



## 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 BOARD OF SUPERVISORS MEETING TUESDAY, MARCH 28, 2023

6:30 PM

### DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Comments: Public comments from citizens regarding items on, or not on the agenda. The Board may not engage in a discussion with the citizen making the comments. Individual presentations are limited to three minutes and citizens shall follow the rules set forth in Section 2.04(1)(d) of the Town Code.
5. Approval of Minutes:
  - a. March 14, 2023, Town Board Minutes
6. Action on vouchers submitted for payment:
  - a. Report on budget sub-accounts and action to amend 2022 and 2023 budget
  - b. 1) Accounts payable; 2) Payroll
7. Communications (for discussion and possible action)
8. Unfinished Business: None
9. New Business
  - a. Discussion and possible action on the recommendation from the Plan Commission to approve the request from David J. French Revocable Trust of 1991, Kathy Sawyer-Gutenkunst, agent, for a Certified Survey Map to combine two lots into one lot at W297 N2910 Oakwood Grove Road.
  - b. Discussion and possible action on the recommendation to approve Ordinance 2023-08, an ordinance to amend the Town of Delafield zoning map from A-1 Agricultural District to A-3 Suburban Home District for the vacant property located south of W334 S188 Cushing Park Road. Tax Key No. DELT 0841-031-002.
  - c. Discussion and possible action on the adoption of Ordinance 2023-03, an ordinance to create Chapter 11 of the Town of Delafield Municipal Code concerning outdoor lighting requirements.
10. Announcements and Planning items
  - a. Spring Election – Tuesday, April 4, 2023
  - b. Town Board – Tuesday, April 11, 2023 @ 6:30 PM
  - c. Annual Meeting of the Board of Electors – Tuesday, April 18, 2023 @ 6:30 PM
  - d. Town Board – Tuesday, April 25, 2023 @ 6:30 PM
11. Adjournment

Dan Green

Town of Delafield Clerk/Treasurer

**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 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 BOARD OF SUPERVISORS MEETING**  
**MARCH 14, 2023 @ 6:30 PM**

**Video Link:** <https://www.youtube.com/watch?v=BshbP-BHHNQ>

**First order of business:** Call to Order

Administrator Green called the meeting to order at 6:30 p.m.

**Second order of business:** Pledge of Allegiance

**Third order of business:** Roll Call

Present: Supervisor Miller, Supervisor Kranick, and Chairperson Troy. Also present was Administrator Dan Green.

Excused: Supervisor Woelfle and Supervisor Michels.

**Fourth order of business:** Citizen Comments: None

**Fifth order of business:**

- A. Approval of the February 14, 2023, Town Board Minutes

*Motion by Supervisor Kranick to approve the February 14, 2023, minutes. Seconded by Supervisor Miller. Motion passed 3-0.*

**Sixth order of Business:** Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2022 or 2023 budget.

*Motion by Supervisor Kranick to approve the following budget amendment increases:*

- *General Fund Expenditure accounts 10-52100-298 by \$1,382, account 10-52300-298 by \$66,057 and account 10-52400-299 by 13,370.*
- *General Fund Expenditure account 10-55300-392 by \$21,520.*
- *General Fund Expenditure account 10-53310-810 by \$251,570.*
- *Debt Service accounts 30-58100-690 by \$50,095, and 30-58100-610 by \$2,614,999.*
- *Impact Fee Fund account 23-57620-820 by \$116,833.*

*Seconded by Supervisor Miller. Motion passed 3-0.*

- B.1) Accounts payable; 2) Payroll

*Motion by Supervisor Kranick to approve payment of checks #66477- #66545 in the amount of \$8,710,757.65 and checks #66553- #66559 and #66562- #66582 in the amount of \$138,099.69, and payrolls dated March 3, 2023, in the amount of \$19,650.78, and payrolls dated March 17, 2023, in the amount of \$16,409.80. Seconded by Supervisor Miller. Motion passed 3-0.*

**Seventh order of Business:** Communications

**Eighth order of Business:** Unfinished Business:

**Ninth order of Business:** New Business:

- a. Discussion and possible action on the approval of a Temporary Class "B" beer license to Church of the Resurrection for a Musical Montage fundraiser event on April 29, 2023, from 4 p.m. to 10 p.m.

