



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Christie Dionisopoulos
Steve Michels
Joe Woelfle
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD PLAN COMMISSION MEETING
Tuesday, November 2, 2021, 6:30 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 October 5, 2021.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
 - A. Kevin and Tracey Scharnek, owner, by Carl Tomich, Westridge Builders, agent, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two parcels created by deed that make up the subject property, into one parcel, located at N27 W30037 Maple Avenue.
 - B. Wisconsin Hero Outdoors W329 S690 CTH C, by Tammy Sawyer, Re: Consideration and possible action on the approval of a wall sign at their facility located at W329 S690 CTH C.
 - C. Town of Delafield Plan Commission, Re: Consideration, discussion and possible action on a proposed outdoor light ordinance for the Town of Delafield.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: December 7, 2021
8. Adjournment

PLEASE NOTE:

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

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, OCTOBER 5, 2021, 6:30 P.M.**

Video Link:

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Chairman Troy, Supervisor Kranick, Commissioner Dickenson, Commissioner Janusiak, and Plan Commission Chairman Fitzgerald.

Also present: Administrator-Clerk/Treasurer Dan Green and Engineer Tim Barbeau.

Commissioner Diderrich and Commissioner Frank were excused.

Second order of business: Approval of the minutes of September 7, 2021.

Motion made by Kranick to approve the September 7, 2021, with correction to Supervisor Dickenson being changed to Commissioner Dickenson. Seconded by Troy. Motion passed 5-0.

Third order of business: Communications (for discussion and possible action):

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Jon Spheeris, developer, The Retreat subdivision, Re: Consideration and possible action on the approval of the Final Plat for The Retreat.

Engineer Barbeau explained the final plat is for an 8-lot subdivision. The layout has not changed since the preliminary plat which was approved in 2020. The deed restrictions were reviewed by staff with some minor changes. The final plat conforms to the preliminary plat. Commissioner Dickenson asked if there were any changes to the deed restrictions based on the discussions around the developer's agreement. Engineer Barbeau explained the developer addressed these concerns and changed some driveway locations. The section regarding the berm, the word "naturally" was removed. Owners cannot change the grade of their lots without staff approval (besides the grading for the house).

Motion by Supervisor Kranick to approve the Final Plat for The Retreat subdivision dated September 23, 2021. Seconded by Chairman Troy. Motion passed 5-0.

- B. John and Theresa Singer, owner, W334 S828 Cushing Park Road, by Jon Spheeris, Coldwell Banker Elite, agent, Re: consideration and possible action on the reapproval of a Certified Survey Map to create three parcels of land located at W334 S828 Cushing Park Road.

Engineer Barbeau explained this CSM was originally approved in July of 2020. The State Statutes requires a CSM to be recorded within 12 months of its approval. This is coming back for reapproval so they can meet that timeline.

Motion by Supervisor Kranick to approve the Certified Survey Map to create three parcels of land located at W334 S828 Cushing Park Road dated February 3, 2021. Seconded by Commissioner Dickenson. Motion passed 5-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: November 2, 2021.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the October 5, 2021, Plan Commission meeting at 6:38 p.m. Seconded by Plan Commission Chair Fitzgerald . Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Plan Commission Report for November 2, 2021

Scharnek CSM Agenda Item No. 5. A.

Applicant: Westridge Builders, Inc.
Project: Certified Survey Map (CSM)
Requested Action: Approval of a CSM to combine adjacent lots
Zoning: R-3 Waukesha County Shoreland
Location: N27 W30037 Maple Avenue

Report

The property is made up of Lot 1 and 1/5 of Lot 2 of Crystal Spring Park subdivision. The line runs through the detached garages on the property. The CSM will combine the partial lot and Lot 1 into one lot. In order to remove the property line that splits the lot, the Town and County requires a Certified Survey Map.

The map submitted accomplishes the combination and provides a road dedication in order to have the full 33 feet of road dedication along Maple Avenue. The surveyor has incorporated my technical review comments into the CSM dated October 12, 2021.

We have not received any comments from Waukesha County at this time.

Staff Recommendation:

I recommend approval of the CSM dated October 12, 2021 subject to:

- Incorporation of any comments from Waukesha County Parks and Land Use Department

Tim Barbeau, Town Engineer
October 27, 2021

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 and a part of Lot 2, in CRYSTAL SPRING PARK, being a part of the Southeast 1/4 of the Northeast 1/4 and Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

Notes:

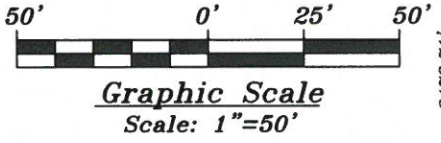
- Denotes 1"x24" iron pipe set.
- ⊙ Denotes iron pipe found and accepted.
- △ Denotes "PK" nail found and accepted.
- ⓓ Denotes lands dedicated to the Town of Delafield for public street purposes (1,485 sq. ft.).

