

Enrolled 158-159
PROPOSED ORDINANCE 158-163

1
2
3 AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY
4 REPEALING AND RECREATING VARIOUS SECTIONS (ZT-1507)
5

6 WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board
7 on November 3, 2003 and February 4, 2004, after Public Hearing, and the giving of requisite
8 notice of said hearing, and duly referred to and considered by the Waukesha County Park and
9 Planning Commission, and a recommendation for approval, thereon reported to the Land Use,
10 Parks and Environment Committee and the Waukesha County Board of Supervisors, as required
11 by Section 60.61 of the Wisconsin State Statutes.
12

13 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
14 ORDAIN that the Text of the Town of Eagle Zoning Code, adopted by the Town of Eagle on
15 December 1, 1990, is hereby amended by repealing and recreating various sections, more
16 specifically described in the "Staff Report and Recommendation" on file in the office of the
17 Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by
18 reference (ZT-1507), is hereby approved.
19

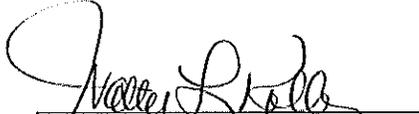
20 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
21 this Ordinance with the Town Clerk of Eagle.
22

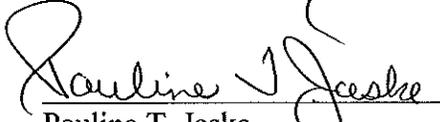
23 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
24 approval and publication.
25

26 BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of
27 provisions of this Ordinance are hereby repealed.

AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY
REPEALING AND RECREATING VARIOUS SECTIONS (ZT-1507)

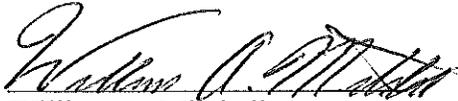
Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz


Scott J. Klein


William A. Mitchell

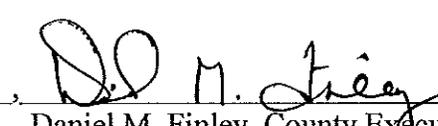

Daniel Pavelko


Vera Stroud

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 4-16-04, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:
Vetoed:
Date: 4-19-04, 
Daniel M. Finley, County Executive

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Code hereby recommends approval of (ZT-1507 Text Amendment) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

March 18, 2004

Absent
Betty Willert, Chairperson

Vy Janusonis
Vy Janusonis

Absent - Left at 4:15pm
Mareth Kipp

Absent
Ellen Gennrich

Walter Kolb
Walter Kolb

Absent - left at 4:00pm
Joseph LaPorte

Walter Baade
Walter Baade

Robert Hamilton
Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING TEXT AMENDMENT

FILE NO.: ZT-1507

TAX KEY NO.: N/A

DATE: March 18, 2004

PETITIONER: Eagle Town Board of Supervisors
Eagle Town Hall
P.O. Box 327
Eagle, WI 53119

NATURE OF REQUEST:

Amendment to the text of the Town of Eagle Zoning Code to repeal and recreate various sections throughout the Ordinance including, but not limited to definitions, accessory building locations, height restrictions, building size, signage, fencing around and location of swimming pools, revisions to Site Plan/Plan of Operation review, landscaping requirements, lighting standards, new Conditional Use provisions for ponds, ditching, grading, etc., communication towers, in-law units, modifications to the minimum lot size standards for Planned Unit Developments, changes to various sections requiring the minimum size for attached garages, changes to the Upland Conservancy District to provide specific plans for building in order to protect the wooded areas and a new listing of uses permitted in the Industrial Districts.

PUBLIC HEARING DATE:

July 7, 2003.

PUBLIC REACTION:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

The Town of Eagle Plan Commission and Town Board, at their joint meeting of November 3, 2003 and subsequently on February 4, 2004, recommended approval of the proposed amendments.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN:

The proposed amendments serve to promote the spirit and intent of the County Development Plan and therefore, are considered compatible with the Plan.

OTHER CONSIDERATIONS:

The amendments, in some cases are somewhat minor. It is, however, important to point out some of the more significant changes that the Town is proposing. There is a new Conditional Use provision set forth with minimum standards and guidelines for communications towers and in-law units. Another major change is in the Conditional Use provision, which suggests somewhat greater residential densities, allowed as more and more open space is provided, as set forth in a table. Further, a major change in this provision is that the Town no longer has a minimum lot size or lot width standard as previously imposed by the Town. The Staff feels this is a major improvement as it provides more flexibility and will promote greater amounts of open space in light of the fact that the previous standard was two acres (minimum lot size), which worked against the concept of preserving the greatest amount of open space as possible.

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Another new provision is in the five-acre Upland Conservancy District, which now requires detailed plans to be submitted, showing tree sizes and types and prohibits excessive removal of those kinds of vegetation in the interest of attempting to preserve and protect the integrity of the Upland Conservancy District to the greatest extent possible while also allowing a reasonable use of the site. New provisions also modify the garage standards, which require a minimum garage in all districts of at least 400 sq. ft. Another very significant change is the provision for signage. The new regulations go into great detail on sizes of signs, types of signs, locations, etc. The standard for swimming pool fencing is reduced to 3.5' from 4', which was in response to a change in the State Building Code. They will also be required to be 10' from the residence.

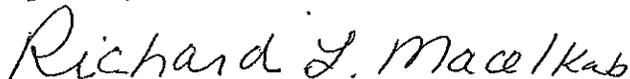
There are new architectural review standards and principles for such architectural review of buildings, including lighting, building facades, screening of buildings and mechanical equipment, landscape standards, storage area requirements and outside display. A new provision also revises standards for fish ponds, drainage, grading, etc. as a Conditional Use including provisions for recreational ponds, channel improvements, etc.

In the review of the various amendments proposed by the Town, the Staff had made a number of suggested revisions to the Plan Commission and Board over the past few months and all of those suggested revisions have now been incorporated into the latest amendments included in this set of amendments on file in the offices of the Department of Parks and Land Use.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that these amendments to the Town of Eagle Zoning Code, as now revised and attached hereto be approved. We feel that these amendments are very productive and will serve to implement the County Plan as well as the Towns land use planning efforts. There are vast improvements to the signage and lighting standards and architectural review requirements as well as changes to the Planned Unit Developments (PUDs), especially with respect to providing more flexibility in design and getting rid of the rigid lot size standard, which enhances the opportunity to preserve and protect open spaces in said PUDs. We feel as approved by the Town, these changes are a significant improvement in the Town's Ordinance.

Respectfully submitted,



Richard L. Mace
Planning and Zoning Manager

RLM:kab

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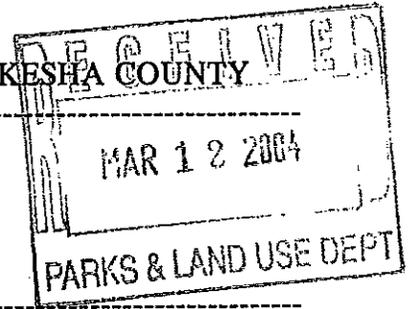
STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

ORDINANCE NO. 04-02

AN ORDINANCE TO REVISE SECTIONS
OF THE ZONING CODE



RELATING TO SECTION 2.02 SPECIFIC WORDS AND PHRASES DEFINED. THE FOLLOWING SECTIONS 2.02(9)(13) AND (16) ARE REPEALED AND RECREATED TO READ AS FOLLOWS AND SECTIONS 2.02(25)(35) AND (36) ARE CREATED TO READ:

- (9) Dwelling, One-Family: A detached or semi-detached building designed for and occupied exclusively by one family for typical household uses. No accessory structures shall be attached to the dwelling except a private garage or deck/porch/sunroom.
- (13) Family: A person living alone or more than one person living together in one dwelling unit as a single housekeeping entity, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house. A single housekeeping entity infers the use in common of all spaces, household services and utilities with a single source of food preparation for all occupants.
- (16) Garage, Private: A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored.
- (25) In-Law Unit: A room or suite of rooms having a separate kitchen facility located in a single family dwelling occupied by not more than two persons related by blood or marriage to the family occupying the dwelling. Such extra living units shall not be rented or occupied by anyone outside the family who is not related by blood or marriage.
- (35) Open/Green space: An unoccupied space open to the sky on the same lot with the building it serves and not used for any other purpose. Required off-street parking space or paved areas do not qualify as open space, nor do driveways except with respect to single family residency and duplex lots.
- (36) Open/Green space, Common: In planned unit developments, common open space shall be the area that is designated as an outlot or easement and not part of a developable lot or building site.

RELATING TO SECTION 3.03 STANDARD DISTRICT REGULATIONS, BUILDING LOCATION. SECTION 3.03(2)E IS REPEALED AND RECREATED TO READ:

- E. Accessory Building Location: Any building must meet setback and offset requirements. No accessory building shall be erected, structurally altered or relocated so that any roofed or enclosed portion thereof is closer than 10 feet to the principal building on the lot. The accessory building shall be located behind the most recessed portion of the front of the primary building line. The front of the building is determined by the location of the primary exit/entrance door and address location. The Residential Lake Overlay District shall follow guidelines as set forth in Section 5.16. Accessory buildings for agricultural uses are exempt from this regulation.

RELATING TO STANDARD DISTRICT REGULATIONS, HEIGHT REGULATIONS. SECTION 3.03(3)C IS REPEALED AND RECREATED TO READ:

- C. Increase Permitted: Subject to the approval of the Plan Commission, the maximum height of accessory structures may be increased to exceed the height limitation by not more than ten (10) feet for the district in which the accessory building is located, providing all required offsets are increased by two (2) feet for each (1) foot of height above the district maximum for the accessory building. The Plan Commission can require screening/landscaping to break up the view of adjacent properties or from the street.

RELATING TO STANDARD DISTRICT REGULATIONS, BUILDING SIZE. SECTION 3.03(4)A IS REPEALED AND RECREATED TO READ:

- A. Minimum Required: Any building intended in whole or in part for residential purposes shall provide a minimum floor area as specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. Basements, lower levels of tri-level or raised ranch buildings shall not be included in calculating the minimum floor area requirement. Such minimum shall be increased by 200 square feet for any building not having a basement of at least 300 square feet in area.

RELATING TO STANDARD DISTRICT REGULATIONS, ACCESSORY USES AND STRUCTURES. SECTION 3.03(6)A. 1 AND 2 ARE REPEALED AND RECREATED TO READ AS FOLLOWS AND SECTION 3.03(6)A.3 IS CREATED:

1. No accessory use or structure shall be permitted that by any reason of noise, dust, odor, appearance or other objectionable factor creates a nuisance or a substantial adverse effect on property value or reasonable enjoyment of surrounding properties. Accessory uses and structures are subject to the vision corner regulations in Section 3.03(2)B of the Town of Eagle Zoning Ordinance.

2. Walls or other architectural screening devices, trellises, paved terraces, open decks, boat piers, water features, playground equipment and play courts may be permitted anywhere on the lot consistent with the standards and regulations in this section. Any architectural screening devices, i.e. walls or fences, shall not exceed six (6) feet in height.
3. Fences, walls and other architectural screening devices up to six (6) feet in height are permitted anywhere on the lot except in the front yard area. The front yard area is determined by extending the front line of the principal structure to the side lot lines to the base setback line.

Fences, walls and other architectural screening devices up to four (4) feet in height and at least 50% open construction are allowed in the front yard area. On parcels of 3 acres or more, a five (5) foot high fence is allowed in the front yard for the purpose of containing livestock, i.e. horses.

Walls and other architectural screening devices in agricultural zoned districts that are used for agricultural purposes are exempt from the above regulations.