*Motion by Supervisor Kranick to approve a Temporary Class "B" beer license to the Church of the Resurrection for a Musical Montage fundraiser event on April 29, 2023, from 4 p.m. to 10 p.m.. Seconded by Supervisor Miller. Motion passed 3-0.*

- b. Discussion and possible action on the adoption of financial policies.

*Motion by Supervisor Kranick to approve the Town of Delafield Financial Policies as presented. Seconded by Supervisor Miller. Motion passes 3-0.*

- c. Discussion and possible on the adoption of Ordinance 2023-07, an ordinance to repeal and re-create portions of Chapter 19 of the Town of Delafield Town Code concerning regulations of Parks.

*Motion by Supervisor Kranick to adopt Ordinance 2023-07, an ordinance to repeal and re-create portions of Chapter 19 of the Town of Delafield Town Code concerning regulations of Parks. Seconded by Supervisor Miller. Motion passes 3-0.*

**Tenth order of Business:** Announcements and Planning items

- a. Plan Commission – Tuesday, March 21, 2023 @ 6:30 PM
- b. Town Board – Tuesday, March 28, 2023 @ 6:30 PM
- c. Spring Election – Tuesday, April 4, 2023
- d. Town Board – Tuesday, April 11, 2023 @ 6:30 PM

**Eleventh order of Business:** Adjournment:

*Motion by Supervisor Kranick to adjourn the Tuesday, March 14, 2023, Town Board meeting at 6:43 PM. Seconded by Supervisor Miller. Motion passed 3-0.*

Respectfully submitted:

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Dan Green, CMC/WCMC  
Administrator - Town Clerk/Treasurer



## A PERFECT ENVIRONMENT

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

March 28, 2023

To: Chairman Ron Troy  
Cc: Town Board  
From: Dan Green, Administrator/Clerk/Treasurer

**Item:** Discussion and possible action on amending the 2022 Budget.

**Description:**

Amend the General Fund expenditures to increase Public Safety Expenditures by \$80,809, Parks and Recreation Expenditures by \$21,520, and Capital Highway and Transportation by \$251,570.

- The Public Safety increase is from increased inspection costs due to increased revenue in building permits and 2% fire dues which were not budgeted for in 2022. Those funds went directly to LCFR.
- Parks and Recreation increases are from other improvements to the Sports Commons not covered under Impact fees. Those expenses came from the Park and Rec Donation Fund.
- Capital Highway and Transportation increases were from purchases of equipment paid from ARPA funds.

Principal Debt Service Expenditure increase by \$2,614,999, and Debt issue costs increase by \$50,095.

- This expenditure was from the refunding of our debt, and shows the total pay out of our previous loan, and costs associated with the refunding.

Impact Fees Fund, Capital Outlays increase by \$116,833.

- These are Impact Fee dollars spent on the paving project and other improvements to the Sports Commons in 2022.

**Recommendation:**

Staff recommends approval amending the 2022 Budget to increase the following accounts:

- General Fund Expenditure accounts 10-52100-298 by \$1,382, account 10-52300-298 by \$66,057 and account 10-52400-299 by 13,370.
- General Fund Expenditure account 10-55300-392 by \$21,520.
- General Fund Expenditure account 10-53310-810 by \$251,570.
- Debt Service accounts 30-58100-690 by \$50,095, and 30-58100-610 by \$2,614,999.
- Impact Fee Fund account 23-57620-820 by \$116,833.

## Plan Commission Report for March 21, 2023

### **French Certified Survey Map Agenda Item No. 5. A.**

Applicant:	David J. French Revocable Trust of 1991, owner, Kathy Sawyer-Gutenkunst, agent
Project:	Land Combination
Requested Action:	Approval of Certified Survey Map
Zoning:	R-3 (County Zoning)
Location:	W297 N2910 Oakwood Grove Road

### **Report**

The property owners are requesting approval of a Certified Survey Map (CSM) to combine two lots into one lot. The CSM creates a single 20,991 square foot parcel. The lot results in a conforming lot size in the County's R-3 Residential zoning district.

