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**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD JOINT PUBLIC HEARING  
PLAN COMMISSION & TOWN BOARD  
MONDAY, FEBRUARY 17, 2020 – 6:30 P.M.  
DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

1. Call to Order the Public Hearing
2. Roll Call
3. NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Town Board and Plan Commission on Monday, February 17, 2020, starting 6:30 p.m., at the Delafield Town Hall, W302 N1254 Maple Avenue, Delafield, WI 53018. The purpose of the hearing is to consider the adoption of an ordinance to repeal and re-create the definition of light industrial in the definitions section of Chapter 17, and Sections 17.04 5. J. 2. c., 17.04 5. K. 2. c., 17.04 5. L. 2. c., 17.04 5. M. 2. c., 17.10 5. F., 17.10 5. G. 1.; repeal Section 17.10 5. E. 2., and create Section 17.04 5. R. Mixed Use of the Town of Delafield Municipal Code.
4. Adjournment

*Daniel Green*

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Dan Green, Town Administrator

**PLEASE NOTE:**

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**Paul Farrow**  
County Executive



**Dale R. Shaver**  
Director

**Waukesha County**  
*Department of Parks and Land Use*

**MEMORANDUM**

**TO:** Tim Barbeau, Town of Delafield Planner  
**FROM:** Jason Fruth, Planning and Zoning Manager  
**DATE:** January 23, 2020  
**SUBJECT:** Proposed Town of Delafield Mixed Use District

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

- R.5 (a)(4). We recommend that the 600' setback from the outer lane of I-94 for multi-family and senior housing be eliminated. 600' encroaches significantly on properties along the highway and would force all residential development well north, whereas, it is not uncommon to site multi-family or senior housing along major highways as a transitional buffer. Allowing for such uses in certain areas along the highway may provide flexibility during the site master planning process to insulate existing residential uses from more intensive, planned business or light industrial uses.
- R.5 (a)(5) and R.5(c)(29) Consider specifying that limited freestanding service or supporting services such as daycare centers or fitness centers are permissible. The current language prohibits "retail" uses and it is not clear whether such uses would be considered retail. Such uses may complement business park type uses.
- R.6 (a). Consider reducing setbacks from interior roadways (perhaps 35') and/or provide language that allows for the plan commission and board to flex setbacks and offsets from interior roadways and lot lines. Reduced setbacks lessen overall impervious surface by shortening driveways. In addition, a slightly more compact interior development pattern allows for more open space and buffering on the perimeter of the development.
- R.8 (c)(1)(a). We recommend that the minimum single family home size be set at 1,100 square feet to comply with Regional Housing Plan recommendations that urge modest minimum dwelling size restrictions to remove impediments to workforce housing. The town's R-3 District provides a minimum dwelling size of 1,200 square feet.

**Planning and Zoning**

515 W. Moreland Blvd., Room AC 230 Waukesha, Wisconsin 53188-3878  
Phone: (262) 548-7790 Fax: (262) 896-8071 [www.waukeshacounty.gov/planningandzoning](http://www.waukeshacounty.gov/planningandzoning)

- R.8 (c)(2). We recommend that senior housing units be exempted from the multi-family dwelling unit minimum size provisions, as senior housing developments often contain a range of unit sizes that may include smaller efficiency type units.
- R.8 (c)(2). We recommend that minimum multi-family dwelling unit sizes be provided for different unit types. Recent trends in multi-family development have shown smaller units with enhanced finishes becoming more commonplace. The county ordinance was recently amended to specify the following:
  - One bedroom units: 600 square feet
  - Two bedroom units: 700 square feet
  - Three bedroom units: 800 square feet
  - One hundred additional square feet per each additional unit
- R.8 (d). We recommend a lower open space requirement for the development as a whole. The proposed 50% threshold is a level typically provided in conservation design development. We recommend a minimum open space requirement in the 25-35% range to better align with typical mixed use or business use development standards.
- R.9 (b). Consider a higher multi-family density per acre maximum for portions of sites that are well positioned near major roadways and insulated from other uses. The Regional Housing Plan recommends densities of at least 20 units per acre in areas served by both municipal sewer and water. Our office has recently researched many newer local multi-family developments. We are willing to share renderings of many attractive local projects with high quality materials and design that exceeded ten units per acre.
- R.9 (c). Consider increasing the maximum percentage of a site that can be residential from perhaps 25% to 50%. The proposed language does provide the plan commission and board the ability to approve exceptions to the 25% threshold.
- R.9 (e). Revise parking setbacks to allow for parking within closer proximity to interior roadways and interior property lines. As written, parking would need to be setback 50', which would often push structures back even further. Recommend a minimum parking setback of 10'.
- R.11 (a). Consider whether architectural treatments should be required on all four sides of buildings in all instances. For instance, if two light industrial buildings back up to one another and are not visible, it may be better to devote enhanced treatments to the more visible sides of buildings.
- R.11 (consider new sub-section). We recommend that substantial vegetative buffers (perhaps 100' wide) be required between existing residential uses and proposed non-residential, multi-family and senior housing uses. Consider vegetative buffer zones of 50' between existing residential use and new single family development.
- R.11 (i). We recommend that landscaping be required to screen walled dumpster enclosures.

