



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Ron Troy  
**Supervisors**  
Edward Kranick  
Steve Michels  
Joe Woelfle  
Magalie Miller  
**Clerk/Treasurer**  
Dan Green

**TOWN OF DELAFIELD PLAN COMMISSION MEETING**  
**Tuesday, October 4, 2022, 6:30 p.m.**  
**Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018**

### AGENDA

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing to be held in front of the Plan Commission and Town Board to solicit public input on a proposed ordinance to create Planned Development District No. 1 in the Town Zoning Code. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of September 6, 2022.
3. Communications (for discussion and possible action): None
4. Unfinished Business: None
5. New Business:
  - A. Consideration and possible action on a recommendation to the Town Board to adopt an ordinance to create Planned Development District No. 1 in the Town Zoning Code.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: November 1, 2022.
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.



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### TOWN OF DELAFIELD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town of Delafield Town Board and Plan Commission on Tuesday, October 4, 2022, starting at 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 create Section 17.04 5. R. Planned Development District #1 of the Town of Delafield Municipal Code.

For information regarding the public hearing, please contact Dan Green, Town Administrator at (262) 646-2398 or Tim Barbeau, Town Engineer at (262) 317-3307.

All interested parties will be heard.

TOWN OF DELAFIELD  
Ronald A. Troy, Chairman  
W302 N1254 Maple Avenue  
Delafield, WI 53018

Waukesha Freeman: Please run this notice in a column on 9/20/2022 and 9/27/2022.

**TOWN OF DELAFIELD  
PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 6, 2022, 6:30 P.M.**

**Video Link:** <https://www.youtube.com/watch?v=t0EKBohUa7I&t=950s>

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and a representative of Waukesha County Department of Parks and Land Use to solicit public input on a request from David Davis, Jr. to legalize an existing summer cottage to allow for remodeling in excess of 50% of the equalized value located at W285 N3136 Lakeside Road. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearing.

**Public Hearing:**

Jacob Heermans, Senior Land Use Specialist, explained the property contains a two-story home and a one-story cottage from the 1920s. Nonconforming uses are limited to 50% improvement based on the assessed value of the home. The owner wants to modify the cottage, and the assessment is \$15,000. The ordinance dictates they are only allowed to do structural modifications. Any expansion of the building footprint would require a Board of Appeals variance. The ordinance allows for a non-conforming conditional use, but does not have explicit conditions. By legalizing the structure, the applicant would not be subject to the 50% rule. Typically, the Town only allows for one resident per lot. The applicant has applied for a Board of Appeals variance for a vertical expansion. The deed restriction restricts the applicant from year-round use and renting the property.

David Davis Jr., an owner of the property located at W285N3136 Lakeside Road, explained the family has owned the property for 55 years. The larger house was built in 1968 or 1969. The original cottage was built in 1920. The property is owned by a trust set up by his mother. The beneficiaries are him and his sister. They are the only two children. The original plan was to have two homes to be shared by family members. The cottage is 1200 square foot with a porch structure on the front. They want to remove that wall and use it as a great room. His parents did grant a restrictive covenant when the garage was approved, restricting full time use and renting the property. This will only be a summer cottage used a few weekends a summer. He lives in Brookfield and doesn't care to spend the entire summer on the lake. If that is an issue, he would be willing to grant more restrictions. He is seeking approval for heating and cooling to provide cooling for the summer. He would also like it heated in the winter for the structure's sake. He could not see any scenario where we would tear that building down. His neighbors, the O'Malley's sent a letter in support. They have granted the sanitary district an easement to utilize the lift station on their property, compromising some of their lake views.

Bruce Davidson, W285N3188 Lakeside Road, stated he lives 3 doors from this property. He expressed no feelings one way or the other regarding this particular property. His concern is the precedent it presents to the Town moving forward regarding other people with similar circumstances. He urged the Commission to take a look at the unintended consequences. No one knows what this property will be in the future.

David Davis Jr. stated he saw the engineer's recommendation. He thinks this cottage is part of the history of the Town and the lake. He did not know why the unique circumstances would be a negative precedent for other homes. He is willing to address any concerns the Town has about overburdening this property or causing problems in the future. He explained he is very flexible and has no hidden agenda.

Public hearing was closed

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

Chairman Fitzgerald called the meeting to order at 6:46 p.m. and led all in the Pledge of Allegiance.

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

Also present: Engineer Tim Barbeau and Administrator Dan Green.

**Second order of business:** Approval of the minutes of August 2, 2022.

*Motion made by Commissioner Dickerson to approve the August 2, 2022, minutes. Seconded by Chairman Troy. Motion passed 5-0.*

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

**Fourth order of business:** Unfinished Business: None

**Fifth order of business:** New Business:

- A. David Davis, Jr., W285 N3136 Lakeside Road, Re: Consideration and possible recommendation to Waukesha County to legalize an existing summer cottage to allow for remodeling in excess of 50% of the equalized value under Waukesha County Shoreland and Floodland Zoning.

