

ZONING ORDINANCE

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1.00 INTRODUCTION

1.01 Title This ordinance shall be known as the Town of Germantown Zoning Ordinance.

1.02 Date of Adoption

This ordinance was duly adopted by the vote of the Town of Germantown Town Board on November 14, 1989. Adoption was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on March 13, 1996. Amendment was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on June 11, 1999. Amendment was preceded by due notice and hearing as required by law.

Amended and approved by the Town Board on April 11, 2000. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on July 26, 2000. Amendment was preceded by due notice and hearings as required by law

Amended and approved by the Town Board on September 13, 2000. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on December 11, 2001. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on June 11, 2002. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on November 12, 2002. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on July 8, 2003. Amendment was preceded by due notice and hearings as required by law.

Amended and approved by the Town Board on October 12, 2004. Amendment was preceded by due notice and hearings as required by law.

Amended and Approved by the Town Board on April 11, 2006. Amendment was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on January 12, 2010. Amendment was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on October 11, 2011. Amendment was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on January 8, 2013. Amendment was preceded by due notice and hearing as required by law.

Amended and Approved by the Town Board on July 13, 2021. Amendment was preceded by due notice and hearing as required by law.

1.03 Effective Date This ordinance shall take effect on the date following publication in accordance with Section 60.22 and 60.10, Wis. Stats.

1.04 Areas To Which This Ordinance Applies

This ordinance applies to all lands located within the Town of Germantown.

1.05 Compliance

The use of any lands, the size, shape and placement of lots, the use, occupancy, size, location of structures and equipment and all other matters dealt within this ordinance shall be in full compliance with the terms of this ordinance and other applicable regulations. It shall be unlawful for a use, structure or occupancy to occur in non-compliance with the terms of this ordinance and other applicable regulations.

1.06 General Intent

The intent of this ordinance is to contribute to the betterment of the Community, for the benefit of persons who reside in the Community. This ordinance intends to promote the public health, safety and welfare, to promote orderly development in all districts, and to maintain and improve the quality of the Community.

1.07 Classification of Uses

In each zoning district there are uses which are permitted uses and uses which are conditional uses.

- 1) Permitted Uses. Permitted uses of land or buildings shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted in the zoning district in which such building or tract of land is located, with the following exceptions:
 - a) Uses lawfully established on the effective date of this ordinance; and
 - b) Conditional uses allowed in accordance with the provisions of Section 5.00.

Uses lawfully established on the effective date of this ordinance and rendered non-conforming by the provisions thereof shall be subject to those regulations of Section 2.00 governing non conforming uses.

- 2) Conditional Uses. Conditional uses may be allowed in the districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Section 5.00.
- 3) A term 'allowable uses' in this ordinance refers to both permitted and conditional uses.

1.08 Charges for Town Consultants

The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposal coming before the Planning Commission. The Town may apply the charges for these services to the Petitioner. The Town may delay final acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the petitioner. The agreement submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal.

2.00 GENERAL PROVISIONS

2.01 Pre-Existing Substandard Parcels

Providing that the property complies with all federal, state, county and town regulations, every parcel is entitled to the development of at least one residential dwelling unit within the Agricultural/Residential Open Space District, Commercial District, Business Center Mixed Use District, and the Town Center District. Lots or parcels used or proposed to be placed in a use allowable under this ordinance that are deficient in minimum lot area or minimum lot width may be allowable for said use, if the parcel was of record on the effective date of this ordinance. Adjustments to pre-existing substandard parcels which result in a lesser number or extent of nonconformity are allowable under this ordinance.

- 1) If more than one (1) contiguous pre-existing, substandard parcel can be reshaped or configured in a way that results in lower residential density and no decrease in lot size, it shall be encouraged and the resulting parcels treated as you would a three (3) acre lot.

2.02 Pre-Existing Non-Conforming Uses and Developments

- 1) The lawful established and operational use of a structure or premises existing on the effective date of this ordinance or the effective date of an amendment to this ordinance may be continued although such use does not conform with the provisions of the ordinance or the amendment, except as specified.
- 2) Legally established non-conforming structures shall not be enlarged, renovated, restored, rehabilitated, or remodeled beyond their original footprint or height, unless such modification is needed to address a zoning or building code violation and such modification is limited to the minimal modification needed to address the violation, or a variance(s) to all regulations creating the non-conformity conditions of the structure are granted by the Zoning Board of Appeals.
- 3) If non-conforming use or the use (conforming or non-conforming) of a structure that is non-conforming as to dimensional requirements is discontinued for a period of twelve (12) months, any future use of the building or premises shall conform to the ordinance. This period may be waived by the Zoning Board of Appeals.
- 4) The existing lawful use of a structure, building, dwelling, mobile home or junkyard at the time of enactment of this ordinance, or any amendment thereto, may be continued although such use does not conform to the provisions of this ordinance. When a building is damaged in the amount of fifty percent (50%) of the assessed value of the structure, by fire, explosion, act of God or public enemy, it shall not be restored and no Certificate of Zoning Compliance issued except in conformity with the provisions of the Town Code.

2.03 Certificate of Zoning Compliance

A Certificate of Zoning Compliance from the town is required before a building permit is issued. The property owner is responsible for maintaining compliance with all applicable local, state and federal regulations.

A property owner, before requesting a building permit, shall apply for a Certificate of Zoning Compliance from the Zoning Administrator. The Certificate shall state whether or not the property and use on or proposed for the property meets current ordinance standards.

2.04 Yard Requirements

Front, side, and rear yards shall be provided in accordance with the regulations indicated and shall be unobstructed from the ground level to the sky. Architectural projections such as chimneys, eaves, and ornaments may project into the required yard, but such projections shall not exceed two (2) feet.

2.05 Abandoned Motor Vehicles

The storage of a motor vehicle which is abandoned, junked, mechanically inoperative, or not currently licensed shall be prohibited in the Agricultural/Residential/Open Space, Town Center, Commercial, and the Business Center Mixed Use Districts unless such vehicle is completely enclosed in a permitted structure, except that in the Agricultural/Residential/Open Space District three (3) such vehicles may be kept on a lot in excess of 40 acres and up to three (3) such vehicles may be kept on a conforming lot in the Commercial District.

2.06 Uses Not Classified

Any uses not specifically listed, or deemed substantially similar by the Zoning Administrator or his/her designee, in this ordinance are prohibited.

2.07 Traffic, Parking and Access

- 1) Applicability. The provisions of this Section shall apply to any application for Site Plan approval, including the following;
 - a) Building Additions and Expansions. Unless otherwise expressly stated, the standards of this Subsection 2.07 shall apply to any addition or expansion of heated space of an existing structure. Additional off-street parking and loading spaces shall be required only to serve the addition or expansion area.
 - b) Parking Area Additions and Expansions. Unless otherwise expressly stated, the standards of this Subsection 2.07 shall apply to any expansion of parking or loading areas greater than 30% of the existing parking or loading area square footage.
 - c) Change in Use. Unless otherwise expressly stated, the standards of this Subsection 2.07 shall apply to any change in use, except that a change in use resulting in an increase of less than or equal to 30% in required off-street parking and/or loading area shall be exempt.
 - d) The standards of this Subsection 2.07 shall not apply to detached single-family, duplex, or triplex dwellings on individual lots of record, except that such dwellings shall conform to the requirements of Subsection 2.07 8);
- 2) General Design Standards for new Multi-Family and Non-Residential parking
 - a) Location. Required off-street parking area(s) shall be provided on the same parcel as the principal structure or use.
 - b) No parking spaces shall be allowed in a required side or rear yard setback.
 - c) Landscaping. Landscaping shall be required in accordance with Subsection 2.15.
 - d) Exterior Lighting. Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.
 - e) Paving Required. All required parking and vehicular traffic surfaces shall be graded for drainage and shall be paved, as defined in Section 11, except for the following;
 - i. Overflow parking areas as allowed for in Subsection 2.07 9) b). Such areas shall consist of a gravel or crushed stone surface of at least two (2) inches deep throughout the vehicular use area, and the vehicular use area has a visible and definable edge made of landscape timbers, vegetation such as low shrubs or decorative grasses, or similar technique to distinguish the vehicular use area from any adjacent yard area.
 - ii. Low-traffic storage yards for those properties, uses, and areas legally permitted for outdoor storage and which do not generate more than 30 average daily trips. Such areas shall consist of gravel, crushed stone, or compacted dirt surface of at least two (2) inches deep throughout the vehicular use area.
 - f) All parking surfaces shall be maintained in sound condition free of weeds, trash, and debris.
- 3) Overhang Protection. Wheel or bumper guards or curbing shall be provided, located and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking space and into a pedestrian crossing area. Except where a wall is constructed, a minimum six (6) inch high vertical concrete curb (or individual bumper guard) shall be constructed or installed so that no part of a vehicle extends beyond the property line.
- 4) Striping Required. Off-street parking areas, as required by this Ordinance, shall be striped in accordance with the dimensions as set forth in this Section. Parking space lines or markings shall be kept clearly visible and distinct.

- 5) Backing Movements Prohibited. Except for single-, two-, and three-family dwellings on individual lots, parking spaces and driveways shall be arranged to require ingress and egress from the lot to a public street by forward motion of the vehicle.
- 6) Sight Triangles - Sight Triangles for intersections of driveways and public streets shall be regulated in accordance with Subsection 2.16.
- 7) Sidewalk, Curb, and Gutter Required.

Curb and gutter and sidewalks to adjacent public streets which provide access to the development shall be provided by the developer and/or owner, where deemed appropriate by the Zoning Administrator, and subject to the following;

- a) Sidewalk, curb, and gutter shall not be required for all developments multi-family and non-residential development, for those roads identified as funded by local, State, or Federal government, and to such configuration as detailed on the Official Map.
 - b) Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner.
 - c) Additional right-of-way dedication may be required to accomplish future road improvements, as determined by the Zoning Administrator or his/her designee.
 - d) Sidewalks shall not be required for development located in the Agricultural/Residential/Open Space zoning district. However, this shall not prohibit the requirement for other roadway improvements, such as curb and gutter or additional right-of-way.
- 8) Design Standards for new Single-Family, Duplex, and Triplex Parking.
 - a) Dwellings shall have a paved area large enough to accommodate two (2) 9'x18' off-street parking spaces per dwelling unit (excluding garage spaces).
 - b) Parking in the front yards or side yards are subject to the following requirements;
 - i. No person shall park or store any motor vehicle in the front or side yard other than completely upon an improved driveway or improved parking pad.
 - ii. Improved drive and parking areas shall not exceed fifty percent (50%) of the lot's front or side yard, or building frontage if on a shared lot. Access to parking shall be limited to properly approved curb cuts or other approved access points. Proposed improved parking areas shall be designed and installed so as to avoid creating standing water conditions, diverting runoff onto neighboring properties, or adversely impacting stormwater quality.
 - 9) Multi-Family and Non-Residential Parking Requirements.

Developments and structures other than single-family, duplex, or triplex shall be required to adhere to the following regulations;

- a) Off-street parking spaces shall be provided in accordance with the requirements of the Institute of Traffic Engineers (ITE) parking generation manual, or at the discretion of the Zoning Administrator, for all uses except for outdoor public assembly.
- b) Outdoor public assembly uses are required to have one (1) parking space for each four (4) fixed/designated seats provided for patron use, including portable seats, benches and amphitheater seating, plus one (1) space for each 100 square feet designated for assembly, but not containing fixed/designated seats, or one (1) space for every 1,000 square feet designated for active recreation, or 1 space for every 2,000 square feet designated for passive recreation, whichever is greater. Fifty percent (50%) of parking required for outdoor public assembly shall be allowed to be considered overflow parking, if desired by the applicant.
- c) Parking aisle and space dimensions.
 - i. Parking spaces shall measure nine feet (9') wide by eighteen feet (18') in length.
 - ii. Parking aisles shall be twelve feet (12') wide per drive aisle lane.

- iii. Handicapped parking spaces shall be a minimum of thirteen feet (13') by eighteen feet (18') for a single non-van space - eight feet (8') in width in addition to a five foot (5') access aisle) or a minimum of sixteen feet (16') by eighteen feet (18') for a single van space – eight feet (8') in width in addition to an eight foot (8') access aisle.

10) Loading.

- a) Retail and service establishments shall have one (1) loading space with minimum dimensions of twelve feet (12') by twenty feet (25') for every 20,000 square feet of gross leasable area.
- b) Office buildings and lodging establishments shall have (1) loading space with minimum dimensions of twelve feet (12') by twenty feet (25') for every 50,000 square feet of gross leasable area
- c) Off street loading/unloading areas shall be located such that interference with traffic on streets is minimized.
- d) No off street loading/unloading space shall be sized such that any reasonably anticipated vehicle utilizing the space will protrude into any required parking space and/or street right of way.

2.08 Home Occupations

A home occupation is any occupation carried on by a member of the immediate family residing on the premises, which meets all of the following conditions.

- a) That the occupation is clearly incidental and secondary to the principal use of the dwelling for dwelling purposes;
- b) That no mechanical equipment is used except such as may be used for purely domestic or household purposes, unless authorized by a conditional use permit (computers, facsimile and other like devices do not require a conditional use permit);
- c) That there is no evidence that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

2.09 Corner and Through Lots

A corner lot is a lot abutting two (2) or more streets at their intersection. Lots located at the intersection of two (2) streets shall have one (1) front yard, which shall front the street designated with the property address. The primary driveway shall be located on front property line from which the front yard is measured . The yard most opposite the front yard shall be designated the rear yard and the remaining yards shall be designated side yards. Lots abutting multiple streets which do not intersect shall be considered through lots and shall have a front yard along each street. Yards adjacent to front yards shall be designated as side yards.

2.10 Condominiums and Subdivisions.

Proposed condominiums, conversion to condominiums, condominium plats, condominium expansions and subdivisions (as defined on Section 11.00) are required to go through the site plan review process, and / or the Planned Unit Development process, prior to the recording of the plat, commencing of construction or marketing of units, and will be treated comparably.