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

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

**From:** [Dan Green](#)  
**To:** [dan.green@townofdelafield.org](mailto:dan.green@townofdelafield.org)  
**Subject:** RE: Mixed Use District open space  
**Date:** Thursday, February 6, 2020 2:27:16 PM

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**From:** Jason Fruth [<mailto:JFruth@waukeshacounty.gov>]  
**Sent:** Tuesday, February 04, 2020 11:38 AM  
**To:** Barbeau, Tim <[Tim.Barbeau@raSmith.com](mailto:Tim.Barbeau@raSmith.com)>  
**Subject:** Mixed Use District open space

Hi Tim,

I had a call from Amy Thomas a couple of days ago asking how open space would be administered on the whole of the farm. The question was will the proposed % standard be applied to the entire farm or just the south part. I wasn't sure if you envisioned all of the farm being developed in the MU category. If not, and the north acreage were to be developed in a typical residential district, you might want to consider some flexibility in the MU ordinance that would give the town the ability to consider use of conserved open spaces on adjacent properties in satisfying % requirements.

Regards,

Jason

Jason Fruth  
Planning & Zoning Manager  
Waukesha County Department of Parks and Land Use  
**Planning and Zoning Division**  
p (262) 548-7790  
<http://www.waukeshacounty.gov/planningandzoning>  
**Planner of the Day Customer Service Hours 8:00 am-4:30 pm Tuesday-Friday**

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STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

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

WHEREAS, the Town Board finds that the proposed repeal and recreation of the light industrial definition and the creation of a mixed use zoning district in the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such zoning amendments on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the zoning amendments will not violate the spirit or intent of the Zoning Code for the Town of Delafield, will not be contrary to the public health, safety or general welfare of the Town of Delafield, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

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

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

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

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

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

**1. STATEMENT OF INTENT**

- a. The Mixed Use District is intended to be used as an implementation tool for the Town's Mixed Use Land Use designation as depicted in the adopted Land Use Plan. The Town's intent is to allow limited residential, office, limited medical related services, business uses, and light industrial. These uses may occur on individual sites or as part of a planned larger development. The Mixed Use zoning district shall only be allowed on lands designated as Mixed Use on the Town's Land Use Plan.
- b. Prior to amending parcels of land to the Mixed Use zoning district, a Master Development Plan of the proposed mixed use property and any adjacent properties that are designated for

mixed use as shown in the Town Land Use Plan as mixed use and owned by the same, Related or Affiliated owners must be prepared and presented as described in subsections 3. and 4.