Engineer Barbeau stated Waukesha County has requested the Town's recommendation on their Conditional Use Permit. The applicant wants to turn this into a more permanent structure. This is not a situation of removing the second structure, as we typically see. The applicant wishes to make improvements to the structure. The Town Code states one dwelling unit is allowed per parcel. The state code discourages the improvement of these dilapidated cottages. He recommends denial as to not set a precedent that would perpetuate more. He stated he did not think this specific circumstance was unique, but if it moves forward, would recommend enforcing the restriction of no renters.

Chairman Fitzgerald questioned if the application was through a Waukesha County Conditional Use. Mr. Heermans explained that is, but the Town can provide conditions to be incorporated in their CUP. He also questioned if the Town approved the CUP, if it would no longer be a non-conforming structure. Mr. Barbeau explained that would be the case. Supervisor Kranick stated this may become problematic when it comes to enforcement.

Chairman Troy stated he would recuse himself from this item due to knowing the applicant personally.

Mr. Heermans explained that the Town could require a deed restriction, and any new property owner moving forward would have to be made aware of it. Mr. Davis explained there is currently a deed restriction on the property, that will carry over to a new owner.

Commissioner Dickenson asked if a deed restriction could require any new owner to remove the structure. She wanted to explore the possibility where the property is sold, the new owner would be required to remove a structure. Supervisor Kranick stated he would be in favor if the Town could tighten up the deed restriction, as it would provide a template for future use. He explained it would need to be strict and prohibit rentals. Chairman Fitzgerald explained that the Town would not simply want the conditional use to terminate on the event of a sale. They would want the home to be razed. Mr. Heermans agreed the deed restriction is an important part of the approval. Commissioner Janusiak agreed to the idea of a new deed restriction if it is legally a viable option.

*Motion by Commissioner Dickenson to recommend to Waukesha County approval of a request for a Conditional Use Permit subject to a deed restriction on the property prohibiting rentals, and upon the sale of the property, one of the two structures be removed. Seconded by Supervisor Kranick. Motion passed 4-0, with Chairman Troy abstaining.*

- B. Bill Halquist, Jr. N22 W28656 Louis Avenue, Re: Consideration and possible action on an approval of a Certified Survey Map for a lot combination at N22 W28656 Louis Avenue.

Engineer Barbeau explained this property is located on Louis Avenue. The owner has two parcels, one on the lake and the other across the street. The Certified Survey map creates two lots. There is a restriction that both lots must remain under the same ownership, and cannot be sold separately. The surveyor has addressed the engineer's comments, and he recommends approval subject to the satisfaction of any comments from Waukesha County and the City of Delafield. The CSM will tie the two lots together. The lot across the street is where the owner plans to construct a new garage.

*Motion Supervisor Kranick to approve a CSM dated August 30, 2022, subject to the surveyor addressing any review comments from the City of Delafield and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Commissioner Dickenson. Motion passed 5-0.*

- C. Robert Jeanne, W303 N2598 Maple Avenue, Consideration and possible action on an approval of a Certified Survey Map for a lot combination at W303 N2598 Maple Avenue.

Engineer Barbeau explained this is a combination CSM of two lots. There is a lot line that goes through the center of the applicant's house. They would like to clean up the property line in the middle. Their total lot size is not changing, but they dedicated land to the Town for a proper 33 feet right-of-way. He recommends approval of the CSM dated 8/31/2022, subject to the satisfaction of comments from Waukesha County and the City of Delafield.

*Motion by Supervisor Kranick to approve a CSM dated August 31, 2022, subject to the surveyor addressing any review comments from the City of Delafield and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Chairman Troy. Motion passed 5-0.*

- D. Cormac and Tanya Palmer, W334 S1010 Cushing Park Road, Re: Consideration and possible action on a request for a height increase for an accessory building.

Engineer Barbeau explained the property is off Cushing park Road. The structure will be in the southwest corner of the property. The applicant is proposing a 42'x64' accessory building. They are requesting a 26'4" total height to the ridge and 14'4" to the eave. The offset to the side requires a 30' minimum setback, and they have 90'. They meet the required open space percentages and the area for the building. Their house has a similar pitch as the proposed building, which they would like to match. The code allows for additional height of not more than 10-feet. The engineer has no objections to the height increase based on the location. He also recommends a CSM be submitted to remove a lot line that goes through the property, to meet the required setbacks. The cupola on the building is limited to the maximum height increase allowance of 10 feet.

*Motion by Supervisor Kranick to approve the height increase for an accessory building up to 10-feet, subject to a CSM combining lots as described by the Town Engineer being executed before a building permit is issued. Seconded by Commissioner Janusiak. Motion passed 5-0.*

- E. Town of Delafield Plan Commission, Re: Review of draft Lighting Ordinance.

Chairman Fitzgerald explained that after meeting with staff, they decided to explore with the Plan Commission the idea of placing residential lighting restrictions in the public nuisance ordinance. The nuisance code has a mechanism for enforcement. This would eliminate the building inspector having to regulate all residential lighting plans, and is simpler to enforce. Engineer Barbeau explained that in this section they would put in 10.03-11. The commercial lighting ordinance would still move forward with a public hearing in the Town's Zoning Code. Chapter 10 amendments would not require a public hearing. The Commission agreed to move forward with this approach.