The CSM includes a dedication of 6 feet of land to create a 23-foot wide half-width of right-of-way, consistent with what is on the street width map and the lot to the south.

I have reviewed the document for conformance to Town requirements and find that the CSM as submitted meets Town requirements.

### **Staff Recommendation:**

I recommend approval of the CSM dated September 8, 2022, subject to satisfaction of any outstanding review comments from the Village of Hartland (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document.

Tim Barbeau, Town Engineer  
March 7, 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: David J. French Revocable Trust	Name: Kathy Gutenkunst, attorney
Address N28 W29685 Oakwood Grove Rd	Address N17W24222 Riverwood Dr.
City                                      State                                      Zip pewaukee                                      wi 53072	City                                      State                                      Zip waukesha suite 250                                      WI 53188
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:** Oakwood Grove - French lot merger

**Property Address:** N28W29685 Oakwood Grove rd Pewaukee wi 53072

**Tax ID/Parcel ID:** 0774-009 & 0774-010

**Lot Size:** 120 x 174.93

**Current Zoning:** residential

**Proposed Zoning (if applicable)** N/A

**Present Use:** residential

**Intended Use (if applicable):** residential

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.

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### **PETITION FOR LAND USE AMENDMENT**

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

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### **PETITION FOR CONDITIONAL USE**

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

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### **PETITION FOR CERTIFIED SURVEY MAP / PRELIMINARY PLAT / FINAL PLAT**

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

owner wishes to merge two lots into one.

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### **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.

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# Required Forms for Submittal

## Required Forms Checklist:

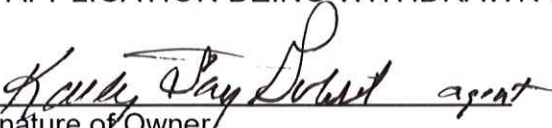
- ☒ Legal Description (all applications)
- ☐ Professional Staff/Fees Chargeback Acknowledgement (all applications)
- ☒ Certification for Division of Land (Certified Survey Map land splits)

## 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@townofdelafield.org](mailto:dgreen@townofdelafield.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

2-10-2023

Date

David J. French

Print Name

## For Office Use Only

Application Received \_\_\_\_\_  
Date Received \_\_\_\_\_  
PC Meeting Date \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_

Amount Received \_\_\_\_\_  
Received by \_\_\_\_\_  
Board Meeting Date \_\_\_\_\_

Publication Date (if required) \_\_\_\_\_



## 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.

Kathy Sy Dittel agent  
Signature of Owner

2-10-2023

Date

David J. French

Owner's name (please print)

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**SURVEYOR:**  
**KETTLE MORaine SURVEYING INC.**  
**PO BOX 357**  
**EAGLE WI. 53119**  
**262-366-0642**

NORTHWEST CORNER OF  
THE NORTHWEST 1/4 OF  
SECTION 14-7-18  
STATE PLANE COORDINATES  
NORTHING: 396,449.06  
EASTING: 2,442,560.26

NORTHEAST CORNER OF  
THE NORTHWEST 1/4 OF  
SECTION 14-7-18  
STATE PLANE COORDINATES  
NORTHING: 396,419.28  
EASTING: 2,445,211.28

NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14-7-18

THE ENTIRE PROPERTY IS WITHIN  
THE JURISDICTION OF THE WAUKESHA  
COUNTY SHORELAND AND FLOODLAND  
PROTECTION ORDINANCE

**THIS C.S.M. DOES NOT CREATE ANY  
ADDITIONAL LOTS.**

- ☐ FOUND 6" CONC. MON. W/BRASS CAP
- SET 1 1/4" O.D. X18" IRON PIPE WEIGHING 113 LBS/LIN FT

S.C.C. SET CUT CROSS IN CONCRETE

( ) RECORDED AS DIMENSIONS

• + + + • GREATER THAN 12% SLOPE

N89°21'24"W  
— ~~—~~ —  
69.00'