Prepared for: (Agent)
Carl Tomich
N8 W22520-L Johnson Dr.
Waukesha, WI 53186
Ph. (262) 547-0328

Prepared for: (Owner)
Kevin & Tracey Scharnek
N27W30037 Maple Ave.
Pewaukee, WI 53072-4252

Prepared by:
Dennis C. Sauer PLS-2421
Metropolitan Survey Service, Inc.
9415 W. Forest Home Ave.
Hales Corners, WI 53130
Ph. (414) 529-5380

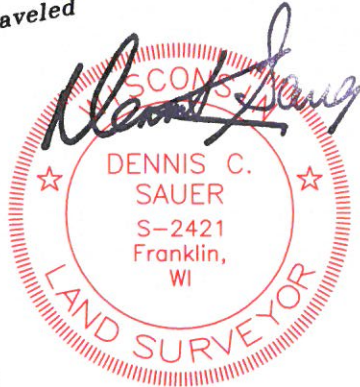
NE Cor.
Sec. 15-7-18
(conc. mon.
w/brass cap)
N 396,449.06
E 2,442,560.26



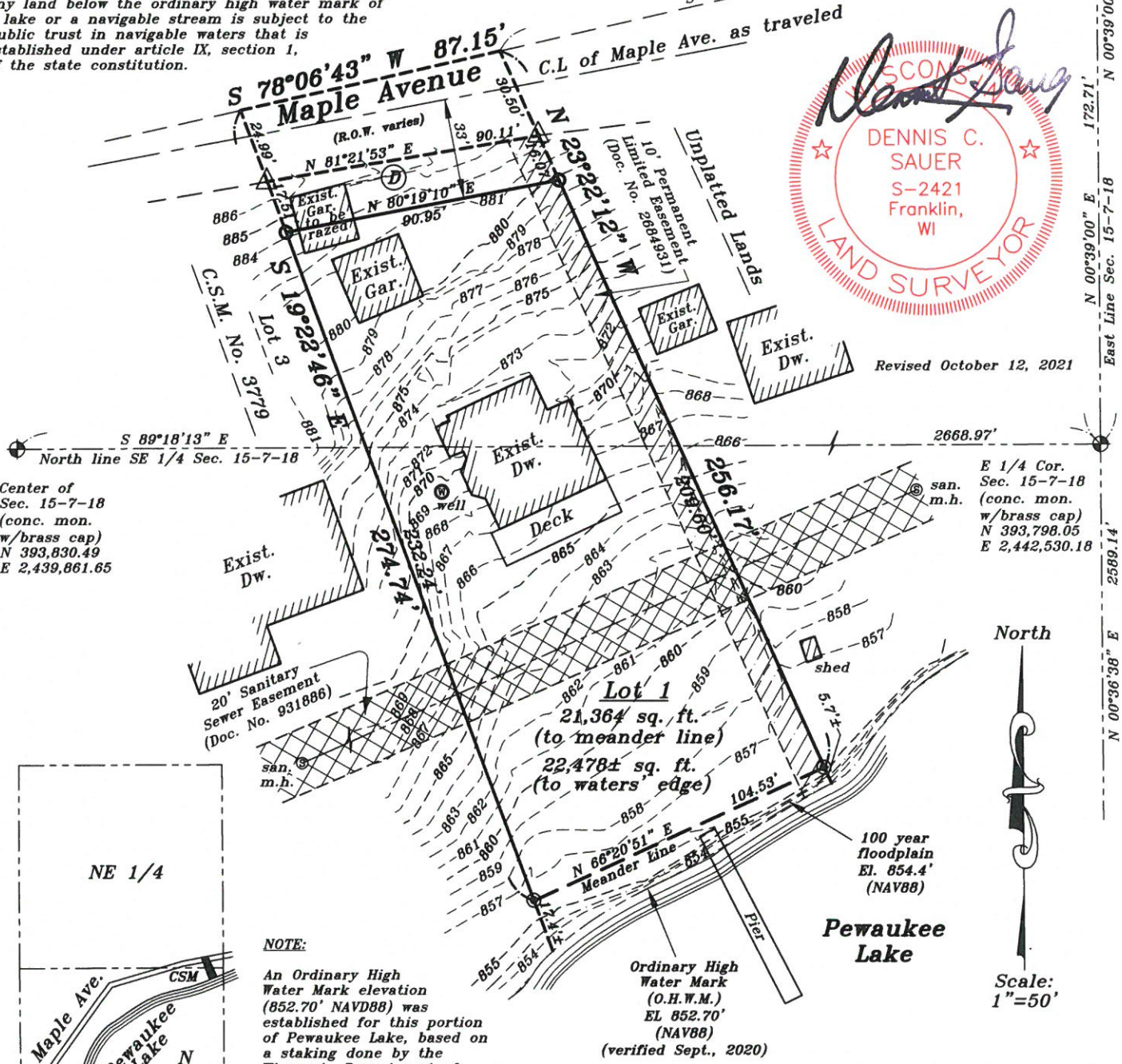
Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone, (NAD 27)(Nov. 2008), with the North Line of the SE 1/4 of Sec. 15, T7N, R18E having an assumed bearing of N 89°18'13" W.