**Sixth Order of Business** Discussion: None

**Seventh Order of Business:** Announcements and Planning Items: Next meeting: October 4, 2022.

**Eighth Order of Business:** Adjournment

*Motion by Supervisor Kranick to adjourn the September 6, 2022, Plan Commission meeting at 7:52 p.m. Seconded by Commissioner Dickenson. Motion passed 5-0.*

Respectfully submitted,

Dan Green, CMC, WCMC  
Administrator-Clerk/Treasurer

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

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

**AN ORDINANCE TO CREATE SECTION 17.04 5. R. ENTITLED “PLANNED DEVELOPMENT DISTRICT NO. 1” 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 in the Town, and

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

WHEREAS, a series of meetings and public hearings were held concerning the possible planned development district, beginning in 2019; this process included stakeholder meetings organized by Waukesha County, followed by additional meetings held by the Town Plan Commission and Town Board, with numerous revisions being made to the proposed ordinance to address issues and concerns raised by the public and other stakeholders; and

WHEREAS, more than three years after this process began, a final ordinance now has been proposed for adoption as described herein; 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 notice 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 planned development no. 1 zoning district on \_\_\_\_\_, 20 \_\_\_\_; and

WHEREAS, on \_\_\_\_\_, 20 \_\_\_\_, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that the proposed creation of a planned development district no. 1 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 adopting the such zoning code 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 17.04(5)(R) PLANNED DEVELOPMENT DISTRICT #1**

### **1. STATEMENT OF INTENT**

This district is intended to accommodate the development of a mixed-use neighborhood. The district provides opportunities for the development of a variety of residential, and open space uses in a cohesive environment. A heightened level of planning is required, including but not limited to, open space requirements, design standards and landscaping to ensure an attractive development. The district is intended to achieve the following:

- Provide for mixed residential use in an attractive, integrated environment which is complimentary to the surroundings.
- Preserve the natural environment by conserving environmental corridor areas, wetlands and tree lines designated for preservation to the extent practicable.
- Provide for landscape buffers along Glen Cove Rd., Elmhurst Rd. and Golf Rd. to ensure harmony with surrounding neighborhoods
- Provide for a trail network that links existing neighborhoods, individual development sites and the Lake Country Trail.
- Mitigate traffic impacts by splitting access between both local roads and the county trunk highway system.
- Provide a heightened level of site design and connectivity between development sites.
- Provide a broad range of potential living unit options that will accommodate residents of varying ages.

### **2. APPLICABILITY**

This district is available to be applied solely to the area depicted in Map 1, attached hereto and incorporated herein by reference, which is comprised of approximately 152 acres, and referred to herein as the Eligible District. Prior to the Planned Development District #1 designation being applied to any lands, the Eligible District must be rezoned to the Planned Development District #1 and a General Development Plan must be approved subject to the procedural requirements of Section 17.04(5)(R)(4). Any rezoning application to this district shall include all of the territory of the Eligible District as defined herein.

Nothing herein shall be interpreted to prevent territory within the Eligible District from being rezoned to other zoning district designations as may be allowed by the Town of Delafield Zoning Code. Piecemeal rezoning and development of portions of the Eligible District may prevent the land from being rezoned to this district, however, because this district requires planned development of all of the Eligible District together.

The Waukesha County Shoreland and Floodland Protection Ordinance governs any lands within 300' of a navigable stream, 1,000' from a lake or public pond or to the full extent of the floodplain if a greater distance.

### **3. DEFINITIONS**

Certain terms are defined as follows, for purposes of this Section 17.04(5)(R) Planned Development District # 1 only. If the terms defined herein differ from definitions provided elsewhere in the Town of Delafield Municipal Code, the definition stated herein shall control within this district.

Accessory Building – a detached building or structure that is incidental to the permitted uses in the zoning district and located upon the same lot occupied by the principal building or structure.

Applicant – the proposed developer and all owners of the land included within the Eligible District.



Clubhouse – a structure specifically designated for residents of a specific development, for recreational activities, social events, or other uses defined in the covenants of a development.

Condominiums (also Condos) – Homes created by the filing of a condominium plat. Structures designated to be occupied by no more than four (4) families living independently from each other.

Eligible District -- The area depicted in Map 1, attached hereto and incorporated herein by reference, which is comprised of approximately 152 acres; subject to the following possible exclusion. Approximately 8 acres of land located in the Northwest corner of the land depicted in Map 1 may be excluded from the Eligible District lands and separately improved with up to 8 single family residential lots around a cul-de-sac extension of Crooked Creek Road, effective upon satisfying all land division and rezoning requirements for such separate development.

General Development Plan (GDP) – A general overview of a development being proposed to be submitted with a rezone request. The overview shall be subject to the provisions described in Section 4(b) of this ordinance.

Minimum Average Lot Width – The average horizontal distance measured between side lot lines at the established Base Setback Line and the rear lot line. The Zoning Administrator shall determine where to measure lot width on an irregular shaped lot. A newly created Lot shall be at least as wide as the specified minimum average width for a distance of at least one-half the length of the lot.