RELATING TO SPECIAL REGULATIONS, SIGNS. SECTION 3.05(1) IS REPEALED AND RECREATED TO READ:

- (1) Signs: All signs shall be constructed and maintained in accordance with and subject to the provisions of the existing ordinance of the Town regulating signs and any amendments thereto which may hereafter be adopted by the Town.
 - A. Purpose and Intent. The intent of this Ordinance is to provide for and regulate the area, number, location, construction, maintenance, and overall design of signs in the Town in a manner which is compatible with surrounding land uses, and promotes public welfare and community aesthetics.
 - B. Compliance. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without first complying with the provisions of this Ordinance.
 - C. Definitions
 1. Advertising Sign. A sign which promotes a product, commodity, or service.
 2. Agricultural Sign. A sign which advertises sale of agricultural products.
 3. Building Frontage. The base line measure, in lineal feet, of a building façade.
 4. Bulletin Sign. A sign carrying advertising or information to the public.
 5. Copy. Sign legend or message.
 6. Double Faced. A sign which has two readable areas, placed back-to-back.
 7. Flashing Sign. A sign which has lights which operate in a pulsating or intermittent manner.
 8. Gross Surface Area. The entire area within a single continuous perimeter enclosing the extreme limits of the sign, excluding structural elements. The dimensions of the structural elements shall be proportionate to the gross surface area of the sign. The gross surface area, including the structural elements, shall not exceed 1.5 times the gross surface area of the sign face.

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9. Illuminated Sign. A sign designed to give forth or reflect artificial light, from a light source incorporated in the sign or indirectly from another light source.
10. Lot Frontage. The lineal distance that a parcel abuts a public right-of-way.
11. Off Premises Sign. A sign not intended to be temporary (see Temporary Sign), and advertising a use not conducted on the parcel where the sign is located. Off premise signs are not permitted in any District.
12. Permanent Sign. A sign not intended to be temporary (see Temporary Sign).
13. Pole/Free Standing Sign. A sign supported by uprights or braces in, or upon, the ground surface and in no way affixed to a building structure. A freestanding sign with the bottom edge of its frame ten (10) feet or more above the surface of the ground.
14. Portable Sign. A sign which is not permanently attached to the ground or building that is readily moved.
15. Poster Sign. A temporary paper sign which is posted in a public place to advertise an event.
16. Projecting Sign. A sign which is attached directly to the building wall and whose extreme point extends not more than eighteen (18) inches from the face of the wall. For the purposes of defining projecting signs, mansard roofs or overhangs are not considered as part of a wall. Except as provided in this chapter of the Municipal Code, projecting signs shall be on the building side facing a street.
17. Rear Entrance Sign. A permanent sign which directs attention to a business at a rear or secondary entrance, that is not the building frontage.
18. Right-of-Way. Land covered by a public road or sidewalk, either owned or through easement.
19. Roof Sign. A sign of a permanent or temporary nature which is displayed on the roof of a building.
20. Setback. The shortest lineal distance measured from the closest edge of public right-of-way to the structure.
21. Shopping Center. A geographically-contiguous area consisting of a single building or group of buildings containing a variety of retail establishments and having a common identification and with privately-owned access and parking facilities which are held out to the public for use of their vehicles.
22. Sign. Any name, design, logo, structure or device designated to inform or attract attention for the purpose of advertising, identifying, or directing.
23. Subdivision Identification Sign. A sign whose purpose is to indicate the presence of a subdivision or development.
24. Substantially Altered. Any alteration to a sign, but not including routine maintenance, painting or change of copy or Lexan face of an existing sign.
25. Temporary Sign. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric or cardboard, wallboard or other light materials, with or without frames, intended to be displayed for not more than thirty (30) days.

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26. Time and Temperature Signs. A sign giving the time and temperature.
27. Wall Sign. A display or sign which is attached directly or painted on a building wall and whose extreme point extends not more than twelve (12) inches from the face of the wall. Except as provided in this chapter of the Municipal Code, wall signs shall be on the building side facing a street or parking lot.
28. Window Sign. A sign of a permanent nature which is hung in, or lettered upon, a window.

D. Signs Permitted in All Districts Without a Permit. The following signs shall be permitted in all zoning districts subject to the following regulations:

1. Real Estate Signs which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located, are subject to the following restrictions:
 - a. Shall be behind lot line and out of vision triangle.
 - b. Shall not exceed eight square feet of sign display area in residential districts, nor 32 square feet in all other districts.
2. Election Campaign Signs are subject to the following:
 - a. Shall not be located in a public right-of-way, nor within ten feet of any intersection of the placement of the sign if it interferes with vehicular and/or pedestrian traffic.
 - b. Shall not be erected on any parcel of land without the permission of the property owner, renter, or lessee.
 - c. Shall not be erected prior to the first day of the "election campaign period" as defined by Section 12.04, State Stats., and shall be removed within seven days following the election.
3. Name and Warning Signs which identify a premises or describe a hazardous condition which may exist on a premises, are subject to the following:
 - a. Unless otherwise approved by the Plan Commission, shall be set back a minimum of ten feet from all lot lines.
 - b. Shall not exceed three square feet of sign display area.
4. Home Occupation and Professional Home Office Signs are subject to the following:
 - a. Shall be mounted flush against the dwelling, or on a private light post.
 - b. Shall not exceed three square feet of sign display area.
 - c. May not be illuminated.
5. Rummage Sale and Garage Sale Signs are subject to the following:
 - a. Shall not be located in a public right-of-way.
 - b. Shall not exceed four square feet of sign display area.
 - c. Shall not exceed a seven-day display period, and shall be removed within 24 hours following the sale.
6. Bulletin Boards which are used for public, charitable, or religious institutions are subject to the following:
 - a. Shall be located on the premises which the sign represents, and shall be set back a minimum of ten feet from all lot lines.
 - b. Shall not exceed 24 square feet of sign display area.

7. Employment and Help Wanted Signs are allowed in all districts except residential districts, and are subject to the following:
 - a. Shall be located on the premises which the sign represents
 - b. Shall be set back a minimum of ten feet from all lot lines.
 - c. Shall not exceed 12 square feet of sign display area.
8. Official Signs which control traffic, parking restrictions, hazardous situations, information, and notices.
9. Flagpoles shall be regulated as signs not requiring a permit, and are subject to the following:
 - a. Shall be set back a minimum of ten feet from all lot lines.
 - b. Shall not exceed the height restriction for the district in which the flagpole is located.
 - c. Shall not exceed three flagpoles on any parcel of land.
 - d. Maximum flag size is 100 s.f. each.
10. Window Signs which are painted, placed in, or affixed to, a window are subject to the following restrictions:
 - a. Shall be placed on the interior of the window surface.
 - b. Sign display area shall not exceed 50% of the window area in which the sign is displayed.
 - c. May be illuminated in accordance with subsection (I), unless modified by the Plan Commission.

E. Signs Permitted With Architectural Approval and Permit

Each individual sign proposed in accordance with the provisions of this Ordinance must be applied for, and submitted to, the Building Inspector pursuant to subsection (I) of this Ordinance. All applications for permits for such individual signs, except such applications as may be determined by the Plan Commission, shall be forwarded by the Building Inspector to the Plan Commission for review. The Plan Commission is hereby empowered to:

1. Withhold the application pending the submittal of any additional information which the Plan Commission may require.
2. Deny the application based upon non-conformance with the provisions of this Ordinance, or based upon the Plan Commission's determination that the proposed sign will violate the purpose and intent of this Ordinance.
3. Approve the application as presented, or approve with additional conditions or restrictions which the Plan Commission may impose based on the purpose and intent of this Ordinance. This Ordinance expressly allows regulation of all signs in the Town to be based upon the finding of the Plan Commission that such signage will not violate the purpose and intent of this Ordinance. This Ordinance cannot prevent the Plan Commission from establishing more or less stringent requirements and conditions prior to approval of any sign application.

All sign applications will be returned to the Building Inspector with the action of the Plan Commission clearly stamped on said application. Applications which have been approved by the Plan Commission and reviewed for completeness and accuracy by the Building Inspector pursuant to subsection (L) of this Ordinance, shall be issued. All sign permits, unless otherwise specified by the Plan Commission, shall be issued by the Building Inspector.

F. Signs Permitted in All Business, Industrial, Park Recreation and Public Districts With Architectural Approval and Permit

The following signs are restricted in total display area as follows: The total sign display area of all signs on any one parcel of land is limited to the area requirements set forth in subparagraphs (1)-(5). If multiple signs are desired, the total sign display area must be apportioned between these signs based on building frontage.

1. Free-Standing Signs / Pole Signs / Ground Signs which are self supporting, are not attached to, or reliant upon, any other structure for support, are subject to the following restrictions:
 - a. Shall not exceed a maximum height of twenty five (25) feet above the lot grade at the base of the sign, provided, however, that the setback shall be increased one foot for each one foot of height increased to a maximum of 30 feet above the lot grade at the base of the sign.
 - b. Shall be set back a minimum of ten (10) feet from all lot lines unless modified by the Plan Commission.
 - c. Shall not exceed 200 square feet of sign display area per side, nor 400 square feet of sign display area on all sides.
 - d. May be illuminated in accordance with subsection (I).
2. Wall-Supported Signs
 - a. Not permitted in any district.
3. Changeable and Movable Copy Signs which are designed to allow the display message to be changed, either manually or electronically, are subject to the following restrictions:
 - a. In granting a request for permit, the Plan Commission may impose such conditions as they deem reasonable and necessary so as to carry out the purpose and intent of this ordinance.
 - b. May be illuminated in accordance with subsection (I).
4. Roof Signs.
 - a. Not permitted in any district.

G. Signs Permitted in All Residential, Business, Industrial, Park Recreation, Public and Agricultural Districts With Architectural Approval and Permit.

The following signs are regulated based on the character and nature of the proposed development, as well as the adjacent land uses and context with Plan Commission approval.

1. Temporary Real Estate Development Signs which are used to designate a new subdivision, development or building are subject to the following restrictions:
 - a. Shall be set back a minimum of ten feet from all lot lines.
 - b. Shall be regulated in height, size, design and period of display time by the Plan Commission.

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- c. Shall not exceed three signs-32 square feet maximum each in sign display area.
 - d. May be illuminated in accordance with subsection (I), if approved by the Plan Commission.
2. Permanent Real Estate Development Signs which are placed at the entrance to a subdivision or development are subject to the following restrictions:
- a. Shall display only the name of the subdivision or development.
 - b. Shall be set back a minimum of ten feet from all lot lines except that the minimum set back requirement may be modified by the Plan Commission.
 - c. Shall be regulated in height (12 ft. maximum), size (200 square feet maximum) and design approved by the Plan Commission.
 - d. May be illuminated in accordance with subsection (I).
- H. Temporary Signs Permitted in All Districts With a Permit**
The Building Inspector may permit the temporary use of signs, banners, flags, searchlights, balloons, tents, or any approved form of portable signage for the purpose of promotional sales, advertisement, or any short term event which is not defined under this Chapter as a special occupancy use, subject to the following restrictions:
- 1. Shall be set back a minimum of ten feet from all lot lines except that the minimum set back requirement may be modified by the Plan Commission.
 - 2. Shall not pose a potential hazard to traffic or adjacent properties.
 - 3. Shall be permitted for no more than 30 days in any calendar year.
 - 4. Shall be regulated in location, design, and construction by the Building Inspector.
 - 5. May be illuminated during business hours of operation in accordance with subsection (I).
- I. Sign Illumination and Nuisance Prevention**
Illumination of all signs permitted in the Town must conform to the following restrictions:
- 1. Signs which are internally illuminated shall not face adjacent lands which are zoned for, or used as, residential single family use.
 - 2. Signs shall not resemble, imitate, or approximate traffic or railroad signs, signals, or devices; shall not cause glare, mislead or confuse traffic, or impair driver visibility on public ways, private roadways, or adjoining properties; shall not be flashing, revolving, blinking, strobe, or animated, except for the display of the time and temperature as approved by the Plan Commission.
 - 3. No illuminating element of any kind may be visually exposed.
 - 4. The level of illumination as measured at one foot perpendicular to any face of an illuminated sign may not exceed 100 foot candles of daytime (6:00 a.m. to 7:00 p.m.) candle power, nor 45 foot candles of nighttime (9:00 p.m. to 6:00 a.m.) candle power.
 - 5. Signs shall conform to the requirements of the COMM 16 (National Electrical Code).