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

## 2. **DEFINITIONS**

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

- a. Master Development Plan. The term “Master Development Plan” shall mean a complete plan for the development of the property and any adjacent properties that are zoned for mixed use or that are shown in the Town Land Use Plan as mixed use and owned by the same, Related or Affiliated owners, as defined. The Master Development Plan shall include the layout and proposed uses of the property as well as the items required in Section 18.14 Detailed Site Analysis and Mitigation Plans of the Town Code and general sizing of storm water management facilities based on anticipated uses to assure that adequate space is set aside for the storm water facilities, a preliminary traffic analysis, a preliminary landscaping plan and a preliminary lighting plan. The Town Plan Commission and Town Board may require additional details within the Master Development Plan in particular cases based upon the circumstances of the development, to ensure compliance with the regulations and design standards of this Section, and to aid in consideration of the decision criteria described herein.
- b. Related or Affiliated Owners. Related or Affiliated owners shall include, without limitation, all of the following: any entity owned or controlled in whole or in part by the applicant; any person or entity that owns or controls in whole or in part the applicant; any entity owned or controlled in whole or in part by any current or prospective officer, principal, director, or owner of the applicant; any person related as sibling, parent or child to the applicant or to any current or prospective officer, principal, director or owner of the applicant; any person who is an officer, principal, director or owner of an entity and is related as sibling, parent or child to the applicant or any current or principal officer, principal director or owner of the applicant. Properties are owned by related or affiliated owners if any such



relationships exist, regardless of the extent or percentage of ownership rights.

### 3. **PROCEDURE**

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

- a. Pre-application meeting. Before submitting an application, the applicant or the applicant's agent may meet with the Zoning Administrator to review applicable regulations and procedures, review applicable goals and objectives of the comprehensive plan and review the proposal.
- b. Informal presentation to Plan Commission. Prior to submitting an application for review, the applicant shall meet with the Plan Commission to present the project and to engage in an informal discussion with the Plan Commission regarding the project. Topics for discussion may include the project location, general project themes and images, the general mix of land uses and dwelling unit types being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the consistency between the project and the comprehensive plan. Statements made at this meeting shall not be binding upon the applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. Depending on the nature of comments made at this meeting, the applicant may present a revised project to the Plan Commission for informal review at a subsequent meeting.
- c. Submittal of application. The applicant shall submit a completed application to the Zoning Administrator along with the application fee as established by the Town Board.
- d. Determination of completeness. The Zoning Administrator shall determine whether the application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has six months to resubmit the application or forfeit the application fee. The Zoning Administrator shall take no further steps to process the application until the deficiencies are remedied.
- e. Notify LPSD and schedule Plan Commission Meeting. The Zoning Administrator shall provide a copy of the application to the Lake Pewaukee Sanitary District (LPSD) and invite the LPSD to submit its review of the application as it relates to sanitary district issues to the Plan Commission for its consideration. The Zoning Administrator shall schedule a Plan Commission meeting to consider the application.



- f. Notice. The Zoning Administrator shall provide for a class 2 notice of the public hearing consistent with the requirements of chapter 985, Wis. Stats and such additional notice as may be required by law.
- g. Public hearing. The Town Board shall conduct a public hearing jointly with the Plan Commission, per 17.10(5).
- h. Plan Commission Recommendation. The Plan Commission shall consider the application pursuant to the decision criteria of the ordinance, and shall make a recommendation regarding the mixed use zoning and the Master Development Plan to the Town Board.
- i. Town Board decision. Within a reasonable time following the public hearing, the Town Board shall make a decision based on the decision criteria contained in this section to approve, conditionally approve, or deny the establishment of the zoning district and the Master Development Plan.
- j. Conditions of approval. The Plan Commission may recommend and the Town Board may impose conditions that must be satisfied prior to formal establishment of a mixed use development.
- k. Administrative steps. If the district is conditionally approved, the zoning map shall be revised in a timely manner when the Zoning Administrator certifies in writing that all of the conditions have been satisfied. The Town Clerk shall maintain a copy of the approved Master Development Plan as a permanent record.

#### **4. DECISION CRITERIA**

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

- a. Whether development in the proposed district is in keeping with the spirit and intent of this chapter;
- b. Whether development in the proposed district is consistent with the comprehensive plan;
- c. The effects of development in the proposed district on traffic safety and efficiency and pedestrian circulation, both within and outside of the district;
- d. Whether the proposed plan for development in the district is properly planned and is properly coordinated with the existing

and anticipated land uses on properties in the immediate and surrounding area.