2.11 Accessory Uses and Structures

- 1) Accessory uses. Accessory uses are uses that are incidental to the primary use of the property. Accessory uses shall be allowed in side, rear, and front yards, subject to any restrictions listed for the zoning district in which they are placed.
- 2) Accessory structures. An accessory structure is defined as a detached structure subordinate to a principle structure, located on the same lot or parcel, serving a purpose customarily incidental to the principle use of the principle structure, such as a residential dwelling unit or business. Accessory structures shall only be allowed

where no principle structure is in place when the property is zoned ARO and the principal use is a permitted agriculture, forestry fishing, hunting, crop production, or animal production use. No accessory structure or part thereof shall be used as a dwelling unit, as defined in Section 11. Accessory structures shall be allowed in side and rear yards, subject to any restrictions subject to the zoning district in which they are placed. No accessory structure shall not be closer than ten (10) feet to the principal building; shall not be closer than ten (10) feet to any side or rear yard line; except that such structures shall be at least 100 feet from the ordinary high water mark of a lake, stream or river.

3) Fencing shall be permitted in compliance with the following restrictions;

- a) Construction, erection or moving a fence, defined herein as controlled by this ordinance, requires application for an issuance of a permit under Section 7.02.
- b) The Zoning Administrator shall process the application and determine if the structure applied for is of a height, density, color and material that is consistent with nearby land uses, has a legitimate purpose beneficial to the premises upon which it is to erected, has no substantial detrimental effect to adjoining landowners other than that minimally necessary to accomplish the legitimate purpose and does not block the neighbor's view of the lake or other public premises, he may issue the permit after such a determination.

4) Shipping containers shall be permitted for personal storage in the ARO, CD, and BC districts and in compliance with the following restrictions;

- a) Shipping containers shall only be used for personal storage and shall not be used for commercial purposes.
- b) Only one shipping container per parcel shall be allowed.
- c) Shipping containers shall be placed on either a gravel bed, concrete pad, or other foundation in compliance with applicable building codes, placed in the rear yard only, and must meet accessory structure setbacks.

2.12 Animal Regulations

- 1) Household Pets, Exotics, and commercial Kennels separately regulated. This section does not intend to establish regulations for household pets or for exotic animals which are not commonly kept as pets nor for boarding and breeding kennels for dogs, which are regulated in this ordinance apart from this section.
- 2) No animal husbandry allowed in the Town Center District or in platted subdivisions.
- 3) Animal Husbandry Permitted. The keeping or raising of horses, poultry, beef and domestic livestock which includes sheep, llama or ruminants, goat, pig, or domestic fowl, including fur bearing animals and game raised in captivity and all related services thereto shall only be allowed as a listed in Section 3.00 and subject to the additional restrictions in 2.12 (2), and subject to the following additional restrictions:
 - a) No such use shall be permitted on a lot less than 3 acres in area exclusive of existing rights of way unless provided by the district regulations.
 - b) Except on a farm operation of at least 20 acres, such use shall be limited to not more than one (1) livestock unit per acre. A livestock unit equals one (1) horse, bovine, sheep, emu, llama or other ruminant, goat, hog or two (2) fowl or fur bearing animals.
 - c) The operation of a commercial horse stable shall be permitted only as a conditional use.
 - d) Any area where poultry, domestic livestock or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
 - e) In any District, except the restrictions in 2.12 (2), no building housing domestic livestock, poultry, or horses shall be permitted closer than 500 feet to any adjoining habitable structure.
 - f) The stocking of private ponds with fish shall be permitted in any District except that commercial fish hatcheries or the operation of commercial "fishing ponds" shall be permitted only as a conditional use.

2.13 Land Use Policies Plan

The policies of the Town of Germantown Land Use Policies Plan shall be considered in all decisions made by the Plan Commission, Zoning Administrator, Zoning Board of Appeals and Town Board.

2.14 Site Plan Review

Site Plan Review is required for: commercial, industrial and office development; multi-family residential developments; subdivision plats and condominium plats which shall be reviewed comparably; conditional uses; institutional and utility developments; fraternal and recreational developments, except as specifically exempted in Section 6.02. Refer to 6.02 for further details.

2.15 Landscaping

1) Applicability. The provisions of this Section shall apply to any application for Site Plan approval, including the following;

- a) New Development. Unless otherwise expressly stated, the standards of this Section shall apply to all new development.
- b) Additions and Expansions. Unless otherwise expressly stated, the standards of this Subsection 2.15 shall apply to any addition or expansion of heated space of an existing structure. Additional landscaping shall be required only to serve the addition or expansion area.
- c) An expansion of parking or loading areas equal to or less than 30% of the existing parking or loading area square footage are exempt from this Subsection 2.15.
- d) Change in Use. Unless otherwise expressly stated, the standards of this Subsection 2.15 shall apply to any change in use resulting in an increase of equal to or more than a 30% increase in required off-street parking and/or loading area. Additional landscaping shall be required for the entire property associated with the new use.
- e) The standards of this Section shall not apply to detached single-family, duplex, or triplex dwellings on individual lots of record, except that such dwellings shall conform to the requirements of Land Subdivision Ordinance #25.

2) Perimeter landscape buffers.

Buffers shall be used to provide visual and noise separation of intensive uses from less intensive uses. Buffer landscaping shall be provided as follows:

- a) Agricultural/Residential Open Space District zoning district.
 - i. Non-residential or multifamily uses in this district shall provide a buffer yard of at least ten feet (10') wide abutting residential or vacant uses or at least fifteen feet (15') wide if the nonresidential use is two stories or more and abuts a residential or vacant use.
 - ii. Large non-residential, 25,000 square feet or greater, or multifamily uses in this district shall provide a buffer yard at least twenty feet (20') wide.
 - iii. Nonresidential buildings, regardless of size, with service areas or mechanicals oriented toward residential uses shall provide a buffer yard of at least twenty feet (20').
- b) Town Center, Commercial and Business Center Mixed Use non-residential zoning districts.
 - i. Non-residential or multifamily uses in non-residential districts shall provide a buffer of at least fifteen feet (15') wide abutting residential uses or at least twenty feet (20') wide if the non-residential use is two stories or more.
 - ii. Large nonresidential buildings, 25,000 square feet or greater, shall provide a buffer yard at least twenty five feet (25') wide.
 - iii. Nonresidential buildings, regardless of size, with service areas or mechanicals shall provide a buffer yard at least twenty five feet (25') wide.

iv. Parking areas shall provide a buffer yard along any abutting street, and along parking area sides, at least six feet (6') wide, where no side is abutting a residential use. Parking areas shall provide a buffer yard along parking area sides of at least fifteen feet (15') wide where abutting a residential use. Where parking areas are not located within forty feet (40') of a property line, landscape buffers in Subsection 2.15 2) b) i., ii., and iii, shall be required instead of the side parking area buffers.

c) Perimeter landscape buffer design.

i. Non-parking area perimeter buffer areas shall consist of either masonry wall, fence, or landscaping in the form of hedges, shrubs, evergreen trees, or combination that forms a screen a minimum of four feet (4') in height, a maximum of six feet (6') in height, and not less than 75 percent opaque on a year-round basis. In addition, non-parking perimeter buffers shall be landscaped with at least one (1) additional shade/deciduous tree for every fifty linear feet (50').

ii. Perimeter landscaping buffers along parking areas are limited to a maximum three feet (3') in height and not less than 90 percent opaque on a year-round basis and which effectually blocks automobile headlights from trespass on adjacent property. In addition, parking perimeter buffers shall be landscaped with at least one (1) additional shade/deciduous tree for every forty linear feet (40').

iii. Buffers may be interrupted for necessary pedestrian and vehicle access.

3) Interior parking lot landscaping.

The purpose of interior parking lot landscaping is to minimize the expansive appearance of parking lots and provide shaded parking areas. Landscaping shall consist of planting islands and medians comprising the required planting area as specified below;

a) Planting area.

At least ten percent (10%) of the interior area of parking lots with more than 25 spaces shall be devoted to landscape planting areas. Shade trees shall be provided within the interior of parking lots areas in accordance with the following;

Number of Parking Spaces	Minimum Required Tree Planting
0—24	None required
25—100	1 tree per ten (10) spaces
101+	1 tree per fifteen (15) spaces

b) Landscape islands.

Landscape islands shall be provided at the end of each parking row and within the row of parking spaces so that there are no more than 15 consecutive parking spaces without a landscape island in accordance with the following;

i. Landscape islands shall have minimum interior dimensions of at least ten feet (10') in width and fifteen feet (15') in length.

ii. Landscape islands shall be planted with ground cover or sod and a minimum of one shade/deciduous tree.

c) Landscape medians.

Parking lots with more than 100 spaces shall be divided into at least two (2) smaller areas by landscape medians in accordance with the following;

i. Landscape medians shall be a minimum of eight feet (8') wide or fourteen to eighteen feet (14' – 18') wide with a pedestrian walk.

ii. Landscape medians shall have a minimum of one shade tree per 40 lineal feet along the length of the median and shall contain mulch, ground cover or sod.

- 4) General compliance.
 - a) For existing parking lots that currently do not comply with the interior lot landscaping as of the adoption of this ordinance, such landscaping shall be provided when any one of the following occurs:
 - i. Any new construction of a parking lot must comply with the current requirements of this ordinance.
 - ii. Existing approved parking areas that are either rehabilitated or reconstructed are required to replace existing parking area buffer and interior lot landscaping.
 - iii. Re-striping, patching, resurfacing of an existing parking area shall not be subject to this requirement.

2.16 Sight Triangles

- 1) A Sight Triangle shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right-of-way. The Sight Triangle is a triangular area connecting the following points: The intersection of the right-of-way lines and the end points of the sight distance for the intersecting streets, along the nearer right-of-way of the intersection street.
- 2) In the event that a proposed new street connection is located on a site near an adjoining property not under the ownership of the developer, the Zoning Administrator shall have the authority to require reduced standards to establish a sight triangle.
- 3) The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:
Right of Way width Distance (feet):
 - 50' ROW = 25' end point of sight distance
 - 60' ROW = 30' end point of sight distance
 - 70' ROW = 35' end point of sight distance
 - 80' ROW = 40' end point of sight distance
 - 90' ROW = 45' end point of sight distance
 - 100' (or greater) ROW = 50' end point of sight distance
- 4) A Sight Triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction greater than two (2) feet in height above the property line grade.
- 5) The following are exempted from this provision:
 - a) Public utility poles.
 - b) Trees trimmed (to the trunk) to a height at least nine (9) feet above the level of the intersection.
 - c) Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
 - d) A supporting member or appurtenance to a permanent structure lawfully existing on the effective date of this ordinance.
 - e) Signs erected by an extension of local, State, or Federal government, for public safety purposes.
 - f) Legally erected signs mounted ten (10) feet or more above the ground with supports that do not encroach upon the sight triangle.
 - g) The Zoning Administrator (or his/her designee) may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection.

3.00 ZONING DISTRICTS

3.01 Establishment of Zoning Districts

In order to carry out the purposes of this ordinance, the following zoning districts are hereby established:

ARO Agricultural/Residential/Open Space District

TC Town Center Overlay District

CD Commercial District

BC Business Center Mixed Use District

SO Shoreland Overlay District

PUD Planned Unit Development District

3.02 Zoning District Maps

- 1) Incorporation of Zoning District Maps. The location and boundaries of the zoning districts are as shown on maps entitled 'Zoning District Maps' on file in the office of the Town Clerk. The zoning district maps, together with all information shown and all amendments made to the map, shall be as much a part of this ordinance as if fully set forth and described herein.
- 2) Location of District Boundaries. The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:
 - a) Where zoning district boundary lines are indicated as following streets or alleys or extensions thereof, such boundary lines shall be construed to be the center lines of said streets or alleys or extension thereof unless clearly shown to the contrary.
 - b) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines. Edge of road surface, road right-of-way, and utility and other easements may be used by the Zoning Board of Appeals to determine boundary lines.
 - c) Streets or alleys which are shown on the zoning district maps and which are then vacated, or which in the future are vacated, shall be in the same zoning district as the abutting side to which the vacated land reverts.
 - d) All commercial and industrial uses existing prior to the adoption of this ordinance shall be rezoned into the Commercial Zoning District. When the exact boundary of a zoning district is not determinable from the zoning map, it shall be construed to be the parcel or land which is determined by the Zoning Board of Appeals to be the functional or used area for the operation of the business.

3.03 ARO--Agricultural/Residential/Open Space District

This district is intended to protect and preserve areas of the Town of Germantown which are presently rural or agricultural in character or use. Further, this district is intended to provide areas for low density residential, agricultural, and conservation uses.

The following land uses are allowed in the ARO District and exempt from regulation under this ordinance: cultivation, forestry, orchards, and other traditional agriculture and conservation activities except as identified below as permitted or conditional uses.

- 1) Permitted Uses
 - a) See Permitted and Conditional Uses Table.
 - b) Municipal, open space and woodlands

2) Conditional Uses

- a) See Permitted and Conditional Uses Table.
- b) Commercial agricultural operations which involve animal confinement are subject to the following conditions;
 - i. Animal feedlots must meet a minimum setback of 300 feet from the ordinary high water mark of all public waters, and shall be located so that manure will not drain into any navigable water.
 - ii. Farm buildings housing farm animals shall be at least 300 feet from any navigable water.
 - iii. Farm buildings housing farm animals shall be housed at least 500 feet from any non-farm residence.

3) Lot area and width

- a) Lots for permitted uses shall be a lot area of not less than 3 acres and a width of not less than 300 feet at the building setback line.
- b) Lots fronting on a conservancy strip (FERC) lands owned by others but existing for the purpose of providing public access to the shores of navigable lakes, streams, or rivers, shall be considered as having shore frontage, provided the width of the conservancy strip as measured perpendicular from the ordinary high water mark is 105 feet or less. Note: 75' shore set back plus 30' rear yard = 105'. If the conservancy strips width is more than 105 feet, the abutting lot is not considered fronting on the shore of navigable lakes, streams, or rivers.
- c) Lots for multi-family residential uses not served by sanitary sewer shall have a lot area of not less than 3 acres per dwelling unit and an average lot width of not less than 300 feet .
- d) Commercial uses shall have a minimum lot size of two acres and shall be not less than 200 feet in width.

