

Ordinance No. 2017-13

**Town of Ledgeview
Brown County, Wisconsin
Ordinance amendment revising Chapter 135 - Zoning,
Article III – Definitions and Word Usage, Article IV – General Provisions,
Article X - AG FP – Farmland Preservation, and
Article XXIV – Man Made Bodies of Water.**

The Town Board of Supervisors of the Town of Ledgeview, Brown County, Wisconsin does ordain as the follows:

Section 1: Chapter 135, Zoning, of the Town of Ledgeview Code of Ordinances is hereby amended as follows:

CHAPTER 135: ZONING

Article III: Definitions and Word Usage

§ 135-8 Definitions

LIVESTOCK FACILITY

A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter.

AGRICULTURAL LEACHATE

Any liquid material from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

- (a) Spillage or overflow from animal or poultry watering systems.
- (b) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.

- (c) Direct contact swimming, washing, or spray cooling of animals or dust control.
- (d) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs or bedding.

CONTAMINATED RUNOFF

The drainage that has come through or across a feed storage or manure storage area. Contaminated runoff includes the liquid and any sediment, manure, feed, or other material carried in the liquid. Contaminated runoff contains lower concentrations of contaminants than agricultural leachate from feed or manure.

FEED STORAGE RUNOFF CONTROL SYSTEM

A system of facilities or practices to contain, divert, retard, treat, or otherwise control the discharge of leachate and contaminated runoff from livestock feed storage areas.

Article IV: General Provisions

§ 135-11 Building and use restrictions.

G. Accessory buildings shall not occupy more than 30% of the rear yard. These restrictions shall apply in all districts, except as provided for in Subsection G(1) through (5) below: [Amended 11-14-2000; 7-1-2002; 7-3-2003; 6-4-2007 by Ord. No. 2007-010; 9-18-2007 by Ord. No. 2007-016; 4-19-2016 by Ord. No. 2016-008]

(1) Farm structures. The above regulations shall not apply to accessory buildings located in the AG-FP Farmland Preservation District, A-2 Agriculture District or R-R Rural Residential District if said accessory building is used as a part of a legitimate agricultural operation located on a minimum farm site of 10 acres.

U. Animal unit calculations. [Added 10-20-2009 by Ord. No. 2009-038]

(1) General provisions.

(a) No livestock will be allowed on lots or parcels of less than 1.99

acres in the Town of Ledgeview, except chickens as outlined in Subsection V. [Amended 4-7-2014 by Ord. No. 2014-006]

- (b) These provisions shall apply to all parcels of land zoned RR and AG2, in the Town of Ledgeview. The keeping of livestock within other zoning districts except AG-FP or A-2 is hereby prohibited. Parcels of land zoned AG-FP are exempt from this subsection and shall be regulated as outlined in Article X: AG-FP Farmland Preservation District.
- (c) Parcels or lots within districts zoned RR or AG2 having a larger number of livestock at the time of adoption of this subsection may continue to maintain that number of animal units, provided that no expansion of the facility shall be permitted without an approved conditional use permit from the Town of Ledgeview.

Article X: AG-FP Farmland Preservation District

§ 135-79 Introduction.

- A. Purpose. The purpose of this District is to preserve and enhance land for agricultural uses, and to incorporate and apply the livestock facility siting law requirements found in Wis. Stats. 92.16 and 93.90, and ATCP 51 of the Wisconsin Administrative Code and to regulate the siting of new livestock facilities (with an excess of 500 animal units) and the expansion of existing livestock facilities by more than 20% (and over 500 animal units) in any other zoning district other than the Farmland Preservation Zoning District within the Town of Ledgeview.
- B. Authority. This Ordinance is adopted pursuant to the Town's zoning powers found in Wis. Stats. 60.62, 62.23(7), 92.16 and 93.90, together with the administrative provisions set forth in ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of these statutes and administrative rules. The livestock facility siting standards established in Wis. Admin. Code Ch. ATCP 51, including all appendixes, worksheets, and any future amendments to that chapter, are incorporated by reference and adopted.
- C. Incorporation of State Law. Pursuant to the provisions of Wis. Stats. 93.90, the Town of Ledgeview does hereby adopt and incorporate into its existing Zoning

Ordinance the provisions of Wis. Stats. 92.16 and 93.90 and ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of Wis. Stats. 93.90 and ATCP 51 of the Wisconsin Administrative Code. The Town of Ledgeview's Zoning Ordinance hereby reflects the provisions of Wis. Stats. 92.16 and 93.90, and ATCP 51 of the Wisconsin Administrative code as if said statutory and administrative provisions were set forth in their entirety within the text of the Town's Zoning Ordinance.

- D. Findings. The livestock siting, animal waste storage, and **contaminated runoff storage facilities** regulations and standards created by the Town are based upon the following reasonable and scientifically defensible findings of fact which are adopted and incorporated herein by reference:
- (1) The Report of the Livestock Facility Siting Technical Expert Committee Recommendations, dated December 21, 2010, including a recommendation on "Setbacks" that states: "Among other options for managing the offsite impacts of larger livestock operations, DATCP should evaluate augmenting the current road and property line setbacks by requiring separation distance between livestock structures and neighboring occupied residences and high use buildings."
 - (2) A two-year study by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources entitled Final Report On Wisconsin's Dairy And Livestock Odor And Air Emission Project, dated September 2009, including a recommendation found at page 5 that states: "Separation distance is a simple, yet affective, tool you can use to reduce impacts on your neighbors. When planning for new facilities, and especially manure storage lagoons, site them as far from neighbors as possible, and with consideration for prevailing winds. Odors are far less noticeable at 800 feet than they are at 200 or even 400 feet. If adjacent properties go up for sale, consider buying them as a buffer against future encroachment by development."
 - (3) An article in the July 1, 2001 Appraisal Journal, pages 301 – 306, titled, "Concentrated Animal Feeding Operations and Proximate Property Values" by John A. Kilpatrick, a partner and senior analyst with Mundy Associates, LLC, an economic, market, and valuation firm specializing in complex real estate matters. The study found that property located near a concentrated animal feeding operation (CAFO) will be negatively impacted by this externality. The degree of impairment depends on proximity and property type and use. Properties with higher unimpaired values are probably impacted more than otherwise lower valued

properties.

- (4) A University of Minnesota Extension publication written by Larry Jacobson, David Schmidt, and Susan Wood, Offset Odor From Feedlots Setback Estimation Tool, www.extension.umn.edu/distribution/livestocksystems/DI7680.html.
- (5) A Purdue University project, presented by the Purdue Agricultural Air Quality Laboratory, Odor Based Setbacks. <http://engineering.purdue.edu/~odor/setback.htm> that developed setback guidelines for swine production operations. The guidelines considered facility size, orientation and shape, wind frequency, land use, topography, building design and management, manure handling characteristics, and odor design effectiveness.
- (6) A research article by Susan S. Schiffman, Clare E. Studwell, Lawrence R. Landerman, Katherine Berman, and John S. Sundy, Symptomatic Effects of Exposure to Diluted Air Sampled from a Swine Confinement Atmosphere on Healthy Human Subjects, Volume 113, Number 5, Environmental Health Perspectives, pages 567-576, (2005). The study concludes at page 574 as follows: "In this study that evaluated healthy volunteers, no statistical differences on objective physical measures, mood, or attention were found from a 1-hr exposure in an environmental chamber to air emissions from a swine house when compared with clean air. However, self-reported symptoms of headache, eye irritation, and nausea were significantly higher in the swine air (experimental) condition than the clean air (condition)."
- (7) A research mini-monograph by Kelley J. Donham, Steven Wing, David Osterberg, Jan L. Flora, Carol Hodne, Kendall M. Thu, and Peter S. Thorne, Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations, Volume 115, Number 2, Environmental Health Perspectives, pages 317-320 (2007). A brief summary of this research project provides: 'This workshop evaluated impacts of the proliferation of concentrated animal feeding operations (CAFOs) on sustaining the health of rural communities. Recommended policy changes include a more stringent process for issuing permits for CAFOs, considering bonding for manure storage basins, limiting animal density per watershed, and enhancing local control, and mandating environmental impacts statements “
- (8) A study by Steven J. Taff, Douglas Tiffany, and Sanford Weisberg, "Measured Effects of Feedlots on Residential Property Values in Minnesota: A Report to the Legislature," University of Minnesota Staff Paper Series (July, 1996). The study found a statistically significant pricing impact related both to the existence of a CAFO as well as the distance from the CAFO. In other words, not only does a CAFO have a

significant impact on property value, but the nearer the CAFO, the greater the impact.

§ 135-79.5 Permitted uses.

The following activities are permitted by right in the Farmland Preservation Zoning District as specified in § 91.44, Wis. Stats.:

- A. The following agricultural uses on farms conducted for the purpose of producing an income or livelihood:
 - (1) Crop or forage production.
 - (2) The keeping of less than 500 animal units (<500 AU) of cattle, swine, poultry, sheep, or goats.
 - (3) Beekeeping.
 - (4) Nursery, sod, or Christmas tree production.
 - (5) Floriculture.
 - (6) Aquaculture.
 - (7) Fur farming.
 - (8) Forest management.
 - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- B. Farm residences.
- C. Accessory uses as outlined in § 135-80.
- D. Agriculture-related uses.
- E. Undeveloped natural resource and open space areas.
- F. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- G. Other uses identified by DATCP by rule.

§ 135-80 Accessory uses.

The following land uses shall be permitted accessory uses in the Farmland Preservation Zoning District:

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - (1) A facility to store or process raw agricultural commodities, all of which are produced on the farm.

- (2) A facility used to keep or house livestock on the farm if the proposed livestock housing structure meets the standards prescribed in Wis Stats 93.90 and Ch. ATCP 51, Wis. Adm. Code.
 - (3) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (4) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- B. An activity or business operation that is an integral part of or incidental to an agricultural use.
 - C. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
 - D. A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than those described in Subsection A or C of this section.
 - (3) It employs no more than four full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
 - E. Roadside stands for the sale of agricultural products only, provided that the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
 - F. Any other use that DATCP, by rule, identifies as an accessory use.

§ 135-81 Conditional uses.

- A. Finding. The Town may issue a conditional use permit for the certain agricultural and agriculture-related uses for the farmstead under § 135-251 if all of the following findings of fact apply:
 - (1) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
 - (2) The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, consider alternative locations, or are specifically approved under state or federal law.
 - (3) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

- (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- B. The Town may issue a conditional use permit for any of the following uses if that use meets applicable provisions under Subsection A and Section 135-251:
- (1) Additional second farm residence.
 - (2) Riding stables and/or equine boarding facilities in accordance with § 91.01(1), Wis. Stats.
 - (3) Farmstead food processing facilities in accordance with § 91.01(1), Wis. Stats.
 - (4) Farmstead retail outlets in accordance with § 91.01(1), Wis. Stats.
 - (5) Farmstead fuel or agrichemical storage facilities in accordance with § 91.01(1), Wis. Stats.
 - (6) Farmstead manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes to produce bulk fuel or other bulk products for use on the farmstead.
 - (7) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy for use only on the farmstead.
 - (8) A manure digester, biofuel facility, or other facility that produces energy primarily from materials grown or produced on the farm for use only on the farmstead.
 - (9) A waste storage facility used to store or process animal waste produced solely from livestock kept on the farmstead if the proposed facility meets the standards prescribed in ch. ATCP 51, Wis. Adm. Code.
 - (10) Agronomic or veterinary services to agriculture operations.
 - (11) Transportation uses, including rail facilities, and agricultural aeronautic facilities.
 - (12) Communication uses, including cell towers, antennas and broadcast towers in accordance with Chapter 135, Article XXV.
 - (13) Man-made bodies of water in accordance with Article XXIV.
 - (14) Public utility installation on Town property or right-of-way.
 - (15) Government and nonprofit community conditional uses include:

- (a) Fire stations, police stations, post offices, and other government administration buildings.
 - (b) Schools, colleges, and universities.
 - (c) Religious institutions, including cemeteries and mausoleums.
 - (d) Public parks and recreation areas.
- (16) Distribution lines, telephone and cable television lines and public utility installations, public streets, street rights-of-way and street improvements to the service area unless otherwise regulated by § 91.44(1)(f), Wis. Stats.
 - (17) Nonfarm residences that qualify under § 91.46(1)(d), Wis. Stats.
 - (18) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under § 91.46(1)(e), Wis. Stats.
 - (19) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in Wis. Stats. 92.16 and 93.90, Ch. ATCP 51, Wis. Adm. Code, and Section 135-85 of the Town of Ledgeview Zoning Code.

§ 135-82 Rezoning land out of Farmland Preservation Zoning District.

- A. Except as provided in Subsection B below, the Town may not rezone land out of a Farmland Preservation Zoning District unless the Town finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
 - (1) The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
 - (2) The rezoning is consistent with any Comprehensive Plan, adopted by the Town, which is in effect at the time of the rezoning.
 - (3) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- B. Subsection A does not apply to any of the following:
 - (1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

- (2) A rezoning that makes the Farmland Preservation Zoning Ordinance Map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.

§ 135-83 Parcel requirements.

Parcel requirements shall be as follows:

- A. Area: minimum 35 aggregate acres controlled by the property owner, family, or trust.
- B. Zoning lot frontage: 150 feet minimum.
- C. Lot width: 150 feet minimum.

§ 135-84 Height regulations.

Height regulations shall be as follows, except as provided by § 135-13, Height regulations:

- A. Farm structures: 40 feet maximum.
- B. Farm silos: 90 feet maximum.
- C. Residential dwellings: 35 feet maximum.

§ 135-85 Required setbacks.

The following setbacks shall be applied to improvements:

A. Principal structure

- (1) Setback from property lines. The principal structure must be located a minimum of 25 feet from side and rear property lines.
- (2) Setback from public right-of-way. The front setback for a principal structure must be a minimum of 35 feet from the public right-of-way. On a corner lot, the side setback must be a minimum of 50 feet from the public right-of-way.

B. Accessory structures

- (1) Setback from property lines. All accessory structures must be located a minimum of 25 feet from side and rear property lines.
- (2) Setback from public right-of-way. The front setback for all accessory structures must be a minimum of 35 feet from the public right-of-way. On a corner lot, the side setback must be a minimum of 50 feet from the public right-of-way.

C. Livestock housing structures.

- (1) Setback from property lines. Livestock housing structures may not be

located within:

- (a) 400 feet of any property line, if the livestock facility will have fewer than 1,000 animal units (<1,000 AU).
- (b) 700 feet of any property line if the livestock facility will have 1,000 to 2,500 animal units (1,000 – 2,500 AU).
- (c) 1,000 feet of any property line, if the livestock facility will have 2,500 to 4,000 animal units (2,500 – 4,000 AU).
- (d) 1,200 feet of any property line, if the livestock facility will have more than 4,000 animal units (>4,000 AU).

D. Manure or animal waste storage facilities

- (1) A new or expanded animal waste storage facility or structure may not be located within 1,320 feet of any property line, if the livestock facility will have more than 500 animal units (>500 AU). The animal waste storage structure setback requirement does not prevent the continued use of an animal waste storage structure that was located within the setback area prior to the effective date of the setback requirement.

E. Contaminated runoff storage facilities

- (1) A new or expanded facility, structure, or container designed to store contaminated runoff, including leachate, may not be located within 1,320 feet of any property line, if the livestock facility will have more than 500 animal units (>500 AU).

§ 135-86 Building size.

The minimum size of a residential dwelling shall be 1,200 square feet ground floor area for a one-story dwelling and 875 square feet minimum ground floor area with a total minimum 1,400 square feet for dwellings having more than one story.

§ 135-87 Accessory buildings.

Accessory uses shall conform to district requirements and those set forth in § 135-11, Building and use restrictions.

§ 135-88 Parking.

Parking shall conform to the requirements as set forth in Article XXI, Off-Street Parking Requirements.

§ 135-89 Reporting requirements.

- A. The Town shall, by March 1 of each year, provide a report to DATCP of the number of acres that have been rezoned out of the Farmland Preservation Zoning District under § 135-82 during the previous year and a map that clearly shows the location of those acres.
- B. The Town shall, by March 1 of each year, submit a copy of the information that it reports to DATCP under Subsection A to Brown County.

§ 135-90 Other requirements.

- A. Existing nonconforming residences located in the Agricultural-Farmland Preservation District at the time of passage of this chapter may be continued in residential use and may be exempted from any limitations imposed or authorized under § 59.69(10), Wis. Stats.
- B. Other structures or buildings allowed within the AG-FP District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Building Inspector or designee. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.
- C. The livestock facility siting standards established in Wis. Admin. Code Ch. ATCP 51, including all appendixes, worksheets, and any future amendments to that chapter, are incorporated by reference and adopted. A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units must complete the application form and worksheets prescribed by Ch. ATCP 51, Wis. Admin. Code. A non-refundable application fee of \$1,000 must accompany the application.

Article XXIV: Man-Made Bodies of Water

§ 135-221 Purpose.

The following is an article defining the term "man-made body of water"; regulating the design, maintenance and the use thereof; and providing a penalty for the violation thereof.

§ 135-222 Term defined.

- A. The term "man-made body of water" as used herein shall mean any excavation or

mounding of earth or other material which would create a reservoir or artificial body of water in which water can collect or travel and which is created after the effective date of this chapter.

- B. Man-made bodies or artificial bodies of water will be referred to, from here on, as a "pond." This shall not limit the scope of this chapter but shall be for ease of use only. Facilities or structures designed to contain or manage animal waste or manure shall be referred to, from here on, as "animal waste storage facilities." Facilities or structures designed to contain drainage that has come through or across a feed storage or manure storage area, including leachate, shall be referred to, from here on, as "contaminated runoff storage facilities."

§ 135-223 Conditional use required.

- A. Ponds shall be a conditional use in all zoning districts.
- B. New or expanded waste storage facilities shall require a conditional use.

§ 135-224 Exemptions.

Exemptions shall be as follows:

- A. Family swimming pools as defined in § 135-16.
- B. Stormwater management facilities as regulated by Chapter 90 of the municipal code.

§ 135-225 Approvals and submittals.

- A. A permit is required from the Town of Ledgeview for all excavations or mounding which will result in a man-made body of water as defined herein. To obtain such a permit, an application shall be made to the Town of Ledgeview Building Inspector on the proper forms provided by the Town. Applications shall include a site plan scaled to at least one inch equaling 200 feet, with the following:
 - (1) A map showing the location of the premises and the adjoining properties within 500 feet.
 - (2) Any existing or future buildings, easements, property lines and setbacks.
 - (3) Any existing waterways or floodway.
 - (4) A scaled section view of the pond with slopes, depths and high and low water levels.
 - (5) Outflow design with calculations.
 - (6) Fencing.
 - (7) Methods of maintaining low water levels.

- (8) Proposed truck and machinery access to the site.
 - (9) Approximate amount of earth material to be excavated or removed at the site.
 - (10) Proposed regrading and revegetation of the site after completion of the excavating.
 - (11) Designated hours of operation.
 - (12) Contour intervals of the proposed site at intervals of 20 feet, when available.
- B. If the excavation site shall fall within a county floodplain, shoreland or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinances for Brown County shall apply. Brown County and Department of Natural Resource permits must accompany the application, if required.
- C. Applications shall be approved or denied within 60 days from the date all information is received in order. No application shall be processed or approved without adequate information.

§ 135-226 Design standards.

A. Ponds

- (1) All ponds shall be designed within the scope of this chapter. Where no minimum water level is to be maintained, the slope of the pond bottom may not exceed 3 to 1. In all cases where a portion of the pond will have a slope of greater than 3 to 1, a slope of no greater than 3 to 1 shall be maintained around the entire perimeter of said pond to a minimum water depth of 48 inches before the greater slope may occur.
- (2) All ponds shall have an outflow to maintain the maximum normal water level; the size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of outflow pipe shall not be less than eight inches in diameter. Calculations shall be provided with the permit application. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3 to 1 or less shall be established and maintained from the normal high-water level; this area shall be no less than three feet measured from the water's edge.
- (3) All ponds which shall have minimum water levels established as a result of slope angles greater than 3 to 1 shall seal the bottom and sides to prevent excess seepage. This seal shall be provided in one or more of the

following ways:

- (a) Existing clay soils.
- (b) Clay blanket.
- (c) Compaction.
- (d) Waterproof liners.

(4) The minimum side and rear setback shall be 25 feet; front setbacks and corner side setbacks shall be 50 feet.

B. Animal waste storage facilities

(1) All animal waste storage facilities shall be designed in accordance with Wis. Stats. 92.16 and 93.90, and ATCP 51.18, Wis. Adm. Code.

(2) The required setbacks for animal waste storage facilities shall comply with the regulations outlined in Article X AG-FP Farmland Preservation District.

C. Contaminated runoff storage facilities

(1) Facilities designed or intended to store contaminated runoff, including leachate, shall be designed in accordance with Wis. Stats. 92.16 and 93.90, and ATCP 51.20, Wis. Adm. Code.

(2) The required setbacks for contaminated runoff storage facilities shall comply with the regulations outlined in Article X AG-FP Farmland Preservation District.

§ 135-227 Other requirements.

A. The Town of Ledgeview Zoning and Planning Committee may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:

(1) A structural fence no less than four feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors or gates. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosure shall be kept securely latched at all times when unsupervised.

B. The groundwater table in the surrounding area and adjacent to the pond or animal waste storage facilities shall be protected.

- C. Town and state permits shall be required if high-capacity wells are drilled on the site. Location of all wells shall be provided on the site plans; well logs shall be provided to the Town after completion of the well.
- D. The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers.
- E. Temporary fencing shall be provided as soon as slopes of greater than 3 to 1 are developed during construction and shall be maintained until minimum water level is obtained.
- F. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.
- G. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- H. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town to revoke the permit.
- I. Trucks and machinery. No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
- J. The perimeter of the pond/lake/body of water shall be landscaped and seeded with a perennial ground cover within three months after completion of the excavation.
- K. The Town of Ledgeview retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety and welfare of the community.

§ 135-228 Inspections.

- A. The owner/agent shall call for the following required inspections 24 hours in advance. Other periodic inspections shall be granted to the Town of Ledgeview Building Inspector, Town Board and Zoning and Planning Committee during normal working hours.
- B. A site inspection shall be made prior to any excavation. Property lines adjacent to the excavation, proposed excavation boundaries and outflow termination point shall be marked clearly for site approval.
- C. An excavation inspection shall be made after all slopes are established.

- D. Final inspection shall be made when all fencing is in place and the pond has reached its minimum water level.

§ 135-229 Maintenance.

The owner of any land on which a man-made body of water shall exist is required to maintain that land and body of water within the limits of this chapter.

§ 135-230 Permit fees.

Permit fees shall be established and charged as per the fee schedule.

§ 135-231 Construction deposit.

A construction deposit shall be required.

§ 135-232 Performance bond required; exception.

- A. A performance bond shall be required. The following schedule shall be used:

Surface Area	Amount
0 to 1,000 square feet	\$500
1,001 to 2,500 square feet	\$1,000
2,501 square feet to one acre	\$5,000
One acre and up	\$5,000/acre or fraction thereof

§ 135-233 Violations and penalties.

- A. Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall, upon conviction thereof, forfeit an amount as determined by the Town Board in Chapter 1, General Provisions, Article II, Fees and Penalties, together with the costs of the prosecution; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail of Brown County, Wisconsin, for a period of not more than 30 days for each violation or until such forfeiture and costs of prosecution have been paid. Each day that a violation is permitted to exist shall constitute a separate offense and may be punishable as such.
- B. This section shall not preclude the Town of Ledgeview from maintaining any appropriate action to prevent or remove a violation of this article.

Section 2: Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

Section 3: Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

Section 4: Effective date. This ordinance shall take effect upon passage, postage, and publication.

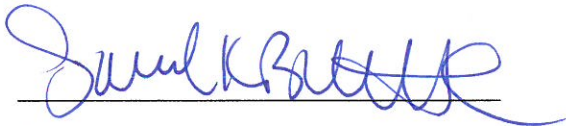
Approved: 21 November, 2017.



Philip J. Danen, Town Chairman

ATTEST:

I, Sarah K. Burdette, Clerk/Administrator of the Town of Ledgeview, Brown County, hereby certifies that the above is a true copy of an Ordinance adopted by the Town Board of the Town of Ledgeview on November 21, 2017.



Sarah K. Burdette, Town Clerk/Administrator

Posted: November 22, 2017

Published: November 24, 2017

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
BROWN COUNTY)
TOWN OF LEDGEVIEW)

I, Sarah K. Burdette, Clerk/Administrator of the Town of Ledgeview, do hereby certify that the attached Ordinance 2017-13 An Ordinance to Amend Chapter 135 Zoning, Article III-Definitions and Word Usage, Article IV-General Provisions, Article X-AG FP-Farmland Preservation, and Article XXIV-Man Made Bodies of Water is the original required by law to be in my custody. This ordinance was adopted by the Ledgeview Town Board at a legally posted open meeting held November 21, 2017.

In compliance with §60.80, a true and correct summary of this ordinance was posted at the town's three designated posting locations in the Town of Ledgeview on the 22nd day of November, 2017.

1. Town of Ledgeview Municipal Hall, 3700 Dickinson Road, De Pere, WI 54115
2. Larry's Piggly Wiggly, 575 Swan Road, De Pere, WI 54115
3. I-43 Shell, 3285 Cedar Hedge Lane, Green Bay, WI 54311
4. www.ledgeviewwisconsin.com

Set by my hand and official seal this 22nd day of November, 2017

Sarah K. Burdette
Sarah K. Burdette, Clerk/Administrator

Subscribed and sworn to before me this

22nd day of November, 2017

Charlotte K. Nelson
Notary Public
My commission expires 10-18-19



**NOTICE OF ORDINANCE & RESOLUTION ADOPTION
TOWN OF LEDGEVIEW
BROWN COUNTY, WISCONSIN**

Notice is hereby given that the Ledgeview Town Board enacted the following ordinance on November 21, 2017:

- Ordinance No. 2017-13 – An Ordinance Amending Chapter 135 Zoning, Article III-Definitions and Word Usage, Article IV-General Provisions, Article X-AG FP-Farmland Preservation, and Article XXIV-Man Made Bodies of Water. The ordinance amendment addresses recommendations by the Department of Agriculture, Trade, and Consumer Protection in reference to ordinance amendment 2017-08 which refers to building and use restrictions, incorporates livestock facilities siting law requirements, and addresses animal waste storage facilities as a conditional use.

Notice is further given that the Ledgeview Town Board adopted the following resolution on November 21, 2017:

- Resolution No. 2017-11 Adopting the 2018 Annual Budget and Establishing the Property Tax Levy for the Town of Ledgeview. The necessary 2017 property tax levy is \$2,469,018 to be paid in 2018.

The full text of the above stated ordinance and resolution may be obtained at the town clerk's office, located in the Ledgeview Municipal Building, 3700 Dickinson Road, De Pere, WI 54115 or via the town's website at www.ledgeviewwisconsin.com. For additional information contact the town clerk's office at 920-336-3360 ext. 104.

Charlotte K. Nelson
Charlotte K. Nelson, Deputy Clerk
Town of Ledgeview, Brown County, WI

Posted: November 22, 2017
Published: November 24, 2017

Charlotte Nelson

From: GRSC-West-Legals mbx <GRSC-West-Legals@gannett.com>
Sent: Wednesday, November 22, 2017 11:23 AM
o: Charlotte Nelson
Subject: RE: 2558907 Ledgeview - Ordinance & Resolution Adoption Notice

Hello,

Please find attached your order confirmation and proof of the ad.

Your ad is set to run in:

The Press Gazette on November 24th.

The total cost is \$47.38 which includes an affidavit which will be mailed to you after the ad publishes.

NOTICE OF ORDINANCE & RESOLUTION ADOPTION
TOWN OF LEDGEVIEW
BROWN COUNTY, WISCONSIN

Notice is hereby given that the Ledgeview Town Board enacted the following ordinance on November 21, 2017: Ordinance No. 2017-13 – An Ordinance Amending Chapter 135 Zoning, Article III-Definitions and Word Usage, Article IV-General Provisions, Article X-AG Farmland Preservation, and Article XXIV-Man Made Bodies of Water. The ordinance amendment addresses recommendations by the Department of Agriculture, Trade, and Consumer Protection in reference to ordinance amendment 2017-06 which refers to building and use restrictions, incorporates livestock facilities siting law requirements, and addresses animal waste storage facilities as a conditional use.

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Charlotte K. Nelson
Charlotte K. Nelson, Deputy Clerk
Town of Ledgeview, Brown County, WI
Posted: November 22, 2017
RUN: November 24, 2017 WNAXLF

Thank you,
Jenny Tyczkowski
Administrative Support Specialist



P: 877-943-0444
www.gannettwisconsinmedia.com

From: Charlotte Nelson [mailto:cnelson@ledgeviewwisconsin.com]
Sent: Wednesday, November 22, 2017 10:21 AM
To: GPG-legals mbx <legals@greenbaypressgazette.com>
Subject: 2558907 Ledgeview - Ordinance & Resolution Adoption Notice

Greetings,

Attached is a Notice of Ordinance & Resolution Adoption for 2017-13 & 2017-11 for publication in the November 23, 2017 edition of the Green Bay Press Gazette. Please confirm publication date.

Happy Thanksgiving!

Charlotte K. Nelson, Deputy Clerk
Town of Ledgeview



3700 Dickinson Road
De Pere, WI 54115
Telephone: (920) 336-3360, Ext. 104
Fax: (920) 336-8517
cnelson@ledgeviewwisconsin.com
Population: 7,431



This message originates from the Town of Ledgeview. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.



**STATE OF WISCONSIN
BROWN COUNTY**

TOWN OF LEDGEVIEW, LEGALS

3700 DICKINSON RD
DE PERE WI 541158797

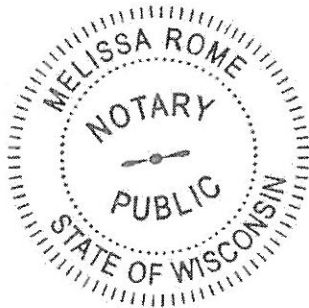
NOTICE OF ORDINANCE & RESOLUTION ADOPTION
TOWN OF LEDGEVIEW
BROWN COUNTY, WISCONSIN
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Charlotte K. Nelson
Charlotte K. Nelson, Deputy Clerk
Town of Ledgeview, Brown County, WI
Posted: November 22, 2017
RUN: November 24, 2017 WNAXLP

Being duly sworn, doth depose and say that she/he is an authorized representative of the Green Bay Press Gazette, a newspaper Green Bay, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: GWM-281504
Order Number: 0002558907
No. of Affidavits: 1
Total Ad Cost: \$47.38
Published Dates: 11/24/17

(Signed) Wendelin K Stephens (Date) 11/24/2017
Legal Clerk

Signed and sworn before me
M Rome
My commission expires 1-12-2021



TOWN OF LEDGEVIEW, LEGALS
Re: Ord. No. 2017-13 and Res. 2017-11

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 135

Zoning

[HISTORY: Adopted by the Town Board of the Town of Ledgeview 1-4-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Erosion control — See Ch. **36**.

Nuisances — See Ch. **68**.

Stormwater management — See Ch. **90**.

Uniform Dwelling Code — See Ch. 112.

Junked vehicles — See Ch. **121**.

Article I

Title, Authority and Adoption

§ 135-1 Title.

This chapter shall be known, cited and referred to as the "Town of Ledgeview Zoning Ordinance, Brown County, Wisconsin."

§ 135-2 Authority.

[Amended 11-14-2000; 6-20-2006 by Ord. No. 2006-011]

The Town Board of the Town of Ledgeview has the specific authority, power and duties pursuant to Wis. Stats. §§ 60.62, 61.35 and 62.23 pursuant to the specific statutory sections noted in this chapter, and by its adoption of village powers under Wis. Stats. § 60.10, to zone certain areas in the Town of Ledgeview and to regulate, prohibit and restrict construction, alteration, erection and enlargement of certain structures and buildings in the Town of Ledgeview, and to regulate and control certain uses, activities, businesses and operations in the Town of Ledgeview.

§ 135-3 Adoption of chapter.

The Town Board of the Town of Ledgeview has, by adoption of this chapter, confirmed the specific statutory authority, powers and duties noted in the specific sections of this chapter and has established, by these sections and this chapter, the specific areas and the regulations and controlling of certain uses, activities, businesses and operations in the Town of Ledgeview.

Article II

Intent, Purpose and Severability

§ 135-4 Intent.

This chapter is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

§ 135-5 Purpose.

The Zoning Ordinance of the Town of Ledgeview, Brown County, Wisconsin, is adopted for the

following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship among agricultural, residential, business, commercial and manufacturing uses for the mutual benefit of all.

§ 135-6 **Severability.**

If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

Article III Definitions and Word Usage

§ 135-7 **Word usage.**

- A. For the purpose of this chapter, words used in the present tense shall include the future; words used in the singular shall include the plural number and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece," "parcel" and "plats"; the word "building" includes all other structures of every kind, regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. Any words not herein defined shall be construed as defined in other respective state, county and Town codes.

§ 135-8 **Definitions.**

Certain words and terms in this chapter are to be interpreted as defined herein:

ACCESSORY USE

A building or use which is:

[Amended 11-14-2000]

- A. Constructed or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter.
- B. Clearly incidental to, subordinate in purpose to, and serves the principal use.

ADULT FAMILY HOME

A place where adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to seven hours per week of nursing care per resident. Adult family homes can admit and provide services to people of advanced age, persons with dementia, developmental disabilities, mental health problems, physical disabilities, traumatic brain injury, AIDS, alcohol and other drug abuse, correctional clients, pregnant women needing counseling and/or the terminally ill. Adult family homes are licensed under Ch. DHS 88, Wis. Admin. Code.

[Added 5-19-2015 by Ord. No. 2015-004]

AGRICULTURALLY RELATED RESIDENCE

A second farm residence or dwelling unit which is occupied by a person who, or a family at least one member of which, earns a majority of his or her livelihood from the farm operation. No lot split shall be required for a second farm residence located anywhere on any operating farm subject to setback, height, and other dimensional requirements.

[Added 9-6-2016 by Ord. No. 2016-017]

AGRICULTURAL LEACHATE

Any liquid material from the production area directly or indirectly used in the operation of animal feeding operation that results from any or all of the following:

[Amended 11-21-2017 by Ord. No. 2017-13]

- A. Spillage or overflow from animal or poultry watering systems.
- B. Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities.
- C. Direct contact swimming, washing, or spray cooling of animals or dust control.
- D. Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs or bedding.

AGRICULTURE

Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831 to 3836; participating in the milk production termination program under 7 U.S.C. § 1446(d); and vegetable raising.

AGRICULTURE-RELATED USE

A facility located on a farm or farmstead that has at least one of the following as a primary and not merely incidental purpose:

[Added 4-6-2015 by Ord. No. 2014-007]

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms.
- B. Storing, processing or handling raw agricultural commodities obtained directly from farms.
- C. Slaughtering livestock from farms.
- D. Marketing livestock to or from farms.
- E. Processing agricultural by-products or wastes received directly from farms.

AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

ALLEY

A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

ANIMAL SHELTER

A public or nonprofit operation in which unwanted animals are temporarily housed.

APARTMENT HOTEL

An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

APARTMENT HOUSE

Buildings or portions thereof used or intended to be used by three or more families living independently in separate apartment units. Also referred to as a "multiple-family dwelling."

[Amended 11-14-2000]

ARTIFICIAL LAKE

A man-made body of water utilized for recreational or conservational purposes.

ASSISTED LIVING FACILITY

A personal care home which offers a range of accommodations that range from independent residential housing options to housing options with personal services. Personal services include but are not limited to individual assistance with or supervision of self-administered medication and essential activities of daily living such as bathing, feeding, grooming, dressing and toileting. A residential use, which could otherwise be classified as multifamily, is to be considered to be an Assisted Living Facility if it registered with or licensed by the State of Wisconsin as an assisted living home. Community-based residential facilities (CBRFs) and adult day cares are types of assisted living facilities.

[Added 5-19-2015 by Ord. No. 2015-004]

AUTO WRECKING YARD

Any premises on which more than one automotive vehicle not in running or operating condition is stored in the open.

BASEMENT

That portion of any structure located partly underground and having more than 1/2 of its height below the finished lot grade.

BED-AND-BREAKFAST ESTABLISHMENT

Any place of lodging that provides two or fewer rooms for rent for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast. The maximum stay of any one guest shall not exceed seven days per stay.

BLOCK

A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

BOARDINGHOUSE (LODGING HOUSE)

A building or premises, other than a hotel, containing lodging rooms accommodating for compensation four or more persons not of the keeper's family. Lodging may be provided with or without meals.

BUILDING

Any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

BUILDING, ACCESSORY

A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this chapter applicable to the principal building.

BUILDING AREA

The maximum horizontal projected area within the perimeter of the outside surface of walls or supports of the building or structure. Exterior cantilever open balconies are not included.

BUILDING, ATTACHED

One which is joined to another dwelling at one or more sides by a party wall or walls.

BUILDING, DETACHED

One which is entirely surrounded by open space on the same lot.

BUILDING FRONTAGE

The horizontal linear dimension designated as the primary facade of that portion of a building occupied by a single use or occupancy. A corner tenant will be permitted to use the secondary facade to determine the building frontage.

[Added 12-19-2006 by Ord. No. 2006-016]

BUILDING HEIGHT

The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the decline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.

BUILDING, RESIDENTIAL ACCESSORY

A detached storage building on a residential property measuring more than 100 square feet in area. A residential accessory building is located on the same parcel as the principal residential structure and is clearly incidental to the principal residential structure. See § 135-11G for regulations.

[Added 4-19-2016 by Ord. No. 2016-008]

BUILDING SETBACK LINE

A line located a stated distance from and parallel with a lot line or street right-of-way for the purpose of defining limits within which buildings and structures may not be constructed.

BUILDING, TEMPORARY

Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. (They are further defined in the definition of "manufactured home.")

[Amended 11-14-2000]

CAMPGROUND

A tract or parcel of land on which space is provided for camping; includes day and overnight camping.

CANOPY (MARQUEE)

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

CAPACITY, IN PERSONS, OF AN ESTABLISHMENT OR USE

The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Zoning Administrator or designee.

CHARITABLE ORGANIZATION

Any person that is or holds itself out to be established for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, or other eleemosynary purpose or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety.

[Added 5-19-2015 by Ord. No. 2015-004]

CLINIC, MEDICAL OR DENTAL

An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

CLUB

An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMERCIAL FEEDLOTS

An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot or slaughterhouse.

COMMON OWNERSHIP

For purposes of the Farmland Preservation Ordinance, ownership by the same person or persons. "Common ownership" includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

[Added 4-6-2015 by Ord. No. 2014-007]

COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF)

A place where three or more unrelated adults reside, in which care, treatment or services above the

level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Family Services under 50.01, Wis. Stats.

COMMUNITY CENTER

A building to be used as a place of meeting, recreation or social activity and not operated for profit.

[Added 4-1-2013 by Ord. No. 2013-003]

COMMUNITY LIVING ARRANGEMENT

A community living arrangement, commonly referred to as a "community-based residential facility" (CBRF), is a place where adults who are not related to the operator or administrator reside and receive care, treatment or services that are above the level of room and board and that may include up to three hours per week of nursing care per resident. Adults residing in a CBRF should not require care above intermediate-level nursing care. CBRFs can admit and provide services to people of advanced age, persons with dementia, developmental disabilities, mental health problems, physical disabilities, traumatic brain injury, AIDS, alcohol and other drug abuse, correctional clients, pregnant women needing counseling and/or the terminally ill (hospice). A CBRF is a type of assisted living facility, and is licensed under Ch. DHS 83, Wis. Admin. Code.

[Amended 5-19-2015 by Ord. No. 2015-004]

CONDITIONAL USE

See the definition of "use, conditional."

CONTAMINATED RUNOFF

The drainage that has come through or across a feed storage or manure storage area. Contaminated runoff includes the liquid and any sediment, manure, feed, or other material carried in the liquid. Contaminated runoff contains lower concentrations of contaminants than agricultural leachate from feed or manure.

[Added 11-21-2017 by Ord. No. 2017-13]

CONTIGUOUS

Adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not contiguous if they meet only at a single point.

[Added 4-6-2015 by Ord. No. 2014-007]

CORNER SIDE YARD

A yard extending along a side lot line from front yard to rear yard when said side lot line is parallel with a street right-of-way line.

[Amended 11-14-2000]

DAY-CARE FACILITY, CHILD

A facility providing care and supervision for four or more children under the age of seven for less than 24 hours a day as licensed as a child-care center from the Wisconsin Department of Children and Families, § 48.65, Wis. Stats. Does not apply to anyone caring for one to three children in the provider's own home.

DAY-CARE FACILITY, ADULT

A day program that provides the elderly and other adults with services when their caregivers are at work or need relief. An adult day-care center provides services for part of a day in a group setting to adults who need assistance with activities of daily living (ADLs), supervision and/or protection. Services may include personal care and supervision, provision of meals, medical care, medication administration, transportation, and activities designed to meet physical, social, and leisure time needs. Adult day care may be provided in family homes, freestanding centers, and multi-use facilities such as churches, schools and senior centers. Adult day-care centers generally operate programs during normal business hours five days a week. Some programs offer services in the evenings and on weekends. Adult day care is a type of assisted living. In Wisconsin, adult day-care centers are not licensed but may be certified.

[Added 5-19-2015 by Ord. No. 2015-004]

DRIVE-IN BUSINESS

An establishment with street access which provides no interior seating or service; or an establishment which allows for interior seating or service, but the majority of its business is conducted in the following manner:

- A. By means of a service window;
- B. In-car service; and
- C. Restaurant or confectioneries with carry-out counter.

DWELLING

A building or portion of a building designed exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple-family dwellings with individual sleeping, toilet and cooking facilities, but not including buildings intended for use by transients. Dwellings shall include manufactured homes.

DWELLING, MULTIPLE-FAMILY

A building or portion thereof containing three or more dwelling units.

DWELLING, SINGLE-FAMILY

A building designed for and occupied exclusively by one family.

DWELLING, TWO-FAMILY

A building designed for and occupied exclusively by two families.

DWELLING UNIT

One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EARTHEN BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to provide a visual and/or audible screen and transition between uses or activities of differing intensity. Rock or concrete rubble may be included in a berm if completely covered with topsoil.

[Amended 2-22-2017 by Ord. No. 2017-01]

EASEMENT

Any area of land reserved for public utilities, drainage, sanitation or other specific uses having limitations, the title to which shall remain in the property owner's name subject to the right of use designated in the reservation of servitude.

ELEEMOSYNARY INSTITUTION

An institution or corporation created for or devoted to charitable purposes. Private corporations, incorporated for the administration of the public charity which is endowed by private benefactions from such persons as bestow them.

[Added 5-19-2015 by Ord. No. 2015-004]

ESTABLISHMENT BUSINESS

A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

FACADE

The portion of any exterior elevation on the building extending from grade to top of parapet, wall, or eaves and the entire width of the building elevation.

[Added 12-19-2006 by Ord. No. 2006-016]

FAMILY

One or more persons living together in one dwelling unit as a single housekeeping entity.

[Amended 11-14-2000]

FAMILY DAY-CARE HOME (NONRESIDENTIAL)

An establishment licensed as a day-care center by the Department of Health and Family Services under W.S.A. s. 48.65, where care is provided for not more than eight children and the establishment is not the principal residence of the provider.

FARM

All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

[Amended 4-6-2015 by Ord. No. 2014-007]

- A. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
- B. A majority of the land area is in agricultural use.

FARM CONSOLIDATION

The sale of farm acreage to another adjacent farm or owner of a farm located within a close proximity or the acquisition of farm acreage from an adjacent farm owner or from a farm within close proximity.

FARMERS MARKET

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and

crafts items, and food and beverages (but not to include secondhand goods) dispensed from booths located on-site.

[Added 12-19-2006 by Ord. No. 2006-016]

FARM POND

A man-made body of water utilized for farm purposes.

FARM RESIDENCE

A single-family residence structure on the farm.

[Added 4-6-2015 by Ord. No. 2014-007]

FARMSTEAD

The nonfarmed area of a farm which typically contains the original farm dwelling and other buildings which are used for farming operations or activity. In some instances, minor amounts of tilled acreage or pastureland would be contained within the farmstead, but tilled land and pastureland is generally separate from the farmstead itself.

[Added 4-6-2015 by Ord. No. 2014-007]

FEEDLOT

A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures shall not be considered animal feedlots under these rules.

[Added 9-6-2016 by Ord. No. 2016-017]

FEED STORAGE RUNOFF CONTROL SYSTEM

A system of facilities or practices to contain, divert, retard, treat, or otherwise control the discharge of leachate and contaminated runoff from livestock feed storage areas.

[Amended 11-21-2017 by Ord. No. 2017-13]

FENCE

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FENCE, SOLID

Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land which does not allow any item situated inside the barrier to be seen from the outside.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. However, floor area for the purposes of measurement for off-street parking spaces shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or

loading facilities, including aisles, ramps and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods or to business or professional offices.

FRONTAGE

The length of the property line of a lot, lots or tract of land abutting a public street. On a curved street, such length may be measured along the cord length at the building setback line.

FRONTAGE, ZONING LOT

The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

FUR FARM

Agricultural operation, where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

GARAGE, PRIVATE

An accessory to the main building, which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC AND STORAGE

Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FARM REVENUE

Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter but does not include rent paid to the landowner.

[Added 4-6-2015 by Ord. No. 2014-007]

GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

GROUP DAY-CARE CENTER

A dwelling or establishment licensed as a day-care center by the Department of Health and Family Services under § 48.65, Wis. Stats., where care and supervision are provided for nine or more children.

GROUP HOME FOR CHILDREN

Any facility operated by a person required to be licensed by the Department of Health and Family Services under § 48.625, Wis. Stats., for care and maintenance of five to eight children, with or without transfer of legal custody.

HARD-SURFACED

A driveway or parking lot surfaced with concrete, paving brick or bituminous paving.

HEALTH AND MEDICAL INSTITUTIONS

Institutions or organizations which provide specialized inpatient or outpatient medical and dental care.

HEDGE

A dense row of shrubs, etc., forming a boundary, fence or barrier.

HOME OCCUPATION, PERMITTED

Any business or commercial activity that is conducted from property that is zoned for residential or agricultural use.

[Amended 6-17-2014 by Ord. No. 2014-011[1]]

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

HOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms, with or without cooking facilities in any individual room or apartment.

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations.

JUNK (OR SALVAGE) YARD

An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, rubber tires and recyclable materials. A junk or salvage yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

KENNELS

A lot or building in which three or more dogs or four or more cats or other animals at least two months of age are kept commercially for board and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.

LANDSCAPING MATERIALS

Materials used to make a plot of ground more attractive and/or stable. These materials may include but are not limited to trees, grasses, ground cover, vines, flowers, earthen berms, earth stabilization materials, rocks and stones and wood chips.

LIVESTOCK

Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

[Added 4-6-2015 by Ord. No. 2014-007]

LIVESTOCK FACILITY

A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any twelve-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this chapter.

[Amended 11-21-2017 by Ord. No. 2017-13]

LOT

A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this chapter, and abutting on a public street.

LOT AREA, GROSS

The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

LOT, CORNER

A lot located at the intersection of two streets, the interior angle of such intersection not exceeding 135°.

LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT GRADE

The average of the finished lot elevation upon completion of construction and landscaping between the street right-of-way line and a perpendicular point on the front yard setback line.

LOT, INTERIOR

A lot other than a corner or reversed corner lot.

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated public street, or where no public street exists along a public way.

LOT LINE, REAR

That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this chapter, and certified survey maps approved and recorded in the Register of Deeds office of Brown County.

LOT, REVERSED CORNER

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH

The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

MAN-MADE BODY OF WATER

See Article XXIV, § 135-222A.

[Amended 11-14-2000]

MANUFACTURED HOME

A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on the site:

- A. Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and VIII of ILHR 21[2] of the Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the Zoning Administrator or designee. The Zoning Administrator or designee may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
- B. Is installed in accordance with the manufacturer's instructions.
- C. Is properly connected to utilities.

MANUFACTURED HOME COMMUNITY

A contiguous parcel of land containing two or more manufactured homes.

MOTEL

Establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit, except by the owner, his/her agent or his/her employees.

MOTOR VEHICLES

A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway.

NONCONFORMING BUILDING

A building lawfully erected at the time of the enactment of this chapter which does not conform to the height, setback, yard, parking or other bulk requirements of this chapter or any amendment thereto governing the zoning district in which such building is located.

[Amended 11-14-2000]

NONCONFORMING USE

Any use of land, buildings or structures lawful at the time of the enactment of this chapter which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

NURSING HOME

A facility for which arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. No personal care home, assisted living facility, rehabilitation center or any other type of facility may be permitted under this part as a nursing home unless it meets the definition of "nursing home" set forth in the Wisconsin Administrative Code and is licensed by the State of Wisconsin under Ch. DHS 132, Wis. Admin. Code.

[Added 5-19-2015 by Ord. No. 2015-004]

OPEN SPACE

Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state. Open space is exclusive of buildings, roads, and parking areas.

[Added 12-19-2006 by Ord. No. 2006-016]

OPEN SPACE PARCEL

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

[Added 4-6-2015 by Ord. No. 2014-007]

ORDINARY MAINTENANCE AND REPAIR

Ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure, which has been damaged or has deteriorated through natural aging and wear, and which do not result in substantial structural improvements or a significant increase in value. Such actions may include, but are not limited to, painting, staining, and the repair of the following: exterior windows, skylights, doors, vents, siding, installation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, internal improvements within the structural envelope without doing a structural alteration.

[Added 8-20-2013 by Ord. No. 2013-007]

PARKING SPACE

A graded and surfaced area of not less than 200 square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways or other means of circulation or access.

[Amended 11-14-2000]

PARTY WALL

A wall constructed between two attached units or rooms which may or may not be separately owned.