This entire property is within the Jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

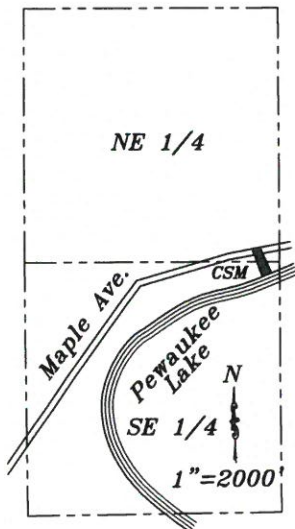


Revised October 12, 2021



Center of Sec. 15-7-18 (conc. mon. w/brass cap) N 393,830.49 E 2,439,861.65

E 1/4 Cor. Sec. 15-7-18 (conc. mon. w/brass cap) N 393,798.05 E 2,442,530.18



Vicinity Map
NE 1/4 & SE 1/4
Sec. 15-7-18

NOTE:
An Ordinary High Water Mark elevation (852.70' NAVD88) was established for this portion of Pewaukee Lake, based on a staking done by the Wisconsin Department of Natural Resources on February 5, 2005 at W289 N3089 Lakeside Dr.

Ordinary High Water Mark (O.H.W.M.) EL 852.70' (NAV88) (verified Sept., 2020)

FLOOD DATA This property is in Zone AE + X of the Flood Insurance Rate Map, Community Panel No. 55133C0178H which has an effective date of November 5, 2014 and IS in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

FEMA 100-Year Flood Elevation=854.4' (NAV88)

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 and a part of Lot 2 in Crystal Spring Park, being a part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, Dennis C. Sauer, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped all of Lot 1 and a part of Lot 2 in Crystal Spring Park, being a part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the East 1/4 corner of said Section 15; thence N 00°39'00" E along the East line of said Section 15, 172.71 feet to the North line of Crystal Spring Park Subdivision Extended; thence S 78°06'43" W along said North line extended, 200.14 feet to the Northeast corner of Crystal Spring Park Subdivision; thence continuing S 78°06'43" W along the North line of said Crystal Spring Park Subdivision, 87.15 feet to a point; thence S 19°22'46" E, 274.74 feet to a point on the meander line of Pewaukee Lake; thence N 66°20'51" E along said meander line, 104.53 feet to the East line of said Crystal Spring Park Subdivision; thence N 23°22'12" W along said East line, 256.17 feet to the point of beginning.

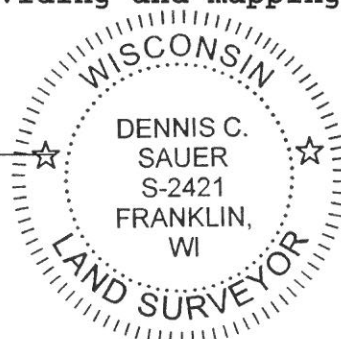
Together with those lands lying between the aforementioned meander line and the waters edge of Pewaukee Lake. Said lands continuing 25,258 square feet to meander line and 26,372 square feet more or less, to the water's edge of Pewaukee Lake.

That I have made such survey, land division and map by the direction of Kevin Scharnek and Tracey Scharnek, husband and wife, owners of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the requirements of the Town of Delafield, City of Delafield and the Waukesha County Department of Parks and Land Use, in surveying, dividing and mapping of the same.

October 12, 2021
Date



Dennis C. Sauer

Dennis C. Sauer
Professional Land Surveyor S-2421

PREPARED FOR: (Agent)	(Owner)
Carl Tomich	Kevin & Tracey Scharnek
N8W22520-L Johnson Dr.	N27 S30037 Maple Ave
Waukesha, WI 53186	Pewaukee, WI 53072-4252
Phone: (262)547-0328	

PREPARED BY: Dennis C Sauer
Metropolitan Survey Service
9415 W Forest Home Ave, #202
Hales Corners, WI 53130
Phone: (414)529-5380

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 and a part of Lot 2 in Crystal Spring Park, being a part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

OWNER'S CERTIFICATE:

Kevin Scharnek and Tracey Scharnek, husband and wife, owners of said land, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and requirements of the Town of Delafield, City of Delafield and the Waukesha County Department of Parks and Land Use.