Pre-Petition Meeting – One or more meeting(s) prior to the submittal of a rezone petition with the Applicant, Town staff and County staff, for the purpose of discussing code compliance requirements, review procedures and project approval schedule and any other matter.

Road Access Plan – A plan showing the road layout of the development showing access points to other roadways. The Road Access Plan shall be submitted with the GDP, and is subject to the provisions described in Section 4(b) of this ordinance.

Sewer Study – A study performed by a firm approved by Town staff, providing recommendations for required improvements to the sanitary system to assure adequate sanitary sewer capacity to service a development and maintain adequate capacity levels in the sanitary district for future development, as determined by the Town staff, in conjunction with the Lake Pewaukee Sanitary District.

Single-Family Low Density – Single-Family homes, with minimum lot sizes of 20,000 square feet.

Single-Family Low-Medium Density (15,000)– Single-Family homes with minimum lot sizes of 15,000 square feet.

Single-Family Medium Density (10,000) – Single-Family homes with minimum lot sizes of 10,000 square feet.

Specific Development Plan (SDP) – A detailed site plan, to be submitted following the submittal and approval of a GDP. The site plan could be in the form of a preliminary plat or preliminary condominium plat. The SDP shall be subject to the provisions described in Section 4(c) of this ordinance.

Traffic Impact Analysis – An engineering study that determines the potential impacts the expected traffic of a proposed traffic generator will have on the surrounding roadway network. The study includes a recommendation of roadway improvements that may be necessary to accommodate the additional traffic. A complete analysis includes an estimation of future traffic with and without the proposed generator, analysis of traffic impacts, and recommended roadway improvements which may be necessary to accommodate the expected traffic. The analysis shall evaluate a variety of access points in the development.

#### 4. PROCEDURE

- a. Pre-Petition Meeting: Prior to submitting a petition for rezoning to the Planned Development District #1, the Applicant shall meet with Town staff and County staff for a Pre-Petition Meeting.
- b. Rezone petition- General Development Plan (GDP). Following the Pre-Petition Meeting, the Applicant shall file a petition with the Town and County for a rezone to the Planned Development District #1. The application shall be signed by the Applicant as defined herein. The application shall include GDP materials as specified below.

As part of the rezoning petition review, the GDP shall be reviewed and approved, denied, or conditionally approved by the Town Board upon receipt of a recommendation from the Town Plan Commission. No construction of any improvement, whether public or private, or site development, shall commence, and the rezoning shall not be effective, unless and until the GDP including all of the materials specified below are approved or conditionally approved by the Town Board.

- 1) General Development Plan Drawing. The drawing shall include but not be limited to exterior boundaries, existing and proposed street rights of way, parcel dimensions and sizes, environmental corridor, wetlands, floodplain, contours, natural features, proposed open spaces, and proposed parks.
- 2) Open space and natural resource protection plan.
- 3) Traffic Impact Analysis. The Town of Delafield and/or Waukesha County may require improvements recommended in the Traffic Impact Analysis be implemented for the development.
- 4) Road Access Plan. The plan shall show access points to Golf Road, Elmhurst Road and Glen Cove Road. Access points shall be sited in a manner to ensure safety with consideration of site distance and intersection spacing. The road network shall provide expedient access to higher intensity uses from Golf Road to the greatest degree practicable in order to minimize traffic impacts to Elmhurst Road and Glen Cove Road. Zone 3 shall require either 1 access to Golf Road and Glen Cove, or 2 accesses to Golf Road.
- 5) Sanitary Sewer Plan. The existing sewer system was designed for a density of 7 people per acre based on the entire 152-acre development; adequate sewer capacity must be demonstrated. All development shall be served by public sewer. The Applicant shall work with Lake Pewaukee Sanitary District and pay all costs associated with a Sewer Study and any necessary Project necessitated upgrades to the sewer conveyance system and lift stations, and to obtain written documentation from Lake Pewaukee Sanitary District confirming the higher density development can be successfully served by municipal sewer.
- 6) Water Study. All State laws and administrative rules related to private wells and groundwater supply shall be complied with by the Applicant. The Applicant shall demonstrate that the Southeastern Wisconsin Regional Planning Commission, State Department of Natural Resources and the Lake Pewaukee Sanitary District have been consulted with regards to anticipated water table impacts of any planned private water supply. The water study must demonstrate to the satisfaction of the Town Planning Commission and Town Engineer, that a private water supply will adequately serve the Project depicted in the GDP, and not adversely impact private wells in the area or other natural resources. Alternative water sources shall be considered by the Town Plan Commission and Town Board and the County Zoning Administrator if requested by the Applicant. The Town of Delafield and Waukesha County

may require improvements recommended in the water study to be implemented by the Applicant as a result of the Project depicted in the GDP.