OWNER: BONNIE GALLISHA

LOT 8 BLATZ'S OAKWOOD GROVE

(EAST)  
-S89°21'24"E

NOTE: WELL IS INSIDE DWELLING

20,991 SQ. FT. EXCL. OF R/W  
0.48 ACRE EXCL. OF R/W

EXISTING GRAVEL DRIVEWAY

**N89°21'24"W**  
**(S89°21'24"E)**

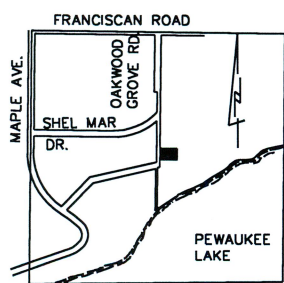
180.93'  
(180.93')

LOT    1                    **C.S.M.**                    **NO.**                    **12179**

OWNERS: ALAN G. HAUBNER/SHARON G. JEWSKI

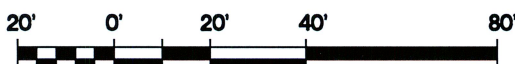
LOT 1 CSM NO. 11993

OWNER: DAVID J. FRENCH REVOCABLE TRUST OF 1991



**LOCATION MAP**  
NW 1/4 SEC. 14-7-18  
1"=2000'

SCALE 1"=40'



BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN  
STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE NORTH  
LINE OF THE NORTHWEST 1/4 OF SECTION 14-7-18 IS ASSUMED  
TO BEAR N89°21'24"W, (NAD27).

**TERRANCE E. PISAREK S-1930**

DATED THIS 8TH DAY OF SEPTEMBER, 2022  
REVISED THIS 11TH DAY OF MARCH, 2023  
REVISED THIS 15TH DAY OF MARCH, 2023

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**SURVEYORS CERTIFICATE**

I, Terrance E. Pisarek, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northwest ¼ of said Section 14; thence South 89°21'24" East along the North line of the Northwest ¼ of said Section 14, 1610.14 feet; to a Westerly line of Lot 1, Certified Survey Map No. 11993 extended Northerly; thence South 00°50'14" West along said Westerly line, 1179.01 feet to a Northerly Line of said Lot 1; thence North 89°21'24" West along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 69.00 feet to a Westerly line of said Lot 1 and the Easterly line of Lot 8 of said Blatz's Oakwood Grove Subdivision; thence South 00°50'14" West along said Westerly and Easterly line, 40.00 feet to the Northeast corner of said Lot 7 and the Point of Beginning; thence continuing South 00°50'14" West along said Westerly line and the Easterly line of said Lots 6 and 7, 120.00 feet to the Northerly line of Lot 1, Certified Survey Map No. 12179 and the Southerly line of said Lot 6; thence North 89°21'24" West along said Southerly and Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 180.93 feet to the Westerly line of said Lot 6; thence North 00°50'14" East along the Westerly lines of said Lots 6 and 7, 120.00 feet to the Northerly line of said Lot 7; thence South 89°21'24" East along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 180.93 feet to the Point of Beginning, dedicating the Westerly 6.00 feet for public Street purposes, containing 0.48 acres of land exclusive of the dedicated right of way.

That I have made such survey, land division and map by the direction of David J. French Revocable Trust of 1991, Owner of the land

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

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

Dated this 8<sup>th</sup> Day of September, 2022

Revised this 11<sup>th</sup> Day of March, 2023

Revised this 15<sup>th</sup> of March, 2023

\_\_\_\_\_  
**Terrance E. Pisarek S-1930**

**OWNERS CERTIFICATE**

I, David J. French as Trustee for the David J. French Revocable Trust of 1991, Dated August 14, 1991, as amended and restated, as owner, do hereby certify that I have caused the land described to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Town of Delafield Land Division Ordinance.

I also certify that this plat is required to be approved by the following: Town of Delafield, Waukesha County and the Village of Hartland.