WITNESS the hand and seal of said owners this _____ day of _____, 20__.

Kevin Scharnek, Owner

Tracey Scharnek, Owner

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

PERSONALLY, came before me this _____ day of _____, 20____, Kevin Scharnek and Tracey Scharnek, Owners, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires: _____

CONSENT OF MORTGAGEE

ONE COMMUNITY BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this map and does hereby consent to the above certification of owners.

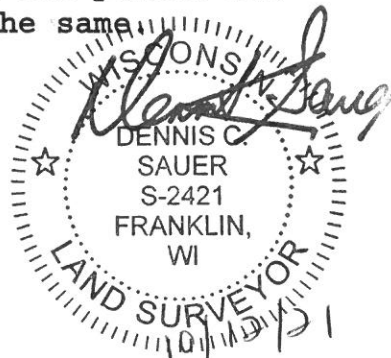
IN WITNESS WHEREOF, the said One Community Bank, has caused these presents to be signed by (Name) _____, (Title) _____, at _____, Wisconsin, this _____ day of _____, 20__.

One Community Bank:

Signed
Print Name and Title: _____

PERSONALLY came before me this _____ day of _____, 20____, _____ (Name), to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 and a part of Lot 2 in Crystal Spring Park, being a part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

PLAN COMMISSION APPROVAL

APPROVED by the Plan Commission of the Town of Delafield on this _____ day of _____, 20__.

Kevin Fitzgerald, Chairman
Town of Delafield

Dan Green, Town Clerk
Town of Delafield

EXTRATERRITORIAL APPROVAL

APPROVED by the Village of Hartland this _____ day of _____, 20__.

Darlene Igl, Village Clerk

Jeffrey Pfannerstill, Village President

TOWN BOARD APPROVAL

APPROVED by the Town Board of the Town of Delafield on this _____ day of _____, 20__.

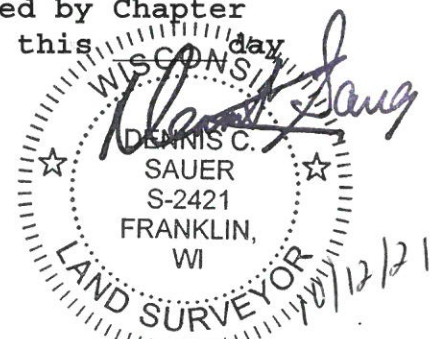
Ronald A. Troy, Chairman
Town of Delafield

Dan Green, Town Clerk
Town of Delafield

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL

The above, which has been filed for approval as required by Chapter 236.34, Wisconsin State Statutes is hereby approved on this _____ day of _____, 20__.

Dale R. Shaver, Director



BASEMENT RESTRICTION - GROUNDWATER

This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Delafield must also be complied with.

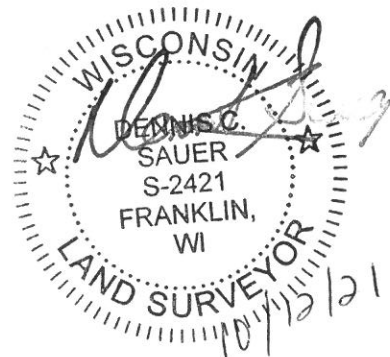
CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 and a part of Lot 2 in Crystal Spring Park, being a part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 15, Town 7 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.

FLOODPLAIN RESTRICTIONS

Those areas identified as a Floodplain Preservation Area on Page 1 of 5 of this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that invasive, dead, diseased, or dying vegetation may be removed, at the discretion of the landowner, and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted.
3. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited, unless grazing is conducted in order to manage invasive vegetation and approval is obtained by the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds are prohibited unless designed to enhance the natural environment. Ponds that may be permitted are subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.



THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, P.L.S. S-2421

Plan Commission Report for November 2, 2021

Wisconsin Hero Outdoors Agenda Item No. 5. B.

Applicant:	Tammy Sawyer
Project:	Wisconsin Hero Outdoors
Requested Action:	Approval of Sign
Zoning:	A-2 Rural Home District
Location:	W329 S890 Kettle Moraine Drive (CTH C)

Report

Wisconsin Hero Outdoors is requesting approval to place a 47-inch diameter sign on the west face of the old Fire Station No. 2 building. The code has a couple of regulations related to wall signs. In 17.08 5.b.), the total sign area in the A-2 district is limited to 11 square feet for every full 200 feet of frontage. In this case, the frontage is about 320 feet, so the sign would be limited to 11 square feet. The area of the sign as proposed is 12 square feet. Section 17.08 6. F. states that the total area for wall signs are regulated and approved by the Plan Commission in consideration of the location, height, size, appearance and number and location of other signs in the vicinity. The proposed sign meets all other placement requirements of Section 17.08 6. F. The sign as proposed does not show the words "Town of Delafield" as required in Section 17.08 7. C. 3. (unless waived by the Plan Commission)

Staff Recommendation:

Based on the two code sections related to wall signs, I typically interpret the code to require the applicant to meet both code requirements. In doing so, the Town would require that the maximum sign area be no greater than 11 square feet.