- 7) Preliminary Stormwater Plan. The Applicant must demonstrate that the plan has been reviewed and commented on by the Waukesha County Land Resources Division for any phases of the project that will be brought forward in conjunction with the rezone request. The plan shall show which development phases are expected to be served by on-site stormwater facilities along with those anticipated to be served by shared stormwater facilities.
- 8) Bike and Pedestrian Plan. The plan must include a west connection in the vicinity of Brookstone Circle and a northeast connection to the Lake Country Trail. Trail segments shall be constructed in conjunction with the development of the respective development phase and shall connect to existing or future adjacent phases. Individual phases of the project shall provide connections to the main planned trail artery that will generally connect the neighborhoods to the west and the Lake Country Trail to the northeast.
- 9) Active Recreation Plan. An active recreation area that is a minimum of 0.5 acres in area, such as a small neighborhood pocket park, would be desirable and may be required based upon the nature and intensity of the proposed uses. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator shall consider the Applicant's plan and determine the location, size, components, ownership and maintenance of the active recreation area. The recreation area may be located within a designated natural resource protection area, provided that a tree inventory is provided to demonstrate that the disturbance will not unduly harm mature trees.

c. Specific Development Plan

If rezoning and a General Development Plan have been approved, an application for Specific Development Plan approval for any portion of the project shall accompany a site plan application. The Town Board, upon receipt of a recommendation of the Town Plan Commission and County Zoning Administrator, shall approve, deny, or conditionally approve the following detailed plans as part of the Specific Development Plan review process. A General Development Plan shall not have an expiration date unless specified by the Town Board. However, substantial changes to a General Development Plan shall require approval of a revised General Development Plan prior to approval of Specific Development Plans.

- 1) Detailed site plan
- 2) Architectural plans for Condos and the Clubhouse
- 3) Landscape plans
- 4) Grading plans
- 5) Preliminary Stormwater Plan for any phases that were not reviewed as part of the General Development Plan.
- 6) Final Stormwater Plan
- 7) Natural resource protection and open space plan.
- 8) Parking plans
- 9) Signage plans
- 10) Traffic plans. If proposed uses or densities differ from those that were assumed in the Traffic Impact Analysis as part of the General Development Plan, a revised Traffic Impact Analysis shall be prepared and reviewed and approved by the town and county.
- 11) Bike and pedestrian plan in accordance with Section 4(b)(8).
- 12) Lighting plan.

**5. USE REGULATIONS**

Four (4) use zones have been established within the district, as depicted in Map 1 The uses provided for in each use zone are identified in the table below.

	<b>Allowable Uses</b>			
	Single-Family Low Density	Residential Single-Family Low-Medium Density (15,000)	Single-Family Medium Density (10,000)	Condos
<b>Zone 1</b>	Permitted	-	-	-
<b>Zone 2</b>	Permitted	Permitted	-	-
<b>Zone 3</b>	Permitted	Permitted	Permitted	Permitted
<b>Zone 4</b>	Permitted	Permitted	Permitted	Permitted

**6. DENSITY**

- a. **Single-Family and Condominium residential densities:** The table below identifies maximum residential use densities. Maximum project density shall be capped at 250 units; unless the single family lots around a cul-de-sac extension of Crooked Creek Road have been separately developed as described in Section 17.04(5)(R)2, in which case the maximum project density shall be capped at 242 units.

**Maximum Dwelling Unit Per Acre/ Minimum Lot Size**

<b>Zone</b>	<b>Single-Family min lot size (sq. ft.)</b>	<b>Condos (units/acre)</b>	
Zone 1	20,000	N/A	
Zone 2	15,000	N/A	
Zone 3	10,000	4	
Zone 4	10,000	4	

**7. BUILDING LOCATION**

- a. Offsets and Road Setback for external roadways: Minimum road setback requirements for structures are specified in the tables below. The base setback line shall be measured thirty-three (33) feet from the centerline of a local road or 75’ from the center point of a cul-de-sac. Setbacks are measured from the base setback line. For all streets or highways for which the ultimate width has been established by the Highway Width Ordinance of Waukesha County, the base setback line shall be located at a distance from the centerline equal to one-half such established width as designated on the “Established Street and Highway Width Map of Waukesha County.”

- 1. Road Setbacks for Golf Road (CTH DR), Glen Cove Rd. and Elmhurst Rd.

**Required Offsets and Setbacks from external roadways**

<b>Road Frontage</b>	<b>Minimum Road Setback</b>
Golf Road (CTH DR)	100’
Glen Cove Rd.	100’
Elmhurst Rd.	50’

- b. Offsets and Road Setbacks for internal roadways. The table below contains setback requirements for internal public roads and side and rear offsets. Setbacks from private roads shall be determined by the Town Board upon the recommendation of the Town Plan Commission and the County Zoning Administrator as part of the Specific Development Plan review:

**Required Setbacks from public internal development roadways and Offsets  
(excludes CTH DR, Elmhurst Rd, Glen Cove Rd.)**

Use Type	Minimum Road Setback	Side Offset	Rear Offset
Single-Family Low Density	35'	15'	20'
Single-Family Low-Medium Density (15,000)	25'	12.5'	20'
Single-Family Medium Density (10,000)	25'	10'	20'
Single Family Condos	25'	15' (building to building)	N/A
Duplex or 4 Family	25'	20' (building to building)	N/A
Clubhouse		40' (building to building)	

1. Wetland and Floodplain Setback/Offset:  
Wetlands and Floodplain setbacks/offsets within the Planned Development District are subject to the standards below rather than the wetland and floodplain setbacks established elsewhere in Section 17.
- A. Wetlands Setback/Offset: Seventy-five (75) feet minimum.
- B. Floodplain Setback/Offset: Thirty-five (35) feet minimum from the 1% regional flood elevation.

