant to this chapter. Within 40 days after the public hearing and all investigation, the Plan Commission shall make a recommendation to the Town Board unless the time is extended by the Petitioner.

D. Fee.
Any petition shall be accompanied by a fee as set from time-to-time by the Town Board to defray the cost of notification and holding of public hearing. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of the conditions to be improved shall be charged to the Petitioner.

4. DETERMINATION.

The Town Board shall make a decision on the application within a reasonable time after receipt of the Plan Commission recommendations. Said decision shall be stated in writing and a copy made a permanent part of the Town records. If conditional use status is not granted, the reasons therefor will be included in such record. A grant of conditional use status, subsequent changes or additions thereto and terminations thereof shall be in accordance with the following:

A. Recording.

1. An official record of such conditional grant shall be prepared by the Town Clerk on a form prescribed therefor which shall include the description of the use for which the grant is given and all conditions attached thereto as well as a copy of the resolution of the Town Board approving the grant. A copy of the completed form shall be recorded at the Waukesha County Register of Deeds as a covenant on the title for the premises for which the conditional use was granted.

2. The occupancy permit shall be appropriately noted as to the conditional status granted.

3. Indication shall also be made on the zoning map by appropriate code number or symbol.
B. Changes or Additions.

Subsequent change or addition to the approved plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to this Chapter.

C. Conditions.

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

D. Termination. (repealed and recreated 2014-01)

Where a conditional use does not continue in conformity with the conditions of the original approval, or where it appears that the information shown on the Petitioner's application was not accurate or complete, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas or for any cause based upon consideration for the public welfare, the conditional grant may be terminated by action of the Town Board following referral to the Plan Commission for public hearing and recommendation thereon.

E. Standard Conditional Use Conditions

The standard conditions listed below are automatically incorporated into the terms of a Conditional Use Permit issued under this section, unless otherwise stated in the Conditional Use Permit.

1. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use, the question shall be submitted to the Town Plan Commission for determination.

2. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town ordinance or other law.

3. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Town Plan Commission as being in compliance with all pertinent ordinances.

4. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to Town, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Town Plan Commission, pursuant to
the enforcement provisions of this Conditional Use Order, and all applicable ordinances.

5. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the subject property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.

6. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Town Plan Commission if the Town Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Town Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.

7. Petitioner and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Petitioner is required to accept the terms and conditions of the same in its entirety in writing.

8. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this application, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of the necessary documents or attendance at meetings or other related professional services for this application, as well as for any actions the Town is required to take to enforce the conditions in this conditional approval due to a violation of these conditions.

9. Payment of charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to section 66.0527, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval, subject to all remedies available to the Town, including possible cause for termination of this approval.

10. Current Address. The Petitioner is obligated to file with the Town Clerk a current mailing address and current phone number at which the Petitioner can be reached, which must be continually updated by the Petitioner if such contact information should change, for the duration of this conditional use. If the Petitioner fails to maintain such current contact information, the Petitioner thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.

11. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Town Board in its consideration of the Petitioner's application, as noted in the Minutes of the Town Board meeting at which approval was granted, are specifically incorporated herein by reference.

12. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.

13. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Town Plan Commission.
F. Performance Standards

1. ARTICLE INTENT AND COMPLIANCE.
   It is the intent of this Section to describe performance standards for the regulation of uses in the to establish an objective and equitable basis for control and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or zoning district. In addition, these performance standards are intended to comply with other applicable local, state and federal codes and standards. All structures, lands, air and water shall hereafter comply with the following performance standards.

2. CONTROL OF HAZARDOUS AIR POLLUTANTS AND EMISSIONS
   Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Ch. NR 400 through NR 449, Wis. Adm. Code. Hazardous pollutants are specifically controlled in accord with NR 445.

3. CONTROL OF PARTICULATE EMISSIONS AND DUST.
   (a) Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch. NR 415, Wis. Adm. Code, or in other applicable Chapters which regulate particulate emission.
   (b) Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots with any lot shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch. NR 415.04, Wis. Adm. Code.

4. CONTROL OF ODORS
   No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code.

5. CONTROL OF FIRE AND EXPLOSIVE HAZARDS.
   (a) All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as may be required by the MUNICIPALITY Fire Prevention Code.
   (b) All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
   (c) The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the MUNICIPALITY Fire Department and in accord with their requirements to minimize fire and explosive hazards.

6. GLARE, HEAT AND EXTERNAL LIGHTING.
   (a) No operation or activity shall produce any intense lighting, glare or heat with the source directly visible beyond the boundary of the property line. Operations producing light, glare, or heat shall be conducted within an enclosed building.
   (b) External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

7. WATER QUALITY STANDARDS.
   (a) No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human,
animal, plant, or aquatic life.

(b) No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102 or in other applicable Chapters which regulate water quality.

8. NOISE.
No operation or activity shall transmit any noise beyond the boundaries of the property so that it becomes a nuisance.

9. VIBRATION.
(a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
(b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

5. CONDITIONAL USES PERMITTED.

Subject to the foregoing, in addition to such uses enumerated in the district regulations, the following may be permitted as conditional uses in the districts specified, provided further that a public hearing pursuant to this Chapter shall be held before approval for any such conditional use is granted.

A. Animal Hospitals and Kennels. This provision does not apply to hobby kennels as defined by section 17.02. Hobby kennels are separately provided for in this chapter.

1. Where Permitted. (Amd. 00-507a)Subject to the provisions of subsection 2., animal hospitals and kennels, are conditional uses which may be permitted in the following districts:

Animal Hospitals
A-1 Agricultural District
B-2 Shopping Center District
M-1 Industrial District
B-3 Business Park District

Kensels
A-1 Agricultural District
A-2 Rural Home District
M-1 Industrial District


Conditional use status shall not be granted to animal hospitals or kennels unless all of the following standards are met:

a. Except for animal hospitals, no such use shall be permitted on a lot less than 3 acres in area.

b. No building other than one used only for residence purposes or as an animal hospital, shall be closer than 75' to the lot line of an adjoining lot in a district permitting residential use.

c. The facility is adequately soundproofed.
d. The facility is maintained in a sanitary condition. Plan shall be submitted and approved for waste removal and method of addressing odors.

e. Outdoor kennels shall be at least 100 feet from any property line.

f. Dogs taken outside the kennel shall be on a leash and shall remain on the property.

g. Drop off and pick-up times shall be between 6 am and 10 pm.

h. Traffic circulation shall be designed to minimize light and sound to adjacent landowners.

i. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

j. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.

k.

A.