- e. The effects of development within the proposed district on the natural environment;
- f. Whether development in the proposed district complies with provisions of this chapter and other chapters of the municipal code that may apply;
- g. The effects of development in the proposed district on public services and facilities;
- h. Whether adequate public water and public sanitary sewer facilities can be provided to the development in the proposed district, as required;
- i. The proposed means of maintaining the undeveloped area of the district for the purpose for which it was set aside; and
- j. Whether impervious surfaces in areas mapped as high ground water recharge are avoided or minimized

## 5. USE REGULATIONS

### a. Permitted Uses

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

- (1) Offices for professionals, business, studios, health care facilities and clinics, financial institutions, ~~daycare, health club facilities,~~ and general clerical offices.
- (2) Light Industrial.
- (3) Laboratory and research facilities.
- (4) Residential, to include senior housing, single family, multi-family and condominiums. Single family residential development on individual lots shall follow the requirements of Section 17.04 5. D. (R-3 Residential District).

b. Permitted Accessory Use

- (1) Garages for residential uses.
- (2) Off-street parking and loading area for businesses in the mixed use development, provided it is hard surfaced.
- (3) Restaurant or retail facility located inside an office or light industrial building as an ancillary use to the primary building use.
- (4) Utilities such as power supply and other uses normally auxiliary to the principal uses in a mixed use development, provided they be screened from view by an appropriate vegetation, wall or fence.
- (5) Roof-mounted solar collectors, provided a registered engineer or architect has certified that the structure is adequate to support the load.

c. Prohibited Uses

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

- (24) Manufacturing or processing of ammonia, asbestos, asphalt, cement, chlorine, cold tar, creosote, explosives, fertilizer, glue, gypsum, insecticides, poison, pulp, proxylin, radium and radioactive materials
- (25) Outside product or equipment testing
- (26) Mini-warehouses or multi-tenant storage
- (27) Distribution centers
- (28) Stand-alone restaurants
- (29) Stand-alone retail facility
- (30) Similar uses as determined by the Plan Commission

## 6. **BUILDING LOCATION**

### a. Setback:

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

### b. Offset:

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

## 7. **HEIGHT REGULATIONS**

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

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

### b. Height Regulations for all other buildings:

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

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

## 8. **AREA REGULATIONS**

### a. Lot Size:

- (1) Lots in single family residential use: 20,000 square feet

(2) All other lots: 3 acres

b. Lot Width:

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

c. Floor Area:

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

d. Open Space: ~~40~~45% for the Master Development Plan as a whole; 25% per lot; subject to Section, 10, below

**9. ADDITIONAL REGULATIONS**

- a. Storage of products made on site or delivered to the site shall be stored inside.
- b. The maximum density of multiple family dwellings shall be 10 units per acre.
- c. No more than 25% of the land in the Master Development Plan shall be used for residential development, unless the Plan Commission and Town Board provide an exception as provided in Section 10, below, to allow additional land or units based on proposed location of such use.
- d. All parking lots and driveways shall be hard surfaced.
- e. Parking lots shall be shielded from adjoining properties by planting screen or decorative fencing, unless shared parking is allowed which prevents such landscaping and screening. Underground or garage parking shall be provided for resident parking in all multi-family developments.
- f. All lands not used for buildings, parking lots, driveways, etc., shall be landscaped and kept in good appearance at all times, including required watering of lawns and shrubbery.
- g. The site and operational plans shall include design features necessary to ensure that traffic generated by the operation, especially that involving heavy trucks, does not have an adverse effect on existing or planned roads and traffic movement considering especially adequacy, safety and

efficiency. A traffic impact analysis shall be prepared for each development application.

- h. The operation plan submitted for Plan Commission approval shall specify and quantitatively describe any noise, vibration, dust, gas, smoke, toxic matter and odors produced by the operation and plans for containing or abating such nuisance.
- i. The planned hours of operation and nighttime lighting plans shall be included in the plan of operation submitted for Plan Commission approval.