Section 17.08 10. Provides a procedure for sign variances to allow flexibility in sign regulation while fulfilling the purpose of the ordinance. The criteria for a sign variance is as follows:

Area Enhancements. The signage will not result in an unsafe concentration of signage which renders it difficult or confusing to read existing signs; and the proposed sign is unique and of exceptional design or style so as to enhance the site.

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

Although they have not specifically requested a variance to the sign size, the proposed wall sign size is reasonable based on the proximity to CTH C. A smaller sign would render it difficult to read from the roadway and thus may cause drivers to slow down such that they can read the sign, causing unexpected conditions on the roadway. It also appears that the code allows flexibility based on 17.08 6. F.

I recommend approval of a variance to the sign code to allow the 47-inch diameter sign plus any minimal area to be able to include the words "Town of Delafield" based on both criteria as explained above.

Tim Barbeau, Town Engineer
October 27, 2021

CUSTOMER INFO:

COMPANY NAME/CONTACT:

ADDRESS:

PHONE#:

SIGNARAMA-PEWAUKEE REQUIRES THAT YOU REVIEW THE ATTACHED PROOF AND ADVISE WHETHER PROOF IS APPROVED FOR PRODUCTION. AN EMAIL REPLY IS REQUIRED TO START PRODUCTION.

PLEASE CHECK ALL SPELLING, PUNCTUATION, FONTS, CAPITALIZATION PHONE NUMBER, WEBSITE, COLOR & SIZE REQUIREMENTS.



47" DIAMETER

THIS RENDERING IS INTENDED AS A SAMPLE ONLY. COLOR, TEXTURE, MEASUREMENTS, AND ACTUAL APPEARANCE MAY VARY SLIGHTLY FROM COMPLETED WORK AND IS CONSIDERED NORMAL & USUAL. © COPYRIGHT 2014 Signarama Inc.

Please check layout(artwork, spelling, dimensions) and return with signature. Production cannot begin until written approval is received. Additional charges will be applied for any changes that are needed after approval is received. Signarama is not responsible for any errors in spelling, layout, or dimensions that have been approved by the customer. The proof is for listed items only. Any changes or deletions by the customer not shown or charged herein will be billed separately.



**W237 N2889 Woodgate Rd, Unit B
Pewaukee, WI 53072
P: 262-691-9994 | F: 262-691-9995**

www.signarama-pewaukee.com • info@signarama-pewaukee.com

I HAVE REVIEWED THE ABOVE SPECIFICATIONS & HEREBY FULLY UNDERSTAND THE CONTENT OF WORK TO BE PERFORMED & APPROVE THIS PROJECT TO BEGIN:

CUSTOMER APPROVAL SIGNATURE: _____

PRINT _____ DATE: _____

50% DEPOSIT DUE AT TIME OF ORDER(full amount if under \$100),balance due upon time of completion.

I HAVE READ AND AGREE TO ALL TERMS. INITIAL _____

THIS ORIGINAL DESIGN AND ALL INFORMATION CONTAINED THEREIN IS THE PROPERTY OF SIGNARAMA-PEWAUKEE AND ITS USE IN ANYWAY OTHER THAN AS AUTHORIZED IS EXPRESSLY FORBIDDEN. SIGN AND ARTWORK REMAIN THE PROPERTY OF SIGNARAMA-PEWAUKEE

Outdoor Lighting

Table of Contents

- (1) Purpose and Intent
- (2) Applicability
- (3) Definitions
- (4) Establishment of Zones
- (5) Shielding and Exceptions
- (6) Total Outdoor Light Output Standards
- (7) General Regulations
- (8) Shoreland Lighting
- (9) Light Trespass
- (10) Hours of Operation
- (11) Special Uses
- (12) Permits
- (13) Prohibitions

(1) **Purpose and intent.** The purpose of this section to minimize "light trespass" or "obtrusive light," or more specifically to regulate and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, to mitigate the impact on ecosystems, to promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting.

(2) **Applicability**

(a) The following regulations shall apply to all luminaries installed, erected or maintained in all districts.

(b) New uses, buildings, and additions. All new land uses, developments, buildings, structures, or building additions of 25 percent or more in terms of gross floor area either with a single addition or cumulative additions, subsequent to the effective date of this ordinance shall meet the requirements of this section for the entire property. This provision includes additions of any size that increase the number of parking spaces by 25 percent. For building additions less than 25 percent the applicant shall meet the provisions of this section for all new outdoor lighting installed.