B. Bed and Breakfast Establishments.

1. Where Permitted. Subject to the provisions of subsection 2., bed and breakfast establishments are conditional uses which may be permitted in the following districts:

   R-1 Residential District
   R-2 Residential District
   R-L Residential Lake District
   A-1 Agricultural District
   A-2 Rural Home District
   A-E Exclusive Agricultural District


   Conditional use status shall not be granted to bed and breakfast establishments unless all of the following standards are met:

   a. Use of the facility as a bed and breakfast establishment automatically terminates a transfer or sale of property.

   b. All bed and breakfast establishments shall be subject to and comply with Wisconsin Administrative Code HSS 197 which is hereby incorporated by reference. Any future amendments, revisions or modifications of the current or future codes incorporated herein are intended to be a part of this Code in order to secure uniform statewide regulation of bed and breakfast establishments.

   c. Each bed and breakfast establishment shall be required to keep a register and require all guests to sign such register using their actual names and address before being assigned quarters. The register shall be available for inspection by the Police Department and Code Enforcement Officer for a period of not less than one year.

   d. No guest may be permitted to occupy space in a bed and breakfast establishment for a longer period than fourteen (14) consecutive days.
e. A minimum of one off-street parking stall is provided for every guest bedroom with a minimum of two additional for the owner/proprietor. All parking areas meet the size requirements of the Town Code and must be hard-surfaced and maintained in a reasonably dustless condition. The parking areas abutting residential properties is screened from view using a minimum 6' high solid fence or comparable screening. No off-street parking shall be allowed within the front yard setback area and shall be a minimum of 3' from any side yard property line.

f. Sign proposed meets Town sign code requirements.

g. Every bed and breakfast establishment shall be properly addressed with numbers on the front of the structure, a minimum of 6" high and of contrasting color so as to be visible from the street.

h. The applicant shall provide evidence that the proposed use will not impact the surrounding neighborhood and proximity to any existing bed and breakfast establishment.

i. Applicant has received an occupancy permit and is in compliance with all state and local regulations and ordinances.

j. Use of the bed and breakfast facility for any special gathering (i.e. wedding receptions, parties, etc.) is prohibited.

k. The owner of a bed and breakfast shall live on the premises.

l. All refuse containers shall be screened from view.

m. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

n. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.

C. Churches, Synagogues and Other Buildings for Religious Assembly.

1. Where Permitted. Subject to the provisions of subsection 2., churches, synagogues, or other buildings for religious assembly are conditional uses which may be permitted in the following districts:

   R-1 Residential District
   R-1 A Residential District
   R-2 Residential District
   R-3 Residential District
   R-L Residential Lake District
   A-1 Agricultural District
   A-2 Rural Home District
   A-3 Suburban Home District
   B-1 Restricted Business District
B-2 Shopping Center District
B-3 Business Park District
M-1 Industrial District


Conditional use status shall not be granted to churches, synagogues or other buildings for religious assembly unless all of the following standards are met:

a. The structure conforms to double the offset requirements of the district in which it is located.

b. The height limitation of the district in which the use is located does not exceed 50' provided the minimum required setback and offsets shall be increased 2' for every additional foot of height in excess of the permitted maximum in that district. The aforesaid height regulation shall not apply to the spire or belfry of a church except where airport safety zone regulations specifically limit the maximum height.

c. The open space for the facility shall be a minimum of 50%.
d. Site meets Town parking requirements.
e. Access locations meet site distance requirements.
f. Traffic study is provided to determine additional improvements to adjacent streets and impact on adjacent development.
g. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

1. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.

g.

D. Conversion.

1. Where Permitted. Subject to the provisions of subsection 2., conversion of the use of barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture and similar items are conditional uses which may be permitted in any district.


Conditional use status will not be granted to any conversion of the use of barns or farm buildings for the storage of machinery, equipment, vehicles, boats, furniture and similar items unless all of the following standards are met:

a. Use shall be on lots of 10 acres or more.

b. Buildings shall consist of the buildings as now exist on the premises. No additional buildings or additions may be made without the express approval of the Town in accordance with the terms of the applicable ordinances.
c. A signed and sealed plat of survey shall be submitted detailing the size and offsets of all existing buildings.

c. Access shall be from a public street.

f. There shall be no storage outside.

g. Water supply facilities and septic system, if any, shall be in accordance with the rules of the Wisheksha County Division of Health and Department of Industry, Labor and Human Relations.

h. Noise shall be what is common to storage facilities.

i. No commercial signs permitted.

j. Site shall be landscaped prior to issuance of an occupancy permit.

k. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

l. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.

m. The use shall be compatible with adjacent land uses.

E. Elderly Housing Units

1. Where Permitted: Subject to the provisions of subsection 2, Elderly Housing Units are conditional uses which may be permitted in the following districts:

   R-1 Residential District
   R-1(A) Residential District
   R-2 Residential District
   R-3 Residential District
   R-4 Residential Lake District
   A-1 Agricultural District
   A-2 Recreational District
   A-3 Suburban Home District

2. Standards Under Which Permitted:

   Conditional use status shall not be granted to Elderly Housing Units unless all of the following conditions are met:

   a. The minimum lot area shall be 20,000 sq. ft.

   b. The minimum unused lot area per dwelling unit shall be 1,500 sq. ft. This shall not include parking spaces or buildings.

   c. Side yard and rear yard setbacks shall be a minimum of 10' on each side and the road setback requirement shall be maintained.
d. There shall be a minimum living area of 400 sq. ft. for an efficiency apartment, 650 sq. ft. for a one bedroom apartment and 750 sq. ft. for a two bedroom apartment. No dwelling unit shall have more than two bedrooms.

e. There shall be one covered parking space per dwelling unit.

f. Multi-story housing for the elderly shall be provided with elevators.

g. Restrictions shall be placed on the development, consistent with State and Federal regulations governing elderly housing.

h. In the case of phased development of an elderly project, as defined, the developer shall present evidence to the Plan Commission that at least 50% of all previously planned units are occupied.

i. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

j. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.

4. Group Day Care Center

4.1. Where Permitted: Subject to the provisions of subsection 4., group day care centers are conditional uses which may be permitted in the following districts:

R-1 Residential District
R-1A Residential District
R-2 Residential District
R-3 Residential District
R-4 Residential/Lake District
B-1 Restricted Business District
B-2 Shopping Center District
B-3 Business Park District
A-1 Agricultural District
A-2 Rural Home District
A-3 Suburban Home District
M-1 Industrial District

4.2. Conditions: Under Which Permitted:

Conditional use status shall not be granted to a group day care center unless in the case of rental properties, the property owner's written permission must be obtained and submitted as part of the conditional use permit application.

G. Hobby Kennels.

1. Where Permitted. Subject to the provisions of subsection 2., a hobby kennel, as defined in section 17.02, is a conditional use which may be permitted in the following districts:
R-1 Residential District  
R-1A Residential District  
R-2 Residential District  
R-3 Residential District  
R-L Residential Lake District  
A-1 Agricultural District  
A-2 Rural Home District  
A-3 Suburban Home District  
A-E Exclusive Agricultural District  

2. **Standards Under Which Permitted.**  

Conditional use status shall not be granted to a hobby kennel unless all of the following standards are met:  

a. The applicant must provide an annual report that they meet the standards herein, summary of complaints, if any and any changed conditions in the neighborhood.  

b. The lot must be at least 1 1/2 acres in area.  

c. Applicant shall provide a signed and sealed plat of survey showing the location of all features on the lot, adjacent structures, outdoor kennel location, fences and areas where dogs will be let out.  

d. Plan shall be submitted to address dogs that get out of the kennel.  

e. Plan shall be submitted detailing safety measures to be taken to assure that dogs do not run loose in the area.  

f. The kennel must be a minimum of 50' from the closest lot line.  

g. No more than 3 dogs or other household pets shall be permitted on a 1 1/2 acre site plus 2 dogs or other household pets per additional acre up to 10 dogs or other household pets maximum.  

h. The buildings and grounds shall be maintained in a neat, attractive and orderly way.  

i. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.  

j.  