6. Signs shall not be constructed, operated, or maintained so as to constitute a nuisance to adjoining properties, or materially affect or detract from the value of the adjoining properties.

J. Sign Construction and Maintenance Standards

1. Wind pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 20 pounds per square foot of area.
2. Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
3. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legal, conforming sign to its original condition, and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
4. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly-treated wood, steel, copper, brass, masonry or other noncorrosive, fire resistant material. Every means or device used for attaching any sign shall make use of sound engineering practices.
5. No Signs or any part thereof or sign anchors, braces, or guy rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any anchor, brace or guy rod shall be erected, constructed, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity may require.

K. Measuring Sign Display Area

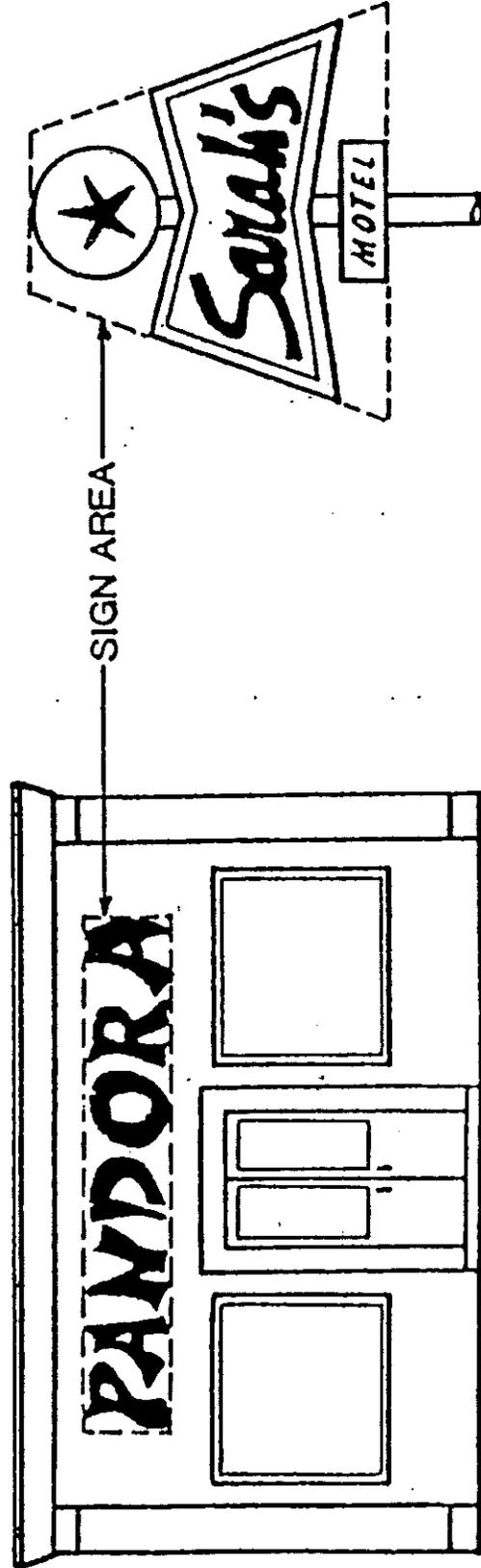
In calculating the sign display area to determine whether it meets the requirements of this Ordinance, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the sign display area calculation. Sign display area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign. (See Illustration No. 1)

L. Sign Permit

Application for a permit shall be made on forms provided by the Building Inspector and made available in the Town Clerk's office, and shall contain, or have attached thereto, the following information:

1. Name, Address, and telephone number of the applicant. Location of the building, structure, or lot to which, or upon which, the sign is to be attached or erected.
2. Name of Person, firm, corporation, or association erecting the sign.
3. Written Consent of the land owner or lessee of the building, structure, or land to which, or upon which, the sign is to be erected.

ILLUSTRATION NO. 1
EXAMPLES OF MEASURING SIGN AREA



4. A Scale Drawing (and scale sectional drawing) of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
5. A Scale Site Survey indicating the location and position of such sign in relation to nearby buildings, structures, lot line, vehicular and pedestrian access ways, public and private right-of-way, and existing signs on the parcel or on adjacent parcels within 150 feet.
6. Copies of any other permits required, and issued, for said sign, including the written approval by the Electrical Inspector in the case of illuminated signs, who shall examine the plans and specifications, inspecting all wiring and connections to determine if the same complies with the Town Electrical Code.
7. Additional Information as may be required by the Building Inspector or the Plan Commission.
8. Sign Permit Applications shall be filed with the Building Inspector who shall review the application for its accuracy and completeness. The Building Inspector shall submit all applications to the Plan Commission pursuant to subsection (E) in this Chapter. Applicants shall be notified of the Plan Commission's decision within 30 days after receipt of the application. A sign permit shall become null and void if work authorized under the permit has not been completed within six months of the date of issuance.

M. Existing Non-Conforming Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance, which do not conform with the provision of this Ordinance, may be continued as an existing nonconforming use as defined in this Chapter:

Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Plan Commission, shall also be subject to appropriate legal action.

RELATING TO SPECIAL REGULATIONS, SWIMMING POOLS. SECTION 3.05(4)C IS REPEALED AND RECREATED TO READ AS FOLLOWS AND SECTIONS 3.05(4)F AND G ARE CREATED:

- C. Reasonable precautions shall be taken to insure the safety of the pool area and to prevent it from becoming an "attractive nuisance". Pools not higher than 3.5 feet above the ground shall be completely fenced to prevent the unregulated entrance to the pool area. The secure fence shall be constructed of chain link, wood, or other similar material acceptable to the Town Plan Commission at least 3.5 feet in height. If the pool is partially less than 3.5 feet in height, the area less than 3.5 feet must be fenced as described in this section. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.
- F. Pools shall not be located closer than ten (10) feet to the principal structure or in the front yard and must follow setback and offset regulations.

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G. The inside wall of the pool shall be located a minimum of 10 ft. from the vertical plane formed by the electrical wire perpendicular to the ground surface.

RELATING TO PLANNED DEVELOPMENTS. SECTION 3.05(5) AND 5.24 ARE REPEALED. RENUMBER AS NECESSARY IN THESE SECTIONS.

RELATING TO APPROVAL OF BUILDING AND SITE PLANS. SECTION 3.07(3)A, B AND C ARE REPEALED AND RECREATED AS SECTION 3.08(5)Pp.

RELATING TO APPROVAL OF BUILDING, SITE AND OPERATIONAL PLANS SECTION 3.07(1)-(3) IS REPEALED AND RECREATED AS FOLLOWS:

3.07 SITE PLAN AND PLAN OF OPERATION REVIEW.

- (1) **Purpose, Scope and Intent.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure or addition, with the exception of single-family and two-family dwellings, accessory buildings or related structures, without first obtaining the approval of the Town Plan Commission of detailed site, plan of operation and architectural plans as set forth in this section.

The Town Plan Commission, hereinafter in this subsection referred to as the "Town," shall approve, conditionally approve, or reject the detailed site and architectural plans. The Town shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

- (2) **Administration.** Plan data shall be submitted to the Town Clerk who shall transmit all applications and their accompanying plans to the Town and the Zoning Administrator/Planner, for their review. Plans shall be accompanied by the application fee as established by the Town.

A. Plan data to be submitted with all plan review applications shall include the following:

1. Site plan drawn to a recognized engineering scale not to exceed 1" = 60 feet
2. Name of project noted.
3. Owners and developer's name and address noted.
4. Architect and/or engineer's name and address noted.
5. Date of plan submittal.
6. Scale of drawing noted on plan.
7. Existing and proposed topography shown at a contour interval not less than five (5) feet on spot elevations as requested by the Plan Commission or Town Engineer. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
8. The soil types when requested by the Plan Commission or Town Engineer.

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9. Total number of parking spaces and layout, including driveways shall be shown on the plan.
 10. The type, size and location of all structures with all building dimensions shown.
 11. Indicate height of building(s).
 12. Indicate existing and proposed street locations on the site plan.
 13. Indicate existing and proposed public rights-of-way and widths.
 14. North arrow shown.
 15. Locate existing and general location of proposed sanitary sewers, storm sewers and water mains as applicable.
 16. Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the Town Erosion Control and Storm Water Ordinance.
 17. Locate existing trees that are 12 inches in diameter or larger.
 18. Note location, extent, and type of proposed plantings.
 19. Note location of pedestrian sidewalks and walkways.
 20. A graphic outline of any development staging that is planned is required to be shown on the site plan.
 21. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
 22. Landscaping plan and point calculations.
 23. Lighting plan and a photometrics plan may be required upon Town Planner or Plan Commission request.
- (3) **Plan of Operation.** No use shall be approved until the Town and staff has reviewed/approved the plan of operation application form.
- A. The plan of operation form shall indicate:
1. The Proposed Use of the land and/or structures;
 2. Activities to occur both inside and outside all principal and accessory structures;
 3. The Frequency and Duration of all activities;
 4. The Number of Employees of any commercial or industrial enterprise;
 5. The Estimated Number of Occupants of a residential use;
 6. The Number, Size and Type of all Vehicles associated with the use;
 7. Plans for Compliance with the performance standards set forth in this Ordinance;
 8. The Season, days and hours of operation;
 9. The Expected Starting and Completion dates of construction;
 10. The Proposed Phasing of the project, if appropriate;
 11. Other Information as requested by the Town.
- (4) **General Architectural Principles.** To implement and define criteria for the purposes set forth in this Ordinance, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
- A. Principles:
1. No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation

- to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
 3. No building regulated by this section shall be permitted where any exposed façade is not constructed or faced with a finished material that is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
 4. No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
 5. No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
 6. Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
 7. Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Plan Commission may require erosion control plans and may establish time schedules for landscaping and re-vegetation of construction sites.
 8. Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
 9. Buildings and uses regulated by this section shall provide adequate parking and loading areas.
 10. Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
 11. Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties. [See Subsection (g)]

(5) **Detailed Architectural Standards.** To implement the purposes set forth in this Section, the following architectural criteria and review guidelines are established:

A. **Criteria and Guidelines:**

1. **Building Facades.** For retail business, service, multi-family and offices uses all building exteriors shall be brick, decorative masonry, glass panel, E.F.I.S. for only 50% of the exterior building face, or other appropriate finished façade as may be approved by the Plan Commission. Colors need to be shown and material samples need to be submitted as requested by the Town Planner or the Town Plan Commission.

For industrial and warehouse use all building exteriors facing a street or approved way shall have 50% of the street face constructed with brick, decorative masonry, glass panel, or other appropriate similar finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least 25 feet along the sides of the structure or 25% of that side wall whichever is greater from the street face.

2. **Overhead Doors.** No overhead doors in a business, industrial, or public district shall face a public street. The Plan Commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.
3. **Heating, Air Conditioning and Ventilating Equipment.** HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Landscaping to be used to screen equipment.
4. **Storage of Garbage/Trash.** All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas by the alternatives set forth in Figure 1 or their equivalent.
5. **Other Architectural Standards.** The Plan Commission may impose other architectural standards deemed appropriate such as; but not limited to: building material samples, building color samples, roof pitch designs and architectural breaks in walls over 75 feet in length. Except for flat roofs, the minimum pitch shall be 2:12. The Plan Commission may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.