PERMITTED USE

See the definition of "use, permitted."

PERSON

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

[Added 4-6-2015 by Ord. No. 2014-007]

PERSONAL CARE HOMES

See "day-care facility, adult" for definition.

[Added 5-19-2015 by Ord. No. 2015-004]

PLANNED UNIT DEVELOPMENT

A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control; the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.

PLAT or PLATTED LAND

Land division created by the recording of a subdivision plat or certified survey map as per the requirements of the Brown County Subdivision and Platting Regulations, Brown County Code of Ordinances.

PRIME FARMLAND

All of the following:

[Added 4-6-2015 by Ord. No. 2014-007]

- A. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- B. Land, other than land described in Subsection A, which is identified as prime farmland in the county's certified farmland preservation plan.

PROFESSIONAL OFFICE

The office of a member of a recognized health care profession licensed by Chs. 441 and 446 to 449, Wis. Stats. Administrative duties only; no manufacturing, shipping or receiving.

[Amended 11-14-2000]

PROTECTED FARMLAND

Land that is any of the following:

[Added 4-6-2015 by Ord. No. 2014-007]

- A. Located in a Farmland Preservation Zoning District certified under Ch. 91, Wis. Stats.
- B. Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- C. Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- D. Otherwise legally protected from nonagricultural development.

RECREATIONAL SPORT SHOOTING FACILITY

Any place designed or operated for the use and discharge of firearms, bow and arrow, or other weapons regulated under Chapter 129 of the Code of the Town of Ledgeview.

[Added 4-22-2008 by Ord. No. 2008-006]

RECREATIONAL VEHICLE

A vehicle primarily used for leisure activities, including but not limited to trailers, boats with or without trailers, all-terrain vehicles and snowmobiles. For the purpose of this code, recreational vehicles do not include four-wheel-drive cars or trucks and motorcycles.

REHABILITATION CENTERS

A facility providing on-site rehabilitative services, whether operated for profit or not-for-profit. On-site rehabilitative services include counseling services and/or therapeutic services offered as a part of any organized program for the mental, psychological, substance abuse recovery, and occupational or physical rehabilitation of any person.

[Added 5-19-2015 by Ord. No. 2015-004]

RESIDENTIAL VIEWSHED, PRIMARY AND SECONDARY

A viewshed is the geographical area that is visible from a location. A residential viewshed is the viewable area generally located between the residence and the public right-of-way (street), necessary to maintain an unobstructed view of the residence from the street. The primary residential viewshed is defined as the line parallel to the front entrance extending from the sides of the residence to the public right-of-way. The secondary residential viewshed is determined by extending a line from the widest part of the footprint of the residence to the right-of-way, parallel to the parcel. Accessory structures are prohibited from being located in either the primary or secondary residential viewshed.

[\[Image\]](#)

RETAIL

Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

RETAIL, HIGHWAY-ORIENTED

Retail dependent on both a large flow of traffic and convenient access. It includes such uses as motels, fast-food restaurants, and automobile service stations.

[Added 12-19-2006 by Ord. No. 2006-016]

RETAIL, PEDESTRIAN-ORIENTED

Retail that is designed with a primary emphasis on the street sidewalk or connecting walkway access to the site and building, rather than on auto access and parking lots.

[Added 12-19-2006 by Ord. No. 2006-016]

RIGHT-OF-WAY

- A. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

- B. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

ROADSIDE STAND

A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and limited to 10 feet maximum height.

SATELLITE DISH ANTENNA

A device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as "satellite earth stations," "TVROs" and "satellite microwave antennas."

SETBACK AREA

The minimum horizontal distance between the building or use and the lot line.

SETBACK, CORNER SIDE YARD

The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street and the side right-of-way line perpendicular to the fronting street.

SETBACK, FRONT YARD

The minimum horizontal distance between the front line of the building or use and the street right-of-way line.

SETBACK LINES

Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures or uses may not be constructed, maintained or carried on, except as shown herein.

SETBACK, REAR YARD

The minimum horizontal distance between the back line of the building or use and the rear lot lines.

SETBACK, SIDE YARD

The minimum horizontal distance between the side line of the building or use and the side lot lines, unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

SHED, GARDEN OR TOOL

A structure equal to or less than 100 square feet in area, which is accessory to the residential use of the property and used for incidental storage. Sheds shall not exceed 10 feet in overall height to the highest point of the roof. Such sheds must be located to the rear of the front line of the principal structure and set back a minimum of three feet from side and rear property lines.

[Added 4-19-2016 by Ord. No. 2016-008]

SIDEWALK SALE

A promotional sales event conducted outside the confines of the commercial or manufacturing structure in which such business is normally conducted and which occurs on a paved or concrete area on the same lot as the structure.

[Added 12-19-2006 by Ord. No. 2006-016]

SIGN

A name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. (See Article **XX** for additional sign definitions.)

SIGN, ADVERTISING

A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS

A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

STOCK FARM

An agricultural operation, usually nondairying in nature, where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

STORY

That part of a building between any floor and the floor next above and, if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

STREET

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, thoroughway or however otherwise designated, but does not include driveways to buildings.

STREETSCAPE

An area that may either abut or be contained within the public or private street right-of-way or accessway that may contain sidewalks, street furniture, landscaping or trees, and similar features.

[Added 12-19-2006 by Ord. No. 2006-016]

STRUCTURAL ALTERATION

Any activity not considered ordinary maintenance and repair which results in a change to the integral framework or exterior silhouette or footprint of a structure.

[Amended 8-20-2013 by Ord. No. 2013-007]

STRUCTURALLY ATTACHED

With respect to additions, "structurally attached" means:

- A. At least 50% of the surface area of the adjoining wall of the addition and the principal structure is

common to both structures.

- B. The foundation of the addition is similar to that of the principal structure.
- C. The height of the addition does not exceed the height of the principal structure.
- D. The type of construction and materials used in the addition are substantially similar to those used in the principal structure with respect to texture, color and general appearance.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having permanent location on the ground.[3]

TOWN

The Town of Ledgeview.

TOWN BOARD

The governing body of the Town of Ledgeview.[4]

TRUCK FARMING

Horticultural practice of growing one or more vegetable crops on a large scale for shipment to distant markets. Crops are typically harvested directly to a truck for immediate shipment.

[Added 9-6-2016 by Ord. No. 2016-017]

UNNECESSARY HARDSHIP

Where special conditions affecting a particular property, which were not self-created and nonfinancial in nature, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

USE, CONDITIONAL

A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may or may not be granted, subject to the terms of this chapter and any conditions attached by the Town Board to the use.

USE, PERMITTED

A use which may be lawfully established in a particular district or districts, provided that it conforms with all requirements, regulations and standards of such district.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted, conditional or nonconforming.

VARIANCE

A departure from the terms of this chapter as applied to a specific building, structure or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal

application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district. In no case shall a variance be granted to permit any use not permitted in a particular zone.

VETERINARY HOSPITAL, LARGE-ANIMAL

A place where animals, other than household pets, such as horses, cows, pigs, sheep, etc., are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

VETERINARY HOSPITAL, SMALL-ANIMAL

A place where household pets are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use. (If veterinary hospital is for small and large animals, large animal zoning applies.)

YARD

An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.[5]

YARD, FRONT

A yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE

A yard extending along a side lot line from the front yard to the rear yard.

YARD, REAR

A space, unoccupied except by an accessory building or accessory use as herein permitted, extending for the full width of the lot between the principal building and the rear lot line. A rear yard adjoining a public street is considered a corner side yard, except in a through lot.

ZERO-LOT-LINE DUPLEX

A two-family dwelling situated so that a common wall is located on a side lot line.

ZONING ADMINISTRATOR

The Town official(s) charged with administration and enforcement of this chapter.

ZONING AND PLANNING COMMITTEE

The Zoning and Planning Committee of the Town of Ledgeview.[6]

ZONING BOARD OF APPEALS

The Town of Ledgeview Zoning Board of Appeals.

ZONING DISTRICT

Divisions of the Town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in this chapter, for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING LOT

An area within a single tract of land, under single ownership, having a specific zoning district. A zoning lot may, therefore, not coincide with the lot of record and may be located on a parcel of land

with two or more zoning districts.

Article IV General Provisions

§ 135-9 **Jurisdiction.**

The jurisdiction of this chapter shall include all lands and waters within the Town of Ledgeview.

§ 135-10 **Existing ordinances.**

- A. Restrictions or requirements with respect to buildings or land, or both, which appear in other ordinances of the Town of Ledgeview or are established by federal, state or county laws and which are greater than those set forth herein shall take precedence over those herein. Otherwise, the provisions shall apply.
- B. All uses, permitted, conditional and accessory, found within the respective zoning districts contained within this chapter may be further restricted by Chapter **126**, Water, Article **I**, Wellhead Protection, of the Code of the Town of Ledgeview.

§ 135-11 **Building and use restrictions.**

- A. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved, and existing land shall be used only for purposes as specified in this chapter. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
- B. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot within the R-1 and R-2 Zones, with the exception of approved planned unit developments.
- C. Principal structures, and anything attached to them, located in R-1, R-2, or RR Zone shall not contain standard plain concrete or cinder block as an exterior facade material. Exterior facades shall be materials that are compatible with surrounding principal residential structures. Acceptable materials include vinyl, aluminum or wood siding, brick, sandstone, or other natural stone materials. Materials such as corrugated metal siding/roofing, decorative split-faced block and other materials not mentioned must be approved by the Zoning Administrator or designee. Decisions can be appealed and approved by the Zoning and Planning Committee. **[Added 8-3-2009 by Ord. No. 2009-022[7]]**
- D. All residential roofs must have a minimum pitch of 6:12. Roof pitch shall be compatible with surrounding principal residential structures. A roof pitch less than 6:12 must be approved by the Zoning Administrator or designee. Decisions can be appealed and approved by the Zoning and Planning Committee. **[Added 8-3-2009 by Ord. No. 2009-022]**
- E. The square footage of garages that are attached to principal structures located in R-1, R-2, or RR Zone shall not exceed the square footage of the first-floor footprint of the living area of the principal structure. The roof height of the garage shall not exceed the roof height over the living area of the principal area. **[Added 8-3-2009 by Ord. No. 2009-022]**
- F. Permitted uses, permitted accessory uses and conditional uses are limited to the uses indicated for the respective zone district.
- G. Accessory buildings shall not occupy more than 30% of the rear yard. These restrictions shall apply in all districts, except as provided for in Subsection **G(1)** through **(5)** below: **[Amended 11-14-2000; 7-1-2002; 7-3-2003; 6-4-2007 by Ord. No. 2007-010; 9-18-2007 by Ord. No. 2007-016; 4-19-2016 by Ord. No. 2016-008]**
- (1) Farm structures. The above regulations shall not apply to accessory buildings located in the AG-FP Farmland Preservation District, A-2 Agriculture District or R-R Rural Residential District if said

accessory building is used as a part of a legitimate agricultural operation located on a minimum farm site of 10 acres. [Amended 8-22-2017 by Ord. No. 2017-08; 11-21-2017 by Ord. No. 2017-13]

- (2) R-1, R-2 and R-R Rural Residential Districts. The maximum size and number of residential accessory buildings permitted on parcels shall vary depending on parcel size, as follows:

Parcel Size (acres)	Maximum Total Square Feet Allowed per Parcel	Number of Accessory Structures Permitted per Parcel ¹
0.99 or less	900	1
1.00 to 1.49	1,200	1
1.50 or more	2.0% of the total parcel area to a maximum of 4,000 square feet	2

NOTE:

¹ In addition to a garden or tool shed not to exceed 100 square feet.

- (a) Location. All residential accessory buildings shall comply with the setbacks of the zoning district in which the property is located. In addition:
- [1] Residential viewshed established. Residential accessory structures shall not be located in the primary residential viewshed or secondary residential viewshed as defined in § 135-8.
 - [2] Size restriction based on setback distance. Residential accessory structures with a setback of less than 100 feet from the public right-of-way shall not exceed 625 square feet in size. Such structures with a setback more than 100 feet from the public right-of-way but located in front of the leading edge of the residence shall not exceed 1,200 square feet in size.

[\[Image\]](#)

(b) Materials.

- [1] The accessory building shall be constructed of materials which are substantially similar to those used in the principal structure with respect to texture, color and general appearance.

(c) Height.

- [1] Overall height of a residential accessory structure shall not exceed the height of the principal structure.
- [2] Side walls may not exceed 14 feet in height.

(3) (Reserved)

(4) LI Light Industrial District. The above regulations shall not apply to accessory buildings located in LI Districts. Regulations governing height, size, lot coverage and number of accessory buildings allowed in the LI District are found in Article XVII of this chapter.

(5) HI Heavy Industrial District. The above regulations shall not apply to accessory buildings located in HI Districts. Regulations governing height, size, lot coverage and number of accessory buildings

allowed in the HI District are found in Article **XVIII** of this chapter.

- H. Detached accessory buildings or structures shall be located no closer than 10 feet to any other accessory or principal structure.
- I. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this chapter. If the lot area is less than the minimum number of square feet required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied if it meets the other district requirements of this chapter and any other applicable state or local regulations.
- J. The existing lawful use of a building or premises at the time of the enactment of this chapter or any amendment thereto may be continued, although such use does not conform with the provisions of this chapter for the district in which it is located, but such nonconforming use shall not be extended nor shall such building or structure be altered or enlarged, except as provided for in Subsection **M**.
- K. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- L. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
- M. Present uses of principal or accessory buildings, signs and premises may be continued even though they do not conform to the regulations of this chapter. The ordinary maintenance, repair, renovation, or remodeling of a nonconforming structure is allowed with the issuance of an appropriate permit. However, structural repairs or alterations of such buildings, signs or premises which require the issuance of a permit shall not exceed 33% of the structural members of the existing roof, walls or foundation. The expansion of a nonconforming structure may not exceed 50% of the enclosed building area and may not increase the nonconformity without the approval of a variance by the Board, unless a building, sign or premises conforming to these regulations of this chapter result. Nonconforming buildings and structures that are damaged or destroyed by a natural event, including but not limited to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, may be reconstructed, provided that: [**Amended 11-14-2000; 8-20-2013 by Ord. No. 2013-007**]
 - (1) The use of the building or structure which is nonconforming as to this chapter was not discontinued for a period of 12 months or more;
 - (2) The repair and reconstruction are limited to that part of the structure and its specific improvements which are actually damaged or destroyed by a natural event and similar building materials shall be utilized;
 - (3) The owner has the burden to establish that the damage or destruction was to a nonconforming structure or a part thereof was actually caused by a natural event and to establish the specific extent to which the damage or reconstruction occurred for the structural or part thereof that has actually been damaged or destroyed shall be reconstructed to the size, including the footprint and total square footage, location, and use, that it had immediately before the damage or destruction occurred subject to Subsection **M(6)**;
 - (4) The owner shall bear the burden as to the size, location, and use of a damaged or destroyed nonconforming, structure or part thereof immediately before the damage or the destruction;
 - (5) The size of the nonconforming structure can be larger than the size it was immediately before the damage or destruction is necessary to comply with applicable local, state or federal requirement.

- (6) Repair and reconstruction shall be in compliance with all other provisions of applicable ordinances; and
 - (7) Damage was not due to an intentional act of the owner or his or her agent.
- N. Radio and television transmitting and receiving antennas, as well as dish antennas, shall be allowed within the lot area not required for the building setback area in all zones and on the roof of a building in all business and industrial zones.
- O. Satellite dish antennas larger than three feet in diameter are not allowed on the roof of a building in any residential or agricultural zone. However, radio and television transmitting and receiving antennas are allowed on roofs in these zones.
- P. Site plan/development and design standards. **[Added 2-18-2004 by Ord. No. 2004-004; amended 12-19-2006 by Ord. No. 2006-016; 9-18-2007 by Ord. No. 2007-016; 11-22-2011 by Ord. No. 2011-014; 2-20-2018 by Ord. No. 2018-03]**
- (1) Introduction. This subsection is designed to provide for the future growth and development of those multifamily residences, businesses and industries that seek an aesthetically attractive working environment. The intent and purpose of this subsection is to promote and maintain desirable economic development within the Town PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District, HI Heavy Industrial District, and R-3 Multiple-Family District that is practical, feasible and an asset to owners, neighbors and the Town of Ledgeview while maintaining an attractive environment.
 - (2) Objectives. The purpose of this subsection is to establish rules, regulations, standards and procedures for approval of all new development proposals and the expansion of existing businesses and industries in order to:
 - (a) Provide for safe, efficient vehicular and pedestrian circulation.
 - (b) Provide for screening, landscaping, signage, lighting and green space.
 - (c) Ensure efficient, safe and attractive land development.
 - (d) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements and minimal adverse effect on adjacent properties.
 - (e) Develop proper safeguards to minimize the impact on the environment.
 - (f) Ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities and other utilities and surveys.
 - (g) Encourage modern and unique innovative design, construction, technology and planning methods.
 - (h) Advance and promote sound growth and continuous development within the Town.
 - (3) Land use/zoning. This subsection applies to the following zoning districts: PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District, HI Heavy Industrial District and R-3 Multiple-Family District.
 - (4) Standard requirements. The interpretation and application of this subsection shall be held as minimum requirements for the promotion of the public health, safety and welfare.
 - (a) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of

this subsection.

- (b) Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking and loading requirements and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions of any other law, ordinance, rule, resolution or regulation, the requirements that are more restrictive or which impose a higher standard shall govern.
- (c) Vision corners are required in all districts. The vision corner will be defined as follows: beginning at the corner property line and proceeding 35 feet along both property lines, thence connecting these two points diagonally.
- (5) Administration. The administration of this subsection shall be vested in the following: Town Board.
 - (a) It shall be the duty of the Town Board or designated individual to be in charge of the day-to-day administration and interpretation of the development and design standards. Enforcement of these standards is charged to the Ledgeview Building Inspector in accordance with § 62.23(7), Wis Stats.
 - (b) All proposed site plans shall be forwarded to the following Town departments: Town Clerk, Building Inspector, Fire Department, Public Works and Site Review/Zoning and Planning Committee. Each department shall review each plan and make recommendations to approve, approve with conditions or reject said plan to the Site Review/Zoning and Planning Committee within 45 days of submittal. These departments shall be responsive to applicants and their possible time constraints and shall expedite the review process to the extent possible and forward to the Town Board for final approval.
 - (c) From time to time the design criteria may be amended, changed or deleted. Such action shall originate before the Site Review/Zoning and Planning Committee and be reviewed and approved by the Town Board in accordance with § 62.23(7), Wis Stats.
 - (d) Change of use or occupancy of building or structure must be reviewed and approved by the Site Review/Zoning and Planning Committee and Town Board.
 - (e) Appeals. Unless otherwise provided herein, appeals to the requirements contained in these standards shall be heard by the Board of Appeals.
- (6) General building and performance standards.
 - (a) Purpose. The purpose of this subsection is to establish general development performance standards in accordance with the Town of Ledgeview Zoning Ordinance. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.
 - (b) Building. The Town of Ledgeview's overall approach encourages a variety of architectural styles. However, basic harmony is intended to prevail so that no one structure detracts from the attractiveness of the overall environment. The Site Review/Zoning and Planning Committee and the Town Board shall review building design in order to insure architectural compatibility and integrity.
 - (c) Building exterior. PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District, HI Heavy Industrial District and R-3 Multiple-Family District. Colors, materials, finishes and building form shall be coordinated in a consistent manner on the front, side and rear exterior walls. Materials shall be one of the following (color and texture to be approved):

- [1] Hard burned clay brick.

- [2] Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be broken faced brick-type units with marble aggregate or split face or broke off concrete block. There shall be no exposed concrete block on the exterior of any building facing any public road. Any concrete units that have a gray cement color shall be color coated.
- [3] Concrete may be poured in place, tilt-up or precast. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes shall be coated. Precast units which are not uniform in color shall be color coated. Coating shall be an approved cementations or epoxy type with a ten-year minimum life expectancy.
- [4] Natural stone.
- [5] Glass curtain walls.
- [6] Metal siding may be used only in combination with one of the approved materials and with approval of the Site Review/Zoning and Planning Committee. Metal siding may be utilized only on the side and rear building walls that do not face an adjacent street. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion- and corrosion-resistant, long-life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes and has a low permeability. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semiconcealed fastener panels with fasteners painted to match required. Color and texture to be approved. Samples shall be provided upon request.
- [7] The following districts require materials listed in Subsection P(6)(c)[1] through [5] above, in minimum percentages listed below:

District	Percentage
PDD-Planned Development District	75%
PDD-BP Planned Development District-Business Park	80%
I-1 Institutional District	75%
B-1 Business District	75%
B-2 Business District	60%
LI Light Industrial District	50%
HI Heavy Industrial District	50%
R-3 Multiple-Family District	80%

NOTES:

- 1. All districts listed above shall require footings and foundations to support a structural wall above.
- 2. A lock box shall be located on the exterior of the structure in the most accessible site for Fire Department personnel.[8]

[8] More or less stringent building exterior requirements than outlined in Subsection P(16)(c)[7] may be

imposed by the Zoning and Planning Committee or the Town Board, taking into consideration public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, alternative building materials, the use and size of the proposed structure, the topography of the site and the proximity of the structure to public rights-of-way and visibility from adjacent properties.

- (d) Front building wall and building walls facing an adjacent street.
- [1] Any exterior building wall (front, side or rear) facing an adjacent street in all the districts in which design review is required shall be constructed of not less than 50% of one of the materials listed under Subsection **P(6)(c)[1]** through **[5]**, unless otherwise approved by the Zoning and Planning Committee under Subsection **P(6)(c)[8]**. All alterations are subject to prior approval of the Site Review/Zoning and Planning Committee/Town Board.
- [2] The colors, materials and finishes shall be coordinated in a consistent manner with other buildings within the district.
- [3] Mechanical equipment. All mechanical equipment shall be enclosed or screened. Roof mounted equipment shall be integrated into the design of the structure, enclosed or screened to the extent possible.
- [4] Construction. Construction shall commence within one year of plan approval or in accordance with a development agreement with the Town. No site plan approval by the Site Review/Zoning and Planning Committee shall be valid for more than 12 months from the date of such approval unless a building permit is obtained and development in accordance with such site plan is commenced within such period. The provisions of this subsection shall apply unless otherwise agreed to by the Site Review/Zoning and Planning Committee.
- [5] Maintenance. The exterior walls and roof of buildings shall be maintained in a clean, orderly and attractive condition; free of cracks, dents, punctures, breakage and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired or repainted in accordance with the reasonable determination and order of the Building Inspector within 60 days' notice of such defect. Violations are subject to fines in accordance with Town of Ledgeview Code § **135-233A**, § 778.11, Wis. Stats., or through issuance of a citation and prosecution in the Municipal Court.
- [6] No right to divide property. After a site has been purchased, it shall not be further divided without the review and consent of the Site Review/Zoning and Planning Committee with final approval by the Town Board.
- (7) Fences shall be erected in accordance with § **135-15**.
- (8) Lighting standards: in all districts requiring site plan review. To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, proposed lighting, whether freestanding or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural and safety factors.
- (a) Any lighting used to illuminate off-street parking, loading and service areas shall be shaded, diffused or arranged to reflect light away from adjacent parcels and public streets. Glare, whether direct or reflected, as differentiated from general illuminated, shall not be visible beyond the limits of the site from which it originates. Parking lot lights may be used in either a single or multi-format. Characteristics, 27,000 lumen high pressure sodium/metal halide, spaced approximately 100 feet to 120 feet off center, consisting of sharp, cutoff-type luminaries. Maximum height for pole not to exceed 30 feet; to be an approved metal pole. The use of wooden poles is prohibited.

- (b) Walkway lighting should be of the same family as mentioned above, height to be 10 feet to 14 feet above grade. Bollard lighting can be used as low-level walkway illumination on private property.
 - (c) Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well-designed soft lighting of the building exterior is allowed, provided it does not impact on the surrounding properties, complements the architecture and the light source is concealed.
 - (d) The use of floodlights, building-mounted or otherwise, and tall freeway-type fixtures is prohibited unless approved by the Site Review/Zoning and Planning Committee.
 - (e) Flag directional lighting is permitted with approval of Site Review/Zoning and Planning Committee.
- (9) Site plan.
- (a) Procedure. The following procedure shall be followed for the submittal of site plans. Where procedures and requirements imposed by this section of this chapter are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this chapter or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.
- [1] Preliminary consultation. Prior to the submittal of a site plan, it is recommended that the developer meet with the Town Clerk, Zoning Administrator, Building Inspector and/or other appropriate Town staff to discuss zoning district, site plan and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer/owner and the Town.
 - [2] Plan submittal. Twelve copies of all site plans requiring approval by the Site Review/Zoning and Planning Committee shall be submitted to the Town Clerk 10 working days prior to the first Monday of the month. Landscaping plans may be submitted separately or included in the site plan. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet, plus one complete set of such plans reduced in size to 11 inches by 17 inches and contain the following information:
 - [a] Name of project/development.
 - [b] Location of project/development by street address or CSM.
 - [c] Name and mailing address of developer/owner.
 - [d] Name and mailing address of engineer/architect.
 - [e] North point indicator.
 - [f] Scale.
 - [g] Boundary lines of property, with dimensions.
 - [h] Location identification and dimensions of existing and proposed:
 - [i] Topographic contours at a minimum interval of two feet and key spot elevations.
 - [ii] Adjacent street elevations, street rights-of-way and proposed elevation of ground floor.
 - [iii] Locations and dimensions of fire lanes.

- [iv] Utilities and any other easements, including but not limited to the following types.
 - [A] Electric.
 - [B] Natural gas.
 - [C] Telephone.
 - [D] Water.
 - [E] Sewer (sanitary and storm).
 - [F] Fiber optic lines.
 - [G] Other transmission lines.
 - [H] Ingress-egress easements.
- [v] All buildings and structures, existing and proposed, to consider maximum development of the parcel if more than one structure could be located on the parcel.
- [vi] Parking facilities.
- [vii] Water bodies and wetlands.
- [viii] Surface water holding ponds, drainage ditches and drainage patterns; location and size of culverts.
- [ix] Sidewalks, walkways and driveways.
- [x] Off-street loading areas and docks.
- [xi] Fences and retaining walls.
- [xii] All exterior signs.
- [xiii] Exterior refuse collection areas must be enclosed a minimum of three sides; open side cannot face road or must be gated and must be located in rear of structure. R-3 Multiple-Family Districts exterior refuse collection areas must be approved by the Site Review/Zoning and Planning Committee.
- [xiv] Exterior lighting.
- [xv] Traffic flow on and off site.
 - [i] Location of open space/green space.
 - [j] Site statistics, including:
 - [i] Site square footage.
 - [ii] Percent site coverage.
 - [iii] Percent open space and green space.
 - [iv] Floor area ratio.
 - [k] Location and dimensions of proposed outdoor display areas.

- [l] Architectural rendering of the proposed structures and buildings, including:
 - [i] All dimensions;
 - [ii] Gross square footage of existing and proposed buildings and structures; and
 - [iii] Description of all exterior finish materials.
- [m] Erosion control plans.
- [n] A staging plan of any project involving more than one phase of construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates.
- [o] Other information considered pertinent by Site Review/Zoning and Planning Committee and/or the developers/owners.
- [3] Review.
 - [a] Site Review/Zoning and Planning Committee. Site plans shall be forwarded to the Town Clerk 10 working days prior to the first Monday of the month. The Site Review/Zoning and Planning Committee shall review and either approve, conditionally approve or deny approval of the site plan based upon the appropriate zoning district requirements and the criteria set forth in Subsection **P(9)(a)[2]** above.
- [4] Appeals.
 - [a] Appeals of a Site Review/Zoning and Planning Committee decision may be made to the Board of Appeals.
- (10) Landscaping.
 - (a) General statement. The Town of Ledgeview finds that is in the public interest for all developments to provide landscape improvements for the purposes of complementing the natural environment; improving the general appearance of the Town and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.
 - (b) Landscape plan. All applicants for building permits for PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District, HI Heavy Industrial District and R-3 Multiple-Family District shall submit a landscape plan, prepared pursuant to Subsection **P(10)(c)** below, for review and approval as required herein prior to the request for a building permit. Where procedures and requirements imposed by this section of this chapter are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this chapter or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.
 - (c) Procedure. The following procedure shall be followed for the submittal of landscape plans:
 - [1] Preliminary consultation. Prior to the submittal of a landscape plan, it is recommended that the developer/owner meet with the Town Clerk, Building Inspector and/or other appropriate Town staff to discuss zoning district, site plan and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the

developer/owner and the Town.

- [2] Plan submittal. Twelve copies of all landscape plans requiring approval by the Site Review/Zoning and Planning Committee shall be submitted to the Town Clerk 10 working days prior to the first Monday of the month. Landscaping plans may be submitted separately or included in the site plan. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet, plus one complete set of such plans reduced in size to 11 inches by 17 inches and contain the following information:
 - [a] The location and dimensions of all proposed open space/green space areas.
 - [b] Identification of all proposed vegetation.
 - [i] Symbols, quantities, common names and size of all plant materials.
 - [ii] Show all species to scale of mature crown diameter or spread.
 - [c] Existing vegetation to be saved if possible or deemed feasible.
 - [d] Typical sections of berms, fences, retaining walls, planter boxes, etc.
- [3] Reviews. Review of landscape plans shall be conducted concurrently and follow the same procedure as site plan review.
- [4] Appeals.
 - [a] Appeals of Site Review/Zoning and Planning Committee decisions may be made to the Board of Appeals.
 - (d) Specific requirements.
 - [1] Ground cover. Open space areas shall, at a minimum, be seeded six months after completion of building. The following exceptions may be granted by Town Staff during the review process:
 - [a] The use of mulch material for shrubs and foundation plantings;
 - [b] The seeding of future expansion areas delineated on site plan;
 - [c] Areas maintained in a natural state that are undisturbed during construction; or
 - [d] Other landscape elements such as decks, patios, stepping stones or landscape stones may be incorporated therein.
 - [2] Minimum size of plantings. Required vegetation shall be of the following minimum planting size. Plantings must be 17 feet from the property line equally spaced one tree every 50 feet of road frontage (minimum of two trees).
 - [a] Deciduous trees: one per every 50 feet of road frontage is required. Required size: one-and-one-half-inch diameter as measured six inches above ground. Choice of maple, ash or a species approved by the Site Review/Zoning and Planning Committee.
 - [b] Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24 inches in height.
 - [3] Species.

- [a] All trees used in site development shall be indigenous to the appropriate hardiness zone and physical characteristics of the site.
- [b] All plant material shall conform to American Standards for Nursery Stock, latest edition, sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures.
- [c] All proposed vegetation included in the landscape plan shall be reviewed by the Site Review/Zoning and Planning Committee to assure compliance with the requirements contained herein.
- [4] Implementation/replacement.
 - [a] All approved landscaping is to be installed in accordance with compliance timetable.
 - [b] Any vegetation included on an approved landscape plan that dies shall be replaced by the owner/developer within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.
- [5] Maintenance. It shall be the joint responsibility of the owner and/or lessee of the principal use, uses or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening and fences contained in the approved landscape and site plans.
- [6] Compliance timetable. All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed two years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within 60 days of receipt of written notice from the Zoning Administrator/Building Inspector that a violation of this chapter exists, comply with all requirements.
- (e) District requirements. Development within the Town shall meet the following minimum requirements:
 - [1] R-3 Multiple-Family shall contain at a minimum:
 - [a] One tree per 50 feet of road frontage; minimum of two trees.
 - [b] Forty percent of total lot area shall remain green space.
 - [2] PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District and HI Heavy Industrial District shall contain at a minimum:
 - [a] One tree per 50 feet of road frontage; minimum of two trees.
 - [b] Twenty-five percent of total lot area shall remain green space.
 - [3] Buffers. That portion of any business, industrial or multiple-family district (other than duplex construction) that is abutting property zoned for single-family residential development shall have a landscaped area of at least six feet wide extending the full length of the business, industrial or multiple-family district and meeting the following minimum requirements.
 - [a] One tree per 35 lineal feet, or fraction thereof, of lot line bordering single-family districts.
 - [b] A shrub, border, hedge, wall, fence, earthen berm or other durable landscape barrier, or combination thereof, at least four feet high, but not exceeding eight feet high, which is 90% percent impervious to sight placed along the perimeter of such landscaped strip except in the front yard setback.

- [c] When a berm or plantings, or a combination thereof, is used as a buffer, it may exceed eight feet in height only upon approval of the Site Review/Zoning and Planning Committee.
- [d] If a berm or buffer is erected, provisions shall be made for stormwater runoff. A detail plan is required with submittal.
- Q. Off-street parking requirements: PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District, HI Heavy Industrial District and R-3 Multiple-Family District. **[Added 2-18-2004 by Ord. No. 2004-004; amended 12-19-2006 by Ord. No. 2006-016; 9-18-2007 by Ord. No. 2007-016]**
- (1) Location. All parking spaces required to serve employees and visitors of buildings erected or established after the effective date of this plan shall be located on the same zoning lot as the building or use served. Off-street parking areas may be located in the front of the buildings in any district, with a minimum of 25 feet green space from the property line.
 - (2) Floor area. The term "floor area" for the purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building, structure or use times the number of floors, minus 10%, except as may hereinafter be provided or modified.
 - (3) Nonconforming structures. Should a nonconforming structure or use be damaged or destroyed (defined as 50% or more of the structure being damaged) by accidental destruction, acts of God, or otherwise, it may be reestablished if elsewhere permitted in these regulations, except that in doing so, any off-street parking or loading space which existed before shall be retained and expanded as necessary to comply with the standards herein.
 - (4) Change of use or occupancy of buildings. Any change of use or occupancy of any building or buildings, including additions thereto, requiring more parking shall not be permitted until there is furnished such additional parking spaces as required by these regulations.
 - (5) Parking dimensions and requirements. Parking dimensions and requirements shall conform to the requirements as set forth in Article **XXI**, Off-Street Parking Requirements.
 - (6) Signs. Signing shall be regulated as set forth in Article **XX**, Regulation of Signs.

NOTE: At least 80% of the total required parking shall be for full-sized vehicles and 4%, or not less than two spaces, shall be for handicap spaces.
 - (7) Within structures. The off-street parking requirements may be furnished by providing spaces so designed within the principal building or structure attached thereto; however, unless provisions are made, no building permit shall be used to convert said parking structure into another activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.
 - (8) Circulation between bays. Parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street. Parking area design which requires backing into the public street is prohibited.
 - (9) Driveway requirements. Notwithstanding other provisions of this chapter concerning appeals and review of plans submitted hereunder, permits for and review of driveway approaches shall be as provided:
 - (a) All off-street parking spaces shall have access from driveways and not directly from the public street.

- (b) Driveway access curb opening on a public street shall not be located less than 12 feet from each other, and maximum 40 feet width.
- (c) The number and locations of curb cuts shall be as determined by the Building Inspector upon consultation with the Site Review/Zoning and Planning Committee, taking into consideration traffic flow, safety concerns and the needs of the business.
- (d) Joint driveways are encouraged and require appropriate Town staff approval, maximum 50 feet width.
- (10) Drainage. All sites must have stormwater management plans, including adequate parking and drainage.
- (11) Surfacing.
 - (a) PDD, PDD-BP, I-1 Institutional District, B-1 Business District and B-2 Business District. All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous asphalt or concrete and are to be installed within one year of completion of construction. Plans for surfacing and drainage of driveways and parking areas for five or more vehicles shall be submitted.
 - (b) LI Light Industrial District and HI Heavy Industrial District industrial districts. In areas intended to be utilized for parking space and driveways, up to 20 feet beyond the rear of the buildings are to be surfaced with bituminous asphalt or concrete. Non-hard-surfaced areas are to be approved by the Site Review/Zoning and Planning Committee.
 - (c) Fire lanes. In all districts, fire lanes must be 25 feet in width and shall be surfaced with bituminous asphalt or concrete.
- (12) Striping. All parking stalls shall be marked with painted lines not less than four inches wide.
- (13) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining property and directed downward, abutting residential uses and public rights-of-way.
- (14) Signs. No sign shall be so located as to restrict the sight lines and orderly operation and traffic movement within any parking lot.
- (15) Curbing. All off-street parking shall have a perimeter concrete curb and gutter around the entire parking lot unless the site plan shows that runoff from the parking lots will not cause erosion or adversely affect adjacent properties.
- (16) Parking lot landscaping. To avoid the undesirable monotony, heat and wind associated with large parking lots, such lots shall have a minimum of one internal landscaped island delineator in addition to any required traffic safety island for each 21,780 square feet (1/2 acre) or fraction thereof of off-street parking space; such islands shall be a minimum of 360 square feet (two parking spaces) and shall be bounded by concrete curbing. Trees may be installed in approved traffic safety islands used to delineate parking spaces from driving aisles and in other areas. The internal landscaped island(s) required above may be deleted if the aggregate area and trees of individual traffic islands meets or exceeds the above requirement.
- (17) Parking lot screening. The parking or storage of licensed motor vehicles, if not within an enclosed building structure, shall be effectively screened as defined.
- (18) Planting standards. All plant material shall conform to the specifications and procedures stated in the landscape plan requirements section of these standards. Landscaping, except required grass or ground cover, shall not be located closer than six feet from the edge of any driveway pavement or

within the established right-of-way and must maintain a ten-foot clearance at curbside.

- (19) Maintenance. It shall be the joint and severable responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner the parking space, accessways, striping, landscaping, screening and required fences.
 - (20) Use of required area. Required accessory off-street parking spaces in any district shall not be utilized for open storage, sale or rental of goods or storage of inoperable vehicles without approval of the Site Review/Zoning and Planning Commission."
- R. Off-street loading requirements: PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District and HI Heavy Industrial District. **[Added 2-18-2004 by Ord. No. 2004-004; amended 12-19-2006 by Ord. No. 2006-016; 9-18-2007 by Ord. No. 2007-016]**
- (1) Minimum facilities. All warehousing, manufacturing plants or any other building where large amounts of goods are received or shipped shall provide adequate loading and unloading berths as determined by the Site Review/Zoning and Planning Committee.
 - (2) Location.
 - (a) All required loading berths shall be off street and located on the same lot as the building or use to be served.
 - (b) Loading berths shall not occupy the front yard.
 - (c) Loading berths located at the side of buildings on a corner lot shall observe the following requirements.
 - [1] Loading berths shall not conflict with pedestrian movement.
 - [2] Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - [3] Loading berths shall comply with all other requirements of this plan.
 - (d) Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with traffic.
 - (3) Size. A required off-street loading berth shall be at least 55 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
 - (4) Surfacing. All areas intended to be utilized for off-street loading shall be surfaced with bituminous asphalt or concrete. Any non-hard-surfaced areas are to be reviewed and approved by the Site Review/Zoning and Planning Committee.
 - (5) Utilization. Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities.
 - (6) Change of use. Where a change of use in off-street loading facilities is made necessary due to damage, destruction, increased use or any other change of use, such change shall be approved by the Site Review/Zoning and Planning Committee.
- S. Outdoor storage. Outdoor storage of any material other than licensed motor vehicles is prohibited. Storage of materials, equipment, parts, inventory, etc., shall take place in enclosed structures that meet the general building and performance requirements contained herein. Upon approval by the Site Review/Zoning and Planning Committee, a ninety-percent impervious fence may be used under

certain circumstances. Outdoor storage of licensed motor vehicles condition is allowed, provided such outdoor parking (storage) areas are screened pursuant to the definition of (screening) contained in the definitions section. **[Added 2-18-2004 by Ord. No. 2004-004]**

- T. Utilities. Any new development requiring Town approval under this chapter, including but not limited to rezoning or conditional use permit approval and which includes installation of any new utility service to the property on which the new development is located, shall install all utilities underground. Exceptions may be granted by variance under § 135-248. **[Added 9-16-2008 by Ord. No. 2008-016]**
- U. Animal unit calculations. **[Added 10-20-2009 by Ord. No. 2009-038]**
- (1) General provisions. **[Amended 4-7-2014 by Ord. No. 2014-006; 8-22-2017 by Ord. No. 2017-08; 11-21-2017 by Ord. No. 2017-13]**
- (a) No livestock will be allowed on lots or parcels of less than 1.99 acres in the Town of Ledgeview, except chickens as outlined in Subsection V.
- (b) These provisions shall apply to all parcels of land zoned RR and AG2 in the Town of Ledgeview. The keeping of livestock within other zoning districts except AG-FP or A-2 is hereby prohibited. Parcels of land zoned AG-FP are exempt from this subsection and shall be regulated as outlined in Article X: AG-FP Farmland Preservation District.
- (c) Parcels or lots within districts zoned RR or AG2 having a larger number of livestock at the time of adoption of this subsection may continue to maintain that number of animal units, provided that no expansion of the facility shall be permitted without an approved conditional use permit from the Town of Ledgeview.
- (2) Calculation.
- (a) To determine the number of permitted animal units per lot or parcel, property owners shall multiply the total number of acres owned less 1.99 acres times the appropriate livestock multiplier to determine the total number of allowable animal units.
- (b) For young livestock after one year of age, livestock must be in strict compliance with the equivalency calculations.
- (c) All lands under identical ownership which are contiguous, as defined in the Town of Ledgeview Code of Ordinances, may be included in the total acreage calculation for the purposes of this section.
- (d) The total number of livestock permitted is cumulative regardless of the species of the livestock.
- (3) Examples.
- (a) Owner of residence located on four acres would like horses:
- | | |
|---------------|-------|
| 4.00 | acres |
| <u>- 1.99</u> | acres |
| = 2.01 | acres |
| 2.01 | acres |

$$\begin{array}{r} \underline{\times 1.000} \quad \text{horse multiplier} \\ = 2 \text{ horses} \end{array}$$

(b) Residence located on four acres would like alpacas:

$$\begin{array}{r} 4.00 \quad \text{acres} \\ \underline{- 1.99} \quad \text{acres} \\ = 2.01 \quad \text{acres} \\ \\ 2.01 \quad \text{acres} \\ \underline{\times 10.00} \quad \text{alpaca multiplier} \\ = 20 \text{ alpacas} \end{array}$$

(c) Residence located on four acres would like both horses and alpacas:

$$\begin{array}{r} 4.00 \quad \text{acres} \\ \underline{- 1.99} \quad \text{acres} \\ = 2.01 \quad \text{acres} \end{array}$$

1 acre for horse (1 acre x 1.000 horse multiplier = 1 horse)

1.01 acres remaining for alpacas (1.01 acres x 10.000 alpaca multiplier = 10 alpacas)

- (4) For the purposes of this calculation, less than 0.50 livestock shall be rounded down to the next nearest whole number and 0.50 or greater shall be rounded up the next whole number.
- (5) A conditional use permit shall be required for any excess livestock as calculated herein.
- (6) Livestock multiplier table.

Type of Livestock	Multiplier	Equivalency (units)
Dairy Cattle		
Milking and dry cows	0.714	1.400
Heifers (800 to 1,200 pounds)	0.909	1.100
Heifers (400 to 800 pounds)	1.667	0.600
Calves (under 400 pounds)	5.000	0.200

Type of Livestock	Multiplier	Equivalency (units)
Beef Cattle		
Steers or cows (600 pounds to market)	1.000	1.000
Calves (under 600 pounds)	2.000	0.500
Bulls	0.714	1.400
Swine		
Pigs (55 pounds to market)	2.500	0.400
Pigs (up to 55 pounds)	10.000	0.100
Sows	2.500	0.400
Boars	2.000	0.500
Sheep (llama, alpaca, goat)		
Per animal	10.000	0.100
Horses		
Per animal	1.000	1.000
Ducks		
Per bird (wet lot)	5.000	0.200
Per bird (dry lot)	100.000	0.010
Chickens		
Layers	100.000	0.010
Broilers	200.000	0.005
Broilers (continuous overflow watering)	100.000	0.010
Layers or broilers (liquid manure system)	30.000	0.033
Turkeys		

Type of Livestock	Multiplier	Equivalency (units)
Per bird	56.000	0.018

V. Keeping of chickens on residential property. [Added 4-7-2014 by Ord. No. 2014-006]

- (1) Applicability. Properties less than 1.99 acres in total land area shall be permitted to keep chickens on their property in accordance with this subsection and the following:
 - (a) The property is zoned R-1 Residential District or R-R Rural Residential District.
 - (b) The property upon which the fowl are kept shall have established a principal single-family use conforming to the zoning district.
 - (c) The word "keep" shall mean either the owning, keeping, possessing or harboring of a chicken.
- (2) Permit required.
 - (a) Any person who keeps chickens on land in the Town which the person owns, occupies, or controls shall obtain a permit issued by the Clerk-Administrator. The permit is valid for a calendar year (January 1 through December 31). Only one permit per zoned parcel is allowed.
 - (b) Permit applications submitted by a person other than a record title owner of the property upon which chickens will be kept shall provide written consent of the property owner with the permit application.
 - (c) All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection (DATCP) pursuant to § 95.51, Wis. Stats., and Ch. ATCP 47, Wis. Admin. Code.
 - (d) The Town shall provide written notification to all adjacent property owner of the permit to keep chickens.
- (3) Number. The keeping of up to four hens (female Gallus gallus domesticus) is allowed. The keeping of roosters of all types and guinea hens is prohibited.
- (4) Coop. A covered coop or shelter shall be provided for the keeping of all chickens. Coops may be mobile to be relocated on the property. The coop shall comply with the regulations outlined in § 7-5, Keeping of fowl, and the location requirement outlined in Subsection V(6) below. A building permit for the coop shall be required.
- (5) Enclosure or chicken run. Chickens shall not be allowed to free range. All chickens shall be contained within a fenced enclosure area or chicken run that is contiguous with the coop.
- (6) Location. The required covered coop and the fenced enclosure area shall comply with the setback requirements for a principal structure as prescribed for the zoning district in which it is located. No coop shall be located between the principal structure and the public right-of-way.
- (7) Public health requirements.
 - (a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

- (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the Health Department.
- (c) The Health Officer may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease. The owner of the chicken shall be responsible for all costs associated with the procedures ordered hereunder.
- (8) Slaughtering. No chickens may be slaughtered on properties zoned or within the boundaries of the Town unless such slaughtering activity occurs on property zoned agricultural.
- (9) Sale of eggs and baby chicks. No person may offer to sell eggs or chicks accumulated from the activities permitted by this subsection.
- (10) Fee. The Town Board may by ordinance or resolution establish reasonable fees for the administration costs associated with monitoring and enforcing these regulations or for licensing for the keeping of hens.
- (11) Violations. Violations of the requirements in this subsection may result in nuisance enforcement by the Town Zoning Inspector. Revocation of the permit may occur if there are three or more violations within a calendar year period. Enforcement related to the keeping of chickens using the following process:
 - (a) The Town received and records a written complaint.
 - (b) The Code Enforcement Officer investigates the complaint.
 - (c) If there is determined to be a violation, the Zoning Inspector contacts the permit owner of the violation, outlines his or her responsibility to correct the violations, and specifies the date to complete the corrections. If the Zoning Inspector cannot contact the owner, the Zoning Inspector will send the permit owner a written "notice of violation" with information regarding the violation, his or her responsibility to correct the violations, and a date to complete.
 - (d) The Zoning Inspector revisits the site to check on compliance.
 - (e) If the violation is not corrected or it is the third recorded violation in a calendar year, the Zoning Inspector forwards the violation to the Town Board for revocation of the permit.

W. Home occupation.

- (1) Regulations for home occupation:
 - (a) The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others.
 - (b) The use shall be clearly incidental and secondary to the use of the residence for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds or vibrations that carry beyond the premises.
 - [1] There shall be no display of products visible in any manner from the outside of the dwelling.
 - [2] No advertising display signs shall be permitted.
 - [3] No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.

- (c) No storage of goods, materials or products connected with a home occupation shall be allowed in accessory buildings, detached garages or outside of the dwelling.
- (d) The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.
- (e) A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, and there shall be no deliveries to or from a home occupation with a vehicle larger than a 26,000 GVW truck.
- (f) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
- (g) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (h) Direct sales of products on display shelves or racks are not allowed, but a person may pick up an order placed earlier, although delivery of that item to the buyer should occur off the premises whenever possible.
- (i) No motor power other than electrically operated motors shall be used in connection with a home occupation.
- (2) Sale of personal property. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, consignment, or other similar sales shall not be allowed more than four times each year, one per quarter, and each sale shall not last more than 72 consecutive hours.

§ 135-12 Lot size and street abutment.

- A. Lot size shall comply with the required regulations of the established district.
- B. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

§ 135-13 Height regulations.

- A. Except as otherwise provided in this chapter, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- B. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this chapter.
- C. Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet nor five stories, provided that the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each foot of additional height above the height limit otherwise established for the district in which such building or structure is to be located.

§ 135-14 Front, side and rear yards.

- A. No front yard shall be used for open storage of boats, vehicles or any other equipment.
- B. Where a residential lot has an area less than the minimum number of square feet per family as required for the district in which it is located and was of record as such at the time of the passage of

this chapter, such lot may be occupied by one family, subject to the setback, rear yard and side yard regulations for the district in which it is located.

- C. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or any other open space required for another building.
- D. Attached garages, decks or other structures which are part of the main building or are substantially attached thereto shall meet the side yard and rear yard setback requirements within each zoning district for the principal structure.
- E. Every part of a required setback shall be open to the sky unobstructed, except for the ordinary projections including, but not limited to, sills, overhangs, cornices and ornamental features projecting not more than two feet. Setbacks are established from the property line to the closest foundation or structural surface including, but not limited to, decks, fireplaces, windows or steps. If a larger overhang is required, the setback area must be recalculated to accommodate the additional width of the overhang. **[Amended 2-22-2005 by Ord. No. 2005-09]**

§ 135-15 Fences.