H. **Intermediate Day Care Home.**  

1. **Where Permitted.** Subject to the provisions of subsection 2, intermediate day care homes are conditional uses which may be permitted in the following districts:  

   R-1 Residential District  
   R-1(A) Residential District  
   R-2 Residential District  
   R-3 Residential District
R-1 Residential Lake District
A-1 Agricultural District
A-2 Rural Home District
A-3 Suburban Home District

2. Conditions Under Which Permitted:

Conditional use status shall not be granted to an intermediate day care home unless all of the following conditions are met:

a. The lot is at least 7200 square feet in area.

b. A minimum of 140 square feet of living space per child is provided.

c. A minimum of 100 square feet of fully enclosed outside play area shall be provided per child at maximum permitted occupancy.

I. Keeping of Poultry or Livestock.

1. Where Permitted. Subject to the provisions of subsection 2., the keeping of poultry or livestock is a conditional use which may be permitted in the following districts:

A-2 Rural Home District


Conditional use status shall not be granted to the keeping of poultry or livestock unless all of the following standards are met:

a. The keeping of poultry, fowl and domestic livestock must be on lots of 3 acres or more,

b. Maximum practical conditions of neatness and sanitation are maintained and all fowl are kept confined or enclosed.

c. Not more than one head of livestock or ten fowl shall be kept per acre of land except where such use existed prior to the date of the chapter as principal commercial or agricultural use, such use may be continued subject to the limitations regulating a nonconforming use as regulated by this chapter.

d. The keeping of hogs, male goats or furbearing animals must be on lots of 20 acres or more.

J. Legal Nonconforming Uses.

Where Permitted. Subject to the provisions of Section 7 of this Chapter, a legal nonconforming use may be granted conditional use status in the district in which it is located subject to submitting a petition under this section.

(1)

K. Master Sign Program.

Town of Delafield Zoning Code, rev. 5/17
1. Where Permitted.
A-1 Agricultural District
A-E Exclusive Agricultural District
A-2 Rural Home District
B-1 Restricted Business District
B-2 Shopping Center District
B-3 Business Park District
M-1 Industrial District
P-1 Park and Recreation District
WF-1 Wetland-Floodplain District

(1) all signs shall be uniform in theme, size, color and style.
(2) Use shall be for multi-tenant operations, office parks, industrial parks, multi-tenant office and retail buildings, and commercial developments that include separate commercial activities.
(3) Applicant shall provide mock ups of all signs and include dimensions, area, colors, height, material, method of attachment, lighting and site plan with location shown.
(4) The requirements of Section 17.08 may be modified by the express terms of the Master Sign Program conditional use order.

L. Private Clubs and Outdoor Recreational Facilities Such as Recreational Camps, Golf Courses, Bathing Beaches and Resorts.

1. Where Permitted. Subject to the provisions of subsection 2., private clubs and outdoor recreational facilities such as recreational camps, golf courses, bathing beaches and resorts are conditional uses which may be permitted in the following districts:

All Districts.

2. Conditions Under Which Permitted.

Conditional use status shall not be granted to private clubs or outdoor recreational facilities such as recreational camps, golf courses, bathing beaches and resorts unless all of the following conditions are met:

a. The lot is at least 3 acres in area, except that this area requirement shall not apply in the following districts:
B-1 Restricted Business District
B-2 Shopping Center District
B-3 Business Park District
M-1 Industrial District

b. No building, other than one used only for residence purposes, shall be closer than 75' to the lot line of an adjoining lot in a district permitting residential use.

d. No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of permit.

d. No lighting installations shall be permitted which create a hazard to traffic or nuisance to surrounding property. The use of flashing or revolving spot lights and the like, other than traffic control lights, are specifically prohibited.

M. Quarrying.

1. Where Permitted. Subject to the provisions of subsection 2., quarrying, as defined in this chapter, is a conditional use which may be permitted in the following districts:

   M-1 Industrial District


   Conditional use status shall not be granted to a quarrying operation unless all of the following standards are met:

   a. A quarrying permit for such operation must be obtained from the Town Board. Such permit shall be for an initial period as is deemed appropriate to the specific situation but not to exceed 5 years and may be renewed thereafter for periods not to exceed 3 years provided application therefor shall be made at least 60 days and no more than 120 days before expiration of the original permit. Application after such date shall be treated as an original application.

   b. Application for a quarrying permit shall be made on forms supplied by the Town Clerk.

   c. The application for a quarrying permit shall be accompanied by: a fee as set from time to time by the Town Board to defray the cost of notification and holding of public hearing; a full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation; where the operation is to include the washing of sand and gravel, the estimated daily quantity of water required, its source and its disposition shall be made part of the description; a legal description of the proposed site with a map showing its location with indications of existing or proposed private access roads, and of existing or proposed public highways adjacent to the site which will be affected by the operation; a topographic map of the area at a minimum contour interval of 5' extending beyond the site to the nearest public street or highway or to a minimum distance of 300' on all sides; a restoration plan as required by subparagraph d. below; the names and addresses of the owners of all properties within 1/2 mile of the perimeter of the proposed quarrying operation.
d. In order to insure that the area of quarrying operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the issuance of a permit, submit to the Town Board a plan for such restoration in the form of the following:

1. An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town;

2. A physical restoration plan showing the proposed contours after restoration, plantings and other special features of restoration and the method by which such restoration is to be accomplished;

3. A certified check or other financial guarantee satisfactory to the Town, in an amount sufficient in the opinion of the Town Board to secure the performance of the restoration agreement;

4. Such agreement and financial guarantee shall be in a form approved by the Town Attorney;

5. In the event of the applicant's failure to fulfill this agreement, such bond, check or other financial guarantee shall be deemed forfeited for the purpose of enabling the Town to perform the restoration;

6. Restoration shall proceed as soon as practicable and at the order and direction of the Town Engineer. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years;

7. At any stage during the restoration, the plan may be modified by mutual agreement between the Town Board, after referral to the Plan Commission and the owner or operator;

8. Where there is any backfilling, the material used or the method of fill shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility or unsightliness. In any case, the finished grade of the restored area, except for rock faces, outcroppings, water bodies or areas of proposed building or paving construction shall be of a sufficient depth of earth to support plant growth;

9. Within one year after the cessation of the operation, all temporary structures (excepting fences), equipment, stockpiles, rubble heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition;

10. In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of four horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.

f. The application and all data and information pertaining thereto shall be referred to the Plan Commission for public hearing, report and recommendation back to the Town Board within a reasonable time after the public hearing.
f. Notices shall be sent through the mail or otherwise placed in the hands of all owners of land in the Town and to the Clerks of adjoining municipalities who have land which lies within 1/4 mile of the perimeter of the proposed quarrying operation. These notices shall be mailed or delivered at least 10 days prior to the date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient.

g. The Town Board shall, within a reasonable time after receipt of the recommendation, approve or disapprove the application for the proposed quarrying operation and shall be guided by consideration of the public health, safety and welfare and shall give particular consideration to the following factors in making their decision: the effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety and efficiency; the effect of the proposed operation on drainage and water supply; the possibility of soil erosion as a result of the proposed operation; the degree and effect on dust, noise, smoke and air pollution as a result of the proposed operation; the practical possibility of restoration of the site; the effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area; the most suitable land use for the area with particular consideration for future residential value.

