

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, February 7, 2023, 6:30 p.m.

Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and Town Board. The hearing is to solicit input on an ordinance to repeal and recreate Section 17.08 7. B. of the Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review. The regularly scheduled Plan Commission meeting will begin immediately following the conclusion of the public hearings.

AGENDA

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of January 3, 2023.
3. Communications (for discussion and possible action):
 - A. Proposed Vacation Rental Ordinance modifications
4. Unfinished Business: None
5. New Business:
 - A. Tim and Anna Trotier, N20 W29592 Glencove Road, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at N20 W29592 Glencove Road.
 - B. Town of Delafield, Re: Consideration and possible action on the adoption of an ordinance to repeal and recreate Section 17.08 7. B. of the Town of Delafield Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review.
 - C. Town of Delafield, Re: Consideration and possible recommendation to the Town Board to adopt Ordinance 2023-05 which would create Chapter 11 of the Town Code related to outdoor lighting.
6. Discussion: None
7. Announcements and Planning Items: Next meeting: **March 21, 2023.**
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, JANUARY 3, 2023, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=603EKTxFQU>

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: Supervisor Kranick, Commissioner Dickenson, Commissioner Janusiak, Commissioner Mihalovich, and Plan Commission Chairman Fitzgerald.

Excused: Chairman Troy

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Second order of business: Approval of the minutes of December 6, 2022.

Commissioner Janusiak made a correction to the spelling of "Dorow" in the minutes only having one "r".

Motion made by Supervisor Kranick to approve the December 6, 2022, minutes with the correction noted by Commissioner Janusiak. Seconded by Commissioner Dickenson. Motion passed 5-0.

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

Fourth order of business:

- A. Mike and Donna Southard, N7 W30323 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to define the boundaries of vacant lands owned by Donna and Mike Southard, located north and west of the intersection of Maple Avenue and Bryn Drive. (Tabled 12/6/2022)

Motion by Supervisor Kranick to remove "Mike and Donna Southard, N7 W30323 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to define the boundaries of vacant lands owned by Donna and Mike Southard, located north and west of the intersection of Maple Avenue and Bryn Drive" from the table. Second by Commissioner Dickenson. Motion passed 5-0.

Motion by Supervisor Kranick to remove "Mike and Donna Southard, N7 W30323 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to define the boundaries of vacant lands owned by Donna and Mike Southard, located north and west of the intersection of Maple Avenue and Bryn Drive" from the agenda until the property owner comes back with an update. Seconded by Commissioner Janusiak. Motion passed 5-0.

- B. Luke Esslinger, applicant, Todd Turall, owner, Re: Consideration and possible action on a request to allow a residential structure to be constructed within the Isolated Natural Resource Area of Lot 3, The Retreat subdivision. (Tabled 12/6/2022)

Motion by Supervisor Kranick to remove "Luke Esslinger, applicant, Todd Turall, owner, Re: Consideration and possible action on a request to allow a residential structure to be constructed within the Isolated Natural Resource Area of Lot 3, The Retreat subdivision" from the table. Seconded by Commissioner Dickenson. Motion passed 5-0.

Motion by Supervisor Kranick to remove "Luke Esslinger, applicant, Todd Turall, owner, Re: Consideration and possible action on a request to allow a residential structure to be constructed within the Isolated

Natural Resource Area of Lot 3, The Retreat subdivision" from the agenda. Seconded by Commissioner Dickenson. Motion passed 5-0.

Fifth order of business: New Business:

- A. Stuart Kotovic and Melisa Krueger, N26 W30285 Maple Avenue, Re: Consideration and possible action on the approval of a Certified Survey Map to combine two lots into one lot at N26 W30285 Maple Avenue to prepare the land for future home construction.

Engineer Barbeau explained this is a relatively simple CSM. There are portions of a couple of lots, and they are removing the lines to build a new structure. There are a number of technical comments he and the County have made. There is one item of significance. Regarding the dedication of the right-of-way. The dedication is currently 33 feet from the center line. The way the right of way is angled, it goes to the north significantly. The right-of-way is currently more than 66 feet, but it is not 33 feet from the center of the road. Engineer Barbeau asks the Plan Commission to condition a 33 feet right-of-way dedication from the center of the road to give the highway department enough room without having to do acquisition.

Mark Augustine, Landmark Engineering, explained that right now the lot is two partial lots from an old subdivision. They intend to build a new home on this lot. Because it is in County jurisdiction, they have to remove the lot line through the center. This lot is a long, narrow lot. The acreage is 18,460 square feet, considerably less than a half-acre. Mr. Augustine explained he did the CSM for the lot to the west, and there was not a discussion about that lot having to dedicate additional right-of-way. The County has bought land to make the right-of-way 66 feet. If the Town is looking for any more than 66 feet, it would require an eminent domain process. The County's comment was if it is not already 33 feet, it should be dedicated to make it 33 feet.

Engineer Barbeau explained that he understands the applicant's argument. Mr. Augustine commented that any reduction in the size of the lot will affect what can be built on the property, especially with stormwater compliance with Waukesha County.

Motion by Supervisor Kranick to recommend approval a Certified Survey Map to combine two lots into one lot at N26W30285 Maple Avenue, subject to the satisfaction of all comments from the Town of Delafield, Waukesha County, and extraterritorial review from the City of Delafield, and to exclude the requirement of additional 33' right-of-way from the center of the road. Seconded by Commissioner Dickenson. Motion passes 5-0.

Sixth Order of Business Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: February 7, 2023.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the January 3, 2023, Plan Commission meeting at 6:52 p.m. Seconded by Commissioner Janusiak. Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Plan Commission Report for February 7, 2023

Vacation Rental Ordinance Agenda Item No. 3. A.

Report

In 2017, the State legislature approved adoption of certain vacation rental provisions that changed municipality's authority to regulate vacation rental property. The Town created a vacation rental code many years ago, which is currently codified in Chapter 9.14 of the Town Code. Based on the changes by the State in 2017, Town Attorney Larson proposed modification to our code in order to come into conformance with state law. The ordinance was discussed and recommended for approval to the Town Board on February 6, 2018. However, the matter was never placed on the Town Board agenda for adoption. Staff recently discovered the omission and is taking action to amend the code at this time. Attorney Larson's letter dated November 1, 2017 provides a good background on the change in the law.

Although the Plan Commission was involved in writing the original vacation rental code (I believe that it was adopted into Chapter 17, Zoning) and involved in reviewing the 2018 revision, the Board approved to insert it into Chapter 9, Public Peace and Good Order. Therefore, the ordinance does not require Plan Commission recommendation and is provided to you as a communication. Amendments to ordinances in Chapter 9 do not require a public hearing or Waukesha County approval.

Highlights of the ordinance include:

- It only applies for rentals of more than 6 days (Town cannot regulate rentals less than of 6 days of less).
- The Town is limiting the period that the dwelling can be rented to 180 consecutive days.
- As it is stated in the current ordinance, a license approved by the Town Board is required. The license does include a number of conditions which have to be followed by the applicant, such as: must keep a register of guests; must have one parking spot for each bedroom; no sleeping in accessory buildings; lot boundaries must be marked; no more than 20 people can be on site.