[Amended 4-22-2008 by Ord. No. 2008-009; 11-22-2011 by Ord. No. 2011-014; 11-4-2013 by Ord. No. 2013-008; 1-5-2015 by Ord. No. 2014-024; 7-5-2016 by Ord. No. 2016-012]

- A. Purpose. The purpose of this section is to regulate the materials, location, height and maintenance of fencing, landscaping walls, visual screening and decorative posts, herein referred to as "fence," and to impose fencing requirements in order to protect the public health, safety and welfare by preventing the creation of nuisances and safety hazards and to protect property values and aesthetics in the Town of Ledgerview.
- B. Applicability. The permit requirements of this section apply to all fences, which shall include any physical barrier enclosing or partially enclosing any property or portion thereof constructed of wood, stone, plastic, brick, metal, or other similar materials or any combination thereof. This section does not apply to underground pet containment systems. **[Amended 2-22-2017 by Ord. No. 2017-01]**
- C. Permit required. No person shall construct, erect, extend, modify or otherwise install any fence within the Town of Ledgerview without first obtaining a permit from the Building Inspector. No permit shall be required for minor maintenance activities such as painting or repair work unless any elements anchoring the fence to the ground are being moved, removed or replaced or there is a change in materials, construction or appearance of the fence.
- D. Permit application.
 - (1) Applications for a permit shall contain the following information:
 - (a) A site plan of the property depicting the current improvements, any public or private right-of-way or easements, utilities, including but not limited to fire hydrants, stormwater or drainage management facilities and easements and the proposed fence locations with dimensions from property boundaries. A survey may be required if the existing survey, property markers or natural monuments do not sufficiently identify property boundaries for the Building Inspector.
 - (b) A pictorial representation of a typical fence section and any substantially dissimilar sections or access points.
 - (c) The maximum height above original grade and length of the proposed fence.
 - (d) Any additional information requested by the Building Inspector reasonably necessary to further the purposes of this section.

- (e) If encroaching on adjoining property, any agreement(s) from the property owner(s) requested by the Building Inspector.
- (2) Applications shall be reviewed and permits issued by the Building Inspector; security fences, as defined under Subsection **G**, require Town Board approval first.

E. General requirements.

(1) Materials. [**Amended 4-2-2018 by Ord. No. 2017-10**]

- (a) Walls and fences shall be constructed of high-quality materials and of good appearance, such as decorative blocks, brick, stone, treated wood, redwood, cedar, vinyl, wrought iron or similar materials.
- (b) Galvanized steel chain-link fencing or vinyl-coated chain-link fencing may be used. This type of fencing shall not be used in the front yard or past the front setback of the home.
- (c) Agricultural mesh fencing and poles may be used for the protection of gardens, trees, shrubs and other plants that may be endangered by animals.
- (d) No person shall use rope, string, wire products, including but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as allowed in other sections of this Code), razor ribbon wire, field wire, barbless wire, agricultural mesh, and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Building Inspector may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
- (e) No person shall construct a fence of wood, metal or plastic products that are designed specifically for uses other than fence construction.
- (f) No person shall construct a fence of used, damaged or unsafe materials.
- (g) No person in residential zones shall weave or use slats of any material, including but not limited to metal, fiberglass, or bamboo, through a chain-link fence to create a blind fence, screening fence or any other type of fence addressed in this chapter.
- (h) Used materials, equipment and devices shall not be reused unless it can be determined by the Building Inspector that they meet the requirements of the Building Code for new materials.
- (i) No person shall place, erect, install, build, construct, add as a repair item, use and/or maintain any fence or barrier consisting of, or made of what is commonly known as, railroad ties, blocking lumber, pallets, or similar materials.
- (j) No agricultural-style metal fence posts shall be exposed to view, except in an agricultural district; no snow fence materials shall be used for permanent fencing and no single or double strands of wire shall be used for a temporary or permanent fence.
- (k) No fence shall be erected, permitted or maintained with excluded materials or which shall not comply with any other applicable ordinance of the Town, or for which a permit has not been obtained as required under § **135-15D**.
- (2) Rapid entry/Knox Box. A Knox Box may be required by the Building Inspector and/or Fire Department at access points as outlined in Chapter **49**.
- (3) Location.

- (a) All fences shall be located completely upon the owner's property, which shall not be construed to include unimproved areas of public rights-of-way or easements. Encroachment on adjoining property may be permitted with written approval from the property owner.
 - (b) No fence located in a front yard or yard abutting any street shall be located closer than two feet from the property line.
 - (c) Fences shall not be constructed in any way that could impair ingress or egress from any building, including emergency egress from window openings.
 - (d) Fences may be located on the property line on any side or rear yard not abutting a street, provided that all maintenance, including staining or painting, can be performed without trespassing on adjoining property either as a function of fence design or through a maintenance easement agreement with the neighboring property owner, which shall be recorded with the County Register of Deeds.
 - (e) Fences shall not be erected within drainage easements without written approval from the Utility Department.
 - (f) Fences shall not be erected in a location or manner that could constitute a traffic hazard, including, but not limited to, the area established by drawing a line across the corner of the property at a public road intersection from the two points along the adjacent public road right-of-way boundaries 25 feet from the corner of said boundaries.
- (4) Height.
- (a) The fence height shall be measured from the grade surface directly vertical to the top of the fence at any location along the fencing. If a fence is placed atop an earthen berm, the height of the fence shall be measured from the original grade or the berm as determined by § 135-15.1(A)(5). **[Amended 2-22-2017 by Ord. No. 2017-01]**
 - (b) Fences erected in front yards shall not exceed three feet in height and fences erected in side yards adjacent to any public street shall not exceed four feet in height unless either fence is approved as a security fence as outlined under Subsection G.
 - (c) All other fences shall not exceed six feet in height, unless approved as a security fence or erected in the Light Industrial or Heavy Industrial Districts. Fences not adjacent to public rights-of-ways in the Light Industrial or Heavy Industrial Districts shall not exceed eight feet.
- (5) Construction and maintenance.
- (a) All fences shall be erected and maintained such that materials are in sufficiently good condition to maintain the structural integrity and visual appearance of the fence. Painted or stained surfaces shall be retouched or refinished to prevent an uneven or worn appearance.
 - (b) Structural and support components shall face away from adjacent properties.
- F. Required fencing.
- (1) Swimming pools, hot tubs and spas. All required fencing shall comply with § **135-16**.
 - (2) Man-made bodies of water. All required fencing for man-made bodies of water as defined in § **135-222**, shall comply with Article **XXIV**.
 - (3) Mechanical equipment screening. Except for residential and agricultural uses, all outdoor mechanical equipment, whether ground-mounted or roof-mounted, including, but not limited to, air-conditioning and ventilation equipment, shall be screened from public view. Screening shall be of sufficient

height and opacity to screen such equipment from public view. Materials shall be consistent with or complementary to the surrounding facade and overall building appearance.

- (4) Salvage yards. Salvage yards shall be completely enclosed by a solid opaque wall or fence and solid access gates at a height not greater than eight feet.
- (5) Outdoor storage, dumpster and garbage screening.
 - (a) All premises or areas, except residential and agricultural uses within the R-1, R-2, RR, A-1 and A-2 Districts, used for outdoor storage of materials, including, but not limited to, bulk storage, inoperable vehicles, automobile parts, scrap metal, lumber, and building materials and any garbage cans, dumpsters or other permitted outdoor refuse collection and storage shall be completely enclosed by a fence not less than six feet nor more than eight feet in height to screen such areas from ordinary public view. Such fence shall be 90% opaque.
 - (b) No materials or refuse stored may protrude above the top of the fence.
 - (c) All screening required under this subsection, except those located in the Heavy Industrial District, shall be required to be constructed of materials of a similar or complementary texture, color and style as any principal structure located on the premises.
 - (d) Visual screening for outdoor storage, not including incidental garbage collection storage, may be accomplished through the use of earth berms, plantings or combination thereof. Fencing may be required, however, if the nature of the storage suggests fencing is necessary for public safety.
- (6) Outdoor alcohol-licensed premises.
 - (a) All outdoor areas included in the liquor license for a premises under Chapter 5 of the Town of Ledgeview Code shall be enclosed by a fence or wall constructed a minimum of five feet from the property line with a minimum height of four feet and a maximum height of six feet or the area may be enclosed by two fences not less than four feet in height spaced six feet apart and located a minimum of five feet from the property line or a combination of the two designs.
 - (b) Areas subject to temporary alcohol licenses or temporary expansions of licensed premises shall install temporary fencing 48 inches or greater to surround the entire outdoor licensed area. All openings for ingress and egress shall be monitored to ensure underage persons are not permitted to enter except as authorized by § 125.07, Wis. Stats.
- G. Security fences.
 - (1) All fences erected as security fences and which are to exceed height requirements set forth in Subsection E(4) require the approval of the Town Board. The Town Board may disapprove a permit for security fencing if the proposed fence fails to comply with any applicable provision of this section or any other applicable ordinance, statute, rule or regulation. The Town Board may also disapprove a permit for security fencing if the proposed design or materials are inconsistent with the character of the property or surrounding area.
 - (2) Security fences shall not exceed eight feet in height.
- H. Prohibited fences:
 - (1) Electric fences, unless erected for agricultural use where the agricultural use is allowed.
 - (2) Barbed or razor wire fences, unless erected for agricultural use where the agricultural use is allowed or for industrial use in an industrial district. Barbed or razor wire for industrial use shall be permitted only above six feet above the grade and shall not extend beyond the outer face of the fence.

- (3) Fences with dangerous protrusions, including, but not limited to, spikes, nails, or broken glass, attached or embedded in any part of the fence.
- (4) Fences constructed contrary to this section.
- I. Fences exempt from permit requirement. The following fences, under the conditions set forth herein, may be erected without issuance of a permit. All fences shall comply with all other requirements of this chapter. A permit may still be required under other ordinances.
 - (1) Temporary snow fences erected to restrict windblown snow. Such fences shall not be erected prior to November 15 and must be removed by April 15.
 - (2) Temporary construction fences for erosion control, site protection or protection of plantings. Such fences shall be maintained for no longer than 180 days or, if for erosion control, until the soil is stabilized.
 - (3) Seasonal garden fences made of wire or wood.
 - (a) Garden fences shall be located in side or rear yards only.
 - (b) Garden fences shall be no taller than six feet.
 - (c) Garden fences shall be removed at the end of the growing season and shall not be erected more than two weeks prior to planting.
 - (4) Fencing required for the keeping of chickens on residential property under § 135-11V, provided that the height does not exceed four feet and the total ground area does not exceed 100 square feet.
 - (5) Agricultural fences used to provide enclosure for agricultural animals or fields located in districts where agricultural uses are allowed and not greater than forty-percent opaque.
 - (6) Underground pet containment systems.
 - (7) Earth mounds and berms, no higher than 12 inches above original grade level, used for decorative purposes only and not part to a fence design.
 - (8) Decorative fences not exceeding two feet in height.

§ 135-15.1 **Earthen berms.**

[Added 2-22-2017 by Ord. No. 2017-01]

A. General.

- (1) Permit required. A permit, to be issued by the Building Inspector, shall be required for all berms or changes in topography regardless of zoning district, uses, or application.
- (2) Review and approval.
 - (a) Completeness. Within 10 business days of the receipt of a permit application, the Building Inspector shall inform the applicant of its completeness or the need for additional information.
 - (b) Evaluation. All permits for an earthen berm shall be reviewed by the Building Inspector, Public Works Director, and Town Engineer. Written findings shall be provided to indicate compliance or noncompliance of the application with the requirements outlined herein.
 - (c) Decision. Within 30 business days of the receipt of a complete permit application, unless action by

the Zoning and Planning Commission and/or Town Board is required, the Building Inspector shall inform the applicant in writing whether the permit is approved or disapproved.

- (3) Plans and attachments.
 - (a) Name, address and telephone number of the applicant, and location of building, structure, or lot where the berm is to be constructed.
 - (b) Name of person, firm, corporation, or business that is constructing or altering the berm.
 - (c) Written consent of the owner or lessee of the land upon which the berm is proposed to be located.
 - (d) Site plan depicting berm location, property lines, setbacks, proposed and existing grade contours, any related drainage facilities, and any existing easements on the subject property.
 - (e) Proposed type of fill material and cover material.
 - (f) Landscaping plan including grasses or ground cover, shrubbery, and tree types specifying the spacing and size of all plantings.
 - (g) Proposed schedule for all phases of work.
 - (h) Additional information that may be unique to the property, as required by the Building Inspector or Town Engineer.
- (4) Design.
 - (a) Berms shall be designed and landscaped to minimize erosion with a rounded crown at the highest point of the berm, extending the length of the berm.
 - (b) Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover. Berms adjacent to public rights-of-way shall be a slope no greater than 3:1, unless approved by the Town Engineer.
 - (c) Trees should not be planted at the very top of a berm. Rather, they should be planted on the slope side of a berm.
 - (d) Berms should be designed carefully to blend in with the surrounding environment. The gradient on berms should fluctuate in order to repeat characteristics found in nature.
- (5) Height.
 - (a) Maximum allowed. The height of a berm shall not exceed six feet unless otherwise specified in this section.
 - (b) How measured. The vertical height shall be measured from an average of the existing ground grade along both sides of the berm to the top or crown of the proposed berm.
 - (c) Fencing atop a berm. Fencing shall not be placed on a berm unless approved by the Zoning and Planning Commission. Where a berm is constructed and/or grading is done solely to increase the effective height of a fence, the fence's height shall be measured from the ground elevation prior to the change in topography.
- (6) Location.
 - (a) Berms shall not be located within any existing or future public road right-of-way, utility easements

or drainage easements.

- (b) A berm may straddle a lot line if a landscape easement is recorded and attached as a deed restriction to the properties, including an owner's agreement and easement to be provided to the Town prior to issuance of any permit.
 - (c) The Building Inspector or Town Engineer may require a specific setback to ensure proper drainage in accordance with Subsection **A(7)** below.
- (7) Grading and drainage.
- (a) Berms shall not be permitted to adversely alter stormwater drainage patterns to neighboring property owners. The Building Inspector and/or Town Engineer may require engineering reports, including information required under Chapter **36** of the Ledgeview Code of Ordinances, in order to assess runoff and stormwater impacts.
 - (8) Inspection.
 - (a) Berms shall be inspected by the Building Inspector and/or Town Engineer. If berm development or berm activities are being carried out without a permit, Town personnel shall enter the land pursuant to the provisions of §§ 66.122 and 66.123, Wis. Stats.[9]
 - (b) It is the responsibility of the property owner to exhibit that the berm has been constructed in accordance with the approved permit, which may necessitate documentation from a registered land surveyor or professional engineer.
 - (9) Fees. A fee, established by the Town Board, may be required for permits and review by Town personnel and/or the Zoning and Planning Commission.
- B. Screening for single- and two-family residential properties.
- (1) Applicability. This subsection shall apply to properties with a single- or two-family use or zoning.
 - (2) Height. A height up to eight feet may be approved by the Zoning and Planning Commission and Town Board.
- C. Screening for nonresidential, multifamily residential, and institutional/conservancy properties.
- (1) Applicability. This subsection shall apply to properties with a commercial, industrial, multifamily residential, and institutional/conservancy use or zoning, except where they abut a property zoned or used for single- or two-family residential.
 - (2) Height. A maximum height of eight feet is permitted by right. A height up to 10 feet may be permitted if approved by the Zoning and Planning Commission and Town Board.
- D. Screening between residential and nonresidential land uses.
- (1) Applicability. That portion of any business, industrial, institutional, conservancy or multiple-family district (other than duplex construction) that is abutting property zoned or used for single-family residential development.
 - (2) Height. Earthen berms used as screening in transitional yards shall have a minimum height of four feet. Such berm shall not exceed 10 feet in height unless approved by the Zoning and Planning Commission and Town Board.
- E. Screening along Interstate 43 or railroad right-of-way.

- (1) Applicability. This section shall apply to any property, regardless of zoning district, which directly abuts the right-of-way for Interstate 43 or a railroad.
- (2) Location. A berm constructed to buffer noise, light and related impacts associated with the interstate or railroad must be located adjacent and parallel to the right-of-way.
- (3) Height. Earthen berms used as screening in transitional yards shall have a maximum height of 12 feet unless otherwise approved by the Zoning and Planning Commission and Town Board.

§ 135-16 Swimming pools, hot tubs and spas.

[Amended 4-22-2008 by Ord. No. 2008-009; 8-20-2013 by Ord. No. 2013-006; 1-5-2015 by Ord. No. 2014-022; 7-5-2016 by Ord. No. 2016-012]

- A. Every outdoor swimming pool, hot tub or spa, herein referred to as "pool," having a depth of 18 inches or more, shall be surrounded by a barrier no less than 48 inches in height above grade to restrict unauthorized access. No barrier shall be required if the pool is equipped with a safety cover complying with ASTM F1346 which is closed when not in use.
- B. Permit required. No person shall construct, erect, extend, modify or otherwise install any pool and its required barrier within the Town of Ledgeview without first obtaining a permit from the Building Inspector. Any pool in existence on the date this chapter becomes effective shall, within 30 days from the effective date, enclose the pool with a barrier meeting the requirements of this chapter.
- C. Pools and decks shall be considered accessory structures and meet all related requirements in the district in which it is located.
- D. Any structure installed related to a pool, including but not limited to decks and stairs, shall meet the relevant Wisconsin codes and not obstruct the minimum barrier requirements.
- E. The required barrier height may be accomplished by including the sidewall height above grade of an aboveground pool and properly installed pool manufacturer-approved enclosure extensions as needed. Pool access shall meet the requirements of § **135-16H**.
- F. The required barrier surrounding a pool is permitted to include permanent fences and permanent structures meeting the minimum requirements, including but not limited to dwellings, garages and accessory buildings.
- G. The required barrier surrounding the pool shall be so constructed as not to have openings, holes or gaps that allow a four-inch-diameter object to pass through.
- H. All entry points into the barrier shall have gates or doors equipped with self-closing and self-latching devices placed a minimum of 50 inches above the finished grade unless otherwise constructed to be automatically inaccessible to small children. Doorways leading from a dwelling or accessory building to the enclosed area are exempt from this requirement.
- I. No pool or the associated equipment, including but not limited to motors, pumps and lighting, shall be located, designed, operated or maintained so as to interfere unduly with adjoining property owner's enjoyment of their property or the neighborhood. All pool motors and pumps shall be located to minimize noise disturbance.
- J. Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises. Lights shall not create illuminations brighter than 0.5 footcandle on adjoining properties measured at ground level.
- K. It shall be unlawful for any person to make, continue or cause to be made or continued at any pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the

comfort, repose, health, peace or safety of others. In the operation of a pool, the use, or permitting the use or operation, of any radio, receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the pool premises, shall be unlawful.

§ 135-17 Storage of semitrailers and truck bodies.
[Amended 3-6-2017 by Ord. No. 2017-03]

Semitrailers and truck bodies shall only be allowed to be stored in the open in a Heavy Industrial District or in an A-1 District on parcels 35 acres or greater, then only as a conditional use.

§ 135-18 Sexually oriented adult entertainment establishments.

A. Definitions. For the purpose of this section, the following terms shall have the meanings indicated:

SEXUALLY ORIENTED ADULT ENTERTAINMENT ESTABLISHMENTS

Includes bookstores, motion-picture theaters, mini motion-picture theaters, bath houses, motel, modeling studios, body painting studios, cabarets and novelty shops; and are more specifically defined as:

- (1) **ADULT BOOKSTORE**An establishment having as a substantial or significant portion of its stock and trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.
- (2) **ADULT MOTION-PICTURE THEATER**An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.
- (3) **ADULT MOTION-PICTURE THEATER (OUTDOOR)**A parcel of land from which individuals may view a motion picture presented out of doors which presents material distinguishably characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- (4) **ADULT MINI MOTION-PICTURE THEATER**An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons therein.
- (5) **ADULT BATH HOUSE**An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin, and which establishment provides to its patrons an opportunity for engaging in specified sexual activities, as defined in this chapter.
- (6) **ADULT MOTEL**A hotel, motel or similar commercial establishment which:
 - (a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - (b) Offers a sleeping room for rent for a period of time that is less than 10 hours; or

- (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- (7) **ADULT MODELING STUDIO**An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- (8) **ADULT BODY PAINTING STUDIO**An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this chapter, the adult body painting studio shall not be deemed to include a tattoo parlor.
- (9) **ADULT CABARET:**
 - (a) An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers.
 - (b) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises; and all provisions of this chapter shall apply during those presentations. The establishment shall notify the Brown County Sheriff's Department at least 24 hours prior to the date on which such adult entertainment is to take place.
 - (c) Any periodic adult establishment, as defined above, shall be licensed yearly in accordance with the licensing provision hereinafter set forth.
- (10) **ADULT NOVELTY SHOP**An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities, as defined herein, or stimulating such activity.

SPECIFIED ANATOMICAL AREAS

- (1) Less than completely and opaquely covered:
 - (a) Human genitals and/or pubic region.
 - (b) Buttock.
 - (c) Female breasts below a point immediately above the top of the areola.
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

B. General standards. Sexually oriented adult entertainment establishments (hereinafter "adult establishments") shall locate only in areas zoned Heavy Industrial (HI), and then only as a conditional use. Such application for conditional use may only be granted if the following requirements are met: [Amended 9-18-2007 by Ord. No. 2007-016; 12-4-2017 by Ord. No. 2017-16]

- (1) No more than one adult establishment shall be located on any one parcel, and such adult establishment shall be at least 1,500 feet from any other adult establishment. Further, no adult establishment shall be permitted within 1,000 feet of the following:
 - (a) Any land zoned residential (R-1, R-1-2A, R-2, R-3, R-R).
 - (b) A historic site identified on the National Register, or as an adopted historic district by this chapter.
 - (c) Any public or private elementary or secondary school or licensed nursery school or day-care center.
 - (d) A church or established place of worship.
 - (e) A public park or parkway.
- (2) Signs advertising any of the aforementioned adult uses shall be in accordance with Article **XX**, Regulation of Signs, with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will inform only of the establishment name and address and will not depict specified sexual activities and/or specified anatomical areas as defined in this chapter, and provided further that there shall be no flashing or traveling lights located outside the building. The location and wording of such sign shall be shown on the site plan required by this chapter and submitted contemporaneously with the request for conditional use.
- (3) Adequate parking shall be provided in a lighted area in accordance with Article **XXI**, Off-Street Parking Requirements. Such parking provisions shall be shown on the site plan required by Town ordinance and submitted contemporaneously with the request for conditional use.
- (4) There shall be no display windows on the premises.
- (5) In the case of adult cabarets, the hours of operation shall be limited to the same hours of operation for bars and taverns within that community within which the district is located.
- (6) Outdoor adult motion-picture theaters are prohibited.
- (7) Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Town Zoning and Planning Committee along with a study of the proposed development and plans for the area.
- (8) All adult establishments shall be licensed in accordance with this section pertaining to the licensing of sexually oriented adult entertainment establishments.

§ 135-18.1 Exterior lighting.

[Added 8-16-2011 by Ord. No. 2011-008]

- A. Purpose. The purpose of this section is to establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent the unnecessary glare of light on adjacent properties.
- B. Definitions. The following terms, whenever used in this section, shall have the meanings set forth below:

FOOTCANDLE

The luminance on a one-square-foot surface of which there is a uniformly distributed flux of one lumen. One footcandle is equal to one lumen per square foot. Unless otherwise expressly provided, footcandle measurements in this section shall refer to ground-level measurements of luminance at fully maintained output as used rather than initial luminance.

LIGHT TRESPASS

Light from an artificial light source that is intruding across property boundaries.

LUMENS

A unit of illumination, being the amount of illumination of a unit area of spherical surface due to a light of unit intensity placed at the center of the sphere.

OUTDOOR LIGHTING

Includes, but is not limited to, floodlighting, security lighting, event lighting, landscape lighting or the lighting of off-street parking and loading areas, but does not include public streetlights or traffic signals.

SECURITY LIGHTING

Any light source used to illuminate a building, structure or property during the evening hours that seeks to deter criminal activity.

- C. Light trespass prohibited. All areas containing outdoor lighting shall limit light trespass onto adjacent property, when measured at any point along a property line, to the requirements set forth below. Compliance shall be achieved utilizing fixtures shielding, directional control designed into fixtures, fixture locations, height, or aim or a combination of these or other factors.

District Adjoining Subject Property	Maximum Light Spillage to Adjoining Lots Measured (footcandles)
A-1, A-2, R-1, R-2, R-3, R-R	0.20
NCD, B-1, B-2, LI, HI, I-1, C-1, PDD-BP	0.50

- D. Neon lighting. Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas, hereafter referred to as "neon lighting," are excluded from shielding and line-of-sight requirements. Such lighting shall, however, be subject to the light trespass requirements of § 136-18.1C.

Article V

R-1 Residential District

§ 135-19 Applicability of regulations.

The following regulations shall apply in R-1 Districts.

§ 135-20 Permitted uses.

Permitted uses shall be as follows:

- A. Parks, trails and playgrounds. [Amended 6-4-2007 by Ord. No. 2007-010]
- B. Single-family dwellings.
- C. Town structures. [Added 6-4-2007 by Ord. No. 2007-010]

§ 135-21 Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Home occupations, as defined in § 135-8, Definitions.
- B. Private garages, carports and driveways.
- C. Family swimming pools, gazebos, fences, decks and hot tubs. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- D. Satellite dish antennas up to 38 inches. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- E. Toolhouses, sheds and other similar buildings used for the storage of common personal supplies. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- F. Distribution lines, telephone and cable television lines and public utility installations, public streets, street rights-of-way and street improvements to service the area. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- G. Temporary buildings, trailers, equipment and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.

§ 135-22 Conditional uses.

[Amended 6-4-2007 by Ord. No. 2007-010]

Conditional uses shall be as follows:

- A. Bed-and-breakfast establishments.
- B. Cemeteries.
- C. Athletic fields.
- D. Public recreational and community center buildings and grounds related to parks.
- E. Other governmental facilities.
- F. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
- G. ~~Man-made bodies of water.~~ Artificial lakes.
- H. Transmission lines, substations and pipelines.
- I. Condominiums and two-family dwellings.
- J. Community living arrangements having a capacity for eight or fewer persons being serviced by the program, licensed and operated under the authority of the Wisconsin Department of Health and Family Services in accordance with W.S.A. s. 62.23(7)(i).

§ 135-23 Lot requirements with public sewer.

Lot requirements with public sewer shall be as follows:

- A. Single-family area: 12,000 square feet minimum lot size; 2,000 contiguous buildable square feet. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- B. Zoning lot frontage: 90 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall

lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 65 feet.[10]

§ 135-24 **Height regulations.**

[11]Height regulations shall be as follows:

- A. Principal structure: 35 feet maximum, except as provided in § **135-13**, Height regulations. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- B. Accessory structures shall not exceed the height of the principal structure or 25 feet, whichever is the least, except as provided in § **135-13**, Height regulations.

§ 135-25 **Building setbacks.**

[Amended 6-4-2007 by Ord. No. 2007-010]

Building setbacks shall be as follows:

- A. With curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

- B. Without curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

§ 135-26 **Building size and floor area.**

[Amended 7-1-2002; 2-21-2007 by Ord. No. 2007-004; 6-4-2007 by Ord. No. 2007-010]

- A. Principal structure. The principal structure shall contain the following minimum floor area:

	Minimum Floor Area
Number of Bedrooms	(square feet)
1	1,200

Number of Bedrooms	Minimum Floor Area (square feet)
2	1,200
3	1,500
4 or more	2,000

- B. In addition to such principal structure, the premises must include a one-car or more enclosed garage with a maximum of four stalls with overhead doors facing the street, either attached to or detached from such principal structure. A required detached garage shall not exceed 1,200 square feet and cannot occupy more than 30% of the contiguous buildable rear yard.
- C. An accessory building shall not exceed 900 square feet in size and cannot occupy more than 30% of the contiguous buildable rear yard, and must be of similar and complementary construction to the principal structure except as provided for in § 135-11D(2). The accessory building shall have no more than four single overhead doors or two double overhead doors on any exterior wall of a building.

§ 135-27 Number of structures.
[Amended 6-4-2007 by Ord. No. 2007-010]

- A. Only one principal structure shall be located on a lot/parcel.
- B. Only one accessory building or structure shall be located on a lot, except that a swimming pool, hot tub, gazebo or deck not attached to the principal structure by use of deck shall not be considered in the count, except as provided in § 135-16.
- C. Accessory buildings shall not be established or constructed prior to the establishment of the principal structure.

§ 135-28 Parking.
[Amended 6-4-2007 by Ord. No. 2007-010]

Parking shall conform to the requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-29 Other requirements.
[12][Added 6-4-2007 by Ord. No. 2007-010]

Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.

Article VI
(Reserved)

- [13]§ 135-30 **(Reserved)**
- § 135-31 **(Reserved)**
- § 135-32 **(Reserved)**
- § 135-33 **(Reserved)**
- § 135-34 **(Reserved)**
- § 135-35 **(Reserved)**
- § 135-36 **(Reserved)**
- § 135-37 **(Reserved)**
- § 135-38 **(Reserved)**
- § 135-39 **(Reserved)**
- § 135-40 **(Reserved)**
- § 135-41 **(Reserved)**
- § 135-42 **(Reserved)**
- § 135-43 **(Reserved)**

Article VII
R-2 Residential District

§ 135-44 **Applicability of regulations.**

The following regulations shall apply in R-2 Districts.

§ 135-45 **Permitted uses.**

Permitted uses shall be as follows:

- A. Parks, trails and playgrounds. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- B. (Reserved)[14]
- C. Two-family dwellings existing as of the date of adoption of Ordinance No. 2007-010.[15]
[Amended 6-4-2007 by Ord. No. 2007-010]
- D. Town structures. **[Added 6-4-2007 by Ord. No. 2007-010]**

§ 135-46 **Permitted accessory uses.**

Permitted accessory uses shall be as follows:

- A. Home occupations, as defined in § **135-8**, Definitions.
- B. Private garages, carports and driveways.
- C. Family swimming pools, gazebos, fences, decks and hot tubs. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- D. Satellite dish antennas up to 38 inches. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- E. Toolhouses, sheds and other similar buildings used for the storage of common personal supplies. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- F. Distribution lines, telephone and cable television lines and public utility installations, public streets, street rights-of-way and street improvements to service the area. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- G. Temporary buildings, trailers, equipment and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of

such construction.

§ 135-47 Conditional uses.

[Amended 6-4-2007 by Ord. No. 2007-010]

Conditional uses shall be as follows:

- A. Bed-and-breakfast establishments.
- B. Cemeteries.
- C. Condominiums and two-family dwellings.
- D. Athletic fields.
- E. Public recreational and community center buildings and grounds.
- F. Community living arrangements having a capacity for eight or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance with W.S.A. s. 62.23(7)(i).
- G. Other governmental facilities.
- H. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
- I. ~~Man-made bodies of water.~~ Artificial Lakes
- J. Transmission lines, substations and pipelines.
- K. Two-family homes on lots approved for future condominium construction by the Town Board at the time of plat or certified survey map approval. Lots shall be identified as potential condominium lots on the final recorded subdivision plat. Petition for condominium lots within a proposed subdivision and conformance with the condominium lot standards does not assure the applicant of such lot approval. Approval will be dependent upon each individual subdivision or certified survey map's site characteristics, adjacent lands and other factors determined by the Site Review/Planning and Zoning Committee and the Town Board.
- L. Single-family dwellings. **[Added 3-6-2017 by Ord. No. 2017-02]**

§ 135-48 Lot requirements with public sewer.

[Amended 11-14-2000; 6-4-2007 by Ord. No. 2007-010]

Lot requirements shall be as follows:

- A. Area: 15,000 square feet minimum lot size; each unit 2,000 contiguous buildable square feet.
- B. Zoning lot frontage: 100 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.

§ 135-49 Height regulations.

[Amended 6-4-2007 by Ord. No. 2007-010]

Height regulations shall be as follows:

- A. Principal structure: 35 feet maximum, except as provided in § 135-13, Height regulations.
- B. Accessory structures shall not exceed the height of the principal structure or 25 feet, whichever is the least.

§ 135-50 Building setbacks.
[Amended 6-4-2007 by Ord. No. 2007-010]

Building setbacks shall be as follows:

- A. With curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

- B. Without curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

§ 135-51 Building size.
[Amended 7-1-2002; 2-21-2007 by Ord. No. 2007-004; 6-4-2007 by Ord. No. 2007-010]

- A. Principal structure. Such building must contain the following minimum floor area:

Number of Bedrooms	Minimum Floor Area (square feet)
1	1,200
2	1,200
3	1,500
4 or more	2,000
Condominiums	2,000; 1,000 each unit

- B. In addition to such principal structure, the premises shall include a one-car or more enclosed garage with a maximum of four overhead stalls facing the street, either attached to or detached from such principal structure for each unit. A required detached garage shall not exceed 1,200 square feet and cannot occupy more than 30% of the contiguous buildable rear yard.
- C. An accessory building shall not exceed 900 square feet in size and cannot occupy more than 30% of the contiguous buildable rear yard, and must be of similar and complementary construction to the principal structure except as provided for in § 135-11D(2). The accessory building shall have no more than four overhead single doors or two overhead double doors on any exterior wall of a building.

§ 135-52 Number of structures.
[Amended 6-4-2007 by Ord. No. 2007-010]

- A. Only one principal structure shall be located on a lot or parcel.
- B. Only one accessory building or structure shall be located on a lot, except that a swimming pool, hot tub, gazebo or deck not attached to the main structure by use of a deck shall not be considered in the count, except as provided in § 135-16.
- C. Accessory buildings shall not be established or constructed prior to the establishment of the principal structure.

§ 135-53 Other requirements.
[16][Added 6-4-2007 by Ord. No. 2007-010]

Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.

§ 135-54 Parking.
[Amended 6-4-2007 by Ord. No. 2007-010]

Parking shall conform to the requirements as set forth in Article **XXI**, Parking Requirements.

Article VIII
R-3 Multiple-Family District

§ 135-55 Applicability of regulations.
 The following regulations shall apply in R-3 Districts.

§ 135-56 Permitted uses.
[Amended 6-4-2007 by Ord. No. 2007-010; 2-20-2008 by Ord. No. 2008-004]

Permitted uses shall be as follows:

- A. Multiple-family dwellings.
- B. Parks, trails and playgrounds.
- C. Dwellings existing as of the date of adoption of Ordinance No. 2007-010.[17]

§ 135-57 Permitted accessory uses.
[Amended 2-20-2008 by Ord. No. 2008-004]

Permitted accessory uses shall be as follows:

- A. Town structures.
- B. Home occupations, as defined in § 135-8, Definitions.
- C. Private garages, carports and driveways.
- D. Satellite dish antennas not to exceed 38 inches in diameter.
- E. Transmission lines, telephone and cable lines and public utility installations to service the area.
- F. Temporary buildings, trailers, equipment and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.

§ 135-58 **Conditional uses.**

[Amended 2-20-2008 by Ord. No. 2008-004]

Conditional uses shall be as follows:

- A. Bed-and-breakfast establishments.
- B. Cemeteries.
- C. Tool houses, sheds and other similar buildings used for the storage of common personal supplies.
- D. Public recreational and community center buildings and grounds.
- E. Community living arrangements having a capacity for eight or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance with W.S.A. § 62.23(7)(i).
- F. Community living arrangements having a capacity for nine to 15 persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services, are permitted as a conditional use in accordance with W.S.A. § 62.23(7)(i).
- G. Community living arrangements having a capacity for 16 or more persons served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance with W.S.A. § 62.23(7)(i).
- H. Post offices and other governmental facilities.
- I. ~~Man-made bodies of water.~~ Artificial lakes.
- J. Swimming pools.

§ 135-59 **Lot requirements.**

Lot requirements are as follows:

- A. Multiple-family dwelling, area: [Amended 2-20-2008 by Ord. No. 2008-004]
 - (1) Three-family: 16,000 square feet.
 - (2) Four-family: 18,000 square feet.
 - (3) Five-family: 22,400 square feet and 4,400 additional square feet per dwelling unit beyond the initial four units.

- B. Zoning lot frontage: 100 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.
- C. Lot width: 100 feet minimum. **[Amended 11-14-2000]**
- D. Greenspace requirement. Buildings, accessory buildings (including garages) and parking areas shall cover no more than 50% of the total lot area. **[Amended 2-20-2008 by Ord. No. 2008-004]**

§ 135-60 Height regulations.

Height regulations shall be as follows:

- A. All structures: 35 feet maximum, except as provided § **135-13**, Height regulations.

§ 135-61 Building setbacks.

[Amended 2-20-2008 by Ord. No. 2008-004]

Building setbacks shall be as follows:

- A. Lots with curb and gutter.

Building Setback (in feet)*

	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

NOTES:

*Exception: In the case of a corner lot, the rear lot line building setback for open (nonroofed) decks and swimming pools shall be reduced from 25 feet to 15 feet.

- B. Lots without curb and gutter.

Building Setback (in feet)

	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

§ 135-62 Building size.

- A. A multifamily building must contain the following minimum floor area: **[Amended 2-20-2008 by Ord. No. 2008-004]**

Number of Bedrooms	Minimum Floor Area (square feet)
1	750
2	850
3 or more	1,000, plus 200 for each additional bedroom over 3

- B. In addition to such main building, the premises must include a one-car or more enclosed garage, either attached or detached to such main building for each unit.

§ 135-63 Accessory buildings.

- A. Accessory uses shall conform to district requirements and those set forth in § 135-11, Building and use restrictions.
- B. Accessory building, not including detached garages, shall not exceed 900 square feet in size or 30% of buildable rear yard. **[Amended 7-1-2002; 2-20-2008 by Ord. No. 2008-004]**

§ 135-64 (Reserved)

[18]§ 135-65 Parking.

[Amended 2-20-2008 by Ord. No. 2008-004]

Parking shall conform to the requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-66 Number of structures.

- A. Only one principal structure shall be located on a lot.
- B. Only one accessory building or structure shall be located on a lot, except that a swimming pool or deck not attached to the main structure by use of a deck shall not be considered in the count.
- C. Accessory buildings shall not be established, nor shall construction begin on any accessory building, prior to the establishment of the principal structure. **[Amended 2-20-2008 by Ord. No. 2008-004]**
- D. Buildings shall be kept in good repair and structurally sound. Outside appearance shall be maintained in accordance with originally approved appearance and design. **[Added 2-20-2008 by Ord. No. 2008-004]**

Article IX

R-R Rural Residential District

§ 135-67 General provisions.

[Amended 6-4-2007 by Ord. No. 2007-010; 10-20-2009 by Ord. No. 2009-038]

Lawful uses, which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this chapter, shall be permitted in all R-R Districts. Animals may be raised for personal use or consumption or sale. Permitted animal units shall be calculated in accordance with § 135-11U of the Ledgeview Code of Ordinances. The following shall apply in R-R Districts.

§ 135-68 Permitted uses.

Permitted uses shall be as follows:

- A. Single-family dwellings.
- B. Town structures. **[Added 6-4-2007 by Ord. No. 2007-010]**
- C. Parks, trails and playgrounds. **[Added 6-4-2007 by Ord. No. 2007-010]**

§ 135-69 Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Family swimming pools, gazebos, fences, decks and hot tubs. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- B. Home occupations, as defined in § 135-8, Definitions.
- C. Private garages, carports and driveways as provided in § 135-11. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- D. Roadside stands, provided that the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
- E. Satellite dish antennas up to 38 inches. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- F. Toolhouses, sheds and other similar buildings used for the storage of common personal supplies. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- G. Distribution lines, telephone and cable television lines, public utility installation, public streets, street rights-of-way and street improvements to service the area. **[Amended 6-4-2007 by Ord. No. 2007-010]**
- H. Temporary buildings, trailers, equipment and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period of time not to exceed the duration of such construction. **[Added 6-4-2007 by Ord. No. 2007-010]**

§ 135-70 Conditional uses.

[Amended 6-4-2007 by Ord. No. 2007-010]

Conditional uses shall be as follows:

- A. Recreation sites and golf courses.
- B. Bed-and-breakfast establishments.
- C. Cemeteries.
- D. ~~Man-made bodies of water.~~ Artificial lakes.
- E. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
- F. Transmission lines, substations and pipelines.
- G. Two-family structures, limited to condominiums, with a minimum of 1,000 square feet per unit.
- H. Other governmental facilities.

§ 135-71 Lot requirements.
[Amended 11-14-2000; 6-4-2007 by Ord. No. 2007-010]

Lot requirements shall be as follows:

- A. Area: 60,000 square feet minimum lot size; 2,000 contiguous buildable square feet within setbacks.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street such as a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.

§ 135-72 Height regulations.

Height regulations shall be as follows (NOTE: Except as provided by § 135-13, Height regulations.):

- A. Residential dwelling: 35 feet maximum.
- B. Accessory structure shall not exceed the height of the principal structure. **[Added 7-1-2002]**

§ 135-73 Building setbacks.

[Amended 7-1-2002; 6-4-2007 by Ord. No. 2007-010]

Building setbacks shall be as follows:

- A. With curb and gutter:

	Building Setback	
	(feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	25 minimum	10 minimum*
Rear yard	25 minimum	25 minimum*
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

- B. Without curb and gutter: **[Amended 1-19-2016 by Ord. No. 2015-015]**

	Building Setback	
	(feet)	
	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Side yard	25 minimum	10 minimum*
Rear yard	25 minimum	25 minimum*

Building Setback

(feet)

	Principal Structure	Accessory Building
Corner side	35 minimum from right of way	35 minimum from right-of-way

NOTES:

*Exceptions: The side and rear lot line setbacks for accessory buildings 900 square feet or less in size shall be reduced to 10 feet.

§ 135-74 **Building size.**

A. Such principal structure shall contain the following minimum floor area:

Number of Bedrooms	Minimum Floor Area (square feet)
2	1,200
3	1,500
4	2,000
5 or more	2,400

- B. In addition to such principal structure, the premises must include a one-car or more enclosed garage with a maximum of four stalls with overhead doors facing the street, either attached to or detached from such principal structure. A required detached garage shall not exceed 1,200 square feet and cannot occupy more than 30% of the contiguous buildable rear yard.
- C. An accessory building shall not exceed 900 square feet in size and cannot occupy more than 30% of the contiguous buildable rear yard and must be of similar and complementary construction to the principal structure except as provided for in § 135-11D(2). The accessory building shall have no more than four single overhead doors or two double overhead doors on any exterior wall of a building.

§ 135-75 **Number of structures.**

[Amended 6-4-2007 by Ord. No. 2007-010]

- A. Only one principal structure shall be located on a lot or parcel.
- B. Only one accessory building or structure shall be located on a lot, except that a swimming pool or deck not attached to the principal structure by use of a deck shall not be considered in the count except as provided in § 135-16.
- C. Accessory buildings shall not be established or constructed prior to the establishment of the principal structure.
- D. Accessory uses shall conform to district requirements and those set forth in § 135-11.

§ 135-76 **Parking.**

[Amended 6-4-2007 by Ord. No. 2007-010]

Parking shall conform to the requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-77 **(Reserved)**

[19]§ 135-78 **Other requirements.**

[Amended 11-14-2000; 6-4-2007 by Ord. No. 2007-010]

- A. Other structures or buildings allowed within the R-R District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Building Inspector.
- B. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.

Article X

AG-FP Farmland Preservation District

[Amended 11-14-2000; 7-19-2005 by Ord. No. 2005-014; 8-21-2007 by Ord. No. 2007-014; 2-20-2008 by Ord. No. 2008-005; 4-22-2008 by Ord. No. 2008-006; 4-6-2015 by Ord. No. 2014-007; 8-22-2017 by Ord. No. 2017-08; 11-21-2017 by Ord. No. 2017-13]

§ 135-79 **Introduction.**

- A. Purpose. The purpose of this district is to preserve and enhance land for agricultural uses, and to incorporate and apply the livestock facility siting law requirements found in §§ 92.16 and 93.90, Wis. Stats., and ATCP 51 of the Wisconsin Administrative Code and to regulate the siting of new livestock facilities (with an excess of 500 animal units) and the expansion of existing livestock facilities by more than 20% (and over 500 animal units) in ~~any other zoning district other than~~ the Farmland Preservation Zoning District within the Town of Ledgeview.
- B. Authority. This article is adopted pursuant to the Town's zoning powers found in §§ 60.62, 62.23(7), 92.16 and 93.90, Wis. Stats., together with the administrative provisions set forth in ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of these statutes and administrative rules. The livestock facility siting standards established in Wis. Admin. Code Ch. ATCP 51, including all appendixes, worksheets, and any future amendments to that chapter, are incorporated by reference and adopted.
- C. Incorporation of state law. Pursuant to the provisions of §§ 93.90, Wis. Stats., the Town of Ledgeview does hereby adopt and incorporate into its existing Zoning Ordinance the provisions of §§ 92.16 and 93.90, Wis. Stats., and ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of § 93.90, Wis. Stats. and ATCP 51 of the Wisconsin Administrative Code. The Town of Ledgeview's Zoning Ordinance hereby reflects the provisions of §§ 92.16 and 93.90, Wis. Stats., and ATCP 51 of the Wisconsin Administrative Code as if said statutory and administrative provisions were set forth in their entirety within the text of the Town's Zoning Ordinance.
- D. Findings. The livestock siting, animal waste storage, and contaminated runoff storage facilities regulations and standards created by the Town are based upon the following reasonable and scientifically defensible findings of fact which are adopted and incorporated herein by reference:
 - (1) The Town recognizes the importance of protecting groundwater quality, and that proper land use and management, including proper management of nutrients from livestock operations, is essential to the protection of groundwater quality, public health, safety and welfare, and the property tax base of the Town. Many of the Town's residents rely on private wells for their drinking water.
 - (2) Improper storage of livestock waste and land application of such wastes can significantly impact

groundwater quality by increasing the level of nitrates and increasing the risk of pathogens and other contaminants, particularly in environmentally vulnerable areas.

- (3) Nitrates, pathogens, and other contaminants present significant environmental and public health risks. Scientific research shows that elevated concentrations of nitrate in drinking water has been associated with the risk of methemoglobinemia, or “blue baby syndrome,” in humans, and other human health risks. Contaminated groundwater directly threatens the health of Town residents, many of whom rely on private wells for their water supply.
- (4) The Town lies in the contact of the Silurian bedrock and underlying Maquoketa shale. This area is characterized by a dense and universal fracture network, shallow soil surface, and little surface runoff, allowing water to easily infiltrate to the subsurface. Recharge is exceedingly rapid and carries surface contaminants to the water table. Flow within the aquifer occurs primarily along bedding plane fractures with little to no reduction of contaminants within the aquifer. This type of a geologic setting makes the area extremely vulnerable to groundwater contamination, especially for shallower private wells. Presentations of UW-Oshkosh Geology Professor Dr. Maureen Muldoon and USDA Agricultural Researcher Dr. Mark Borchardt to the Town of Ledgeview Town Board, May 29, 2018 (Attachments A and B); Kevin Erb, Eric Ronk, Vikram Koundinya, and John Luczaj, Groundwater Quality Changes in a Karst Aquifer of Northeastern Wisconsin, USA: Reduction of Brown Water Incidence and Bacterial Contamination Resulting from Implementation of Regional Task Force Recommendations, Resources 2015, 4, 655-672; doi:10.3390/resources4030655; K. Erb and R. Stieglitz, Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007.
- (5) Sampling results from Calumet County, an area of the state with a geology of shallow fractured bedrock similar to that in the Town, indicated that:
- i. 35% of wells sampled were positive for coliform bacteria;
 - ii. 4.6% of wells sampled were positive for E.coli.
 - iii. 25% of wells sampled were above the health standard of 10 ppm for nitrate.
 - iv. 28% of wells sampled exhibited elevated levels of nitrate (2-10 ppm).
 - v. 47% of wells sampled were found to be unsafe for either bacteria or nitrate.
 - vi. 12% of wells sampled were found to be unsafe for both bacteria and nitrate.