h. Any conditions necessary to the granting of a permit shall be in writing and copies made a part of the permit and a part of the records of the Town.

i. The procedures set forth above shall also apply to applications for renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use with relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the records of the Town.

j. No part of the quarrying operation shall be permitted closer than 1,000', nor shall any accessory access road, parking area or office building be permitted closer than 500' to the district zoned Rural Home, Suburban Home or Residential at the time of the grant of the permit, except with the written consent of the owners of a Rural Home, Suburban Home or Residentially zoned properties within 1,000' but in no case shall such operation be permitted closer than 200' to a Residential District; no quarrying operation shall be permitted if 30 or more families reside within a band 1/2 mile wide around the perimeter of the proposed operation.

k. No part of the quarrying operation other than access roads shall be located closer than 200' nor shall any accessory parking area, stock pile or office building be located closer than 100' to the base setback line along any street or highway.

l. No part of the quarrying operation shall be permitted closer than 200'.

m. Nor shall any accessory access road, parking area or office building be permitted closer than 50' to any property line except with the written consent of the owner of the adjoining property or except where the line is abutting an existing quarrying operation, but in no case shall such operation be closer than 20' to any property line except by agreement between abutting quarrying operations or be in conflict with the provisions of this chapter relating to preservation of topography.

n. Fencing or other suitable barrier shall be erected and maintained around the site or around portions of the site where, in the determination of the Town Board, such fencing
or barrier is necessary for the protection of the public, and shall be of a type approved by the Town Board.

o. All machinery and equipment used in the quarrying operation shall be constructed, maintained and operated in such a manner as to minimize dust, smoke, air pollution, noise and vibration.

p. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or treatment as directed by the Town Engineer.

q. The crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit.

r. In stone quarries the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearth stones, paving stone and similar architectural or structural stone and the storing or stockpiling of such products on the site shall be considered a permissible part of the operation, provided such production does not require the use of crushing or other heavy machinery except as may be specifically authorized under the terms of the permit.

s. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation may be permitted as an accessory use only as specifically authorized under the terms of the permit.

t. The washing of sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity or where the quantity of water required will, in the opinion of the Town Engineer, seriously affect the supply of water for other uses in the area or where the drainage from such washing would result in silt ing or pollution of the stream or water course.

u. The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Town Board to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practical, but no later than one year after quarrying operations have begun and shall be done according to the decision of the Town Board.

v. Quarrying operations shall not begin before the hour of 7 a.m. and shall not continue after the hour of 6 p.m. and no operation shall take place on Sundays or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the Town Board and through the issuance of a special permit which shall be renewable at 30 day intervals.

w. When the operation is limited to the removal of topsoil, the Town Board may, consistent with the intent of these regulations, modify any or all of the provisions of this section, provided however, that in no case shall operations be permitted closer than 10' from any property line, or to a depth in excess of 18" or so as to adversely affect the drainage of the area and in such instances the operator shall restore the excavated area with topsoil to a depth of 4" and seed the same with grass.
x. The provisions of this section shall not apply to an operation which is incident to the legitimate use of the premises, provided, however, where such operation involves the commercial disposal of the material removed, approval of the Town Board shall be required and such operation shall be limited to a maximum period of 6 months.

y. Application to existing operations:

(1) Within 60 days after the adoption of this chapter, all existing quarrying operations shall be required to register with the Town Clerk submitting pertinent data relative to the present operation including the boundaries of the actual operation and of the ownership. A quarrying permit shall be granted to such existing operation subject to compliance with the operation requirements herein where they can be reasonably applied under existing circumstances.

(2) There shall be required within one year after adoption of this chapter, the submission of a plan for restoration of the site of any existing quarrying operation as provided by subparagraph d. above. The plan for restoration in such case shall not, however, impose requirements which are economically unreasonable or unreasonable from an engineering standpoint with respect to conditions resulting from operations prior to enactment of this chapter.

(3) Within 3 years after the date of this chapter any such existing operation shall be required to make application for a renewal permit the same as for reapplication in the case of a new operation under this chapter.

N. Riding Academies or Commercial Stables. (repealed and recreated 06-003)

1. Where Permitted. Subject to the provisions of subsection 2., riding academies and commercial stables are conditional uses which may be permitted in the following districts:

- A-1 Agricultural District
- A-2 Rural Home District
- A-E Exclusive Agricultural District


Conditional use status shall not be granted to riding academies or commercial stables unless all of the following conditions are met:

a. The lot is at least 7 1/2 acres in area.

b. Building location:

(1) All buildings shall comply with the setback and offset provisions of the underlying zoning district, except as provided below.

(2) No new building housing animals shall be closer than 100' to the lot line of an adjoining lot in a district permitting residential use. All other new buildings shall meet the offset and/or setback requirements of the zoning district in which they are located.

(3) Existing buildings constituting legal nonconforming structures may remain although their use may be restricted in the grant of permit.
(4) No existing building, except one designated as a rustic structure pursuant to Town ordinance, which is located closer than 100' to the lot line of an adjoining lot in a district permitting residential use, may be used to house animals except as may be specifically authorized in the grant of permit after review by the Plan Commission of the following factors:

- the overall size of the property;
- the nature of the building's use;
- the intensity of the building's use, including the type and number of animals to be housed, and the hours and days of operation,
- the pattern and location of other activity on the property;
- the location and use of buildings on neighboring properties;
- the activities conducted on neighboring properties;
- the consent of neighboring property owners to the intended use; and, - provisions for manure storage and disposal.
- the location of the existing building in relationship with the adjacent property line.

Any such building may be reconstructed or enlarged only as specifically authorized in the grant of permit or an amendment thereto.

c. No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of permit.

d. No lighting installations shall be permitted which create a hazard to traffic or nuisance to surrounding property. The use of flashing or revolving spot lights, are specifically prohibited.

e. Applicant shall submit a manure management plan, which includes the following information:
   1. number and kind of animals
   2. scaled site plan
   3. detailed soil investigation with reference to ground water and bedrock presence
   4. details of any structures to be built for animal waste management
   5. construction timeline
   6. details of manure transfer system
   7. plans for utilization of the manure, including information on land availability, soil types, and methods and rates of application

f. A traffic impact analysis shall be prepared to determine necessary improvements on the adjacent street system and the impact on surrounding landowners.

g. A lighting location and iso-footcandle plan shall be submitted showing cut-off type fixtures, pole types, height.

h. Light at all property lines shall be 0 footcandles

d. The buildings and grounds shall be maintained in a neat, attractive and orderly way.

e. The property shall comply with all rules and regulations of the Town and the local Fire Department, including submission to routine inspections of the Town and Fire Department.
O. Solar Energy Systems (created 2014-02)

1. Where Permitted. Subject to the provisions of this subsection AQ., solar energy systems as defined in Wisconsin Statutes Section 13.48(2)(h) 1. g. are a conditional use which may be permitted in any district in the Town of Delafield.

   a. District Regulations. The location, height, area, yard, parking, loading, traffic and highway access and other regulations of the district in which the use is located shall not apply to the solar energy system, unless the Town Board finds that the restriction satisfies one of the following conditions:

      i. Serves to preserve or protect the public health or safety.

      ii. It does not significantly increase the cost of the system or significantly decrease its efficiency.

      iii. It allows for an alternative system of comparable cost and efficiency.