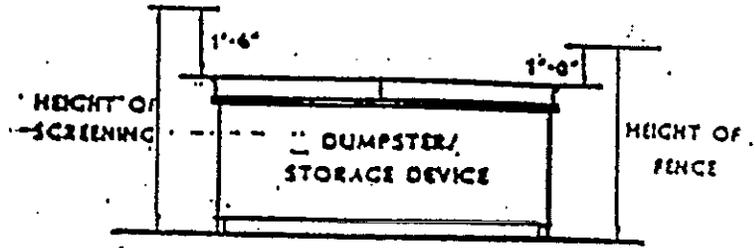
(6) **Landscaping.**

- A. **On-Site Landscaping and Screening.** The following landscape standards are to be utilized in preparing landscaping plans to be submitted with site plans. The Plan Commission will review each landscape plan to determine if it conforms with the intent of these Standards.
- B. **Depiction of Sample Landscaping Schemes.** *Alternatives A, B, C & D* shown on the following pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages and paved areas. In general,

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Figure 1

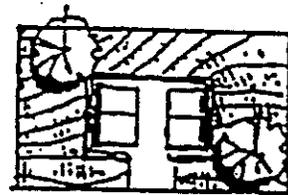
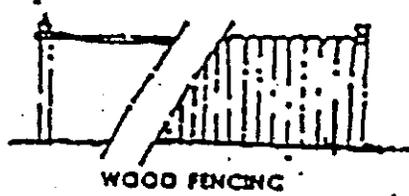
STORAGE OF GARBAGE AND TRASH STORAGE



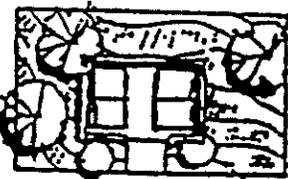
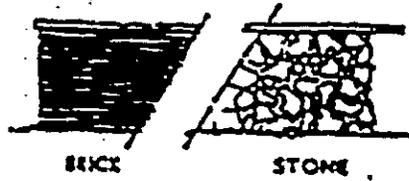
ELEVATION:

PLAN VIEW

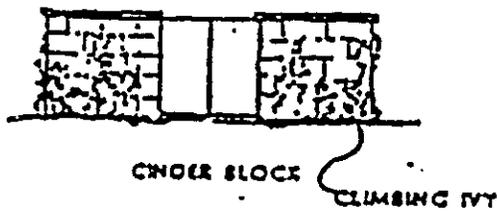
A



B



C



landscaping schemes similar to *Alternative A* are best for building foundations, *Alternative B* are best for developed lots, *Alternative C* are best for street frontages and *Alternative D* are best for paved areas (including parking lots, walkways and plazas).

- C. Landscaping/Storage. Storage of landscape debris, topsoil and gravel piles is prohibited on site unless it was reviewed and approved by the Planning Commission as part of a site plan and plan of operations review. Included, but not limited to landscape debris are items such as, topsoil, gravel and stone piles, vegetation, branches, stumps, leaves, brush and similar materials.
- D. Maintenance. Each lot owner shall at all times keep the premises, buildings, and other improvements in a safe, clean, neat and sanitary condition and shall keep all grass, trees and shrubbery in good condition at all times (on both vacant and developed lots). If, in the opinion of the Plan Commission, proper maintenance is not being undertaken, the Plan Commission can request the Town Board anytime after thirty (30) days of written notifications to the owner, to contract for the completion of such maintenance work. The Town shall have the right to bill the owner for such costs plus 10% thereof for administration. The minimum action required on the part of the owner to avoid Town action is the presentation of a written order or agreement to complete the work within a time limit deemed reasonable by the Town or its agent. Dirt, stone, or sand piles must be removed from the site 60 days after occupancy unless approved by the Town Planning Commission as part of the site plan and plan of operations review. Entire portions of property shall be maintained in an orderly condition. A minimum of two times a growing season the entire owned property must be mowed.
- E. Retail Sales and Service Uses.
1. Landscaping Standards for Building Foundations:
 - a. New Buildings and additions shall be accented by a minimum amount of landscaping placed within a minimum depth of 6 feet from the building foundation.
 - b. Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. See *Alternative A*, for a suggested scheme. Landscaping shall not impede vehicle or pedestrian visibility.
 - c. Tall or medium trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of five feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
 2. Landscaping Standards for Developed Lots:
 - a. This section shall apply to already developed lots when building additions or remodels with improvements of more than 25% of the assessed value of the structure are proposed.
 - b. Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and

paved areas. See *Alternative B*, for a suggested landscape scheme. Landscaping shall not impede vehicle or pedestrian visibility.

- c. The intent of this section is to provide yard shade and to require a visual screen of a minimum of five feet in height for all detached exterior appurtenances (such as HVAC, electrical transformers, utility boxes, standpipes, stormwater discharge pipes and other pipes).
3. Landscaping Standards for Street Frontages:
 - a. Street frontages for new buildings and additions shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.
 - b. Landscaping for street frontages shall be located within ten feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
 - c. Shrubs shall not be used to meet this requirement. Tall and medium deciduous trees and medium and low Evergreen trees are to be used to landscape this area.
 4. Landscaping Standards for Paved Areas:
 - a. Paved areas for new buildings and additions shall contain a minimum amount of landscaping within ten feet of the paved area. The intent of this subsection is to provide a visual screen of the parking lot from abutting properties that breaks up the parking lot look and separates the parking lot stalls by providing shade trees within the parking lot. The screening around the perimeter of the parking lot shall have a minimum height of 40 inches from the street view.
 - b. A minimum of 270 square feet of landscaped area, which shall be located in the parking lot for every 20 linear stalls of the paved area. The landscape island shall take up 1½ parking stalls. See *Alternative D*, for a suggested landscaping scheme. Plants used to fulfill the perimeter requirement should provide 50% solid screening of the parking, loading and circulation areas from view from public streets. Plants used for landscape islands shall be tall and medium deciduous trees and low shrubs.
 - c. All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four inch tall curb which is constructed of concrete, asphalt, timber or like material approved by the Plan Commission.
 - d. For every 20 off-street parking stalls located in a development, one landscape island a minimum of 270 square feet shall be installed and permanently maintained. Each island shall have tall or medium deciduous trees and shrubs.
 - e. A ten-foot wide green buffer shall be provided around the perimeter of all lots excluding areas for driveway connections to the public street or approved way.

F. Industrial, Warehouse and Manufacturing Uses.

1. Landscaping Standards for Building Foundations:
 - a. New Buildings and additions shall be accented by a minimum amount of landscaping placed within a minimum depth of 6 feet from the building foundation for the street side and 25 feet along the sides.
 - b. Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. See *Alternative A*, for a suggested scheme. Landscaping shall not impede vehicle or pedestrian visibility.
 - c. Tall or medium trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of five feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
2. Landscaping Standards for Developed Lots:
 - a. This section shall apply to already developed lots when building additions or remodels with improvements of more than 25% of the assessed value of the structure are proposed.
 - b. Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and paved areas. See *Alternative B*, for a suggested landscape scheme. Landscaping shall not impede vehicle or pedestrian visibility.
 - c. The intent of this section is to provide yard shade and to require a visual screen of a minimum of five feet in height for all detached exterior appurtenances (such as HVAC, electrical transformers, utility boxes, standpipes, stormwater discharge pipes and other pipes).
3. Landscaping Standards for Street Frontages:
 - a. Street frontages for new buildings and additions shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.
 - b. Landscaping for street frontages shall be located within ten feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
 - c. Shrubs shall not be used to meet this requirement. Tall and medium deciduous trees and medium and low Evergreen trees are to be used to landscape this area.
4. Landscaping Standards for Paved Areas:
 - a. Paved areas for new buildings and additions shall contain a minimum amount of landscaping within ten feet of the paved area. The intent of this subsection is to provide a partial visual screen of the parking lot from the street, providing shade trees near the parking lot.
 - b. A minimum of 270 square feet of landscaped area, which shall be located adjacent to the parking lot for every 20 linear stalls of the paved area.

See *Alternative D*, for a suggested landscaping scheme. Plants used to fulfill the perimeter requirement should provide partial screening of the parking, loading and circulation areas from view from public streets. Plants used for landscape islands shall be tall and medium deciduous trees and low shrubs.

G. Classification of Plant Species.

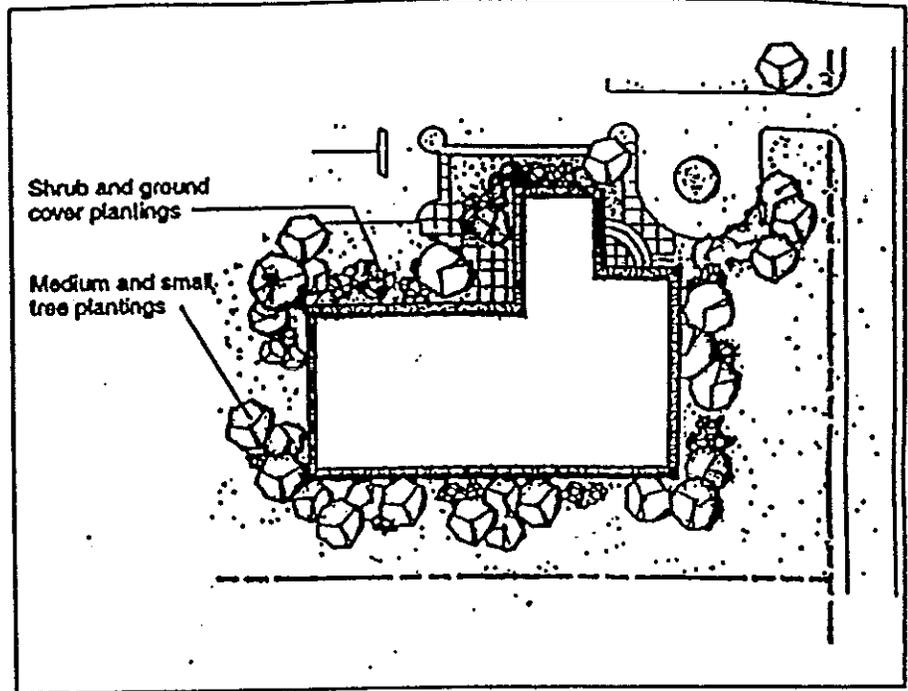
For the purpose of these Standards, plant materials are classified into 12 groupings: "tall deciduous tree", "medium deciduous tree", "low deciduous tree," "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with vicinity climate and soil factors are listed in the table below. The Plan Commission shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

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**Alternative A:
Best Suited for
Building Foundations**

750 Landscaping Points:

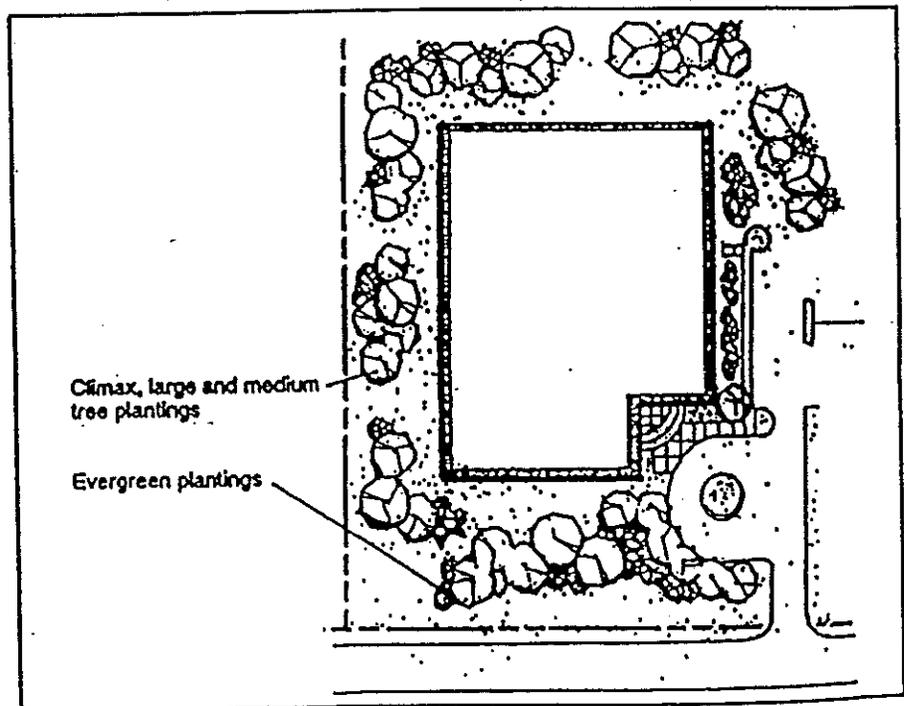
- 20 medium trees
- 15 small trees
- 60 shrubs