Staff Recommendation:

Since the Plan Commission originally developed the Vacation Rental Ordinance, we have provided the Plan Commission with the ordinance for your information. No recommendation is required.

Tim Barbeau, Town Engineer
January 23, 2023

LAW OFFICES OF
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DALE W. ARENZ, RETIRED
DONALD S. MOLTER, JR., RETIRED
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
PAUL E. ALEXY
R. VALJON ANDERSON
REMZY D. BITAR
MATTEO REGINATO
LUKE A. MARTELL
SAMANTHA R. SCHMID
STEPHEN J. CENTINARIO, JR.
TIMOTHY A. SUHA

November 1, 2017

Town Board
Town of Delafield
W302 N1254
Delafield, WI 53018

Re: Vacation Rental

Dear Ladies and Gentlemen:

Within the State budget bill that took effect on September 23, 2017, the State of Wisconsin included certain preemptions on municipal authority concerning vacation rental of property. This is an issue that many municipalities throughout the State of Wisconsin have attempted to regulate over the years due to the impact that short-term rental of residential property can have on surrounding properties and neighborhoods. Some view short-term rentals as a commercial use, rather than a residential use due to these different impacts and profit-oriented intent. I am writing to make you aware of the new statutory framework that applies to this issue, as follows.

1. **§66.1014, Wisconsin Statutes created.** The new laws are contained in Wisconsin Statutes §66.1014, with accompanying tax provisions in §66.0615. A copy of the §66.1014, Limits on residential dwelling rental prohibitions, is attached hereto as Exhibit A for your reference. This new law does the following:
 - a. **Can only regulate short-term rentals of 6 or fewer days duration.** Municipalities cannot enact or enforce ordinances that prohibit the rental of residential dwelling for seven consecutive days or longer. If you have an ordinance in effect that requires leases to be anything more than 6 days in duration, those ordinances cannot be enforced at this time. Municipalities can enact and enforce ordinances that prohibit the rental of a residential dwelling for 6 days or less.
 - b. **Can establish a consecutive day limitation in some circumstances.** Wisconsin Statutes §66.1014(2)(d) includes an ability to limit the number of consecutive days during which short-

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Town Board
November 1, 2017
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term rentals can be allowed. This complicated provision has these requirements:

- (1) If a residential dwelling is rented for periods of more than 6 days but fewer than 29 days consecutive days, then
 - (a) A political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days.
 - (b) The political subdivision may not specify the particular 180-day (or more) period of time during which the residential dwelling may be rented, but
 - (c) The political subdivision may require that the maximum number of allowable rental days (no fewer than 180 days) within a 365-day period must run consecutively.
 - (d) A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.

So, for example, if someone rents their home for 1 week (7 days) beginning on April 1st, that person must notify the clerk that they have done so, if you impose this requirement in your ordinance. Your ordinance then can require all rental to be done within 180 days of April 1st (in this example, through September 29th). To impose this requirement, the municipality should adopt an ordinance to establish the number of consecutive days of short-term rentals that can be allowed (no fewer than 180 days), and to require this notice of the first rental. Inherent in this provision is that if each of the rentals are for 29 days or more the municipality cannot regulate the rentals.

- c. **Tourist rooming house license required.** If a person rents a residential dwelling for fewer than 29 consecutive days it is deemed to be a short-term rental, and if they conduct a short-term rental for more than 10 nights each year they are required to obtain a tourist rooming house license from the Department of Agriculture, Trade and Consumer Protection.

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- d. **Local license can also be required.** Municipalities can enact an ordinance to require property owners to obtain a local license in situations where a tourist rooming house license is required.
- 2. **§66.0615 amendments concerning room taxes.** Municipalities have the authority to enact an ordinance to impose a room tax that would apply to short-term rentals. If the municipality currently has a room tax, it automatically would apply to short-term rentals just as it applies to hotels and motels. Municipalities that currently do not have a room tax could adopt this authority. The room tax must be equal to or less than 8%, in most cases. Lodging market places (such as VRBO, Airbnb and the like) are required to collect room taxes imposed by the municipality. The new sections of §66.0615, Wis. Stats. that address this issue are attached hereto for your reference as Exhibit B.
- 3. **Recommendations.**
 - a. **Update Ordinance.** If you currently regulate short-term rental of residential property, your ordinance will need to be updated to comply with the new laws. Your existing ordinance cannot currently be enforced in all likelihood, until it is updated.
 - b. **New Regulation.** If you have not regulated this issue previously but now are interested in doing so, you will need to adopt an ordinance pursuant to the requirements of the new laws.
 - c. **Room Tax.** If you currently impose a room tax on hotels and motels, the same room tax statutory authority automatically applies to short-term rentals, but you may need to update your ordinances to be consistent with State law on this point. If you have not imposed a room tax in the past, you may want to consider doing so to address this new revenue opportunity concerning short-term rentals.
 - d. **Do Nothing.** If you currently do not regulate this issue and you have no interest in regulating this issue, then of course you need take no action in the matter.

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If you should have any questions or concerns regarding this matter, please do not hesitate to contact me. I would be happy to assist in drafting the necessary documents to accomplish your intent on request.

Yours very truly,

ARENZ, MOLTER, MACY,
RIFFLE & LARSON, S.C.

Eric J. Larson

Eric J. Larson

EJL/egm
Enclosure

cc: Mary Elser, Town Clerk

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ORDINANCE NO. 2023-05

AN ORDINANCE TO REPEAL AND RE-CREATE SECTION
9.14(5) OF THE TOWN OF DELAFIELD MUNICIPAL CODE,
CONCERNING THE REGULATION OF VACATION RENTAL

WHEREAS, Town of Delafield regulates vacation rental establishments by Section 9.14(5) of the Town of Delafield Municipal Code; and

WHEREAS, on September 23, 2017, the State of Wisconsin included certain preemptions on municipal authority concerning the regulation of vacation rental property, within the State Budget Bill; and

WHEREAS, the Town of Delafield hereby intends to amend its regulation of vacation rentals in order to comply with the new State laws.

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

SECTION 1: Chapter 9 of the Town of Delafield Municipal Code entitled "Public Peace and Good Order," Section 9.14 entitled "Minimum Property Standards," Subsection (5) entitled, "Regulation of Vacation Rental," is hereby repealed and re-created as follows:

9.14(5) REGULATION OF VACATION RENTAL.

(a.) Definition: Vacation Rental Establishment. Any property that is regulated by Wisconsin Statutes ~~Chapter 254, subchapter VII Sections 66.1014(2)(d)2. and 97.01(15k),~~ as a tourist rooming house~~;~~ ~~and in addition, any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the "Agreement"), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property during separate periods of time; (ii) such rights of occupancy have an actual duration of less than one month; (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner; and (iv) the separate rights to occupy the property occur two or more times per calendar year. Nothing herein shall be interpreted to include rental of property which does not qualify as a vacation rental pursuant to this definition.~~

(b.) Purpose. The following vacation rental establishment licensing regulations are created, to ensure that applicable State laws are followed, to protect persons engaged in this practice either as landlord or tenant; to protect against adverse impacts of noise, odor, disturbance, adverse visual impacts, or other nuisances, that this practice could have upon neighboring properties; to preserve property values for the commercial benefit of the Town; and also to control the impacts of such operations on municipal services, including snow plowing, garbage collection, sanitation, law enforcement and fire protection.