      If one or more of the foregoing conditions is found to apply with regard to any such restriction of this Code, then such restriction shall apply to the solar energy system.

   b. The Town Plan Commission may recommend, and the Town Board may require compliance with such other conditions as may be deemed necessary in the specific situation, provided that any such restriction imposed must be found to meet the following conditions:

      i. Serves to preserve or protect the public health or safety.

      ii. It does not significantly increase the cost of the system or significantly decrease its efficiency.

      iii. It allows for an alternative system of comparable cost and efficiency.

   (1)
<table>
<thead>
<tr>
<th>Zoning Code Letter</th>
<th>Title of Conditional Use</th>
<th>Zoning Districts where they are allowed</th>
<th>Number of Conditional Uses on File as of 4/4/18</th>
<th>Notes</th>
<th>Pre-required conditions found in the current Zoning Code</th>
<th>Proposed Changes Made 4/25/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Adult-Oriented Establishments - REPEALED</td>
<td>A-1, A-E</td>
<td></td>
<td></td>
<td>Incoporated into Permitted Uses</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td>Airports, Landing Fields and Taxiway Sheds</td>
<td>A-1, A-2, B-1</td>
<td></td>
<td></td>
<td>Not reviewed yet; want to discuss; in progress</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td>Animal Hospitals and Kennels</td>
<td>A-1, A-2, B-1</td>
<td></td>
<td></td>
<td>min. 3 acres; bldg must be 75' from lot line adjoining a residential use; facility soundproofed; maintained in sanitary condition</td>
<td>Eliminated</td>
</tr>
<tr>
<td>D.</td>
<td>Antique Shops, Gift Shops, Arts and Crafts Studios, and Similar Uses</td>
<td>A-1, A-2, B-1</td>
<td></td>
<td></td>
<td>Could be allowed as a permitted use in the A-1 and B-1 districts, may not want a business in a residential A-2 property; gas pumps no closer than 15' to the base setback line; no lighting is a hazard or nuisance; no flashing or revolving spot lights</td>
<td>Changed conditions to standards; added standards</td>
</tr>
<tr>
<td>E.</td>
<td>Automobile Service Stations and Convenience Stores</td>
<td>B-2, B-2, M-1</td>
<td></td>
<td></td>
<td></td>
<td>Removed from CU section and added to B-1, B-2 as permitted uses</td>
</tr>
<tr>
<td>F.</td>
<td>Bed and Breakfast Establishments</td>
<td>R-1, R-2, R-4, A-1, A-2, A-3</td>
<td>For the B&amp;B's that we have had in the Town, there have been no issues or complaints. I am not aware of any that we have operating in the Town at this time.</td>
<td></td>
<td></td>
<td>Changed conditions to standards</td>
</tr>
<tr>
<td>G.</td>
<td>Campgrounds</td>
<td>A-1, P-1</td>
<td>Fencing or planting screen required that screen the campground from the view of adjacent residential uses</td>
<td></td>
<td></td>
<td>Eliminated</td>
</tr>
<tr>
<td>H.</td>
<td>Cemeteries and Mausoleums for the Burial of Human Remains Only</td>
<td>All except A-E</td>
<td>No conditions</td>
<td></td>
<td></td>
<td>Eliminated, State Statutes may pre-empt our code</td>
</tr>
<tr>
<td>I.</td>
<td>Churches, Synagogues, and Other Buildings for Religious Assembly</td>
<td>R-1, R-2A, R-2, R-3, R-6, A-1, A-2, A-3, B-1, B-2, B-3, M-1</td>
<td>Double the offset; height can go to 50'; open space 50%</td>
<td></td>
<td></td>
<td>Changed conditions to standards; added standards</td>
</tr>
<tr>
<td>J.</td>
<td>Commercial Fish or Fish Hatcheries</td>
<td>All districts</td>
<td>Buildings must be 150' of the lot line of an adjacent residential district</td>
<td></td>
<td></td>
<td>Eliminated</td>
</tr>
<tr>
<td>K.</td>
<td>Commercial Greenhouses</td>
<td>A-1, A-2, A-3, M-1, R-1</td>
<td>Vehicle must be owned/leased by lot owner or occupant; premises must front on an arterial; no more than 1 truck plus 2 construction vehicles can be parked; two trailers may be allowed; no more than one semi-tractor cab</td>
<td></td>
<td></td>
<td>Removed from CU section and added to M-1 as a permitted use</td>
</tr>
<tr>
<td>L.</td>
<td>Commercial Truck Parking</td>
<td>A-1, B-1, B-3, M-1</td>
<td></td>
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<td></td>
<td>Eliminated</td>
</tr>
<tr>
<td>M.</td>
<td>Communication Tower - REPEALED</td>
<td>All districts</td>
<td>4</td>
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<tr>
<td>N.</td>
<td>Conversion</td>
<td>All districts</td>
<td>must be greater than 10 acres; buildings must be existing/access from a public street; no outside storage; no commercial signs (see more in code)</td>
<td></td>
<td></td>
<td>Changed conditions to standards; added standards; limit to properties zoned A-1, A-E, A-2, M-1</td>
</tr>
<tr>
<td>O.</td>
<td>Drive-in Establishments Serving Food or Beverages to Customers Other Than at a Booth or Table</td>
<td>B-1, B-2</td>
<td>No lighting permitted which will be a hazard or nuisance; no flashing or revolving lights</td>
<td></td>
<td></td>
<td>Eliminated</td>
</tr>
<tr>
<td>P.</td>
<td>Elderly Housing Units</td>
<td>R-1, R-1A, R-2, R-3, R-6, A-1, A-2, A-3</td>
<td>min. lot 20,000 s.f.; unused lot area minimum is 1500 s.f.; side and rear setbacks 10 feet; min. living area of 400 s.f. efficiency; 550 s.f. for one bedroom; 750 s.f. for two bedrooms; no units more than two bedrooms; one covered parking space per unit; multi-story building require elevators; if phased, can't start a new phase unless 50% of the previous phases are occupied</td>
<td></td>
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<td>Requires review of State Statutes</td>
</tr>
<tr>
<td>Q.</td>
<td>Feed Lot Operation</td>
<td>A-1, M-1</td>
<td>make it a permitted use in the A-1 district</td>
<td></td>
<td></td>
<td>Eliminated</td>
</tr>
<tr>
<td>R.</td>
<td>Use</td>
<td>Code</td>
<td>Conditions of Use</td>
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<tr>
<td>S.</td>
<td>Group Day Care Center</td>
<td>R-1, R-1A, R-2, R-3, R-4, A-1, A-2, A-3, A-5, B-1, B-2, B-3, M-1</td>
<td>Written permission is required by the property owner. Requires review of State Statutes.</td>
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<tr>
<td>T.</td>
<td>Hobby Kennels</td>
<td>R-1, R-1A, R-2, R-3, R-4, A-1, A-2, A-3, A-E</td>
<td>Notice required by property owners within 300 feet. Minimum lot size is 1.5 acres; kennel must be 50 feet from lot line; 3 dogs permitted on one property plus 2 dogs per additional 10 acres. Requires review of State Statutes.</td>
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<tr>
<td>U.</td>
<td>In Law Units</td>
<td>R-1, R-1A, R-2, R-3, R-4, A-1, A-2, A-3, A-E</td>
<td>Septic system must be adequate; minimum unit size is 800 square feet for one bedroom and 900 square feet for two bedrooms; additional parking space required; interior door may be required; recorded easement required. Requires review of State Statutes.</td>
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<tr>
<td>V.</td>
<td>Intermediate Day Care Home</td>
<td>R-1, R-1A, R-2, R-3, R-4, A-1, A-2, A-3, A-E</td>
<td>Minimum lot size is 2,200 square feet; 140 square feet per child; 100 square feet per child for play area. Required by the city.</td>