4) Building Height

- a) No building or parts of a building shall exceed 35 feet in height. TV antennas and towers are exempted from this standard provided that they do not exceed 50 feet in height. TV antennas that exceed 50 feet in height may be allowed as a conditional use.

5) Setback and Yards

- a) There shall be a minimum front building setback of 30 feet.
- b) For conditional uses, there shall be a minimum front building setback of 50 feet.
- c) There shall be side setbacks from each side lot line of not less than 10 feet.
- d) There shall be a rear setback from the rear lot line of not less than 30 feet.
- e) Lots abutting a conservancy strip (FERC lands) shall have a minimum building / structure setback of 75 feet from the ordinary high water mark of the lake, stream, or river; or 30 feet from the lot line abutting the conservancy strip, whichever is the greater distance from the ordinary high water mark.

3.04 TC - TOWN CENTER DISTRICT

This district serves as a central commercial retail and professional services area potentially supported by residential and walkable in character. The purpose of this district is to encourage long-range planning of streets and utilities and to provide an area for the development of residential and commercial properties in a more urban environment with attendant densities in residence, commercial and transportation.

The following land uses are allowed in the Town Center District and exempt from regulation under this ordinance: municipal, open space and wood lands.

- 1) Permitted Uses
 - a) See Permitted and Conditional Uses Table.
- 2) Conditional Uses
 - a) See Permitted and Conditional Uses Table.
- 3) Lot area and width
 - a) Lots for permitted uses not served by sanitary sewer shall have a lot area of not less than 3 acres and an average width of not less than 300 feet.
 - b) For lots not served by sanitary sewer, , the minimum lot width shall be 150 feet . Lots fronting on a conservancy strip (FERC) lands owned by others but existing for the purpose of providing public access to the shores of navigable lakes, streams, or rivers, shall be considered as having shore frontage, provided the width of the conservancy strip as measured perpendicular from the ordinary high water mark is 105 feet or less. Note: 75' shore set back plus 30' rear yard = 105'. If the conservancy strips width is more that 105 feet, the abutting lot is not considered fronting on the shore of navigable lakes, streams, or rivers.
 - c) Residential Lots shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet for all single family, detached dwellings units served by sanitary sewer.
 - d) Lots for multi-family residential uses not served by sanitary sewer shall have a lot area of not less than 3 acres per dwelling unit and an average lot width of not less than 300-feet.
 - e) Commercial uses shall have a minimum lot size of two acres and shall be not less than 200 feet in width.
 - f) The limit on intensity of uses for commercial uses is set by maximum total floor area, maximum floor area ratio, and minimum landscaped surface ratio. The maximum building floor area on all levels shall be limited to 25,000 square feet per building (multiple buildings are allowed). The maximum floor area ratio (total floor area divided by lot area) shall be .15 or 15%. The minimum landscaped surface ratio (total area not covered by hard surfaces including roofs, concrete, asphalt, brick, block, stone, or gravel areas used for vehicle or pedestrian circulation, and all related surfaces as determined by the Zoning Administrator divided by lot area) shall be .50 or 50% (green space).
- 6) Building Height
 - a) No building or parts of a building shall exceed 35 feet in height. TV antennas and towers are exempted from this standard provided that they do not exceed 50 feet in height. TV antennas that exceed 50 feet in height may be allowed as a conditional use.
- 7) Setback and Yards
 - a) There shall be a minimum front building setback of 30 feet.
 - b) There shall be side setbacks from each side lot line of not less than 10 feet.
 - c) There shall be a rear setback from the rear lot line of not less than 30 feet.
 - d) Lots abutting a conservancy strip (FERC lands) shall have a minimum building / structure setback of 75 feet from the ordinary high water mark of the lake, stream, or river; or 30 feet from the lot line abutting the conservancy strip, whichever is the greater distance from the ordinary high water mark.
- 8) All development in the Town Center District shall be planned and constructed to accommodate future service by Sanitary District 1.
- 9) If connection to the Sanitary District 1 is determined not to be currently feasible by the Zoning Administrator, such developments shall be designed and developed to facilitate connection to a public sewerage system in the future, where future public sewerage service could be practically located within one (1) mile of the proposed development in the future.

- 10) No mobile home parks, n/k/a/ manufactured home community, are permitted in the Town Center District. No mobile homes or manufactured homes shall be permitted in the Town Center District.
- 11) Dwellings will have a minimum livable space of 864 sq. ft. on the ground level. The roof of the dwelling must have a slope of at least 4 inches/ 12 inches. Each dwelling must be anchored to a foundation which includes cement slab, full basement, cement crawl space or similar type foundation, not just pier with skirting. Each dwelling must have a minimum width of 20 feet. Any dwelling that is being moved into the Town Center District can be no older than 5 years old. In the Town Center District, these standards supersede minimum standards set forth elsewhere in this Ordinance.

3.05 CD - Commercial District

The purpose of this district is to allow and regulate business development ranging from commercial uses to light industrial uses.

- 1) Permitted Uses.
 - a) See Permitted and Conditional Uses Table.
- 2) Conditional Uses
 - a) See Permitted and Conditional Uses Table.
 - b) Campgrounds, subject to the additional restrictions in Subsection 6), below.
- 3) Lot width/area for commercial uses in the Commercial District
 - a) Commercial uses shall have a minimum lot size of two acres and shall be not less than 200 feet in width.
 - b) Industrial uses in the Commercial District shall have a minimum lot size of 10 acres and shall not be less than 300 feet in width if not served by sanitary sewer. The minimum lot size for industrial uses served by sanitary sewer shall be five (5) acres and the minimum width shall be two hundred (200) feet.
 - c) No industrial uses shall be located within 1,000 feet of the ordinary high water mark of the Castle Rock Flowage.
 - d) The limit on intensity of uses in a commercial district is set by maximum total floor area, maximum floor area ratio, and minimum landscaped surface ratio. The maximum building floor area on all levels shall be limited to 25,000 square feet per building (multiple buildings are allowed). The maximum floor area ratio (total floor area divided by lot area) shall be .15 or 15%. The minimum landscaped surface ratio (total area not covered by hard surfaces including roofs, concrete, asphalt, brick, block, stone, or gravel areas used for vehicle or pedestrian circulation, and all related surfaces as determined by the Zoning Administrator divided by lot area) shall be .50 or 50% (green space).
- 4) Building Height
 - a) No building or parts of a building shall exceed 35 feet in height. T.V. antennas and towers are exempted from this standard provided that they do not exceed 50 feet in height. TV antennas that exceed 50 feet in height may be allowed as a conditional use.
 - b) Smokestacks may be higher than 35 feet but must not exceed in height the distance to the nearest lot line.
- 5) Setback and Yards
 - a) There shall be a minimum front set back of 30 feet.
 - b) There shall be side setbacks from side lot lines of not less than 10 feet on each site for all commercial and light Industrial uses.
 - c) There shall be a rear setback on rear lot lines of not less than 30 feet for all commercial and light industrial uses.

6) Campgrounds

The Plan Commission may permit campgrounds, including time share campgrounds, as a Conditional Use, provided that such campgrounds shall comply with all of the following additional standards:

- a) All provisions of Town and County ordinances shall be adhered to by the statement of intent and plans submitted.
- b) Within a private campground, no building, structure, or premise shall be used and no building or structure shall be erected, altered, or established which is intended or designed to be used in whole or in part for any other than the following specified purposes:
 - i. One (1) single-family residential structure and accessory uses. Said residential structure shall exist for the primary use of the owner or operator of the commercial venture.
 - ii. Accessory buildings and structures incidental to the operation and maintenance of the entire private campground, such as showers, toilet buildings, recreational buildings, pavilions, shelters, maintenance buildings, service buildings, and swimming pools.
- c) All private campgrounds shall conform to the following regulations:
 - i. Campground area shall be not less than three (3) acres.
 - ii. Interior roads shall be all-weather surfaced, and shall be 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.
 - iii. Each campground shall have an average density of no more than twelve (12) campsites per acre.
 - iv. Maintenance of the campgrounds shall be adequate so as to preclude the creation of any nuisance. Such maintenance shall include such activities as the cleansing of toilet facilities, the collection of trash and garbage, the upkeep of interior roads, the tidying of beach areas, the repair of recreational equipment, the removal of noxious flora, and the control of pests.
- d) Conditional Use Permit applications and plans for campgrounds shall include the following information, in addition to all other applicable CUP application required information:
 - i. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - ii. Statement of intent as to the proposed use of the premises.
 - iii. Legal description of the subject site, address of the subject site, type of structures, existing and proposed operation or use of the site, number of employees, and the zoning district within which the subject site lies.
 - iv. Certified Survey Map prepared by a registered land surveyor showing the location boundaries, dimensions, uses, and size of the following: campground area; individual campsites; existing and proposed structures, streets, and interior roadways; campsite parking; and proposed yards.
 - v. Additional information as may be required by the Town Plan Commission.

7) Junkyards

The Plan Commission may permit a junkyard, including time share campgrounds, as a Conditional Use, provided that such junkyards shall comply with all of the following minimum additional standards:

- a) No material falling within the junkyard definition shall be located within one thousand (1000) feet from the center-line of any federal, state, or county road or the boundary of any public park or within six hundred (600) feet from the center-line of any Town road unless first authorized or approved by the Plan Commission as a condition of a Conditional Use Permit.

- b) The Plan Commission shall not approve nor shall the Town Board grant a junkyard Conditional Use Permit unless the junkyard shall not present a visual or odor nuisance; a hazard to public health, safety, ground water or environment.
- c) The junkyard owner or operator must carry and maintain adequate insurance and a Town approved security, e.g., a surety bond, letter of credit, etc., to cover the cost to remove all materials falling within the junkyard definition and ground contamination clean-up should the area be abandoned for any reason. The insurance policy and security must contain a clause requiring a sixty (6) day notice to the Town before canceling or otherwise terminating the insurance or security. The junkyard owner shall renew the insurance policy at least sixty (60) days prior to termination and shall advise the Town of the renewal. The Town shall be named as co-insured on the insurance policy and security. All costs of the insurance and security shall be paid for the junkyard owner or operator.
- d) A junkyard owner or operator must annually supply proof of insurance, security and compliance with this and any other pertinent Town ordinance to the Zoning Administrator, or the Conditional Use Permit shall be considered null and void and shall be revoke in accordance with Section 5.
- e) An eight (8) foot high fence shall be kept in place to keep the junkyard hidden from view in a manner compatible with the surrounding environment. Damaged, rotted, broken or destroyed fencing shall be replaced promptly. The screen and the screening materials shall require approval as part of the Conditional Use Permit review process conducted by the Plan Commission.
- f) No materials falling within the junk definition shall be located closer than fifteen (15) feet to the owner's property line.
- g) Tires, not mounted and inflated on a vehicle, motor vehicle or other equipment using tires, shall be kept free of accumulated water and in a covered, dry building.
- h) No hazardous, including nuclear, waste shall be stored in the Town of Germantown per Juneau County Nuisance Ordinance # 34.

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3.07 Shoreland Overlay District

The purpose of this District is to maintain safe and healthful conditions and prevent and control water pollution, protect spawning grounds, fish and aquatic life, control building sites, placement of structures and land uses, and preserve shore cover and natural beauty.

1) Permitted Uses

- a) Those uses designated as permitted in the underlying zoning district.
- b) Piers and docks which extend no more than 80 feet from the ordinary high water mark of the lake, stream or river and comply with the restrictions in Subsection 3), below.
- c) Conservancy strips (FERC lands) shall have a minimum building / structure setback of 75 feet from the ordinary high water mark of the lake, stream, or river; or 30 feet from the lot line abutting the conservancy strip, whichever is the greater distance from the ordinary high water mark.
- d) Those uses allowed by the Juneau County Shoreland Wetland Zoning Ordinance and approved by Juneau County and the Town of Germantown in conformance with the same.

2) Conditional Uses

- a) Those uses listed as conditional uses in the underlying zoning district.
- b) Shore maintenance and restoration performed in accordance with Wisconsin State law and in conformance with the Juneau County Shoreland Wetland Zoning Ordinance do not require permits.

3) Development Standards

- a) Building setbacks from the ordinary high-water mark of lakes, rivers, and streams shall be established by the Juneau County Shoreland Wetland Zoning Ordinance.

- b) Piers and docks may be extended more than 80 feet beyond the ordinary high water mark only if the following conditions are met:
 - i. The pier or dock does not extend beyond the point necessary to obtain a reasonable and safe moorage;
 - ii. The increased length will not interfere with the public use and enjoyment of the water, or create a hazard to navigation; and
 - iii. The increased length will not unreasonably interfere with the use of adjacent piers.
 - iv. Piers and docks are constructed in conformation with Wisconsin State law, and the Department of Natural Resources rules.
 - v. Provide solar or electric lighting on the end of the pier.
- c) No pier or dock shall be closer than 12 feet to any adjacent property line except when a mutual agreement of adjacent property owners is recorded with the Juneau County Register of Deeds and the Town of Germantown Clerk.
- d) Lands with public use rights within 100 feet of the ordinary high water mark shall be required to maintain those rights.
- e) All structures existing prior to the adoption of this ordinance and in conformance with all applicable local, county, state and federal rules, regulations, or ordinances may be continued although such use does not conform with the provisions of this ordinance.