(c) Change of use. Any change of use to an existing building or structure, except in the case of a single tenant in a multi-tenant building, shall meet the requirements of this section for the entire property to the greatest extent possible as determined by the Plan Commission.

(3) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Acreage, net. The area of a parcel being developed for a development project including the open space required by the zoning district.

Classifications of lighting. Lighting shall be classified in one of the following categories:

(a) *Class 1 "functional" lighting.* All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

(b) *Class 2 "safety" lighting.* All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

(c) *Class 3 "decorative" lighting.* Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

(d) *Multi-class lighting.* Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for Class 1, 2 and 3 lighting. All multi-class lighting shall comply with the most restrictive class of which it falls under.

Development project. Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the town for approval.

Direct illumination. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Footcandle. A unit of light expressed in lumens per square foot.

Fully shielded fixture or full cutoff fixture. An outdoor light fixture shielded in such a manner that 100 percent of all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

Glare. Intense light from an illumination source which may result in visual impairment or discomfort. Also, a light ray emanating directly from a source such that it falls directly upon the eye of the observer.

Height. The height of a light structure shall be the vertical distance between the uppermost extremity of any light structure, pole or supporting member and the grade level.

Light source. A single artificial source of luminescence.

Light trespass. Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

Lumen. The unit used to measure the actual amount of light which is produced by a lamp. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered. For avoidance of doubt, a lumens to watts comparison table is below:

Lumens	Incandescent Watts	Fluorescent/LED Watts
375lm	25W	6.23W
600lm	40W	10W
900lm	60W	15W
1125lm	75W	18.75W
1500lm	100W	25W
2250lm	150W	37.5W
3000lm	200W	50W

Luminaire. The complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Measurement. For the purposes of this section, unless otherwise stated illumination levels shall be measured at a point three feet above grade with the measuring device aimed directly at the light source(s) being measured. Measurements shall be taken using baffles or shields to separate the source(s) under review from other existing or ambient sources such as streetlights, in a manner that eliminates to the greatest extent possible other light sources.

Opaque. Opaque means that material must not transmit light from an internal illumination source.

Outdoor light fixtures. Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, linear strip lights, search lights, spot lights and flood lights for:

- (a) Buildings and structures;
- (b) Recreational areas;

- (c) Parking lot areas;
- (d) Landscape and architectural lighting;
- (e) Signs (advertising or other);
- (f) Product display areas.
- (g) Private roadway and driveway lighting
- (h) Building overhangs and open canopies

Outdoor light output, total. The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For all lamp types and sources, the initial output, as defined by the lamp or source manufacturer, is the value to be considered.

Partially shielded fixture or cutoff fixture. An outdoor light fixture shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal, as determined by photometric test or certified by the manufacturer.

Shielding. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is shielded from view from adjacent properties. Any structural part of the light fixture providing this shielding must be permanently affixed.

Temporary lighting. Lighting which does not conform to the provisions of this ordinance and which will not be used for more than one 30-day period within a calendar year, with one 30-day extension. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects, not including exempt lighting listed in subsection (n). Temporary lighting shall be approved by the Plan Commission.

Uniformity ratio. The average illuminance shall not exceed minimum values by more than the product of the minimum value and the specified ratio.

Use, abandonment of. The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.

Watt. The unit used to measure the electrical power consumption of a lamp, or when describing a fixture, the fixture input wattage before ballast losses.

- (4) **Establishment of zones.** Lighting zones are defined by zoning district.
- (a) *Zone 1*—Principal non-residential uses in residential zones and R-1, R-1A, R-2, R-3, A-2
 - (b) *Zone 2*—B-1, B-2, B-3, M-1, P-1
 - (c) *Zone 3*—A-1, A-E
- (5) **Shielding and exceptions.** All nonexempt outdoor lighting fixtures shall have full shielding to prevent direct view of the lamp or reflector as viewed from anywhere along the property line or above the horizontal, except for the following:
- (a) Class 1 and Class 3 lighting fixtures with an initial lamp output at or below 500 lumens per fixture may be unshielded provided that the fixture is screened from public view.

- (b) Class 1 and Class 3 lighting fixtures with an initial lamp output at or below 1,000 lumens per fixture may be partially shielded provided that the fixture is screened from public view.
- (6) **Total outdoor light output standards.** Total outdoor lighting lumen output shall not exceed the limits in Table 1, given in lumens per acre. The following shall be included in this limit:
- (a) Indoor lighting, located within 12 feet of window glass, that is used for or contributes to illumination of displays, merchandise or signage shall be included in the total outdoor light output, by including 25 percent of the contributing as though they produced only one-quarter of the lamp's rated lumen output. If the indoor lighting is directed through the window glass or otherwise used for exterior illumination then the full 100 percent of the lamp's rated lumen output shall be included.
- (b) Outdoor lighting fixtures that are fully shielded and installed under canopies, roof eaves and building overhangs are counted toward these limits according to the following:
- (c) Outdoor light fixtures installed under canopies, building overhangs, or roof eaves where the center of the lamp or luminaire is located at least five feet but less than ten feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output, by including 25 percent of the contributing lamp's rated lumen output;
- (d) Outdoor light fixtures located under the canopy and ten or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output, by including ten percent of the contributing lamp's rated lumen output.