(c.) Minimum Standards.

1. License Required. No vacation rental establishment may operate in the Town unless a Vacation Rental Establishment License for such operation is granted by the Town, and only in full compliance with such License.
2. Procedure. The General Provisions as to Licenses, described in Section 12.02 of this Code, apply to Vacation Rental Establishment licenses.
3. Conditions Under Which Permitted. A license shall not be granted for a vacation rental establishment unless all of the following conditions are met:
 - a. The Petitioner must provide to the Town Clerk a copy of the State Tourist Rooming House [permit license](#) for the Subject Property, prior to the Town's license being effective; and evidence of each renewal of such State permit shall be filed by the Petitioner with the Town Clerk, such that evidence of a current State permit is always on file for the duration of the Town's vacation rental establishment license.
 - b. Transfer of a license because of transfer or sale of property is not permissible. Should such property be sold, then the license shall become void.
 - c. All vacation rental establishments shall be subject to and comply with Wisconsin Statutes Chapter [254, subchapter VII](#) [97](#) including maintaining a tourist rooming house annual [permit license](#) as required by Wisconsin Statutes Section [254.69\(2\)97.605\(1\)\(a\)](#), which sections are incorporated herein by reference.
 - d. All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code [HS 195](#) [Section ATCP 72](#) which is hereby incorporated by reference.
 - e. Each vacation rental establishment shall be required to keep a register and require all guests to sign such register using their actual names and address before being assigned quarters. The register shall be available for inspection by the Waukesha County Sheriff's Department, and Town Code Enforcement Officer for a period of not less than one year.
 - f. A minimum of one off-street parking stall shall be provided for every guest bedroom with a minimum of three. All parking areas shall meet the size and location requirements of the Town Code and shall be hard-surfaced and maintained in a reasonably dustless condition.
 - g. Every vacation rental establishment shall be properly addressed with numbers on the street side of the structure, a minimum of 5" high and of contrasting color so as to be visible from the street.
 - h. The Town Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing bed and

breakfast establishment or vacation rental establishment when reviewing a request for a vacation rental establishment license.

- i. Whenever the property changes ownership, an occupancy permit and a new license is required to ensure compliance with all State and local regulations and ordinances.
- j. Every license for a vacation rental establishment shall be placed on a February Town Board meeting agenda for consideration and possible action upon annual review, to ensure compliance with all licensing requirements. Such property may be inspected by the Waukesha County Sheriff's Department, Town Fire Department, Town Code Enforcement Officer, or other authorized personnel of the Town to investigate and determine if any violations exist.
- k. All refuse containers shall be screened from view.
- l. If the Town finds that any statement made on the license application is incorrect, at any time, the Town may immediately and summarily revoke the ~~conditional use permit~~license.
- m. Sleeping quarters related to a vacation rental establishment use shall only be located within the principal structure on the lot. Accessory buildings cannot be used for sleeping quarters.
- n. Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Town Board. Such clear delineation must be maintained for the duration of the license, to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.
- o. Unless the property is connected to a municipal sewer system, the Petitioner/Owner must provide to the Town Code Enforcement Officer, proof that is satisfactory to the Town Code Enforcement Officer that the septic system is properly sized for purposes of the proposed use. Such septic system must be properly maintained at all times for the duration of the conditional use permit.
- p. The vacation rental establishment occupancy limits shall not exceed the number of occupants ~~allows in~~allowed by Wisconsin Administrative Code Section ~~DHS 195.14(2)(b)~~ATCP 72.14(2)(b) per bedroom, and also shall not exceed 8 per 1,000 square feet of living area within the principal structure.
- q. The parcel cannot have more people on site than the higher of 20 people or the maximum number of people allowed under Wisconsin Administrative Code Section ~~DHS 195.14(2)(b)~~ATCP 72.14(2)(b).

- r. The Petitioner/Owner must provide a copy of this section and a copy of the license, to all parties using the property for vacation rental purposes, prior to commencement of each such use.

(d.) Annual Limit. If a vacation rental establishment is rented for periods of more than 6, but fewer than 30 consecutive days the vacation rental establishment shall not operate outside of the 180 consecutive day period that begins on the date of the first such rental, for a 365 day period. The owner of the vacation rental establishment shall notify the Town Clerk in writing when the first 365 day period begins, and all subsequent 365 day periods shall be measured from that date. This limitation shall be interpreted in compliance with Wisconsin Statutes Section 66.1014(2)(d) 1.

(e.) Prohibition. Rental of a residential dwelling for 6 days or fewer is prohibited. For purposes of this subsection "rental" includes any real property that is subject to any verbal or written contract, lease, sublease, rental agreement, easement, instrument or other device (the "Agreement"), if all of the following circumstances apply: (i) the Agreement or Agreements create a right to occupy said property; (ii) such rights of occupancy have an actual duration of less than 7 days; and (iii) the Agreement requires payment or other remuneration or barter, for the benefit of the property owner.

SECTION 2: SEVERABILITY.

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

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law. Dated this ____ day of _____, 2023.

TOWN OF DELAFIELD

Ronald Troy, Town Chair

ATTEST:

Dan Green, Town Clerk

This ordinance posted or published _____.

Plan Commission Report for February 7, 2023

Trotier Certified Survey Map Agenda Item No. 5. A.

Applicant:	Tim and Anna Trotier
Project:	Land Combination
Requested Action:	Approval of Certified Survey Map
Zoning:	R-3 (County Zoning)
Location:	N20 W29592 Glen Cove Road

Report

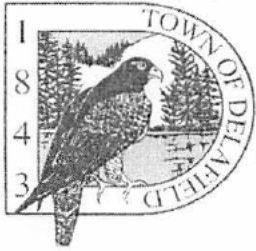
The property owners are requesting approval of a Certified Survey Map (CSM) to combine Lots 8 and 9 of Glen Cove park subdivision into one lot. The common lot line between Lots 8 and 9 extends through the existing house at present. The owner's intent is to remove the existing house and construct a new house on the lot. The lot combination will allow for the construction of a conforming house on the combined lot.

I have reviewed the CSM and noted one minor technical item that requires correction. No comments have been received from Waukesha County at the time of this report. The CSM provides a 30-foot dedication of Glen Cove Road which is consistent with the required right-of-way stated in Town of Delafield Resolution 249 which set forth right-of-way widths on former mill tax roads.

Staff Recommendation:

Comments have been passed to the surveyor for incorporation onto the proposed CSM. I recommend approval of the CSM dated October 10, 2022, subject to satisfaction of all outstanding review comments from the Town, City of Delafield (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer
February 2, 2023



TOWN OF DELAFIELD

APPLICATION FOR PLAN COMMISSION AGENDA

Plan Commission meetings are typically held the first Tuesday of every month. All applications must be submitted at least 3 weeks before a Plan Commission meeting to make the agenda. Any late submittals will be considered at the following meeting.