4) Jurisdiction

The jurisdiction of this ordinance shall apply to all structures, land, and water situated either wholly or partly within the boundaries of the Town of Germantown, Juneau County, Wisconsin, including those lands under, abutting and lying close to navigable waters and within the shoreland and floodland areas, as defined herein, and as approved and adopted by the Town of Germantown and Juneau County. The shoreland and floodland areas in the Town of Germantown are also under the jurisdiction of Juneau County's Shoreland Wetland Zoning Ordinance. Where the Town zoning ordinance, on matters related to shoreland zoning, and the County Shoreland Wetland Ordinance differ, the County regulations shall apply. Permits for construction and use which require approval from Juneau County under the Shoreland Wetland Zoning Ordinance shall be required to obtain approval from the Town of Germantown, in accordance with all applicable Town regulations, as well as from Juneau County. Applicants and property owners seeking approval for construction from the County shall be responsible for applying for such permits and approvals.

Where a stream is subsequently identified or determined to be navigable, and was not previously subject to the County Shoreland Wetland Zoning Ordinance, said navigable stream and the lands bordering it, shall immediately be subject to the jurisdiction of this Ordinance, as determined by Juneau County.

3.08 PUD –Planned Unit Development District

1) Purpose

The PUD planned unit development district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD District under this ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements of lands in the vicinity of the PUD project. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin State Stats (condominiums) may be permitted by the Town upon specific petition under this section of the ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures. Then all regulations and standards as set forth in this section of the ordinance have been met.

2) Permitted Uses

Uses permitted in a Planned Unit Development District shall conform to uses listed as permitted or as conditional uses in the other districts of this ordinance. A PUD may mix the uses permitted in other districts. As an example, a mixture of residential and commercial may be permitted.

3) Minimum Area Requirements

a) Areas designated as Planned Unit Development Districts shall be under single or corporate ownership or control, when originally proposed and approved by the Town, and shall contain a minimum development area of:

	Principal Uses	Minimum Area of PUD
i.	Residential PUD	10 acres Each PUD must be located on a parcel that is a minimum of ten (10) acres for each eight (8) living units.
ii.	Mixed Compatible Use PUD, Including recreational Uses	20 acres Each PUD must be located on a parcel that is a minimum of twenty (20) acres for each sixteen (16) dwelling units, motel/hotel units, sleeping rooms, or for other principle buildings for which a residential equivalent will be established in the PUD process.

b) A mixed compatible use PUD includes any mix of land uses deemed appropriate by the Town and is not limited to just residential or just non-residential uses.

c) Residential lots shall have a minimum lot area of not less than 20,000 square feet and a width of not less than 100 feet for all single family, detached dwellings units served by sanitary sewer. Lots for multi-family residential uses not served by sanitary sewer shall have a lot area of not less than 3 acres per dwelling unit and an average lot width of not less than 300 feet.

d) A mixed compatible use PUD, which would include a compatible commercial or industrial use, would be limited in size or intensity by the maximum building size, and minimum landscape surface ratio, rather than by density, as listed in Subsections 3.08 3) e), f), and g).

e) Commercial uses shall have the following restrictions;

i. Lot sizes shall be a minimum of two (2) acres. Greater area may be required if located in a mixed compatible use PUD, due to minimum size requirements of 20 acres.

- ii. Lots not in a mixed compatible use PUD shall not be less than 200 feet in average width.
- f) Industrial uses shall have the following restrictions;
- i. Lot sizes for lots not served by sanitary sewer shall be a minimum of 10 acres. Lot sizes for lots served by sanitary sewer shall be a minimum of five (5) acres. Greater area may be required if located in a mixed compatible use PUD, due to minimum size requirements of 20 acres.
 - ii. Lots shall not be less than 300 feet in average width if not served by sanitary sewer. Lots shall not be less than 200 feet in width if served by sanitary sewer.
 - iii. No industrial uses shall be located within 1,000 feet of the ordinary high water mark of the Castle Rock Flowage.
- g) Other restrictions
- i. Maximum building height shall be 35 feet.
 - ii. Maximum building floor area, including all levels, shall be of 25,000 square feet per building (multiple buildings are allowed).
 - iii. Minimum landscape surface ratio (total area not covered by hard surfaces including roofs, concrete, asphalt, brick, block, stone, or gravel areas used for vehicle or pedestrian circulation, and all related surfaces as determined by the Zoning Administrator) divided by lot area shall be at least .50 or 50%.
 - iv. Lots not served by sanitary sewer shall have a lot area of not less than 3 acres and an average width of not less than 300 feet.
 - v. Lots abutting a conservancy strip (FERC lands) shall have a minimum building / structure setback of 75 feet from the ordinary high water mark of the lake, stream, or river; or 30 feet from the lot line abutting the conservancy strip, whichever is the greater distance from the ordinary high water mark.
 - vi. Residential lots fronting on a conservancy strip (FERC) lands owned by others but existing for the purpose of providing public access to the shores of navigable lakes, streams, or rivers, shall be considered as having shore frontage, provided the width of the conservancy strip as measured perpendicular from the ordinary high water mark is 105 feet or less. Note: 75' shore set back plus 30' rear yard = 105'. If the conservancy strips width is more than 105 feet, the abutting lot is not considered fronting on the shore of navigable lakes, streams, or rivers.
 - vii. Restrictions for conditional uses, as listed in the general zoning districts, shall apply.
 - viii. Land located within designated or delineated wetlands shall not be included for purposes of complying with acreage requirements.
- 4) Relationship to other applicable regulations
- a) General.
- A Planned Unit Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development.
- b) Platting requirement.
- The entire tract or parcel of land to be included in a Planned Unit Development District shall be held under single ownership, or if there is more than (1) one owner, the petition for such Planned Unit Development District shall be considered as (1) one tract, lot, or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Juneau County. Subsequent to PUD approval, the area located within the PUD may be divided so as to facilitate sale to individual single or corporate ownerships. The provisions of the originally approved PUD shall continue to apply to the entire area of the originally approved PUD, despite subsequent land divisions, unless said provisions are modified by the Town Board as part of a PUD amendment process for major changes or additions.

- c) Building setbacks.
 - i. Front setbacks; 30 feet.
 - ii. Side setbacks: 10 feet
 - iii. Rear setback: 30 feet
 - iv. Restrictions for conditional uses, as listed in the general zoning districts, shall apply.
 - v. Setbacks shall also be in compliance with 3.07 Shoreland Overlay District regulations, if applicable.

d) Open space.

At least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Such open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit.

- i. Land reserved for stormwater detention facilities and other required site improvements shall not be applied to this requirement.
- ii. Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods to the extent practicable for passive, such as walking trails and benches, or active, such as playgrounds and playing fields, recreation.
- iii. A minimum of 5% of the project area shall be designed for active recreation and shall not include flood hazard protection areas (floodplains), wetlands, or steep slopes greater than 15% over a run of 10 feet.

- e) All Planned Unit Developments (PUD) which are regulated by the Juneau County Shoreland Wetland Zoning Ordinance shall comply with the provision of that Ordinance and well as the provision of this Section 3.08.

5) Procedural Requirements

- a) Pre-Application Conference. Prior to the acceptance by the Town of an application for the approval of a Planned Unit Development (PUD) Zoning District or development of said District, the owner or his agent applying for PUD approval shall meet with the Town Zoning Administrator to discuss the scope and proposed nature of the contemplated development.
- b) The applicant should submit the following for the pre-application conference;
 - i. A statement of the relationship of the proposed PUD to the Town's adopted Comprehensive Plan, or any adopted component thereof,
 - ii. The general character of and the uses to be included in the proposed PUD, including the following information:
 - a. Sketch of the plan drawn to scale.
 - b. Number of acres of proposed development.
 - c. Character types of buildings.
 - d. Approximate area of buildings and paved areas.
 - e. Approximate area of open space.
 - f. Approximate number of dwelling units and non-residential floor area,
 - g. Residential density computations.
 - h. Compilation analysis, viability of, or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - i. General summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - j. General outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.

- k. Any proposed departures from the standards of development as set forth in the Town zoning regulations, other Town regulations or administrative rules, or other universal guidelines.
- l. Expected date of commencement of physical development as set forth in the proposal.

c) Submittal of PUD Application.

Following the pre-application conference, the owner or his agent shall file an application with the Town Clerk for rezoning to a PUD zoning designation. Such application shall be accompanied by a review fee for the Preliminary PUD plan (see Town Board Resolution on fees) to help defray the cost of administration, investigation, advertising, review, and processing of the preliminary PUD plan and application. The applicant shall also be obligated to the Township for any additional costs incurred in reviewing the petition, including consultant's fees.

d) Submittal of Preliminary PUD plan. A Preliminary PUD plan shall be submitted for administrative staff review and shall include the following information;

- i. All of the information submitted for the pre-application conference, including staff recommendations.
- ii. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- iii. Type, approximate size, and location of all existing structures.
- iv. Type, approximate size, and general location of all proposed structures.
- v. Location of existing and proposed public and private roads and access points to adjacent public and private roads,
- vi. Existing parking areas,
- vii. Proposed general parking area locations,
- viii. General landscape plan, to include location and size of perimeter landscape buffer,
- ix. Architectural plans, elevation, and perspective drawings and sketches illustrating the general design and character of proposed structures,
- x. Existing and proposed location of public sanitary sewer and water supply facilities.
- xi. Existing and proposed location of all private utilities or other easements.
- xii. Characteristics of soils related to contemplated specific uses.
- xiii. Existing topography on the site with contours at not greater than two foot (2') intervals.
- xiv. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses,

6) Completeness Review

The Zoning Administrator, and other relevant staff and consultants, shall review the Preliminary PUD plan for completeness and to ensure all of the required information is included in the submitted Preliminary PUD application plan. The Zoning Administrator shall notify the applicant of required information which has not been included or that the application is complete. The applicant may submit requested information until such time as the application is deemed complete.

7) Preliminary PUD Plan Staff Review

- a) Once the Preliminary PUD plan is deemed complete, the Zoning Administrator, and other relevant staff and consultants, shall review the Preliminary PUD plan. The Preliminary PUD plan may be reviewed for completeness and/or content, by other staff, consultants, agencies, or third parties as may be deemed necessary by the Zoning Administrator. Such staff, agencies, or third parties may include school districts and public utilities or engineering staff to determine whether the plan complies with all applicable development standards and adequately achieves the following objectives:

- i. Adequate property controls are established to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
 - ii. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - iii. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas of the proposed development that are not capable of being met by impact fees.
 - iv. The streets and access to the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
 - v. Adequate water and sewer facilities shall be provided.
 - vi. Natural areas such as significant woodlands, meadows, wetlands, wildlife habitat areas, lakes, streams, and floodplains shall be protected as "environmental corridors." Environmental corridors shall not be used in the calculation of residential densities within a planned unit development.
 - vii. All other natural areas of significance including all natural resource areas which may require protection under this ordinance or state law shall be identified, clearly labeled and any disruption or impact clearly labeled as set forth in site plan application requirements of this ordinance, Section 6.08(h)(2)(c) Specific Natural Resource Areas.
 - viii. A sufficient amount of usable open space is provided and the proposed amount of open space meets the requirements set forth in this Section.
 - ix. Example of architectural design of the project showing project to be compatible with the surrounding area.
 - x. The planned unit development is in compliance with the intent and purpose of any relevant adopted Town or County plans.
 - xi. Other health, safety, and welfare considerations as deemed appropriate by planning staff;
 - xii. All relevant zoning, land development, and other applicable standards and regulations are met.
 - xiii. Restrictions for conditional uses, as listed in the general zoning districts, shall apply.
- b) The Zoning Administrator shall compile a list of recommendations and forward to the applicant within sixty (60) days of completeness review approval.

8) Preliminary PUD Plan - Referral to Plan Commission

- a) After issuance of Zoning Administrator's recommendations from the Preliminary PUD plan, the applicant may petition for Preliminary PUD Plan referral to the Town Plan Commission for its review and revisions, including any conditions or restrictions which it may deem necessary or appropriate. The Plan Commission shall hold a public hearing in accordance with Section 60.61(4) Wisconsin State statutes and render its recommendations regarding the Preliminary PUD plan to the applicant within sixty (60) days after considering the application during a scheduled meeting.
- b) The Town Plan Commission may recommend revisions to lot area, width, yard, height or other zoning, land subdivision, or development requirements in making its recommendation. Requirements may be greater or less than those required in the applicable regulation. The Town Plan Commission may also require additional information be required in the Final PUD plan, including information not explicitly required by Subsection 3.08 9).

9) Submittal of Final PUD plan

The applicant shall submit a Final PUD plan for review, which shall include the following;

- a) General.
 - i. The applicable fee(s) as set from time to time by the Town Board.

- ii. Narrative statement. A written narrative of the proposed development indicating the following information;
 - a. Evidence that the applicant has sufficient property control to carry out the planned unit development project.
 - b. Development schedule showing the timing and phasing of the proposed development.
 - c. The form of ownership and maintenance of all common open space, recreational facilities, and other common areas intended for the exclusive use of the residence.
 - d. The organizational structure of a property owner's or management's association which may be proposed to be established for the purpose of providing any necessary private services.
 - e. List of proposed protective covenants, easements, or restrictions to be imposed to protect open space and other identified resources.
 - f. Name of proposed development. Names shall not duplicate nor too closely resemble names of existing subdivisions or developments.

b) Plan information and contents.

The Final PUD plan submitted in support of a development plan shall include the following information;

- i. All information provided in the preliminary PUD plan.
- ii. A site plan in conformance with Section 6.0.
- iii. Legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
- iv. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses,
- v. All existing streets, driveways, and access points adjacent to the site, including names, right-of-way widths, and pavement width.
- vi. Proposed circulation systems by type and the proposed width of rights-of-way and pavement width.
- vii. Location of proposed public and private roads, proposed driveways.
- viii. Type, size, and location of all proposed structures.
- ix. Size, arrangement, and location of any individual building sites without specific building plans.
- x. Approximate gross and net floor areas by use.
- xi. Architectural plans and elevations illustrating the design and character of typical proposed structures.
- xii. Specifications of structural finish materials,
- xiii. Location and acreage of recreational and open space areas and areas reserved or dedicated for common or public uses, including schools, parks and drainageways, by type.
- xiv. Specific landscape plan to show location and size, as well as design, or typical design section, of all perimeter landscape buffers, and any additional landscaping detail required by the Plan Commission.
- xv. Parking calculations and assignment of those calculations to parking areas.
- xvi. Proposed impervious coverage of buildings, structures, and roads by type.
- xvii. Location of existing public and private sanitary and storm sewers, water lines, fire hydrants, utility transmission lines, bridges, railroads, easements, and utility rights-of-way, both within the project boundaries and outside project boundaries, where access is required.
- xviii. A description of the proposed system for drainage, water supply, sewage disposal, and power and communication lines.