**Alternative B:
Best Suited for
Developed Lots**

1250 Landscaping Points:

- 6 climax trees
- 8 large trees
- 20 medium trees
- 41 evergreen plantings



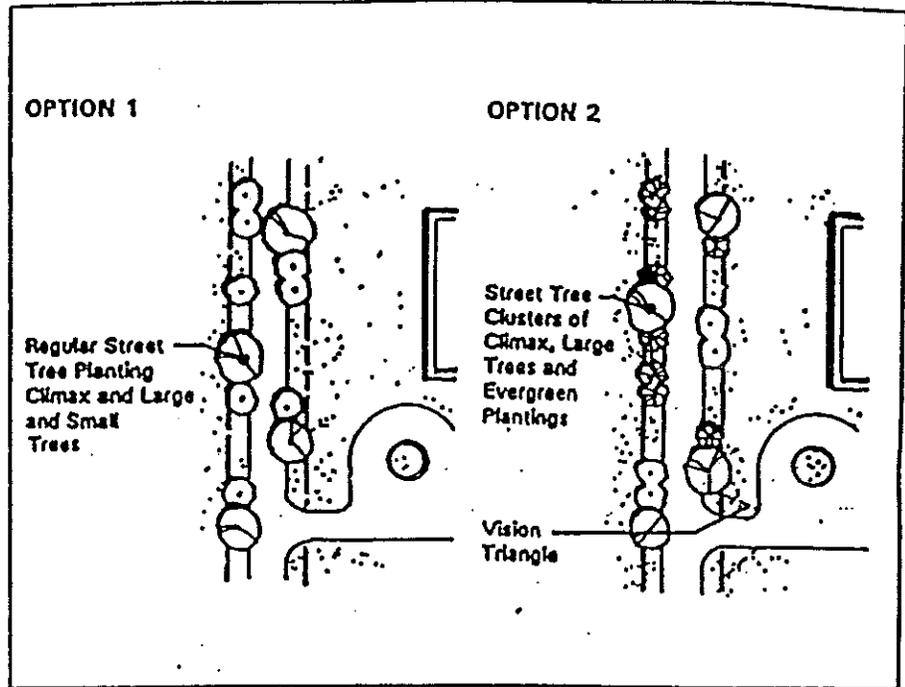
**Alternative C:
Best Suited for
Street Frontages**

Option 1

280 Landscaping Points:
2 climax trees
2 large trees
8 small trees

Option 2

280 Landscaping Points:
2 climax trees
2 large trees
4 small trees
8 evergreen shrubs



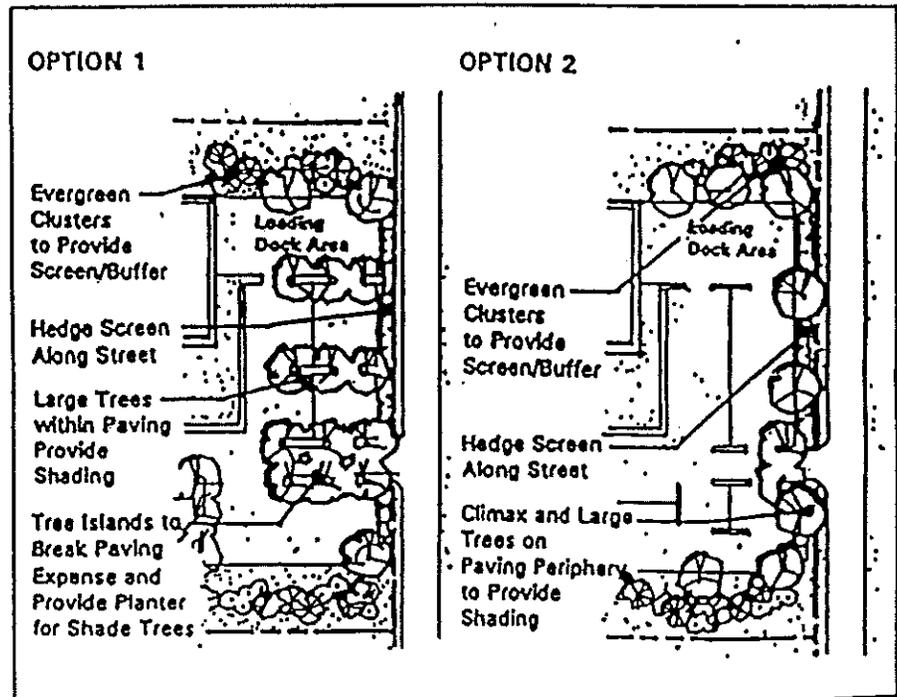
**Alternative D:
Best Suited for
Paved Areas**

Option 1

880 Landscaping Points:
2 climax trees
13 large trees
68 evergreen hedges

Option 2

880 Landscaping Points:
5 climax trees
6 large trees
68 evergreen hedges



CLASSIFICATION OF PLANTS

TALL DECIDUOUS TREES (3" Caliper and 8' Tall Minimum)		TALL EVERGREEN TREES (3" Caliper and 8' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer x freemanii</i> (& cultivars)	Freeman Maple	<i>Abies concolor</i>	White Fir
<i>Acer platanoides</i> (& cultivars)	Norway Maple	<i>Larix decidua</i>	European Larch
<i>Acer rubrum</i> (& cultivars)	Red Maple	<i>Larix laricina</i>	Tamarack
<i>Acer saccharum</i> (& cultivars)	Sugar Maple	<i>Picea abies</i>	Norway Spruce
<i>Aesculus hippocastanum</i>	Horsechestnut	<i>Picea glauca</i>	White Spruce
<i>Aesculus hippocastanum</i> 'Baumannii'	Baumann Horsechestnut	<i>Picea omorika</i>	Serbian Spruce
<i>Carya ovata</i>	Shagbark Hickory	<i>Picea pungens</i>	Colorado Spruce
<i>Catalpa speciosa</i>	Northern Catalpa	<i>Picea pungens</i> 'Glauca'	Colorado Blue Spruce
<i>Celtis occidentalis</i>	Common Hackberry	<i>Picea pungens</i> 'Hoopsii'	Hoopsii Spruce
<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry	<i>Pinus cempra</i>	Swiss Stone Pine
<i>Fagus grandifolia</i>	American Beech	<i>Pinus nigra</i>	Austrian Pine
<i>Fraxinus americana</i> (& cultivars)	White Ash	<i>Pinus strobus</i>	Eastern White Pine
<i>Fraxinus pennsylvanica</i> (& cultivars)	Green Ash	<i>Pinus sylvestris</i>	Scots Pine
<i>Ginkgo biloba</i>	Ginkgo	<i>Pseudotsuga menziesii</i>	Douglasfir
<i>Gleditsia triancanthos</i> (& cultivars)	Common Honeylocust	<i>Tsuga canadensis</i>	Canada Hemlock
<i>Gymnocladus dioica</i>	Kentucky Coffeetree		
<i>Juglans nigra</i>	Black Walnut		
<i>Phellodendron amurense</i> 'Macho'	Macho Amur Cork Tree		
<i>Populus tremuloides</i>	Quaking Aspen		
<i>Quercus alba</i>	White Oak		
<i>Quercus bicolor</i>	Swamp White Oak		
<i>Quercus macrocarpa</i>	Bur Oak		
<i>Quercus robur</i>	English Oak		
<i>Quercus rubra</i>	Red Oak		
<i>Salix alba</i> 'Tristis'	Niobe Weeping Willow		
<i>Tilia americana</i>	American Linden/Basswood		
<i>Tilia cordata</i> (& cultivars)	Littleleaf Linden		
<i>Tilia x 'Redmond'</i>	Redmond Linden		
<i>Tilia tomentosa</i>	Silver Linden		
<i>Ulmus x 'New Horizon'</i>	New Horizon Elm		

MEDIUM DECIDUOUS TREES (2" Caliper and 6' Tall Minimum)		MEDIUM EVERGREEN TREES (2" Caliper and 6' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer campestre</i>	Hedge Maple	<i>Picea glauca var. densata</i>	Black Hills Spruce
<i>Aesculus x carnea 'Briotii'</i>	Ruby Horsechestnut	<i>Thuja occidentalis</i>	American Arborvitae
<i>Alnus glutinosa</i>	European Alder		
<i>Betula nigra</i>	River Birch		
<i>Betula nigra 'Heritage'</i>	Heritage Birch		
<i>Betula platyphylla var. japonica 'Whitespire'</i>	Whitespire Birch		
<i>Cercidiphyllum japonicum</i>	Katsuratree		
<i>Cladrastis lutea</i>	American Yellowwood		
<i>Corylus colurna</i>	Turkish Filbert		
<i>Nyssa sylvatica</i>	Black Gum		
<i>Phellodendron amurense 'Macho'</i>	Macho Amur Corktree		
<i>Prunus mackii</i>	Amur Chokecherry		

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29.

LOW DECIDUOUS TREES (4' Tall Minimum)		LOW EVERGREEN TREES (3' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer ginnala</i>	Amur Maple	<i>Juniperus virginiana</i>	Eastern Redcedar
<i>Acer japonicum</i>	Fullmoon Maple		
<i>Amelanchier arborea</i>	Downy Serviceberry		
<i>Amelanchier x grandiflora</i> (& cultivars)	Apple Serviceberry		
<i>Amelanchier laevis</i>	Allegheny Serviceberry		
<i>Corpinus caroliniana</i>	American Hornbeam		
<i>Cercis canadensis</i> (Columbus Strain)	Columbus Strain Redbud		
<i>Chionanthus virginicus</i>	White Olive		
<i>Cornus alternifolia</i>	Common Dogwood		
<i>Crataegus crusgalli</i>	Cockspur Hawthorn		
<i>Crataegus crusgalli var.</i> <i>inermis</i>	Thornless Cockspur Hawthorn		
<i>Crataegus phaenopyrum</i>	Washington Hawthorn		
<i>Crataegus viridis</i> 'Winter King'	Winter King Hawthorn		
<i>Magnolia x loebneri</i> 'Dr. Merrill'	Dr. Merrill Magnolia		
<i>Magnolia x soulangiana</i>	Saucer Magnolia		
<i>Malus species and cultivars</i>	Crabapple species and cultivars		
<i>Ostrya virginiana</i>	Hophornbeam or Ironwood		
<i>Prunus x 'Newport'</i>	Newport Plum		
<i>Prunus virginiana</i>	Chokecherry		
<i>Prunus virginiana</i> 'Canada Red' or 'Shubert'	Shubert Chokecherry		
<i>Pyrus calleryana</i> (& cultivars)	Callery Pear		
<i>Salix matsudana</i> 'Tortuosa'	Corkscrew Willow Laurel Willow		
<i>Salix pentandra</i>	Korean Mountainash		
<i>Sorbus alnifolia</i>	European Mountainash		
<i>Sorbus aucuparia</i>	Showy Mountainash		
<i>Sorbus decora</i>	Ivory Silk Japanese Tree		
<i>Syringa reticulata</i> 'Ivory Silk'	Lilac		
<i>Syringa reticulata</i> 'Summer Snow'	Summer Snow Japanese Tree Lilac		