(PLEASE PRINT)

Owner Information	Applicant
Name: Tim & Anna Trotier	Name: Rob Miller Homes, LLC
Address N20 W29592 Glencove Road	Address 706 Main Street
City State Zip Pewaukee, WI 53072	City State Zip Delafield, WI 53018
Telephone Number [REDACTED]	Telephone Number [REDACTED]
Email: [REDACTED]	Email: [REDACTED]

APPLICATION TYPE AND FEE (CHECK ALL THAT APPLY)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however, applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs.

- | | |
|---|--|
| <input type="checkbox"/> Site Plan.....\$150.00 | <input type="checkbox"/> Home Occupation.....\$50.00 |
| <input type="checkbox"/> Site Grading Plan.....\$50.00 | <input type="checkbox"/> Zoning Amendment.....\$300.00 |
| <input type="checkbox"/> Lighting Plan.....\$50.00 | <input type="checkbox"/> Land Use Amendment.....\$300.00 |
| <input type="checkbox"/> Signage Plan.....\$75.00 | <input type="checkbox"/> Conditional Use.....\$225.00 |
| <input type="checkbox"/> Preliminary Plat.....\$300.00 | <input type="checkbox"/> Plan of Operation.....\$150.00 |
| <input type="checkbox"/> Final Plat.....\$150.00 | <input type="checkbox"/> Planned unit Development.....\$225.00 |
| <input checked="" type="checkbox"/> Certified Survey Map.....\$250.00 | <input type="checkbox"/> Conceptual Plan Review.....\$50.00 |
| <input type="checkbox"/> Developer's Agreement.....\$100.00 | <input type="checkbox"/> Other.....\$50.00 minimum |

PROJECT NAME: Trotier CSM review

Property Address: N20 W29592 East Glencove Road, Pewaukee WI 53017

Tax ID/Parcel ID: DELT 0810009/DELT 0710010 **Lot Size:** .415 Acres

Current Zoning: RL **Proposed Zoning (if applicable)** RL

Present Use: Residential/Single Family **Intended Use (if applicable):** Residential/Single Family

A complete application along with the appropriate fees shall be submitted by the deadline outlined at the top of the application. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the project review checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Delafield reserves the right not to accept an application that is deemed incomplete.



TOWN OF DELAFIELD PLAN COMMISSION APPLICATION

Project Description

Please answer the questions below that pertain to your request. If necessary, please attach a separate sheet.

PETITION FOR REZONING

In the space below, please describe the purpose of the rezoning.

PETITION FOR LAND USE AMENDMENT

In the space below, please describe the purpose of the Land Use Amendment.

PETITION FOR CONDITIONAL USE

In the space below, please describe the purpose of the Conditional Use.

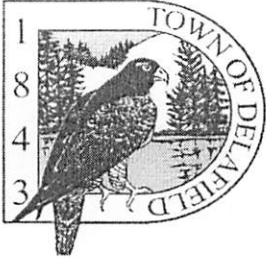
PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT

In the space below, please describe the intention of the land division.

Combine lots

PETITION FOR SITE PLAN / PLAN OF OPERATION / OTHER APPLICATION

In the space below, please describe the intention for the site plan, plan of operation, or other application.



Required Forms for Submittal

Required Forms Checklist:

- ☒ Legal Description (all applications)
- ☒ Professional Staff/Fees Chargeback Acknowledgement (all applications)
- ☒ Certification for Division of Land (Certified Survey Map land splits)

Submittal Information:

- ☒ One (1) copy of this application (signed & dated)
- ☒ One (1) electronic copy of all supporting materials, i.e., drawings, plans and written documentation (via email to dgreen@townofdelafeld.org).
- ☒ Two (2) full size hard copies of all supporting materials, i.e., drawings, plans and written documentation of plans 11"x17" and smaller.
- ☒ Seven (7) copies of supporting materials larger than 11"x17".

I understand that this form shall be on file in the office of the Town Administrator by 4:00 p.m. on the 21st day before the meeting on which I desire to be heard or as required in the Land Division or Zoning Ordinance, whichever is longer. Plan Commission meetings are held the first Tuesday of each month. Furthermore, I understand that any engineering or legal review fees associated with this project may be charged to me.

FAILURE TO PROVIDE ALL REQUIRED MATERIALS AND INFORMATION CAN RESULT IN THIS APPLICATION BEING WITHDRAWN FOR CONSIDERATION BY THE PLAN COMMISSION.


Signature of Owner

1/25/23
Date

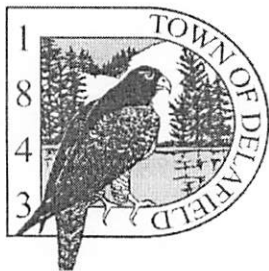
Tim & Anna Trotier
Print Name

For Office Use Only

Application Received _____
Date Received _____
PC Meeting Date 2/7/2023
Public Hearing Date N/A

Amount Received 250.00
Received by OG
Board Meeting Date 2/14/2023

Publication Date (if required) N/A



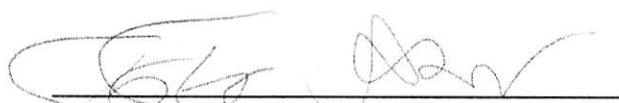
TOWN OF DELAFIELD

PROFESSIONAL STAFF FEES CHARGEBACK ACKNOWLEDGEMENT

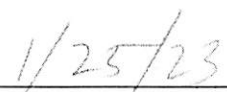
PLEASE BE ADVISED

That pursuant to the Town of Delafield Code of Ordinances, the Town of Delafield Town Board has determined that whenever the services of the Town Attorney, Town Engineer or any of the other Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Clerk shall charge that service and the fees incurred by the Town to the owner of the property. Also be advised that pursuant to the Town of Delafield Code of Ordinances certain other fees, costs and charges are the responsibility of the property owner.

I, the undersigned, have been advised that, pursuant to the Town of Delafield Code of Ordinances, if the Town Attorney, Town Engineer or any other Town professional provides services to the Town as a result of my activities, whether at my request or at the request of the Town, I shall be responsible for the fees incurred by the Town. Also, I have been advised that pursuant to the Town of Delafield Code of Ordinances, certain other fees, costs and charges are my responsibility.