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<tr>
<td>W.</td>
<td>Keeping of Poultry or Livestock</td>
<td>A-2</td>
<td>This CU allows more animals on A-2 zoned land than permitted in the district language. Minimum 3 acres; 1 head of livestock or 10 fowl per acre of land, etc.; hogs, male goats; fur bearing animals must be on 20 acre lots. Requires review of State Statutes.</td>
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<tr>
<td>X.</td>
<td>Laboratories for Testing, Experimental or Analytical Purposes</td>
<td>B-1, B-2, B-3, M-1</td>
<td>This could be a permitted use in the districts shown; the current conditions include mention of a residential home and off-street parking. Moved to M-1 and B-3 permitted use.</td>
<td></td>
<td></td>
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<tr>
<td>Y.</td>
<td>Legal Nonconforming Uses</td>
<td>All districts</td>
<td>No conditions. No changes.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Z.</td>
<td>Marina</td>
<td>R-1</td>
<td>Removed since we do not have jurisdiction in shoreland areas.</td>
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<tr>
<td>Z-5</td>
<td>Master Sign Program</td>
<td>A-1, A-2, A-3, B-1, B-2, B-3, M-1, P-1, WF-1</td>
<td>Use is not desirable in the Town. Conditions re-written as standards.</td>
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</tr>
<tr>
<td>AA.</td>
<td>Mobile Home Parks</td>
<td>A-1</td>
<td>Minimum 3 acres; lot; 75 feet building setback to a lot line of an adjoining residential district; no lighting is a hazard or nuisance; no flashing or revolving spot lights; must be served by public sanitary sewer. Eliminated.</td>
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</tr>
<tr>
<td>AB.</td>
<td>Motels and Hotels</td>
<td>B-1, B-2, B-3, M-1</td>
<td>Not sure if we can keep this one since it is difficult to develop standards for items we do not know will come before the Plan Commission. Eliminated.</td>
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<tr>
<td>AC.</td>
<td>Other Uses</td>
<td>All districts</td>
<td>This could be a permitted use in the districts shown; the current conditions include mention of a residential home and off-street parking. Moved to M-1 and B-3 permitted use.</td>
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</tr>
<tr>
<td>AD.</td>
<td>Outdoor Theater</td>
<td>M-1</td>
<td>Addresses old use that is likely not going to be used. Eliminated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AE.</td>
<td>Private Clubs and Outdoor Recreational Facilities Such as Recreational Camps, Golf Courses, Bathing Beaches and Resorts</td>
<td>All districts</td>
<td>Minimum lot size is 3 acres; no buildings (except rest.); can be closer than 75 feet to a lot line; bar por restaurant has to be specifically authorized in the CUP; no lighting is a hazard or nuisance; no flashing or revolving spot lights. Change conditions to standards.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AF.</td>
<td>Private Stables</td>
<td>A-2, A-3</td>
<td>Why would we allow private stables in A-3? OK in A-2 due to potential for being near residential developments; allows more head of livestock than the A-2 base district. Eliminated. Stables are allowed as permitted uses in the A-1, A-2, and A-3 districts; based on definition of private stables in the definitions section of the code; it is only for the use of the individual residing on the property, so why the need for a CUP?</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>AG.</td>
<td>Public and Commercial Refuse Disposal Site</td>
<td>M-1</td>
<td>Could allow as a permitted use in the M-1 district. Eliminated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AH.</td>
<td>Public and Semi-public Buildings and Uses</td>
<td>All districts</td>
<td>Uses included hospitals, rest homes, schools, police and fire stations, libraries, museums. Double the offset; PC can reduce it down to 0 feet; height to 5 feet if offset and setback increased 2 feet for every additional 1 foot in height. Eliminated.</td>
<td></td>
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<tr>
<td>AI.</td>
<td>Public Utilities</td>
<td>All districts</td>
<td>See code for conditions. Eliminated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AJ.</td>
<td>Quarrying</td>
<td>M-1</td>
<td>See code for conditions. Changed conditions to standards.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AK.</td>
<td>Quarters for Household or Farm Employees</td>
<td>A-1, A-E</td>
<td>all quarters must be full time employees who work on the premises and members of the immediate family</td>
<td>Move to permitted use in the A-1 and A-E districts; move to A-2 if there is farming on lots greater than 10 acres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AL.</td>
<td>Relocation</td>
<td>All districts</td>
<td>Not sure why this is a CU.</td>
<td>Eliminated, not sure why this was in the code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AM.</td>
<td>Residential Planned Unit Development</td>
<td>B-1, R-1A, R-2, R-3, R-L, A-1, A-2, A-3, A-E</td>
<td>13</td>
<td>see code for conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AN.</td>
<td>Restaurants, Fast Food Restaurants, Supper Clubs, Lake Resorts, Taverns and Similar Uses</td>
<td>B-3, R-L</td>
<td>2</td>
<td>Lot must be 3 ac.; adequate off-street parking within 200 feet of the building; parking must be offset 20 feet from agriculture or residential zoned lands; planting screen or fence, 6 feet building must be 50 feet from adjoining residential district and 100 feet from the high water mark of navigable body of water</td>
<td></td>
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</tr>
<tr>
<td>AO.</td>
<td>Riding Academies or Commercial Stables</td>
<td>A-1, A-2, A-3, A-E</td>
<td>5</td>
<td>Min lot size 7.5 ac.; building housing animals need to be 100 feet from adjacent residential uses; legal nonconforming buildings may remain; no bar or restaurant unless specifically authorized in the CU; no lighting is a hazard or nuisance; no flashing or revolving spot lights; see other conditions in the code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AP.</td>
<td>Soil Processing for Resale Either at Wholesale or Retail</td>
<td>A-1, A-2</td>
<td>This could be included as a permitted use in the A-1 district or eliminated (was developed based on a specific situation)</td>
<td>ELIMINATED, the use is allowed in the M-1 district as permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AQ.</td>
<td>Solar Energy Systems</td>
<td>All districts</td>
<td>see code section</td>
<td>Conditions changed to standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AR.</td>
<td>Commercial Planned Unit Development</td>
<td>R-2, R-3, M-1</td>
<td>1</td>
<td>see code section</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Address in Chapter 18
CERTIFIED SURVEY MAP NO.

Being a part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 all in Section 34, Town 7 North, Range 18 East, Town of Dalesfield, Waukesha County, Wisconsin.