Date: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
**David J French, Trustee**

State of Wisconsin)

County of Waukesha)

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

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

Being Lots 6 and 7, Blatz's Oakwood Grove, being a part of Government Lot 2, being a part of the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

**TOWN BOARD APPROVAL**

Approved by the Town of Delafield Town Board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

**PLAN COMMISSION APPROVAL**

Approved by the Town of Delafield Plan Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Kevin Fitzgerald, Chairman

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

**VILLAGE OF HARTLAND EXTRA TERRITORIAL APPROVAL**

This Certified Survey Map was approved by the Village of Hartland on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jeffrey Pfannerstill, President

\_\_\_\_\_  
Darlene Igl, Clerk

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL**

The above, which has been filed for approval as required by Section 236 of the Wisconsin Statutes, is hereby approved on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dale R. Shaver, Director

**BASEMENT RESTRICTION-GROUNDWATER**

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

**The Town has an Ordinance (Ordinance No. 249) designation the Right of Way of Oakwood Grove Road as 34 ft. except where it is demonstrated that the actual Right of Way designated by Ordinance No. 249. In this case, there is additional pavement adjacent to the subject property due to the curvature of the road requiring a dedication of 6 ft. of additional Right of Way on this Certified Survey Map.**

Dated this 8<sup>TH</sup> Day of September, 2022  
Revised this 11<sup>th</sup> Day of March, 2023  
Revised this 15<sup>th</sup> Day of March, 2023

## Plan Commission Report for March 21, 2023

### **Kessler Zoning Amendment Agenda Item No. 5. B.**

Applicant:	Scott Kessler, representative of the Bruce J. Kessler Living Trust
Project:	Zoning Amendment
Requested Action:	Recommendation to Town Board to rezone the subject land from A-1 Agricultural to A-3 Suburban Home District
Zoning:	A-1 Agricultural
Location:	Vacant property located south of W334 S188 Cushing Park Road

### **Report**

The subject property is currently zoned A-1 Agricultural and is legal non-conforming due to the lot size (2.8 net acres vs. 40 acres required by A-1). Prior to the 1998 zoning code update, the A-1 district allowed 3-acre residential lots. The code update designated the A-1 district to be the primary agricultural district and required a 40-acre lot size minimum. This resulted in a number of smaller A-1 lots to become legal nonconforming. Mr. Kessler has requested a zoning amendment to A-3 to bring the lot into zoning conformance with the zoning code for eventual sale and single-family home construction. The lot is currently vacant.

Adjacent zoning to the subject property includes A-3 to the north, A-1 to the south, A-1 PUD to the west and R-1 to the east. The Town has previously rezoned lands along the east side of Cushing Park Road to either A-2 or A-3 (depending on the lot size) to bring lots into conformance with the Town zoning code. Since this lot is less than 3 acres, the request is to rezone to A-3 Suburban Home District. Under the A-3 zoning, no future split of the land can take place.

### **Staff Recommendation:**

The proposed zoning amendment brings the lot into conformance with the Town zoning code which is positive for the community as a whole. The zoning request is compatible with the surrounding residential zoning. I recommend that the Plan Commission make a positive recommendation to the Town Board to approve the request to amend the zoning on property known as Tax Key No. DELT 0841-031-002, located south of W334 S188 Cushing Park Road from A-1 Agricultural to A-3 Suburban Home District.

Tim Barbeau, Town Engineer  
March 7, 2023



- Legend**
- Municipal Boundary\_2K
  - Parcel\_Dimension\_2K
  - Note\_Text\_2K
  - Lots\_2K
    - Lot
    - Unit
    - General Common Element
    - Outlot
  - SimultaneousConveyance
    - Assessor Plat
    - CSM
    - Condominium
    - Subdivision
  - Cartoline\_2K
    - EA-Easement\_Line
    - PL-DA
    - PL-Extended\_Tie\_line
    - PL-Meander\_Line
    - PL-Note
    - PL-Tie
    - PL-Tie\_Line
    - <all other values>
  - Railroad\_2K

0 200.00 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 3/7/2023





## 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: Bruce J. Kessler Living Trust	Name: Scott Kessler <span style="color: blue;">KRISTIN KESSLER</span>
Address W333S221 Glen Oaks Drive	Address W334N5810 Garvin Lane
City                      State              Zip Delafield              WI              53018	City                      State              Zip Nashotah              WI              53058
Telephone Number	Telephone Number
Email:	Email:

#### 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 checked="" 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 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:

Property Address:	Tax records under W333S221 Glen Oaks Drive, Delafield, WI 53018 -- 2.98 parcel under records
Tax ID/Parcel ID:	DELT0841031                      Lot Size: 2.98 acres
Current Zoning:	A-1                      Proposed Zoning (if applicable) A-3
Present Use:	vacant parcel                      Intended Use (if applicable):

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.