Signature of Owner



Date

Tim & Anna Trotier

Owner's name (please print)

Form received by: Daniel Green

Date: 1/30/2023

PRELIMINARY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

LOT 1
TO O.H.W.M.
18,085 S.F.
0.415 ACRES
TO MEANDER
15,999 S.F.
0.367 ACRES

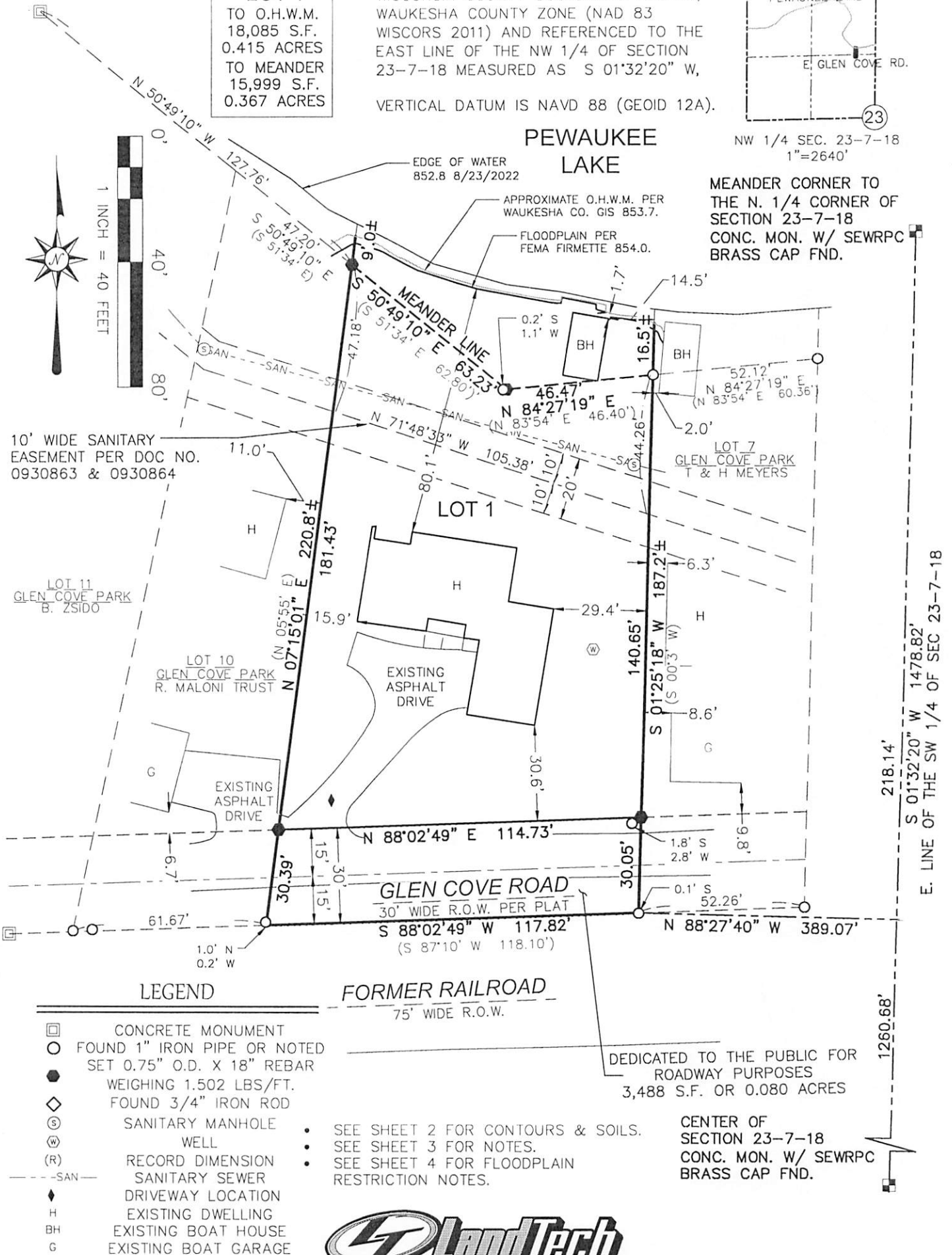
BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE EAST LINE OF THE NW 1/4 OF SECTION 23-7-18 MEASURED AS S 01°32'20" W, VERTICAL DATUM IS NAVD 88 (GEOID 12A).

VICINITY MAP



MEANDER CORNER TO THE N. 1/4 CORNER OF SECTION 23-7-18 CONC. MON. W/ SEWRPC BRASS CAP FND.

PEWAUKEE LAKE



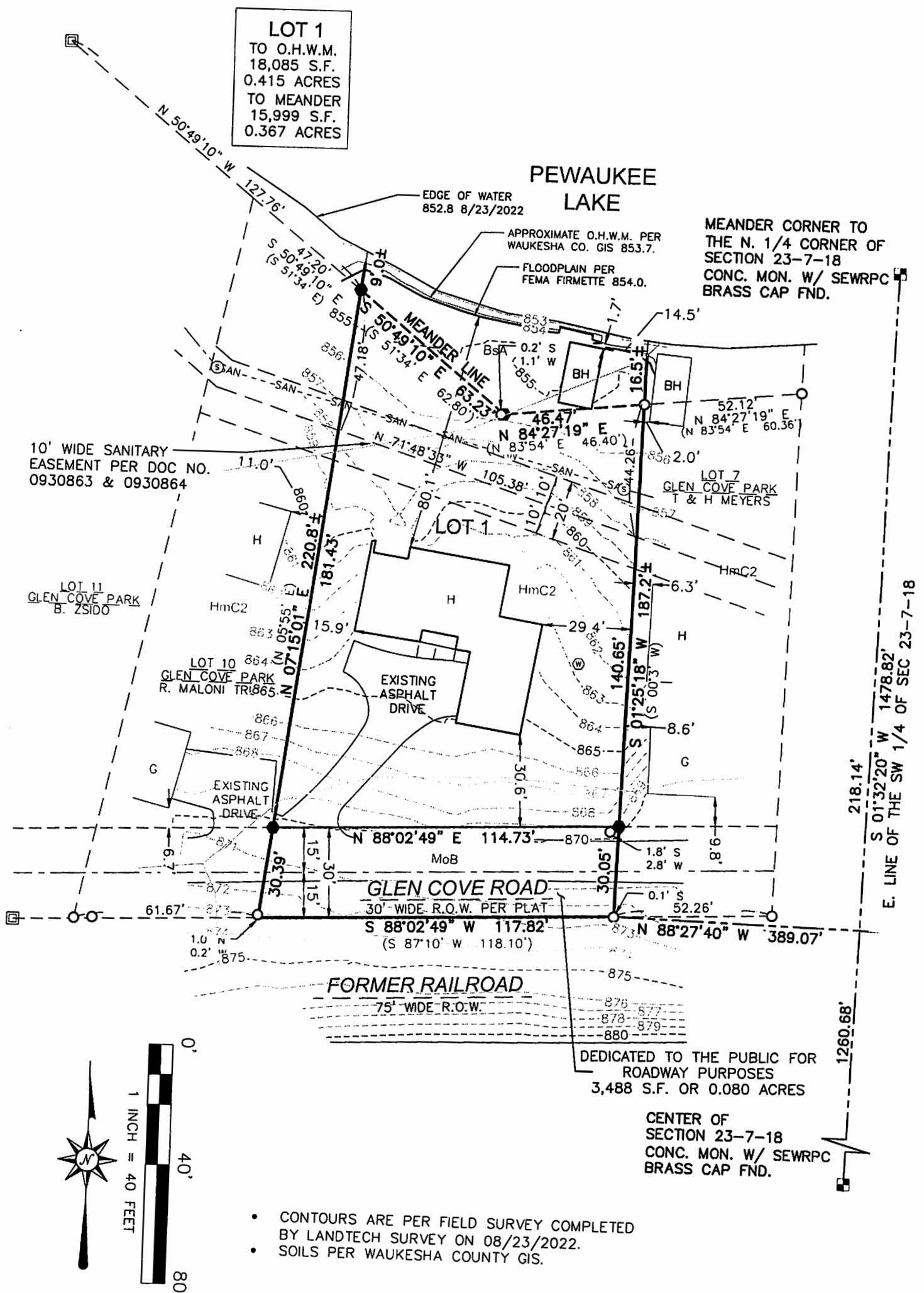
PREPARED FOR:
TIM AND ANNA TROTIER
N20W29592 GLEN COVE RD.
PEWAUKEE, WI 53072

LandTech
SURVEYING
LAND SURVEYING • LAND PLANNING
111 W. 2ND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

DATED 10/10/2022
JOB# 22229
SHEET 1 OF 6

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'Rourke, S-2771

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.



WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, MATTHEW T. O'ROURKE, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED AND MAPPED A DIVISION OF LAND BEING LOT 8 AND LOT 9 OF GLEN COVE PARK, A
SUBDIVISION BEING PART OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4
OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH MEANDER CORNER TO THE NORTH 1/4 CORNER OF SECTION 23, TOWN 7 NORTH,
RANGE 18 EAST;
THENCE S 01°32'20" W, ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 4, 218.14 FEET; THENCE
N 88°27'40" W, 389.07 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF GLEN COVE PARK SUBDIVISION AND THE
POINT OF BEGINNING; THENCE S 88°02'49" W, ALONG THE SOUTH LINE OF LOT 8 AND LOT 9 OF GLEN COVE PARK
SUBDIVISION, 117.82 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF GLEN COVE PARK; THENCE N 07°15'01" E,
ALONG THE WEST LINE OF LOT 9 OF GLEN COVE PARK SUBDIVISION, 211.82 FEET TO THE BEGINNING OF A
MEANDER LINE SAID POINT LYING S 07°15'01" W, 9.0 FEET MORE OR LESS FROM THE ORDINARY HIGH WATER
MARK OF PEWAUKEE LAKE; THENCE S 50°49'10" E, ALONG A MEANDER LINE, 63.23 FEET; THENCE N 84°27'19" E,
ALONG A MEANDER LINE 46.47 FEET TO THE END OF THE MEANDER LINE SAID POINT LYING S 01°25'18" W, 16.5
FEET MORE OR LESS FROM THE ORDINARY HIGH WATER MARK OF PEWAUKEE LAKE, ALSO BEING THE EAST LINE
OF LOT 8 OF GLEN COVE PARK SUBDIVISION; THENCE S 01°25'18" W, ALONG THE EAST LINE OF LOT 8 OF GLEN
COVE PARK SUBDIVISION, 170.70 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 21,573 SQUARE FEET OR 0.495 ACRES MORE OR LESS INCLUDING THE
LANDS BETWEEN THE MEANDER LINE AND THE ORDINARY HIGH WATER MARK OF PEWAUKEE LAKE.

THAT I HAVE MADE SAID SURVEY BY THE DIRECTION OF THE TIM AND ANNA TROTIER OWNERS OF SAID LANDS.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND
THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF S. 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION
CONTROL ORDINANCE OF WAUKESHA COUNTY AND THE TOWN OF DELAFIELD AND CITY OF DELAFIELD
(EXTRATERRITORIAL) IN SURVEYING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 20_____.

MATTHEW T. O'ROURKE, S-2771

NOTES:

- ANY LANDS 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.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0187G, MAP REVISED NOVEMBER 5, 2014. FLOODPLAIN ELEVATION DETERMINED FROM FEMA INSURANCE STILL WATER ELEVATION CHART 1% FLOOD CHANCE 854.0.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR UTILIZING THE GIS PUBLISHED ELEVATION.
- THIS PARCEL IS ALSO SUBJECT TO ALL OTHER EASEMENTS, INCLUDING UTILITY EASEMENTS AND RESTRICTIONS, EITHER RECORDED OR UNRECORDED, IF ANY.
- ENTIRE PARCEL LIES WITHIN THE JURISDICTIONAL LIMITS OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE.
- SANITARY EASEMENT SHOWN PER DOC. NO. 0930863 & DOC. NO. 0930864. SANITARY LINES AND MANHOLES ARE NOT COMPLETELY ENCOMPASSED WITHIN THE EASEMENT.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

AS OWNERS TIM AND ANNA TROTIER WE HEREBY CERTIFY THAT WE CAUSED SAID LANDS TO BE SURVEYED,
MAPPED AND DEDICATED AS SHOWN ON THIS MAP. WE ALSO CERTIFY THAT THIS CSM IS REQUIRED TO BE
SUBMITTED TO THE FOLLOWING FOR APPROVAL: WAUKESHA COUNTY, TOWN OF DELAFIELD AND CITY OF
DELAFIELD (EXTRATERRITORIAL).

WITNESS THE HAND AND SEAL OF SAID OWNERS:

THIS _____ DAY OF _____, 20____.

TIM TROTIER

ANNA TROTIER

STATE OF WISCONSIN)SS
COUNTY OF _____)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, THE ABOVE NAMED TIM
AND ANNA TROTIER, TO ME KNOWN TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT
AND ACKNOWLEDGED THE SAME.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

FLOODPLAIN PRESERVATION RESTRICTIONS

THOSE AREAS OF LAND WHICH ARE IDENTIFIED AS 100 YEAR (1% ANNUAL CHANCE) FLOODPLAIN ON SHEET 1 OF
6 ON THIS CERTIFIED SURVEY MAP SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING, THE 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-PLANNING AND ZONING DIVISION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES, AND THE ARMY CORPS OF ENGINEERS.
2. THE REMOVAL OF DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS PROHIBITED, AND WITH THE EXCEPTION, DEAD, DISEASED, DYING, OR INVASIVE 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 AUNTY 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.
4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT SHALL BE PROHIBITED.
5. PONDS MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.
6. THE CONSTRUCTION OF BUILDINGS IS PROHIBITED.

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

_____, 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, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND
DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF TIM AND ANNA TROTIER, OWNER.

IN WITNESS WHEREOF, _____

HAS CAUSED THESE PRESENTS TO BE SIGNED BY, _____ITS _____.

AT _____ WISCONSIN, AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS

_____ DAY OF _____, 20____.

IN THE PRESENCE OF:

CORPORATE NAME

PRINT TITLE:

DATE

CORPORATE MORTGAGEE NOTARY CERTIFICATE

STATE OF WISCONSIN)

_____ COUNTY)SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____ 20____.

_____, _____ OF THE ABOVE NAMED CORPORATION, TO
ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE
SUCH _____ OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY
EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS
AUTHORITY.

NOTARY SIGNATURE _____

PRINT NAME _____

MY COMMISSION EXPIRES _____

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

LOT 8 & LOT 9 OF GLEN COVE PARK, A SUBDIVISION BEING PART OF THE NE 1/4 AND PART OF
THE SE 1/4 OF THE NW 1/4 OF SECTION 23, TOWN 7 NORTH, RANGE 18 EAST,
TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.