- xix. Example development pad for a typical lot, in accordance with Section 6.08(h)(2)(d) Development Pads.
- xx. Stormwater management plan for development of the site.
- xxi. Construction erosion control plan for the project
- xxii. In the case of plans which call for development in stages, a map at an appropriate scale showing the successive phases and a schedule of time within which applications for final approval of all parts of the development are intended to be filled.
- xxiii. Any other information requested by the Zoning Administrator or the Plan Commission.

10) Completeness Review

The Zoning Administrator shall review the Final PUD plan for completeness and to ensure all of the required information is included in the submitted Final PUD application and plan. The Zoning Administrator shall notify the applicant of required information which has not been included or that the application is complete. The applicant may submit requested information until such time as the application is deemed complete.

11) Final PUD Plan Staff Review

- a) Once the Final PUD plan is deemed complete, the Zoning Administrator, and other relevant staff and consultants, shall review the Final PUD plan. The Final PUD plan may be submitted for review by other staff, agencies, or third parties as may be deemed necessary by the Zoning Administrator. Such staff, agencies, or third parties may include school districts and public utilities or engineering staff to determine whether the plan complies with all applicable development standards, including, but not limited to;
 - i. Adequate property controls are established to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
 - i. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - ii. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas of the proposed development that are not capable of being met by impact fees.
 - iii. The streets and access to the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Town.
 - iv. Adequate water and sewer facilities shall be provided.
 - v. Natural areas such as significant woodlands, meadows, wetlands, wildlife habitat areas, lakes, streams, and floodplains shall be protected as "environmental corridors." Environmental corridors shall not be used in the calculation of residential densities within a planned unit development.
 - vi. A sufficient amount of usable open space is provided and the proposed amount of open space meets the requirements set forth in this Section.
 - vii. The architectural design of the project is compatible with the surrounding area.
 - viii. The planned unit development is in reasonable compliance with the intent and purpose of any relevant adopted Town or County plans.
 - ix. Access to each lot or condominium plat must be by a roadway 66 feet wide unless the geography of the area makes it impossible to comply with this restriction, with the travel portion meeting the Town's requirements for road construction.
 - x. Sufficient parking, off the public right of way, shall be provided for each living unit or other structure.

- xi. Each building shall have prior state review and approval including all required permits.
 - xii. All outside services including but not limited to garbage removal, snow removal, exterior and common area maintenance shall be provided for by deed restriction or other legal process prior to the sale or lease of a living unit or other structure.
 - xiii. In addition to the minimum requirements above, multi-unit buildings shall also require:
 - a. Each building shall contain no more than 8 living units.
 - b. Each multi-unit building shall be set back from the property lines 30 feet for each single story and 30 additional feet for each additional story.
 - c. The distance between such buildings will be 30 feet for each story, i.e.: 90 feet for a 3-story multi-unit building plus 60 feet for an adjoining 2 story multi-unit building, equals 150 feet between such buildings.
 - d. Open or natural areas excludes front, back and side setback space between multi-unit buildings.
 - xiv. Other health, safety, and welfare considerations as deemed appropriate by planning staff;
 - xv. All relevant zoning, land development, and other applicable standards and regulations are met.
- b) The Zoning Administrator shall compile a list of recommended revisions for inclusion in the Final PUD plan and forward to the applicant within sixty (60) days of completeness review approval.

12) Final PUD Plan - Referral to Plan Commission

- a) After issuance of Zoning Administrator's recommendations from the Final PUD plan, the applicant may petition for PUD zoning designation and Final PUD Plan referral to the Town Plan Commission for its review and recommendation to the Town Board.

The Town Plan Commission shall review the Final PUD Plan during a scheduled Town Plan Commission meeting. Notice of the proposed PUD zoning designation and associated Final PUD Plan and the public hearing shall conform to the requirements of Section 60.61(4) of the Wisconsin Statutes. The Plan Commission shall render its recommendations on the petition to the Town Board within sixty (60) days after the meeting.

- b) The Town Plan Commission may recommend revisions to lot area, width, yard, height or other zoning, land subdivision, or development requirements in making its recommendation. Requirements may be greater or less than those required in the applicable regulation.
- c) The Town Plan Commission may impose any conditions or restrictions which it may deem necessary or appropriate.

The Town Plan Commission may make a recommendation to the Town Board to approve or deny the PUD Final PUD plan. The Town Plan Commission in making its recommendations shall consider the following;

- i. That the Preliminary PUD plan is consistent in all respects to the purpose of this section and to the spirit and intent of this ordinance,
- ii. The Preliminary PUD plan is in conformity with the adopted master plan or any adopted component thereof,
- iii. The development would not be contrary to the general welfare and economic prosperity of the community,
- iv. The plan ensures a logical development of the site, protecting the interests of project residents and the general public.

Approval of a PUD zoning designation and associated Final PUD Plan shall be considered a Zoning District change instead of using the 9.02 procedure.

13) Final PUD Plan - Referral to Town Board

- a) After issuance of Plan Commission's recommendations from the Final PUD plan, the applicant may petition for Planned Unit Development zoning designation and Final PUD Plan referral to the Town Board for its review and determination, including any conditions or restrictions which it may deem necessary or appropriate.
- b) The Town Board shall review the Final PUD Plan during a scheduled Town Board meeting.
- c) Determination.

The Town Board shall consider the Plan Commission's recommendation regarding the proposed Planned Unit Development zoning designation and Final PUD Plan. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may take final action on the application to the proposed Planned Unit Development zoning designation and Final PUD Plan as an Official Zoning Map amendment at the time of its initial meeting, or may continue the proceedings, at the Board's, or the Applicant's request. The Town Board, after due consideration, may deny the PUD designation, approve the PUD designation, as submitted, or approve the PUD designation subject to additional conditions and restrictions. The approval of a Planned Unit Development District and associated Final PUD Plan shall be based upon and include as conditions thereto the Final PUD plan for the development as approved by the Town Board.

- d) Any PUD designation and associated Final PUD plan application which has been denied (either wholly or in part) may not be resubmitted for a period of 12 months from the date of said order of denial, except on the grounds of relevant new evidence found valid by the Zoning Administrator.

14) Amendments

- a) Any subsequent amendment, change, or addition to the plans or uses within an adopted PUD district shall first be submitted for approval to the Town Plan Commission and, if in the opinion of the Town Plan Commission, such amendments or additions constitute a substantial alteration of the original plan, the Town Plan Commission shall require submittal of a revised Final PUD plan or both a revised Preliminary PUD plan and a Final PUD plan, as deemed necessary. Revised plan submittals and reviews shall follow the procedures in this Section 3.08 as a new application.
 - i. Changes or additions to the PUD which are to be considered as substantial alterations include, but are not limited to: changes in land use, changes in land use pattern, changes in density, changes in type of dwelling unit, changes in the road pattern, changes in the number of parking spaces provided, changes in the amount of landscaping, or changes in the amount of signage.
 - ii. Changes or additions to the PUD which are to be considered as minor changes (rather than substantial alterations) include: minor changes in the location and /or orientation of buildings, paved areas, landscaping materials or signage, minor changes in building exterior configurations not affecting density or dwelling unit type, changes in building materials, or changes in colors.
- b) If in the opinion of the Town Plan Commission, such amendments or additions do not constitute a substantial alteration of the original plan, the Town Plan Commission shall allow the applicant to submit a revised Final PUD plan or both a revised Preliminary PUD plan and a revised Final PUD plan the Zoning Administrator for review, as deemed necessary, in accordance with Subsections 3.08 5), 6), 7), 10), and 11), as applicable. The Zoning Administrator shall render recommendations as well as an approval or denial of the application.

15) Subsequent Land Division

The division of any land or lands within a Planned Unit Development District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Town and when such division is contemplated, at the time of the original PUD application or at the time of proposing a PUD modification per Subsection 14 above, a preliminary plat of lands to be divided shall accompany the application for PUD approval or modification.

3.09 BC - BUSINESS CENTER MIXED USE DISTRICT

The purpose of this district is to permit and regulate development in the area known as the Business Center Mixed Use District.

1) Permitted Uses:

- a) See Permitted and Conditional Uses Table.

2) Conditional Uses:

- a) See Permitted and Conditional Uses Table.
- b) Any and all property management companies will work with the Zoning Administrator to insure that new businesses are aware of the permit or conditional use requirements.
- c) Any and all property management companies will provide a list of lessees and all types of toxic substances in the Business Center Mixed-Use District every three (3) months to the Town of Germantown.

3) Lot width/area for commercial uses in the Business Center Mixed Use District

- a) Commercial uses shall have a minimum lot size of two acres and shall be not less than 200 feet in width.
- b) Industrial uses in the Business Center Mixed Use District shall have a minimum lot size of 10 acres and shall not be less than 300 feet in width if not served by sanitary sewer. The minimum lot size for industrial uses served by sanitary sewer shall be five (5) acres and the minimum width shall be two hundred (200) feet.
- c) The limit on intensity of uses in a commercial district is set by maximum total floor area, maximum floor area ratio, and minimum landscaped surface ratio. The maximum building floor area on all levels shall be limited to 25,000 square feet per building (multiple buildings are allowed). The maximum floor area ratio (total floor area divided by lot area) shall be .15 or 15%. The minimum landscaped surface ratio (total area not covered by hard surfaces including roofs, concrete, asphalt, brick, block, stone, or gravel areas used for vehicle or pedestrian circulation, and all related surfaces as determined by the Zoning Administrator divided by lot area) shall be .50 or 50% (green space).

4) Building Height

- a) No building or parts of a building shall exceed 35 feet in height. T.V. antennas and towers are exempted from this standard provided that they do not exceed 50 feet in height. TV antennas that exceed 50 feet in height may be allowed as a conditional use.
- b) Smokestacks may be higher than 35 feet but must not exceed in height the distance to the nearest lot line.

5) Setback and Yards

- a) There shall be a minimum front set back of 30 feet.
- b) There shall be side setbacks from side lot lines of not less than 10 feet.
- c) There shall be a rear setback from their rear lot line of not less than 30 feet

4.00 PLAN COMMISSION

- 1) Appointments, terms, rules and procedures. The Plan Commission shall be appointed and governed as to terms, vacancies, removals, and as to rules and procedures by Sec. 62.23 Wis. Stats.
- 2) General duties and responsibilities. The Plan Commission shall:
 - a) Develop, adopt and review the Land Use **Comprehensive** Plan and elements thereof.
 - b) Make reports and recommendations relative to the planning and development of the Town and its environs to public officials and agencies, utility companies, civic, **and** all and other organizations, and citizens.
 - c) Receive referrals pursuant to Sections 62.23(5) and (6), Wis. Stats., or otherwise, and make reports upon the following matters: the location and architectural design of location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, parking areas, or memorials or public grounds; the location, extension, abandonment or authorization for any public utility; plats of land or certified survey maps within the Town limits or within the extraterritorial platting jurisdiction; location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, redevelopment, and the amendment or repeal of any zoning or official map ordinance. Referrals and reports under this section are in addition to zoning/design reviews, under other provisions of the Zoning Ordinance.
 - d) Additional duties and responsibilities. The Plan Commission shall have such powers under Wisconsin Statutes, or Town Ordinances, as may be necessary to enable it to perform its functions and promote municipal planning.

5.00 CONDITIONAL USE REVIEW AND APPROVAL PROCEDURES

5.01 Purpose and Applicability

- 8) This Section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth in the Zoning Code, be approved.
- 9) These uses shall be allowed through the issuance of a Conditional Use Permit (CUP) approved by the Plan Commission after ensuring that the use can be appropriately accommodated on the specific property; that it will conform to the adopted comprehensive plan; that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the neighborhood; and that the public interest, health, safety, and general welfare will be promoted.
- 10) No inherent right exists to receive a CUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique. Every CUP shall at a minimum be required to comply with all requirements contained in local ordinances and State and Federal law.
- 11) Mere compliance with the generally applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.
- 12) The provisions of this Section apply to any application for approval of a CUP. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district but that require individual review of their location, design, and configuration, and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district.
- 13) Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the zoning regulations, shall be authorized by the Plan Commission.
- 14) A CUP is not required for a use permitted by right in a given zoning district.

5.02 Initiation of Request for Approval of a Conditional Use

Proceedings for approval of a conditional use shall be initiated by the submittal of a CUP application and Concept Plan, by the owner(s) of the subject property. Review shall be conducted as depicted in Figure 5.1 and as described in this section.

5.03 Concept Plan Review

- 1) An initial concept plan review will be scheduled with the Zoning Administrator. The Zoning Administrator shall make a determination as to whether the proposed conditional use warrants review by outside consultants, in addition to Zoning Administrator review.
- 2) The concept plan shall contain the following:
 - a) Sketch of the plan drawn to scale.
 - b) Number of acres of proposed development.
 - c) Character types of buildings.
 - d) Area of buildings and paved areas.
 - e) Area of open space.
 - f) Number of dwelling units and non-residential floor area,
 - g) Residential density computations.
 - h) Compilation analysis, viability of, or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - i) General summary of the estimated value of structures and site improvement costs, including landscaping and special features.

- j) General outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - k) Any proposed departures from the standards of development as set forth in the Town zoning regulations, other Town regulations or administrative rules, or other universal guidelines.
 - l) Expected date of commencement of physical development as set forth in the proposal.
- 3) The Zoning Administrator shall review the concept plan for completeness, along with any professional planning and engineering consultants, and others, as deemed necessary by the Zoning Administrator.
 - 4) Once the Zoning Administrator has deemed the concept plan application complete, the Zoning Administrator shall review the concept plan.
 - 5) The Zoning Administrator shall the review the concept plan and provide recommendations to the applicant.
 - 6) Once the Zoning Administrator has reviewed the concept plan and provided any recommendations, the applicant may submit a CUP application in accordance with the regulations below.

