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ORDINANCE NO. 818

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**AN ORDINANCE TO REPEAL AND RECREATE CERTAIN PROVISIONS OF THE CITY OF  
DELAFIELD ZONING ORDINANCE IN THE  
CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN**

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WHEREAS, the City of Delafield adopted the current Zoning Ordinance on March 11, 1997, followed by several amendments that have been ordained, and

WHEREAS, on April 26, 2023, the plan commission initiated an application to amend several sections of the zoning code over a two-year period of time, and

WHEREAS, on July 26, 2023, the plan commission scheduled a public hearing to modify the text of the Zoning Ordinance to update certain sections in Articles I and III relating to yard projections, street access requirements, and Plans of Operation, and

WHEREAS, on August 30, 2023, the plan commission held a public hearing and recommended approval of proposed text amendments specified in this Ordinance to the Common Council, and

WHEREAS, on September 18, 2023, Common Council postponed the adoption of a previously drafted ordinance requesting further review by the City Planner, and

WHEREAS, on September 27, 2023, the plan commission reconsidered the language in the draft ordinance and recommended approval of the proposed text amendments specified in this Ordinance to the Common Council, and

NOW THEREFORE, the Common Council of the City of Delafield, Waukesha County, Wisconsin, does ordain as follows:

**SECTION 1:** Section 52-16(d) of the Zoning Ordinance is hereby repealed and recreated to read as follows:

(d) *Yard projections.* Except for the architectural features identified in this section, no architectural feature may extend into the front, side, corner, or rear yard setback. Only the following architectural features may extend into the front, side, corner, or rear yard setback if such feature is located at least five feet from a lot line:

- (1) Cornices, canopies, awnings, eaves, or other architectural features may extend up to 30 inches from the exterior surface of a building.
- (2) Uncovered stairs and necessary landings may extend up to six feet into a setback, provided that a stair or landing does not extend above the main entrance level of the building. The railing of a stair or landing may extend above the main entrance level of the building if the railing does not exceed three feet, six inches in height.
- (3) Bay windows, balconies, and chimneys may extend up to three feet from the exterior surface of a building, provided that such features do not collectively occupy more than one-third of the length of the building wall on which they are located.

**SECTION 2:** Section 52-21 of the Zoning Ordinance is hereby repealed and recreated to read as follows:

Sec. 52-21. Street access requirements.

- (a) In this section 52-21(a), "vacant lot" shall mean a parcel of land that is not improved by a principal building and is not served by a sanitary sewer connection or septic system. To obtain a building permit to construct a principal building on a vacant lot, the vacant lot shall abut a public street or have a permanent easement providing adequate vehicular access to a public street. The permanent easement required under this section shall be demonstrated by written documentation satisfactory to the city and be approved by the fire chief to ensure emergency vehicles have adequate access to the vacant lot that is the subject of a requested building permit. Access to island properties may be waived under section 52-144.
- (b) The erection or attachment of a garage or accessory structure may be permitted on a lot that is improved by a principal building but does not conform with the access requirements of this section.

SECTION 3: Section 52-89(a) through (d) of the Zoning Ordinance is repealed and recreated to read as follows:

Sec. 52-89. Plans of operation.

- (a) *Plan of operation review and approval requirements.*
  - (1) No person shall operate a commercial enterprise, industry, home business, church, school, nonprofit organization, or other nonresidential use, except as authorized by a plan of operation approved by the plan commission under this section.
  - (2) An amendment to an existing plan of operation requires approval by the plan commission if a business or institution increases the amount of employees, changes the nature of the product or service, or extends the hours of operation beyond those shown on the existing plan of operation.
  - (3) An amendment to an existing plan of operation may be approved by the city administrator, or its designee, upon a change limited to property ownership, business ownership, or operator name. An amendment approved under this provision shall be reported to the plan commission at the meeting following the approval.
- (b) *Temporary plan of operation permits.* The city administrator may issue a temporary plan of operation permit, which shall expire on the date of the plan commission meeting following the issuance of the temporary plan of operation permit.
- (c) *City of Delafield facilities.* City of Delafield facilities are exempt from plan of operation permit requirements.
- (d) *Required information for a plan of operation permit.* All plans of operation shall be submitted to the city administrator on forms supplied by the city. An application for a plan of operation permit shall include the following information:
  - (1) Name, type, and address of the business or institution.
  - (2) Name and address of the property owner.
  - (3) Name and address of the manager, if other than the owner.
  - (4) The proposed hours of operation.
  - (5) The number of full-time and number of part-time employees.
  - (6) Plot plan for multitenant buildings, if applicable.
  - (7) Interior floor plan of tenant space, if applicable.

- (8) A narrative explaining the operation, including types of indoor and outdoor uses, products, or services offered.

SECTION 4: The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: All ordinances and parts of ordinances in conflict or contravention to this Ordinance are hereby repealed.

SECTION 6: This Ordinance shall take effect and be in force from and after its passage and publication or posting, as required by law.

Passed and adopted this 16<sup>th</sup> day of October, 2023.

**CITY OF DELAFIELD**

By: \_\_\_\_\_  
Kent Attwell, Mayor

ATTESTED:

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Molly Schneider  
City of Delafield, Clerk



Date Adopted: October 16, 2023  
Date Published: October 19, 2023  
Effective Date: October 20, 2023