Table 1 Total Outdoor Light Output Standards

Maximum Lumens Per Acre (Initial Lamp Lumens)	Lighting Zone		
	Zone 1	Zone 2	Zone 3
Total (fully shielded + unshielded)	50,000	100,000	125,000
Unshielded only (Class 1 and 3)	4,000	10,000	10,000

(7) **General regulations.**

All outdoor lighting fixtures shall be designed, located and specified with shielding and shall create cut off of light source view so that no glare or illumination is cast outside the boundaries of the property where the luminaire is located so as to constitute light trespass. No light levels shall be greater than 0.5 foot candles measured at a height of 5 feet above the grade at a property line or high water mark of a lake on which the luminaire is located, except as set forth herein. Outdoor lighting shall not be aimed toward or directed at a neighboring property

(a) *All classes of lighting.*

1. Luminaries attached to a building shall not exceed 16 feet in height from grade.

(b) *Class 1 lighting.*

1. The maximum illumination of any interior or exterior illuminated sign, including subdivision signs, shall not exceed 15 footcandles when measured with a light meter held perpendicular to the sign at a distance of 12 inches. All existing

signage shall have one year from the effective date of this ordinance to achieve substantial compliance with this section.

2. The maximum illumination of any vertical building surface shall not exceed 10 footcandles.

(c) *Class 2 lighting.*

1. Parking lot lighting shall maintain a two footcandle average and a uniformity ratio of 12:1.
2. The height of parking lot light structures may by right be, but shall not exceed, the greater of 20 feet or 75 percent of the height of the principal structure; provided in no case shall the height of any parking lot light structure exceed 20 feet or shall any structure located within 100 feet of a residential use or a undeveloped residentially zoned property exceed a height of 16 feet.
3. Light structures intended for pedestrian traffic shall not exceed 10 feet in height and have average illumination levels between 0.5 and one footcandle.
4. Bollards shall not exceed 42 inches in height and 8,500 lumens per fixture with 0 percent of lumen output at or above the horizontal plane.
5. Security lighting shall not exceed 25 percent of the total allowed lumen output.
6. Lighting intended for exit discharge shall not exceed 1.5 footcandles at the floor or grade level.

(d) *Class 3 lighting.*

1. Only the United States flag and the state flag shall be permitted to be illuminated from dusk to dawn. Other flags may be illuminated if they are located on the same pole or part of a group or array that includes the United States or state flag. Flag lighting sources shall not exceed 10,000 lamp lumens per flag pole and shall be shielded to prevent viewing the fixture opening, and designed to apply 80 percent of the fixture output onto the area of the flag.
2. Lighting of aesthetic features including but not limited to hardscape and landscape features, fountains, displays, and statuary shall not exceed 500 lumens per fixture.
3. The maximum illumination of any vertical building surface or facade shall not exceed 10 footcandles.

(8) **Shoreland Lighting.** This section applies to all outdoor lighting fixtures located on berthing structures, piers or docks or designed to illuminate such structures.

- (a) Flashing or rotating lights are prohibited
- (b) Outdoor lighting fixtures shall, whether mounted on a berthing structure, pier or dock, or mounted such that it is designed to illuminate any such structure, shall have shielding or be fitted with an opaque light shield to limit the upward and outward projection of light to an angle no greater than 45 degrees below the horizon to prevent direct visibility of the lamp to persons on public waters or adjacent lands. Such outdoor light fixtures shall be limited to a maximum of one foot candle measured at the ordinary high water mark.