5.04 CUP Application Requirements

- 7) Prior to the submittal of the Official Notice regarding the application to the newspaper by the Town Clerk, the Applicant shall provide the Town Clerk with 15 copies of the complete application as certified by the Zoning Administrator.
- 8) The application for a CUP shall include the following information where pertinent and necessary for proper review:
 - a) All information submitted as part of the Concept Plan review, including staff recommendations.
 - b) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current records of the Register of Deeds of Juneau County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - c) A map, such as the Comprehensive Map, of the generalized location of the subject property in relation to the Town as a whole.
 - d) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - e) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 6.0, as relevant to this Section.
 - f) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection 5.08 3) below.
 - g) Applications for proposed new or substantially modified mobile service facilities and supporting structures shall be reviewed for completeness and provide information as specified in Section 66.0404(2)(b) and (c) of the Wisconsin Statutes.
 - h) Applications for proposed wind energy systems shall be reviewed for completeness and provide the information specified in Sections PSC 128.30, 128.31, and 128.60 of the Wisconsin Administrative Code, as applicable.
 - i) Additional information as may be required by all relevant Town ordinances.
 - j) Payment in full of all application fees established by the governing body.

5.05 Completeness Review

- 9) All applications for proposed conditional uses, regardless of the party of their initiation above, must be reviewed for completeness by the Zoning Administrator.
- 10) The Zoning Administrator shall review the CUP application for completeness, along with any professional planning and engineering consultants, and others, as deemed necessary by the Zoning Administrator.
- 11) Once the Zoning Administrator has deemed the CUP application complete, the Zoning Administrator shall review CUP application plan.

5.06 Review by Zoning Administrator

- 1) The proposed conditional use shall be reviewed by the Zoning Administrator and other relevant staff and consultants. The review shall include the following criteria:
 - a) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable regulations set forth in the Germantown Code of Ordinances.
 - b) The proposed conditional use shall be compatible with the character of the neighborhood within the immediate area in which it is located. In making such a determination, consideration shall be given to:
 - i. The type and extent of landscaping and screening on the site.
 - ii. Whether the extent, location and intensity of the proposed use furthers and does not conflict with the goals, objectives, and policies of the adopted Town Comprehensive Plan.
 - c) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
 - d) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - e) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
 - f) The proposed use shall not impede the orderly development and improvement of surrounding property for uses allowed in the zoning district.
 - g) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - h) The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
 - i) Any specific additional Conditional Use standards identified in Section 3 or elsewhere in the zoning ordinance are met.
- 2) Following the review, the Zoning Administrator shall forward any recommendations to the applicant and make the review and recommendations available to the Plan Commission.

5.07 CUP application - Referral to Plan Commission

- 1) After issuance of Zoning Administrator's recommendations from the CUP application review, the applicant may petition for CUP application referral to the Town Plan Commission for its review and revisions, including any conditions or restrictions which it may deem necessary or appropriate, during a scheduled Town Plan Commission meeting. The Plan Commission shall render its revisions to the CUP application to the applicant within sixty (60) days after the meeting.
- 2) In approving any CUP, the Plan Commission may impose such conditions or requirements, in addition to or that supersede any standard specified in the Zoning Code, as it may deem necessary to protect the public

interest and welfare. Such conditions or requirement must be reasonable and, to the extent practicable, measurable, and may include, but need not be limited to:

- a) Financing and availability of adequate public facilities or services.
- b) Dedication of land.
- c) Reservation of land.
- d) Creation of restrictive covenants or easements.
- e) Special setbacks.
- f) Yard requirements.
- g) Increased screening or landscaping requirements.
- h) Development phasing.
- i) Standards pertaining to traffic, circulation, noise, lighting, emissions, hours of operation, and protection of environmentally sensitive areas.
- j) Provision of stormwater management and erosion and sedimentation control.
- k) Require that a performance guarantee—acceptable in form, content, and amount to the Town attorney—be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.
- l) Require that a development agreement be entered into by the applicant.

5.08 Review and Action by the Plan Commission

- 1) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application, including all information required in Subsection 4) above, within forty-five (45) days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, or by agent, and/or by attorney. Class 2 notice shall be given prior to such hearing. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least ten (10) days before said public hearing, the Applicant shall mail an identical notice to all owners of record of lots or parcels within 1,000 feet of the property.
- 2) The Plan Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, and/or from any other source. The Plan Commission may take final action on the application at the time of its initial meeting or may continue the proceedings. The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of Town Staff, authorized outside experts, its own members, and/or from any other source) or may deny approval of the proposed conditional use. The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- 3) A conditional use is permitted only if the applicant provides substantial evidence that:
 - a) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable regulations set forth in the Germantown Code of Ordinances.
 - b) The proposed conditional use shall be compatible with the character of the neighborhood within the immediate area in which it is located. In making such a determination, consideration shall be given to:
 - i. The type and extent of landscaping and screening on the site.
 - ii. Whether the extent, location and intensity of the proposed use furthers and does not conflict with the goals, objectives, and policies of the adopted Town Comprehensive Plan.

- c) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
 - d) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
 - e) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
 - f) The proposed use shall not impede the orderly development and improvement of surrounding property for uses allowed in the zoning district.
 - g) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - h) The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
 - i) Any specific additional Conditional Use standards identified in Section 3 or elsewhere in the zoning ordinance are met.
- 4) If the Plan Commission approves an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion. Such decision shall include an accurate and complete description of the approved conditional use, including all applicable conditions, or if disapproved, the reasons for disapproval. Any condition imposed and any decision to approve or deny a CUP must be based on substantial evidence. "Substantial evidence" means "facts and information other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion." The applicant must provide substantial evidence that demonstrates the application and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied.

5.09 Appeal to Town Board

- 1) A decision of the Plan Commission in granting or denying a conditional use may be appealed to the Town Board. Applications for such appeals shall be signed by the applicant or by persons who have protest petition rights under Wis. Stats. 62.23(7)(d)(2m), were the matter one of rezoning, or by any Town Board Member. Such application for appeal shall be filed within 10 days of the date of the Plan Commission action. Upon such filing, the entire Plan Commission file shall be submitted by Commission staff to the Town Clerk for transmittal to the Town Board and all Plan Commission minutes on the matter shall be reproduced and sent to members of the Town Board.
- 2) The matter shall be placed on the agenda of the Town Board.
- 3) The Town Board may either affirm, reverse, or modify the action of the Plan Commission.
- 4) Any decision by the Town Board shall include, either in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the proposal by the Applicant.

5.10 Effect of Denial

No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

5.11 Amendments

Any proposed amendment to a CUP which includes a change to the concept plan, as detailed in Subsection 5.03, shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit. Any proposed amendment to a CUP which does not include a change to the concept plan shall be approved under the procedures specified in Subsections 5.04 through 5.10.

5.12 Termination of an Approved Conditional Use

Once a conditional use is granted, no Site Plan approval or Building Permit shall be issued for any development which does not comply with all requirements of this Ordinance. Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission.

5.13 Time Limits on the Development of Conditional Use

The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification (as determined by the Plan Commission).

5.14 Discontinuing an Approved Conditional Use

Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

5.15 Change of Ownership

All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation of the approved CUP plan and permit, without approval by the Plan Commission, shall be considered in violation of the Zoning Ordinance and shall be grounds for revocation of said conditional use approval per Section 5.12.

5.16 Recording of Conditional Use Requirements

Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Town with the County Register of Deeds office.

5.17 Notice to the DNR

The Zoning Administrator shall transmit a copy of each application for a conditional use for conservancy regulations in Shoreland-Wetland, Floodway, Floodplain, or Floodway Fringe areas to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for shoreland-wetland conservancy regulations or to floodland regulations shall be transmitted to the DNR within ten (10) days of the date of such decision.

5.18 Uses Now Regulated as Conditional Uses Which Were Approved as Legal Land Uses—Permitted by Right or as Conditional Uses—Prior to the Effective Date of This Chapter

A use now regulated as a conditional use which was approved as a legal land use—either permitted by right or as a conditional use—prior to the Effective Date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use are followed. Any modification of the previously approved conditions of use shall require application and Town consideration under this Section.

5.19 Fees

One or more fees are required for this procedure, as adopted by the Town of Germantown.

6.0 SITE PLAN REVIEW AND APPROVAL PROCEDURES

6.01 Purpose

The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity require the approval of site, building, and operational plans by the Zoning Administrator before building, occupancy, and zoning permits can be issued. The principal areas of concern are:

- (a) The balancing of landowner's rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- (b) The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
- (c) The adequacy of waste disposal methods and protection from pollution of surface or groundwater; and
- (d) The protection of historic and natural environmental features on the site under review, and in adjacent areas.

6.02 Exemptions from Site Plan Review

Site plan review shall not be required for:

- (a) The construction or enlargement of any single family dwelling, or building accessory to such dwelling;
- (b) The construction or alteration of any building used exclusively for agriculture or forestry;
- (c) Construction or alteration providing for not more than 500 square feet of total floor area after construction; or
- (d) Customary home occupations as defined in this ordinance in Section 2.08.

6.03 Procedure

(a) Initiation of Request for Approval of a Site Plan

Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).

(b) Pre-Application and Concept Plan Meeting

The Applicant shall first meet with the Zoning Administrator and other applicable Town Staff to discuss any concept plans for the development. Guidance will be provided to the Applicant on technical requirements and procedures, and a timetable for project review may be discussed.

(c) Application and Concept Plan Submittal and Review

The applicant may submit a site plan application and concept plan to the Zoning Administrator following the pre-application meeting for review. The Zoning Administrator shall make a determination as to whether the proposed concept plan warrants review by outside consultants. Once the initial application and concept plan have been reviewed, the Zoning Administrator shall forward any comments to the applicant. After receiving any comments, the applicant may submit any revised application as well as a site plan for review.

(d) Site Plan Review Review Timing

The review of the submitted application shall be completed within thirty (30) working days of application submittal and certification of completion by the Zoning Administrator.

6.04 Application Requirements

All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal acceptance of the application and associated documentation for review. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. Said complete application shall be comprised of all of the following:

- (a) A **deposit** sufficient to cover any expenses connected with the review of the plans. The Zoning Administrator is authorized to retain a professional engineer, architect, landscape architect, planner, or other professional consultant to advise the Zoning Administrator on any or all aspects of the site plan. The cost of this advice shall be borne by the applicant.
- (b) **Written Description** of the intended use describing in reasonable detail the:
- 1) existing zoning district(s) (and proposed zoning district(s) if different);
 - 2) land use plan map designation(s);
 - 3) description of existing environmental features;
 - 4) current land uses present on the subject property;
 - 5) proposed land uses for the subject property;
 - 6) projected number of residents, employees, and daily customers;
 - 7) proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
 - 8) operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
 - 9) operational considerations relating to potential nuisance creation pertaining to: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.;
 - 10) exterior building and fencing materials;
 - 11) possible future expansion and related implications for 1-10, above, and:
 - 12) any other information pertinent to adequate understanding by the Zoning Administrator of the intended use and its relation to nearby properties.
- (c) A **Small Location Map** at 11" x 17" showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Town's **Comprehensive Plan Land Use Map** with the subject property clearly indicated shall suffice to meet this requirement.)
- (d) A **Property Site Plan** drawing (and reduction at 11" x 17") which includes:
- 1) A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
 - 2) The date of the original plan and the latest date of revision to the plan;
 - 3) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - 4) Legal description of the subject property;
 - 5) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - 6) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 - 7) All required building setback lines;
 - 8) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - 9) The location and dimension (cross-section and entry throat) of all access points onto public streets;

- 10) The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided to satisfy the requirements of Section 2.07;
 - 11) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas to satisfy the requirements of Section 2.07;
 - 12) The location of all outdoor storage areas and the design of all screening devices;
 - 13) The location, type, height, size and lighting of all signage on the subject property;
 - 14) The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with a limit of 1.0 footcandles at non-residential property lines and 0.5 footcandles at residential property lines;
 - 15) The location and type of any permanently protected green space areas;
 - 16) The location of existing and proposed drainage facilities; and
 - 17) In the legend, data for the subject property:
 - a. Lot Area;
 - b. Floor Area;
 - c. Floor Area Ratio (b/a);
 - d. Impervious Surface Area;
 - e. Impervious Surface Ratio (d/a); and
 - f. Building Height.
- (e) **Detailed Landscaping Plan** of the subject property, at the same scale as the main plan (and reduction at 11” x 17”), showing the location of all required buffer yard and landscaping areas, and existing and proposed berming and fencing. The Landscaping Plan shall demonstrate complete compliance with the Town’s landscaping requirements in Section 2.15.
- (f) **Elevation Drawings** of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
- (g) A **Certified Survey Map** may be required by the Zoning Administrator in instances where he or she determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- (h) A **Detailed Site Analysis** per the following submission and review process:
1. **Purpose**

The detailed site analysis required by this Section is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas, including floodplains, wetlands, shorelands, woodlands, and areas of steep slopes.
 2. **Description**

The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Section. The detailed site analysis shall meet the following requirements:

a. **Scale**

A minimum scale of one inch equals 200 feet shall be used.

b. **Topography**

Topographic information is required for all property. For such properties, topographic information with a minimum contour interval of two feet is required.

c. **Specific Natural Resources Areas**

All natural resources areas which require protection under the provisions of this Ordinance shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.

d. **Development Pads**

- 1) All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
- 2) Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three (3) inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption shall be replaced by the owner with a three (3) inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

3. **Required Procedure for Submission and Review**

a) **Required Timing of Submission**

The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed Development does not involve a land division then submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by Town Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

b) **Review by Zoning Administrator**

The Zoning Administrator, and all other applicable review staff, shall review the submitted detailed site analysis map for general compliance with the following data sources:

- 1) The Official Zoning Map;
- 2) Applicable USGS 7.5 minute **Quadrangle** maps for the Town of Germantown and its environs;
- 3) Air photos of the subject property;
- 4) USGS Quads and other sources of topographic information;
- 5) Applicable FEMA and related floodplain maps;
- 6) Applicable Federal and State Wetland Inventory Maps;

- 7) The Town of Germantown Comprehensive Plan; and
- 8) Site visits. The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by Town Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

c) **Modification of Detailed Site Analysis Map**

If necessary, as determined by Town Staff, revised detailed site analysis maps shall be prepared and submitted for review by Town Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Board of Zoning Appeals as a matter of Ordinance interpretation, and if necessary, comply with the Open Meeting Law.

d) **Acceptance of Detailed Site Analysis Map**

Upon notification of acceptance by Town Staff (or, in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

4. **Integration of Detailed Site Analysis Information with Required Development and/or Land Division**

Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas), shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map.