TALL DECIDUOUS SHRUBS (36" Tall Minimum)		TALL EVERGREEN SHRUBS (36" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Caragana arborescens</i>	Siberian Peashrub	<i>Juniperus chinensis</i> 'Hetzii'	Hetz Juniper
<i>Cornus mas</i>	Cornellancherry Dogwood	<i>Juniperus chinensis</i> 'Pfitzeriana'	Pfitzer Juniper
<i>Cornus racemosa</i>	Gray Dogwood	<i>Pinus mugo</i>	Mugo Pine
<i>Cornus sericea</i>	Redosier Dogwood	<i>Pinus mugo</i> <i>dia</i> 'Hicksii'	Hicks Yew
<i>Corylus americana</i>	Hazelnut	<i>Thuja occidentalis</i> 'Emerald Green' or 'Sm aragd'	Emerald Green Arborvitae
<i>Cotinus coggygia</i>	Smoketree	<i>Thuja occidentalis</i>	Holmstrup Arborvitae
<i>Euonymus alata</i>	Burning Bush	'Holmstrup'	
<i>Euonymus atropurpurea</i>	Eastern Wahoo	<i>Thuja occidentalis</i> 'Nigra'	Dark Green Arborvitae
<i>Euonymus europaea</i>	Spindletree or European Euonymus	<i>Thuja occidentalis</i> 'Pyramidalis'	Pyramidal Arborvitae
<i>Forsythia x intermedia</i> 'Meadowlark'	Meadowlark Forsythia	<i>Thuja occidentalis</i> 'Techny'	Techny Arborvitae
<i>Forsythia x intermedia</i> 'Northern Sun'	Northern Sun Forsythia		
<i>Hamamelis virginiana</i>	Common Witchhazel		
<i>Hydrangea paniculata</i> 'Grandiflora'	Peegee Hydrangea		
<i>Kolkwitzia amabilis</i>	Beautybush		
<i>Ligustrum amurense</i>	Amur Privet		
<i>Ligustrum japonicum</i>	Japanese Privet		
<i>Ligustrum vulgare</i> 'Cheyenne'	Cheyenne Privet		
<i>Magnolia stellata</i>	Star Magnolia		
<i>Physocarpus opulifolius</i>	Common Ninebark		
<i>Prunus cerasifera</i>	Purpleleaf Plum		
<i>Prunus triloba</i>	Double Flowering Plum		
<i>Rhus glabra</i>	Smooth Sumac		
<i>Rhus typhina</i>	Staghorn Sumac		
<i>Salix caprea</i>	French Pussy Willow		
<i>Sambucus canadensis</i> (& cultivars)	Elderberry		
<i>Syringa x chinensis</i>	Chinese Lilac		
<i>Syringa vulgaris</i> (& cultivars)	Common Lilac		
<i>Viburnum dentatum</i>	Arrowwood Viburnum		
<i>Viburnum lantana</i>	Wayfaringtree Viburnum		
<i>Viburnum lantana</i> 'Mohican'	Mohican Viburnum		
<i>Viburnum lentago</i>	Nannyberry Viburnum		
<i>Viburnum opulus</i>	European Highbush Cranberry Viburnum		
<i>Viburnum prunifolium</i>	Blackhaw Viburnum		
<i>Viburnum sargentii</i>	Sargent Viburnum		
<i>Viburnum trilobum</i>	American Carnberrybush Viburnum		

MEDIUM DECIDUOUS SHRUBS (24" Tall/Wide Minimum)		MEDIUM EVERGREEN SHRUBS (24" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Aronia arbutifolia</i> 'Brilliantissima'	Brilliant Red Chokeberry	<i>Juniperus chinensis</i> 'Ames'	Ames Juniper
<i>Aronia melanocarpa</i>	Black Chokeberry	<i>Juniperus chinensis</i> 'Armstrong'	Armstrong Juniper
<i>Aronia melanocarpa</i> var. <i>elata</i>	Glossy Black Chokeberry	<i>Juniperus chinensis</i> 'Fairview'	Fairview Juniper
<i>Cornus alba</i> 'Argent eo- <i>marginata</i> '	Variegated Dogwood	<i>Juniperus chinensis</i> 'Iowa'	Iowa Juniper
<i>Cornus sericea baileyi</i>	Bailey Dogwood	<i>Juniperus chinensis</i> 'Kettleeri'	Kettleeri Juniper
<i>Cornus sericea</i> 'Flaviramea'	Yellow-twig Dogwood	<i>Juniperus chinensis</i> 'Mountbatten'	Mountbatten Juniper
<i>Cornus sericea</i> 'Isanti'	Isanti Dogwood	<i>Juniperus chinensis</i> 'Mint Julep'	Mint Julep Juniper
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	<i>Juniperus chinensis</i> 'Sea Green'	Sea Green Juniper
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	<i>Juniperus communis</i> <i>depressa</i>	Old Field Juniper
<i>Euonymus alata</i> 'Compacta'	Dwarf Burning Bush	<i>Juniperus sabina</i>	Savin Juniper
<i>Forsythia x intermedia</i> 'Northern Gold'	Northern Gold Forsythia	<i>Juniperus squamata</i> 'Meyeri'	Meyer Juniper
<i>Ilex verticillata</i>	Winterberry	<i>Picea abies</i> 'Nidiformis'	Bird's Nest Spruce
<i>Hamamelis vernalis</i>	Vernal Witch Hazel	<i>Picea glauca</i> 'Conica'	Dwarf Alberta Spruce
<i>Myrica pensylvanica</i>	Bayberry	<i>Pinus mugo pumilio</i>	Dwarf Mugo Pine
<i>Philadelphus virginialis</i>	Mockorange	<i>Taxus cuspidata</i> (cultivars)	Spreading Japanese Yew
<i>Prunus x cistena</i>	Purple-leaved Sand Cherry	<i>Taxus x media</i> (cultivars)	Japanese Yews
<i>Prunus tomentosa</i>	Flowering Almond	<i>Thuja occidentalis</i> 'Golden Globe'	Golden Globe Arborvitae
<i>Rhus aromatica</i>	Fragrant Sumac	<i>Thuja occidentalis</i> 'Hetz Midget'	Hetz Midget Arborvitae
<i>Rosa rugosa</i> (cultivars)	Rugosa Rose	<i>Thuja occidentalis</i> 'Woodwardii'	Globe Arborvitae
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea		
<i>Spiraea prunifolia</i>	Bridal Wreath Spirea		
<i>Syringa meyeri</i> 'Palibin'	Dwarf Korean Lilac		
<i>Syringa patula</i> 'Miss Kim'	Miss Kim Lilac		
<i>Viburnum carlesii</i>	Koreanspice Viburnum		
<i>Viburnum opulus</i> 'Xanthocarpum'	Yellow fruited Viburnum		
<i>Viburnum trilobum</i> 'Wentworth'	Wentworth Viburnum		
<i>Weigela x 'Red Prince'</i>	Red Prince Weigela		

LOW DECIDUOUS SHRUBS (18" Tall Minimum)		LOW EVERGREEN SHRUBS (18" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Amelanchier stolonifera</i>	Running Service berry	<i>Buxus x 'Green Gem'</i>	Green Gem Boxwood
<i>Berberis thunbergii</i> (& cultivars)	Japanese Barberry	<i>Buxus x 'Green Velvet'</i>	Green Velvet Boxwood
<i>Chaenomeles x superba</i> 'Cameo'	Cameo Floweringquince	<i>Juniperus chinensis</i> 'Pfitzeriana Compacta'	Compact Pfitzer Juniper
<i>Chaenomeles x superba</i> 'Jet Trail'	Jet Trail Floweringquince	<i>Juniperus chinensis</i> 'Kallay's Comp act'	Kallay Compact Juniper
<i>Chaenomeles x superba</i> 'Texas Scarlet'	Texas Scarlet Floweringquince	<i>Juniperus chinensis</i> var. <i>sargentii</i> 'Glauca'	Blue Sargent Juniper
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	<i>Juniperus horizontalis</i> 'Bar Harbor'	Bar Harbor Juniper
<i>Deutzia x lemoinei</i> 'Compacta'	Compact Lemoine Deutzia	<i>Juniperus horizontalis</i> 'Blue Chip'	Blue Chip Juniper
<i>Diervilla lonicera</i>	Dwarf Bush Honeysuckle	<i>Juniperus horizontalis</i> 'Hughes'	Hughes Juniper
<i>Forsythia viridissima</i> 'Bronxensis'	Bronx Forsythia	<i>Juniperus horizontalis</i> 'Jade River'	Jade River Juniper
<i>Hydrangea arborescens</i> (& cultivars)	Smooth Hydrangea	<i>Juniperus hroizontalis</i> 'Plumosa'	Andorra Juniper
<i>Hypericum kalmianum</i>	Kalm's St. Johnswort	<i>Juniperus horizontalis</i> 'Wiltonii'	Blue Rug Juniper
<i>Philadelphus coronarius</i> 'Aureus'	Golden Mockorange	<i>Juniperus horizontalis</i> 'Wisconsin'	Wisconsin Juniper
<i>Physocarpus opulifolius</i> 'Nanus'	Dwarf Common Ninebark	<i>Juniperus procumbens</i> 'Nana'	Dwarf Japgarden Juniper
<i>Potentilla species</i>	Potentilla	<i>Juniperus Sabina</i> 'Calgary Carpet'	Calgary Carpet Juniper
<i>Prunus glandulosa</i> 'Sinensis'	Pink Dwarf Flowering Almond	<i>Juniperus squamata</i> 'Blue Star'	Blue Star Juniper
<i>Rhus aromatica</i> 'Gro-Low'	Gro-Low Sumac	<i>Juniperus squamata</i> 'Blue Carpet'	Blue Carpet Juniper
<i>Ribes alpinum</i>	Alpine Currant	<i>Juniperus Sabina</i> 'Broadmoor'	Broadmoor Juniper
<i>Rose (species)</i>	Hardy Shrub Rose	<i>Rhododendron x 'Northern Lights'</i>	Northern Lights Azalea
<i>Spiraea albiflora</i>	Japanese White Spirea	<i>Rhododendron x 'PJM Hybrid'</i>	PJM Hybrid Rhododendron
<i>Spiraea x bumalda</i> (& cultivars)	Bumalda Spirea		
<i>Spiraea japonica</i> (& cultivars)	Japanese Spirea		
<i>Spiraea nipponica</i>	Snowmound Spirea		
<i>Stephandra incise</i> 'Crispa'	Cutleaf Stephandra		
<i>Symphoricarpos albus</i> (& cultivars)	Snowberry		
<i>Viburnum opulus</i> 'Compactum'	Compact European Viburnum		
<i>Viburnum opulus</i> 'Nanum'	Dwarf European Viburnum		

Source: A Guide to Selecting Landscape Plants for Wisconsin, Hasselkus, UW-Ext. Publication: A2865

H. Requirements for Installation of Landscaped Areas.

1. **Installation.** All landscaping material recommended by the provisions of these Standards and Guidelines shall be installed on the subject property, per the approved site plan, within 365 days of the issuance of an occupancy permit for any building on the subject property or as determined by the Plan Commission but no later than the time period stated above.
2. **Cash Deposit.**
 - a. If the subject property is to be occupied prior to the installation of all required landscaping material, the property owner shall file, subject to approval by the Planner, a certificate of deposit or a certified check in the amount equal to 110% of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of these Standards and Guidelines, from a qualified contractor (valid for 365-day period), shall be used to determine the amount of surety.
 - b. If a part of a phased project approved per the requirements of the Standards and Guidelines, said amount may be split into amounts which are applicable to phases of the project.
3. Existing plant material which meets the recommendations of these Standards and Guidelines and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping recommendations.
4. All landscaping areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
5. The exact placement of required plants and structures depicted on the required detailed landscaping plan component of the required site plan shall be the decision of each property owner within the recommendations of this Subchapter, except that the following requirements shall be met:
 - a. Evergreen shrubs shall be planted in clusters in order to maximize their chance of survival.
 - b. Where a combination of plant materials, and/or berming and/or fencing is used, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - c. In no manner shall landscaping materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.

I. Requirements of Maintenance.

The continued and continual maintenance of all required landscaping materials shall be a requirement of these Standards and Guidelines and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of these Standards and Guidelines shall constitute an agreement by the property owner to comply with the provisions of these Standards and Guidelines. Upon failure to comply with these provisions, the Town may enter upon the property for the purpose of

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evaluating and maintaining all required landscaping materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of these Standards and Guidelines, and shall be subject to any and all applicable enforcement procedures and penalties.