K. Erb and R. Stieglitz, Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007

- (6) There is a rapid interconnection between surface waters and groundwater in areas with shallow fractured bedrock features such as the Town. This interconnection means that surface water contamination due to livestock waste runoff can quickly lead to groundwater contamination. K. Erb and R. Stieglitz, Final Report of the Northeast Wisconsin Karst Task Force, February 9, 2007; Presentation of UW-Oshkosh Geology Professor Dr. Maureen Muldoon to the Town of Ledgeview Town Board, May 29, 2018 (Attachment A).
- (7) Researchers have found an association between the proximity of animal waste storage facilities such as manure lagoons and the presence of coliform bacteria (i.e. – E.coli) and nitrates in drinking water. There is a significant likelihood of high nitrates and coliforms within 2,500-feet of a waste storage facility or landspreading field. The chance that a drinking water well or surface water will be contaminated does not fall below the statewide average until the distance from a waste storage facility exceeds 5,000 feet. Presentation of USDA Agricultural Researcher Dr. Mark Borchardt to the Town of Ledgeview Town Board, May 29, 2018 (Attachment B);

- (8) Researchers have concluded that one mechanism for preventing exposure to manure-borne pathogens is minimizing transport by increasing the distance between livestock and manure storage lagoons and waterways and wells. Presentation of USDA Agricultural Researcher Dr. Mark Borchardt to the Town of Ledgeview Town Board, May 29, 2018 (Attachment B)
- (9) Setback requirements are an essential element of managing separation distance between livestock structures, neighboring residences, and groundwater wells. *The Report of the Livestock Facility Siting Technical Expert Committee Recommendations*, dated December 21, 2010, including a recommendation on "Setbacks" that states: "Among other options for managing the offsite impacts of larger livestock operations, DATCP should evaluate augmenting the current road and property-line setbacks by requiring separation distance between livestock structures and neighboring occupied residences and high use buildings."
- (102) Separation distance is an effective tool for reducing impacts on neighbors, including for odor management and water quality purposes. For purposes of odor management, odors are far less noticeable at 800 feet than they are at 400 feet. A two-year study by the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources entitled "*Final Report On Wisconsin's Dairy And Livestock Odor And Air Emission Project*," dated September 2009, including a recommendation found at Page 5 that states: "Separation distance is a simple, yet effective, tool you can use to reduce impacts on your neighbors. When planning for new facilities, and especially manure storage lagoons, site them as far from neighbors as possible, and with consideration for prevailing winds. Odors are far less noticeable at 800 feet than they are at 200 or even 400 feet. If adjacent properties go up for sale, consider buying them as a buffer against future encroachment by development."
- (113) The location of livestock operations also has a significant negative impact on property values. —An article in the July 1, 2001, Appraisal Journal, pages 301 through 306, titled, "Concentrated Animal Feeding Operations and Proximate Property Values" by John A. Kilpatrick, *Concentrated Animal Feeding Operations and Proximate Property Values*, Appraisal Journal, pages 301 through 306, July 1, 2001. a partner and senior analyst with Mundy Associates, LLC, an economic, market, and valuation firm specializing in complex real estate matters. The study found that property located near a concentrated animal feeding operation (CAFO) will be negatively impacted by this externality. The degree of impairment depends on proximity and property type and use. Properties with higher unimpaired values are probably impacted more than otherwise lower valued properties.
- (14) Given the vulnerable geology in the Town, land use and management regulations beyond the performance standards, prohibitions, conservation practices and technical standards contained in Wis. Stat. § 281.16(3) and Wis. Adm. Code ch. NR 151, and regulations more stringent than state standards contained in § 93.90(2)(a), are necessary to achieve or maintain water quality standards and to protect public health and safety.
- ~~(4) A University of Minnesota Extension publication written by Larry Jacobson, David Schmidt, and Susan Wood, Offset Odor From Feedlots Setback Estimation Tool, www.extension.umn.edu/distribution/livestocksystems/D17680.html.~~
- ~~(5) A Purdue University project, presented by the Purdue Agricultural Air Quality Laboratory, Odor Based Setbacks, <http://engineering.purdue.edu/~odor/setback.htm>, that developed setback guidelines for swine production operations. The guidelines considered facility size, orientation and shape, wind frequency, land use, topography, building design and management, manure handling characteristics, and odor design effectiveness.~~
- ~~(6) A research article by Susan S. Schiffman, Clare E. Studwell, Lawrence R. Landerman, Katherine Berman, and John S. Sundy, Symptomatic Effects of Exposure to Diluted Air Sampled from a Swine Confinement Atmosphere on Healthy Human Subjects, Volume 113, Number 5, Environmental~~

~~Health Perspectives, pages 567 through 576, (2005). The study concludes at page 574 as follows: "In this study that evaluated healthy volunteers, no statistical differences on objective physical measures, mood, or attention were found from a 1-hr exposure in an environmental chamber to air emissions from a swine house when compared with clean air. However, self-reported symptoms of headache, eye irritation, and nausea were significantly higher in the swine air (experimental) condition than the clean air (condition)."~~

~~(7) A research mini-monograph by Kelley J. Donham, Steven Wing, David Osterberg, Jan L. Flora, Carol Hodne, Kendall M. Thu, and Peter S. Thorne, Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations, Volume 115, Number 2, Environmental Health Perspectives, pages 317-320 (2007). A brief summary of this research project provides: "This workshop evaluated impacts of the proliferation of concentrated animal feeding operations (CAFOs) on sustaining the health of rural communities. Recommended policy changes include a more stringent process for issuing permits for CAFOs, considering bonding for manure storage basins, limiting animal density per watershed, and enhancing local control, and mandating environmental impacts statements."~~

~~(8) A study by Steven J. Taff, Douglas Tiffany, and Sanford Weisberg, "Measured Effects of Feedlots on Residential Property Values in Minnesota: A Report to the Legislature," University of Minnesota Staff Paper Series (July, 1996). The study found a statistically significant pricing impact related both to the existence of a CAFO as well as the distance from the CAFO. In other words, not only does a CAFO have a significant impact on property value, but the nearer the CAFO, the greater the impact.~~

§ 135-79.5 Permitted uses.

The following activities are permitted by right in the Farmland Preservation Zoning District as specified in § 91.44, Wis. Stats.:

- A. The following agricultural uses on farms conducted for the purpose of producing an income or livelihood:
 - (1) Crop or forage production.
 - (2) The keeping of less than 500 animal units (<500 AU) of cattle, swine, poultry, sheep, or goats.
 - (3) Beekeeping.
 - (4) Nursery, sod, or Christmas tree production.
 - (5) Floriculture.
 - (6) Aquaculture.
 - (7) Fur farming.
 - (8) Forest management.
 - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- B. Farm residences.
- C. Accessory uses as outlined in § 135-80.
- D. Agriculture-related uses.

- E. Undeveloped natural resource and open space areas.
- F. Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- G. Other uses identified by DATCP by rule.

§ 135-80 Accessory uses.

The following land uses shall be permitted accessory uses in the Farmland Preservation Zoning District:

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - (1) A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 - (2) A facility used to keep or house livestock on the farm if the proposed livestock housing structure meets the standards prescribed in § 93.90, Wis Stats., and Ch. ATCP 51, Wis. Adm. Code.
 - (3) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (4) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- B. An activity or business operation that is an integral part of or incidental to an agricultural use.
- C. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
- D. A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than those described in Subsection A or C of this section.
 - (3) It employs no more than four full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- E. Roadside stands for the sale of agricultural products only, provided that the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
- F. Any other use that DATCP, by rule, identifies as an accessory use.

§ 135-81 Conditional uses.

- A. Finding. The Town may issue a conditional use permit for the certain agricultural and agriculture-related uses for the farmstead under § **135-251** if all of the following findings of fact apply:
 - (1) The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the Farmland Preservation Zoning District.
 - (2) The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, consider alternative locations, or are specifically approved under state or federal law.

- (3) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
 - (4) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- B. The Town may issue a conditional use permit for any of the following uses if that use meets applicable provisions under Subsection A and § 135-251:
- (1) Additional second farm residence.
 - (2) Riding stables and/or equine boarding facilities in accordance with § 91.01(1), Wis. Stats.
 - (3) Farmstead food processing facilities in accordance with § 91.01(1), Wis. Stats.
 - (4) Farmstead retail outlets in accordance with § 91.01(1), Wis. Stats.
 - (5) Farmstead fuel or agrichemical storage facilities in accordance with § 91.01(1), Wis. Stats.
 - (6) Farmstead manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes to produce bulk fuel or other bulk products for use on the farmstead.
 - (7) A wind turbine or solar energy facility that collects wind or solar energy on the farm and uses or transforms it to provide energy for use only on the farmstead.
 - (8) A manure digester, biofuel facility, or other facility that produces energy primarily from materials grown or produced on the farm for use only on the farmstead.
 - (9) A waste storage facility used to store or process animal waste produced solely from livestock kept on the farmstead if the proposed facility meets the standards prescribed in Ch. ATCP 51, Wis. Adm. Code.
 - (10) Agronomic or veterinary services to agriculture operations.
 - (11) Transportation uses, including rail facilities, and agricultural aeronautic facilities.
 - (12) Communication uses, including cell towers, antennas and broadcast towers in accordance with Chapter 135, Article XXV.
 - (13) Man-made bodies of water in accordance with Article XXIV.
 - (14) Public utility installation on Town property or right-of-way.
 - (15) Government and nonprofit community conditional uses include:
 - (a) Fire stations, police stations, post offices, and other government administration buildings.
 - (b) Schools, colleges, and universities.
 - (c) Religious institutions, including cemeteries and mausoleums.
 - (d) Public parks and recreation areas.

- (16) Distribution lines, telephone and cable television lines and public utility installations, public streets, street rights-of-way and street improvements to the service area unless otherwise regulated by § 91.44(1)(f), Wis. Stats.
- (17) Nonfarm residences that qualify under § 91.46(1)(d), Wis. Stats.
- (18) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under § 91.46(1)(e), Wis. Stats.
- (19) A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units, if the proposed facility meets the standards prescribed in §§ 92.16 and 93.90, Wis. Stats., Ch. ATCP 51, Wis. Adm. Code, and § **135-85** of the Town of Ledgeview Zoning Code.

§ 135-82 Rezoning land out of Farmland Preservation Zoning District.

- A. Except as provided in Subsection **B** below, the Town may not rezone land out of a Farmland Preservation Zoning District unless the Town finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
 - (1) The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
 - (2) The rezoning is consistent with any Comprehensive Plan, adopted by the Town, which is in effect at the time of the rezoning.
 - (3) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. **91**, Wis. Stats., which is in effect at the time of the rezoning, unless the Town requests that the Brown County Farmland Preservation Plan be amended to conform to the rezoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- B. Subsection **A** does not apply to any of the following:
 - (1) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. **91**, Wis. Stats.
 - (2) A rezoning that makes the Farmland Preservation Zoning Ordinance Map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. **91**, Wis. Stats., which is in effect at the time of the rezoning.

§ 135-83 Parcel requirements.

Parcel requirements shall be as follows:

- A. Area: minimum 35 aggregate acres controlled by the property owner, family, or trust.
- B. Zoning lot frontage: 150 feet minimum.
- C. Lot width: 150 feet minimum.

§ 135-84 Height regulations.

Height regulations shall be as follows, except as provided by § **135-13**, Height regulations:

- A. Farm structures: 40 feet maximum.
- B. Farm silos: 90 feet maximum.

C. Residential dwellings: 35 feet maximum.

§ 135-85 **Required setbacks.**

The following setbacks shall be applied to improvements:

A. Principal structure.

- (1) Setback from property lines. The principal structure must be located a minimum of 25 feet from side and rear property lines.
- (2) Setback from public right-of-way. The front setback for a principal structure must be a minimum of 35 feet from the public right-of-way. On a corner lot, the side setback must be a minimum of 50 feet from the public right-of-way.

B. Accessory structures.

- (1) Setback from property lines. All accessory structures must be located a minimum of 25 feet from side and rear property lines.
- (2) Setback from public right-of-way. The front setback for all accessory structures must be a minimum of 35 feet from the public right-of-way. On a corner lot, the side setback must be a minimum of 50 feet from the public right-of-way.

C. Livestock housing structures.

- (1) Setback from property lines. Livestock housing structures may not be located within:
 - (a) Four hundred feet of any property line, if the livestock facility will have fewer than 1,000 animal units (<1,000 AU).
 - (b) Seven hundred feet of any property line if the livestock facility will have 1,000 to 2,500 animal units (1,000 - 2,500 AU).
 - (c) One thousand feet of any property line, if the livestock facility will have 2,500 to 4,000 animal units (2,500 - 4,000 AU).
 - (d) One thousand two hundred feet of any property line, if the livestock facility will have more than 4,000 animal units (>4,000 AU).

D. Manure or animal waste storage facilities.

- (1) A new or expanded animal waste storage facility or structure may not be located within 1,320 feet of any property line, if the livestock facility will have more than 500 animal units (>500 AU). The animal waste storage structure setback requirement does not prevent the continued use of an animal waste storage structure that was located within the setback area prior to the effective date of the setback requirement.

E. Contaminated runoff storage facilities

- (1) A new or expanded facility, structure, or container designed to store contaminated runoff, including leachate, may not be located within 1,320 feet of any property line, if the livestock facility will have more than 500 animal units (>500 AU).

§ 135-86 **Building size.**

The minimum size of a residential dwelling shall be 1,200 square feet ground floor area for a one-story dwelling and 875 square feet minimum ground floor area with a total minimum 1,400 square feet for

dwellings having more than one story.

§ 135-87 Accessory buildings.

Accessory uses shall conform to district requirements and those set forth in § **135-11**, Building and use restrictions.

§ 135-88 Parking.

Parking shall conform to the requirements as set forth in Article **XXI**, Off-Street Parking Requirements.

§ 135-89 Reporting requirements.

- A. The Town shall, by March 1 of each year, provide a report to DATCP of the number of acres that have been rezoned out of the Farmland Preservation Zoning District under § **135-82** during the previous year and a map that clearly shows the location of those acres.
- B. The Town shall, by March 1 of each year, submit a copy of the information that it reports to DATCP under Subsection A to Brown County.

§ 135-90 Other requirements.

- A. Existing nonconforming residences located in the Agricultural-Farmland Preservation District at the time of passage of this chapter may be continued in residential use and may be exempted from any limitations imposed or authorized under § 59.69(10), Wis. Stats.
- B. Other structures or buildings allowed within the AG-FP District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Building Inspector or designee. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.
- C. The livestock facility siting standards established in Wis. Admin. Code Ch. ATCP 51, including all appendixes, worksheets, and any future amendments to that chapter, are incorporated by reference and adopted. A new or expanded facility that will be used to keep cattle, swine, poultry, sheep or goats, and that will have more than 500 animal units must complete the application form and worksheets prescribed by Ch. ATCP 51, Wis. Admin. Code. A nonrefundable application fee of \$1,000 must accompany the application.

Article XI

A-2 Agriculture District

[Amended 7-19-2005 by Ord. No. 2005-014; 4-22-2008 by Ord. No. 2008-006; 4-22-2008 by Ord. No. 2008-008; 9-6-2016 by Ord. No. 2016-017]

§ 135-91 Applicability of regulations.

Purpose. The purpose of the A-2 Agricultural District is to limit rural residential development on lands in predominantly agricultural areas that are suited for agricultural production. Lots are limited in number, size and location to minimize the impacts associated with rural residential development. Residents of this district may experience conditions associated with farming that are not necessarily compatible with rural residential use. The number of newly platted A-2 lots created from a parcel of record shall be limited in number and sited accordingly to preserve prime agricultural lands.

§ 135-92 Permitted uses.

Permitted uses shall be as follows:

- A. Agriculture, forestry, general farming and livestock raising.
- B. Single-family dwellings.
- C. Beekeeping.

- D. Nursery, sod, or Christmas tree production.
- E. Floriculture.
- F. Distribution lines, telephone and cable television lines and public utility installations, public streets, street rights-of-way and street improvements to the service area.

§ 135-93 Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - (1) A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 - (2) A facility used to keep livestock on the farm.
 - (3) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (4) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- B. An activity or business operation that is an integral part of or incidental to an agricultural use.
 - (1) Farmstead food processing facilities.
 - (2) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farmstead.
- C. A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than those described in § 135-93A(1) or (3).
 - (3) It employs no more than four full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- D. Roadside stands for the sale of agricultural products only, provided that the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.

§ 135-94 Conditional uses.

Conditional uses shall be as follows:

- A. Greenhouses, hatcheries, riding academies, stables, truck farming, game farms, wildlife sanctuaries, game preserves and exotic animals.
- B. Large-animal veterinary hospitals.
- C. Cemeteries.
- D. Commercial feedlots and stock farms.

- E. Airfields, airports and heliports.
- F. Gravel pits, sand pits and stone quarries.
- G. Transmission lines, substations and pipelines.
- H. Recreational sport shooting facility (outdoor facilities only).
- I. Agriculturally related residence or dwelling unit.

§ 135-95 Parcel requirements.

Parcel requirements shall be as follows:

- A. Area: 10 acres, with the following exceptions and qualifiers:
 - (1) Parcels of less than 10 acres which existed prior to September 6, 2016, with such parcels instead having a minimum lot area equal to their lot area on September 6, 2016.
- B. Zoning lot frontage: 150 feet minimum. Minimum lot width may be measured at the building setback line if said lot is located on the outer radius of a curved street, such as a cul-de-sac. In no case shall the lot width measured at the right-of-way line of a curved street be less than 85 feet.

§ 135-95.5 Maximum number of lots.

Three R-R Rural Residential lots with clustering recommended. The number of possible agricultural land lots is based on the amount and configuration of land owned (see the lot chart below). The minimum amount of prime agricultural land shall be utilized when approving the lot option. A-2 or R-R lots created since the adoption of the A-2 Zoning District shall also be taken into account when determining how many lots may be available. All parcels of record may propose the maximum number of lots described in this section unless the number of lots has been reduced due to lots being created from the parent parcel predating the parcel of record. Each parcel of record would have the possibility of at least one lot upon Zoning and Planning Commission review and Board approval. Existing A-2 lots less than 10 acres in area created since the adoption of the A-2 District shall not be further redivided so as to create additional lots. Environmentally sensitive areas as described in the Brown County Environmental Sensitive Area Plan may also impact the maximum number of possible future lots available as outlined in the following lot chart.

A-2 Agricultural Lot Chart

Parcel of Record Size at Time of Ordinance Amendment (acres)	Prior Lot Splits from Parent Parcel	Lots Splits Available as R-R
<40	3	0
<40	2	1
<40	1	2
<40	0	3
>40	3	1
>40	2	1

A-2 Agricultural Lot Chart

Parcel of Record Size at Time of Ordinance Amendment

(acres)	Prior Lot Splits from Parent Parcel	Lots Splits Available as R-R
>40	1	2
>40	0	3

§ 135-96 Height regulations.

Height regulations shall be as follows (NOTE: Except as provided by § 135-13, Height regulations.):

- A. Farm structures: 40 feet maximum.
- B. Farm silos: 90 feet maximum.
- C. Residential dwellings: 35 feet maximum.

§ 135-97 Building setbacks.

Building setbacks shall be as follows:

Building Setback

(feet)

	Principal Structure	Accessory Building	Accessory Building Housing Animals per § 135-11U
Front yard	35 minimum from right-of-way	35 minimum from right-of-way	35 minimum from right-of-way
Side yard	25 minimum	25 minimum	40 minimum
Rear yard	25 minimum	25 minimum	40 minimum
Corner side	50 minimum from right-of-way	50 minimum from right-of-way	50 minimum from right-of-way

§ 135-98 Building size.

Minimum size of a residential dwelling shall be 1,200 square feet ground floor area for a one-story dwelling and 875 square feet minimum ground floor area with a total minimum 1,400 square feet for dwellings having more than one story.

§ 135-99 Accessory uses.

Accessory uses shall conform to district requirements and those set forth in § 135-11, Building and use restrictions.

§ 135-100 Parking.

Parking shall conform to the requirements as set forth in Article XXI, Off-Street Parking Requirements.

§ 135-101 (**Reserved**)

§ 135-102 **Other requirements.**

- A. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of 60,000 square feet and 150 feet of lot frontage.
- B. Other structures or buildings allowed within the A-2 District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Building Inspector or designee. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.

Article XII

Planned Development District Overlay (PDD)

[Amended 6-20-2006 by Ord. No. 2006-011; 2-16-2008 by Ord. No. 2008-022]

§ 135-103 **Purpose.**

- A. The purpose of the Planned Development District Overlay (PDD) is to encourage and provide a means for creating desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic zoning district regulations. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit and intent of this article and the Comprehensive Plan of the Town and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the Town.
- B. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, landscaping, structures, open spaces, lot sizes, and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate the preservation of open space and other natural features, such as the Niagara escarpment, woodlands, floodplains and wetlands, by incorporating these features into the overall development.

§ 135-104 **Application to existing zoning districts.**

- A. This article shall serve as an option to the permitted uses and regulations applicable to all zoning districts in the Town and shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Development District Overlay by the Town Board. Existing zoning shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval for the Planned Development District Overlay Zone.
- B. In areas of the Town outside of the A-2 Agriculture District, only conservation subdivisions meeting the requirements of §§ **135-106** and **135-108** of this article shall be considered for PDD Overlay Zoning. Conservation subdivisions in this area shall meet the overall density required under the A-1 Exclusive Agriculture District and shall provide for the conservation of the Niagara escarpment ledge, wetlands, floodplains, and/or other environmentally significant areas.
- C. All required improvements, construction standards, design standards, and all other engineering standards contained within the Ledgeview Code of Ordinances shall be complied with, except where specifically varied through the provisions of this section of the Code.

§ 135-105 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

BASIC ZONING REGULATIONS

Such zoning regulations as are applicable to the use district other than the regulations set forth in this article.

BUILDING SITE

A tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)

COMPREHENSIVE PLAN

The document adopted by ordinance by the Ledgeview Board that meets the requirements of § 66.1001, Wis. Stats. which is now or may hereafter be in effect.

DENSITY

The number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area.

FINAL PLAN

The proposal for development of a planned unit development, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by § 135-113 herein.

IMPROVED OPEN SPACE

The above parcels and any structure or improvements which are placed upon such parcels (i.e., rest rooms, tennis courts, ball diamonds, etc.).

OPEN SPACE

A parcel or parcels of land or an area of water, or a combination thereof, with the site designated and intended for the use or enjoyment of residents of the planned development and/or the public at large.

PARTIES OF INTEREST

When used in reference to providing any notices or granting of any affirmative rights under this chapter shall mean the owners of lands immediately adjacent to the land subject to any action under this chapter extending 200 feet therefrom or owners of land on the opposite side of a public road from the subject land extending 200 feet from the street frontage of such opposite land. This definition shall not prevent the Town from providing notices in its discretion to any other person.

[Added 6-20-2006 by Ord. No. 2006-011]

PLANNED DEVELOPMENT DISTRICT

An area of land controlled by a single owner, corporation or other legal entity which is to be developed as a single unit and is referred to herein as a "PUD."

PRELIMINARY PLAN

The preliminary drawings described in § 135-111 herein, indicating the proposed manner and/or layout of the Planned Development District to be submitted to the Zoning and Planning Committee for approval.

UNIMPROVED OPEN SPACE

Open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.

§ 135-106 Uses permitted; building restrictions; district size.

- A. Basic zoning uses. The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this article.
- (1) Conservation subdivision plats having a minimum of fifty-percent open space, of which at least 25% must be outside of environmentally sensitive areas, as described in the Ledgeview Subdivision Ordinance.[20] Stormwater management facilities, group on-site private wastewater treatment system absorption fields, and other public facilities may be located within the 25% of land outside of environmentally sensitive areas.
 - (2) A mixture of residential types and recreational, commercial, and institutional uses may be developed to serve the residents of the PDD and/or residents of the surrounding area, provided such uses can be supported by the residents as indicated by an appropriate market study provided by the developer. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the ordinance adopted that authorizes and establishes the proposed PDD development.
- B. Building restrictions. Requirements for building height, size and floor area, lot size, setbacks (front, side, rear and corner side), density and open space shall be delineated in the preliminary and final development plans and the ordinance adopted that authorizes and establishes the proposed POD. Minimum setbacks shall conform to those listed in the General Provisions of the Ledgeview Zoning Ordinance.[21] In no case shall these requirements be less than stated in other sections of the PDD article and shall be found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values, or the character of the proposed development, surrounding neighborhood or community or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the final development plan does not address a specific zoning requirement (the "nonaddressed requirement"), the provisions of the Ledgeview Zoning Ordinance shall apply to the development plan to the extent of the nonaddressed requirements.
- C. Minimum size of PDD Overlay District. No district shall be established unless it contains the minimum area specified in this section and has at least 200 feet of frontage or Town-approved private road access. The minimum gross area required for a PDD Overlay District is as follows:
- (1) Two acres where the overlay is placed upon base residential districts.
 - (2) One acre where the overlay is placed upon base commercial or industrial districts.

§ 135-107 General provisions.

- A. Engineering design standards. The width of rights-of-way, width and location of street, sidewalks, or other paving requirements, outdoor lighting types and locations, public sanitary sewer or private on-site wastewater treatment systems, storm sewer, and water lines, provision for stormwater retention and drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to perform the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to insure the public safety and welfare. The Town reserves the right to have an engineer of the Town's choosing review all engineering aspects of the development at cost to the developer.
- B. Approvals. The applicant shall develop the site in accordance with the terms and conditions of the development presented to and approved by the Town Board. Any changes or additions to the original approved development site, structures or plans of operation shall require resubmittal and recommendation by the Zoning and Planning Committee and approval by the Town Board.
- C. Rescinding approval. Failure to comply with the conditions, commitments, guaranties or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Town Clerk, the applicant or agent then shall be required to appear before the Town Board at its next public meeting, to explain any

such failure to comply. The Town Board at such meeting shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:

- (1) Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the 31st day following a written notice of such decision sent by certified mail to the developer at his or her last known address; or
- (2) Adjourn such hearing for a period not to exceed 65 days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there shall be such compliance. If the developer has not established to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with Subsection C(1).

§ 135-108 Criteria for approval.

As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not it is consistent with the spirit and intent of this article and the Town of Ledgeview Comprehensive Plan.

- A. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall be a visual, aesthetic, and operational character which:
 - (1) Is compatible to the physical nature of the site, with particular concern for preservation of the Niagara escarpment, woodlands open space or other environmentally sensitive areas.
 - (2) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
 - (3) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
 - (4) Would provide sufficient and accessible off-street parking and loading facilities. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used (such as exterior or interior satellite parking lots, provision of mass transportation, etc.) to provide adequate parking within the requirements of this PDD article.
 - (5) Would be developed in a manner that encourages alternative means of transportation through the provision of sidewalks and/or off-street trails and a well-connected street pattern.
 - (6) Is consistent with the Ledgeview Comprehensive Plan.
- B. Landscaping of parking areas. The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:
 - (1) Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to this preservation. Modification to topographic features should not only occur where it contributes to good appearance.
 - (2) Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing adverse conditions.
 - (3) In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles,

appropriate curbs, tree guards or other protective devices shall be employed.

- (4) Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - (5) Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls, except where parking areas are designed as an intricate part of the street.
 - (6) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - (7) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
 - (8) All off-street loading and unloading areas shall be paved, and the design thereof approved by the Zoning and Planning Committee.
 - (9) All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.
- C. Engineering design standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to ensure the public safety and welfare.
- D. Preservation and maintenance of open space. Adequate provisions shall be made for the permanent preservation and maintenance of common open space and rights-of-way either by private reservation or dedication to the public.
- (1) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas from any further building or use, except as specifically authorized as part of the development plan, or subsequently with the express approval of the Town Board following the recommendation of building site and operational plans by the Zoning and Planning Committee.
 - (2) In the case of roadways, other rights-of-way and stormwater management facilities, which are not dedicated to the public, as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water, maintenance, recreational trail connections and other required municipal services to the project area.
 - (3) The construction, care and maintenance of such open space reservations, stormwater management facilities and rights-of-way shall be assured, either by establishment of appropriate management organization for the project, acceptance of dedication to the Town, or by agreement with the Town for establishment of a special service district for the project area and levy the cost thereof as a special charge on the tax bills of properties within the project area pursuant to § 66.0627, Wis. Stats. In any case, the Town shall have the right to carry out and levy special charge for the cost of any maintenance that it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and charging such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property. The developer shall submit a landscape maintenance schedule and stormwater management plan with the final plan for approval by the Town that satisfies the above requirements.
 - (4) Ownership, maintenance, construction (if necessary), and tax liability of private open space

reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

- (5) Any identified reserved open space within a planned development shall first be offered to the Town for conveyance and dedication for public open space.
- (6) in the event that the designated open space is to remain in agricultural use, the following uses shall be permitted only in the designated open space areas:
 - (a) General farming activities, such as dairying, cropping, apiculture, floriculture, forestry, horticulture, tree and shrub nurseries, pasturage, orchards, and similar nonintensive agricultural activities.
 - (b) Existing farmstead, barns, and associated outbuildings.
 - (c) Proposed new construction or additions outside of the existing footprint of agricultural-related buildings shall require obtaining an amendment to the PDD as identified in § **135-113E**. Agricultural-related buildings shall not be interpreted to mean new residential, commercial, or industrial buildings.
- E. Implementation schedule. The petitioners for a PDD Overlay shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Zoning and Planning Committee and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond for construction) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.
- F. Additional factors that may be considered by the Zoning and Planning Committee and Town Board:
 - (1) Heights of structures.
 - (2) Screening and fencing.
 - (3) Landscaping barriers and berms.
 - (4) Setbacks.
 - (5) The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use and general neighborhood characteristics.
 - (6) Nature and use of the proposed structures and design, architecture and materials to be used.
 - (7) Highway access to the site, number of openings, and width.
 - (8) Traffic generation, number of vehicles parked, rate of turnover per hour and parking requirements.
 - (9) Stormwater management.
 - (10) Capacities required for sewer, water and other necessary utilities.
 - (11) Educational capacity capabilities (number of families and school load).
 - (12) Economic impact on the Town, its inducements, attractions and detractions.
 - (13) Lighting.
 - (14) Proposed hours of operation.

- (15) Comparison of open space as required by the underlying basic zones with that of the proposed project.
- (16) Operational control.
- (17) Commencement and completion dates.
- (18) Highway dedication/street dedication.
- (19) Signage.
- (20) Deed restrictions and sureties deemed necessary to protect the health, safety and welfare of the community.
- (21) Such other limitations, conditions, special requirements or characteristics to the use as may be deemed necessary to protect the health, safety and welfare of the Town.
- (22) Impact on groundwater resources.
- (23) Method of sanitary waste disposal.
- (24) If development is not proposing to have public sewer and water, the development's ability to be efficiently and cost effectively connected to public sewer and water, when available.
- (25) Multiuse zoning in a structure throughout the development.

§ 135-109 Procedures.

No development shall be permitted within this district unless it is submitted, reviewed, and approved subject to the procedures identified in §§ **135-111** through **135-113** below.

§ 135-110 Preapplication conference.

Prior to filing of an application for PDD, the applicant of the proposed PDD shall contact the Town Clerk to arrange a conference with Town representatives and/or staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys and other data.

§ 135-111 Preliminary approval.

- A. Notice and fee. A person desiring to develop a particular site as a planned development project shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to the cost to the Town for reviewing the plans and specifications. All PDD fees shall be reviewed and set annually at the time of adoption of the budget. The fee shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in Subsection **D** herein, shall be filed with the application.
- B. Notice to Zoning and Planning Committee. The Town Clerk shall inform the Zoning and Planning Committee of such desire and shall secure a date for a preliminary discussion between the developer and the Zoning and Planning Committee and shall notify such developer of such date.
- C. Preliminary PDD Planning Committee recommendations. The Zoning and Planning Committee, after such preliminary discussions and such further discussions as may be required with the applicant, shall report, in writing, such proposed project development to the Town Board, together with its recommendation for either approval, approval with modifications, or denial of the same. Such report and recommendation of the Committee shall be made to the Town Board no later than

three months from the date of the filing of the application with the Town Clerk, unless agreed upon in writing, by the Town and the applicant. A recommendation of approval by the Committee shall in no way be binding on the Town Board.

- D. Information required. The following information shall be provided by the applicant in adequate detail to satisfy the Zoning and Planning Committee for its recommendation regarding preliminary approval:
- (1) A statement describing the general character of the intended development.
 - (2) An accurate map of the project area drawn at a scale no less than one inch equals 100 feet, showing the nature, use and character of abutting properties, prepared by a registered surveyor.
 - (3) Twelve copies of a general development plan of the proposed project drawn at a scale no less than one inch equals 100 feet, showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsections **A, B, C, D** and **F** of § **135-108** of this article:
 - (a) Tract boundaries and a statement of the total acreage of the tract.
 - (b) Significant physical features within the tract and outside the tract to a distance of 500 feet from the outside boundary of the tract, including existing two-foot contours, watercourses, drainage, ponds, lakes, wetlands, floodplains, floodways and other potential environmentally sensitive areas.
 - (c) Existing zoning district(s) on the property and within 500 feet adjacent to the proposed project.
 - (d) Property lines (if any) within the proposed project.
 - (e) All contemplated land uses within the tract.
 - (f) An indicator of the contemplated intensity of use, i.e., gross density in residential development, number of prospective tenants in office, commercial and industrial development or recreational development.
 - (g) Number and type of dwelling units.
 - (h) Existing buildings that may affect future development and proposed location of all principal structures and associated parking areas.
 - (i) Proposed lot coverage of buildings and structures.
 - (j) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site.
 - (k) Existing rights-of-way and easements which may affect the project.
 - (l) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages.
 - (m) The location of sanitary and storm sewer lines, water mains, fire hydrants and lighting.
 - (n) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, park, etc.
 - (o) Description and proposed location of proposed stormwater management facilities.

- (p) General landscape treatment, including parking and refuse areas.
 - (4) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation under the criteria of Subsections **A, B, C, D** and **F** of § **135-108** above.
 - (5) Architectural drawings and sketches illustrating the design and character of proposed structures, and may require color renderings.
 - (6) General outline of intended organization structure related to the property owners' association, deed restrictions and private provision of common services, if any.
 - (7) Economic feasibility and impact report may be required by the Zoning and Planning Committee to provide satisfactory evidence of the project's economic feasibility, of available adequate financing and of its not adversely affecting the economic prosperity of the Town or the values of surrounding properties.
- E. Preliminary PDD public hearing. The Town Board shall hold a public hearing on the Preliminary PDD within 45 days of receipt of the Zoning and Planning Committee recommendation, unless the applicant and the Town agree to an extension in writing. A Class 2 notice pursuant to Ch. 985, Wis. Stats., shall be published specifying the time, place, and purpose of the hearing. Such notification appearing in the Town's official newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing to all parties of interest who have requested notification and property owners within 100 feet of the outer boundaries of the proposed PDD overlay.
- F. Preliminary PDD Town Board action.
- (1) The Town Board shall approve, approve with modifications, deny, or refer the proposed development back to the Zoning and Planning Committee. The Town Clerk shall provide a written summary of the Town Board action and any modifications to the preliminary plan and mail them to the applicant.
 - (2) Approval of the preliminary development plan shall entitle the developer to final approval if the final development plan is submitted within one year of the date of approval of the preliminary plan, conforms to such layout and conditions of the approved preliminary plan and required final approval information, and the applicant and the Town have executed a developer's agreement.
 - (3) No building permits may be issued on land within the planned development until the final plan is approved and all public improvements are in place, including first lift of asphalt, and accepted by the Town.

§ 135-112 Amendment of preliminary plan approval.

- A. The recommendation of the Zoning and Planning Committee and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the approved plans.
- B. Detailed construction time and the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Zoning and Planning Committee, and if, in the opinion of the Zoning and Planning Committee, such change or addition constitutes a substantial alteration of the original plan, it shall, within 45 days, make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.

- C. An applicant desiring to amend an approved preliminary PDD shall apply to the Town Clerk on such forms as shall be provided by the Town and shall pay a fee equal to cover the cost to the Town of Ledgeview for reviewing the plans and specifications. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers; a contact, address, name and telephone number, if different; and a description of the development site. Appropriate supporting documents and maps, as required in § 135-111D, shall be filed with the application.
- D. The Town Board shall hold a public hearing on the preliminary PDD amendment within 45 days, following the Zoning and Planning Committee recommendation, unless the applicant and the Town agree to an extension in writing. A Class 2 notice pursuant to Ch. 985, Wis. Stats., shall publish the time, place, and purpose of the hearing. Such notification appearing in the Town's official newspaper shall appear once during each of the weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Town shall also mail notice of the hearing to all adjoining property owners of the proposed PDD overlay and parties of interest who have requested notification.

§ 135-113 **Final approval.**

- A. Petition for final approval. When the Town Board has issued its preliminary approval of the proposed plan, then the applicant may file with the Town Clerk a petition executed by the owner, or the owner's agent, of the property to be developed, for the final approval, stating that such person seeks to develop such property under the provisions of this section. Such petition shall include (unless previously submitted and unchanged from preliminary plans):
 - (1) The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project, in the event that there has been a change in owners or developers since the date of the application.
 - (2) An accurate topographical map showing topographical data at two-foot intervals and extending within 200 feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within 200 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high-water elevations along rivers.
 - (3) A conceptual plan showing the location, type and size of every proposed structure and its proposed use; also driveways, driveway access roads, refuse areas, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing and landscaped areas and utility easements.
 - (4) A statement showing the starting and estimated completion dates of the project.
 - (5) Any other pertinent data, statements, drawings or plans which may be required by the Zoning and Planning Committee or the Town Board.
 - (6) The following additional information for commercial and industrial developments may be required:
 - (a) Square footage of buildings.
 - (b) Square footage of offices, production areas and the proposed number of employees in each such area.
 - (c) Detailed signage sketch elevations.
 - (d) Details of proposed use or uses and manner of operation.

- (e) The municipal services that may be required to serve the area.
- B. Final PDD Zoning and Planning Committee recommendation. The Zoning and Planning Committee shall make a formal recommendation to the Town Board and provide written findings of fact upon which its recommendation is based in the official minutes of the Zoning and Planning Committee meeting. The Zoning and Planning Committee shall make a recommendation to the Town Board within 45 days of the submittal of a final plan to the Town Clerk, based upon the criteria in § **135-107** and the information provided by the applicant.
- C. Final PDD Town Board action.
 - (1) The Town Board shall have an additional 45 days after the public hearing in which to approve, approve with modifications, refer back to the Zoning and Planning Committee, or deny the application, unless an extension is granted through written agreement between the Town and the applicant. The Town Board shall base its decision on the criteria in § **135-108**, information provided by the applicant, and official testimony at the public hearing.
 - (2) The Town Board shall provide written findings of fact regarding its action and direct the Town Clerk to provide written notification to the applicant of the Town Board action and the findings of fact.
 - (3) The applicant is responsible for any county or state filings and fees.
 - (4) A developer's agreement shall be negotiated and executed by the applicant and Town prior to final approval.
- D. Failure to begin construction or establish use. If no construction has begun or no use has been established in the PDD within six months from the approval of the final plan, the final plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause, the Town Board may extend for not more than six months the period for the beginning of construction or the establishment of a use.
- E. Amendments.
 - (1) The Town Board must approve any amendment to regulations, restrictions, or conditions for an approved final PDD. Such regulations, restrictions, or conditions may include but are not limited to changes or alterations to landscaping, architectural design, type of construction, sureties, lighting, fencing, planting screens, operational control, hour of operations, signs, improved traffic circulation, deed restriction, highway access restrictions, minor alterations or minor additions, building height or area of existing structures, off-street parking or loading requirement changes.
 - (2) The applicant shall pay a fee for the cost of review and processing of an amendment.
- F. Interpretation.
 - (1) In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed in a limitation or repeal of any other power granted by the Wisconsin Statutes.
 - (2) Further, development shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. However, in interpreting and applying the provisions of this subsection or any PDD adopted under this subsection, they shall take precedence and be controlling when there is conflict between their provision and those of the zoning provisions of this Code.

Article XIII
Institutional Overlay (IO) District

[Amended 11-14-2000; 7-19-2005 by Ord. No. 2005-14; 4-22-2008 by Ord. No. 2008-006; 4-1-2013 by Ord. No. 2013-003; 5-19-2015 by Ord. No. 2015-004]

§ 135-114 Intent; applicability of regulations.

The purpose of the Institutional Overlay (IO) District is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The IO District designation is intended to provide an area for activities relating to necessary important public services, provide for continued operation and facilitate managed growth of existing institutions, and provide and protect the park and open space assets of the community.

§ 135-115 Permitted uses.

Permitted uses shall be as follows:

- A. Small-scale indoor institutional. Small-scale indoor institutional uses of 10,000 gross square feet or less, including indoor public and not-for-profit recreational facilities (such as gyms, swimming pools, libraries, museums, lodges and assembly halls, and community centers), municipal facilities, clinics, pre-K through high schools, college or trade schools, religious institutions, nonprofit clubs, nonprofit fraternal organizations, funeral homes, and similar land uses. Does not include boarding facilities, dormitories, parsonage, rectory, or similar associated with a small-scale indoor institutional use.
- B. Outdoor open space institutional. Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.
- C. Passive outdoor recreation. Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross-country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.
- D. Active outdoor recreation. Recreational land uses which involve active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, playgrounds, tot lots, outdoor swimming pools, fitness courses, golf courses, and similar land uses.
- E. Small-scale public services and utilities. Small-scale city, county, state, and federally owned facilities, such as light stations, pump houses, water towers, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under large-scale public services and utilities.[22]
- F. Institutional residential. Residential development of 10,000 gross square feet or less designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convents, monasteries, nursing homes or convalescent homes, personal care facilities, rehabilitation centers, transitional housing for the homeless, and similar land uses not considered to be community living arrangements (see separate listings).
- G. Community living arrangement (one to eight residents). Facilities including community living arrangements for adults, community living arrangements for children, and community-based residential facilities per Wisconsin Statutes.
- H. Communications tower. Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes, such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers.

I. Parking facilities. Parking lots or parking structures.

§ 135-116 **Permitted accessory uses.**

Permitted accessory uses shall be as follows:

- A. Playgrounds, athletic fields, swimming pools, stadiums, gymnasiums and field houses accessory to educational facilities or religious institutions.
- B. Ramps or other accessibility accommodations in compliance with the Americans With Disabilities Act (ADA).
- C. Garden, public or community (flowers, vegetables, or related).
- D. Garages and service buildings for storage and maintenance of vehicles used in conjunction with the operation of a permitted use.
- E. Satellite dish antennas less than 12 feet in diameter.
- F. Water storage tanks and water towers.

§ 135-117 **Conditional uses.**

Conditional uses shall be as follows:

- A. ~~Man-made bodies of water.~~ Artificial lakes.
- B. Recreational sport shooting facility (indoor facilities only).
- C. Caregiver support center.
- D. Large-scale indoor institutional. Large-Scale indoor institutional uses with greater than 10,000 gross square feet, including indoor public and not-for-profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), municipal facilities, hospitals, large-scale clinics, pre-K through high schools, college or trade schools, religious institutions nonprofit clubs, nonprofit fraternal organizations, convention centers, funeral homes, and similar land uses, and outdoor facilities ancillary to such uses (such as sports fields and outdoor gathering spaces).
- E. Large-scale public services and utilities. Large-scale city, county, state, and federally owned facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, utility and public service related distribution facilities, and similar land uses. This does not include uses listed under small-scale public services and utilities.[23]
- F. Correctional institutional. A facility for the detention, confinement, treatment, or rehabilitation of persons arrested or convicted for the violation of the law, including adult detention centers, juvenile delinquency centers, jails, prisons, and similar land uses.
- G. Institutional residential. Residential development of 10,000 gross square feet or more designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convents, monasteries, dormitories, nursing homes, or convalescent homes, limited personal care facilities, physical rehabilitation centers, transitional housing for the homeless, and similar land uses not considered to be community living arrangements.
- H. Community living arrangement (nine to 15 residents). Facilities including community living arrangements for adults, community living arrangements for children, and community-based residential facilities per Wisconsin Statutes.

- I. Boarding facilities, dormitories, parsonage, rectory, or similar in association with a permitted small- or large-scale indoor institutional use.
- J. Day-care facilities, adult.
- K. Day-care facilities, child.
- L. Military installations.
- M. Parking lots and parking structures in excess of the required number of parking spaces.

§ 135-118 Lot requirements.

Lot requirements shall be as follows:

- A. Area: 10,000 square feet minimum.
- B. Zoning lot frontage: 80 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 60 feet.
- C. Lot width: 80 feet minimum.

§ 135-119 Height regulations.

Height regulations shall conform to requirements as set forth § 135-13, Height regulations.

§ 135-120 Building setbacks.

A. Building setbacks shall be as follows:

	Building Setback	
	(feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	20 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

NOTES:

Exceptions: Bases for light standards (i.e., parking lot lights) may be located at the lot line, provided that no part of the base or light extends into the public right-of-way.

- B. Transitional yards.
 - (1) If the lot abuts an R-1, R-2, or R-3 District at any point along the rear lot line, it must maintain the same rear yard setback of the principal building as required in that abutting zone.
 - (2) Where a side or rear lot line in an IO District coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 15 feet in

depth and shall contain landscaping and planting to provide an effective screen.

§ 135-121 **(Reserved)**

§ 135-122 **Maximum lot coverage.**

Forty-five percent of the total lot area may contain building coverage.

§ 135-123 **(Reserved)**

§ 135-124 **Parking.**

Parking shall conform to requirements as set forth in Article **XXI**, Off-Street Parking Requirements.

Article XIV **B-1 Business District**

§ 135-125 **Intent.**

[Amended 9-18-2007 by Ord. No. 2007-016]

The B-1 Business District is intended to serve the retail and service needs of nearby residential areas with a range of products and services for both daily and occasional shopping.

§ 135-126 **Permitted uses.**

[Amended 9-18-2007 by Ord. No. 2007-016]

A. The following uses shall be permitted in the B-1 Business Districts:

- (1) Abstractors and title insurance companies.
- (2) Accounting, auditing and bookkeeping services.
- (3) Appraisers.
- (4) Architects.
- (5) Art gallery; studio.
- (6) Banks.
- (7) Barbershops.
- (8) Beauty shops.
- (9) Bonding companies.
- (10) Book publishing offices.
- (11) Brokerage houses.
- (12) Camera shops.
- (13) Chiropractors.
- (14) Coin dealers.
- (15) Consumer credit reporting agencies, mercantile reporting agencies and adjustment agencies.
- (16) Credit reporting bureaus.

- (17) Credit unions.
- (18) Detective agencies.
- (19) Dressmakers, custom.
- (20) Dry-cleaning establishment (depot only).
- (21) Finance companies, loan offices.
- (22) Florists (not greenhouse).
- (23) Governmental structures other than fire stations, police stations and post offices.
- (24) Ice cream shops, without drive-through.
- (25) Insurance agents, brokers and service.
- (26) Lawyers and legal services.
- (27) Management; consulting and public relations services.
- (28) News dealers and stands.
- (29) Philatelists (stamp) dealers.
- (30) Public relations consultants.
- (31) Publishers' offices.
- (32) Savings and loan associations.
- (33) Shoe repair shops.
- (34) Tailors, custom.

B. The following uses may be permitted as conditional uses in B-1 Business Districts:

- (1) Bookstores.
- (2) Bridal stores.
- (3) Coffee shops.
- (4) Community living arrangements having a capacity for eight or fewer persons being served by the program, licensed and operated under the authority of the Department of Health and Family Services in accordance with W.S.A. s. 62.23(7)(i).
- (5) Consulates.
- (6) Costume rental shops.
- (7) Convenience stores.
- (8) Delicatessens.

- (9) Libraries.
- (10) Parks, playgrounds, public recreational and community center buildings and grounds, public, fire stations, police stations, post offices and other governmental facilities.
- (11) Pharmacies.
- (12) Residence of the owner or operator of the business on the premises.
- (13) Stenographers, public.
- (14) Tax consultants.
- (15) Trust companies.
- (16) Other uses determined by the Zoning Administrator and/or Town Board to be of similar nature to the above-listed uses.

§ 135-127 Lot requirements with public sewer.

Lot requirements with public sewer shall be as follows:

- A. Area: 12,000 square feet minimum.
- B. Zoning lot frontage: 90 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall lot width measured at the right-of-way line of a cul-de-sac or curved street be less than 65 feet.[24]
- C. Lot width: 90 feet minimum.

§ 135-128 Lot requirements without public sewer.

Lot requirements without public sewer shall be as follows:

- A. Area: 60,000 square feet minimum.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.[25]

§ 135-129 Height regulations.

Height regulations shall be as follows:

- A. Principal structure: 35 feet maximum, except as provided in Article IV, § 135-13, Height regulations. [Amended 9-18-2007 by Ord. No. 2007-016]
- B. Accessory structures shall not exceed the height of the principal structure.

§ 135-130 Building setbacks.

[Amended 9-18-2007 by Ord. No. 2007-016]

A. Building setbacks shall be as follows:

- (1) With curb and gutter:

Building Setback (in feet)

	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

B. Without curb and gutter:

Building Setback (in feet)

	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

C. Transitional yards. If the lot abuts an R-1, R-2, R-3 or RR Zone at any point along the rear lot line, it must maintain the same rear yard as required in that abutting zone.

§ 135-131 Building size.

[Amended 9-18-2007 by Ord. No. 2007-016]

Building size shall be as follows:

A. Principal structure: Such principal structure must not exceed 1,500 square feet in floor area. Areas of the structure used principally as the residence of the owner or operator of the business shall not be included in the square footage calculation.

§ 135-132 Number of structures.

A. Only one principal structure shall be located on a lot.[26]

§ 135-133 Parking requirements.

[Amended 9-18-2007 by Ord. No. 2007-016]

Parking shall conform to requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-134 (Reserved)

[27]§ 135-135 Other requirements.

[Amended 9-18-2007 by Ord. No. 2007-016]

Additional structures and building allowed in the B-1 Business District shall meet the requirements of this district and other articles of this chapter as determined by the Town Building Inspector and/or the Town Board.

- A. All business, service repair, storage or merchandise display shall be conducted wholly within an enclosed building, except for automobile parking and off-street loading.
- B. Outside trash bins shall be screened from view by use of solid screening or fencing material with gates on rollers or wheels and shall be kept in good repair.

- C. Building appearance shall be complementary to a neighboring district, i.e., no post-frame-construction type building.
- D. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.

Article XV
B-2 Business District

§ 135-136 Intent.
[Amended 9-18-2007 by Ord. No. 2007-016]

The B-2 Business District is designed primarily to accommodate commercial activities and service needs of area residents, with the service area not confined to any one neighborhood. Businesses may range from small-scale to large in size.

§ 135-137 Permitted uses.
[Amended 9-18-2007 by Ord. No. 2007-016]

- A. The following uses shall be permitted in B-2 Business Districts:
 - (1) All uses permitted in B-1 Business Districts, except residences only allowed as a conditional use.
 - (2) Adjusters.
 - (3) Architects' materials and supplies.
 - (4) Army and navy goods sales.
 - (5) Art gallery, commercial sales.
 - (6) Artificial limbs sales and service.
 - (7) Artists' materials and supplies.
 - (8) Barbers' supplies, distributors and dealers.
 - (9) Bathroom accessories display and sales.
 - (10) Beauty shop equipment sales.
 - (11) Bicycle sales and repair.
 - (12) Blood banks.
 - (13) Blueprinting.
 - (14) Bookstores.
 - (15) Braces, orthopedic sales.
 - (16) Brushes, sales.
 - (17) Business machines, distribution and sales.
 - (18) Butchers' supplies, sales.