6.05 Review by the Zoning Administrator

- a) The Zoning Administrator, in its consideration of a submitted complete application and site plan shall take into account the basic intent of the Zoning Ordinance to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. If any additional measures, conditions, and/or modifications are required by the Plan Commission or Town Board, as part of a CUP or PUD approval, the Zoning Administrator may withhold approval of the Site Plan until revisions depicting such additional measures, conditions, and/or modifications are complied with.
- b) In reviewing said applications and associated site plans, the Zoning Administrator shall make findings, review, and make recommendations, on each of the following criteria to determine whether the submitted site plan shall be approved, approved with modification, or denied:
 - 1) All standards of the Zoning Ordinance and other applicable Town, County, State and Federal regulations are met.
 - 2) The public health and safety is not endangered.
 - 3) Adequate public facilities and utilities are provided.
 - 4) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
 - 5) Appropriate traffic control and parking are provided.
 - 6) Convenience and safety of both vehicular and pedestrian movement within the site and in relation to adjoining properties.
 - 7) Appropriate landscaping, vegetative buffers, and open space areas are provided, with particular emphasis on integrating the proposed development into the existing landscape and preserving existing vegetation.

- 8) The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines provided in subsections a) through e) below:
 - a) Exterior construction materials shall be of high quality.
 - b) Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
 - c) Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and from surrounding properties.
 - d) Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.
- 9) Protection of abutting properties and Town amenities from undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- 10) Impact to views from navigable lakes, streams, rivers, or ponds to the proposed development.
- 11) Impact on views from the proposed development to navigable lakes, streams, rivers, or ponds.

6.06 Initiation of Land Use or Development Activity

Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.

6.07 Modification of an Approved Site Plan

Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of Subsections (2) and (4), above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

6.08 Sunset Clause

All approved site plans not fully developed within two (2) years of final approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property.

6.09 Fees

A fee is required for this procedure. Refer to Section 7.02(4).

7.00 ADMINISTRATION

7.01 Zoning Administrator

- 1) A Zoning Administrator shall be designated through Town personnel procedures. The Town Clerk shall assist the Zoning Administrator in the administrator's record keeping responsibilities.
- 2) Duties, Responsibilities and Authority
 - a) **Records** The Zoning Administrator shall provide the Town Clerk with copies of all records received and the disposition of all applications.
 - b) **Inspections** The Zoning Administrator shall make such inspections of premises as are required, to determine compliance of land use activities with the terms of this Ordinance. Except in cases of emergency, such inspections shall be made only at reasonable hours, with reasonable notice to property owners and/or occupants and with consent, unless made pursuant to an inspection warrant issued pursuant to Wisconsin Statutes.
 - c) **Determinations and Interpretations** The Zoning Administrator shall make those administrative decisions and determinations required for administration of this ordinance.
 - d) **Permits, Approvals, Fees or Certificates of Zoning Compliance** The Zoning Administrator shall receive applications under this ordinance and shall process the applications and collect and dispose of fees in accordance with Town Ordinance and administrative procedures. Permits or approvals issued by the Zoning Administrator shall be issued on the basis of plans and applications as submitted and authorize only the uses, arrangements and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this ordinance. Permits shall lapse and become void if operations described in the permit are not commenced within six months of issuance of the permit, unless otherwise specified in this ordinance or by specific approval of an extension or variation.
 - e) **Advice and Recommendations** The Zoning Administrator shall, upon general or specific request of the Plan Commission or Board of Appeals or other body or officer of the Town, issue reports, and make recommendations on matters that come before such commission, board or officer.
 - f) **Records** The Zoning Administrator shall be responsible for keeping all records of applications received, committee, board or office actions on such applications, permits issued, inspections made, enforcement actions under taken and similar activities, as well as general correspondence pertaining to the functions of the office and program.

7.02 Permits

- 1) Certain development activities and occupancies shall require application for an issuance of a permit in order for them to be legally established. The Plan Commission is hereby delegated the authority to promulgate permit requirements, to establish forms for permit applications and permit forms themselves.
- 2) Failure to obtain a required permit before development is a violation of this ordinance.
- 3) All permit and filing fees as required under this ordinance shall be established, from time to time, by town board resolution. The Plan Commission or Town Board may require additional permit fees based on the complexity and scale of the proposed development for which it has review authority.
- 4) All permit and filing fees as required under this ordinance shall be established, from time to time, by town board resolution. The Plan Commission or Town Board may require additional permit fees based on the complexity and scale of the proposed development for which it has review authority.
- 5) Fees are due and payable upon application, and are not refundable.

7.03 Impact Fees

The Town Board may assess an impact fee to any proposed development. The impact fee will be determined at the time of the proposed development and will be in compliance with the Town impact fee ordinance.

7.04 Enforcement

1) Declarations of Unlawful Conduct, Activities and Conditions

- a) It shall be unlawful for any building or structure to be erected, constructed, placed, moved or structurally altered, or for any use of land, premises, building or structure to be established or changed in violation of the provisions of this ordinance.
- b) It shall be unlawful to fail to comply with any standard of this ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted in due course under this ordinance.

2) Liability

- a) Owners of lands or properties, occupiers of land or premises, and agents of owners or occupiers including, without limitation because of enumeration, contractor, surveyors, plumbers, installers, soils technicians, or their agents, or lending institutions and insurers or their agents are responsible for compliance with all provisions of this ordinance which bear upon their area of competency and responsibility.
- b) Any such party who violates or aids or abets in a violation shall be liable to prosecution or remedial action.
- c) This ordinance applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by state or federal law.

3) Investigation of Compliance, Notice of Violations

- a) The Zoning Administrator is responsible for inspecting and investigation compliance of land use activities with the terms of this ordinance.
- b) If, upon such inspection or investigation, the Zoning Administrator becomes aware of a condition which he concludes is or likely to become unlawful, the Administrator shall immediately notify the parties in writing to the situation whom he deems to be responsible and potentially liable. Such notice shall include:
 - 1) A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - 2) A statement that a complaint on the condition and request for prosecution has been or will be transmitted to the Town Attorney and/or to enforcement officials, state agencies, or both.
- c) If an enforcement demand is issued and is not complied with, the Zoning Administrator may file a request for prosecution with the Town Attorney, unless an administrative appeal has been commenced and a stay order has been issued pursuant to Section 8.01 of this ordinance.

4) Prosecutions, Injunctions and Penalties in Court Proceedings

- a) The Town Attorney has responsibility to prosecute violations of this ordinance on behalf of the Town.
- b) Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to the Wisconsin Statutes or common law.
- c) Forfeitures and penalties for violation of the provisions contained within this ordinance are found in Section 7.05.

- d) As a substitute for, or an addition to, forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this ordinance by court actions seeking injunction or restraining orders.
- e) The Zoning Administrator and Building Inspector may issue citations, as provided in said ordinance, for violations of portions of this ordinance.

5) **Other Enforcement Provisions**

- a) Where a conditional use, variance, planned development or design review has been approved subject to specified conditions, and where such conditions are not complied with, the Board of Appeals may conduct a hearing pursuant to this section upon a petition submitted by any interested party or by the Zoning Administrator to revoke the approval. A finding of non-compliance with the conditions imposed shall be grounds for revocation.
- b) Relationship to nuisance actions. No provision of this ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance upon the laws of the State of Wisconsin.
- c) Conditions placed on re-zonings, approvals or permits may include requirement of bonds or similar surety arrangements to assure performance of required obligations.

7.05 **Penalty Provisions**

- 1) **General Penalty** Any person who shall violate any provision of this ordinance shall upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - a) **First offense.** Any person who shall violate any provision of this ordinance subject to a penalty shall, upon conviction thereof, forfeit **a fee as set in the fee schedule.**
 - b) **Second offense.** Any person found guilty of violating any provision of this ordinance who shall previously have been convicted of a violation of the same provision shall upon conviction thereof, forfeit **a fee as set in the fee schedule.**
- 2) **What constitutes a separate offense.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision contained in this ordinance.
- 3) **Execution against defendant's property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the Town the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

8.00 ZONING BOARD OF APPEALS

- 1) **Appointments, Terms, Rules and Procedures.** The Zoning Board of Appeals shall be appointed and shall be governed as to terms, vacancies, removals, and as to rules and procedures by Sec. 62.23(7)(e), Wisc. Stats., and by this ordinance.
- 2) **Functions** of the Zoning Board of Appeals. Functions of the Board of Appeals shall be to hear and decide applications for variances under the Zoning Ordinance and to hear and decide applications for appeal of administrative interpretations.
- 3) **Public Hearings.** The Zoning Board of Appeals shall conduct a public hearing on all administrative appeals, variances and other decision matters before it and shall cause a Class 2 notice under Chapter 985 of the Wisconsin Statutes to be published and shall give due notice of the hearing to all parties in interest.
- 4) **Any party may appear in person or by agent at such hearing.** The Chair may administer oaths to parties testifying and may compel attendance of witnesses. All testimony before the Board by persons other than Board members and all documentary evidence or material pertaining to matters before the Board shall be received at hearings conducted by the Board, provided that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts that may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comment on such entries.
- 5) **Deliberations and Decisions.** The Board shall deliberate on matters before it. The concurring vote of four members of the Board shall be necessary to approve any appeal, variance or other decision matter before the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the ordinance, state statute and the Board shall decide all matters before it within a reasonable time.

8.01 Appeals of Interpretations of the Zoning Administrator to the Zoning Board of Appeals.

- 1) **Appealable Matters.** Decisions by the Zoning Administrator that consist of interpretations of the terms of the Germantown Zoning Ordinance and that are made in the course of determining whether a permit or approval will be issued by the Administrator are appealable to the Zoning Board of Appeals as administrative appeals. Decisions by the Zoning Administration, to issue an enforcement demand or to commence other enforcement activities, where the Administrator has determined that a violation of the ordinance exists, are appealable to the Board of Appeals as an administrative appeal.
- 2) **Procedures** for Initiating an Administrative Appeal.
 - a) **Eligible Appellants.** Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed, or by any officer, department, board or committee of the Town government.
 - b) **Time for Appeals.** An appeal shall be commenced within thirty (30) days after decision or interpretation was made.
 - c) **Initiating an Appeal.** An appeal may be commenced by filing with the Town Clerk a notice of appeal identifying the decision being appealed, the grounds for the requested relief and payment of applicable fees. Upon receipt of such a notice, the Town Clerk shall notify the Board of Appeals and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.
 - d) **Stays.** An appeal of a decision to issue a permit or approval or to issue an enforcement demand or to commence other enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator or Town Attorney files with the Zoning

Board of Appeals a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order issued by a court or the Zoning Board of Appeals.

- e) Decisions of the Zoning Board of Appeals. Following the procedures specified in Section 8.02, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, or may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. Decisions by the Board on administrative appeals shall be based upon the terms of the ordinance and evidence as to legislative intent.

8.02 Variance Review and Approval Procedures

1) Purpose

The purpose of this Section is to provide regulations which enable the Town to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7) (see also 60.62(1) and 61.35).

2) Initiation of Request for Approval of a Variance by the Board of Appeals

Proceedings for approval of a requested variance shall be initiated by:

- a) an application of the owner(s) of the subject property.

3) Application Requirements

The submittal of an application to the Town Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Town Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on the Zoning Board of Appeals agenda as a discussion-only item without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Town Clerk, the Applicant shall provide the Town Clerk with 15 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as determined by the Town of Germantown). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole;
- (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
- (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 6.0; and,
- (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection (4)(c)1. through 6., below.

4) Review by The Zoning Administrator

The requested variance shall be reviewed by The Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator may review the application and evaluate and comment on the written justification for the proposed variance provided in the application per Subsection (3)(a)-(e), above.
- (c) The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the Town of Germantown's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c) 1. through 6., below:
 - 1) What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
 - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
 - b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
 - d. Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
 - 2) In what manner do the factors identified in (4)(c) 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 - 3) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 - 4) Would the granting of the proposed variance as depicted on the required site plan (see (3)(d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

- 5) Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Ordinance. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.
- 6) The Zoning Administrator shall forward the report per (4)(b) and (4)(c), if prepared, to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Zoning Ordinance and Master Plan, the Zoning Administrator shall note

5) Review and Determination by Zoning Board of Appeals

- (a) Within thirty (30) days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance per Subsections (3)(a) and (c), above. In addition, at least ten days before said public hearing, Applicant shall mail an identical notice to all property owners within 200 feet of the boundaries of the subject property.
- (b) Within thirty (30) days after the holding of the public hearing (per (5)(a), above, or, within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (4), above, and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
- (c) If the Zoning Board of Appeals fails to make a determination within thirty (30) days after said public hearing, then the request for the variance shall be considered denied.
- (d) Said report shall include a formal findings of facts developed and approved by the Zoning Board of Appeals concerning the requirements of (4)(c)1. through 6., above.

6) Effect of Denial

No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

7) Limited Effect of a Variance

Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

8) Stay of Proceedings

An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. *State Law Reference: Wisconsin Statutes Section 62.23(7)(e)5, (see also 60.62(1) and 61.35).*

9)

10) **Notice to the DNR**

The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe areas, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR within ten (10) days of the date of such decision.