-
- (c) Outdoor lighting fixtures installed on or intended to illuminate berthing structures, piers or docks shall be turned off when not required for safety or security.
- (9) **Light trespass.** Unless otherwise approved in accordance with this section, all luminaries shall be of a full cutoff design and directed so as to confine the area of light dispersion to the property and/or building area which it is intended to illuminate. More specifically, all lighting installations shall conform to the following standards:
- (a) All luminaries except street lights shall be located, aimed or shielded so as to prevent stray light trespassing across property boundaries, measurable at or below 0.5 footcandles while holding meter perpendicular to offending source(s).
 - (b) Where adjacent to non-residential property, the maximum permitted illumination level located 10 feet within that adjacent property shall be no greater than 0.1 horizontal footcandles.
 - (c) Where adjacent to residential property, the maximum permitted illumination level on a residentially zoned parcel located immediately within that adjacent property shall be no greater than 0.01 horizontal footcandles.
 - (d) Ground mounted lighting. In order to fully hide the light fixture from public view and to prevent glare and brightness from normal public view, all ground mounted luminaries designed or intended for purposes of illuminating, signs, flagpoles or other onsite amenities shall be completely screened, at the time of installation, with non-seasonal vegetative cover or other materials as approved by the Plan Commission. Additional louvers or shielding may be required to prevent source brightness and glare from normal public view.
- (10) **Hours of operation.**
- (a) All outdoor luminaries shall be turned off from close of business to sunrise with the following exceptions:
 - 1. Commercial, industrial and institutional uses which remain open after 11:00 p.m. as permitted by zoning regulations or conditional use requirements shall be allowed to keep their approved outdoor lighting on for the period of time they remain open and up to one-half hour after closing.
 - 2. Approved commercial, industrial, and institutional security lighting shall be allowed in accordance with the provisions of this Code.
 - 3. All illuminated on-premises signs for advertising purposes shall be turned off from close of business to sunrise.
 - (b) Recreational facilities. Shall be allowed to keep their approved outdoor lighting on for the period of time the recreational use continues.
- (11) **Special uses.** In addition to the requirements of this chapter, the following uses shall have additional restrictions.
- (a) *Illuminated outdoor recreation facilities.*
 - 1. Shall be subject to a conditional use grant.
 - 2. Lighting for outdoor recreational facilities including athletic fields, courts, or tracks shall be exempt from the lumens per acre limits of this section.

-
3. All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America. (IESNA RP-6)
 4. Lighting trespass requirements are maintained.
- (b) *Auto display lots.*
1. Lighting for display lots shall be exempt from the lumens per parcel limits of this section.
 2. Total output. The total light output used for illuminating display lots shall not exceed 20 footcandles.
 3. Every display lot lighting system and design shall be certified by a registered engineer as conforming to all restrictions in this section.

(c) *Service station canopies.*

1. All luminaries mounted on the under surface of service station canopies shall be fully shielded, recessed, and utilize flat glass or flat plastic (acrylic or polycarbonate) covers, with no direct illumination permitted at or above the horizontal plane.
2. Total output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 20 footcandles. All lighting mounted under the canopy, including but not limited to luminaries mounted on the lower surface of the canopy and auxiliary lighting within signage or panels over the pumps, is to be included toward the total.
3. No lighting shall be placed on the facade or roof of the canopy.

(d) *Private street lighting.*

1. Where private street lighting is installed, on private or public roads, the luminaries shall be fully shielded and not exceed 2,700 lumens per fixture.

(12) *Permits.*

- (a) Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the building inspector. All applications shall include
1. a scaled plan depicting the existing and proposed number of fixtures, specific locations, intensity (stated in wattage and lumens) and total lumens.
 2. manufacturers isofootcandle curve reference plot
 3. light distribution contour plan
 4. manufacturers fixture and pole cut sheets with luminaire elements clearly defined on them
 5. type of illumination of all light sources.

The building inspector may defer the plan to the Plan Commission, for approval. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to

fulfill the technical requirements of the building and electrical ordinance of the town but are in addition thereto.

- (b) Any permit issued by the electrical inspector under the provisions of this section shall expire and be null and void if not implemented **within six months** of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same time period as the related site plan.

(13) **Prohibitions.**

- (a) The following types of lighting shall be prohibited except as otherwise approved by planning commission:
1. Swivel mounted luminaries.
 2. Outdoor neon lighting.
 3. **Festoon lighting, "string" lighting or any light source erected in such a manner as to be subject to noticeable periodic movement as a result of wind pressure or atmospheric conditions.**
 4. Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
 5. Display of intermittent lights or flashing, blinking, moving lights except as follows:
 6. Where such lights are required by state or federal law.
 7. Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.
 8. *Laser source light*. The use of laser source light or any similar high intensity light is prohibited.
 9. *Searchlights*.
 10. Light intended to illuminate naturally occurring environmental features including but not limited to wetlands, rivers, lakes and dedicated open spaces shall be prohibited except as approved as by the Plan Commission.
- (b) *Exceptions*. The Plan Commission, may approve exceptions to the provisions of this subsection where, in their opinion, strict compliance to the regulations is impractical and the alternative would further the public interest.
- (c) *Exemptions*. The following types of lighting shall be exempt from the outdoor lighting regulations:
1. Seasonal decorations are exempt from the requirements of this chapter unless it constitutes a public nuisance (traffic, safety, etc.).
 2. Tower lighting or any other lighting which is required by federal or state regulations.

Other potential standards to include??

Maximum intensity

Average illumination

Maximum to minimum ratio

Average illumination