OWNERS:
1. PATRICIA MAYER REVOCABLE
   TRUST DTD 12/27/12
   8950023 SUMMIT AVENUE
   WAUKESHA WI 53186

SURVEYOR:
KETTLE MORaine SURVEYING INC.
PO BOX 587
EAGLE WI 53119
(262)564-3464

NORTHWEST CORNER OF:
SOUTH 1/4, SOUTH 1/4
SECTION 34, T8N R18E
Waukesha County, Wisconsin

STATE PLANE COORDINATES:
Northern: 377,874.24
Easting: 2,440,322.40

LOT 1
50,227 SQ. FT.
1.71 ACRES

LOT 2
2,088,421 SQ. FT.
47.91 ACRES

33 ft Reservation for future road per access management plan

20 ft R/W dedication

USH
- FOUND 6" CONC. MON. W/BRACE CAP
- FOUND 1/4" O.D. IRON PIPE
- SET 1/4" O.D. IRON PIPE WEIGHING 13 LBS./LIN. FT.
- RECORDED AS DIMENSIONS

PROPERTY IS ZONED A-1

LOCATION MAP
SE 1/4, SW 1/4 Sec. 34-7-18

TERRANCE E. PIBAREK B-1000
DATED THIS 9TH DAY OF MAY, 2017

THIS INSTRUMENT WAS DRAFTED BY TERRANCE E. PIBAREK
JOB NO. 17056
SHEET 1 OF 3
CERTIFIED SURVEY MAP NO.
Being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ and the Northwest ¼ and Southwest ¼ of the Southeast ¼ all in Section 34, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE
I, Terrence E. Pisarek, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ and the Northwest ¼ and Southwest ¼ of the Southeast ¼ all in Section 34, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, described as follows: Commencing at the Northwest corner of the Southwest ¼ of said Section 34; thence N68°13'54" East along the North line of the Southwest ¼ of said Section 34, 1989.55 feet to the West line of the East ½ of the East ½ of the Southwest ¼ of said Section 34; thence continuing North 88°13'54" East along the North line of the Southwest ¼ of said Section 34, 663.12 feet to the Northwest corner of the Southwest ¼ of said Section 34; thence N68°13'53" East along the North line of the Southwest ¼ of said Section 34, 1330.74 feet to the East line of the West ½ of the Southwest ¼ of said Section 34; thence South 01°00'35" East along said East line, 1013.81 feet to the North line of S.T.H. *18* and a point on a curve; thence Westerly 165.09 feet along said North line and curve concave to the North, having a radius of 2794.79 feet and a chord bearing North 88°01'17" West, 165.03 feet; thence North 88°09'09" West along said North line, 389.05 feet to a point of curve; thence Westerly 102.89 feet along said North line and curve concave to the South, having a radius of 11529.10 feet and a chord bearing North 88°34'28" West 102.89 feet; thence North 04°28'41" West, 816.06 feet; thence South 84°44'01" West, 226.85 feet to the West line of the Southeast ¼ of said Section 34; thence South 01°13'26" East along said West line, 768.60 feet to the North line of S.T.H. *18* and a point on a curve; thence Westerly 619.12 feet along said North line and curve concave to the South, having a radius of 11499.10 feet and a chord bearing South 66°17'16" West, 619.04 feet; thence South 84°44'19" West, along said North line, 44.84 feet to the West line of the East ½ of the East ½ of the Southwest ¼ of said Section 34; thence North 01°12'12" West along said West line, 1548.70 feet to the Point of Beginning, containing 56.62 acres of land.

That I have made such survey, land division and map by the direction of the Patricia Mayer Revocable Trust of 2012, did 12-27-12, Owner of the land.

That such map is a true and correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the ordinances of the Town of Delafield in surveying, dividing and mapping the same.

Dated this 9th Day of May, 2017

________________________________________
Terrance E. Pisarek 8-1930

OWNERS CERTIFICATE
I, Patricia Mayer, as Trustee for the Patricia Mayer Revocable Trust of 2012, did 12/27/12, as owner, do hereby certify that I have caused the land described to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Town of Delafield Land Division Ordinance.

I also certify that this plat is required to be approved by the following: Town of Delafield.

Date:_____________________________________

________________________________________
Patricia Mayer, Trustee

State of Wisconsin)
County of Waukesha)

Personally came before me this 20 day of 20, the above named person, to me be known to be the person who signed the foregoing instrument and acknowledged that she executed the same.

My commission expires:________________________________________

________________________________________
Notary Public

Sheet 2 of 3
CERTIFIED SURVEY MAP NO.

Being a part of the Northeast ¼ and Southeast ¼ of the Southwest ¼ and the Northwest ¼ and Southwest ¼ of the Southeast ¼ all in Section 34, Town 7 North, Range 10 East, Town of Delafield, Waukesha County, Wisconsin.

TOWN BOARD APPROVAL
Approved by the Town of Delafield Town Board on the ______ day of ____________, 20__

Larry Krause, Chairman

Mary Elsnor, Town Clerk/Treasurer

PLAN COMMISSION APPROVAL
Approved by the Town of Delafield Plan Commission on the ______ day of ____________, 20__

Tom Oberhaus, Chairman

Lauren Beale, Deputy Clerk/Treasurer

VILLAGE OF WALES EXTRA TERRITORIAL APPROVAL
This Certified Survey Map was approved by the Village of Wales on this ______ day of ____________, 20__

Jeffery Flave, President

Gail Tamez, Clerk/Treasurer

Dated this 6th Day of May, 2017
Plan Commission Report for May 1, 2018

Code Interpretation – Legal Non-conforming Structures
Agenda Item No. 5. B.

Applicant: Tim Barbeau, Town Engineer/ Jacob Lipke, Town Building Inspector

Project: Gwenyn Hill Farms (former Williams farm)

Requested Action: Interpretation of whether proposed improvements to the sheep barn meets the requirements of the Town code related to legal non-conforming structures.

Zoning: A-1

Location: N3 W29350 Bryn Drive

Report

The existing barn is considered a legal non-conforming structure based on the fact that it does not meet the 50 foot setback from the Bryn Road right-of-way.

Non-conforming structures are regulated in Chapter 17.07 2. C. of the Town Zoning code. That section reads as follows:

C. Legal Conforming Uses on a Conforming Lot or Nonconforming Lot Containing Legal Nonconforming Structures.

1. The legal conforming use of a nonconforming building or structure existing at the time of the adoption or amendment of this chapter whether on a conforming lot or nonconforming lot may be continued, although the building's or structure's size or location does not conform with the established setback, offset, height, parking, loading or access provisions do not conform with this chapter. (Amd. 00-307a)

2. The aforementioned building or structure may be extended, enlarged, substituted, moved, remodeled, modified or added to as long as any such change conforms with the established setback, offset, height, open space, parking, loading, and access provisions of this chapter. (Amd. 00-307a)

3. Legal nonconforming buildings or structures existing at the time of the adoption or amendment of this chapter with a legal conforming use whether on a conforming or nonconforming lot may be moved and if moved must conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.

4. (Created 2013-01) Notwithstanding subsections 1, 2 and 3, above, repair, maintenance, renovation, remodeling and restoration of such legal
nonconforming building or structure can be conducted under circumstances allowed by Wisconsin Statutes section 62.23 (7)(hb) or (hc), in full compliance with statutes. This subsection (4) is intended to comply with Wisconsin Statutes Section 62.23 (7)(hb) and (hc).