TOWN OF DELAFIELD PLAN COMMISSION APPROVAL

APPROVED BY THE PLAN COMMISSION OF THE TOWN OF DELAFIELD, THIS _____ DAY OF _____, 20____.

KEVIN FITZGERALD – CHAIRPERSON

DAN GREEN – CLERK/TREASURER

TOWN OF DELAFIELD BOARD APPROVAL

CSM AND ROADWAY DEDICATION APPROVED BY THE TOWN BOARD OF THE TOWN OF DELAFIELD,
THIS _____ DAY OF _____, 20____.

RON TROY – CHAIRPERSON

DAN GREEN – CLERK/TREASURER

CITY OF DELAFIELD COMMON COUNCIL (EXTRATERRITORIAL)

APPROVED BY THE CITY OF DELAFIELD COMMON COUNCIL, THIS _____ DAY OF _____, 20____.

KENT ATTWELL, MAYOR

MOLLY SCHNEIDER – CITY CLERK

CITY OF DELAFIELD PLAN COMMISSION APPROVAL (EXTRATERRITORIAL)

APPROVED BY THE CITY OF DELAFIELD PLAN COMMISSION, THIS _____ DAY OF _____, 20____.

KENT ATTWELL – CHAIRPERSON

MOLLY SCHNEIDER – CITY CLERK

WAUKESHA COUNTY DEPARTMENT OF PARKS & LAND USE

THE ABOVE, WHICH HAS BEEN FILED FOR APPROVAL AS REQUIRED BY CHAPTER 236 OF THE WISCONSIN
STATE STATUTES, IS HEREBY APPROVED ON THIS _____ DAY OF _____, 20 ____.

DALE R. SHAVER, DIRECTOR

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, February 7, 2023, 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 repeal and recreate Section 17.08 7. B. of the Zoning Code to allow the Code Enforcement Officer to review and approve/deny sign permits without Plan Commission review.

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 or view the proposed ordinance on the Town of Delafield website at www.townofdelafield.org.

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 1/24/2023 and 1/31/2023.

Plan Commission Report for February 7, 2023

Sign Permit Approval Ordinance Agenda Item No. 5. B.

Report

Due to change in the laws related to signs and sign content, the Town has minimal latitude when it comes to sign approvals. The Town can basically regulate size, location and lighting. Staff has determined that it would be more efficient to have staff review and approve signs. Many communities allow staff to review and approve signs with the ability to forward any applications to the Plan Commission if staff desires Plan Commission input.

The proposed ordinance shifts the approval process to the Code Enforcement Officer (Building Inspector) as part of the sign permit process.

Staff Recommendation:

I recommend approval of the ordinance as prepared by Attorney Larson.

Tim Barbeau, Town Engineer
January 23, 2023

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

ORDINANCE NO. 2023-06

**AN ORDINANCE TO REPEAL AND RE-CREATE SECTION 17.08 7. B. OF THE
TOWN OF DELAFIELD MUNICIPAL CODE CONCERNING THE PROCEDURE FOR
ISSUANCE OF SIGN PERMITS**

WHEREAS, Section 17.08(7)(B) of the Town of Delafield Municipal Code requires Plan Commission approval of certain sign permits; and

WHEREAS, with the hiring of a Town Administrator, some administrative functions of the Town government are better handled by the professional administration than by the Town's governing bodies, for more efficient operations and to provide a more efficient service to Town residents; and

WHEREAS, the Town Board hereby intends to delegate to the Town Code Enforcement Officer, who is under the supervision of the Town Administrator, the power to approve the issuance of sign permits; 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, 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 proposed ordinance on February 7, 2023; and

WHEREAS, following the joint public hearing, the Town Plan Commission recommended to the Town Board that the ordinance be adopted; and

WHEREAS, the Town Board finds that ordinance to allow the Town staff to issue sign permits is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

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

neighborhoods within the Town, and will be consistent with the Town of Delafield Comprehensive Plan.

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

SECTION 1: Chapter 17 of the Town of Delafield Municipal Code entitled “Zoning Code” Section 17.08 entitled “Signs,” subsection 7. entitled “Permits, Requirements and Procedures,” subsection B. entitled “Procedure,” is hereby repealed and re-created as follows.

B. Procedure.

~~1. Initial Review. All applications for sign permits shall be reviewed initially by the Code Enforcement Officer, who may issue permits for temporary signs and such other signs which pursuant to this chapter can be issued without review by the Plan Commission. The Code Enforcement Officer shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter, and shall otherwise issue the sign permits.~~

~~2. Plan Commission. Should the Code Enforcement Officer conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to established agenda length limits. The Plan Commission may vote to approve or deny the application based on the following factors:~~

~~a. The exterior architectural presentation and functional plan of the proposed sign will not be so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of said area.~~

~~b. The proposed sign conforms to the location, size and style requirements set forth in this chapter.~~

~~c. The proposed sign conforms to the Town's long-range planning for the area as set forth in the Town's Master Plan as that term is defined in Section 62.23(3), Wis. Stats., and Comprehensive Plan per Section 66.1001, Wis. Stats., or relevant portions thereof.~~

~~d. The Plan Commission may establish guidelines, with the confirmation of the Town Board, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.~~

SECTION 2: SEVERABILITY.

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

SECTION 3: EFFECTIVE DATE.

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

Dated this ____ day of _____, 2023.

TOWN OF DELAFIELD

Ron Troy, Town Chair

ATTEST:

Dan Green Town Administrator-Clerk/Treasurer

This ordinance posted or published _____.

Plan Commission Report for February 7, 2023

Lighting Ordinance Agenda Item No. 5. C.

Report

Currently, the Town of Delafield does not have code requirements for lighting in the Town. During my review of any development in the Town, I have used generally accepted lighting standards to guide the designer; however, since the requirements were not based on an ordinance, I had no way to enforce my requirements. The intent of the proposed ordinance is to codify lighting requirements for commercial developments in the Town. By law, we will be able to require and enforce lighting restrictions, such as pole height, fixture type, light dispersion, plan submittal, etc. The requirements would be consistent across all submittals. Note that the ordinance will be inserted into the Municipal Code as Chapter 11 and not in Chapter 17, Zoning. By doing so, we will not be required to acquire County approval for adoption of the ordinance or any modifications of the ordinance in the future. Modifications in the future would only require Town Board approval.

Highlights of the proposed ordinance are as follows:

- Purpose and intent stated
- Definitions listed
- Applicability: Projects developed in the B-1, B-2, B-3, M-1, P-1 and certain conditional uses.
- The code requires that existing businesses comply with the requirements by December 31, 2023.
- Total outdoor lighting lumen level shall not exceed 2.5 lumens per square foot.
- All fixtures shall be cut-off type fixtures.
- Lighting shall be reduced to 25% at night.
- Maximum height of light structures from the ground is 20 feet.
- Light at the lot lines can be no greater than 0.2 foot-candles.
- A permit is required prior to installation of exterior lighting. Plans and lighting information must be submitted for Plan Commission review and approval.
- Prohibited lighting includes neon lighting, swivel lights, flashing, blinking or moving lights.
- Recreational facilities are regulated by the standards recommended by the Illuminating Engineering Society of North America.

