

Ordinance No. 2019-02

Town of Ledgeview  
Brown County, Wisconsin

AN ORDINANCE TO AMEND CHAPTER 135 ZONING,  
SECTIONS 08-DEFINITIONS, 244.5-ZONING APPEAL,  
245-BUILDING PERMITS, AND 246-SITE PLANS RELATING TO PLATTING

The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:

Section 1: Chapter 135 Zoning, Sections 08-Definitions, 244.5-Zoning Appeal, 245-Building Permits, and 246-Site Plans relating to platting of the Town of Ledgeview Municipal Code is hereby amended to read as follows:

**§ 135-08 Definitions.**

**Add the following definition:**

**DEVELOPMENT**

**Development means the division of land into two or more parcels; adjustment of lot lines between two or more abutting parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; or any use or extension of use of land.**

**§ 135-244.5 Zoning Approval.**

- A. Review of development required. No development, as defined in Section 138-8, of any kind on any parcel of land in the town shall commence until the plans for such development have been reviewed for compliance with the provisions of this chapter and approved by the Ledgeview Zoning Administrator in accordance with the regulations in this division.**
- B. Plat or survey requirements. All requests for zoning approval shall be accompanied by a recorded subdivision plat or certified survey map of the lot or parcel of land upon which such development is proposed, unless such recorded plat or survey is on file with the Ledgeview Zoning Administrator.**

**§ 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 **§135-244.5 Zoning approval and §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.
    - (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.

**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: \_\_\_\_\_, 2019

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Philip J. Danen, Chairman

ATTEST:

I, Charlotte K. Nagel, Clerk of the Town of Ledgeview, do hereby certify that the attached resolution is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held \_\_\_\_\_, 2019.

Set my hand and official seal this \_\_\_\_\_, 2019

\_\_\_\_\_  
Charlotte K. Nagel, Town Clerk

Posted: \_\_\_\_\_

Published: \_\_\_\_\_