J. Use of Required Landscaped Areas.

Any and all required landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike, or equestrian trails provided that: (1) no required materials are eliminated; (2) the total width and area of required landscaping is maintained; and (3) all other regulations of these Standards and Guidelines are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

K. Utility Easements.

Landscaping materials, fences and berms that are located within a duly-recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscape requirement. However, the width of such areas may be counted as part of a landscaping requirement.

(7) **Exterior Lighting Standards.**

These standards are intended to protect motorists and surrounding areas from excessive light or glare. This Section is not, however, intended to apply to public street lighting.

A. Internal Lot Lighting. Lighting standards and luminaries for parking lots, internal roads, drives and walkways shall conform to the following requirements:

TYPE OF LUMINAIRE*	PERMITTED ILLUMINATION	MAXIMUM HEIGHT
Cut-off	3 footcandles	28 feet
*See description of types of luminaries below.		

B. Method of Light Measurement. Illumination shall be measured in footcandles at six (6) inches above the ground level in a horizontal position at the lot line. A direct reading portable light meter with color and cosine corrected sensor and multiple scales shall be used. The meter shall have been tested and calibrated to an accuracy of plus or minus five (5) percent within one (1) year of its use. Measurements shall be made after dark. The difference between "lights on" measurements and "lights off" measurements shall be used to determine the illumination, thereby eliminating the effects of ambient light.

C. Types of Luminaries. Luminaries and lighting which may be used:

1. Cut-off Luminaire. This luminaire has a cut-off of less than ninety (90)

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degrees, so that at the centerline of the street, the luminaire is totally shielded from view. This fixture reduces glare to a minimum. Except as noted below, all cut-off fixtures shall be designed and located so that the cut-off line is at least ten (10) feet within the lot line.

2. Floodlighting. Floodlighting of buildings shall not exceed three (3) footcandles measured from a height equal to one-half (0.5) the building height at the face of the building and shall be focused on the building with no fugitive light leaving the fixture (shielded).

D. Additional Lighting Regulations.

Notwithstanding any other provision of this Section to the contrary:

1. No flickering or flashing lights shall be permitted.
2. Light sources, or luminaries, shall not be located within buffer yard areas except on pedestrian walkways.

(8) **Exterior Site Usage.**

A. Outside Storage of Materials and Equipment:

In all non-residential districts and non-residential uses outside storage of materials and equipment may be permitted subject to the following:

1. Storage area is allowed in the rear yard only as determined by the Plan Commission. The side yard could be used if the Plan Commission determines rear yard is not a practical location with screening of the side yard.
2. Storage area shall not be visible from any public right-of-way.
3. Storage area shall be enclosed with a 6 foot high wooden fence or a chain link fence with Evergreen plantings on the street side at the height of the fence at planting to screen/break up the view of the fence from the public.
4. Storage area shall not exceed 25% of the lot area.
5. Stored items shall be accessory to the approved business operation.

B. Outside Display of Merchandise:

In the A-B, B-1, B-2, NB-1, B-3, M-1 and M-2 Zoning Districts the outside display of merchandise may be permitted subject to the following:

1. Scaled Site Plan requires approval by the Town Plan Commission.
2. Display area is allowed in any yard with layout and use detailed on a plat of survey and approval by Plan Commission.
3. Display area shall not exceed 30% of lot area.
4. Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.

(9) **Modifying and/or Termination of Site Plan or Plan of Operation.**

If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the Town Plan Commission. Notwithstanding the foregoing, prior to any decision made by the Town which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the Town, and shall be afforded an opportunity to present evidence and be heard by the Town Plan Commission

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prior to any final action being taken by the Town which could result in the modification or termination of the use and site plan.

SECTION 3.07(4) AND (5) ARE REPEALED AND LANGUAGE FROM 3.07(4) IS MOVED TO SECTION 5.11 UPLAND CONSERVANCY (UC).

RELATING TO CONDITIONAL USES, CONDITIONAL USE REQUIRED. SECTION 3.08(5)G. IS REPEALED AND CREATED AS FOLLOWS:

- G. Commercial and Residential Ponds, Fish or Bait Ponds, Hatcheries, Recreational Ponds, Ditching, Draining, Grading, Dredging, Topsoil and Sod Removal and Channel Improvement, but not including normal road and home construction or agricultural ditching and draining as may be excepted by Section 30 of the Wisconsin Statutes: Subject to the following:
- a. The location, site plan and plan of operations shall be submitted to and approved by the Town Plan Commission and Board. No such use shall create flooding, concentrated runoff, inadequate drainage, unfavorable topography or restrict navigation in navigable waters.
 - b. No such use shall be permitted on a parcel less than 5 acres in area.
 - c. No building other than one used only for residence purposes shall be closer than 50 feet to the lot line of an adjoining lot in a district permitting residential use.
 - d. Note: Waukesha County Shoreland and Floodland Protection Ordinance provisions may also have jurisdiction and it is suggested that where such projects are proposed which may be within the jurisdiction of Waukesha County, that said project be referred to Waukesha County for review prior to the petitioner proceeding ahead so a joint Conditional Use request may go forward with the Town and County.
 - e. Proposed ponds which are not to be located within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance shall not require County approval. Applicant shall proceed with the conditional use request with the Town.

RELATING TO CONDITIONAL USES, CONDITIONAL USE REQUIRED. SECTION 3.08(5)H. IS CREATED AND THE REST OF THE SECTION NEEDS TO BE RENUMBERED.

- H. Communication Structures, such as radio, wireless communication devices, and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building mounted earth station dish antennas and private, non-commercial (ham) radio antennas or towers shall be regulated as follows:
1. Documentation that there is a need for tower space in the area of the proposed tower shall be provided with the conditional use application. New towers shall not be constructed except upon a showing of reasonably uninterrupted connections. It shall be proven that co-location, use of existing structures and possible stealth sites have been exhausted. Co-location is to mean that multiple grouping of antennas shall be located on one structure or tower. Any accessible structure of desired height shall be used to locate antennas or as a base to a tower extension for towers. Stealth sites are

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the masquerade of towers to appear as something else such as vegetation, flag poles, power poles, etc. At the Town Plan Commission or Town Board's request, a specialist may be hired by the Town to evaluate gaps in service and the extent that the proposed facility would close such gaps. The costs for hiring the specialist shall be paid by the applicant.

2. Self-supporting (without guy wire) towers less than 200 feet tall shall be situated on the site to self contain any debris resulting from tower failure. In all cases, the tower shall be located no closer to a lot line than 50 feet or the offset and setback requirements whichever is greater. In the event that the self-supporting tower is located on a parcel which is contiguous to a residential parcel, the tower shall be set back from the lot line a distance at least equal to the height of the tower.
3. All guy mast towers and self-supporting towers greater than 200 feet tall shall be situated on the site to self-contain any debris resulting from tower failure. In all cases, the tower shall be located no closer to a lot line than 50% of the tower height plus 25 feet. Also, in all cases, the guy wire anchors shall be located at a minimum 25 feet from the lot line or the offset and setback requirements whichever is greater.
4. Towers greater than 200 feet in height shall be located a minimum distance of 1,500 feet from any residential subdivision.
5. All tower apparatus shall be securely fastened to minimize noise emissions or damages from falling.
6. All changes made to towers exceeding what was requested in the original application or otherwise legally existing at the date of adoption of this section by the Town Board, including but not limited to, adding microwave dishes, increasing the height, or providing high power transmitting apparatus, shall require review and approval by the Plan Commission.
7. All towers and sites shall be properly maintained and shall be kept in a good condition as not to become a public nuisance or eyesore. Proper maintenance shall include but not be limited to regular lawn and landscaping care, painting of an accessory building, fences, and tower. Additionally, the site shall be kept clear of junk and debris.
8. Any tower declared to be a public nuisance due to poor maintenance, noise emissions, or other situation shall be subject to Section 7.02 of the Zoning Ordinance.
9. Landscaping requirements:
 - a. For all commercial towers over 50 feet in height, the tower base, accessory building, anchor points, and parking area shall be screened with a 4 ft. (at time of planting) evergreen hedge consistent with the landscaping requirements for non-residential properties.
 - b. For towers 200 feet tall or greater, at least one row of deciduous trees not less than a caliper of 2 ½ inches dbh shall be planted between the tower and public right of ways and residential properties. The type and amount of required landscaping shall be determined by the Plan Commission on a case by case basis.
 - c. The Plan Commission may allow an alternative landscaping or screening plan or waive the landscape requirements if it is determined that the landscaping will not be needed as a screen or serve a functional value based on existing topography or surrounding land uses.
10. All towers over 100 feet in height shall be constructed to accommodate a minimum of

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- three and a maximum of four other providers of similar service at market rate.
11. No apparatus shall be attached to any tower except as approved by the Plan Commission. Apparatus attached legally to existing towers prior to enactment of this section may remain but not be changed in any way except with approval of the Plan Commission and Town Board. Approval for additional apparatus will be granted only after the applicant demonstrates a need for additional apparatus.
 12. The co-location of additional antennas and installation of accessory equipment cabinets or buildings shall require site plan/plan of operation approval from the Plan Commission without additional public hearings. Plans shall be submitted and reviewed in accordance with Section 3.07 along with this Section.
 13. Removal of Communication Facilities: Within ninety (90) days after termination or expiration and nonrenewal of this Conditional Use Permit, the owner shall remove its tower, equipment cabinets and all affiliated equipment or improvements that are part of its communication facilities. In the event the communication facilities are not removed from the premises within the ninety (90) day period, the Town shall have the right to remove the tower, equipment cabinets and all other components of the communication facilities at the expense of the owner of the premises. If such costs of removal have not been paid by the owner of the premises to the Town within thirty (30) days after billing, the Town may charge the costs of such removal to the owner of the premises by placing the charge on the tax roll as a special assessment pursuant to Section 66.60(16), Wisconsin Statutes.
 14. Prior to final approval, the owners shall furnish a certificate of insurance in a form which is satisfactory to the Town attorney. The minimum amount of general liability insurance coverage shall be \$1,000,000.00 which may be reviewed by the Plan Commission and Town Board at any time to determine the sufficiency of such amount.

RELATING TO CONDITIONAL USES, CONDITIONAL USE REQUIRED. SECTION 3.08 (5)J IN-LAW UNITS IS CREATED TO READ AS FOLLOWS AND THE OLD "J" IS RENUMBERED TO "Jj" LABORATORIES FOR TESTING, EXPERIMENTAL OR ANALYTICAL PURPOSES.

J. In-Law Units: Subject to the following:

1. The location, building plan, site plan and plan of operation shall be submitted to and approved by the Town of Eagle Planning Commission and Town Board after holding a public hearing. Prior to scheduling a public hearing, the Town Planning Commission shall review the specific proposal.
2. The Waukesha County Health Environmental Resource Department shall certify that the septic system will accommodate the proposed use in accordance with COMM 83.
3. No in-law unit shall exceed 800 square feet for living area and no such unit shall contain more than two bedrooms. There shall be an additional outside surfaced parking stall for the unit (gravel at a minimum).

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4. Architecture of the residence shall be compatible with the adjacent residential neighborhood and shall appear to be a single-family residence. No primary exterior door shall be allowed for ingress or egress to the in-law unit. A secondary exterior door is allowed if it is a patio type door used in conjunction with a deck or patio.
5. All other appropriate zoning district requirements for the principal living unit shall be complied with.
6. A Deed Restriction shall be filed in the Waukesha County Register of Deeds Office and a copy of the recorded document presented to the Building Inspector prior to issuance of the Building Permit. This Deed Restriction shall state that the in-law unit is to be occupied by not more than two related persons as allowed in the definition section of this Ordinance, §2.02(24a) and that the Conditional Use is not transferable without formal approval of the Town Planning Commission.

SECTION 3.08(5)Pp. CONDITIONAL USES, PLANNED UNIT DEVELOPMENT IS REPEALED AND RECREATED AS FOLLOWS:

Pp. Planned Unit Developments.