For residential and agricultural lighting, Town staff decided not to codify any requirements. Our Town Attorney has stated that there is State code that can address nuisances caused by lighting complaints on private property.

Staff Recommendation:

Subject to input from the Plan Commission, I recommend that the Plan Commission provide a positive recommendation to the Town Board to adopt the lighting ordinance dated January 6, 2023, provided in the Plan Commission packet.

Tim Barbeau, Town Engineer

January 23, 2023

Chapter 11

Outdoor Lighting

Table of Contents

Revised January 6, 2023

- 11.01 Purpose and Intent
- 11.02 Definitions
- 11.03 Applicability
- 11.04 Regulations for Commercial, Business, Industrial, Institutional and related Conditional Use Permit Lighting
- 11.05 Regulations for Special Use Lighting

11.01 **PURPOSE AND INTENT**

The purpose of this ordinance is to improve night-time public safety, utility and security by restricting the night-time emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Town and/or unnecessarily restrict persons from the peaceful enjoyment of their property. Furthermore, the ordinance is intended to regulate and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, mitigate the impact on ecosystems, promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting. The intent is not to regulate residential or agricultural lighting since lighting concerns can be addressed by Chapter 823 of the Wisconsin State Statutes.

11.02 **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) *"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) *"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) *"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, and similar features.
- (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 above. All multi-class lighting shall comply with the most restrictive class of which it falls under.

Color Rendition. How a light source makes the colors of objects appear to the human eye and how subtle variations in color shades are revealed.

Development project. Any residential, commercial, business, industrial, institutional or mixed use development plan which is required to be 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.

Foot-candle. 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.

Hardscape. Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, and similar materials.

Height. The vertical distance of a light structure measured from the uppermost extremity of any light fixture, , pole or supporting member and the ground level at the light structure.

Light Fixture. See Luminaire.

Light source. A single artificial device or source whose primary function is to produce visible or near-visible radiant energy for general illumination.

Light Structure. An outdoor illuminating device consisting of a base, pole (or support structure) and light fixture.

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 sources(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. A material that does not transmit light from an internal illumination source through that material.

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
- (i) Any similar use.

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. 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, unless a longer extension is granted by specific approval by the Plan Commission. 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 section 11.04 (4). Temporary lighting shall be approved by the Plan Commission.

Uniformity ratio. The ratio of the average lighting level in lumens for the area to be lit to the minimum lighting level in lumens of the area to be lit.

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.

11.03 APPLICABILITY

- (1) This Chapter shall apply to Commercial, Business, Industrial, Institutional and related Conditional Use Permit lighting. Specifically, lighting of development projects in the B-1, B-2, B-3, M-1, and P-1 zoning districts, and related Conditional Use Permit uses, including but limited to the following:
 - a. Existing commercial, business, industrial and institutional development projects shall comply with these regulation no later than December 31, 2023.
 - b. All new commercial, business, industrial and institutional land uses, development projects, buildings, structures.
 - c. Any commercial, business, industrial and institutional building addition of 25 percent or more in terms of gross floor area either with a single addition or cumulative additions, shall meet the requirements of this section for the entire property.
 - d. Additions of any size that increase the number of parking spaces by 25 percent or more.
 - e. Commercial, business, industrial and institutional building additions less than 25 percent shall meet the provisions of this section for any new outdoor lighting installed.
 - f. 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.

- (2) Subsection 11.05 shall apply to special uses not addressed in other subsections.

11.04 REGULATIONS FOR COMMERCIAL, BUSINESS, INDUSTRIAL, INSTITUTIONAL AND RELATED CONDITIONAL USE PERMIT USES.

- (1) Total outdoor lighting lumen output shall not exceed 2.5 lumens per square foot of hardscape. The following shall be included in this limit:
- a. Outdoor lighting fixtures that are pole mounted, ground mounted, mounted on buildings or affixed in any way to provide light on the premises on which the proposed use is taking place, unless otherwise exempt as stated in this code.
 - b. Outdoor lighting fixtures that are fully shielded and installed under canopies, roof eaves and building overhangs.
- (2) All outdoor lighting fixtures shall be designed, located and specified with shielding or be a cut-off type fixture 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 0.2 foot-candles measured at a height of 3 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 lighting.
 - 1. Luminaries attached to a building shall not exceed 16 feet in height from grade.
 - 2. All outdoor luminaries shall be reduced to 25% of total illumination by 10:00 p.m. with the following exceptions:
 - a. Commercial, business, industrial and institutional uses which remain open after 10:00 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.
 - b. Approved commercial, business, industrial, and institutional security lighting shall be allowed in accordance with the provisions of this Code.
 - c. Motion sensor lighting shall be allowed for security purposes
 - b. Functional lighting.
 - 1. The maximum illumination of any interior or exterior illuminated sign, including subdivision signs, shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 12 inches.

2. The maximum illumination of any vertical building surface shall not exceed 10 foot-candles.
 - c. Safety lighting.
 1. Parking lot lighting shall maintain a two foot-candle average and a uniformity ratio of 12:1.
 2. The height of parking lot light structures shall not exceed 20 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 foot-candle.
 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 at entrance and exit doors shall not exceed 1.5 foot-candles at the floor or grade level.
 - d. Decorative 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 for commercial, business, industrial and institutional uses, 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 foot-candles.
- (3) Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the Town Administrator. All applications shall include
- a. a scaled plan depicting the existing and proposed number of fixtures, specific locations, intensity (stated in wattage and lumens) and total lumens.
 - b. manufacturers iso-footcandle curve reference plot
 - c. light distribution contour plan
 - d. manufacturers fixture and pole cut sheets with proposed luminaire elements clearly defined on them
 - e. type of illumination of all light sources.
 - f. chart indicating the total hardscape area of the site
 - g. chart indicating luminaries and lumen output for the entire lighting system.

The Town Administrator shall forward the information 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.

Any permit issued by the building inspector under the provisions of this section shall expire and be null and void if not implemented within one year 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.

- (4) The following types of lighting shall be prohibited except as otherwise approved by Plan Commission as allowed in the exceptions below:
- a. Swivel mounted luminaries.
 - b. Outdoor neon lighting.
 - c. Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
 - d. Display of intermittent lights or flashing, blinking, moving lights except as follows:
 - 1. Where such lights are required by state or federal law.
 - 2. Where such lighting is of a temporary nature including but not limited to holiday displays and grand opening events.
 - e. Laser source light. The use of laser source light or any similar high intensity light is prohibited.
 - f. Searchlights.
 - g. 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.
 - h. *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.
 - i. *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.
 - 3. Special events when use and lighting are approved by the Plan Commission and Town Board.

11.05. REGULATIONS FOR SPECIAL USES

- (1) Illuminated outdoor recreation facilities.

- a. Lighting for outdoor recreational facilities including athletic fields, courts, or tracks shall be exempt from the lumens per acre limits of this section.
 - b. 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)
 - c. Lighting trespass requirements are maintained.
 - d. Lighting shall only be used for the period of time that the recreational use continues.
- (2) Public and Private street lighting. 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.

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