## 10. **EXCEPTIONS**

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

## 11. **DESIGN STANDARDS**

- a. All buildings shall be architecturally treated on all 4 sides.
- b. Variability in size and shape of buildings shall occur.
- c. Large, unbroken expanses and long, continuous roof lines shall be avoided.
- d. All rooftop and wall mounted mechanical, electrical, communication, service equipment, satellite dishes and vent pipes shall be screened from view by parapet walls, or other means approved by the Plan Commission.
- e. Building exteriors must be of an attractive material or must be faced with an attractive material such as face brick, natural stone, wood, decorative masonry and glass or other substantial materials approved by the Plan Commission. Dryvit, metal and stucco may be used as trim material, not to exceed 20% of the exterior area. Metal, vinyl or aluminum sided buildings are not acceptable.
- f. Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. The use of high intensity color, metallic colors, black or florescent colors shall be prohibited. Building trim and architectural accents elements may feature brighter colors, but such colors shall be muted, not metallic, not florescent, and not specific to particular uses or tenants.

- g. The exterior of all structures, fences, planting screens, etc., shall be kept in good condition at all times by painting, trimming or other acceptable maintenance procedures. Subsequent additions or changes in the building and grounds shall conform to or enhance the original construction and be consistent therewith.
- h. All materials and all vehicles (other than employee and visitor parking), when not in use shall be stored inside except where it is demonstrated that such storage can be adequately shielded from view by planting screen or decorative fencing. In no event shall such storage be permitted within the base setback area.
- i. All garbage and waste containers shall be within an enclosure, and appropriately landscaped. The enclosure shall be made of the same exterior materials as the building, unless otherwise approved by the Plan Commission. The enclosure shall be six feet high, shall not be located on the street side of the parcel, can be freestanding or attached to the main building. The enclosure shall be reviewed and approved by the Plan Commission.
- j. A landscaping buffer shall be required in those areas described in Section 6.a.(2).
- k. Applicable design standards of this Code must be satisfied.

## **12. CHANGES TO PROJECT PLAN**

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

## **13. TERMINATION OF MASTER DEVELOPMENT PLAN**

If a building permit is not issued for a building within a Mixed Use District within five years of the establishment of the district or if construction of the building authorized by the building permit does not commence and continue in good faith to completion, the approval of the Master Development Plan shall expire unless



extended in writing by the Town Board. Upon expiration of the Master Development Plan approval, no development shall occur and no building permits shall be issued for any construction within the area encompassed by the expired Master Development Plan, unless and until a new Master Development Plan is submitted and approved by the Town Board upon receipt of a recommendation from the Town Plan Commission.

#### **14. DEVELOPMENT AGREEMENT**

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

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

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

##### **F. Joint Hearing and Plan Commission Recommendation.**

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

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

##### **G. Action.**

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

SECTION 6: Chapter 17 of the Town of Delafield Municipal Code entitled "Zoning," Section 17.04 entitled, "Zoning Districts," subsection 5 entitled "Specific District," Subsection J. entitled "B-1 Restricted Business District," Subsection 2 entitled, "Use Regulations," Subsection c entitled, "Mixed Use Prohibited" is hereby created as follows:

**c. Mixed Use Prohibited**

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

SECTION 7: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.04 entitled, “Zoning Districts,” subsection 5 entitled “Specific District,” Subsection K. entitled “B-2 Shopping Center District,” Subsection 2 entitled, “Use Regulations,” Subsection c entitled, “Mixed Use Prohibited” is hereby created as follows:

**c. Mixed Use Prohibited**

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

SECTION 8: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.04 entitled, “Zoning Districts,” subsection 5 entitled “Specific District,” Subsection L. entitled “B-3 Business Park District,” Subsection 2 entitled, “Use Regulations,” Subsection c entitled, “Mixed Use Prohibited” is hereby created as follows:

**c. Mixed Use Prohibited**

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

SECTION 9: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning,” Section 17.04 entitled, “Zoning Districts,” subsection 5 entitled “Specific District,” Subsection M. entitled “M-1 Industrial District,” Subsection 2 entitled, “Use Regulations,” Subsection c entitled, “Mixed Use Prohibited” is hereby created as follows:

**c. Mixed Use Prohibited**

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

**SECTION 10: SEVERABILITY.**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 11: EFFECTIVE DATE.

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2020.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ronald A. Troy, Town Chairman

ATTEST:

\_\_\_\_\_  
Dan Green, Town Clerk/Treasurer

This ordinance posted or published \_\_\_\_\_.

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