- (19) Candy shops (retail).
- (20) Canvas goods, sales.
- (21) Caskets, retail sales.
- (22) Caterers.
- (23) Chairs, physiotherapy sales.
- (24) Civic, school and fraternal organizations.
- (25) Clinic (e.g., medical, dental).
- (26) Clothing, retail.
- (27) Computer data processing services.
- (28) Conservatory.
- (29) (Reserved)
- (30) Dance instruction.
- (31) Desks, sales.
- (32) (Reserved)
- (33) Draperies, sales.
- (34) Drawing materials, sales.
- (35) Dry cleaning.
- (36) Electrical appliances, wholesale.
- (37) Electronic store.
- (38) Employment agencies.
- (39) Engineering, architectural and surveying services.
- (40) Entertainment bureaus.
- (41) Floor covering retail sales and installation service.
- (42) Food stores.
- (43) Funeral homes.
- (44) Fruit stores and vegetable markets.
- (45) Furriers and fur shops.
- (46) Gift shops.

- (47) Golf, miniature.
- (48) Greenhouses.
- (49) Grocery stores.
- (50) Guns, sales and repair.
- (51) Gymnasiums.
- (52) Hardware, retail sales, new and used.
- (53) Health food products, sales.
- (54) Ice skating rinks (indoor commercial).
- (55) Interior decorators, display and sales.
- (56) Jewelers and clocks, retail sales/custom manufacturing and repair.
- (57) Key shops.
- (58) Labs (e.g., medical, dental).
- (59) Landscape consulting and planning.
- (60) Lawn furniture, sales.
- (61) Leather goods, sales.
- (62) Liquor stores.
- (63) Meat and fish markets.
- (64) Merchandise general stores.
- (65) Messenger service.
- (66) Monuments, sales and displays.
- (67) Multigraphing, commercial.
- (68) Music instruction, commercial.
- (69) Musical instruments, repairing and sales.
- (70) (Reserved)
- (71) Notions and novelties, retail.
- (72) Nurseries, lawn and garden supply stores, retail.
- (73) Nut shops.
- (74) Office equipment sales.

- (75) Optical care sales and service center.
- (76) Orthopedic appliances, sales.
- (77) Oxygen equipment, rental and distribution.
- (78) Paint products, glass and wallpaper/retail sales.
- (79) Pet shops and groomers.
- (80) Pharmacy.
- (81) Recordings, sales.
- (82) Photo-finishing laboratories.
- (83) Photographers, commercial studios.
- (84) Photographic equipment and supplies, retail sales.
- (85) Photo printers, retail.
- (86) Piano sales.
- (87) Picture framing, custom.
- (88) Poster illustration, studio.
- (89) Protection service.
- (90) Pumps, retail sales and display.
- (91) Radio, television and music stores.
- (92) Radio and television repair shops.
- (93) Real estate office.
- (94) Religious organizations.
- (95) Restaurant equipment and supplies, sales.
- (96) Reupholstery and furniture repair shops.
- (97) Roller-skating and skateboard rinks, commercial.
- (98) Salvation Army.
- (99) Sewing machines, sales and repairing.
- (100) Shoe stores.
- (101) Sound systems and equipment sales.
- (102) Sportswear, retail sales.

- (103) Stationers retail sales.
- (104) Surveyors.
- (105) Tattoo parlors.
- (106) Tennis courts, commercial.
- (107) Tents and awnings sales.
- (108) Theaters, indoor.
- (109) Theatrical agencies.
- (110) Toys, retail sales.
- (111) Uniforms, rental.
- (112) Upholsterer's supplies, sales.
- (113) Used merchandise stores.
- (114) Vacuum cleaners, sales and repairing.
- (115) Weaving, handicraft.
- (116) Wheelchairs, rentals and service.
- (117) Women's accessory and specialty stores.

B. The following uses may be permitted as conditional uses:

- (1) Any size community living arrangements, licensed and operated under the authority of the Department of Health and Family Services, are permitted as a conditional use in accordance with W.S.A. s. 62.23(7)(i).
- (2) Amphitheaters.
- (3) Amusement arcades.
- (4) Antique sales.
- (5) Apparel and accessory stores, miscellaneous.
- (6) Appliance sales and repair.
- (7) Art schools, commercial.
- (8) Artists, commercial and display.
- (9) Asbestos products, sale.
- (10) Assembly halls.
- (11) Auditoriums.

- (12) Auto and home supply stores.
- (13) Automobiles and light trucks.
 - (a) Outdoor sales lots.
 - (b) Parking.
 - (c) Rentals (garage).
 - (d) Sales from outdoor lots.
 - (e) Storage, operable.
- (14) Automotive dealers, not elsewhere classified.
- (15) Automobiles, parts and supplies (new).
- (16) Ballrooms.
- (17) Baseball parks, private.
- (18) Beauty culture schools.
- (19) Boardwalk, amusement, commercial.
- (20) Boat dealers.
- (21) Boilers sales.
- (22) Bowling alleys and billiard and pool establishments.
- (23) Broadcasting studios.
- (24) Bus depots.
- (25) Cafes (restaurants only).
- (26) Car washes.
- (27) Cigars, manufacturing, custom hand-rolled.
- (28) Civic, school and fraternal organizations.
- (29) Clothing, wholesale and distribution.
- (30) Clubs, supper and amusement.
- (31) Clubs, private, social or fraternal.
- (32) Coin-operated amusement devices.
- (33) Community centers.
- (34) Convenience stores.

- (35) Day-care center.
- (36) Department stores.
- (37) Driving schools, auto.
- (38) Electric equipment sales.
- (39) Exhibition buildings.
- (40) Freezer and locker meat provisioners.
- (41) Funeral service and crematories.
- (42) Furniture, home furnishings and equipment display and sales.
- (43) Grocery stores.
- (44) Halls, commercial.
- (45) Hardware, commercial.
- (46) Hardware, retail sales, new and used.
- (47) Heating and ventilating apparatus, sales and showroom.
- (48) Hobby shops.
- (49) Hotels, motels.
- (50) Hotel equipment, supplies and sales.
- (51) Imported goods, retail sales.
- (52) Labor unions and similar labor organizations.
- (53) Lawn mower sales, repair and shops.
- (54) Membership organizations not elsewhere classified.
- (55) Motion-picture and allied services.
- (56) Motion-picture equipment, sales and display.
- (57) Motion-picture theaters, including drive-ins.
- (58) Museums.
- (59) News services.
- (60) Nightclubs.
- (61) Noncommercial educational scientific and research organizations.
- (62) Nursing homes.

- (63) Office buildings.
- (64) Office service (stenographic service, letter preparation, addressing and mailing, duplicating, multigraphing, mimeographing, machine tabulation, research and statistical).
- (65) Opera houses.
- (66) Painting equipment and supplies, retail sales.
- (67) Parks, amusement, private.
- (68) Plastic and plastic products, sales and demonstrations.
- (69) Plumbing fixtures and supplies, display and sales.
- (70) Political organizations.
- (71) Radio studios.
- (72) Residence of the owner or operator of the business on the premises.
- (73) Restaurants, including drive-ins.
- (74) Retail stores and shops (not otherwise listed).
- (75) Riding equipment sales.
- (76) Saddle shops, custom handmade.
- (77) Schools.
 - (a) Art, commercial.
 - (b) Art, (HB) institute.
 - (c) Beauty.
 - (d) Business and commercial.
 - (e) Private.
 - (f) Correspondence and stenographic.
 - (g) Music institutes.
 - (h) Trade and vocational.
- (78) Service stations (fueling stations).
- (79) Sign sales, banner and poster.
- (80) Social services, not elsewhere classified.
- (81) Soil testing lab.
- (82) Sporting goods, retail sales.

- (83) Studios and offices for uses regarding communication.
- (84) Tavern/nightclub.
- (85) Tool sales.
- (86) Variety stores, retail.
- (87) Wharf, amusement piers.
- (88) Yacht clubs.
- (89) Any of the above-noted uses in a nonsewered area.
- (90) Other uses determined by the Town Zoning Administrator or designee to be of a similar nature to the above-listed uses.
- (91) Recreational sport shooting facility (indoor facilities only). **[Added 4-22-2008 by Ord. No. 2008-006]**

§ 135-138 Lot requirements with public sewer.

Lot requirements with public sewer shall be as follows:

- A. Area: 20,000 square feet minimum.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.^[28]

§ 135-139 Lot requirements without public sewer.

Lot requirements without public sewer shall be as follows:

- A. Area: 60,000 square feet minimum.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.^[29]

§ 135-140 Height regulations.

Height regulations shall be as follows:

- A. Principal structure: 35 feet maximum, except as provided in § **135-13**, Height regulations. **[Amended 9-18-2007 by Ord. No. 2007-016]**
- B. Accessory structures shall not exceed the height of the principal structure.

§ 135-141 Building setbacks.

A. Building setbacks shall be as follows: **[Amended 9-18-2007 by Ord. No. 2007-016]**

- (1) With curb and gutter:

Building Setback (in feet)

	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	10 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

(2) Without curb and gutter:

Building Setback (in feet)

	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

NOTES:

Exceptions: (1) Bases for light standards (i.e., parking lot lights) may be located at the lot line, provided that no part of the base or light extends into the public right-of-way or across property lines; (2) The setback for vacuum islands accessory to a car wash is six feet from any lot line.

B. Transitional yards.

- (1) If the lot abuts an R-1, R-2, R-3 or RR zone at any point along the rear lot line, it must maintain the same rear yard as required in that abutting zone. **[Amended 9-18-2007 by Ord. No. 2007-016]**
- (2) Where a side or rear lot line in a B-2 District coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 15 feet in depth and shall contain landscaping and planting to provide an effective screen. Such screening shall consist of a landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen trees and shrubs, and shall be an effective barrier. All trees shall be a minimum of 1 1/2 inch caliper when planted.

§ 135-142 **Number of structures; size.**

A. Only one principal structure shall be located on a lot.

B. Only one accessory building per each principal structure shall be located on a lot. **[Amended 9-18-2007 by Ord. No. 2007-016]**

§ 135-143 **Maximum lot coverage.**

Forty-five percent of total lot area may contain building coverage.

§ 135-144 **Parking.**

[Amended 9-18-2007 by Ord. No. 2007-016]

Parking shall conform to requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-145 (**Reserved**)

[30]§ 135-146 **Other requirements.**

[Amended 9-18-2007 by Ord. No. 2007-016]

Additional structures and buildings allowed in the B-2 Business District shall meet the requirements of this district and other articles of this chapter as determined by the Town Building Inspector and/or Town Board.

- A. All business, service repair, storage or merchandise display shall be conducted wholly within an enclosed building, except for automobile parking and loading.
- B. Outside trash bins shall be screened from view by use of solid screening or fencing material with gates on rollers or wheels and must be kept in good repair.
- C. Building appearance shall be complementary to a neighboring district, i.e., no post-frame-construction type building.
- D. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design.
- E. Parking or storage of commercial vehicles shall not be permitted in the front of the principal structure.
- F. Open storage.
 - (1) Open storage of commodities and materials shall be permitted as an accessory use, provided that such open storage shall:
 - (a) Be located behind the required building line.
 - (b) Observe all yard requirements.
 - (c) Have a maximum height not to exceed the height of the main building.
 - (d) Not exceed twenty-percent coverage of the lot area which lies behind the building line.
 - (e) Be screened from view from any street or any adjacent residentially zoned lot, with solid screening.
 - (f) All storage areas must be paved (asphalt or concrete).

Article XVI (Reserved)

[31]§ 135-147 (**Reserved**)

§ 135-148 (**Reserved**)

§ 135-149 (**Reserved**)

§ 135-150 (**Reserved**)

§ 135-151 (**Reserved**)

§ 135-152 (**Reserved**)

§ 135-153 (**Reserved**)

§ 135-154 (**Reserved**)

§ 135-155 (**Reserved**)

§ 135-156 (**Reserved**)

§ 135-157 (**Reserved**)

Article XVII

LI Light Industrial District

§ 135-158 **Intent.**

The LI Light Industrial District is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard- and nuisance-free environment. Uses may include some retail and wholesale business, as well as warehousing, storage and limited, low intensive manufacturing uses.

§ 135-159 **Permitted uses.**

A. The following uses shall be permitted in Light Industrial Districts: [**Amended 11-14-2000; 9-18-2007 by Ord. No. 2007-015**]

- (1) All uses permitted in the Business Districts, except residential, day-care centers, nursing homes, religious institutions and community-based living arrangements.
- (2) Acoustical material storage, except material containing asbestos.
- (3) Agriculture implements, sales and service.
- (4) Air-conditioning equipment, custom fabrication and installation.
- (5) Airplane, repair and storage.
- (6) Ambulance service garage.
- (7) (Reserved)
- (8) Amusement and recreation services, not elsewhere classified.
- (9) Animal boarding.
- (10) Animal breeding (pets).
- (11) Animal hospitals.
- (12) Armored car service garage.
- (13) Armory.
- (14) Artificial flower manufacturing.
- (15) Artificial limbs manufacturing.
- (16) Automobiles and light trucks, repair and service.
- (17) Bakers and baked goods, manufacturing.
- (18) Battery service.
- (19) Beer and ale distributors, wholesale and storage.
- (20) Belting, repairing.
- (21) Beverages, bottling.
- (22) Beverages, wholesale and storage.

- (23) Blacksmiths.
- (24) Bookbinders.
- (25) Book publishing, printing.
- (26) Bottles, wholesale.
- (27) Braces, orthopedic, manufacturing.
- (28) Burglar alarm system, installation.
- (29) Bus lines stops, garages, repair.
- (30) Business machines, repair and service, storage and wholesale.
- (31) Cabinet makers.
- (32) Candy, wholesale distribution.
- (33) Canvas goods (fabrication).
- (34) Carpentering.
- (35) Carpet and upholstery cleaning.
- (36) Car wash.
- (37) Caskets manufacturing.
- (38) Cigars, wholesale and storage.
- (39) Cleaning and maintenance services to dwellings and other buildings, not elsewhere classified.
- (40) Clock factory.
- (41) Coffee, wholesale and storage.
- (42) Coin machines, rental and service.
- (43) Cold storage.
- (44) Commercial testing laboratories.
- (45) Confectioners, wholesale.
- (46) Corsets and brassieres, manufacturing.
- (47) Cotton seed products, storage.
- (48) Department store warehouse.
- (49) Desks manufacturing.
- (50) Diaper service.

- (51) Distillers, distribution, warehouse.
- (52) Dog and cat hospitals.
- (53) Doors, sash and trim, manufacturing.
- (54) Draperies, manufacturing.
- (55) Drugs, wholesale storage.
- (56) Dry-cleaning establishment, bulk processing.
- (57) Dry goods, wholesale or storage.
- (58) Eggs, storage and processing.
- (59) Electric contractors' shops.
- (60) Electric refrigeration lockers.
- (61) Engravers.
- (62) Express companies, warehouses.
- (63) Filters, fabrication.
- (64) Flags and banners, manufacturing.
- (65) Floor covering wholesale sales.
- (66) Food products, warehouse.
- (67) Freight forwarders, warehouse.
- (68) Freight forwarding.
- (69) Frozen foods, wholesale storage and distribution.
- (70) Funeral service and crematories.
- (71) Fur warehouse.
- (72) Furniture, cleaners.
- (73) Furniture, repairing and refinishing.
- (74) Furniture, wholesale and storage.
- (75) Garage repair.
- (76) Gas station.
- (77) Gas station with mini-mart.
- (78) Garment factory.

- (79) Grocers, warehouse.
- (80) Grocers, wholesale.
- (81) Hat manufacturing, cloth.
- (82) Hosiery manufacturing.
- (83) Ice cream manufacturing.
- (84) Ice storage, retail distributor.
- (85) Industrial launderers.
- (86) Interior decorator, workshops.
- (87) Janitors' supplies, storage and warehouse.
- (88) Jewelers, bulk manufacturing.
- (89) Knit goods, manufacturing.
- (90) Laboratories.
- (91) Ladies' wear manufacturing.
- (92) Laundry equipment and supplies storage.
- (93) Leather goods, fabrication.
- (94) Limb (artificial) manufacturing.
- (95) Linen supply laundry service.
- (96) Linen supply, laundry and garment services, not elsewhere classified.
- (97) Linoleum storage.
- (98) Liquor, storage and wholesale.
- (99) Lithographers.
- (100) Lockers, food storage.
- (101) Lumber, cabinet working.
- (102) Machine tools, storage.
- (103) Meat, storage and wholesale.
- (104) Men's clothing manufacturing.
- (105) Meters, manufacturing.
- (106) Milliners, wholesale and manufacturing.

- (107) Millinery and artificial flower making.
- (108) Milling equipment, showrooms, sales.
- (109) Mineral water distillation and bottling.
- (110) Mining machinery, wholesale storage.
- (111) Mirrors, resilvering, custom work.
- (112) Mobile home and manufactured home dealers.
- (113) Motion-picture studios.
- (114) Motorcycle dealers, and repairs.
- (115) Motor freight company.
- (116) Motor vehicle dealers, new and used.
- (117) Newspaper printing.
- (118) Notions, manufacturing and wholesale.
- (119) Office equipment manufacturing (see also business machines).
- (120) Office furniture, storage and warehouse.
- (121) Optical goods, manufacturing.
- (122) Photo-engraving company.
- (123) Pies, bulk, commercial bakery.
- (124) Plaster, wholesale and storage.
- (125) Printers, equipment and supplies, wholesale.
- (126) Product (garden) wholesale.
- (127) Produce warehouse.
- (128) Professional sports club and promoters.
- (129) Public warehousing (interior storage; any exterior storage requires a screening fence).
- (130) Quilt manufacturing.
- (131) Radio equipment assembling.
- (132) Recreational, utility, ATVs and trailer dealers.
- (133) Refrigeration equipment, custom installation.
- (134) Rubber stamps manufacturing.

- (135) Rug cleaners.
- (136) Saddle factory.
- (137) Safes, opening and repairing.
- (138) Sail loft, fabrication.
- (139) School equipment and supplies, wholesale.
- (140) Screens, doors and windows manufacturing.
- (141) Seed, wholesale and retail garden supplies.
- (142) Sexually oriented adult entertainment establishment.
- (143) Shirt factory.
- (144) Shoe repairing equipment and supplies, wholesale.
- (145) Slip covers, custom manufacturing.
- (146) Soda water manufacturing.
- (147) Sound system, rental and service.
- (148) Spices, wholesale and storage.
- (149) Sporting goods, manufacturing.
- (150) Store and office fixtures, contractors' shops.
- (151) Stove and ranges, wholesale storage.
- (152) Surgical supplies, wholesale distributors.
- (153) Taxicab garages, storage and repair.
- (154) Taxidermists.
- (155) Tents and awnings manufacturing.
- (156) Tire repairing, equipment and supplies.
- (157) Tobacco, cigarette, manufacturing.
- (158) Tobacco, wholesale, storage.
- (159) Tool grinding and sharpening.
- (160) Tools, wholesale and storage.
- (161) Towels, supply service.
- (162) Trading stamp services.

- (163) Vegetable market, wholesale.
- (164) Venetian blinds, custom manufacturing, installation.
- (165) Wagon shop, repairs.
- (166) Wall board, wholesale and storage.
- (167) Wallpaper, manufacturing.
- (168) Watches, manufacturing.
- (169) Water, distilled, processing.
- (170) Water coolers (drinking fountains), repairs and service.
- (171) Water softening equipment, service and repairs.
- (172) Window display installations, studio and shops.
- (173) Window glass installation shop.
- (174) Wines, storage, bottling and wholesale.
- (175) Woodworking, cabinet and custom millwork.
- (176) Woodworking, equipment, wholesale.
- (177) Woven goods, fabrication and assembly.

§ 135-160 Conditional uses.

[Amended 9-18-2007 by Ord. No. 2007-015]

A. The following uses may be permitted as conditional uses:

- (1) Asbestos and asbestos products, storage and sale.
- (2) Advertising display manufacturing signs.
- (3) Agriculture implements, sales and service.
- (4) Airplane, repair and storage.
- (5) Amphitheater.
- (6) Amusement parks.
- (7) Asphalt siding, shingles, roofing, storage.
- (8) Boat, pleasure, storage.
- (9) Building contractors, equipment and material storage.
- (10) Building material, wholesale and storage.
- (11) Business services, not elsewhere classified.

- (12) Cigars, manufacturing, custom hand-rolled.
- (13) Construction and installation facilities for the use of communications.
- (14) Diesel engines service, equipment and supplies (not manufacturing).
- (15) Display designers and builders' shops.
- (16) Drive-in motion-picture theaters.
- (17) Electric equipment, assembly.
- (18) Electric plating.
- (19) Electrical appliances, manufacturing.
- (20) Electrical and electronic repair shops, not elsewhere classified.
- (21) Electrical work.
- (22) Enameling and painting, custom.
- (23) Equipment rental and leasing services.
- (24) Farm implements and machinery sales.
- (25) Feed stores.
- (26) Fences, metal, wholesale and storage.
- (27) Fixed facilities and services related to air transportation.
- (28) Furnaces, cleaning and repairing shops.
- (29) Glass and glazing work.
- (30) Golf driving range.
- (31) Heating and ventilating, apparatus assembly and storage.
- (32) Heavy machinery sales and service.
- (33) Hoists, equipment storage.
- (34) Hotel equipment, assembly and custom fabrication.
- (35) Hydraulic equipment sales and service.
- (36) Imported goods, warehouse.
- (37) Insecticides, storage and distribution.
- (38) Insulation materials, storage and distribution.
- (39) Iron, custom decorative wrought iron shops.

- (40) Irrigation companies and equipment.
- (41) Lubricating compounds, storage.
- (42) Lumber and other building materials dealer.
- (43) Lumber storage yard.
- (44) Machine shops.
- (45) Millwork, sales and storage.
- (46) Miscellaneous repair shops and related services.
- (47) Miscellaneous services incidental to transportation.
- (48) Model construction supplies, manufacturing.
- (49) Motion-picture equipment, storage and manufacturing.
- (50) Motor freight company.
- (51) Movers, warehouses and garage.
- (52) Oil burners, installation and repair.
- (53) Operative builders.
- (54) Ornamental metal work, custom hand fabrication.
- (55) Orthopedic appliances, manufacturing.
- (56) Outdoor advertising services.
- (57) Packing and crating service, fabrication.
- (58) Painters' equipment and supplies, shops, wholesale and storage.
- (59) Paper products, wholesale, and storage.
- (60) Pattern shop.
- (61) Pipe, metal, storage and sales.
- (62) Plating works, precious metals.
- (63) Plumbers' shops.
- (64) Plumbing fixtures and supplies, wholesale and storage.
- (65) Plumbing, heating (except electrical) and air conditioning.
- (66) Pumps, repairing and rental.
- (67) Recreational vehicles, including ATVs, sales and repair.

- (68) Refrigeration and air-conditioning service and repair shops.
- (69) Refrigerators, wholesale storage.
- (70) Repair brakes, electrical painting, radiators, upholstery, etc.
- (71) Restaurant equipment installation, repair shop.
- (72) Road building equipment sales.
- (73) Roofing materials, storage and sales.
- (74) Roofing work.
- (75) Scaffolds, equipment storage.
- (76) Scales, commercial weighing.
- (77) Service station equipment, wholesale.
- (78) Sewer pipe storage.
- (79) Sheet metal work, custom fabrication.
- (80) Sign erectors, contractors, shop.
- (81) Sign painters, shops.
- (82) Snowmobiles, ATVs, sales and repair.
- (83) Special trade contractor, not elsewhere classified.
- (84) Spraying supplies equipment yard.
- (85) Steel awnings, custom manufacturing.
- (86) Storage warehouse.
- (87) Terminal/joint terminal maintenance facilities for motor freight transportation.
- (88) Terminal and service facilities for motor vehicle passenger transportation.
- (89) Terrazzo and tile contractors, shops and storage.
- (90) Thermometers manufacturing.
- (91) Tin shop, fabrication.
- (92) Tours, garages.
- (93) Tractors, rental.
- (94) Trailers, repairing.
- (95) Transfer business.

- (96) Truck freight movers.
- (97) Trucking, local and long distance.
- (98) Truck sales and repair.
- (99) Used merchandise stores.
- (100) Veterinarians, clinic.
- (101) Warehouses,
- (102) Water, mineral, drinking or curative, bottling and distribution.
- (103) Water heaters, service and repairing.
- (104) Water well drilling.
- (105) Waterproofing materials, storage.
- (106) Weighers, commercial.
- (107) Welding, equipment and supplies, storage.
- (108) Welding shop.
- (109) Wholesale produce storage or market, commercial.
- (110) Wholesale trade, durable goods.
- (111) Wholesale trade, nondurable goods.
- (112) Window cleaning services.
- (113) Other uses determined by the Town Zoning Administrator or designee to be similar in nature to the above-listed uses."
- (114) Recreational sport shooting facility (indoor facilities only). **[Added 4-22-2008 by Ord. No. 2008-006]**

§ 135-161 Lot requirements with public sewer.

Lot requirements with public sewer shall be as follows:

- A. Area: 20,000 square feet minimum.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.
- C. Lot depth: 150 feet minimum. **[Amended 11-14-2000; 9-18-2007 by Ord. No. 2007-015]**

§ 135-162 Lot requirements without public sewer.

Lot requirements without public sewer shall be as follows:

- A. Area: 60,000 square feet minimum.

- B. Zoning lot frontage: 150 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot frontage measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.
- C. Lot depth: 150 feet minimum. [Amended 11-14-2000; 9-18-2007 by Ord. No. 2007-015]

§ 135-163 **Height regulations.**

Height regulations shall be as follows:

- A. Primary structure: 45 feet maximum, except as provided in § 135-13, Height regulations.

§ 135-164 **Number of buildings.**

There shall be no limitations as to the number of buildings located on a lot.

§ 135-165 **Building setbacks.**

[Amended 9-18-2007 by Ord. No. 2007-015]

- A. Building setbacks shall be as follows:

- (1) With curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	20 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

- (2) Without curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	30 minimum from right-of-way

NOTES:

Exceptions: (1) Bases for light standards (i.e., parking lot lights) may be located at the lot line, provided that no part of the base or light extends into the public right-of-way; (2) The setback for vacuum islands accessory to a car wash is six feet from any lot line.

- B. Transitional yards.

- (1) If the lot abuts an R-1, R-2, R-3 or RR Zone at any point along the rear lot line, it must maintain the

same rear yard setback of the principal building as required in that abutting zone.

- (2) Where a side or rear lot line in an LI District coincides with a side or rear lot line in an adjacent residence district, a berm or barrier shall be provided along such side or rear lot line not less than 15 feet in depth and a solid fence no less than six feet in height shall be required.

§ 135-166 Maximum lot coverage.

[Amended 9-18-2007 by Ord. No. 2007-015]

Seventy-five percent of total lot area may contain building coverage and/or hard surface. Twenty-five percent of the total lot area shall remain green space.

§ 135-167 Parking.

[Amended 9-18-2007 by Ord. No. 2007-015]

Parking shall conform to requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-168 (Reserved)

[32]§ 135-169 Other requirements.

- A. No use shall be established, maintained or conducted in any LI District that causes any of the following:
 - (1) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes or other atmospheric pollutants beyond the boundaries of the immediate side of the building in which such use is conducted.
 - (2) Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
 - (3) A harmful discharge of waste material.
 - (4) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
 - (5) Outside trash bins shall be screened in accordance with § **135-15F(4)**. **[Amended 11-22-2011 by Ord. No. 2011-014]**
- B. Buildings shall be maintained structurally and kept in good repair. In addition, outside appearance shall be maintained in accordance with originally approved appearance and design. Standards set forth in the Town Nuisance Ordinance^[33] and other Town ordinances, as well as applicable federal and state requirements, shall be used as measurements of compliance. **[Amended 9-18-2007 by Ord. No. 2007-015]**

§ 135-170 Open storage.

- A. Open storage of commodities and materials offered for sale shall be permitted as an accessory use, provided that such open storage shall: **[Amended 9-18-2007 by Ord. No. 2007-015]**
 - (1) Observe all setback requirements.
 - (2) Have a maximum height not to exceed the height of the main building.
 - (3) Not exceed twenty-percent coverage of the lot area which lies behind the principal structure.
 - (4) Be screened from view from any street or any adjacent zoned lot, with screening surface which is ninety-five-percent impervious.
 - (5) All storage areas must be paved (asphalt or concrete).

- B. The standards referred to in Subsection **A** except Subsection **A(5)** above shall not apply to new or used automobile dealer facilities which have outdoor display of vehicles for sale. Such display of vehicles shall be permitted as an accessory use to a dealer facility which shall be approved as part of the overall approval of a site plan for an automobile facility. Parking or storage of commercial vehicles shall not be permitted in the front of the principal structure. **[Amended 9-18-2007 by Ord. No. 2007-015]**
- C. The standards referred to in Subsection **A** above shall not apply to a nursery or greenhouse.
- D. Nothing in this section shall be deemed to prohibit temporary open storage of merchandise for display and sale during a sidewalk sale.

Article XVIII
HI Heavy Industrial District

§ 135-171 Intent; applicability of regulations.

The HI Heavy Industrial District is designed to accommodate those heavy industrial activities which by their character should be relatively remote from residential and business development. The uses may require large parcels of land and may include the manufacture of raw materials or component parts into a more finished product or material. The following regulations shall apply to all Heavy Industrial Districts.

§ 135-172 Permitted uses.

[Amended 11-14-2000; 9-18-2007 by Ord. No. 2007-015]

The following uses shall be permitted in Heavy Industrial Districts: See permitted uses in LI Light Industrial District. All uses allowed in the LI Light Industrial District are allowed in the Heavy Industrial District. Any other uses shall be conditional uses.

§ 135-173 Lot requirements with public sewer.

[34]Lot requirements with public sewer shall be as follows:

- A. Area: 20,000 square feet minimum.
- B. Zoning lot frontage: 100 feet minimum. Such minimum lot frontage may be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac. In no case shall lot width measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.
- C. Lot width: 150 feet minimum. **[Amended 11-14-2000]**

§ 135-174 Lot requirements without public sewer.

Lot requirements without public sewer shall be as follows:

- A. Area: 60,000 square feet minimum.
- B. Zoning lot frontage: 150 feet minimum. Such minimum lot width may be measured at the building setback line if said lot is located on the outer radius of a curved street or a cul-de-sac. In no case shall the lot width measured at the right-of-way line of a cul-de-sac or curved street be less than 85 feet.[35]

§ 135-175 Height regulations.

Height regulations shall be as follows:

- A. Primary structure: 60 feet maximum, except as provided in § **135-13**, Height regulations.

§ 135-176 Number of buildings.

[Amended 9-18-2007 by Ord. No. 2007-015]

There shall be no buildings located on a lot without approval.

§ 135-177 Building setbacks.
[Amended 9-18-2007 by Ord. No. 2007-015]

A. Building setbacks shall be as follows:

(1) With curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	30 minimum from right-of-way	30 minimum from right-of-way
Side yard	10 minimum each side	10 minimum
Rear yard	25 minimum	25 minimum
Corner side	30 minimum from right-of-way	30 minimum from right-of-way

(2) Without curb and gutter:

	Building Setback (in feet)	
	Principal Structure	Accessory Building
Front yard	35 minimum from right-of-way	35 minimum from right-of-way
Corner side	35 minimum from right-of-way	35 minimum from right-of-way

B. Transitional yards. Where a side or rear lot line in an HI District coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side or rear lot line not less than 30 feet in depth and shall contain a solid fence no less than six feet in height.

§ 135-178 Maximum lot coverage.
[Amended 9-18-2007 by Ord. No. 2007-015]

Seventy-five percent of the total lot area may contain building coverage. Twenty-five percent of the total area shall remain green space.

§ 135-179 Parking.
[Amended 9-18-2007 by Ord. No. 2007-015]

Parking shall conform to requirements as set forth in Article **XXI**, Parking Requirements.

§ 135-180 Open storage.

A. All storage shall be within completely enclosed buildings or effectively screened in accordance with § 135-15F(4). **[Amended 9-18-2007 by Ord. No. 2007-015; 11-22-2011 by Ord. No. 2011-014]**

B. Open storage of commodities and materials offered for sale shall be permitted as an accessory use, provided that such open storage shall: **[Amended 9-18-2007 by Ord. No. 2007-015]**

(1) Be located behind the required building line.

- (2) Observe all setback requirements.
- (3) Be screened from view from any street or any adjacent zoned lot, with screening which is 95% impervious in each one square foot of screening surface.
- (4) All storage areas must be paved (asphalt or concrete).
- C. The standards referred to in Subsections **A** and **B** above shall not apply to new or used automobile dealer facilities which have outdoor display of vehicles for sale. Such display of vehicles shall be permitted as an accessory use to a dealer facility which shall be approved as part of the overall approval of a site plan for an automobile dealer facility.
- D. The standards referred to in Subsections **A** and **B** above shall not apply to a nursery or greenhouse.
- E. Nothing in this section shall be deemed to prohibit temporary open storage of merchandise for display and sale during a sidewalk sale.

§ 135-181 (**Reserved**)

[36]§ 135-182 (**Reserved**)

[37]§ 135-183 **Other requirements.**

- A. No use shall be established, maintained or conducted in any HI District that causes any of the following:
 - (1) Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes or other atmospheric pollutants beyond the boundaries of the immediate side of the building in which such use is conducted.
 - (2) Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
 - (3) A harmful discharge of waste material.
 - (4) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
- B. Standards set forth in the Town nuisance ordinance[38] or other Town ordinances, as well as applicable state and federal requirements, shall be used as measurements for compliance.
- C. Buildings shall be maintained structurally and kept in good repair. Outside appearance shall be maintained in accordance with originally approved appearance and design. **[Added 9-18-2007 by Ord. No. 2007-015]**
- D. Parking or storage of commercial vehicles shall not be permitted in the front of the principal structure. **[Added 9-18-2007 by Ord. No. 2007-015]**

Article XIX

C-1 Conservancy District

[Amended 11-20-2007 by Ord. No. 2007-017]

§ 135-184 **Purpose; applicability of regulations.**

The purpose of the Conservancy District is to provide adequate natural areas for the drainage of surface and stormwaters, and to protect and promote the general health, safety and welfare of the community and to protect natural resource areas containing swamp, wildlife habitat and natural water or drainage courses. The following regulations shall apply in C-1 Districts. All structures and setbacks in the Conservancy District shall be approved by the Town Board.

§ 135-185 **Permitted uses.**

Permitted uses shall be as follows:

- A. Stream bank protection.
- B. Public water measurement and water control facilities.
- C. Retention/detention ponds.
- D. ESAs (environmentally sensitive areas).
- E. Distribution lines, telephone and cable televisions lines and public utility installations, public streets, street rights-of-way and street improvements to service the area.
- F. Public trail systems.
- G. Town owned public parks.
- H. Other uses which would not impair the natural fauna, flora and water regimen.

§ 135-186 **Conditional uses.**

Conditional uses shall be as follows:

- A. Private trail systems.
- B. Hunting, trapping and fishing where not otherwise prohibited.
- C. Wildlife preserves.
- D. Wild crop harvesting.
- E. Sustained yield forestry.
- F. Fish hatcheries.
- G. Fences.
- H. Grazing.
- I. Utilities.
- J. Municipal property.
- K. Parks.
- L. Private retention/detention ponds.
- M. Outdoor archery, rifle or trap or skeet-shooting ranges.
- N. Golf courses and golf driving ranges.
- O. Irrigation.
- P. Sod farming.
- Q. Truck farming.

- R. Roads.
- S. Transmission lines, substations and pipelines.
- T. Communication devices; satellite dish antennas less than 12 feet in diameter.

§ 135-187 Other requirements.

Any use allowed in the C-1 District shall meet the regulations of this district and the other articles of this chapter as determined by the Town of Ledgeview Building Inspector. Other permits may be required by local or state agencies.

§ 135-188 Warning and disclaimer of liability.

The degrees of flood protection intended to be provided by this chapter is considered reasonable for normal water or flooding levels. This chapter does not imply that areas adjacent to district boundaries or uses permitted within such a district will always be free from flooding or water damage. Nor shall this chapter create a liability on the part of the Town or any official or employee thereof for any flood or water damages that may result from reliance or compliance with this chapter.

Article XX
NCD Neighborhood Center District

[Added 2-20-2006 by Ord. No. 2006-004]

§ 135-189 Purpose and intent.

The principal purpose of the Neighborhood Center District is to provide for a variety of pedestrian-oriented retail, office, lodging, residential, and civic land uses in the Town center area. The intent of the district is to encourage the development and sustainability of a vibrant mixed-use area where residents and visitors can live, work, shop, dine, be entertained, enjoy community and cultural events, and contribute to the economic viability of the Neighborhood Center District and the Town of Ledgeview as a whole, The Neighborhood Center District designation may be applied to land that meets the following primary characteristics:

- A. This district will be appropriate in areas identified as Future Neighborhood Center on the future land use map of the Town of Ledgeview Comprehensive Plan. Areas include the CTH G and CTH GV, CTH GV and CTH X, CTH G and Lime Kiln Road, Ledgeview Business Park, and CTH MM and Elmview Road intersections. **[Amended 3-20-2007 by Ord. No. 2007-006]**
- B. This district will be appropriate in areas of the Town of Ledgeview where commercial, lodging, residential, and civic activities are desirable for the benefit of the residents and the Town in general.
- C. This district will be appropriate where its permitted uses and performance standards serve to widen the Town of Ledgeview's economic base and further the development of the neighborhood center as recommended in the Neighborhood Center District Model and the Town of Ledgeview Comprehensive Plan.
- D. All new construction or changes of use within the Neighborhood Center Zoning District shall conform to the general provisions as specified in § **135-192** and any other relevant regulations of this article unless noted in this chapter, in which case the regulations in this chapter shall prevail.

§ 135-190 Application requirements.

Each application shall include the following components in addition to any other documents and information required to be submitted under § **135-196**. Where certain factors such as the size of the proposed district its relationship to an adjacent neighborhood, land use, or other similar factors may render certain components irrelevant and to that extent such components need not be addressed.

- A. A statement describing how the proposed NCD satisfies the intent of this section and is consistent

with the applicable goals and objectives of the Town of Ledgeview Comprehensive Plan and any existing general development plan for the applicable development area. If one or more characteristics of the NCD delineated in § 135-192 are missing from an application, the applicant shall justify why all of the characteristics cannot or should not be provided.

- B. A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking alternatives and requirements as provided in Article XXI (Off-Street Parking Requirements), as well as transportation demand management strategies.
- C. A stormwater management plan addressing shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing of the construction of stormwater management facilities.
- D. A general development plan, as provided in § 135-191, including all information required by § 135-196 to support any element of the plan.
- E. A code of development, as provided in § 135-192, including all information required by § 135-196 to support any element of the code.

§ 135-191 General development plans.

A general development plan shall serve as the application plan required by § 135-196B(8). In addition to the application plan requirements, the following are required elements of the general development plan:

- A. The general allocation of uses to each block in terms of residential, commercial, industrial, institutional, amenities, parks, recreational facilities open to the public, and any other use category proposed by the applicant and which complies with the requirements of § 135-194.
- B. The location of proposed greenspaces, amenities, conservation areas or preservation areas, as provided in § 135-195.
- C. Building footprints or graphic representations of central features or major elements essential to the design of the development, shown at the block level.

§ 135-192 Codes of development.

A code of development shall establish the unifying design guidelines, the specific regulations for the district, and the use characteristics of each block; shall provide for certainty in the location of and appearance of central features and the permitted uses in the district; and shall provide a flexible range of a mix of uses and densities. To satisfy these requirements, each code of development shall establish:

- A. The uses permitted in the district by right and by conditional use permit, as provided in § 135-193.
- B. The amount of developed square footage proposed delineated for the entire NCD and by block by use, amenity, streets and lot coverage. The developed square footage may be expressed as a proposed range of square footage.
- C. The amount of land area devoted to greenspace and amenities, as provided in § 135-195.
- D. All requirements and restrictions associated with each use delineated in Subsection A.
- E. All uses expressly prohibited in the district, so that they may not be considered to be uses accessory to a permitted use.
- F. Architectural and landscape standards which shall address the following:
 - (1) The form, massing, and proportions of structures.

- (a) Identify the structure form to determine the mix of uses within the constraint of building type established in the NCD. The look and layout of the building form shall reflect neighborhood scale, parking standards, and pedestrian accessibility.
 - (b) Identify the structural size or mass and elements used to break up the mass of monolithic or large buildings.
 - (c) Identify how the form and mass of the proposed structures are proportionate in scale to the NCD.
- (2) Architectural styles.
- (a) Development of one structure or multiple attached structures exceeding maximum square footage shall be prohibited, with the exception of certain special use permits.
 - (b) Eclectic mix of modern and historic styles is recommended.
 - (c) All sides of structures shall have finished appearance with windows and doors that appear to function as part of public structure (no blank walls).
 - (d) Rooftop equipment shall be screened from view from any street, public right-of way, or surrounding property and shall be architecturally integrated into the building design.
 - (e) All utility lines shall be buried.
 - (f) Trash enclosures, utilities, or other ground-mounted equipment shall be screened from the general public by a six-foot high masonry wall or landscape feature to match building design, and to specifications as identified by local utilities.
 - (g) Trash enclosures and loading docks shall be gated with fully screened gates painted to match adjacent walls.
 - (h) Wall-mounted utilities shall be screened with materials architecturally integrated into the building design or painted to match the exterior wall color in that location, and to specifications as identified by local utilities.
 - (i) Ground-mounted utilities shall be screened with materials architecturally integrated into the building design and/or screened with landscaping if the ground-mounted utilities cannot be enclosed, and to specifications as identified by local utilities.
 - (j) Building and signage design shall comply with overall NCD design.
- (3) Materials, colors, and textures.
- (a) Appropriate combinations of materials, colors, and textures shall be used in a theme consistent with the design of the overall NCD and reflect the Neighborhood Center District concepts for development.
 - (b) Materials, such as stone, brick, painted metal, and wood, or imitations thereof substantially imitating the appearance and quality of such materials shall be used.
 - (c) Flat-faced concrete or cinder block is prohibited.
 - (d) EIFS is limited to dormers, gables, and soffits only.
 - (e) Themed color combinations for the site are required.

- (f) Vinyl and or aluminum siding is permitted by conditional use permit only.
- (4) Roof form and pitch.
 - (a) Gable and hip roofs shall be used except as provided in Subsection **F(4)(b)**.
 - [1] Main roof range 8:12 - 12:12.
 - [2] Entry roof range 4:12 - 6:12.
 - [3] Roof forms must be continuous and wrap around corners/building planes.
 - [4] Rooflines shall be articulated.
- (b) Flat roofs are allowed provided the architectural theme of the NCD justifies flat roof structures.
- (5) Architectural ornamentation. Finials, scalloping, weather vanes, wood shingle roof, columns, cupolas, outdoor dining patios, ornamental fences, etc., shall be considered in a theme consistent with the design of the overall NCD and reflect the Neighborhood Center District concepts for development.
- (6) Facade treatments, including window and door openings.
 - (a) Shutters, awnings, wall and awning signage, entry coverage, etc. shall be considered in a theme consistent with the design of the overall NCD and reflect the Neighborhood Center District concepts for development.
 - (b) Elevations shall use any combination of the following: masonry, natural stone, rusted steel, painted steel, and exposed wooden beams and columns consistent with the theme of the site.
 - (c) Buildings may utilize sills, windows, leaders, and ornamental features to visually articulate elevations.
 - (d) Elevations shall utilize more than one material in the face of the elevations, excluding windows.
 - (e) Flat-faced concrete or cinder block is prohibited.
- G. The preservation of historic structures, sites, and archeological sites identified by the National Register of Historic Places, Wisconsin Historical Society or as recognized by the Town of Ledgeview.
 - (1) An exemption shall be allowed from certain design criteria to maintain the integrity of existing historic structures and sites.
 - (2) Historic structures shall be utilized as an architectural model for new structures within the NCD.
 - (3) Historic structures shall be utilized as site focus features.
- H. For each block and lot:
 - (1) The following chart specifies minimum lot size, maximum building height, maximum building footprint, setback lines, required greenspace, and the minimum distance between buildings.

Town of Ledgerview

Neighborhood Center District

Setback Lines

Lot Size	Maximum Building Height	Maximum Building Footprint	From Right-Of-Way	Front	Side	Rear	Required Greenspace	Distance Between Buildings
6,000 to 10,000 square feet	36 feet or as approved by Town Board	40,000 square feet[39]	25 feet	0 feet	0 feet	15 feet	15% minimum to 25% maximum	0 feet, total combined buildings greater than 40,000 square feet

(2) The range of uses permitted on the block by right and by conditional use permit:

- (a) Minimum two uses required per block.
- (b) Specific uses allowed on each lot shall be designated.
- (c) Placement of buildings shall be clustered.
- (d) Focus shall include pedestrian access within clustered buildings and between clusters,
- (e) Front yard shall face or be visible to street.

I. Sidewalk and pedestrian path locations

- (1) Hardscape areas, sidewalks, plazas, parkways, street crossings, etc. shall use integral colors, which are compatible with the proposed development. The use of exposed aggregate as an accent within sidewalks and plazas is encouraged.
- (2) Sidewalks are required on front/main entry of all buildings.
- (3) Materials can include stamped concrete, cobblestone simulation, and colored concrete.
- (4) Sidewalks should be designed at six to 10 feet wide to encourage walking rather than driving.
- (5) At least one pedestrian/bicycle path connecting to adjacent/future residential neighborhoods and/or a parallel trail shall be included.

J. Streets. Street right-of-way width and design as identified in the following table:

Figure 3-6: Street and Right-of-Way Width Standards Summary

Street Type	Right-of-Way Width* (feet)	Pavement Width (curb face to curb face) (feet)		Driving Lane Width	On-Street Parking	Parking Areas Defined by Curbs?
Collectors	60	34		9 to 10 feet	Both sides	Yes
Local streets						
No parking allowed	40	18		9	None	No
Parking on one side	46 to 48	22 to 24		14 to 16 feet travel lane	One side	If needed
Parking both sides	50 to 52	26 to 28		10 to 12 feet travel lane	Both side	If needed
Alleys	---	20		---	---	---

*The right-of-way width includes the widths of the driving area, parking area, curbs, terraces (between the sidewalk and street), and sidewalks.

K. Lighting.

- (1) All private street and sidewalk lighting shall be pedestrian level, not including county highways.
- (2) Light bulb elements shall match throughout the lighting scheme. Direct white light shall not be allowed.
- (3) All street and sidewalk lighting shall be of the same style and color scheme throughout the NCD, including the use of uniform light bulb elements and features.
- (4) Light pole color compliant with NCD for buildings and sidewalks.
- (5) Light pole design compliant with building architecture.
- (6) Exterior illumination of landscape and buildings shall be by ground-mounted fixtures, which shall be indirect, focused, and hooded and shall be arranged so that the source of light is not visible from any street or adjoining property.
- (7) Illumination of pedestrian walkways shall be by any combination of the following: lighted bollard, recessed light fixtures, or wall-mounted fixtures. Freestanding light standards are discouraged in non-parking lot areas. Light standards located within parking areas shall be a maximum of 35 feet in height above grade.

L. Greenspace and amenities; see § 135-195.

M. Conservation areas and preservation areas, if applicable; see § 135-195.

N. Parking areas.

	Width	Depth	Aisle	Stall Width (at curb)	Overall Width (2 parking lines)
Angle	(feet)	(feet)	(feet)	(feet)	
90°	9	18.5	25	10	62
60°	9	19	15	11.44	53
45°	9	17.5	15	13.97	50
30°	9	17.3	15	19.8	49.6
Parallel	n/a	10	n/a	20	n/a

- (1) All parking areas shall be shared spaces for the entire NCD.
- (2) All parking areas shall include parking accommodations for bicycles at a point conveniently close to the pedestrian/sidewalk areas and main entry of buildings. At least one bicycle stall per 10 automobile parking stalls shall be required.
- (3) Off-street parking areas shall be on the side and rear of buildings, partially or completely screened from public right-of-ways. Off-street parking in front of buildings shall only be considered when no other design option is available or possible due to topography, natural features, or other such features.
- (4) The primary entry to buildings shall have limited parking to encourage pedestrian activity.
- (5) Developments shall have a designated maximum number of parking spaces. The developer shall consult with the Town of Ledgeview staff regarding the maximum number of necessary parking spaces who shall make a recommendation to the Zoning and Planning Committee and Town Board. Parking lots may be allowed to include reserve-parking areas that allow for future expansion if additional parking is necessary.
 - (a) The maximum number of parking spaces for each use shall be no greater than the minimum number of spaces for each use identified in § 135-204 of the code of the Town of Ledgeview. The exact number of spaces shall be determined by the Town Board.
 - (b) A reserve parking area shall have future drive lanes and interconnectivity identified.
 - (c) A reserve parking area shall be held as open greenspace. The greenspace may exceed 25% until such time that the parking lot is needed and developed or determined unnecessary and developed for another use that is approved by the Town of Ledgeview.
- (6) Parking areas shall have at least 10% landscaped greenspace within the parking area to include a variety of grass, plants, vegetation, and the required one tree for every 250 square feet of landscaped surface.
- (7) Sixty-degree angled parking with one-way drive lanes shall be used for parking lots wherever practicable.

- (8) Parking lots adjacent to other developments or streets shall be screened by a minimum three-foot-high wall, fence, and/or mounding.
- (a) Landscaped berms, fences, walls, or the combination thereof shall not to exceed 42 inches in height and shall be designed to allow pedestrian passage.
- (b) Parking lot landscape islands shall be a minimum of eight-feet wide (inside dimension) and contain one tree.
- (9) Civic spaces and public areas for community or civic activities (e.g., libraries and their associated yards, schools, and places of worship). Civic spaces are encouraged to allow for a regular flow of public entering the NCD.

§ 135-193 **Permitted uses.**

A. The following uses shall be permitted in a NCD, subject to the regulations in this article and Article XII (Planned Development District), the approved general development plan and code of development, and the accepted proffers:

(1) The following uses are permitted by right and recommended in the designated districts:

(a) Commercial uses.

[1] Antique shops.

[2] Apparel and accessory stores.

[3] Appliance dealers.

[4] Art shops and galleries.

[5] Art supply stores.

[6] Bakery goods stores.

[7] Barber shops.

[8] Beauty shops.

[9] Bicycle sales, rental, and repair stores.

[10] Bookstores.