**8. HEIGHT/BULK REGULATIONS**

- a. Building Height. All building heights are subject to the Town's Zoning Code height requirements outlined in Section 17.03 6.

Base Height Regulations

Building Type	Maximum Base Height
Single-family Low Density	30'
Single-Family Low-Medium Density (15,000)	30'
Single-Family Medium Density (10,000)	30'
Condos	30'
Accessory Buildings	12'
Clubhouse	30'

- b. Accessory Building Height: Accessory Building heights are subject to the Town’s Zoning Code height requirements outlined in Section 17.03 6.

**9. AREA REGULATIONS**

- a. Floor Area and Building Footprint:  
Minimum Floor Area shall be measured at each level from the outside edge of wall to outside edge of wall. Basements, exterior balconies, unenclosed porches, and garages shall not be included in the minimum Floor Area calculation.

1. Minimum Floor Area required for Single-family Dwellings:

- i. One-story structure, 1,200 square feet.
- ii. All other structures: Area must comply with requirements of Section 17.03 5 (A).

2. Maximum Building Footprint permitted:

Building footprint is defined as the surface area of all roofed structures per use type, except for the area of a roof overhang that measures twenty-four inches (24”) or less in depth.

Use Type	Maximum Footprint
Single-Family Low Density	17.5% per lot
Single-Family Low-Medium Density (15,000)	25% per lot
Single-Family Medium Density (10,000)	30%
Condos	25%

- b. Lot size. Minimum lot area and Minimum Average Lot Width shall comply with the requirements below. Minimum Average Lot Width is the average horizontal distance measured between side lot lines at the established base setback line and the rear lot line or ordinary high-water mark of a navigable waterway. The Town Engineer shall determine where to measure lot width of an irregular shaped lot.

Minimum Average Lot Width

Single-Family Low Density	100 feet
Single-Family Low-Medium Density (15,000)	90 feet
Single-family Medium Density (10,000)	75 feet
Condos	N/A

**10. OPEN SPACE FOR DEVELOPMENT SITE**

- a. The table below depicts the percentage of a total development site that must be conserved in open space. Lowland open space acreage, which includes wetlands and floodplains, shall be multiplied by 0.2 to determine the open space credit for lowland areas. The specified open space requirements

are unique for single family development as compared to other use types. Open space for single family residential development areas must be provided in commonly held outlots.

Use Type	Percent of Development Site
Single-Family Low Density	30%
Single-Family Low-Medium Density (15,000)	30%
Single-Family Medium Density (10,000)	35%
Condos	60%

b. Natural Resource Preservation

All areas of Environmental Corridor (EC), wetlands, non-invasive species, tree lines and other wooded areas that are designated for preservation on Map 2, attached hereto and incorporated herein by reference, shall be preserved as described on said map. Map 2 shows approximated boundaries of these resources. Field determined and surveyed boundaries of the EC shall constitute the regulated boundaries if determined in the field to be larger than the generalized boundaries depicted on Map 2. Field determined and surveyed boundaries of wetlands shall constitute the regulated wetland boundaries. EC and wetlands shall be conserved within outlots to the maximum extent practicable when located on properties developed for single family use. Any EC or wetland area to be located on a private single-family residential lot shall be conserved via preservation restrictions that must be recorded in the Waukesha County Register of Deeds Office.

Limited disturbance of EC and wetlands to accommodate road crossings and recreational paths or features shall be permitted pursuant to approval by the Town Plan Commission and County Zoning Administrator. Removal of invasive species such as Buckthorn and Honeysuckle is permitted, however, large-scale removal of invasive species shall only be permitted provided that a restoration plan is submitted to and reviewed and approved by the Town Plan Commission and County Zoning Administrator. If invasive or undesirable species dominate a tree line, replacement plantings may be required if cutting or removal is proposed. Incremental removal of said vegetation may be required to preserve the overall integrity of the tree line. The Town Plan Commission and County Zoning Administrator may authorize the removal of Box Elder or other undesirable trees from tree lines, but native deciduous trees shall be required to be planted at a minimum size of 2” diameter at breast height with number and location of replacement trees to be determined by site conditions, overall landscape plan submitted and subject to review of the Town Plan Commission and County Zoning Administrator.

c. Landscape Buffers

Landscape buffers shall be provided along the existing external roadways (Glen Cove Rd., Elmhurst Rd., Golf Rd.) as specified on Map 2. A landscape plan shall be prepared for the respective segment of the landscape buffers as phases are developed. Landscaping shall include a mix of trees, shrubs and ground cover vegetation. Those segments along Glen Cove Rd. and Elmhurst Rd. that are in view of adjacent residences shall contain tree planting that will provide an effective visual screen. Berms may also be used to assist in providing visual separation. The landscape plans shall be reviewed and approved by the Town Plan Commission and County Zoning Administrator. Landscape buffers shall be contained within commonly held outlots where the subject lands are proposed for single-family subdivision use. Plantings and berms shall not obstruct vision at intersections. Lands that must be dedicated to achieving compliance with the Street and

Highway Width Map for Waukesha County shall not be counted in contributing to the required buffer width.

