

Ordinance No. 2008-004

An Ordinance amending various sections of Chapter 17 of the Town of Delafield Code of Ordinances regarding definition changes, utility structures, open space clarification

The Town Board of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Part 1: Section 17.02 is hereby amended to modify the following definitions:

Hot Tub. A structure, being a large tub or small pool of water, used for soaking, relaxation, massage or hydrotherapy, in most cases with jets for massage purposes.

Open Cell Pavers. Pervious paving materials of at least 50% open area, used to reduce the imperviousness of firm surfaces such as patios, walkways, driveways, fire lanes, and parking areas, for the purpose of reducing surface runoff and increasing infiltration. Open Cell Pavers may include pervious interlocking concrete blocks, concrete grid pavers, turf blocks and perforated brick pavers.

Open space. A natural area or manmade landscaped area not occupied by any structures, impervious surfaces, gravel drives, or gravel parking areas.

Service Pedestal A cabinet, box or enclosure that houses transformers, distribution equipment or metering equipment servicing residential, industrial or commercial properties that is less than 20 cubic feet in size and is less than 3 feet in height. Service pedestals shall not be considered structures.

Utility Structure. A structure, greater than 20 cubic feet in size or greater than 3 feet in height, used for the primary purpose of housing telecommunications, electrical, cable television and similar equipment including, utility cabinets, buildings and underground vaults.

Part 2: Section 17.03 4. C. **Setbacks**, 5. is hereby amended as follows:

5. The only structures permitted within such setback area, upon receipt of all required governmental approvals, shall be necessary highway and traffic signs, underground structures as regulated by this chapter, walls, fences, mail boxes, and signs as permitted under the individual District regulations, and, with the approval of the Plan Commission, temporary structures, outdoor lighting installations and necessary public utility lines, poles and structures.

Part 3: Section 17.03 4. D. **Offsets** 7. is hereby created as follows:

7. The only structures permitted within such offset area, upon receipt of all governmental approvals, shall be underground structures as regulated by this chapter, walls, fences, mailboxes and signs as permitted under the individual District regulations, and, with the approval of the Plan Commission, temporary structures, outdoor lighting installations and necessary public utility lines, poles and structures.

Part 4: Section 17.03 5. C. **Open Space** is hereby amended to include the following:

4. No portion of a public right-of-way or private platted road shall be used in the calculation of open space. For public roads that pass through properties (i.e. former mill tax roads or lake roads), the right-of-way designated for that roadway on the official highway width map for the Town, shall not be used in the calculation of the overall area of the parcel or used in the determination of open space. Lands on which there is an easement for private or public purposes shall be included in the calculation of the overall parcel area and evaluated as part of the open space requirement.
5. At least 50% of the open space requirement shall consist of vegetation.

Part 5: Section 17.06 4. D. is hereby repealed and recreated to read as follows:

D. **Walks and Driveways Serving a Single Lot.** Walks 3 feet or less in width and driveways shall be permitted in setback and offset areas, but not closer than 3 feet offset from an adjacent property.

Part 6: Section 17.06 4. F. **Swimming Pools** is hereby amended as follows:

3. The provisions of 17.06 4. F. 1. a. through c. shall apply to hot tubs, except that a fence is not required if there is a latched cover on the hot tub.

Part 7: 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.

Part 8: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.


This ordinance passed this 10th day of September, 2008.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Ejsner, CMC, WCMC
Town Clerk