Property is currently non conforming as it is zoned A-1 with a requirement of a minimum of 30 acres.

Scott would like to have the 2.98 parcel abutting Cushing Park Road re-zoned to A-3 which has a

two acre minimum so that it is conforming and can be sold as a future home site for a single

family residence. Scott Kessler is the executor of his fathers estate. Bruce Kessler is Deceased

#### **PETITION FOR LAND USE AMENDM**

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 PL**

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

#### **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

2/9/2023

Date

Scott Kessler

Print Name

### For Office Use Only

Application Received

Date Received 2/10/23

PC Meeting Date 3/21/23

Public Hearing Date 3/21/23

Amount Received

\$300

Received by

TGB

Board Meeting Date

Publication Date (if required)



## 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

2/9/2023

Date

Scott Kessler

Owner's name (please print)

Form received by: \_\_\_\_\_

Date: \_\_\_\_\_

## Property Details

Tax Key: **DELT0841031**  
Tax Year: **2022**

**1/31/2023 1:27:02 PM**  
**WAUKESHA COUNTY**  
**TOWN OF DELAFIELD**

### OWNER NAME AND MAILING ADDRESS

BRUCE J KESSLER LIVING TRUST  
W333S221 GLEN OAKS DR  
DELAFIELD, WI 53018

[Click Here to Provide Updated Mailing Address](#)

### PROPERTY ADDRESS

W333S221 GLEN OAKS DR  
DELAFIELD, WI 53018

### LEGAL DESCRIPTION

LOT 10 BLK 2 KELLY-GLEN SUBDIVISION PT SE1/4 SEC 30 & NE1/4 SEC 31 T7NR18E ALSO PT NE1/4 SEC 31 COM N1/4 COR S02°32'E 433.17 FT THE BGN S89°15'E 574.16 FT S01°44'E 227.00 FT N89°15'W 570.96 FT N02°32'W 227.16 FT TO BGN EX WLY 33 FT FOR ROAD 2.98 AC DOC# 3329202

### ASSESSMENT STATUS

Assessment Year: 2022  
Assessment Status: ACTIVE  
Assessment Attributes: NONE  
Deeded Acres:

### OWNERSHIP/LEGAL DESCRIPTION EXCEPTION DOCUMENTS

BASIC VESTING DEED DOC 3329202

### ASSESSMENT INFORMATION

Assessed By: GROTA APPRAISALS LLC  
262-253-1142  
[ray@wi-assessor.com](mailto:ray@wi-assessor.com)  
Board of Review Date: 5/2/2022

**Links to WI Dept of Revenue Resources:**  
[Guide for Property Owners](#)  
[Property Assessment Appeal Guide](#)  
[Board of Review Calendar](#)  
[Property Assessment Appeal Guide](#)

### PROPERTY VALUES

Property Class	Acres	Land	Improvement	Total
RESIDENTIAL	4.580	\$108,000.00	\$268,000.00	\$376,000.00
<b>Total:</b>	<b>4.580</b>	<b>\$108,000.00</b>	<b>\$268,000.00</b>	<b>\$376,000.00</b>

### DISTRICTS

District Type	District Name	DOR Code
TOWN	TOWN OF DELAFIELD	004
SCHOOL	KETTLE MORaine 1376	1376
TCDB	WAUKESHA TECH COLLEGE	08
UTIL	GARBAGE / RECYCLING	

This program accesses data from databases maintained by several County Departments and Local Municipalities. There may be inconsistencies in data depending on the date the information was gathered or the purpose for which it is maintained. Due to variances in sources and update cycles, there is no guarantee as to the accuracy of the data. For questions regarding Outstanding Taxes and Tax Payment records, contact the County Treasurer's office at (262)548-7029.