**11. SIGNAGE REGULATIONS**

Signage regulations shall be in accordance with Section 17.08 (Signs) with the following exceptions. Free standing signage is limited to monument style only, with the exception of small wayfinding signage. Signage within individual project phases shall be complimentary to signage in other phases.

**12. PARKING REGULATIONS**

The parking regulations of Section 17.09 shall be adhered to with the following additional requirements. Parking demand projections shall be supplied by the Applicant to aid in analyzing the appropriateness of flexing the requirements of Section 17.09.

Screening. All Clubhouse parking areas must be screened from abutting zones with vegetation that is a minimum of three feet in height at time of planting and landscaping shall be provided between parking areas and roadways with a landscape plan being subject to review of the Town Plan Commission and the County Zoning Administrator. If the landscaping areas are within established vision corner easements, the height of vegetation may be reduced to comply with easement requirements.

Landscape Islands. Any parking lot that contains twenty (20) or more stalls shall provide interior site landscaping. The end of every parking aisle shall typically have a landscaped island and no more than fifteen (15) parking spaces shall be provided between landscape islands unless this requirement is waived because of unique conditions. Landscape islands shall generally be a minimum of 325 square feet in area for double parking rows or 160 square feet in area for single parking rows.

**13. OPEN SPACE FOR EACH LOT**

The amount of open space, as defined by 17.02 of the Town Code, on a lot shall be limited as specified within the table below. The following surface types shall count as impervious surface: buildings, porches, roads, driveways, patios, decks, retaining walls, gravel drives, gravel parking areas, swimming pools and any other hard surface.

Use Type	Open Space Minimum (as % of lot area)
Single-Family- Low Density	70%
Single-Family Low Density (15,000)	60%*
Single-Family Medium Density (10,000)	60%
Condos	60%

\*Per State shoreland zoning law, the amount of impervious surface is limited to 30% on any riparian lot and any lot that is completely within 300' of the ordinary high-water mark of a navigable stream.

**14. DUMPSTER ENCLOSURES:** All dumpsters shall be enclosed with solid fencing or walls and shall be screened with landscaping. Materials used for the dumpster enclosure shall be similar and compatible with the main building architectural materials.

**15. ROAD LAYOUT:** Internal streets must be designed in a manner to discourage cut-through traffic from adjacent neighborhoods to ensure that access points to Golf Rd. are not unduly burdened with congestion. Traffic calming measures (landscape bump outs, visually conspicuous crosswalks, narrow streets, etc.) may be required in order to provide for safe and efficient traffic circulation. A minimum of two access points to Golf Road must be provided. Access location points are subject to considerations



of a traffic impact study and subject to the approval of the Town and Waukesha County. The roadway serving Zone 1 shall be an extension of Crooked Creek Rd. terminating in a cul-de-sac within that zone.

16. **CUL-DE-SAC LENGTH.** The planned extension of Crooked Creek Rd. will terminate in an extended cul-de-sac. Crooked Creek Rd. is authorized to exceed 1000'. Any other cu-de-sac that will terminate more than 1000' feet from its nearest outlet shall be reviewed and approved, denied, or conditionally approved by the Town Board, upon recommendation of the Town Plan Commission, with input from the Town Highway Superintendent and Lake Country Fire and Rescue department to ensure that adequate emergency access is available.
17. **DEVELOPMENT AGREEMENT.** The Applicant shall enter into a development agreement that specifies the duties and obligations of both parties with respect to development in the district. The Town may require the Applicant to provide a financial guarantee for completion of public improvements and private improvements the Town believes are necessary for completion of the project.

SECTION 2: The above zoning code amendment is conditioned upon the following conditions, which must be met or this ordinance is null and void:

1. **Subject to Acceptance.** Subject to all of the owners of all of the Eligible District acknowledging in writing that they have received a copy of this ordinance, that they understand and accept the creation of this district as described, and further accept for themselves and their successors and assigns the impact this ordinance may have on their property.
2. **90 Days to Satisfy Condition.** Subject to the Applicant satisfying the aforementioned acceptance condition within 90 days of the Town Board adopting this ordinance, unless extended by the Town Board.
3. **Waukesha County Approval.** Subject to this ordinance being approved by the Waukesha County Board, as required by Section 60.62(3)(b), Wisconsin Statutes.

SECTION 3. The Town Administrator is hereby authorized and directed to note this Planned Development District Number 1 in the Official Zoning Code of the Town of Delafield upon satisfaction of the conditions described in Section 2.