[11] Business machine sales and service centers.

[12] Camera and photographic supply stores.

[13] Candy and confectionary stores.

[14] Carpet, rug, and drapery stores.

[15] Catering establishments.

[16] China and glassware stores.

[17] Clinics, doctors, and dentists offices.

- [18] Clock sales and repair shops.
- [19] Clothing and costume rental stores.
- [20] Clothing repair shops.
- [21] Coin and philatelic stores.
- [22] Computer and data processing services and dealers.
- [23] Copy and duplicating services.
- [24] Craft shops, including jewelry, metal, and leather.
- [25] Dairy product stores.
- [26] Delicatessens.
- [27] Department stores.
- [28] Dry cleaners (depot only).
- [29] Dry goods stores.
- [30] Electrical showrooms and shops.
- [31] Employment agencies.
- [32] Film processing establishments.
- [33] Florist shops.
- [34] Fruit and produce stands/farmers market.
- [35] Funeral homes.
- [36] Furniture stores.
- [37] Furrier shops.
- [38] Gift shops.
- [39] Grocery and food shops.
- [40] Hardware stores.
- [41] Hobby supply stores.
- [42] Ice cream stores.
- [43] Insurance agencies.
- [44] Interior decorating shops.
- [45] Jewelry stores and repair shops.

- [46] Laboratories (medical, dental, research, and testing).
- [47] Laundries (self service).
- [48] Lawn and garden supply, seed and plant stores.
- [49] Lawn equipment sales and service centers.
- [50] Leather goods stores.
- [51] Lighting shops and showrooms.
- [52] Locksmith shops.
- [53] Luggage stores.
- [54] Meat markets.
- [55] Miniature golf courses.
- [56] Motor vehicle parts, supplies and accessory stores, not to include used auto salvage yards.
- [57] Musical instrument sales and repair shops.
- [58] Novelty shops.
- [59] Office machine sales and service shops.
- [60] Offices (business and professional).
- [61] Office supply and equipment stores and service centers.
- [62] Optical goods stores.
- [63] Orthopedic and medical appliance stores.
- [64] Paint stores.
- [65] Pharmacies.
- [66] Photography studios.
- [67] Picture framing shops.
- [68] Plumbing showrooms and shops.
- [69] Radio sales and service stores.
- [70] Radio and television stations.
- [71] Real estate offices.
- [72] Recording studios.
- [73] Record, tape, compact disc, and sheet music stores.

- [74] Rental service stores.
- [75] Residential uses (condo above first floor and where use allows), live-work.
- [76] School supply stores.
- [77] Sewing machine sales and service stores.
- [78] Shoe sales and repair shops.
- [79] Sporting goods stores.
- [80] Stationary stores.
- [81] Stock brokers.
- [82] Tailor shops.
- [83] Taxidermists.
- [84] Television sales and service stores.
- [85] Ticket agencies (amusement).
- [86] Tobacco shops.
- [87] Toy stores.
- [88] Transportation ticket offices.
- [89] Travel agencies.
- [90] Used merchandise stores.
- [91] Variety, miscellaneous, and specialty stores.
- [92] Wallpaper shops.
- (b) Entertainment uses.
 - [1] Restaurants (not including drive-through^[40]).
 - [2] Temporary outdoor dining/seating.
 - [3] Theatres (indoor).
 - [4] Tourist lodgings.
- (c) Industrial uses.
 - [1] Boat and marina supply dealers.
- (d) Civic uses.
 - [1] Banks and financial institutions, without drive-through.^[41]

- [2] Churches.
- [3] Meeting halls.
- [4] Post offices.
- [5] Schools (dance, music, and business).
- [6] Town government offices.
- (2) The following uses are permitted only by conditional use permit:

- (a) Residential uses.

- [1] Community-based residential facilities.

- [2] Condominiums homes.

- [3] Day-care centers.

- [4] Nursing homes and personal care facilities.

- (b) Drive-through uses.

- (c) Accessory uses and buildings, including storage buildings.

- (d) Outdoor storage, display, and/or sales serving or associated with a permitted use if any portion of the use would be visible from a public or private street or alley.

- (e) Structures with a footprint exceeding 40,000 square feet. Any structure exceeding 40,000 square feet that is granted a conditional use shall establish a plan for building, parking lot, utility removal, and site restoration if the structure remains vacant for a period longer than 12 months.

- (f) Allowance for vinyl and/or aluminum siding.

- (3) Any item not listed above is prohibited.

§ 135-194 Mixture of uses.

There shall be a mixture of uses within each NCD as follows:

- A. Each district shall have at least two uses provided that the Town Board may waive this requirement if the district is an infill project or at least two uses are already present within one-quarter mile of the proposed district. For purposes of this section, an "infill project" is a project in which a parcel is developed or redeveloped, where abutting or nearby parcels are already developed, and where the project area is relatively small compared to the developed abutting or nearby parcels.
- B. Each district shall have at least two different general use classifications (i.e., residential, commercial, industrial, institutional, parks, or recreational facilities open to the public) provided that this requirement may be waived by the Town Board if a different use is already present within one-quarter mile of the proposed district and accomplishes the mixture of uses within the neighborhood sought to be achieved by this section to an equivalent degree.
- C. The mixture of uses shall be based upon the uses recommended in the land use element of the Comprehensive Plan. The required mixture of uses may be obtained with different uses in different buildings or a mixture of uses within the same building.

§ 135-195 **Greenspaces, amenities, conservation areas, and procedure for approval.**

Each NCD shall include the following:

- A. **Greenpace.** Greenpace is the total undeveloped, open area used for landscaping, recreation and landscaping. The minimum area devoted to greenpace is as follows:
- (1) For areas shown in the land use element of the Comprehensive Plan as Neighborhood Center, the area devoted to greenpace shall be at least 15% but not more than 25% of the gross acreage of the site.
 - (2) For areas having a land use designation not addressed in Subsection **A(1)**, the recommendations of the applicable provisions of the Comprehensive Plan shall guide the minimum area devoted to greenpace.
 - (3) The Town Board at the request of the applicant may reduce the minimum area devoted to greenpace. In acting on a request, the Board shall consider the relationship of the site to adjoining or nearby properties containing public greenpace, such as parks or natural areas; the known future uses of the adjoining properties; and whether a reduction would better achieve the goals of the Comprehensive Plan.
- B. **Amenities.** Amenities are greenpaces with landscaping, pathways, benches, gazebos or other similar aesthetic enhancements. The minimum area devoted to amenities is as follows:
- (1) For areas shown in the land use element of the Comprehensive Plan as Neighborhood Center, the area devoted to amenities shall be at least 15% of the gross acreage of the site. If at least 15% is not provided, a fee in lieu of dedication shall be paid in an amount equal to the percentage of the value of the project, if approved by the Town of Ledgeview. [EXAMPLE: If a project valuing \$500,000 is submitted with only 10% amenities, then 5% of the value of the project is due as a fee in lieu of dedication (\$25,000).]
 - (2) Amenities preserving existing natural areas and future environmental areas in the Comprehensive Plan are encouraged.
 - (3) For areas having a land use designation not addressed in Subsection **B(1)**, the recommendations of the applicable provisions of the Comprehensive Plan shall be guidance on the minimum area devoted to amenities.
 - (4) The Town Board at the request of the applicant may reduce the minimum area devoted to amenities. In acting on a request, the Board shall consider these factors: the relationship of the site to adjoining or nearby properties containing amenities; the proportion of residential uses to nonresidential uses proposed; the known future uses of the adjoining properties; and whether or not a reduction would better achieve the neighborhood model goals of the Comprehensive Plan.
- C. **Additional requirements for amenities.** Amenities shall also be subject to the following:
- (1) At least 90% of the residential units in the NCD shall be within a one-quarter-mile walk of an amenity.
 - (2) The size, location, shape, slope, and condition of the land shall be suitable for the proposed amenity.
 - (3) The amenity shall be suitable for the specific population to be served.
 - (4) The design of any recreational facilities shall meet the minimum design requirements from recognized sources of engineering and recreational standards.
 - (5) In nonresidential areas of the development, amenities shall be located so that they are easily

accessible to patrons and employees of the development.

- D. Greenspace within parks and recreational amenities. Any portion of an amenity, including a trail, which is covered in grass or other vegetation, may be counted as both greenspace and an amenity.
- E. Conservation areas within greenspace. A conservation area is any area that is preserved in its natural state. Conservation areas that maintain required environmental features such as wetlands shall not be included as greenspace area.

§ 135-196 Procedure for approval.

A. Review and approval.

- (1) Application and fee. Completed application, picture book, and required fees shall be submitted to the Zoning Administrator or designee with a written request for review. The application shall contain names, mailing addresses, and telephone numbers of all owners and developers and a description of the development site. Appropriate supporting documents, including a picture book and maps, shall be filed at the time of application.
- (2) Notice to committee. The Zoning Administrator or designee shall inform the Zoning and Planning Committee of the application and establish a date for a mandatory preliminary discussion between the staff and the developer. At the time of mandatory preliminary discussion with staff, a date for a meeting shall be established for the developer and the Zoning and Planning Committee.
- (3) Public hearing. The Zoning and Planning Committee shall hold a public hearing on the NCD application and notice shall be provided as required by law for all zoning code amendments.
- (4) Committee recommendations. The Zoning and Planning Committee, after such discussions and such further discussions as may be required with the developer and input from the public hearings, shall report, in writing, such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendation of the committee shall be made to the Town Board no later than four months from the date of the filing of the application with the Zoning Administrator or designee and receipt of any required supportive information. A recommendation of approval by the committee shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed NCD within 60 days receipt of the Zoning and Planning Committee recommendation.
- (5) Validity of NCD. A NCD project approved by the Town Board shall be valid for a period of six months. If a developer does not begin construction a project proposed within an NCD within the approved time frame, the Town of Ledgeview shall exercise the following options:
 - (a) Extend the existing NCD approval for another six months;
 - (b) Extend the existing NCD approval for another six months with amendments; or
 - (c) Terminate any granted approvals and conditions.

B. Information required.

- (1) A statement describing the general character of the intended development.
- (2) A statement showing the starting and completion dates of the project.
- (3) The names, mailing addresses, and telephone numbers of all owners and developers of the development site. In the event of a change in owners or developers during the consideration of the application or during the project construction period, notice shall be provided to the Town as soon as practicable of the information required herein for the new owner or developer.

- (4) An accurate map of the project area drawn at a scale no less than one inch equals 100 feet and showing the nature, use, and character of abutting properties, prepared by a registered surveyor.
- (5) A plot plan at a scale of one inch equals 200 feet showing the location, type, and size of every proposed structure and its proposed use, including driveways, driveway access roads, parking facilities, lighting appliances and fixtures, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas and utility easements.
- (6) An accurate topographical map showing topographical data at two-foot intervals and extending within 100 feet beyond the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof, and high-water elevations along rivers and waterways.
- (7) A picture book of the development laid out in a format similar to the concepts for development document that correlates with this article. At a minimum, the picture book shall include the following information:
 - (a) Development concept. Provide a brief summary and graphic renditions identifying how the project addresses pedestrian orientation, neighborhood-friendly streets, sidewalks, paths and utilities, interconnected streets and transportation networks, buildings and spaces of human scale, relegated and shared parking, a mixture of uses and use types, redevelopment, site planning that respects terrain, and clear boundaries with rural areas.
 - [1] A scaled site plan layout of locations displaying all uses, including identification of each classification within the development.
 - [2] Identify location of new structure in relationship to other existing or proposed new structures.
 - (b) Mixed uses section.
 - [1] A scaled, colored elevation of the front, side, and rear facade of each structure.
 - [2] Identify all roof-, wall-, and ground-mounted equipment and landscaping/screening.
 - (c) Architectural styles section.
 - [1] Identify building materials and colors on all sides and roof of structure.
 - [2] Provide color details and description for each material and material combination.
 - [3] Provide samples for complex or new materials.
 - (d) Materials, colors, and textures section.
 - [1] Identify building materials and colors on all sides and roof of structure.
 - [2] Provide color details and description for each material and material combination.
 - [3] Provide samples for complex or new materials.
 - (e) Roof form and pitch section.
 - [1] Identify roof pitch.
 - [2] Identify roof materials and colors.
 - [3] Provide samples for complex or new materials.
 - (f) Architectural ornamentation section.
 - [1] Identify location of individual architectural ornamentations, including size, colors, and types.

- [2] Provide scaled color rendition of architectural ornamentation.
- [3] Identify signage locations and size in relationship to ornamentation.
- (g) Facade treatments section.

- [1] Identify materials used for specific facade treatments.
- [2] Provide a sketch, rendition, or photo of each specific treatment.

(h) Preservation of historic structures section.

- [1] Provide a photograph of historic structures/elements to be preserved.
- [2] Identify location and size on a site plan.
- [3] Identify where the structure/element will exist in relationship to other development within the NCD.
- [4] Provide renditions and scaled plans of proposed changes or rehabilitation to historic structure.

NOTE: Historic structures anticipated to be exempt from NCD requirements in order to retain historic integrity must be approved by the Town of Ledgeview.

(i) Blocks and lots section.

- [1] Provide a site plan identifying block and lot layout in relationship to existing and proposed buildings.
- [2] Identify the uses on each lot and placement of buildings.
- [3] A rendition of the layout is recommended.

(j) Sidewalks and pedestrian paths section:

- [1] Identify the interconnected layout of all sidewalks and pedestrian paths on a site plan.
- [2] Provide rendition-identifying relationship between sidewalks, parking areas, streets, buildings, and existing developments.
- [3] Provide a scaled drawing identifying dimensions of sidewalks.
- [4] Identify materials, textures, and colors used in surface.

(k) Streets section.

- [1] Identify the interconnected layout of all streets on a site plan.
- [2] Provide rendition-identifying relationship between sidewalks, parking areas, streets, buildings, and existing developments.
- [3] Provide a scaled drawing identifying dimensions of sidewalks.
- [4] Identify materials, textures, and colors used in surface.

(l) Signage section.

- [1] Provide scaled details of all signage.
 - [2] Signage should identify color, type, lighting source, materials, and size.
 - [3] Identify how signage color, size, and style are compatible with adjacent signage and buildings.
 - [4] Identify if signage is temporary or permanent.
- (m) Lighting section.
- [1] Identify that lighting is pedestrian level.
 - [2] Identify lighting source.
 - [3] Identify pole and light style, color, and material.
 - [4] Provide graphic detail of lighting style and its relationship with the buildings, street, and sidewalk.
- (n) Greenspace and amenities section.
- [1] Identify location.
 - [2] Identify the interconnectivity and access to sidewalks, streets, and building in a site plan and color renditions.
- (o) Parking areas section.
- [1] Identify if development includes areas for shared parking.
 - [2] Provide a scaled site plan identifying drive lanes, parking stalls, and connections to streets and sidewalks.
 - [3] Provide dimensions for parking stalls and drive lanes.
 - [4] Identify reserve-parking areas.
 - [5] Identify required landscaping.
 - [6] The site plan must include a chart identifying the maximum allowed number of parking spaces and the existing number of parking spaces and proposed number of parking spaces if reserve-parking areas are built.
 - [7] Label landscaping areas and identify landscaping materials used (tree types and grass flower species).
- (p) Civic spaces section.
- [1] Identify location public plus, water features, flower beds, etc.
 - [2] Identify the interconnectivity and access to sidewalks, streets, and building in a site plan and color renditions.
- (8) A general development plan of the proposed project drawn at a scale no less than one inch equals 100 feet and showing the following information in sufficient detail to make possible the evaluation of the criteria as identified in § **135-192**.

- (a) Tract boundaries and a statement of the total acreage of the tract.
- (b) Significant physical features within the tract, including existing two-foot contours, watercourses, drainage, ponds, lakes, wetlands, floodplains, floodways, and proposed major changes in those features.
- (c) Zoning district(s) on and within 400 feet adjacent to the proposed project.
- (d) Property lines, if any, within the proposed project.
- (e) All contemplated land uses within the tract.
- (f) Details of proposed use or uses and manner of operation.
- (g) An indicator of the contemplated intensity of use, i.e., gross density in residential development; number of prospective tenants in office, commercial and industrial development; or recreational development.
- (h) Existing buildings that may affect future development and proposed location of all principal structures and associated parking areas.
- (i) Proposed lot coverage of buildings and structures.
- (j) Square footage of buildings.
- (k) Square footage of offices, production areas, and the proposed number of employees in each such area.
- (l) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type and how they relate to the existing network outside this site.
- (m) Existing rights-of-way and easements that may affect the NCD.
- (n) In the case of plans that call for development in stages, a map at an appropriate scale showing the successive stages.
- (o) The location of sanitary storm sewer lines, water mains, fire hydrants, and lighting.
- (p) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.
- (q) A description of the proposed system for drainage.
- (r) General landscape treatment.
- (9) Appropriate statistical data on the size of the development, ratio of various land uses, economic analysis of the development, and any other data pertinent to the above-required information.
- (10) A statistical table showing the size of the site in square feet, the acreage (exclusive of public rights-of-way), proposed population densities, and open area (both in square feet and as a percentage of the project area).
- (11) Architectural drawings of all buildings and structures and sketches illustrating the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
- (12) General outline of intended organization structure related to the property owner's association, deed

restrictions, and private provision on common services, if any.

- (13) An economic feasibility and impact report may be required by the Zoning and Planning Committee to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and of its not adversely affecting the economic prosperity of the Town or the values of surrounding properties.
 - (14) Municipal services that may be required to serve the site.
 - (15) Any additional pertinent data, statements, drawings, or plans that may be required by the Zoning and Planning Committee or the Town Board.
- C. Special use review and approval process. The review and approval process for a specific special use shall follow the same procedure for review approval that is identified in § **135-196**.
- D. Amendments.
- (1) The Zoning and Planning Committee may authorize minor changes in the location, setting, and heights of buildings and structures without additional hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No minor change authorized by this subsection may cause any of the following:
 - (a) A change in the use or character of the development.
 - (b) An increase in overall coverage of structures.
 - (c) An increase in the intensity of use.
 - (d) An increase in the problems of traffic circulation and public utilities.
 - (e) A reduction in approved open space.
 - (f) A reduction of off-street parking and loading spaces.
 - (g) A reduction in required pavement widths.
 - (h) All other changes in use, rearrangement of lots, blocks, and building's tracts, every change in the provision of common open space, and changes other than listed above must be reviewed and approved by the Zoning and Planning Committee and Town Board.
 - (2) Amendments may be made only if they are shown to be required by changes in community policy.

§ 135-197 (**Reserved**)

§ 135-198 (**Reserved**)

§ 135-199 (**Reserved**)

Article XXI Off-Street Parking Requirements

[Amended 11-14-2000; 2-18-2004 by Ord. No. 2004-004; 6-22-2004 by Ord. No. 2004-009; 12-19-2006 by Ord. No. 2006-016; 6-4-2007 by Ord. No. 2007-010; 9-18-2007 by Ord. No. 2007-016; 10-20-2009 by Ord. No. 2009-036]

§ 135-200 **Parking ratios.**

- A. Applicability of regulations. This article imposes minimum and maximum parking ratio standards for all zoning districts within the Town of Ledgeview.

B. General provisions.

- (1) Purpose. Parking and loading regulations are established to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, and location of required off-street parking and loading spaces and access driveways and aisles.
- (2) Single-family and two-family uses. Off-street parking for single-family and two-family residential uses are not subject to site plan approval.
- (3) Existing facilities. Existing parking and loading facilities shall not be reduced below the requirements for a similar new use, or if less than the requirements for a similar new use, they shall not be reduced further.
- (4) Change of use. When the use of a building or site is changed or the intensity of use is increased through the addition of dwelling units, gross floor area, capacity, or other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such change or intensification of use as specified in Appendix Table 1.[42]
- (5) Uses not identified. The Zoning and Planning Commission shall determine the minimum and maximum parking requirement for any uses that are not specified in Appendix Table 1.
- (6) Multiple uses. When a structure or structures have multiple uses, the minimum standards shall apply to each use.
- (7) Fractional measurements. When calculations determining the number of spaces result in a fractional space, the fractional space may be eliminated from the required spaces.
- (8) Gross floor area. Gross floor area shall be determined by calculating the sum of the gross horizontal areas of all floors within the inside perimeter of the exterior walls of the structure and roofed areas reserved for the display, storage, or sale of merchandise. The gross area of any parking area within a building shall not be included within the gross floor area of the building.
- (9) On-street parking. The minimum number of required off-street parking spaces shall be reduced by the number of on-street parking spaces abutting the property lines of the parcel(s).
- (10) Limitations. Required parking spaces, loading areas and access driveways shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods or for the storage of inoperable vehicles or snow.

C. Minimum parking ratios. **[Amended 2-20-2018 by Ord. No. 2018-02]**

- (1) The second column of Appendix Table 1,[43] establishes the minimum number of parking spaces required for the identified uses. Parking requirements may be met by one or more of the following methods:
 - (a) On-site parking spaces. Only spaces that are designed consistent with the standards of this article shall be counted toward the minimum parking required. Spaces at or in queuing lines, gasoline pumps, bay doors, and loading spaces shall not be counted.
 - (b) Payments in lieu of parking. Payment in lieu of parking spaces may be considered if such an account is established to provide public parking within 300 feet of the exterior boundaries of the proposed development. The amount of payment for each space shall be based on the estimated cost to provide and maintain such spaces multiplied by the number of spaces required under this article. Complete payment shall be made to the Town of Ledgeview before any final site plan approval shall be issued.

Payments in lieu shall not be accepted where such payments are insufficient to provide required parking at the time of occupancy.

(c) Off-site parking within a cooperative parking facility. Cooperative parking facilities must conform to § 135-201 of this article.

(2) Parking for physically disabled persons. The owner or lessee of any public place or place of employment shall provide parking spaces for use by motor vehicles used by physically disabled persons as follows:

(a) Number of accessible stalls.

Total Number of Stalls	Accessible	Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
500 +	2% of total	20% of total

(b) Size of accessible stall. Parking stalls reserved for physically disabled persons shall be at least 12 feet wide.

(c) Location. Such stalls shall be located as close as possible to an entrance of the parking facility and to the building entrance.

D. Maximum parking ratios.

(1) The third column of Appendix Table 1[44] establishes the maximum number of parking spaces required for the identified uses. If a maximum parking space ratio applies, the number of parking spaces shall not exceed the maximum number permitted.

(2) Special accessible spaces required by state or local building codes shall not be counted toward the maximum allowed spaces.

§ 135-201 Cooperative parking.

A. Off-site cooperative parking. Off-site, off-street shared parking spaces, where one or more of the users of the parking spaces operates on a different lot than where the use exists or operates, may be provided for two or more properties or uses in a development or for two or more individual developments, subject to the following:

- (1) The off-site, off-street cooperative parking facility(s) is within 300 feet of the property.
- (2) The parking demands of the individual uses, as determined by the Zoning Administrator based upon off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required.
- (3) A Cooperative parking agreement in a form acceptable to the Town Attorney is executed and recorded in with the Brown County Register of Deeds securing the required amount of parking for each parcel or use. A copy of the recorded document shall be submitted with the project to be kept on file with the Town of Ledgeview. Failure to maintain required parking shall be a violation of this article and shall be subject to enforcement proceedings, including but not limited to an order to discontinue the use for which parking is required to be provided.
- (4) An application for approval of a cooperative parking plan shall be filed with the Zoning Administrator by all of the owners of the entire land area to be included within the relegated parking plan, the owner or owners of all structures then existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of uses or structures for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing spaces in common.
- (5) Any such plan may be amended or withdrawn if all land and structures remaining under such plan comply with all the conditions and limitations of the plan and all land and structures withdrawn from such plan comply with the regulations of this section.
- (6) Any amendment, revision, termination, or withdrawal shall be submitted to the Town of Ledgeview for review and approval.

B. On-site cooperative parking. On-site, off-street shared parking spaces, may be provided for developments that contain a mix of uses on the same lot in order to reduce the amount of parking using Appendix Table 2,^[45] subject to the following:

- (1) The minimum parking requirements shall be determined for each land use in the first column of Appendix Table 2 as if each were a different use.
- (2) Each amount is multiplied by the corresponding percentages of each of the five time periods in the second, third, fourth, fifth, and sixth columns of Appendix Table 2.
- (3) Calculate the total for each time period.
- (4) The total with the highest value is the required minimum number of parking spaces.

§ 135-202 Parking dimensions.

A. In general.

- (1) Off-street parking spaces shall have stall width, depth, size, angle, and drive lane dimensions as identified in Appendix Table 3.^[46]
- (2) Access or maneuvering areas, ramps, and other appurtenances shall not be considered as contributing toward required off-street parking space.

B. Compact vehicles. Compact vehicle parking is not required. Minimum parking dimensions for all stalls are identified Appendix Table 3.

§ 135-203 Parking location.

A. In general. Except as provided in § 135-201A, off-street parking facilities shall be located on the

same lot that the use exists.

B. Rear parking areas.

- (1) "Rear parking" is defined as parking areas that are located between the principal building and the rear lot line, or alley, or interior to a block.
- (2) Rear parking is required in the following zoning districts:
 - (a) Multiple-Family District (R-3).
 - (b) Neighborhood Center District (NCD).
 - (c) Business District (B-1).
 - (d) Business District (B-2).
 - (e) Institutional District (I-1).
 - (f) Light Industrial District (LI).
 - (g) Heavy Industrial District (HI).
 - (h) Any district with a Planned Development District Overlay (PDD).

§ 135-204 **Parking construction and maintenance.**

A. In general. Off-street parking facilities shall be constructed, maintained and operated in accordance with § 135-204B through G, as well as any other requirements of the Town of Ledgeview.

B. Pavement.

- (1) All parking and loading areas shall be paved with asphalt, bituminous, or concrete material to minimize nuisance from dust.
- (2) Parking and loading areas shall be graded and drained in order to properly dispose of all surface water and stormwater.
- (3) All driveways, drive lanes, and parking areas for vehicles shall be constructed with rock, concrete, brick, asphalt, turf block, or other surfaces of comparable durability.
- (4) All driveway, drive lane, and parking area pavement shall be at least five feet from any side yard lot line.
- (5) Driveway, drive lane, and parking area pavement is permitted in the rear yard of all zoning districts, except where landscaped screening is required.
- (6) When rear area and side area parking is not possible, driveway, drive lane, and parking area pavement may be located in front yard space within the Business District B-1, Business District B-2, Light Industrial District (LI), and Heavy Industrial District (HI). Design and location are subject to review and approval by the Zoning and Planning Commission.
- (7) Driveways that connect drive lanes and parking areas to streets shall not be considered part of the parking area.

C. Wheel guards.

(1) Parking area perimeters shall be provided with wheel guards, bumper guards, or continuous curbing so located that no part of parked vehicles will extend beyond the property line of the parking area.

(2) Separate wheel stops shall be provided for each parking space.

D. Landscaping.

(1) Parking lots containing 10 or more spaces shall be planted with at least one tree per 10 spaces, no smaller than 1 1/2 inches caliper (trunk diameter one inch above base of tree), with each tree being surrounded by no less than 100 square feet of continuous permeable unpaved area.

(2) Required parking lot landscaping shall be located within the designated parking area in a fashion that defines rows of parking with landscaped islands and landscaped peninsulas.

(3) Landscaping vegetation and trees shall be properly maintained. If required plantings die, the plantings shall be replaced within 45 days.

E. Protective screen fencing and berm.

(1) Areas shall be provided with protective screen fencing or a berm so that occupants of adjacent residential structures are not unreasonably disturbed by the movement of vehicles either during the day or at night.

(2) The protective screen, berm, or any combination shall be at least ninety-percent opaque when adjacent to residential uses.

(3) In no case shall the protective screen, berm, or any combination exceed eight feet in height above the natural grade.

F. Lighting.

(1) Lighting shall be fully cut off and shielded so that the source of light is concealed from public view and concealed from adjacent residential uses at the lot line.

(2) Lighting shall be arranged so that the source of light does not interfere with traffic on adjacent rights-of-way.

G. Pervious pavement. Vehicle parking spaces may exceed the maximum number of parking spaces if the additional spaces are surfaced with pervious pavement permitting infiltration, subject to the following:

(1) Pervious pavement shall be located only on soils having a permeability rating of moderate rapid to very rapid.

(2) Pervious pavement shall not be located in soils with a high-water table or a depth of bedrock of less than 10 feet, as identified in the Brown County, Wisconsin, soil survey.

(a) Pervious pavement shall not be located on any slope of 5% or greater (4.5°, assuming 0° is perfectly horizontal and flat).

(b) The pervious pavement area shall be vacuum swept and washed with a high-pressure hose at least two times per year.

(c) Pervious pavement parking area design is subject to review by the Town of Ledgeview in order to verify compliance with existing municipal separate storm sewer permits, stormwater runoff requirements, and illicit discharge requirements.

§ 135-205 **Bicycle parking.**

- A. In general. Bicycle parking spaces shall be required. The minimum number of required parking spaces for each use, structure, and facility shall meet or exceed the minimum bicycle spaces identified in Appendix Table 1.[47]
- B. Design.
- (1) Bicycle spaces may be provided through parking spaces or bicycle storage racks.
 - (2) Bicycle parking spaces shall be at least 2.5 feet in width and six feet in length, with a minimum overhead clearance of seven feet.
 - (3) Racks and other fixtures used to provide for bicycle parking must be securely affixed to the ground and allow for bicycles to be locked and chained.
 - (4) The design of bicycle racks and fixtures shall be included in final site plans and approved by the Zoning and Planning Commission.
 - (5) Bicycle parking areas shall be clearly marked on site plans.
- C. Location.
- (1) Bicycle spaces may be located indoors or outdoors.
 - (2) Bicycle spaces shall be located within 50 feet of the primary entrance.
 - (3) Bicycle spaces shall not be located behind any wall, shrubbery, or visual obstruction lying between the principal building and the bicycle spaces.
 - (4) Signage shall be posted indicating the location of bicycle spaces if the bicycle spaces are not visible from the right-of-way.
 - (5) Areas used for required bicycle parking shall be paved, drained, well lit, and maintained.
 - (6) Spaces used within offices and on balconies that are not accessible to all users shall not be counted toward required parking.

§ 135-206 **Off-street loading requirements.**

- A. In general.
- (1) Truck loading facilities are required for structures containing uses devoted to businesses, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multiple-family dwellings, hospitals, airports, railroad terminals, and any building of a commercial nature.
 - (2) If a structure is enlarged, expanded, or changed, the structure shall not be used, occupied, or operated unless the structure has at least the amount of off-street truck loading facilities that would apply if the increments were a separate structure.
- B. Sizes.
- (1) There shall be two sizes of off-street loading spaces: "large" and "small."
 - (2) Large spaces shall have an overhead clearance of at least 14 feet, shall be at least 12 feet wide, and shall be at least 50 feet long.
 - (3) Small spaces shall have an overhead clearance of at least 10 feet, shall be at least nine feet wide, and

shall be at least 20 feet long.

- (4) Access areas, maneuvering areas, platforms, and other appurtenances are excluded from these measurements.

C. Location.

- (1) Off-street loading facilities shall be located on the same lot that the structure requiring the loading area is located.
- (2) Loading facilities that are available in a cooperative arrangement may be located on another site not more than 300 feet from where the structure requiring the loading area is located.
- (3) Service entrances and service yards shall be located only in the rear or side yard.

D. Construction and maintenance. Off-street truck loading facilities shall be constructed, maintained, and operated utilizing the following standards:

- (1) Drainage and surfacing. Areas shall be properly graded for drainage; surfaced with concrete or asphalt; and maintained free of weeds, dust trash, and debris.
- (2) Protective screen fencing. Areas shall be provided with protective screen fencing or a berm so that occupants of adjacent residential structures are not unreasonably disturbed by the movement of vehicles either during the day or at night. Loading facilities and service yards shall be screened from adjacent property, using standards identified in § 135-204D and E.
- (3) Lighting. Lighting shall be arranged so that the source of light is concealed from public view and adjacent residential uses at the lot line and will not disturb traffic on adjacent rights-of-way.
- (4) Entrances and exits. Areas shall be provided with entrances and exits so located as to minimize traffic congestion.
- (5) Combined truck loading facilities. Off-street truck loading facilities for two or more structures may be satisfied by the permanent allocation of the required number of spaces for each use in a combined truck loading facility.
 - (a) The total number of spaces in a combined truck loading facility shall be at least the sum of the individual requirements unless the Zoning and Planning Commission determines that a lesser number of spaces will be adequate.
 - (b) In determining the number of revised spaces, the Zoning and Planning Commission shall consider the respective times of usage of the truck loading facilities by the individual users and the character of the merchandise.

E. Minimum requirements. The minimum truck loading spaces shall be provided for in all districts as set in Appendix Table 4.[48]

F. Waiver. The Zoning and Planning Commission is authorized to waive off-street loading requirements for structures that are required to provide and maintain fewer than five off-street parking spaces, or any other structure if the design and proposed use of the structure demonstrates no need of off-street loading.

§ 135-207 Off-street parking requirements for commercial vehicles, recreational vehicles, boats, and motor homes.

A. Commercial vehicles.

- (1) Parking or storage of commercial vehicles with a gross vehicle weight rating exceeding 10,000 pounds is prohibited in the R-1, R-2 and R-3 Districts. Parking of no more than one commercial vehicle with a gross vehicle weight rating exceeding 10,000 pounds may be permitted in the R-R, A-1 and A-2 Districts.
 - (2) Parking of commercial vehicles with a gross vehicle weight rating of 10,000 pounds or less is permitted in the R-1, R-2, R-3, R-R, A-1 and A-2 Districts as follows:
 - (a) One commercial vehicle may be parked outdoors subject to all other provisions of this article. Outdoor storage of commercial vehicles is prohibited.
 - (b) Commercial vehicles may be parked or stored within an enclosed garage.
- B. Recreational vehicles, boats and motor homes.
- (1) The parking of boats, utility trailers, recreational vehicles and motor homes shall only be allowed:
 - (a) Within the front yard on a driveway, only for the time period of April 1 to November 1.
 - (b) Within a garage for the entire year.
 - (c) In the rear yard for the entire year.
 - (d) In the side yard not closer than five feet to the side yard lot line for the period April 1 to November 1.
 - (e) In the front yard on a driveway and in the side yard no closer than five feet to the side yard lot line for the time period of November 1 to April 1, not to exceed 30 cumulative days during this period.
 - (2) Use of a recreational vehicle for living or sleeping purposes is permitted on a temporary basis in any residential or agricultural zoning district under the following conditions:
 - (a) Use of the recreational vehicle shall only be permitted on premises with an existing house and not on a vacant parcel of land.
 - (b) No monetary gain shall be realized by the property owner.
 - (c) The vehicle must be parked on a gravel or hard-surface driveway no closer than 10 feet from any lot line.
 - (d) The use of the recreational vehicle for temporary purposes may not exceed 10 days within any calendar year.
 - (e) The use of internal combustion engines is not permitted for generation of electricity.

Article XXII
(Reserved)

[49]§ 135-208 through § 135-219. (Reserved)

Article XXIII
(Reserved)

[50]§ 135-220 (Reserved)

Article XXIV
Man-Made Bodies of Water

[Amended 11-14-2000; 8-22-2017 by Ord. No. 2017-08; 11-21-2017 by Ord. No. 2017-13]

§ 135-221 **Purpose.**

The following is an article defining the term "man-made body of water;" regulating the design, maintenance and the use thereof; and providing a penalty for the violation thereof.

§ 135-222 **Term defined.**

- A. The term "man-made body of water" as used herein shall mean any excavation or mounding of earth or other material which would create a reservoir or artificial body of water in which water can collect or travel and which is created after the effective date of this chapter.
- B. Man-made bodies or artificial bodies of water will be referred to, from here on, as a "pond." This shall not limit the scope of this chapter but shall be for ease of use only. Facilities or structures designed to contain or manage animal waste or manure shall be referred to, from here on, as "animal waste storage facilities." Facilities or structures designed to contain drainage that has come through or across a feed storage or manure storage area, including leachate, shall be referred to, from here on, as "contaminated runoff storage facilities."

§ 135-223 **Conditional use required.**

- A. Ponds shall only be permitted as a conditional use ~~in all zoning districts~~.
- B. New or expanded waste storage facilities shall require a conditional use permit.

§ 135-224 **Exemptions.**

Exemptions shall be as follows:

- A. Family swimming pools as defined in § **135-16**.
- B. Stormwater management facilities as regulated by Chapter **90** of the municipal code.

§ 135-225 **Approvals and submittals.**

- A. A permit is required from the Town of Ledgeview for all excavations or mounding which will result in a man-made body of water as defined herein. To obtain such a permit, an application shall be made to the Town of Ledgeview Building Inspector on the proper forms provided by the Town. Applications shall include a site plan scaled to at least one inch equaling 200 feet, with the following:
 - (1) A map showing the location of the premises and the adjoining properties within 500 feet.
 - (2) Any existing or future buildings, easements, property lines and setbacks.
 - (3) Any existing waterways or floodway.
 - (4) A scaled section view of the pond with slopes, depths and high and low water levels.

- (5) Outflow design with calculations.
 - (6) Fencing.
 - (7) Methods of maintaining low water levels.
 - (8) Proposed truck and machinery access to the site.
 - (9) Approximate amount of earth material to be excavated or removed at the site.
 - (10) Proposed regrading and revegetation of the site after completion of the excavating.
 - (11) Designated hours of operation.
 - (12) Contour intervals of the proposed site at intervals of 20 feet, when available.
- B. If the excavation site shall fall within a county floodplain, shoreland or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinances for Brown County shall apply. Brown County and Department of Natural Resource permits must accompany the application, if required.
- C. Applications shall be approved or denied within 60 days from the date all information is received in order. No application shall be processed or approved without adequate information.

§ 135-226 **Design standards.**

A. Ponds.

- (1) All ponds shall be designed within the scope of this chapter. Where no minimum water level is to be maintained, the slope of the pond bottom may not exceed three to one. In all cases where a portion of the pond will have a slope of greater than three to one, a slope of no greater than three to one shall be maintained around the entire perimeter of said pond to a minimum water depth of 48 inches before the greater slope may occur.
- (2) All ponds shall have an outflow to maintain the maximum normal water level; the size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of outflow pipe shall not be less than eight inches in diameter. Calculations shall be provided with the permit application. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of three to one or less shall be established and maintained from the normal high-water level; this area shall be no less than three feet measured from the water's edge.
- (3) All ponds which shall have minimum water levels established as a result of slope angles greater than three to one shall seal the bottom and sides to prevent excess seepage. This seal shall be provided in one or more of the following ways:
 - (a) Existing clay soils.
 - (b) Clay blanket.
 - (c) Compaction.
 - (d) Waterproof liners.
- (4) The minimum side and rear setback shall be 25 feet; front setbacks and corner side setbacks shall be

50 feet.

B. Animal waste storage facilities.

- (1) All animal waste storage facilities shall be designed in accordance with §§ 92.16 and 93.90, Wis. Stats., and ATCP 51.18, Wis. Adm. Code.
- (2) The required setbacks for animal waste storage facilities shall comply with the regulations outlined in Article X, AG-FP Farmland Preservation District.

C. Contaminated runoff storage facilities.

- (1) Facilities designed or intended to store contaminated runoff, including leachate, shall be designed in accordance with §§ 92.16 and 93.90, Wis. Stats., and ATCP 51.20, Wis. Adm. Code.
- (2) The required setbacks for contaminated runoff storage facilities shall comply with the regulations outlined in Article X, AG-FP Farmland Preservation District.

§ 135-227 **Other requirements.**

A. The Town of Ledgeview Zoning and Planning Committee may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:

- (1) A structural fence no less than four feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors or gates. If a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosure shall be kept securely latched at all times when unsupervised.
- B. The groundwater table in the surrounding area and adjacent to the pond or animal waste storage facilities shall be protected.
- C. Town and state permits shall be required if high-capacity wells are drilled on the site. Location of all wells shall be provided on the site plans; well logs shall be provided to the Town after completion of the well.
- D. The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers.
- E. Temporary fencing shall be provided as soon as slopes of greater than three to one are developed during construction and shall be maintained until minimum water level is obtained.
- F. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.
- G. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- H. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town to revoke the permit.
- I. Trucks and machinery. No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

- J. The perimeter of the pond/lake/body of water shall be landscaped and seeded with a perennial ground cover within three months after completion of the excavation.
- K. The Town of Ledgeview retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety and welfare of the community.

§ 135-228 Inspections.

- A. The owner/agent shall call for the following required inspections 24 hours in advance. Other periodic inspections shall be granted to the Town of Ledgeview Building Inspector, Town Board and Zoning and Planning Committee during normal working hours.
- B. A site inspection shall be made prior to any excavation. Property lines adjacent to the excavation, proposed excavation boundaries and outflow termination point shall be marked clearly for site approval.
- C. An excavation inspection shall be made after all slopes are established.
- D. Final inspection shall be made when all fencing is in place and the pond has reached its minimum water level.

§ 135-229 Maintenance.

The owner of any land on which a man-made body of water shall exist is required to maintain that land and body of water within the limits of this chapter.

§ 135-230 Permit fees.

Permit fees shall be established and charged as per the fee schedule.

§ 135-231 Construction deposit.

A construction deposit shall be required.

§ 135-232 Performance bond required; exception.

- A. A performance bond shall be required. The following schedule shall be used:

Surface Area	Amount
0 to 1,000 square feet	\$500
1,001 to 2,500 square feet	\$1,000
2,501 square feet to one acre	\$5,000
One acre and up	\$5,000/acre or fraction thereof

§ 135-233 Violations and penalties.

- A. Any person, firm, company or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this article shall, upon conviction thereof, forfeit an amount as determined by the Town Board in Chapter 1, General Provisions, Article II, Fees and Penalties, together with the costs of the prosecution; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail of Brown County, Wisconsin, for a period of not more than 30 days for each violation or until such forfeiture and costs of prosecution have been paid. Each day that a violation is permitted to exist shall constitute a separate offense and may be punishable as such.
- B. This section shall not preclude the Town of Ledgeview from maintaining any appropriate action to prevent or remove a violation of this article.

Article XXV
Telecommunications Antennas and Towers

[Amended 9-18-2007 by Ord. No. 2007-016; 4-7-2014 by Ord. No. 2014-005]

§ 135-234 **Definitions.**

A. General definitions. For the purpose of §§ **135-235** and **135-236** of this Code, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

- (1) The word "herein" refers to the provisions of §§ **135-235** and **135-236**.
- (2) All measured distances or heights shall be to the nearest "integral foot." If a fraction is 1/2 foot or less, the next integral foot below shall be taken.

B. Specific terms. The following terms and phrases shall have the following described meanings:

ANTENNA

Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

APPLICANT

The entity applying to the Town for the location of a mobile service support structure or mobile service facility in the Town.

APPLICATION

An application for a permit under this article to engage in either:

- (1) The siting and construction of a new mobile service support structure and facilities.
- (2) With regard to a Class 1 Co-location, the substantial modification of an existing support structure and mobile service facilities, or a Class 2 Co-location.

BUILDING PERMIT

A permit issued by Town that authorizes an applicant to conduct construction activity that is consistent with Town Building Code.

CLASS 1 CO-LOCATION

The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

CLASS 2 CO-LOCATION

The placement on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

CO-LOCATION

Either a Class 1 Co-location or a Class 2 Co-location, or both.

DISTRIBUTED ANTENNA SYSTEM

A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

EQUIPMENT COMPOUND

An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

EXISTING STRUCTURE

A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with Town.

FALL ZONE

The area over which a mobile support structure is designed to collapse.

MOBILE SERVICE

A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, as more specifically provided in 47 U.S.C. § 153(33), and includes:

- (1) Both one-way and two-way radio communications services;
- (2) A mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and
- (3) Any service for which a license is required in a personal communications service.

MOBILE SERVICE FACILITY

The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

MOBILE SERVICE PROVIDER

A person who provides mobile service.

MOBILE SERVICE SUPPORT STRUCTURE

A freestanding structure that is designed to support a mobile service facility.

PERMIT

A permit, other than a building permit, or approval issued by the Town which authorizes any of the following activities by an applicant:

- (1) A Class 1 Co-location.
- (2) A Class 2 Co-location.
- (3) The construction of a mobile service support structure.

RADIO BROADCAST SERVICE FACILITIES

Commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services as allowed under § 66.0406, Wis. Stats.

RADIO BROADCAST SERVICES

The regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

RESPONSIBLE PARTY

The person associated with the applicant who is filing an application under this chapter and who has responsibility over the placement of the applicant's proposed mobile service support structure.

SEARCH RING

A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.

SUBSTANTIAL MODIFICATION

The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- (1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- (3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
- (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

SUPPORT STRUCTURE

An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

UTILITY POLE

A structure owned or operated by an alternative telecommunications utility, as defined in Wisconsin Statutes; public utility, as defined in Wisconsin Statutes; telecommunications utility, as defined in Wisconsin Statutes; political subdivision; or cooperative association organized under Wisconsin Statutes; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Wisconsin Statutes; for video service, as defined in Wisconsin Statutes; for electricity; or to provide light.

ZONING ADMINISTRATOR

The Town Zoning Administrator.

ZONING AND PLANNING COMMISSION

The Town of Ledgeview Zoning and Planning Commission.

§ 135-235 New construction.

- A. New construction. The siting and construction of a new mobile service support structure and mobile service facility shall be subject to the following requirements:

- (1) Application. The applicant shall submit a written application on forms provided by the Town which shall include all of the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed mobile service support structure.
 - (c) The location of the proposed mobile service facility to be connected to the proposed mobile service support structure.
 - (d) A construction plan which describes the mobile service support structure, equipment, network components, antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new tower.
 - (e) An explanation as to why the applicant chose the proposed location, and why the applicant did not choose co-location, including a sworn statement from the responsible party attesting that co-location within the applicant's service area would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
 - (f) The application hereunder shall be accompanied by a fee of \$3,000. Costs incurred by the Town for publishing the public hearing notice and obtaining legal, planning, engineering and other technical and professional advice in connection with the review and implementation of the conditional use shall be charged separately and in addition to the application fee.
- (2) Determination of completeness.
 - (a) The Town Zoning Administrator shall review the new construction application and determine whether the application is complete. If the application includes all of information required under Subsection A(1) above, the application shall be found to be complete.
 - (b) The Zoning Administrator shall notify the applicant in writing within 10 days of receiving the application if it is found not to be complete, and such notice shall specify in detail the required information that was incomplete. Applicants are allowed to resubmit their applications as often as necessary until the application is determined to be complete.
 - (c) When the new construction application is found to be complete, the Town Zoning Administrator shall refer the application to the Town Board and Town Zoning and Planning Commission for review in the manner provided herein.
- (3) Conditional use permit. All tower structures proposed to be located within the Town are a conditional use and are subject to review pursuant to the following procedures:
 - (a) Zoning and Planning Commission review. Within 45 days after a complete application and all required information has been filed, the Zoning and Planning Commission shall review the application and make a recommendation to the Town Board based upon the requirements of this chapter and § 66.0404, Wis. Stats.
 - (b) Public hearing. Following the Zoning and Planning Commission recommendation, proper posting and notification, a public hearing shall be held by the Town Board regarding the application pursuant to this chapter.
 - (c) Requirements.
- [1] Conditional use status shall not be granted for the construction of a new mobile service support structure unless that structure's fall zone contains a sufficient radius of clear land around the structure so that its collapse shall be completely contained on the property, provided that if the

applicant provides the Town with an engineering certification showing that the mobile service support structure is designed to collapse within a smaller area than the radius equal to the height of the structure, the smaller area shall be used unless the Town has and provides the applicant with substantial evidence that the applicant's engineering certification is flawed.

- [2] All facilities shall meet all state and federal codes.
- (d) Determination. Within 90 days after receipt of an application determined to be complete, the Town Board shall complete the following reviews or the applicant may consider the application approved, except that the applicant and Town may agree in writing to an extension of the ninety-day period.
 - [1] Review the application to determine whether the application complies with all applicable aspects of the Town's Building Code and, subject to the limitations of § 66.0404, Wis. Stats., and the Town Zoning Ordinance.
 - [2] Make a final decision whether to approve or disapprove the application.
 - [3] Notify the applicant, in writing, of the Town's final decision.
 - [4] If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) Disapproval. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described in Subsection **A(1)(e)** above.
- B. Limitations upon authority. The review of an application under this section shall be subject to the limitations imposed by § 66.0404(4), Wis. Stats.

§ 135-236 **Co-location; modification.**

A. Co-location.

- (1) Class 1 co-location.
 - (a) Application. The applicant shall submit a written application for a Class 1 Co-location on forms provided by the Town which shall include all of the information required under the provisions of § **135-235A(1)** above together with the following additional information:
 - [1] The location of the proposed support structure.
 - [2] The location of the proposed equipment compound.
 - (b) Determination of completeness. The Town Zoning Administrator shall review the Class 1 Co-location application for completeness in the manner provided in § **135-235A(2)(a)** and **(b)** above. An applicant may resubmit an application as often as necessary until it is complete.
 - (c) Fee. The Class 1 Co-location application fee shall be \$3,000.
 - (d) Conditional use permit. If the Zoning Administrator determines that the nature and scope of the proposed Class 1 Co-location exceeds the then current conditional use permit for the mobile service support structure on which the Class 1 Co-location is proposed, the completed application shall be referred to the Zoning and Planning Commission for review under, pursuant and subject to the provisions of § **135-235A(3)**.
- (2) Class 2 co-location.

- (a) Application. The applicant shall submit a written application for a Class 2 Co-location on forms provided by the Town which shall include all of the information required under the provisions of § 135-235A(1) above.
- (b) Determination of completeness. The Town Zoning Administrator shall review the Class 2 Co-location application for completeness. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (c) Determination. Within 45 days of its receipt of a complete application, the Town shall complete the following reviews of the Class 2 Co-location application or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the forty-five-day review period:
 - [1] Make a final decision whether to approve or disapprove the Class 2 Co-location application.
 - [2] Notify the applicant, in writing, of its final decision.
 - [3] If the application is approved, issue the applicant the relevant permit.
 - [4] If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (d) Fee. The Class 2 Co-location application fee shall be based on the Town's current building permit fee schedule.