Due to the increased urbanization and the associated greater demands for open space, it is herein provided that there be flexibility in the regulations governing the development of land. This provision is intended to encourage Planned Unit Development in directions that recognizes both the changes in design and technology in the building industry, and the new demands in the housing market. It is intended that these provisions create communities with open area. An overall development plan must be submitted to the Town Plan Commission and Town Board for review and approval subject to the following:

1. There shall be no specific offset, setback, or minimum open space per lot required within a planned unit development. Lot areas shall be determined and may be modified according to the following conditions:
 - a. That all on site septic system provisions comply with COMM 83.
 - b. That the proposed development is not contrary to the general welfare or economic balance of the community, and that benefits and amenities of the resultant development justify the variation from the normal requirements of the district in which it is located.
 - c. That all other requirements of the Planned Unit Development are met as set forth herein.
 - d. The minimum lot size and lot width shall be at the discretion of the Planning Commission and Town Board.
2. Residential Planned Unit Development.
 - a. The following table shall be utilized as a minimum to compute the maximum dwelling unit density and minimum open space requirements for the Planned Unit Development:

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MINIMUM COMMON OPEN SPACE & DENSITY					
DENSITY (sq. ft.)	DISTRICTS	COMMON OPEN SPACE			
		20%	30%	40%	50%
	A-1	120,000	116,000	113,000	110,000
	A-1a	120,000	116,000	113,000	110,000
	A-2	120,000	116,000	113,000	110,000
	UC	120,000	116,000	113,000	110,000
	RH	120,000	116,000	113,000	110,000
	RRE-1	110,000	105,000	100,000	95,000

Example: Computing maximum dwelling unit density in a Planned Unit Development with 20% common open space in an UC District:

Gross Acreage 100 acres
 Less 80% of 10 acres zoned C-1 - 8 acres

Less 10 acres devoted to commercial use - 10 acres

Total Acreage in square feet (82 acres x 43,560) 3,571,920 sq. ft.

Divide by square feet/dwelling unit requirements for A-1 District

(3,571,920 ÷ 120,000) 29 units

- b. The common open-space of the development shall be clearly delineated within the development as an outlet or easement and shall not include open space within a developable lot. Up to 20% of the land in the proposed development currently zoned C-1 may be used in this open-space computation.
- c. Adequate guarantee shall be provided for permanent retention of common open space resulting from these regulations, either by private reservation, or by public dedication. Buildings or uses for noncommercial, recreational, or accessory facilities may be permitted in such common open space area with the approval of the Town Plan Commission and Town Board.
- d. Perpetual care and maintenance of such open space areas shall be provided for by the lot owner(s) and an operational plan shall be submitted for approval to the Town Plan Commission and Town Board.
- e. Ownership and tax liability of the open space areas shall be established in a manner acceptable to the Town and made a part of the conditions of approval.

3. After all conditions of a planned unit development project are certified by the Town Board and Plan Commission as being completed, the conditional use status of such completed development shall be changed to a permitted use in the district in which it is located.

ADD TO SECTION 5.05(4)L.

L. Communication Structures

RELATING TO A-E EXCLUSIVE AGRICULTURAL CONSERVANCY DISTRICTS, CONDITIONAL USES. SECTION 5.05(4)M. IS CREATED AS FOLLOWS:

M. In-Law Units.

RELATING TO UPLAND CONSERVANCY (UC) DISTRICT. SECTION 5.11 A NEW NUMBER (5) IS CREATED AS FOLLOWS AND THE REST OF THE SECTION IS RENUMBERED.

(5) Site and Building Plan Approval:

A. Purposes/Intent.

1. It is the intent of this Section to protect the mature trees undergrowth and Kettle Moraine topography by limiting the tree and undergrowth removal, grading and controlling the soil erosion in conjunction with new building construction. The building plans need to be harmonious with and sensitive to the Kettle Moraine landscape and be designed to fit the land and have a low impact on these sensitive lands.

B. Site and Building Plan Requirements:

1. Site plan drawn to scale (including scale and north point).
2. Owner's and/or developer's name and address.
3. Surveyor and/or engineer's name and address.
4. Date of plan submittal.
5. Existing topography shown at a contour interval not less than five (5) feet, (or where not readily available elevations at appropriate locations).
6. Proposed changes in topography.
7. The characteristics of soils related to contemplated uses.
8. The type, size, location and dimensions of all proposed structures including walls.
9. Location and number of parking and storage areas and design of site access.
10. Location and size of existing and proposed sanitary sewers, septic tanks and disposal fields, holding tanks, storm sewers and water mains.
11. Existing and proposed public right-of-way widths.
12. Location of existing trees of 12 inch caliper or larger for the area the building, septic and drive will occupy and for 15 feet from the improvement and extent

- and type of proposed plantings, including type and extent of erosion control.
13. Any other site or use information, such as 100 year flood elevation, which will assist the Plan Commission in making a determination and recommendation on the proposal.
 14. Approved site and building plans shall be recorded with certified survey maps and subdivision plats. All development on UC-Upland Conservancy zoned land must follow the approved site and building plans.

C. Building Permit Approval Process:

1. The Plan Commission shall review applications for building permits in the Upland Conservancy per the above listed requirements and approve, conditionally approve, or deny the applications. A minimum of 20,000 s.f. or 15% of the lot area in the Upland Conservancy, whichever is greater, of trees and undergrowth clearing and grading for the building construction, yard and septic system is permitted.

RELATING TO RESIDENTIAL HOLDING DISTRICT, ACCESSORY USES. SECTION 5.13(3) IS REPEALED AND RECREATED TO READ:

- (3) Accessory Uses: Any accessory use permitted in the A-1a Agricultural District. All residents shall have a two-car garage, minimum of 400 square feet.

RELATING TO RRE-1 RESIDENTIAL RURAL ESTATE DISTRICT, ACCESSORY USES. SECTION 5.14(3)A IS REPEALED AND RECREATED TO READ:

- A. Private garages, carports, and paved parking areas, when located on the same lot and not involving the conduct of a business except as a conditional use, shall not be erected prior to the erection of the principal building. All residences shall have a two-car garage, minimum of 400 square feet. The garage can be either attached or detached.

RELATING TO RRE-2 RESIDENTIAL RURAL ESTATE, ACCESSORY USES. SECTION 5.15(3) IS REPEALED AND RECREATED TO READ:

- (3) Accessory Uses: Any accessory use permitted in RRE-1 Residential Rural Estate District. All residences shall have an attached or detached two-car garage, minimum of 400 square feet.

RELATING TO RRE-2 RESIDENTIAL RURAL ESTATE DISTRICT, CONDITIONAL USES. SECTION 5.15(4)A. IS REPEALED AND RECREATED TO READ:

- A. Any conditional use permitted in the RRE-1 Residential Rural Estate District except for commercial stables.

RELATING TO RLO RESIDENTIAL LAKE OVERLAY DISTRICT CONDITIONAL

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USES. SECTION 5.16(4) IS REPEALED AND RECREATED TO READ:

(4) Conditional Uses: Any conditional use as permitted in RRE-2 Residential District.

RELATING TO RLO RESIDENTIAL LAKE OVERLAY DISTRICT CONDITIONAL USES. SECTION 5.16(7)A.2. IS REVISED AS FOLLOWS:

2. Maximum Floor Area Ratio Permitted: Thirty (30) percent.

C. Open Space: 50% of lot area.

RELATING TO M-1 LIMITED INDUSTRIAL DISTRICT, USE REGULATIONS, SECTION 5.22(1)B. IS REPEALED AND RECREATED AS FOLLOWS AND (1)C. PERMITTED USES SECTION IS CREATED AS FOLLOWS.

B. Purpose. The Limited Industrial District is intended to encourage the establishment of manufacturing wholesale business establishments which are clean, quiet and are free of objectionable elements such as noise, odor, dust, glare or smoke.

C. Permitted Uses. In the Limited Industrial District no building or premises shall be used and no building shall hereafter be occupied unless the location, building, site plan and plan of operation have been submitted to and approved by the Plan Commission.

1. Animal hospitals or veterinarian clinics.
2. Appliance stores.
3. Automobile repair shops, including body shops, welding, upholstery and the repair and enclosed storage of automotive accessories, but not automobile wrecking or salvage yards and farm machinery sales and service.
4. Automobile sales.
5. Bakery shops.
6. Bank or savings and loan offices.
7. Barber shops.
8. Boat manufacture, storage and repairs.
9. Caterers.
10. Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
11. Clinics.
12. Clothing or dry goods stores.
13. Enameling and painting.
14. Furniture stores.
15. Grocery stores.
16. Hardware stores.
17. Knitting mills and manufacture of products from finished fabrics.
18. Laboratories.

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19. Machine shops, blacksmithing, sheet metal and welding.
20. Manufacture and bottling of nonalcoholic beverages.
21. Manufacture of drugs, cosmetics or jewelry.
22. Manufacture of goods from leather, but not the tanning of hides or manufacture of leather.
23. Manufacture of goods from plastic.
24. Manufacture of products from paper and wood, but not the manufacture of paper or pulp or sawing logs.
25. Mini-warehouses.
26. Pharmacies.
27. Places of entertainment.
28. Printing and publishing houses.
29. Processing, packing and manufacturing of food, but not meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas.
30. Restaurants.
31. Retail sales of sporting goods, home and office appliances and supplies.
32. Self-service and pick-up laundry and dry cleaning establishments.
33. Storage and warehousing of fuel, building materials and contractors yards, except the storage of wrecked and dismantled vehicles or junk.
34. Wholesale business dealing in articles or commodities not inherently dangerous or offensive in the form dealt with.
35. Any similar use subject to the approval of the Plan Commission.

RELATING TO M-2 GENERAL INDUSTRIAL DISTRICT, USE REGULATIONS, PERMITTED USES. SECTION 5.23(1)A.4. IS CREATED AS FOLLOWS:

4. Adult Oriented Establishments (See Standard District Regulations Section 3.03.)

RELATING TO FLOOR AREA MEASUREMENTS. THE TEXT DESCRIBING THE MEASUREMENTS OF FLOOR AREAS IN APPENDIX B-1 IS REPEALED AND RECREATED TO READ:

- C. Method of Measurement: Floor area shall be measured at each level from outside wall to outside wall, but for the purpose of determining minimum required floor area shall not include basements, attached garages, open porches, or attics and other storage areas having an average height of less than seven (7) feet. In a split level building the first floor level shall include all area which is not over another living area of the building.

This ordinance is subject to enactment by the Waukesha County Board of Supervisors.

Introduced by Supervisor KWIATKOWSKI, seconded by
Supervisor MALEK, at a ^{special}~~regular~~ meeting of the Eagle Town Board on the
4 day of February, 2004.

APPROVED:

Donald Wilton
Donald Wilton, Town Chairman

ATTEST:

Sally McMillan
Sally McMillan, Town Clerk

Ayes 4
Naes 0
Absent 1

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/13/04

(ORD) NUMBER-1580160

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 7 J. JESKEWITZ.....AYE
 9 P. HAUKOHL.....AYE
 11 K. HARENDA.....AYE
 13 J. MORRIS.....AYE
 15 D. SWAN.....AYE
 17 J. BEHREND.....
 19 W. MITCHELL.....AYE
 21 W. KOLB.....AYE
 23 P. PRONOLD.....AYE
 25 K. CUMMINGS.....NAY
 27 D. PAULSON.....AYE
 29 M. THOMAS.....NAY
 31 V. STROUD.....AYE
 33 D. PAVELKO.....AYE
 35 C. SEITZ.....AYE

2 R. THELEN.....AYE
 4 H. CARLSON.....NAY
 6 D. BROESCH.....AYE
 8 J. DWYER.....AYE
 10 S. WOLFF.....AYE
 12 J. GRIFFIN.....AYE
 14 J. LA PORTE.....AYE
 16 R. MANKE.....AYE
 18 B. MORRIS.....AYE
 20 M. KIPP.....AYE
 22 G. BRUCE.....AYE
 24 A. SILVA.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....NAY
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-04

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-34