#### SECTION 4. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### SECTION 5. EFFECTIVE DATE.

The procedures of Section 1 paragraph 4 of this ordinance and all standards of this ordinance applicable to a rezoning application shall be effective from and after passage and publication, however no rezoning to Planned Development District #1 shall be effective until this ordinance is fully effective as follows. This ordinance shall be in full force and effect from and after its passage and publication following satisfaction of the conditions stated in Section 2, and this ordinance is null and void if said conditions are not complied with on the terms and conditions stated herein.

Dated this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_.

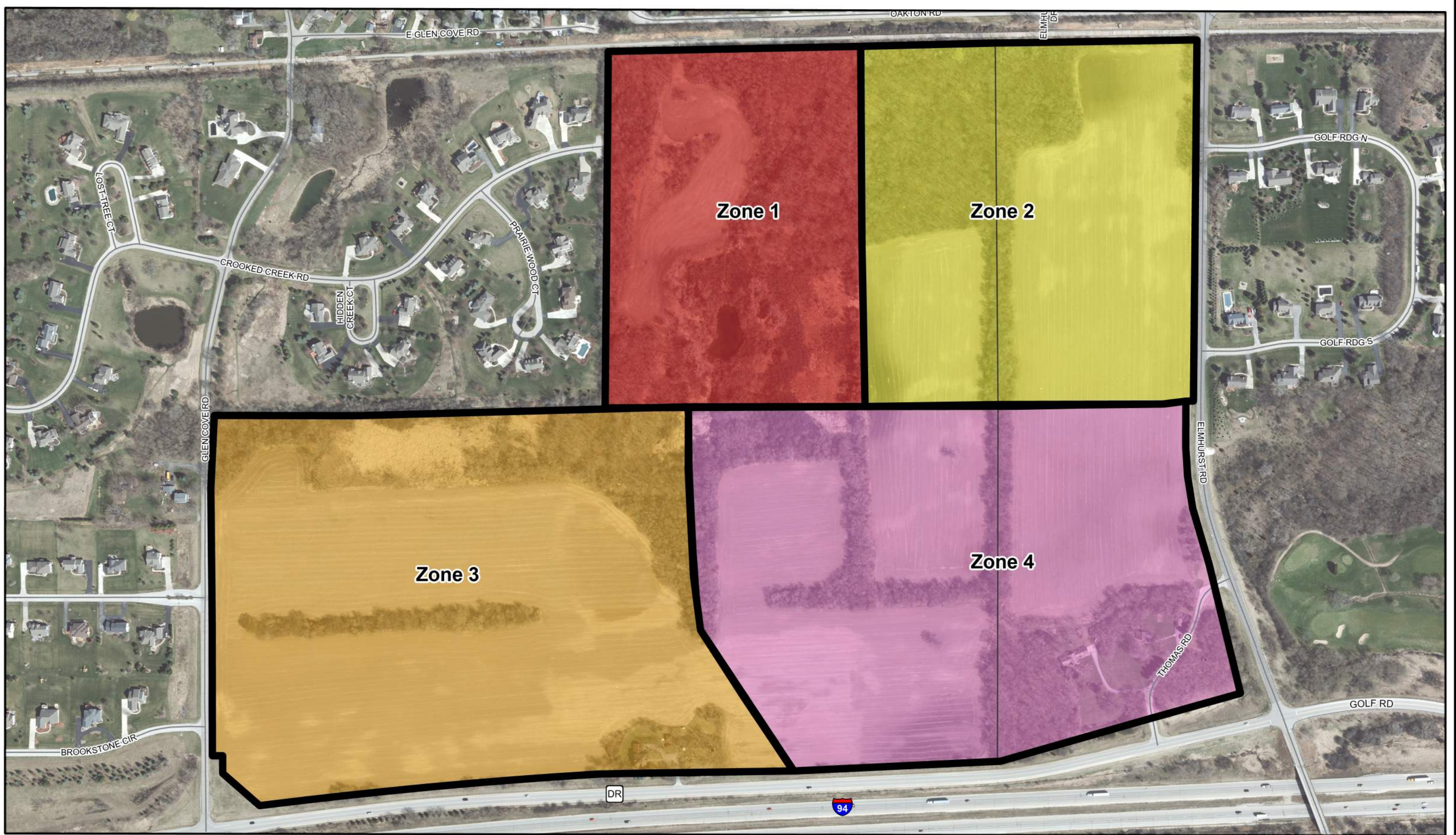
TOWN OF DELAFIELD

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

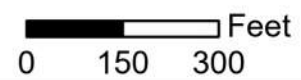
ATTEST:

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

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



**Map 1: Planned Development District No. 1 Use Zones**





**Map 2: Planned Development District No. 1 Open Space Requirements**

- Wetlands (DNR 2010)
- Primary Environmental Corridor (PEC) (SEWRPC 2015)

- Treelines and other wooded areas to be preserved(OS)
- Landscape Buffer (LB)

**\*** NOTE: Minimal disturbance for road connections allowed in Open Space-number & location of road connections subject to detailed plan review and road access considerations