B. Modification.

- (1) Nonsubstantial modification.
 - (a) Application. The applicant that proposes a nonsubstantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, shall submit a written application for such modification on forms provided by the Town which shall include all of the information required under the provisions of § 135-235A(1) above together with the following additional information:
 - [1] The location of the proposed support structure.
 - [2] The location of the proposed equipment compound.
 - [3] A construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications that demonstrates that the proposed modification is not a substantial modification.
 - (b) Fee. The fee for a nonsubstantial modification shall be based on the Town's current building permit fee structure.
 - (c) Determination of completeness.
 - [1] The Town Zoning Administrator shall review the nonsubstantial modification application for completeness. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was

incomplete. An applicant may resubmit a modification application as often as necessary until it is complete.

- [2] When the nonsubstantial modification application is found to be complete, the Town Zoning Administrator shall refer the application to the Town Building Inspector for issuance of the appropriate building permit.
- (2) Substantial modification.
 - (a) Application. The applicant that proposes the substantial modification of a mobile service support structure, including the mounting of an antenna on such a structure, shall submit a written application for such modification on forms provided by the Town which shall include all of the information required under the provisions of § **135-235A(1)** above together with a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (b) Fee. The substantial modification application hereunder shall be accompanied by a fee of \$3,000.
 - (c) Determination of completeness.
 - [1] The Town Zoning Administrator shall review the substantial modification application for completeness. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit a substantial modification application as often as necessary until it is complete.
 - [2] When the substantial modification application is found to be complete, the Town Zoning Administrator shall refer the application to the Town Board and Town Zoning and Planning Commission for review in the manner provided in § **135-235A(3)** hereof.
 - (d) Determination. Within 90 days after receipt of a substantial modification application determined to be complete, the Town Board shall complete the following reviews or the applicant may consider the application approved, except that the applicant and Town may agree in writing to an extension of the ninety-day period.
 - [1] Review the application to determine whether the application complies with all applicable aspects of the Town's Building Code and, subject to the limitations of § 66.0404, Wis. Stats., and the Town Zoning Ordinance.
 - [2] Make a final decision whether to approve or disapprove the application.
 - [3] Notify the applicant, in writing, of the Town's final decision.
 - [4] If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- C. Limitations upon authority. The review of an application under this section shall be subject to the limitations imposed by § 66.0404(4), Wis. Stats.

§ 135-237 **Permitted uses.**

- A. General. The uses listed in this section are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with § **135-236** of this article and all other applicable articles.

- B. Class 1 co-location. A zoning permit is required for the siting, construction, or substantial modification of any new mobile service facility on an existing tower or alternative tower structure.
- (1) "New mobile service facility" means a freestanding structure that is designed to support a mobile service facility and the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area.
 - (2) "Substantial modification of an existing support structure and mobile service facility" means the modification of a tower or alternative tower structure, including the mounting of an antenna on a structure that does any of the following:
 - (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
 - (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more. If a greater height is necessary to avoid interference with an existing antenna, the activity is not considered a substantial modification.
 - (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location. If a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, the activity is not considered a substantial modification.
 - (d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
 - (3) A zoning permit application must be completed by any applicant and submitted to the department. The application must contain the following information, if applicable:
 - (a) Scaled site plan, scaled elevation view, and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, antenna height, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed by the governing authority to be necessary to assess compliance with this article.
- C. Class 2 co-location. A zoning permit is required for a Class 2 co-location.
- (1) A zoning permit application must be completed by the applicant and submitted to the department. The application must contain the following information:
 - (a) The name, business address, phone number, e-mail address, facsimile, etc., of the applicant and the contact individual.
 - (b) The location of the proposed or affected structure.
 - (c) The location of the proposed mobile service facility.
- D. Factors considered in granting zoning permits. The governing authority shall consider the following factors in determining whether to issue a permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby:
- (1) Capacity of the tower structure for additional antenna equipment to accommodate expansions or to allow for co-location of another provider's equipment.

- (2) Nature of uses on adjacent and nearby properties.
 - (3) Surrounding topography.
 - (4) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (5) Proposed ingress and egress.
 - (6) Availability of suitable existing towers and other structures as discussed in Subsection **E** of this section.
- E.** Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing antenna or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs or contractual provisions required by the owner to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and alternative tower structures unsuitable.
- F.** Setbacks and separation. The following setbacks and separation requirements shall apply to all towers and alternative tower structures; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby:
- (1) Towers must be set back a distance equal to the height of the tower from any off-site residential structure or any parcel of land zoned residential.
 - (2) Towers, guys, and mobile service facilities must satisfy the minimum zoning district setback requirements.
- G.** Landscaping. The following requirements shall govern the landscaping surrounding towers and alternative tower structures; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby;
- (1) Equipment compounds shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the equipment compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the

compound.

- (2) In locations where the visual impact of the tower or alternative tower structure would be minimal, the landscaping requirement may be revised.
- H. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers and alternative tower structures sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

§ 135-238 **(Reserved)**

§ 135-239 **Removal of abandoned antennas and towers.**

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Article XXVI **Administration and Enforcement**

§ 135-240 **Intent.**

This article of this chapter shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this chapter.

§ 135-241 **General provisions.**

This article shall provide for the establishment of the positions of Zoning Administrator, Zoning Board of Appeals and Town Zoning and Planning Committee.

§ 135-242 **Appointment of Zoning Administrator; powers and duties.**

The Town of Ledgeview shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this chapter with the assistance of such other persons as the Town Board may direct. The Zoning Administrator or designee shall have the following responsibilities and duties, in addition to those other responsibilities and duties which are assigned from time to time to the Zoning Administrator or designee by the Town Board:

- A. Issue all building, zoning use and occupancy permits, exclusive of conditional use permits and excavation permits, and make and maintain records thereof.
- B. Conduct inspection of buildings, structures and use of land to determine compliance with the terms of this chapter.
- C. Disseminate information to those individuals and entities having questions concerning this chapter.
- D. Forward to the Zoning and Planning Committee or the designated representative of the Zoning and Planning Committee all applications for conditional uses and all applications for amendments to this chapter.
- E. Forward to the Zoning Board of Appeals or the designated representative of the Zoning Board of Appeals all appeals concerning any action taken by the Zoning Administrator or designee or any other administrative official in the enforcement of this chapter or any ordinance adopted pursuant to this chapter and all applications for variances to this chapter.
- F. Maintain permanent and current records of this chapter, including but not limited to all maps,

amendments, conditional uses, variances, appeals and applications thereof.

- G. Initiate, direct and review, from time to time, a study of the provisions of this chapter and make reports of its recommendations to the Town Zoning and Planning Committee.
- H. If the Zoning Administrator or designee shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violation and order the action necessary to correct it. The Zoning Administrator or designee shall be solely responsible for the administrative enforcement of Article **XXVI** of this chapter.
- I. Comply with all open meeting, public hearing and notice requirements concerning the enforcement of this chapter.

§ 135-243 Establishment of Zoning Board of Appeals.

The Zoning Board of Appeals is hereby established as authorized under the provisions of W.S.A. ch. 62.23.

- A. Jurisdiction. The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:
 - (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator with respect to the enforcement of this chapter or any ordinance adopted pursuant to this chapter.
 - (2) Hear and decide special exceptions to the terms of this chapter upon which this Zoning Board of Appeals is required to determine under said chapter.
 - (3) Authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship so that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.
 - (4) In exercising the above-mentioned powers in Subsection **A(1)** through **(3)** hereinabove, such Board may, in conformance with the provisions of this chapter, reverse or affirm, wholly or partly, any order, requirement, decision or determination appealed from, and said Zoning Board of Appeals shall further have the power to make any such order, requirement, decision or determination as ought to have been made by the Zoning Administrator or any official acting on behalf of the Zoning Administrator. The Zoning Board of Appeals may therefore issue or direct the issuance of any permit which the Zoning Administrator or designee could have issued.
- B. Board membership.
 - (1) The Zoning Board of Appeals shall consist of five members plus alternates appointed by the Town Chairperson and subject to confirmation by the Town Board.
 - (2) The term shall be for three years and all members shall reside in the Town.
 - (3) The members shall be removable by the Town Chairperson for cause upon written charges.
 - (4) The Town Chairperson shall designate one of the members Chairperson of the Zoning Board of Appeals.
 - (5) The Town Chairperson shall appoint an alternate member for a term of three years who shall act with full power only when a member of Zoning Board of Appeals is absent or refuses to vote because of conflict of interest.

- (6) Vacancies shall be filled for the unexpired term of members. The Town Chairperson shall appoint personnel to fill the vacancies, subject to approval by the Town Board.
- C. Meetings and rules.
- (1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson of the Board and at such times as the Zoning Board of Appeals may determine.
 - (2) All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
 - (3) Notice of the time and place of such public hearing shall be published as provided by the state law on planning and zoning and applicable to the Town of Ledgeview.
 - (4) The Chairperson or, in his/her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses.
 - (5) The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.
 - (6) Statements of the facts found by the Zoning Board of Appeals shall be included in the minutes of each case heard or considered by it. The reason for approving or denying a variance or appeal as provided in the chapter shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.
 - (7) The Zoning Board of Appeals shall adopt its own rules and procedures not in conflict with this chapter or with applicable Wisconsin state statutes, and select or appoint such officers as it deems necessary.
 - (8) The concurring vote of the majority of the members present of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant in any matter on which it is required to pass or effect any variation in the requirements of this chapter. If a decision is not rendered by the Zoning Board of Appeals within 60 days from the date the appeal was filed with the Zoning Administrator or designee, then said appeal shall be deemed denied by the Zoning Board of Appeals. **[Amended 10-18-2005 by Ord. No. 2005-020]**
 - (9) No variance granted by the Board of Appeals shall be valid for a period longer than six months from the date granted unless construction or development has commenced or the use has been established within such period.

**§ 135-244 Establishment of Zoning and Planning Commission.
[Amended 10-20-2009 by Ord. No. 2009-037]**

- A. Title. This section is entitled the "Town of Ledgeview Zoning and Planning Commission Ordinance."
- B. Purpose. The purpose of this section is to establish a Town of Ledgeview Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.
- C. Authority; establishment. The Town Board of the Town of Ledgeview has been authorized to

exercise village powers pursuant to §§ 60.10(2)(c) and 60.22(3), Wis. Stats. The Town Board hereby establishes a seven member and two-alternate Zoning and Planning Commission pursuant to §§ 60.62(4), 61.35 and 62.23, Wis. Stats. The Zoning and Planning Commission shall be considered the "Town Planning Agency" under §§ 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

- D. **Membership.** The Zoning and Planning Commission consists of a maximum one member of the Town Board, who may be the Town Board Chairperson, and a minimum of six citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications, and a minimum of two citizen or Town official alternates who may serve in the absence of a Commission member.
- E. **Appointments.** The Town Board Chairperson shall appoint the members of the Zoning and Planning Commission and designate a Zoning and Planning Commission Chairperson during the month of June to fill any expiring term. The Town Board Chairperson shall select the presiding officer. (All appointments are subject to the advisory approval of the Town Board.) In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Zoning and Planning Commission shall take and file the oath of office within five days of notice of appointment, as provided under §§ 19.01 and 60.31, Wis. Stats.
- F. **Terms of office.** The term of office for the Zoning and Planning Commission Chairperson and each Commission member shall be for a period of two years, ending on June 2, or until a successor is appointed and qualified, except:
 - (1) **Initial terms.** The citizen members and alternates initially appointed to the Zoning and Planning Commission shall be appointed for staggered terms.
 - (2) **Town Board member or Chairperson.** A Zoning and Planning Commission member who is a Town Board member, shall serve for a period of two years, as allowed under § 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after June 2 shall be for a term that expires two years from the previous June 2.
- G. **Vacancies.** A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.
- H. **Compensation: expenses.** The Town Board of the Town of Ledgeview hereby sets a per diem allowance of up to \$15 per meeting for citizen members of the Zoning and Planning Commission, as allowed under § 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under § 60.321, Wis. Stats.
- I. **Experts and staff.** The Zoning and Planning Commission may, pursuant to § 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff and may review and recommend to the Town Board proposed payments under any contract with an expert.
- J. **Rules; records.** The Zoning and Planning Commission, under § 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under §§ 19.21 to 19.39, Wis. Stats.
- K. **Chairperson and officers.**
 - (1) **Chairperson.** The Zoning and Planning Commission Chairperson shall be appointed and serve a term as provided in Subsections **E** and **F** of this section. The Chairperson shall, subject to Town ordinances and Commission rules:

- (a) Set Commission meeting and hearing dates;
 - (b) Provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee; and
 - (c) Preside at Commission meetings and hearings.
- (2) Vice Chairperson. The Zoning and Planning Commission shall elect, by open vote or secret ballot pursuant to § 19.88(1), Wis. Stats., at its discretion, a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any reason.
- (3) Secretary. The Zoning and Planning Commission shall elect, by open vote or secret ballot pursuant to § 19.88(1), Wis. Stats., one of its members to serve as Secretary or, with the approval of the Town Board, designate the Town Clerk/Administrator or other Town officer or employee as Secretary.
- L. Zoning and Planning Commission members as local public officials. All members of the Zoning and Planning Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, § 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on:
- (1) Public records, §§ 19.21 to 19.39;
 - (2) Code of Ethics for Local Government Officials, §§ 19.42, 19.58 and 19.59;
 - (3) Open Meetings, §§ 19.81 to 19.89; Misconduct in Office, § 946.12; and
 - (4) Private Interests in Public Contracts, § 946.13.
- M. General and miscellaneous powers and duties. The Zoning and Planning Commission, under § 62.23(4), Wis. Stats., shall have the following powers and duties necessary to enable it to perform its functions and promote Town planning:
- (1) To make reports and recommendations relating to the planning and development of the Town Board; other public bodies, citizens; public utilities and organizations.
 - (2) To recommend to the Town Board programs for public improvements and the financing of such improvements.
 - (3) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
 - (4) The authority for its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land without the permission of the landowner or tenant, except to the extent that the private land is held open to the general public. If such permission has been refused, entry shall only be made under the authority of an inspection warrant issued for cause under § 66.0119, Wis. Stats., or other court-issued warrant.
- N. Town planning and comprehensive planning: general authority and requirements.
- (1) The Zoning and Planning Commission, under § 62.23(2), Wis. Stats., shall make, update, and adopt the Town Comprehensive Plan, with accompanying maps, plats, charts and descriptive and explanatory matter, which shall include the nine elements specified under the comprehensive planning law, § 66.1001(2), Wis. Stats. Adoption shall follow the procedures in § 66.1001(4), Wis. Stats.

- (2) In this section the requirement to "make" the plan means that the Zoning and Planning Commission shall oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Zoning and Planning Commission, Town staff; another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.
- O. Procedure for Plan Commission adoption and recommendation of Town Comprehensive Plan or amendment. The Plan Commission shall work with the Town Board to ensure that the requirements of § 66.1001(4), Wis. Stats. are met and shall proceed as follows:
- (1) Public participation verification. Prior to beginning work on a Comprehensive Plan, the Zoning and Planning Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the Comprehensive Plan. These written procedures shall include open discussion, communication programs, information services, and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a Comprehensive Plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
 - (2) Resolution. The Zoning and Planning Commission, under § 66.1001(4)(b), Wis. Stats., shall recommend its proposed Comprehensive Plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Zoning and Planning Commission. The vote shall be recorded in the minutes of the Zoning and Planning Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the Comprehensive Plan. The resolution adopting a Comprehensive Plan shall further recite that the requirements of the comprehensive planning law have been met, under § 66.1001, Wis. Stats., namely that:
 - (a) The Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan;
 - (b) The plan contains the nine specified elements and meets the requirements of those elements;
 - (c) The (specified) maps and (specified) other descriptive materials relate to the plan;
 - (d) The plan has been adopted by a majority vote of the entire Plan Commission, which the Secretary is directed to record in the minutes; and
 - (e) The Plan Commission Secretary is directed to send a copy of the Comprehensive Plan adopted by the Commission to the governmental units specified in § 66.1001(4), Wis. Stats., and Subsection **O(3)** of this section.
 - (3) Transmittal. One copy of the Comprehensive Plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
 - (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
 - (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
 - (c) The Wisconsin Land Council.
 - (d) The Department of Administration.
 - (e) The regional planning commission in which the Town is located.

- (f) The public library that serves the area in which the Town is located.
- P. Plan implementation and administration.
- (1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
 - (a) Zoning. A proposed Town zoning ordinance under village powers, §§ 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under Subchapter V of Chapter **91**, Wis. Stats., and any other zoning ordinance within the Town's authority.
 - (b) Official Map. A proposed Official Map ordinance under § 62.23(6), Wis. Stats.
 - (c) Subdivisions. A proposed Town subdivision or other land division ordinance under § 236.45, Wis. Stats.
 - (d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
 - (2) Ordinance amendment. The Zoning and Planning Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
 - (3) Nonregulatory programs. The Zoning and Planning Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose nonregulatory programs to implement the Comprehensive Plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
 - (4) Program administration. The Zoning and Planning Commission shall, pursuant to Town ordinances, have the following powers.
 - (a) Zoning conditional use permits. The Zoning Administrator shall refer applications for conditional use permits under Town zoning to the Zoning and Planning Commission for review and recommendation to the Town Board as provided under §§ **135-250** and **135-251** of the Town zoning ordinances.
 - (b) Subdivision review. Proposed plats under Ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town subdivision ordinance under § 236.45, Wis. Stats, and Chapter **96** of the Town ordinances shall be referred to the Zoning and Planning Commission for review and recommendation to the Town Board.
 - (5) Consistency. Any ordinance, amendment or program proposed by the Zoning and Planning Commission, and any Zoning and Planning Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's Comprehensive Plan under §§ 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the Comprehensive Plan, the Plan Commission shall use this as information to consider in updating the Comprehensive Plan.
- Q. Referrals to Plan Commission.
- (1) Required referrals under § 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:
 - (a) The location and architectural design of any public building.

- (b) The location of any statue or other public memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of public land for or lease of public land for any of the following reasons:
 - [1] Street, alley or other public way;
 - [2] Park or playground;
 - [3] Airport;
 - [4] Area for parking vehicles; or
 - [5] Other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (e) All plats under the Town's jurisdiction under Ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under § 236.45, Wis. Stats.
- (f) The location, character and extent or acquisition, leasing or sale of lands for:
 - [1] Public or semipublic housing;
 - [2] Relief of congestion; or
 - [3] Vacation camps for children.
- (g) The amendment or repeal of any ordinance adopted under § 62.23, Wis. Stats., including ordinances relating to the Town Zoning and Planning Commission; or the Town Comprehensive Plan under § 66.1001, Wis. Stats.; a Town Official Map; and Town zoning under village powers.
- (2) Required referrals under sections of the Wisconsin Statutes other than § 62.23(5), Wis. Stats. The following shall be referred to the Zoning and Planning Commission for report:
 - (a) An application for initial licensure of a child welfare agency or group home under § 48.68(3), Wis. Stats.
 - (b) An application for initial licensure of a community-based residential facility under § 50.03(4), Wis. Stats.
 - (c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under § 66.0905, Wis. Stats.
 - (d) Matters relating to the establishment or termination of an architectural conservancy district under § 66.1007, Wis. Stats.
 - (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under § 66.1107, Wis. Stats.
 - (f) Matters relating to the establishment or termination of a business improvement district required to be referred under § 66.1109, Wis. Stats.
 - (g) A proposed housing project under § 66.1211(3), Wis. Stats.

- (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under Subchapter XIII of Chapter 66, Wis. Stats.
- (i) The adoption or amendment of a Town subdivision or other land division ordinance under § 236.45(4), Wis. Stats.
- (j) Any other matter required by the Wisconsin Statutes to be referred to the Zoning and Planning Commission.
- (3) Required referrals under this section. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Zoning and Planning Commission for report:
 - (a) Any proposal, under § 59.69, Wis. Stats., for the Town to approve general county zoning so that it takes effect in the Town or to remain under general county zoning.
 - (b) Proposed regulations or amendments relating to historic preservation under § 60.64, Wis. Stats.
 - (c) A proposed driveway access ordinance or amendment.
 - (d) A proposed Town Official Map ordinance under § 62.23(6), Wis. Stats., or any other proposed Town ordinance under § 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the Commission.
 - (e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to § 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under § 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under Subchapter V of Chapter 91, Wis. Stats.
 - (f) An application for a conditional use permit under the Town zoning ordinance.
 - (g) A proposed site plan.
 - (h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under § 62.23(7a), Wis. Stats.
 - (i) A proposed boundary change pursuant to an approved cooperative plan agreement under § 66.0307, Wis. Stats., or a proposed boundary agreement under § 66.0225, Wis. Stats., or other authority.
 - (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under § 66.0307(7m), Wis. Stats.
 - (k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
 - (l) Any proposed contract, for the provision of information, or the preparation of a Comprehensive Plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under § 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
 - (m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under § 66.0435, Wis. Stats.
 - (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under § 66.1009, Wis. Stats.
 - (o) A proposed Town airport zoning ordinance under § 114.136(2), Wis. Stats.

- (p) A proposal to create environmental remediation tax incremental financing in the Town under § 66.1106, Wis. Stats.
- (q) A proposed county agricultural preservation plan or amendment, under Subchapter IV of Chapter **91**, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
- (r) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Zoning and Planning Commission.
- (4) Discretionary referrals. The Town Board, or other Town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Zoning and Planning Commission for report:
 - (a) A proposed county development plan or Comprehensive Plan, proposed element of such a plan, or proposed amendment to such plan.
 - (b) A proposed county zoning ordinance or amendment.
 - (c) A proposed county subdivision or other land division ordinance under § 236.45, Wis. Stats., or amendment.
 - (d) An appeal or permit application under the county zoning ordinance to the county Zoning Board of Adjustment, county planning body or other county body.
 - (e) A proposed intergovernmental cooperation agreement, under § 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under § 66.0305, Wis. Stats.
 - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under § 236.45, Wis. Stats.
 - (g) A proposed county plan, under § 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of Town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
 - (h) Any other matter deemed advisable for referral to the Zoning and Planning Commission for report.
- (5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Zoning and Planning Commission until the Commission has made its report, or 30 days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty-day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty-day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty-day referral period if deemed advisable.
- R. Effective date. Following passage by the Town Board, this section shall take effect the day after the date of publication or posting as provided by § 60.80, Wis. Stats.

§ 135-245 Building permits.

- A. No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter on any structure without first obtaining a building permit therefor from the Ledgeview Zoning Administrator or designee; however, the Ledgeview Zoning Administrator or designee may authorize minor repairs not involving structural alterations without requiring a building permit to be issued.

- B. Application for said building permit shall be made, in writing, to the Town of Ledgeview Zoning Administrator or designee by the landowner or his/her authorized agent on a form furnished for that purpose.
- C. Application for a building permit shall be deemed to be an application for an occupancy permit as well.
- D. Each building permit application shall be accompanied by a site plan in accordance with requirements as specified in § **135-246**, Site plans.
- E. The Zoning Administrator or designee shall issue the building permit if the proposed building complies with all the provisions of this chapter and any other applicable Town or state requirements. Said building permit shall remain in full force and effect for a period of one year from the date of issuance. After said one-year period has expired, no further building can take place without the reissuance of another building permit.
- F. Each building permit applied for shall be granted or denied within a ten-day period from the date of application. Reason for denial of a building permit will be forwarded, in writing, by the Town Zoning Administrator or designee to the applicant.

§ 135-246 **Site plans.**

- A. Each application for a building permit shall be accompanied by two copies of the site plan, drawn to scale, not less than one inch to 100 feet, showing the actual dimensions of the lot to be built upon. Such site plan shall indicate the detailed legal description of the property as it appears of record. In the case of unplatted land or parcels conveyed by metes and bounds, the site plan, together with sufficient measurements to permit proper determination, shall be submitted to the Zoning Administrator or designee, who shall determine as to whether the proposal is in conflict with the Official Map. No building permit shall be issued for the above development unless a site plan is first submitted to and approved by the Zoning and Planning Committee or its designee.
- B. Exemptions and exceptions. The Zoning Administrator or designee may, at the request of the applicant, waive any of the various requirements of maps and submissions hereinafter set forth.
- C. Other data required. The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:
 - (1) Size and location of the building or buildings to be erected.
 - (2) Relationship of the building or buildings to the exterior lines of proposed streets shown on the Official Map.
 - (a) The location of streets, alleys, lot lines and any other buildings on the same lot or property.
 - (b) The name of the owner.
 - (c) The intended use.
 - (d) Computations and other data necessary to show the correctness of the plans shall accompany the plans and specifications when required by the Building Inspector.
 - [1] On-site and off-site circulation.
 - [2] Parking.
 - [3] Grading.

- [4] Landscaping.
 - [5] Placement of utilities.
 - [6] Screening.
 - [7] Engineering for streets and utilities.
 - [8] Signage.
- D. Supplemental requirements. The Zoning Administrator or designee may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting and similar information. Conditional approval of a site plan may establish conditions for construction based on such information.
- E. Principles and standards for site plan review.
- (1) The following criteria have been set forth as a guide for evaluating the adequacy of proposed development. The Zoning Administrator or designee shall review the site plan for compliance with all applicable ordinances and the Comprehensive Plan; for harmony with surrounding uses and the overall plan for development of the Town; for the promotion of the health, safety, order, efficiency and economy of the Town; and for the maintenance of property values and the general welfare.
 - (2) Based upon his review, the Zoning Administrator or designee may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to:
 - (a) The site plan's compliance with all provisions of this chapter and other ordinances of the Town of Ledgeview, including but not limited to off-street parking and loading, lighting, open space and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration or heat.
 - (b) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
 - (c) The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values and negative impacts.
 - (d) The provision of a safe and efficient vehicular and pedestrian circulation system.
 - (e) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.[51]
 - (f) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings.
 - (g) The coordination of streets so as to compose a convenient system consistent with the Town's official street map.
 - (h) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and to complement the design and location of buildings and be integrated into the overall site design. Screening is to consist of a landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen trees and shrubs, and shall create an effective barrier. All trees shall be a minimum of two-inch caliper when planted.

- (i) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
 - (j) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
 - (k) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
 - (l) Protection and conservation of watercourses and areas subject to flooding.
 - (m) The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- [1] The decision of the Zoning Administrator or designee to approve or deny a site plan shall be final and binding, unless an appeal of said decision is made to the Zoning and Planning Committee. The appeal shall be filed, in writing, with the Town Zoning Administrator or designee not more than seven days after the date of the action taken by the Zoning Administrator or designee. The appeal shall state all reasons for dissatisfaction with the action of the Zoning Administrator or designee. If the Zoning and Planning Committee, by majority vote, deems the appeal to be without merit, it may refuse to accept the appeal, and the action of the Zoning Administrator or designee shall stand. If the Zoning and Planning Committee, by majority vote, accepts the appeal, the decision by the Zoning and Planning Committee to approve, conditionally approve, request modifications or deny a site plan shall be final and binding.

F. Effect of site plan approval.

- (1) If development of a lot with an approved site plan has not commenced within two years of the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and reapproval of the approved site plan by the Zoning Administrator or designee shall be required before a building permit may be issued. Said review and approval shall be evaluated according to the standards of Subsection **E**, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.
- (2) It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Zoning Administrator or designee shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site.

§ 135-247 Occupancy permit.

- A. No building or addition thereto constructed after the effective date of this chapter, and no addition to a previously existing building, shall be occupied until an occupancy permit has been issued by the Town Zoning Administrator or designee. No change in the use of a building shall be made until a permit has been issued by the Town Zoning Administrator or designee for such change of use.
- B. No occupancy permit shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator or designee to be in conformity with the plans and specifications upon which the building permit was based.
- C. The occupancy permit shall be issued, or notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than seven days after the Zoning Administrator or designee is notified, in writing, by the applicant that the premises or building is ready for occupancy.
- D. All occupancy permits shall be issued by the Ledgeview Zoning Administrator or designee.

§ 135-248 Variances.

- A. Application. An application for a variance shall be filed with the Zoning Administrator or designated

agent. The application shall contain such information as requested in the application provided by the Zoning Administrator or designee, as well as such other further information as the Zoning Administrator or designee may deem reasonably necessary to evaluate such request for a variance. The Zoning Board of Appeals shall hold a public hearing on each request for variance. Time, place and purpose of the hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Ledgeview. Due notice of the hearing shall be given to the appellant, as well as parties of interest and any other individual who has filed a request with the Zoning Administrator or designee for a written notice of the time and place of the appeal.

- B. Standards of variances. The Zoning Board of Appeals shall not vary the regulations, unless it shall make findings based upon the evidence presented to it in each specific case. Variances shall be granted in accordance with the following standards:
- (1) Because of the particular physical surrounding, shape or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - (2) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
 - (3) Alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property.
 - (4) Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - (5) Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- C. Authorized variances.
- (1) Except as specifically provided, no action of the Zoning Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.
 - (2) In every case where a variance from these regulations has been granted by the Zoning Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" would have been created by the literal enforcement of the terms of this chapter.

§ 135-249 Appeals.

- A. Scope of appeals.
- (1) Appeals to the Zoning Board of Appeals may be taken by any person alleging there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator in the enforcement of this chapter or of any other ordinance adopted pursuant to this chapter.
 - (2) Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator or designee a notice of appeal specifying the grounds thereof.
 - (3) The Zoning Administrator or his/her designated representative shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

B. Findings on appeals.

- (1) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him/her that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (2) The Zoning Board of Appeals shall hold a public hearing on each appeal. Time, place and purpose of the appeal shall be published as provided in the state law on planning and zoning and applicable to the Town of Ledgeview.
- (3) Due notice of the hearing shall be given to the appellant, as well as parties of interest and any other individual who has filed a request with the Zoning Administrator or designee for a written notice of the time and place of the appeal.
- (4) The Zoning Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- (5) The Zoning Board of Appeals may affirm or reverse, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in its opinion, ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.[52]

§ 135-250 **Zoning amendments.**

- A. Authority. The Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent and purposes of said changes as per Article **II** of this chapter.
- B. Initiation. Amendments may be proposed by a governmental body, interested person or organization.
- C. Application. An application for an amendment shall be filed with the Zoning Administrator or designated agent, and shall be in such form and accompanied by such information as required by the Zoning Administrator or designee. The Zoning Administrator or designee shall then immediately forward a copy of said application to the Chairperson of the Zoning and Planning Committee.
- D. Finding and recommendation.
 - (1) The Zoning and Planning Committee shall make written findings of fact and shall submit them, together with its recommendations, to the Town Board prior to the public hearing. Said written findings shall be submitted to the Town Board within 60 days from the date the application was received by the Zoning Administrator or designee. A failure of the Zoning and Planning Committee to submit written findings to the Town Board within the sixty-day period shall constitute a denial of the application by the Zoning and Planning Committee. The Zoning and Planning Committee shall have complied with this subsection concerning the submission of written findings to the Town Board upon receipt of the written findings by the Town Clerk for the Town of Ledgeview.
 - (2) Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Zoning and Planning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (a) Existing uses of property within the general area of property in question.

- (b) Zoning classification of property within the general area of the property in question.
 - (c) Suitability of property in question to the uses permitted under the existing zoning classification.
 - (d) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
 - (e) The Zoning and Planning Committee may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
 - (f) The Zoning and Planning Committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- E. Hearing notice. The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published as a class 2 notice under Ch. 985, Wis. Stats. Written notice mailed no later than 10 days in advance of the hearing shall be given to the applicant, as well as parties of interest. **[Amended 6-20-2006 by Ord. No. 2006-011]**
- F. Town Board action.
- (1) The Town Board shall not act upon a proposed amendment to this chapter until it shall have received a written report and recommendation from the Zoning and Planning Committee on the proposed amendment or until the sixty-day period set forth in Subsection **D(1)** has expired, whichever occurs first. Receipt of the recommendation by the Town Clerk shall constitute a formal receipt of the written recommendation from the Zoning and Planning Committee with respect to the proposed amendment.
 - (2) The Town Board may grant or deny any application for an amendment; provided, however, that in the event of a written protest against any proposed amendment to this chapter, duly signed and acknowledged by the owners of 20% or more of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective, except by a three-fourths vote of the full Town Board membership. Any protest petition filed hereunder must be filed within the office of the Town Clerk by noon on the Friday before the scheduled vote on the proposed zoning amendment. **[Amended 2-17-2015 by Ord. No. 2015-001]**
 - (3) The Town Board shall make a decision on the amendment within 60 days from the receipt of the Zoning and Planning Committee recommendation by the Town Clerk.
 - (4) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

§ 135-251 **Conditional uses.**

- A. Purpose. The purpose is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
- B. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this chapter in the zoning district in which the land is located.

- C. Application. The application for conditional use permit shall be filed with the Zoning Administrator or his/her designated agent on a form so prescribed by the Town of Ledgeview. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator or designee and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts.
- D. Zoning and Planning Committee action.
- (1) After the application for the conditional use has been reviewed by the Zoning and Planning Committee, a written recommendation shall be submitted by the Zoning and Planning Committee to the Town Board. For purposes of this section, said written recommendation shall be filed with the Town Clerk and such filing shall be deemed a filing with the Town Board.
 - (2) In its written recommendations, the Zoning and Planning Committee may recommend such conditions and restrictions upon the establishment, location, construction, maintenance, appearance and operation of the conditional use as the Zoning and Planning Committee deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this chapter. No conditional use shall be recommended by the Zoning and Planning Committee, unless said Zoning and Planning Committee shall find that the proposed use complies with Article **II**, Intent, Purpose and Severability.
 - (3) A failure of the Zoning and Planning Committee to serve upon the Town Clerk a written recommendation regarding said application for a conditional use permit within 60 days from the date said application was filed with the Zoning Administrator or his/her designated agent shall be deemed a denial of the conditional use permit by the Zoning and Planning Committee.
- E. Hearing notice. The Town Board shall hold a public hearing on each application for a conditional use permit. Time, place and purpose of the hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Ledgeview. Due notice of the hearing shall be given to the appellant, as well as parties of interest.[53]
- F. Town Board action.
- (1) Decision of Town Board. Conditional use permits shall only be granted by the Town Board. Within 60 days of the date on which the Town Clerk receives the written recommendation from the Zoning and Planning Committee, the Town Board shall make a determination concerning the issuance of the conditional use permit. If the Zoning and Planning Committee fails to render a written recommendation to the Town Clerk within 60 days from its receipt of the conditional use application as set forth in the previous subsection, then the Town Board shall have 120 days from the date in which the application for the conditional use permit was filed with the Zoning Administrator or his/her designated agent in which to make a determination regarding the application for the conditional use permit. It is the responsibility of the applicant to notify the Town Board, by means of notification to the Town Clerk, that the Zoning and Planning Committee has failed to take the necessary action as required in Subsection **D** hereinabove.
- G. Conditions and guaranties. When issuing a conditional use permit, the Town Board shall require such conditions and restrictions upon the establishment, location, construction, maintenance, appearance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements as specified in this chapter. In all cases in which conditional uses are granted, the Town Board may require such evidence and guaranties as it may deem necessary as proof that the conditions required in connection therewith are being fulfilled.

§ 135-252 Fees.

Any application for a conditional use permit, an appeal, zoning amendment or variance shall be accompanied by a fee as established by the Town. This fee shall not apply to any changes proposed by the

Town itself.

§ 135-253 Violations and penalties.

- A. Any building or structure hereinafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this chapter by any person, firm, association, corporation (including building contractors) or his/her/their agent shall be deemed an unlawful structure or use.
- B. Any person, firm or corporation who or which violates, disobeys, neglects, omits or refuses to comply with or who resists the enforcement of any of the provisions of this chapter may also be required, upon conviction, to forfeit a fee set by the Town Board for each offense, together with the costs of prosecution, and shall be imprisoned in the county jail of Brown County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.
- C. This section shall not preclude the Town of Ledgeview from maintaining any appropriate action to prevent or remove a violation of this chapter.

**Article XXVII
Official Zoning Map**

[Adopted 6-22-2004 by Ord. No. 2004-006]

§ 135-254 Official Zoning Map adopted; on file.

- A. The Town of Ledgeview is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Town of Ledgeview and made part of this chapter. The Official Zoning Map, and all the notations, references and other information found thereon, are a part of this chapter and shall have the same force and effect as if the matters and information set forth on said Map were fully described herein. The Official Zoning Map shall be property attested and kept on file along with the text of the Town Zoning Ordinances in the office of the Town Clerk-Treasurer.
- B. The District boundaries shall be determined by measurement from and as shown on the Official Zoning Map; in case of any question as to the interpretation of such boundary lines, the Plan Commission shall interpret the map according to the reasonable intent of this chapter. Unless otherwise specifically indicated or dimensioned on the Map, the District boundaries are normally lot lines; section, quarter-section or quarter-quarter section lines; or the center lines of streets, highways, railways or alleys.
- C. The Official Zoning Map, dated December 16, 2014, is hereby adopted as the Official Zoning Map of the Town. All further zoning changes shall be made by reference to the Map.[54] **[Amended 1-4-2010 by Ord. No. 2010-001; 3-17-2015 by Ord. No. 2015-003]**

**Article XXVIII
PDD-BP Planned Development District - Business Park**

[Added 12-19-2006 by Ord. No. 2006-016]

§ 135-255 Purpose and intent.

The intent of this article is to guide the future development of a business park that meets the goals, objectives, and policies of the Town's Comprehensive Plan and Ledgeview Business Park Master Plan by:

- A. Creating a signature entrance into the Town of Ledgeview and the Green Bay region.
- B. Providing a variety of high-quality office, highway-oriented commercial, pedestrian-oriented commercial, and light industrial uses positioned to address major roads and open spaces.

- C. Preserving natural areas such as ravines and streams and providing access to them with public open spaces.
- D. Organizing an interconnected network of trails to improve pedestrian and bike access within the business park.
- E. Providing natural landscaping, quality on-site signage, sufficient parking, and adequate stormwater management.
- F. Encouraging growth in generated property taxes for the Town.

§ 135-256 Applicability.

The PDD-BP District may apply to areas designated as Future Business Park in the Town of Ledgeview's Comprehensive Plan. This includes, at a minimum, the area around the Interstate 43/CTH MM interchange.

§ 135-257 Criteria for approval.

- A. As a basis for determining the acceptability of a PDD-BP development proposal, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of the Comprehensive Plan, the Ledgeview Business Park Master Plan, and this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.
- B. The criteria for approval within this chapter establish standards for each character area as identified in Figure 3 of the Ledgeview Business Park Master Plan. The criteria for approval contain the design parameters for buildings and streetscape, specifications for location and appearance of open spaces, requirements for landscape, and mix of uses and densities allowed per land use.
- C. Specific criteria:
 - (1) Structures shall be designed with a theme similar to that depicted in the Ledgeview Business Park Master Plan in terms of use of materials, architectural elements, building massing, and landscaping in and around the site. In all character areas throughout the PDD-BP, the PDD-BP development design shall achieve the following standards in addition to requirements contained within § 135-11 of the Code of the Town of Ledgeview:
 - (a) Building types.
 - [1] Architectural standards.
 - [a] Building facades facing major roads, such as Interstate 43 and county arterials, shall be designed with materials and details similar to that found on the front facade of the building. At a minimum, the facades shall be subdivided and proportioned using features such as windows, frames, sills and lintels, shading devices, and modulations of walls.
 - [b] All architectural elevations of buildings shall consist of a base, body, and cap. The base and the cap shall be clearly distinguishable from the body through changes in color, material, profile, or texture.
 - [c] Changes in massing shall relate to entrances, the integral structure and/or the organization or architecture of interior spaces and not exist solely for cosmetic effect.
 - [d] Every public structure shall have clearly defined, highly visible public entrances featuring architectural elements such as canopies or porticos, overhangs, arcades, raised parapets, arches or roof forms.
 - [e] Materials, colors, and textures. In addition to the requirements of § 135-11M(6)(c), all structures

shall meet the following standards:

- [i] Appropriate combinations of materials, colors, and textures shall be used in a theme consistent with the design of the overall PDD-BP and reflect the Ledgeview Business Park Design Guidelines.
- [ii] Materials, such as stone, brick, painted metal, and wood, or imitations thereof substantially imitating the appearance and quality of such materials, shall be used.
- [iii] Flat-faced concrete or cinder block is prohibited.
- [iv] EIFS is limited to dormers, gables, and soffits only.
- [v] Vinyl and or aluminum siding is permitted by conditional use permit only.
- [f] Themed color combinations for the site are required. The predominant colors on facades shall be subtle, neutral, or earth tone colors, and the material shall be low-reflectance.
- [g] Building design character shall not signify a particular brand or product, but rather be easily utilized for a wide variety of businesses.
- [h] Horizontal massing shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in the height and building setback.
- [i] Facades of buildings occupying more than 25,000 square feet and/or 60 feet or more of street frontage shall:
 - [i] Be designed with recess and projections, material changes, and other articulations every 30 to 60 feet, in order to break up large building masses and create the appearance of smaller buildings.
 - [ii] Avoid monolithic appearance on building frontages and rooflines. The larger box-type massing of such structures must be offset by breaking up building sections, or by the use of elements such as variable planes, projections, setbacks, and changes in rooflines.
 - [iii] Be subdivided and proportioned using features such as windows, frames, sills and lintels, shading devices, and modulations of the wall.
 - [iv] Have roofs that are visually interesting, with variations in the roofline and treatments such extended eaves and parapet walls with cornice treatments.
- [2] Exterior building lighting.
 - [a] Exterior architectural lighting for buildings and landscaping shall be ground-mounted.
 - [b] Lighting shall be directed away from residential properties. Exterior lighting shall not exceed 0.50 footcandles measured at noncommercial lot lines.
 - [c] All exterior lighting shall be a part of the architectural and landscape design concept in color, location, and type of lighting.
 - [d] Lighting fixtures shall complement the character of the public streetlighting, as depicted in the Ledgeview Business Park Design Guidelines.
- (b) Signage. All signs shall meet the requirements of Chapter **79**, Signs. All signage shall complement the theme of the business park, as depicted in the Ledgeview Business Park Master Plan.
- (c) Lot layout.

- [1] Where buildings are within 200 feet of public streets, buildings shall be parallel to the street.
 - [2] The site design for projects located at street corners shall provide special landscape treatment at street intersections to emphasize the corner.
 - [3] Where appropriate, the site design shall address and/or incorporate existing natural features, such as forested areas, streams, and topography.
 - [4] The clustering of smaller, visually compatible structures is desired over singular large structures.
 - [5] Parking areas shall be located behind principal buildings wherever possible. Where it is necessary to locate parking at the side of building, there shall be a landscape buffer not to exceed four feet in height between the parking area and all public streets. Off-street parking in front of buildings shall only be considered when no other design option is possible.
 - [6] On sites with multiple structures, all building entrances shall be connected through sidewalks and/or paths.
- (d) Buffers, fences, and walls.
- [1] Landscape buffers and screens shall have diverse elements, including, but not limited to, a combination of trees, shrubs, fences, ornamental masonry, and landscape berms.
 - [2] A shrub, border, hedge, wall, fence, earthen berm or other durable landscape barrier, or combination thereof, shall be at least four feet high, but not exceeding eight feet high, and shall be 90% impervious to sight placed along the perimeter of such landscaped strip except in the front yard setback. When a berm or plantings, or a combination thereof, is used as a buffer, it may exceed eight feet in height only upon approval of the Site Review/Zoning and Planning Committee.
- (e) Loading and service areas.
- [1] Service areas and refuse containers shall be located at the rear end of the site and screened from public view.
 - [2] Ground-mounted or wall-mounted equipment shall be screened and architecturally integrated into the building design.
 - [3] Plant materials used for screening must be of a suitable size and density to accomplish screening within five growing seasons.
- (f) Landscape and open space.
- [1] Street trees.
 - [a] Street trees shall be located at a maximum distance of 50 feet from one another along interior roads.
 - [b] Landscaped buffers shall be provided between all public streets and buildings/structures or parking.
 - [c] All public streets shall incorporate streetscape elements, such as trees, streetlighting, plantings, and signage.
 - [d] All streets shall incorporate street tree plantings, at minimum.
 - [2] Amount required.
 - [a] The landscape plan shall show plants that provide interest in structure, texture, and color located

along all public streets and in larger open spaces.

- [b] Where appropriate, private site design shall integrate landscaping and open space with the adjacent landscaping, open space, natural feature such as wetlands and forested areas.
 - [c] In cases where buildings are set back from the street edge, dense landscaping shall be located along the street edge to assist in defining the edge.
 - [d] Pedestrian trails shall be created along the ravine edge for recreational purposes.
 - [e] At the request of the applicant, the Town Board may reduce the minimum area devoted to open space. In acting on a request, the Board shall consider these factors: the relationship of the site to adjoining or nearby properties containing publicly owned open space; the known future uses of the adjoining properties; and whether or not a reduction would better achieve the goals of the Comprehensive Plan and the Ledgeview Business Park Master Plan.
- [3] Stormwater. In addition to the requirements of Chapter **90**, Stormwater Management, the proposed development shall meet the following criteria:
- [a] Stormwater management treatment systems shall preserve natural topography, protect natural features, and provide natural landscaping to increase infiltration and reduce runoff.
 - [b] Shared stormwater systems are encouraged.
 - [c] Detention basins shall be incorporated into the site design in the form of a landscape element.
 - [d] Stormwater shall be conveyed to on-site infiltration areas, and these areas shall be designed as site amenities.
- [4] Maintenance.
- [a] Landscaped elements shall be replaced and maintained in a timely manner.
 - [b] The property owner or lessee of the building shall be responsible for maintenance of the parking area, accessways, striping, landscaping, screening, and required fences.
- [5] Site plans shall include pedestrian/bike trails through open space areas and along the wetland and ravine edges, with allowances for future connections to trails in adjacent areas.
- (g) Off-street parking.
- [1] Off-street parking spaces shall not be used for open storage, sale, or rental of goods, or storage of inoperable vehicles without specific approval by the Planning Commission and Town Board within the PDD-BP approval.
 - [2] Parking access.
 - [a] The number of entrances and curb cuts shall be minimized. Wherever possible, vehicular access to internal circulation routes and off-street parking shall be through an internal drive.
 - [b] Adjacent parking lots shall be linked to provide internal traffic circulation.
 - [c] Pedestrian access shall be provided both within the site and between adjacent sites.
 - [d] Within the site, clear and safe pedestrian access shall be provided from the parking lot to primary building entrances through raised sidewalks, colored walkways, or a similar treatment.

- [e] Pedestrian circulation shall be coordinated and promoted between adjacent lots.
- [3] Landscaping. Landscape berms, walls, fences, and other landscape forms in parking areas shall be designed to allow pedestrian passage.
- [4] Lighting. All off-street parking lighting shall feature total cut-off luminaries with angles of less than 90°.
- (h) Street design.
 - [1] Right-of-way standards. Street right-of-way and design shall follow the approximate location of streets as designated in the Ledgeview Business Park Master Plan and shall conform to the following standards:

Street Type	Right-of-Way ¹ Width (feet)	Curb to Curb Width (feet)	Landscape Median (feet)	Driving Lane Width (feet)	Bike Lane	On-Street Parking	Terrace Width (feet)	Sidewalk Width (feet)
Eastern arterial	106	76	14	12	Yes	No	8	6
Regional arterial- two-lane	96	40	None	11	No	No	21	6
Regional arterial- four-lane	96	66	14	11	No	Yes	8	6
Light industrial/ big box commercial	60	28	None	12	No	No	8	6
Corporate campus	80	50	14	11	Yes	No	9	6
Village Center Type 1	78	38	None	11	No	Yes	8	13
Village Center Type 2	90	48	None	11	Yes	Yes	8	13

NOTES:

¹ Right-of-way includes the widths of the driving area, parking area, curbs, terraces (between sidewalk and street), and sidewalks.

- [2] Public space of street.
 - [a] Pathways shall connect all public building entrances and adjacent sidewalks.
 - [b] Street and sidewalk lighting shall be of a complementary style and color scheme, complementing the theme of the business park, as depicted in the Ledgeview Business Park Design Guidelines.
- (2) Within the Highway Commercial District, the PDD-BP development design shall achieve the

following additional standards:

- (a) Wherever possible, fueling pumps shall be located behind or to the side the principal structure, with the intent of locating the principal building close to public streets.
 - (b) The design of fueling pump islands shall be architecturally integrated with other on-site structures using similar colors, materials, and details.
 - (c) Drive-through elements shall be architecturally integrated into the building rather than appearing to be applied or stuck on to the building.
 - (d) The minimum area devoted to open space shall be 15% of the district.
- (3) Within the Light Industrial District, the PDD-BP development design shall achieve the following additional standards:
- (a) Whenever practicable, industrial buildings shall have an office component fronting county arterials. This office facade shall be subdivided and proportioned using architectural features such as windows, entrance features, arcades, porches, or treillage with vines along no less than 50% of the facade.
 - (b) No single establishment shall exceed a building footprint of 150,000 square feet as defined by the exterior walls. Any office component shall not count towards the 150,000 square feet.
 - (c) The minimum area devoted to open space shall be 25% of the district.
- (4) Within the Corporate/Support District, the PDD-BP development design shall achieve the following additional standards:
- (a) Structures shall include high-quality architecture, establishing an attractive impression for the gateway viewshed into the Town of Ledgeview. The structures shall exhibit high-quality style, construction, materials, and landscaping. High-quality building materials, such as brick, native stone or similar materials shall be used.
 - (b) The minimum area devoted to open space shall be 40% of the district.
- (5) Within the Big Box District, the PDD-BP development design shall achieve the following additional standards:
- (a) Parking areas.
 - [1] All parking areas shall be shared spaces for the entire Big Box District.
 - [2] All parking areas shall include parking accommodations for bicycles at a point conveniently close to the pedestrian/sidewalk areas and main entry of buildings. At least one bicycle stall per 10 automobile parking stalls shall be required.
 - [3] Off-street parking areas shall be on the side and rear of buildings, partially or completely screened from public rights-of-way. Off-street parking in front of buildings shall only be considered when no other design option is available or possible due to topography, natural features, or other such features.
 - [4] The primary entry to buildings shall have limited adjacent parking to encourage pedestrian activity.
 - [5] Developments shall have a designated maximum number of parking spaces.