**For Tax Listing and GIS Viewer related issues, please see our FAQs [click here](#). If you still have tax listing questions, contact: [taxlisting@waukeshacounty.gov](mailto:taxlisting@waukeshacounty.gov). If you still have GIS Viewer questions, contact: [landinformation@waukeshacounty.gov](mailto:landinformation@waukeshacounty.gov).**

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ORDINANCE NO. 2023-08

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**AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DELAFIELD  
FROM A-1 TO A-3 ON LANDS LOCATED AT THE NORTH ¼ CORNER OF SECTION  
31, T7N, R18E, TOWN OF DELAFIELD, WAUKESHA COUNTY WISCONSIN**

---

The Town Board of Delafield, Waukesha County, Wisconsin, does hereby ordain as follows:

**SECTION 1:** The Town of Delafield Zoning Map is hereby amended to change the zoning classification from A-1 to A-3 on the following described parcel of land:

Commencing at the North ¼ corner of Section 31, T7N, R18E, thence South 2°32' East, 433.17 feet to the point of beginning; thence South 89°15' East, 574.16 feet; thence South 1°44' East, 227.00 feet; thence North 89°15' West, 570.96 feet; thence North 2° 32' West, 227.16 feet to the point of beginning, excluding the westerly 33 feet for road purposes

**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 ordinances 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 take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 28th day of March 2023.

BY THE TOWN BOARD OF THE  
TOWN OF DELAFIELD:

---

Ronald A. Troy, Town Chairman

ATTEST:

---

Dan Green  
Town Administrator/Clerk/Treasurer

## ORDINANCE NO. 2023-03

AN ORDINANCE TO CREATE CHAPTER 11 OF THE TOWN OF DELAFIELD  
MUNICIPAL CODE CONCERNING OUTDOOR LIGHTING REQUIREMENTS

WHEREAS, the Town of Delafield intends to regulate outdoor lighting in commercial, business, industrial, and institutional zoning districts by creating Chapter 11 of the Town of Delafield Municipal Code; and

WHEREAS, the Town Administrator recommended to the Town Board that outdoor lighting restrictions be placed upon the specified zoning districts to improve night-time public safety, and reduce the amount of light trespass by restricting glare producing sources or light and establishing proper levels of lighting; and

WHEREAS, the Town of Delafield Town Board finds that the outdoor lighting requirements will be a benefit to the health, general welfare, and safety of the Town of Delafield Town residents; and

WHEREAS, subject to the terms and conditions described herein, the Town Board intends to create Chapter 11 of the Town of Delafield Municipal Code to regulate outdoor lighting in certain Town zoning districts.

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

SECTION 1. Chapter 11 of the Town of Delafield Municipal Code entitled "Outdoor Lighting" is hereby created as shown in "Chapter 11, Outdoor Lighting" attached hereto and incorporated herein by reference.

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 A. Troy, Town Chairman

ATTEST:

\_\_\_\_\_  
Daniel Green, Town Clerk

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

# Chapter 11

## Outdoor Lighting

### Table of Contents

Revised February 16, 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 all Conditional Use Permits except Keeping of Poultry or Livestock, Legal Nonconforming Use and Solar Energy Systems. Specifically, lighting of sites in the B-1, B-2, B-3, M-1, and P-1 zoning districts, and all Conditional Use Permit uses except Keeping of Poultry or Livestock, Legal Nonconforming Use and Solar Energy Systems, including but not limited to the following:
  - a. Existing commercial, business, industrial and institutional developments shall comply with these regulations no later than December 31, 2023.
  - b. All new developments, buildings, structures and modifications for:
    1. Commercial Uses
    2. Business Uses
    3. Industrial Uses
    4. Institutional uses
  - c. 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. Existing light structures that exceed the height limitation shall be allowed to remain as installed.
    - 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.
- (5) Property owners seeking a variance to allow existing light fixtures to remain on existing buildings shall be reviewed and approved by the Plan Commission.

#### **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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