Section 62.23 (7)(hb) and (hc) read as follows:

(hb) Repair, rebuilding, and maintenance of certain nonconforming structures.

1. In this paragraph:
   a. “Development regulations” means the part of a zoning ordinance that applies to elements including setback, height, lot coverage, and side yard.
   b. “Nonconforming structure” means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.
   2. An ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

(hc) Restoration or replacement of certain nonconforming structures.

1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this subsection may not prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, subject to subd. 2., location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
   a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
   b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
   2. An ordinance enacted under this subsection to which subd. 1. applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

The statutes do not define the words describing what can be done on the structure, so using the Oxford and Webster’s dictionaries, I have summarized the definitions below:

**Repair**: restore something damaged faulty or worn to a good condition; to restore by replacing a part or putting together what is torn or broken

**Maintenance**: the process of preserving a condition or situation; the process of keeping something in good condition; the upkeep of property or equipment; keeping a building machinery or road in good condition by checking or repairing it regularly

**Renovation**: restore something old, especially a building, to a good state of repair; to restore to a former, better state by cleaning, repairing or rebuilding

**Remodeling**: change the structure or form of something, especially a building; to alter the structure, remake
Improvements to the barn include a number of different construction elements. I have evaluated them individually as to how they meet or do not meet the standards set forth in paragraph 4. above:

**Foundation:** The proposal is to raise the barn structure, remove the existing foundation, pour a new footing and concrete masonry unit (block) walls and set the structure on the new foundation. I do not consider this construction to be repair, maintenance or remodeling. It could be considered renovation; however, it is not being restored to a former state.

**Interior Timber Structure:** They will be replacing rotted beams; this could be considered repair.

**Siding:** The plan is to remove all siding and replace it with new 10” cedar or pine siding and paint it white. I do not consider this repair, maintenance or remodeling. It could be considered renovation since the siding is being restored to a former better state.

**Roof:** All shingles and boards will be removed and existing asphalt shingles will be replaced with heavy cedar shingles. This work is not repair or maintenance since it is being rebuilt. I do not consider it a remodel. Could be considered a renovation since it is being restored to a former better state by rebuilding.

When all the construction is complete, in essence, the only item that has not been replaced are some of the structural beams. The entire nonconforming structure has been “rebuilt” without taking it down and starting from scratch. The staff has questioned whether that is was the intent of the statutes. If we allow the barn to be “rebuilt” as proposed, we may be setting a precedent as to how the code is to be interpreted for other structures in the future, especially nonconforming homes.

Based on the definition of “rustic structure” in the zoning code, the barn can be considered “rustic;” however, the codes related to rustic structures do not address what can and cannot be done with nonconforming structures – they relate more to not counting them in the accessory structure or open space calculations.

Tim Barbeau, Town Engineer
April 24, 2018
February 13, 2018

Tim Barbeau
Town of Delafield, Town Engineer
W302N1254 Maple Avenue
Delafield, WI 53018-7000

Dear Tim,

As we discussed via phone, Gwenyn Hill Farm would like to repair our white sheep barn on Bryn Drive and we are looking for some guidance as to what approvals, permits, etc we might need in order to move forward.

We had Cornerstone Restoration come look at the barn and give their recommendation as to the repairs needed in order to restore the building to a safe, functioning barn. The details they offered us are attached to this cover letter. Our intent is to continue to use the barn solely for agricultural purposes. We are still in the planning stages so it is not yet set in stone but we hope to again house and milk sheep in the lower level and use the upper level for the storage of hay and machinery.

Based on our discussions with several structural engineers and potential contractors, the barn in its current state is not structurally sound and is very unsafe. However, it has historical significance as we believe it dates to the mid-late 1800’s and has been in continual farm use for the entire time. As such it is our desire to repair / restore the barn rather than knock it down. In order for it to be usable again we have determined that we need to repair the foundation and the interior timber structure as well as replace the roof and siding. It is our intent to keep the current look / style of the barn intact.

Foundation: Cornerstone Restoration has recommended that we lift the upper structure in order to fully replace the foundation. The original foundation is field stone but there were several additions and patches over the years so now portions of the foundation include cement block as well as a small section of poured concrete. It would be our desire to remove the existing foundation, add footings (there are none currently) and rebuild the foundation out of cement block. In order to maintain the original look of the barn we would put on a thin cut stone that would be painted white.

Interior Timber Structure: the upper structure has shifted over time and needs to be realigned. We intend to keep the original beams and only replace the few that have rotted. The size and layout of the interior fit our needs going forward and we do not intend to alter the dimensions of the barn.

Siding: The siding is rotted, missing and in need of total replacement. We intend to replace the siding with new 10” cedar or pine painted white as it currently is.

Roof: The roof has numerous holes and must be replaced. The current roof is asphalt shingles. We are considering replacing it with heavy cedar shakes as we believe that is probably true to the original roof.

Attached are pages from the Cornerstone Restoration recommendation as well as the sheep barn portion of an engineering report we had done.

All of the information and commentary I have provided is meant to help start a conversation as to the appropriate way to move forward with repairing this barn. We have only spoken preliminarily with
engineers and contractors. More than anything we want to save this barn but time is of the essence as it is deteriorating quickly. We are hoping that we can reach resolution with approvals and permits in the coming weeks and be working on the repairs this spring/summer. Once you have had time to digest the information I would really like to meet to get your thoughts on the best way to move forward.

Thank you for your help,

Kate Began
Gwenyn Hill Farm
(773) 415-2476
Recommendations:

- Not suitable for occupancy change.
- Deconstruct and repurpose timbers and foundation stone for future projects.

7. Sheep Barn, Figure 6:

- Siding boards are in poor condition with many missing.
- Shingles may be asbestos and are in poor condition.
- First floor structure is composed of roughhewn logs which are difficult to ascertain species and to determine structural properties for load capacity analysis.
- Timber super structural members, columns, beams and diagonal bracing appear to be in reasonably good condition, Figure 7.
- Areas of floor boards are water damaged.
**Recommendations:**

- Replace water damaged and distressed floor boards.
- Replace shingles.
- Replace missing siding boards.
- Utilize building for hay or produce storage without change of occupancy or use. If the barn is determined to be utilized as suggested, further shoring and structural stabilization will be necessary once the content and quantity of content is decided.
- Not suitable for a change of occupancy. Or:
- Deconstruct and repurpose timber super structure for future projects.

**Sheep Barn Shed, Figure 8:**

- Dirt floor slopes down to the east.
- Timber sill at the top of the stone foundation wall is exhibiting distress from exposure to moisture.
- Roof membrane may contain asbestos.
- Timber super structure, beams, rafters, columns and bracing members appear to be in relatively good condition.

![Image of Sheep Barn Shed](image)  
*Figure 8*

**Recommendations:**

- Deconstruct and repurpose foundation stones and timber super structure for future projects.

**Concrete Panel Silos, Figure 9:**

- Concrete panels, steel hoop ties and dome roofs appear to be in good condition and, in my opinion, could be modified structurally, with limitations, for a change of use or occupancy of the main barn.