- [6] The maximum number of parking spaces for each use shall be no greater than the minimum number of spaces for each use identified in § **135-204** of the Code of the Town of Ledgeview. The exact number of spaces shall be determined by the Town Board.
- [7] Parking lots may be allowed to include reserve parking areas that allow for future expansion if additional parking is necessary. A reserve parking area shall have future drive lanes and interconnectivity identified.
- [8] A reserve parking area shall be held as open green space. The green space may exceed 25% until such time that the parking lot is needed and developed or determined unnecessary and developed for another use that is approved by the Town of Ledgeview.
- [9] Parking areas shall have at least 10% landscaped green space within the parking area to include a variety of grass, plants, vegetation, and the required one tree for every 250 square feet of landscaped surface. Parking lot landscape islands shall be a minimum of eight feet wide (inside dimension) and each shall contain one tree.
- [10] Parking lots adjacent to other developments or streets shall be screened by wall, fence, and/or mounding. Landscaped berms, fences, walls, or the combination thereof shall not exceed 42 inches in height and shall be designed to allow pedestrian passage.
- (b) The minimum area devoted to open space shall be 15% of the district.
- (6) In case of multi-phase development, each phase of the development, whether standing independently or in conjunction with existing developed or proposed future contiguous phases, shall meet all the requirements of this article.

§ 135-258 **Conditional uses.**

- A. All uses that meet the intents of the district in which it is located may be conditionally permitted upon obtaining all necessary approvals under this article. These uses are subject to the regulations of this article and the approved application, and shall meet the spirit and intent of the Ledgeview Business Park Master Plan.
- B. Each use within the PDD-BP has unique characteristics and the interactions of mixed uses with existing adjacent uses shall be assessed during the approval process. Each use shall be allowed by issuance of a conditional use permit pursuant to the requirements of § **135-251** of the Code of the Town of Ledgeview. In addition to any applicable standards set forth in § **135-251**, the following issues shall be addressed:
 - (1) Location of stockpiles, processing areas, storage.
 - (2) Fencing of processing, storage, and shipping areas.
 - (3) Exterior lighting.
 - (4) Noise, vibration, and odor.
 - (5) Hours of operation.
 - (6) Traffic impacts.
 - (7) Litter, dust, and emission control.
 - (8) Water/sewer requirements.
- C. Mix of uses. A mix of different types of uses are encouraged in each of the districts. Each use shall

meet the intents of the district in which it is located, and each use shall support the operation of uses within the district.

D. Prohibited uses. The following categories of uses are not appropriate for any district within the PDD-BP.

- (1) Residential uses.
- (2) Agricultural uses.
- (3) Uses that may be permitted within the Heavy Industrial District.
- (4) Privately owned commercial uses that may be permitted within the Conservancy District.
- (5) Cemeteries and similar uses.
- (6) Sexually oriented adult entertainment establishments.
- (7) Off-site signage.

E. District intents.

- (1) Light Industrial. This district is a collection of employment-focused uses that do not negatively affect adjacent environmentally sensitive and residential areas. The uses are within buildings that shall be designed to create an attractive frontage to Interstate 43 and county arterials. Stockpiles, processing areas, and open storage shall not be visible from Interstate 43 and county arterials. Uses may be regularly served by large trucks. Uses that are sensitive to truck traffic and the noise and operation of light industrial uses are not appropriate for this district. Only educational, government, or social service uses directly connected to light industrial, distribution, or warehousing uses are appropriate.
- (2) Highway Commercial. This district is a collection of convenience uses for vehicular traffic along Interstate 43 and county arterials. The uses are within buildings that shall be oriented to the street, designed to create an attractive frontage to Interstate 43 and county arterials, and create a positive gateway impression for the Town of Ledgeview and the Green Bay region. The uses service both passenger vehicles and trucks. Auto-oriented retail service uses, such as fueling stations, convenience stores, drive-in restaurants, fast-food restaurants, and hotel/motel, would be appropriate uses. Only limited outdoor storage not visible from Interstate 43 and county arterials shall be allowed.
- (3) Corporate/Support. This district is a collection of regional employment uses, primarily located in office buildings, supported by very light industrial, distribution, or warehousing uses. The uses are within buildings that are designed to create visual appeal and landscaped setbacks with no outdoor storage. Uses and building design create an attractive frontage to Interstate 43 and county arterials and create a positive gateway impression for the Town of Ledgeview and the Green Bay region. Retail uses that support office and very light industrial uses, such as cafes, bookstores, banks and office equipment, would be appropriate uses. Medical facilities, government facilities, and adult educational facilities such as college, vocational, or trade schools, are appropriate uses. Appropriate uses are typically associated with larger structures surrounded by extensive open space and landscaping.
- (4) Big Box Commercial. This district is a collection of primarily retail uses that support the needs of nearby residential areas and employment centers, and that capture a portion of regional retail needs. High-traffic, regional uses are appropriate further from county arterial roadways. All indoor commercial uses and indoor public and civic uses are appropriate. Only limited outdoor storage not visible from Interstate 43 and county arterials shall be allowed.

F. Use standards. All uses are subject to the following standards.

- (1) Nuisance. No use shall be established, maintained, or conducted in any PDD-BP District that causes any of the following conditions.
 - (a) Dissemination of excessive noise, vibration, odor, dust, smoke, observation of gas or fumes or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
 - (b) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
 - (c) A harmful discharge of waste material.
 - (d) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
 - (e) Glare or heat that adversely affects adjoining properties.
- (2) Outdoor uses.
 - (a) Outside trash bins shall be screened from view by use of solid screening or fencing material.
 - (b) Outdoor machinery shall not be located within 75 feet of any noncommercially zoned property. Outdoor machinery shall be located a minimum of 75 feet from the adjoining major road.
 - (c) Entertainment outside of a completely enclosed building shall require an outdoor entertainment permit.
- (3) Open storage.
 - (a) Open storage of commodities and materials shall be conditionally permitted as an accessory use, provided that such open storage shall:
 - [1] Be screened from view from any street or any adjacent residentially zoned lot with solid screening (including solid entrance and exit gates) not less than six feet nor more than eight feet in height except for motor vehicles in operable condition;
 - [2] Be located behind the required building setback lines;
 - [3] Be located further from the front building setback line than the principal building;
 - [4] Observe all yard requirements;
 - [5] Have a maximum height not to exceed the height of the main building;
 - [6] Not exceed twenty-percent coverage of the lot area that lies behind the building setback lines;
 - (b) The standards referred to in Subsection **A** above shall not apply to new or used automobile dealer facilities that have outdoor display of vehicles for sale. Such display of vehicles shall be only by conditional use permit as an accessory use to a dealer facility which shall be approved as part of the overall approval of a site plan for an automobile dealer facility.
 - (c) The standards referred to in Subsection **A** above shall not apply to a nursery or greenhouse.
 - (d) Nothing in this section shall be deemed to prohibit temporary open storage of merchandise for display and sale during a sidewalk sale or farmers market.

- (e) Sale of fruit, vegetables, and other food products is permitted, provided all display of products shall be inside a completely enclosed building and such uses are carried on in connection with another use permitted in the district.

§ 135-259 Procedure for approval.

The procedure for approval of a PDD-BP development project shall consist of two phases:

- A. Preapplication conference. Prior to filing an application for PDD-BP, the applicant of the proposed PDD-BP shall arrange a conference with Town staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity the provisions of this chapter before incurring substantial expense in the preparation of plans, surveys, and other data.
 - (1) Preapplication submittal. The applicant shall submit the information described in § **135-260**, Preapplication conference submittals.
 - (2) Public information meeting. At the conclusion of the preapplication conference(s) with Town staff, the Zoning and Planning Committee may hold a public information meeting on the proposed PDD-BP development and, if the meeting occurs, notice shall be provided as required by law for all zoning code amendments.
- B. Application for approval.
 - (1) Application submittal. The applicant shall submit an application, as described in § **135-261**, Application for approval submittal, within 12 months of the date of the preapplication conference. The Zoning Administrator or designee shall inform the Zoning and Planning Committee of the application and establish a date for a meeting for the applicant and the Zoning and Planning Committee.
 - (2) Public hearing. The Zoning and Planning Committee shall hold a public hearing on the PDD-BP application, and notice shall be provided as required by law for all zoning code amendments.
 - (3) Committee recommendations. The Zoning and Planning Committee, after such discussions as may be required with the applicant and input from the public hearing, shall report, in writing, such proposed development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendation of the committee shall be made to the Town Board no later than four months from the date of the filing of the application with the Zoning Administrator or designee and receipt of any required supportive information. A recommendation of approval by the committee shall in no way be binding on the Town Board.
 - (4) Public hearing. The Town Board then shall have 60 days after receipt of the Zoning and Planning Committee recommendation to hold a public hearing. Notice shall be provided as required by law for all zoning code amendments.
 - (5) Town Board approval. The Town Board shall have 60 days post-hearing in which to make a decision regarding approval.
- C. Validity of PDD-BP. A PDD-BP project approved by the Town Board shall be valid for a period of six months. If a developer does not begin a project proposed within a PDD-BP within the approved time frame, the Town of Ledgeview shall exercise the following options:
 - (1) Extend the existing PDD-BP approval for another six months;
 - (2) Extend the existing PDD-BP approval for another six months with amendments; or

(3) Terminate any granted approvals and conditions.

D. Amendments.

(1) The Zoning and Planning Committee may authorize minor changes in the location, setting, and heights of buildings and structures without additional hearing if required by engineering or other circumstances not foreseen at the time the final plan was approved. No minor change authorized by this subsection may cause any of the following:

(a) A change in the use or character of the development.

(b) An increase in overall coverage of structures.

(c) An increase in the intensity of use.

(d) An increase in the problems of traffic circulation and public utilities.

(e) A reduction in approved open space.

(f) A reduction of off-street parking and loading spaces.

(g) A reduction in required pavement widths.

(2) All other changes in use, rearrangement of lots, blocks, and building's tracts, every change in the provision of open space, and changes other than listed above must be reviewed and approved by the Zoning and Planning Committee and Town Board.

(3) Amendments may be made if they are shown to be required by changes in Town policy.

§ 135-260 Preapplication conference submittal.

A. Information and fee. Proposed project information and development plans shall be submitted to the Zoning Administrator or designee with a written request for Town staff conference and review. The project information shall contain names, mailing addresses, and telephone numbers of all owners and developers and a description of the development site. The fee prescribed in the Town of Ledgeview fee schedule shall accompany the preapplication.

B. Information required. The following documents and information shall be provided by the applicant in adequate detail to satisfy Town staff. Where certain factors such as the size of the proposed district, its relationship to an adjacent neighborhood, land use, or other similar factors may render certain components irrelevant and to that extent such components need not be addressed.

(1) A statement describing how the proposed PDD-BP satisfies the intent of the Zoning Ordinance and is consistent with the applicable goals and objectives of the Town's Comprehensive Plan, Ledgeview Business Park Master Plan, and the Code of the Town of Ledgeview. If one or more characteristics of the PDD-BP delineated in § **135-257**, Criteria for approval, are missing, the applicant shall justify why all of the characteristics cannot or should not be provided.

(2) An accurate map of the project area drawn at a scale of no less than one inch equals 200 feet, showing the nature, use, and character of abutting properties, prepared by a registered surveyor.

(3) Proposed project information drawn at a scale of no less than one inch equals 200 feet, showing the following information in sufficient detail to make possible the evaluation of the criteria as set forth in § **135-257**, Criteria for approval:

(a) Tract boundaries and a statement of the total acreage of the tract.

- (b) Significant physical features within the tract, including existing two-foot contours, watercourses, drainage, ponds, lakes, wetlands, floodplains, floodways, environmentally sensitive areas, and proposed major changes in those features.
- (c) Zoning district(s) on and within 400 feet adjacent to the proposed project.
- (d) Property lines, if any, within the proposed project.
- (e) The general allocation of uses to each parcel in terms of office, retail, light industrial, open spaces, parks, recreation, and any other use category proposed by the applicant.
- (f) Location, lot coverage, square footage, and height of existing buildings.
- (g) Proposed location, lot coverage, square footage, and height of all structures and associated parking areas.
- (h) Existing rights-of-way and easements that may affect development patterns.
- (i) Proposed circulation systems (pedestrian, bicycle, auto, mass transit), designated by Streetscape Classification of the Ledgerview Business Park Design Guidelines and how they relate to the existing network outside this site.
- (j) Location of on-street and off-street parking, driveways, driveway access roads, loading facilities, waste collection areas, aboveground utilities, screening, and fencing.
- (k) The location of existing and proposed sanitary sewer and storm lines, water mains, fire hydrants, and lighting.
- (l) Location of signage.
- (m) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as gateways, public plazas, water features, parks, etc.
- (n) A description of the proposed system for drainage.
- (o) General landscape treatment.
- (4) Appropriate statistical data on the size of the development, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation under the criteria of § **135-257**, Criteria for approval.
- (5) A statement describing the types and contemplated intensity of use, i.e., number of prospective tenants in office, commercial, and industrial development. The preapplication shall show how each proposed land use satisfies the intents of the districts in which each is located and how each complies with the requirements of § **135-258**, Conditional uses.
- (6) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (7) General outline of intended organization structure related to the property owner's association, deed restrictions, and private provision of common services, if any.
- (8) In the case of plans that call for development in stages, a map at an appropriate scale showing the successive stages.
- (9) An economic feasibility and impact report may be required by the Town Board to provide satisfactory evidence of the project's economic feasibility, of available adequate financing and of its

not adversely affecting the economic prosperity of the Town or the values of surrounding properties.

§ 135-261 Application for approval submittal.

Petition for approval. The applicant shall file with the Zoning Administrator a petition executed by the owner of the property to be developed, or his/her agent, for approval, stating that he seeks to develop such property under the provisions of this article. Appropriate supporting documents and maps, as required in Subsection B, Information required, herein, shall be filed with the petition.

- A. The fee prescribed in the Town of Ledgeview fee schedule shall accompany the petition for approval.
- B. Information required:
 - (1) A statement describing how the proposed PDD-BP satisfies the intent of the Zoning Ordinance and is consistent with the applicable goals and objectives of the Town's Comprehensive Plan, Ledgeview Business Park Master Plan, and the Code of the Town of Ledgeview. If one or more characteristics of the PDD-BP delineated in § **135-257**, Criteria for approval, are missing from an application, the applicant shall justify why all of the characteristics cannot or should not be provided.
 - (2) A statement showing the starting and completion dates of the project.
 - (3) The names, mailing addresses, and telephone numbers of all owners and developers of the development site. In the event of a change in owners or developers during the consideration of the application or during the project construction period, notice shall be provided to the Town as soon as practicable of the information required herein for the new owner or developer.
 - (4) An accurate map of the project area drawn at a scale no less than one inch equals 100 feet and showing the nature, use, and character of abutting properties, prepared by a registered surveyor.
 - (5) An accurate topographical map showing topographical data at two-foot intervals and extending within 100 feet beyond the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof, and high-water elevations along rivers and waterways.
 - (6) A statement describing the types and contemplated intensity of use, i.e., number of prospective tenants in office, commercial, and industrial development. The application for approval shall show how each proposed land use satisfies the intents of the districts in which each is located and how each complies with the requirements of § **135-258**, Conditional uses.
 - (7) A statistical table showing the size of the site in square feet, size of proposed development in square feet, ratio of various land uses, the acreage (exclusive of public streets) of all proposed land uses and open areas (both in square feet and as a percentage of the project area), total amount of paved area in square feet, and proposed development intensities.
 - (8) A statement describing the development intensity and operation, including the following information:
 - (a) Development intensity, e.g., number of prospective tenants in office, commercial and industrial development.
 - (b) Square footage of buildings.
 - (c) Square footage of offices, production areas, and the proposed number of employees in each such area.
 - (d) Details of proposed use or uses and manner of operation.

- (e) Approximate costs of structures.
- (f) Such other design data as may be needed to evaluate the project.
- (9) A statement describing the open space intensity and operation, including the following information:
 - (a) Amount of required and provided landscaped open space in square feet and as a percentage of the site.
 - (b) Total trees required and provided, indicating on-site and off-site contribution.
- (10) General outline of intended organization structure related to the property owner's association, deed restrictions, and private provision on common services, if any.
- (11) Municipal services that may be required to serve the site.
- (12) A parking and loading needs study that demonstrates parking needs and requirements and includes strategies for dealing with these needs and requirements, including phasing plans, parking requirements and alternatives as provided in Article **XXI**, Off-Street Parking Requirements, as well as transportation demand management strategies.
- (13) Strategies for establishing shared stormwater management facilities, off-site stormwater management facilities, and the proposed phasing of the establishment of stormwater management facilities.
- (14) In the case of plans that call for development in stages, a map at an appropriate scale showing the successive stages.
- (15) A development plan of the proposed project drawn at a scale of no less than one inch equals 100 feet and showing the following information in sufficient detail to make possible the evaluation of the criteria as identified in § **135-257**, Criteria for approval.
 - (a) Tract boundaries and a statement of the total acreage of the tract.
 - (b) Significant physical features within the tract, including existing two-foot contours, watercourses, drainage, ponds, lakes, wetlands, floodplains, floodways, environmentally sensitive areas, and proposed major changes in those features.
 - (c) Zoning district(s) on and within 400 feet adjacent to the proposed project.
 - (d) Property lines, if any, within the proposed project.
 - (e) All contemplated land uses within the tract.
 - (f) Location, lot coverage, square footage, and height of existing buildings.
 - (g) Proposed location, lot coverage, square footage, and height of all structures and associated parking areas. For commercial and light industrial structures, square footage of offices, production areas, and the proposed number of employees in each such area.
 - (h) Existing rights-of-way and easements that may affect development patterns.
 - (i) Proposed circulation systems (pedestrian, bicycle, auto, mass transit), designated by Streetscape Classification of the Ledgeview Business Park Design Guidelines and how they relate to the existing network outside this site.

- (j) Location of on-street and off-street parking, driveways, driveway access roads, loading facilities, waste collection areas, aboveground utilities, screening, and fencing.
- (k) The location of existing and proposed sanitary sewer and storm lines, water mains, fire hydrants, and lighting.
- (l) Location of signage.
- (m) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as gateways, public plazas, water features, parks, etc.
- (n) A description of the proposed system for drainage.
- (o) General landscape treatment, including a statement regarding snow removal methods that will not harm or kill landscaping.
- (p) Indication of any site or building design methods used to conserve energy.
- (16) A picture book of the development laid out in a format similar to the Ledgeview Business Park Design Guidelines. At a minimum, the picture book shall include the following information:
 - (a) Development concept. Provide a brief summary and graphic renditions identifying how the project addresses a unified character, preserved open spaces, gateway features, attractive appearance from Interstate 43 and county arterials, utilities, interconnected streets and transportation and path networks, a mixture of uses and use types, redevelopment, site planning that respects terrain, and clear boundaries with rural areas.
 - [1] Architectural drawings of all buildings and structures and sketches showing typical floor plans of proposed structures.
 - [2] A scaled, colored elevation of the front, side, and rear facade of each structure. Identify specifically the elevations that face Interstate 43 and county arterials, as appropriate.
 - [3] Identify all roof-, wall-, and ground-mounted equipment and landscaping/screening.
 - (b) Architectural styles section.
 - [1] Identify building materials and colors on all sides and roof of structure.
 - [2] Provide color details and description for each material and material combination.
 - [3] Provide samples for complex or new materials.
 - (c) Materials, colors, and textures section.
 - [1] Identify building materials and colors on all sides and roof of structure.
 - [2] Provide color details and description for each material and material combination.
 - [3] Provide samples for complex or new materials.
 - (d) Roof form and pitch section.
 - [1] Identify roof pitch.
 - [2] Identify roof materials and colors.
 - [3] Provide samples for complex or new materials.
 - (e) Architectural ornamentation section.
 - [1] Identify location of individual architectural ornamentations, including size, colors, and types.

- [2] Provide scaled color rendition of architectural ornamentation.
- [3] Identify signage locations and size in relationship to ornamentation.
- (f) Facade treatments section.
 - [1] Identify materials used for specific facade treatments.
 - [2] Provide a sketch, rendition, or photo of each specific treatment.
- (g) Blocks and lots section.
 - [1] Provide a site plan identifying block and lot layout in relationship to existing and proposed buildings.
 - [2] Identify the uses on each lot and placement of buildings.
 - [3] A rendition of the layout is recommended.
- (h) Sidewalks and pedestrian paths section:
 - [1] Identify the interconnected layout of all sidewalks and pedestrian paths on a site plan.
 - [2] Provide rendition-identifying relationship between sidewalks, parking areas, streets, buildings, and existing developments.
 - [3] Provide a scaled drawing identifying dimensions of sidewalks.
 - [4] Identify materials, textures, and colors used in surface.
- (i) Streets section.
 - [1] Identify the interconnected layout of all streets on a site plan.
 - [2] Provide rendition-identifying relationship between sidewalks, parking areas, streets, buildings, and existing developments.
 - [3] Provide a scaled drawing identifying dimensions of sidewalks.
 - [4] Identify materials, textures, and colors used in surface.
- (j) Landscape section.
 - [1] Provide landscape plan(s) including specification of plant material, location, and size.
 - [2] Identify the interconnection of private open space and landscaping, public open space and landscaping, and site and regional environmental features.
- (k) Signage section.
 - [1] Provide scaled details of all signage.
 - [2] Identify color, type, lighting source, materials, and size.
 - [3] Identify how signage color, size, and style are compatible with building, sidewalk, street, and adjacent signage and buildings.

- [4] Identify if signage is temporary or permanent.
- (l) Lighting section.
 - [1] Identify lighting source.
 - [2] Identify pole and light style, color, and material.
 - [3] Provide graphic detail of lighting style and its relationship with the buildings, street, and sidewalk.
- (m) Open space section.
 - [1] Identify location.
 - [2] Identify the interconnectivity and access to sidewalks, streets, and building in a site plan and color renditions.
- (n) Parking areas section.
 - [1] Identify if development includes areas for shared parking.
 - [2] Provide a scaled site plan identifying drive lanes, parking stalls, and connections to streets and sidewalks.
 - [3] Provide dimensions for parking stalls and drive lanes.
 - [4] Identify reserve-parking areas.
 - [5] Identify required landscaping.
 - [6] The site plan must include a chart identifying the maximum allowed number of parking spaces and the existing number of parking spaces and proposed number of parking spaces if reserve-parking areas are built.
 - [7] Label landscaping areas and identify landscaping materials used (tree types and grass flower species).
- (17) An economic feasibility and impact report may be required by the Town Board to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and of its not adversely affecting the economic prosperity of the Town or the values of surrounding properties.
- (18) Any additional pertinent data, statements, drawings, or plans that may be required by the Zoning and Planning Committee or the Town Board.

§ 135-262 through § 135-269. (Reserved)

Article XXIX Wind-Energy Facility Regulation

[Added 8-21-2007 by Ord. No. 2007-014; amended 12-5-2016 by Ord. No. 2016-021]

§ 135-270 Purpose.

The purpose of this article is to provide standards for the issuance of conditional use permits for wind-energy facilities in the Town of Ledgeview. The State of Wisconsin encourages the proliferation of clean, renewable energy resources; however, despite the potential benefits of wind-energy facilities and their capacity for producing clean, renewable energy, large wind-energy facilities present serious potential health and safety hazards due to the nature of their size, motion and noise. This article is designed to

protect public health and safety as well as impose other reasonable regulations for the general public welfare that do not significantly increase the cost of wind-energy facilities, do not decrease the efficiency of wind-energy facilities or will allow for alternative systems of comparable cost and efficiency in conformity with § 66.0401, Wis. Stats.

§ 135-271 Definitions.

As used in this article, the following terms shall have the meanings indicated:

DECOMMISSIONING

Removal of all of the following:

- A. The aboveground portion of a wind-energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
- B. All belowground facilities, except the following:
 - (1) Underground collector circuit facilities.
 - (2) Those portions of concrete structures four feet or more below grade.

KARST FEATURE

An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.

MAXIMUM BLADE TIP HEIGHT

The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" shall mean the actual hub height plus the blade length.

NONPARTICIPATING PROPERTY

Real property that is not a participating property.

NONPARTICIPATING RESIDENCE

A residence located on nonparticipating property.

OCCUPIED COMMUNITY BUILDING

A school, church or similar place of worship, day-care facility or public library.

OWNER

- A. A person with a direct ownership interest in the wind-energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind-energy system.
- B. At the time a wind-energy system is being developed, a person who is acting as a wind-energy system developer by acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind-energy system, regardless of whether the person will own or operate the wind-energy system.

RESIDENCE

An occupied primary or secondary personal residence, including a manufactured home as defined in § 101.91(2), Wis. Stats., a hospital, a community-based residential facility, a residential care apartment complex or similar facility, or a nursing home, a temporarily unoccupied primary or secondary personal residence.

SHADOW FLICKER

A pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

TOTAL HEIGHT

When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

WIND TURBINE

A wind-energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any, provided that such a system shall only be a wind turbine for purposes of this article if it both has a total height greater than 170 feet and nameplate capacity of greater than 100 kilowatts.

WIND-ENERGY FACILITY, LARGE

An electricity-generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, meteorological towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It includes substations, meteorological towers, cables and wires and other buildings accessory to such facility.

WIND-ENERGY SYSTEM

The meaning given in § 66.0403(1)(m), Wis. Stats., and is used to convert wind energy to electrical energy.

WIND-ENERGY SYSTEM, SMALL

A wind-energy system that is used to generate electricity with a total height of 170 feet or less and that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

§ 135-272 Applicability.

This article is adopted and made applicable within the Town pursuant to the provisions of § PSC 128.10, Wis. Adm. Code. This article shall apply to all large wind-energy facilities. Large wind-energy facilities for which a required permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article; provided, however, that any such preexisting large wind-energy facility which does not provide energy for a continuous period of 12 months shall meet the requirements of this article prior to recommencing production of energy. No substantial modification or alteration to an existing large wind-energy facility shall be allowed without full compliance with this article.

§ 135-273 Permit application.

Applicants for a conditional use permit for a wind-energy facility, in addition to any other information generally required for conditional use permits, shall submit the following:

- A. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

- B. The name, address, legal corporate status and telephone number of the owner of the proposed large wind-energy facility. Should a permit be issued, this information shall be immediately updated with the Town Clerk upon any change during the life of the permit, and failure to do so shall be considered a violation of the conditional use permit.
- C. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind-energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), state and local building codes.
- D. The applicant shall also provide copies of the certificate of authority from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Assessment, if applicable.
- E. A description of the number and kind of wind-energy facilities to be installed.
- F. A description of the height and design of the facility, including a cross section, elevation, and diagram of how the wind-energy facility will be anchored to the ground.
- G. A site plan, drawn to a scale of not less than one inch to 50 feet, showing the parcel boundaries and a legal description, two-foot contours for the subject site and 100 feet beyond the subject site, Karst features, support facilities, access, proposed landscaping and fencing.
- H. A detailed overview map, including parcel lines, of the precise location for all large wind turbine towers as part of the proposed project in the Town of Ledgeview.
- I. Photo exhibits visualizing the proposed wind-energy facility.
- J. A statement from the applicant that all wind-energy facilities will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.
- K. A copy of the lease with the landowner if the applicant does not own the land upon which the proposed large wind-energy facility(ies) is proposed to be located. A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the conditional use permit, if approved.
- L. A statement indicating what hazardous materials will be used and stored on the site and how those materials will be stored.
- M. A statement describing all lighting for the large wind-energy facility, including an explanation demonstrating that lighting is the minimum necessary for safety or security purposes as well as a description of all techniques used to minimize glare. A signed copy of the Federal Aviation Administration (FAA) approval shall be supplied to the Town.
- N. Any other information requested by the Town Board deemed reasonably necessary to evaluate the conditional use application, including, but not limited to, an avian risk study.

§ 135-274 Preapplication proceedings.

- A. Preapplication notice.
 - (1) Preapplication notice. At least 90 days before an owner files an application to construct either a large wind-energy facility or a small wind-energy system, the applicant shall use commercially reasonable methods to provide written notice of the planned wind-energy system to all of the following and shall provide the Town with confirmation of such notice:
 - (a) All landowners within one mile of a planned wind turbine host property.

- (b) The Town of Ledgeview.
- (c) Emergency first responders and air ambulance service providers serving the Town.
- (d) All state and federal regulatory agencies identified in § PSC 128.105(1), Wis. Adm. Code.
- (2) Preapplication notice requirements. The owner shall include all of the following information in the preapplication notice provided in Subsection A(1) hereof:
 - (a) A complete description of the proposed wind-energy system, including the number and size of the planned wind turbines.
 - (b) A map showing the planned location of all wind-energy system facilities.
 - (c) Contact information for the owner.
 - (d) A list of all potential permits or approvals the owner anticipates will be necessary for the construction of the proposed wind-energy system.
 - (e) Whether the owner is requesting a joint application review process with the Commission and the Town under § PSC 128.30(7), Wis. Adm. Code.
- B. Preapplication public meeting. An applicant for a large wind-energy facility may request, at the applicant's expense, a preapplication public meeting with the Town Board and Planning Commission, at which no official Town action shall be taken. A preapplication public meeting may be held in order for the applicant to:
 - (1) Inform Town residents of the project.
 - (2) Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a wind turbine tower.
 - (3) Provide answers to Town residents' questions.
 - (4) Solicit input from Town residents regarding locations for wind turbine towers within the areas of the Town that meet the requirements of the Town ordinance, so that exact locations of wind turbine towers may be identified on the conditional use application by the applicant when submitted to the Town.
- C. Town residents not able to attend the meeting shall have the option to provide written comments or questions to the applicant.
- D. In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.

§ 135-275 General conditions.

The following conditions shall be attached to all conditional use permits under this section:

- A. A building permit shall be obtained from the Town Building Inspector prior to construction. Separate permits shall be required for each wind turbine.
- B. Building permit issuance shall be conditioned upon submittal and approval of a site grading, erosion control and stormwater drainage plan by the Town Engineer.
- C. Any other required permits to construct and operate a wind-energy facility must be obtained.

- D. Offices, vehicle storage, or other outdoor storage shall not be permitted. One accessory storage building may be permitted per wind turbine if specifically authorized by the Town Board. All accessory structures shall be constructed with a precast concrete roof to withstand ice that may fall off the towers. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.
- E. A certificate of insurance with a liability coverage of a minimum of \$2,000,000 per incidence, per occurrence, shall be filed with the Town Clerk prior to construction, naming the Town of Ledgeview as additional insured. Each renewal period will require a copy of the certificate of insurance be provided to the Town of Ledgeview. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the conditional use permit.
- F. An irrevocable letter of credit, bond, or cash escrow, held in trust in favor of the Town of Ledgeview, to recover the costs associated with removal of a use terminated wind generator and appurtenant facilities shall be filed with the Town Clerk prior to construction. The amount of the irrevocable letter of credit, bond, or cash escrow shall be set by the Town Board prior to conditional use permit approval and shall remain in effect until released by the Town or the wind-energy facility is completely dismantled and removed from the site.
- G. Construction shall commence within 12 months of conditional use permit issuance and be completed within 36 months of conditional use permit issuance, unless an alternate timeline is approved by the Town Board. Upon request of an applicant, and for good cause, the Town Board may grant an extension of time.
- H. Copies of all as-built plans, including structural engineering and electrical plans for all towers following construction, to the Town to use for removal of the large wind-energy facility, if the large wind-energy facility owner or its assigns fail to meet the requirements of this article.
- I. The owner of a large wind-energy facility shall defend, indemnify, and hold harmless the Town of Ledgeview and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind-energy facility without limitation, whether said liability is premised on contract or tort.
- J. Any other conditions to ensure safety and a proper land use fit to the surrounding area.

§ 135-276 Design, siting and installation conditions and criteria.

The following design, siting and installation conditions and criteria shall be conditions of the conditional use permit:

- A. Design conditions and criteria.
 - (1) Wind turbines shall be painted a nonreflective, nonobtrusive color, such as gray, white, or off-white.
 - (2) The blade tip of any wind turbine shall have a minimum ground clearance of 75 feet at its lowest point.
 - (3) The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the large wind-energy facility to the natural setting and existing environment.
 - (4) All landscaping shall be properly maintained, including grass cutting.
 - (5) Wind-energy facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration.

- (6) No form of advertising visible from any public right-of-way or neighboring property shall be allowed on the pole, turbine, blades, or accessory buildings or facilities associated with the use of the large wind-energy facility.
- (7) All wind-energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- (8) Large wind-energy facilities shall comply with all applicable building, electrical and other codes and standards.
- (9) Electrical controls, control wiring, and power lines shall be wireless or not above the ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

B. Siting conditions and criteria.

- (1) The owner shall design and construct the wind-energy system using the wind turbine setback distances prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code, and the provisions of § **135-277** of this Code.
- (2) The owner shall measure the wind turbine setback distances as a straight line from the vertical center line of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- (3) The owner shall work with the Town and the owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (4) The owner of a nonparticipating residence or occupied building may waive the applicable wind turbine setback distances prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code, for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distances prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code, from a nonparticipating property line.

C. Installation conditions and criteria.

- (1) The applicant shall reimburse the relevant governmental entity (e.g., the Town for Town roads and Brown County for county highways) for any and all repairs and reconstruction to the public roads, culverts, and natural drainageways resulting from the construction of the large wind-energy facility. A qualified independent third party, agreed to by the relevant governmental entity and permittee, and paid for by the permittee, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the large wind-energy facility and again within 30 days after the large wind-energy facility project is completed. Any road damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense.
- (2) Where large wind-energy facility construction cuts through a private or public drain tile field, the drain tile shall be repaired and reconnected to properly drain the site to the satisfaction of the landowner.
- (3) Any recorded access easement across private lands to a large wind-energy facility shall in addition to naming the large wind-energy facility owner as having access to the easement shall also name the Town of Ledgeview as having access to the easement for purposes of inspection or decommissioning with twenty-four-hour advance notice to the property owners and large wind-energy facility owner.

- (4) The owner of a large wind-energy facility shall reimburse the Town of Ledgeview for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. The Town shall submit copies of all related Town-paid invoices to the large wind-energy facility owner for repayment to the Town.

§ 135-277 Setback requirements for wind turbines.

In addition to the siting conditions and criteria set out in § **135-276B**, the following setback requirements shall be conditions of the conditional use permit applicable to each wind turbine:

- A. Inhabited structures. Each wind turbine shall be set back from the nearest inhabited building a distance as prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code. The Town Board may modify this requirement upon the consent of the owner of the relevant building to decrease the setback. In no instance shall the setback be decreased to less than 1.1 times the total height of the wind turbine. A consent to such modification shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.
- B. Property lines. Each wind turbine shall be set back from the nearest property line a distance as prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code. The Board may modify this provision where strict enforcement would not serve the public interest and upon consent of the neighboring property owner impacted by the waiver. A consent to such modification shall be signed by the impacted property owner(s) and recorded with the Brown County Register of Deeds.
- C. Public roads. Each wind turbine shall be set back from the nearest public road right-of-way a distance of no less than 1.1 times the maximum blade tip height. The Town Board may modify this provision where the public interest in erecting the wind turbine is outweighed by the public interest in strict enforcement of this setback.
- D. Communication and utility lines. The large wind-energy facility must meet all utility company setbacks and/or easements as well as the setback provisions prescribed in TABLE 1 of § PSC 128.13(1)(a), Wis. Adm. Code. The owner of the large wind-energy facility is responsible for contacting the appropriate utility to determine the location of all above the ground and underground utility lines, including, but not limited to, electricity, natural gas, petroleum, propane, cable television, and fiber optic. Utility line and/or easement locations shall be provided to the Town of Ledgeview for verification.
- E. Niagara escarpment ledge face. Due to the significance of the Niagara escarpment ledge face to the character of the Town, the karst features, including, but not limited to, sinkholes and fractured bedrock associated with the Niagara escarpment, the potential for groundwater contamination and impact on nearby wells from blasting, and the potential impact on endangered plants and animals, each wind turbine shall be set back a minimum of 1,500 feet from the Niagara escarpment ledge face. A map depicting this setback from the ledge face is on file with the Town of Ledgeview. This setback may be modified by the Town Board where such modification does not adversely impact the public health or safety and if such modification is necessary to avoid significant increases in the cost of the proposed system or significant decreases in system efficiency, or no alternative system of comparable cost or efficiency can be installed without modification of this setback.

§ 135-278 Noise and vibration requirements.

The following noise and vibration requirements shall be conditions of the conditional use permit:

- A. An owner shall operate the wind-energy system so that the noise attributable to the wind-energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours unless a waiver is obtained from the affected property owners in accordance with Subsection **F** hereof. If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional

measurements to evaluate compliance in addition to those specified by this section.

- B. Wind-energy facilities shall not create a steady, pure tone, such as a whine, screech, hum, or vibration audible from any residence, school, hospital, church or public library existing on the date of issuance of any building permit for a wind turbine. In the event audible noise due to wind-energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This provision does not apply to sound the wind-energy system produces under normal operating conditions. A pure tone exists if the 1/3 octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two contiguous 1/3 octave bands by 5 dBA for center frequencies of 500 Hz and above, by 8 dBA for center frequencies between 160 Hz and 400 Hz, or by 15 dBA for center frequencies less than or equal to 125 Hz.
- C. In the event the ambient noise level (exclusive of the wind-energy facility) exceeds the applicable standard given herein, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed 30 mph at the ambient noise level measurement location.
- D. Any noise level measurement falling between two whole decibels shall be rounded up.
- E. Any noise monitoring or measurements deemed necessary in the reasonable discretion of the Town Board to determine compliance with the conditional use permit shall be considered a service to the property and shall be paid for by the applicant or wind turbine facility owner, and if not paid within 30 days, written notice, a copy of which shall be mailed to the owner of the property if different from the applicant or wind facility owner, may be placed on the tax roll as a special charge pursuant to § 66.0627, Wis. Stats.
- F. In the event the noise levels resulting from the wind-energy facility exceed the criteria listed above, a modification to such levels may be granted by the Town Board, provided that the following has been accomplished:
 - (1) Written waiver from the affected property owner(s) has been obtained stating that they are aware of the large wind-energy facility and noise limitations imposed by this article and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - (2) A noise impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this article may exist on or at the burdened property.
- G. Upon receipt of a complaint regarding a violation of the noise standards in this section, an owner shall test for compliance with the noise limits in Subsection A hereof. The Town Board may require additional testing to show compliance with the noise limits in Subsection A hereof if the owner has not provided the results of an accurate test conducted within two years of the date of the complaint showing that the wind-energy system is in compliance with the noise limits set out in Subsection A hereof at the location relating to the complaint.
- H. Notification.
 - (1) Before entering into a waiver agreement under Subsection F hereof, an owner of a wind-energy

system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.

- (2) Before the initial operation of the wind-energy system, an owner of a wind-energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a waiver agreement under Subsection **F** hereof.
- (3) All notices required hereunder shall comply with the provisions of § PSC 128.30, Wis. Adm. Code.

§ 135-279 Signal interference.

The following signal interference requirements shall be conditions of the conditional use permit.

- A. An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable. An owner may not construct wind-energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The Town may require an owner to provide information showing that wind turbines and other wind-energy system facilities will be in compliance with this subsection.
- B. As a further condition of the conditional use permit, all interference with electromagnetic communications, such as radio, telephone, computers or television signals, including any public agency radio systems, shall be substantially mitigated. Public utilities shall comply with Ch. PSC 113, Subch. VII, Wis. Adm. Code.
- C. All signal interference mitigation undertaken by an owner hereunder shall comply with the provisions of § PSC 128.16, Wis. Adm. Code.

§ 135-280 Shadow flicker.

Conditions shall be imposed to minimize or mitigate shadow flicker to any occupied building on the property of nonconsenting landowners. The following shadow flicker limitations and requirements shall be conditions of the conditional use permit:

- A. The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under § PSC 128.15(5), Wis. Adm. Code, or for which complete publicly available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under § PSC 128.15(5), Wis. Adm. Code.
- B. An owner shall design the proposed wind-energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable. An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind-energy system and shall design the wind-energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
- C. An owner shall operate the wind-energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind-energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.
- D. An owner of a wind-energy system shall:
 - (1) Work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable. An owner shall provide reasonable

shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.

- (2) Shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.
- E. An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required hereunder and under the provisions of § PSC 128.15, Wis. Adm. Code. The requirement to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind-energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind-energy system owner's expense.
- F. An owner of a wind-energy system and an owner of an affected nonparticipating residence or occupied community building may enter into an agreement relieving the wind-energy system owner of shadow flicker requirements hereunder at the affected nonparticipating residence or occupied community building. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building shall be an encumbrance on the real property and runs with the land until the wind-energy system is decommissioned and shall be recorded under Ch. 706, Wis. Stats., as provided under § PSC 128.15(4), Wis. Adm. Code.
- G. Notification.
 - (1) Before entering into a waiver agreement under Subsection **F** hereof, a wind-energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.
 - (2) Before the initial operation of the wind-energy system, a wind-energy system owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a waiver agreement under Subsection **F** hereof.
 - (3) All notices required hereunder shall comply with the provisions of § PSC 128.30, Wis. Adm. Code.

§ 135-281 Construction and operation requirements and conditions.

- A. Physical characteristics.
 - (1) No advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine may be displayed on any wind turbine. No flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine may be attached to any wind turbine. An owner may attach a safety feature or wind-monitoring device to a wind turbine.
 - (2) The owner shall ensure that each wind turbine has a conventional or unobtrusive finish.
 - (3) The owner shall install lighting at a wind-energy system that complies with standards established by

the Federal Aviation Administration. The Town may require use of shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground.

- (4) The owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
- (5) The owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
- (6) The owner shall place appropriate warning signage on or at the base of each wind turbine.
- (7) The owner shall post and maintain up-to-date signs containing a twenty-four-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind-energy system. The owner shall post and maintain these signs at every intersection of a wind-energy system access road with a public road and at each wind turbine location.
- (8) The owner shall clearly mark guy wires and supports for a wind-energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low-flying aircraft under fair weather conditions.

B. Electrical standards.

- (1) The owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the National Electrical Safety Code and Ch. PSC 114, Wis. Adm. Code, and shall construct, maintain, and operate all wind-energy system facilities in a manner that complies with the National Electrical Code.
- (2) The owner shall construct collector circuit facilities for a wind-energy system underground to the extent practicable.
- (3) The owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.
- (4) The owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind-energy system facility pursuant to the stray voltage protocol established by the PSC before any wind-energy system construction activity that may interfere with testing commences and again after construction of the wind-energy system is completed, except as otherwise specified by the PSC. In compliance herewith, the owner shall:
 - (a) Before any testing hereunder, work with the PSC and the Town to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required shall conduct or arrange to conduct all required testing at the expense of the owner.
 - (b) Provide the PSC and the Town, in writing, with the results of all stray voltage testing.
 - (c) Work with the electric distribution company and farmowner to rectify any stray voltage problems attributable to the construction and operation of the wind-energy system, in compliance with the Commission's stray voltage protocol.

C. Construction, operation, and maintenance standards.

- (1) An owner shall construct, operate, repair, maintain and replace wind-energy system facilities as needed to keep the wind-energy system in good repair and operating condition and in a manner that protects individuals from injury.
- (2) An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind-energy system. A political subdivision may establish reasonable requirements designed to minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land.
- (3) Except for the area physically occupied by the wind-energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
- (4) An owner shall carry and maintain in place general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind-energy system and shall include turbine host property owners as additional insured persons on the policy.

D. Emergency procedures.

- (1) An owner shall notify the Town of the occurrence and nature of a wind-energy system emergency within 24 hours of the wind-energy system emergency.
 - (2) An owner shall work with the Town and with local fire, police, and other appropriate first responders serving the wind-energy system to create effective emergency plans that include all of the following:
 - (a) A list of the types of wind-energy system emergencies that require notification under Subsection **D(1)** above.
 - (b) Current emergency contact information for first responders and for the wind-energy system owner, including names and phone numbers.
 - (c) Procedures for handling different types of wind-energy system emergencies, including written procedures that provide for shutting down the wind-energy system or a portion of the system as appropriate.
 - (d) Duties and responsibilities of the owner and of first responders in the event of a wind-energy system emergency.
 - (e) An emergency evacuation plan for the area within 0.5 mile of any wind-energy system facility, including the location of alternate landing zones for emergency services aircraft.
 - (3) The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
 - (4) The owner shall provide current copies of the emergency plan to the Town and local fire, police and other appropriate first responders as identified by the political subdivision.
- E. The Town may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind-energy system emergency until the wind-energy system has been decommissioned.

F. An owner of a wind-energy system shall do all of the following:

- (1) Furnish its operator, supervisors and employees who are responsible for emergency action a copy of

the current edition of the emergency procedures established under this section to ensure compliance with those procedures.

- (2) Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
- (3) As soon as possible after the end of a wind-energy system emergency, review employee activities to determine whether the procedures were effectively followed.

§ 135-282 **Additional safety conditions.**

- A. All wiring between wind turbines and the large wind-energy facility substation shall be underground.
- B. Wind turbine towers shall not be climbable up to 15 feet above ground level and must be located inside of the tower.
- C. All access doors to wind turbine towers and electrical equipment shall be locked at all times when not being serviced or attended to by authorized personnel.
- D. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and large wind-energy facility entrances.
- E. The large wind-energy facility site and all structures shall provide an annual inspection of structural stability, paid by the large wind-energy facility owner, with a report filed with the Town Clerk.
- F. The owner/operator of the large wind-energy facility shall coordinate with the Wisconsin Public Service Commission (PSC) to test for stray voltage before, during, and after construction upon request by the Ledgeview Zoning Administrator.
- G. All substations shall be fenced to prevent public access. Chain-link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier of at least 75%.
- H. The owner/operator of the large wind-energy facility shall clearly post and maintain at each facility a twenty-four-hour-per-day manned telephone number in case of an emergency.
- I. The owner or operator of the large wind-energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever requested.
- J. The owner/operator of the large wind-energy facility shall provide a company representative to accompany the local Fire Department Fire Inspector during site visits. The owner/operator of the large wind-energy facility shall comply with all applicable laws regarding those inspections.
- K. All reasonable precautions shall be taken to prevent health and safety risks due to ice shedding.

§ 135-283 **Decommissioning.**

- A. The owner of any wind-energy facility shall immediately notify the Town when the facility is to discontinue operation. Decommissioning and removal of the wind-energy facility shall occur pursuant to and in compliance with the provisions of § PSC 128.19, Wis. Adm. Code, and subject to the time limits made and provided therein.
- B. Within 210 days of notice of discontinuation, all wind-energy facilities shall be removed from the site and all easements appurtenant to such facilities shall be released at the expense of the owner of the wind-energy facility. The Town Board may grant reasonable extensions of time for good cause upon request.
- C. The site shall be stabilized, graded, and cleared of any debris by the owner of the facility or its assigns. Unless the site is to be used for agricultural purposes, the site shall be seeded to prevent soil

erosion.

- D. Any foundation shall be removed to a minimum depth of 10 feet below grade, or to the level of the bedrock if less than 10 feet below grade, by the owner of the facility or its assigns. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.
- E. Any wind turbine or energy facility that does not produce energy for a continuous period of 12 months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be removed consistent with this section. Abandonment of any wind-energy facility shall result in revocation of the conditional use permit and render such facilities as unlawful structures.
- F. Notification.
 - (1) An owner shall file a notice of decommissioning completion with the political subdivision and the Commission when a wind-energy system approved by the Town has been decommissioned and removed.
 - (2) Within 360 days of receiving a notice of decommissioning, the Town shall determine whether the owner has satisfied the requirements of § PSC 128.19, Wis. Adm. Code.

§ 135-284 Fees.

The application fee for a conditional use permit under this article shall be as established in § **1-19** of the Code of the Town of Ledgeview plus the actual cost of all required legal notices and fees for required Town consultants, including, but not limited to, legal and engineering review.

§ 135-285 Enforcement; violations and penalties.

No person shall erect, move or structurally alter a wind-energy facility or component thereof in violation of the provisions of this article.

- A. Any wind-energy facility that does not meet the requirements of this article, including, but not limited to, those dealing with noise or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the facility an unlawful structure.
- B. The Zoning Administrator shall report all such violations to the Town Board, which may then refer the matter to the Town Attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.
- C. Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this article; shall upon conviction thereof forfeit no less than \$1,000 nor more than \$10,000 per offense together with the costs of prosecution. Each violation and each day of violation shall constitute a separate offense.
- D. This section shall not preclude the Town of Ledgeview from maintaining any appropriate action to prevent or remove a violation of this article.

§ 135-286 Severability.

Any provision of this article shall be considered severable from any other portion or any other language in this Code of Ordinances. If any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining provisions of this article.

Attachments:

[135a Table 1](#)

[135b Table 2](#)

[135c Table 3](#)

[135d Table 4](#)

From: Charlotte Nagel
To: [Clayton, Christopher R - DATCP](#)
Cc: [Vanessa Wishart](#); [Sarah Burdette](#)
Subject: Ledgeview Ordinance Chapter 135
Date: Monday, May 20, 2019 3:31:49 PM
Attachments: [image001.png](#)
[Chapter 135 Redlined -FULL Ordinance w. Revisions 18-12-11.pdf](#)

Chris,

Per our conversation, attached is the ordinance Chapter 135 redlined version that was adopted December 11, 2018. Please let us know if anything else is needed.

Sincerely,

Char

Charlotte Nagel, Clerk



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