10) **Fee**

A fee is required for this procedure. Refer to Section 7.02(4).

9.0 ZONING AMENDMENT PROCEDURES

9.01 Amendment of Zoning Regulations

1) Purpose

The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Chapter. (Refer to the requirements of Wisconsin Statutes 60.61 and 60.62.

2) Initiation of Request for Amendment of This Chapter

Proceedings for amendment of this Ordinance may be initiated by any one of the following three methods:

- a) an application by any member of the general public;
- b) a recommendation of the Plan Commission; or
- c) by action of the Town Board.

3) Application Requirements:

All applications for proposed amendments to this Ordinance, regardless of the party of their initiation per (2) above shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Town Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Town Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Town Clerk, the Applicant shall provide the Town Clerk with 15 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
- (b) A copy of the text which is proposed to replace the current text; and
- (c) As an optional requirement, the Applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the Comprehensive Plan, particularly as evidenced by compliance with the standards set out in subsection (4)(c)1. through 5., below.

4) Review by the Zoning Administrator

The proposed text amendment shall be reviewed by the Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that his application is complete the Zoning Administrator may review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per subsection (3)(a) through (c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c)1. through 5., below:

- 1) The proposed text amendment furthers the purposes of this Zoning Ordinance.
 - 2) The proposed text amendment furthers the purposes of the general Section in which the amendment is proposed to be located.
 - 3) The proposed text amendment furthers the purposes of the specific Sub-Section in which the amendment is proposed to be located.
 - 4) The following factors have arisen that are not properly addressed in the current zoning text:
 - a) The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - b) A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c) New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
 - d) Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 - 5) The proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
- (d) The Zoning Administrator shall forward the reports per (4)(b) and (4)(c), if prepared, to the Plan Commission for the Commission's review and use in making its recommendation to the Town Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

5) Review and Recommendation by the Plan Commission

The Town Board shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.

- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 60.61(4) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Ordinance.
- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the Town Board and/or shall state in the minutes, its findings regarding (4), above, and its recommendations regarding the application as a whole. Said report and/or minutes shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (4)(c)1. through 5., above.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per (5)(b), above), then the Town Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per (5)(a), above, shall not invalidate the proceedings or actions of the Town Board. If such a public hearing is necessary, the Town Board shall provide notice per the requirements of (5)(a), above. *State Law Reference: Wisconsin Statutes Section 60.61(4).*
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in (4)(c)1. through 4., above, after taking into consideration the proposal by the Applicant.

6) Review and Action by the Town Board

The Town Board shall consider the Plan Commission’s recommendation regarding the proposed text amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings, at the Board’s, or the Applicant’s request. The Town Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Town Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 60.61(4)of the Wisconsin Statutes shall be followed prior to Board action. Any action to amend the provisions of proposed amendment requires a majority vote of the Board. The Town Board’s approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

7) Effect of Denial

No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

8) Fee

A fee is required for this procedure. Refer to Section 7.02(4).

9.02 Amendment of Official Zoning Map

1) Purpose

The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (see Sections 3.02). Refer to the requirements of Wisconsin Statutes 60.61(4).

2) Initiation of Request for Amendment to Official Zoning Map

Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following three methods:

- (a) an application of the owner(s) of the subject property;
- (b) a recommendation of the Plan Commission; or
- (c) by action of the Town Board.

3) Application Requirements

All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per (2), above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Town Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Town Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Town Clerk, the Applicant shall provide the Town Clerk with 15 copies of the complete application as certified by the Zoning Administrator. Said application shall be comprised of the following:

- (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Town of Germantown. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Comprehensive Plan Land Use Map, of the generalized location of the subject property in relation to the Town as a whole; and

- (c) As an optional requirement, the Applicant may wish to provide justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Comprehensive Plan, particularly as evidenced by compliance with the standards set out in (4)(c)1. through 3., below.

4) Review by the Zoning Administrator

The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:

- (a) Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the Applicant.
- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator may review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per (3)(c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the proposed zoning map amendment is in harmony with the recommendations of the Comprehensive Plan, particularly as evidenced by compliance with the standards of (4)(c)1. through 3., below:
 - 1) The proposed Official Zoning Map amendment furthers the purposes of this Ordinance and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
 - 2) The following factors have arisen that are not properly addressed on the current Official Zoning Map:
 - a) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan;
 - b) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from spreading;
 - c) Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;
 - d) Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
 - 3) The proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- (d) The Zoning Administrator shall forward the reports per (4)(b) and (4)(c), if prepared, to the Plan Commission for the Commission's review and use in the making its recommendation to the Town Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

5) Review and Recommendation by the Plan Commission

The Town Board shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the the Planning Commission per the provisions of this Subsection.

- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 60.61(4) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant; to all property owners within 300 feet of the boundaries of the subject property as identified in (3)(a), above; and to the Clerk of any

municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.

- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Town Board stating its findings regarding (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (4)(c)1. through 3.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per (5)(b), above), then the Town Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per (5)(b), above, shall not invalidate the proceedings or actions of the Town Board. If such a public hearing is necessary, the Town Board shall provide notice per the requirements of (5)(a), above. *State Law Reference: Wisconsin Statutes Section 60.61(4).*
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in (4)(c)1. through 3., above, after taking into consideration the proposal by the Applicant.

6) Review and Action by the Town Board

The Town Board shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings, at the Board's, or the Applicant's request. The Town Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Town Board wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in Section 60.61(4) of the Wisconsin Statutes shall be followed prior to Board action. Any action to amend the Official Zoning Map requires a majority vote of the Board. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

7) Effect of Denial

No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

8) Fee

A fee is required for this procedure. Refer to Section 7.02(4).

9) Floodland District Boundary Changes Limited

The Town Board shall not permit changes to the floodland district boundaries. Any proposed change shall be referred to the Juneau County Zoning Department, the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

10.00 INTERPRETATION

10.01 Rules of Language Construction. The language set forth in the text of this ordinance shall be interpreted in accord with the following rules of construction:

- 1) The singular includes the plural and the plural is singular.
- 2) The present tense includes the past and future tenses and the future is present.
- 3) The word 'shall' is mandatory and the word 'may' is permissive.
- 4) The masculine gender includes the feminine and neuter genders.
- 5) Whenever a word or term defined appears in the text of this ordinance, its meaning shall be as stated in such definition.

10.02 Liberal Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.

10.03 Conflicting Regulations. Where the standards of this ordinance are either more restrictive or less restrictive than standards imposed by any other laws, ordinances, statutes, resolutions, or regulations, the regulation that is more restrictive or that imposes higher standards or requirements shall prevail.

10.04 Separability. It is the intent of the Town Board that the several provisions of this Ordinance are separable. If a court of competent jurisdiction finds that any provision of this ordinance is invalid, such decision shall not affect any other provision of this ordinance not specifically included in said judgment. If any court of competent jurisdiction shall find invalid the application of any provision of this ordinance to a particular property, building or structure, the decision shall not affect application of the provision to any other properties, buildings or structures not specifically included in the decision.

11.00 DEFINITIONS

For the purposes of this ordinance, the following definitions shall be used:

ACCESSORY USE: A use subordinate to the principal use of a structure, located on the same lot or parcel, serving a purpose customarily incidental to the principal use of the principal structure.

ACCESSORY STRUCTURE: A detached structure subordinate to the principal use of a structure, located on the same lot or parcel, serving a purpose customarily incidental to the principal use of the principal structure. No accessory structure or part thereof shall be used for an eating, sleeping, or living quarters.

AGRICULTURE: Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, which is enrolled in the USDA conservation reserve program; or participating in the milk production termination program; and vegetable raising.

AIRPORT: An airport is any area of land which is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie-down areas, hangars and other related building and open spaces.

ALLEY: A special public right-of-way affording only secondary access to abutting properties.

ANIMAL HUSBANDRY: The raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horse, ponies, mules, llamas, goats, and sheep, their primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.

ATTACHED SINGLE FAMILY DWELLING UNIT: A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

AUXILIARY RESIDENCE: Dwelling on principal commercial property allowing owner or manager to reside in.

BOARD: Unless otherwise specified, board means Town Board of Germantown.

BOATHOUSE: A permanent accessory structure designed and used solely for the purpose of protecting or storing boats for noncommercial purposes.

BUILDING: Any structure which has a supported roof intended for shelter or enclosure.

BUILDABLE AREA: The specified portion of a lot which meets all of the yard and setback requirements of this ordinance and other applicable ordinances and regulations.

BUILDABLE LAND: For the purpose of this ordinance, buildable land is that land which is not mapped as DNR Wetland.

BUILDING HEIGHT: The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs.

BUILDING, PRINCIPAL: The building on the lot, intended for primary use as permitted by the regulations of the zone in which it is located.

BUILDING SETBACK LINE: See Setback Lines.

CAMPGROUND: Any area or tract of land used to accommodate two or more camping parties, including; cabins, tents, house trailers, or other camping outfits for overnight occupancy.

COMMERCIAL HORSE STABLE: Any operation which there is remuneration for services provided.

COMMERCIAL INDOOR LODGING: Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms, suites of rooms, or apartments. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condos, and short-term rental apartments, which provide housing for six months or less.

CONDITIONAL USES: Certain land uses which are specifically mentioned in this ordinance which may have impacts dependent upon specific circumstances. Conditional uses as specified in this ordinance require issuance of Conditional Use Permits approved by the Plan Commission.

CONDO: Short form of Condominium.

CONDOMINIUM : Property subject to condominium declaration including but not limited to land, buildings or a part of the building, or group of buildings including all the land, co-owned and operated within the law of the State of Wisconsin for the mutual protection and benefit of an association of all the members of ownership agreement pursuant to State Statute 703 and its successors.

CONDOMINIUM DEVELOPMENT: Refer to separate definitions of condominiums and development.

CONDOMINIUM PLAT: A map of a condominium made pursuant to Wisconsin Statutes/

CONVERSION CONDOMINIUM: A parcel of land with existing structure or structures converted to a condominium form of ownership.

CORNER LOT: A lot abutting two or more streets at their intersection.

CULVERT: A pipe, conduit, or similar enclosed structure with appurtenant works which carries surface or storm water under or through an embankment or fill, roadway, or pedestrian walk, or other structure.

DENSITY: A term used to describe the maximum number of dwelling units allowed for residential projects per acre.

DEVELOPED PROPERTY: A property or a lot upon which significant site improvements, such as utility installations, paving, and, in many instances, the construction of one or more structures has occurred.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including but not limited to, the construction or demolition of buildings, structures or accessory structures; the construction or demolition of additions or substantial improvements to buildings, structures or accessory structures, the placement of manufactured homes; mining, dredging, filling, grading, clearing and grubbing, paving, excavation or drilling operations; and the deposition or extraction of materials.

DOCK: See Pier.

DWELLING: A detached building designed or used exclusively as a long-term residence or sleeping place, having a minimum of 816 sq. ft. of living space, excluding the basement, but does not include commercial indoor lodging such as hotels, motels, boarding houses or bed and breakfast establishments. See also RESIDENCE.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit.

DWELLING UNIT: A building or portion thereof with rooms arranged, designed, used or intended to be used for one family. For enforcement purposes, guest houses or rooms with exclusive kitchen and bathroom facilities are considered dwelling units.

FAMILY: One or more persons related by blood, marriage or adoption, or a group of not more than five persons not so related, maintaining a common household in a dwelling unit.

FARM DWELLING: A dwelling which is occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.

FEEDLOT: A lot or facility used or proposed to be used for the confined feeding and/or holding of animals where the number and kind of animals exceed twenty-five (25) per acre. The acreage used to compute the density of animals shall include all fenced pens, yards or similar uncovered structures and all covered enclosures in which animals are enclosed for all or 30 or more continuous days per year on a 24 hour per day basis, and shall not include lands used for the growing of crops, vegetative cover or pasture.

FENCE : A structure erected around or on any open space to prevent viewing or passage in or out, serving as a boundary, a means of protection, a buffer, a decoration, a means to block or modify a view and/or for confinement. Fences as controlled by this ordinance shall not include fences whose primary purpose is agricultural as defines in Chapter 90, Wis. Stats., gardening, safety fences including temporary snowmobile trail fences, or fences whose primary purpose is limiting snow drifting on public or private roads. Further excluded from regulation under this ordinance would be decorative or landscaping fencing that does not block the view from neighboring parcels and is of height, color, material and purpose consistent with nearby land uses.

FLAG LOT: A lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way.

FLOOR AREA RATIO (FAR): The ratio calculated by dividing the total floor area of all the buildings on a site by the area of the subject lot.

FOUNDATION: The structural system supporting a structure serving the function of transferring building loads to the ground; anchoring it against the winds; isolating it from frost heaving; isolating it from expansive soil; and holding it above ground moisture. The approved foundation designs are basement, crawlspace or slab of poured concrete, masonry or wood. The design, material and method of fastening are prescribed by the State Building Code. Columns or piers are not an acceptable foundation in the Town Center District.

FRONTAGE: That side of a lot abutting on a street and ordinarily regarded as the front of the lot.

FRONTAGE STREET: Any street to be constructed by the developer or any existing street in which development shall take place.

GARAGE: A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by residents thereof, and which is not a separate commercial enterprise. Garages shall be considered attached if they share a common roof, walls, and foundation with the principal structure; otherwise, garages shall be considered a detached accessory structure.

GROSS LEASABLE AREA: The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

GROUP HOME: Community living arrangements under Wis. Stats. 46.03(22), including those child welfare agencies, group homes for children and community based residential facilities identified therein. Group Homes shall meet all lot size, parking and similar requirements of the district they are located within.

IMPERVIOUS SURFACE: Any surface which prevents water from entering the ground, such as concrete, bituminous pavement, asphalt shingles, etc.

IMPROVEMENT: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

IMPROVED LAND: Any land which contains an improvement.

INTENSITY: A term used to describe the maximum amount of gross floor area and the minimum amount of landscaping required for nonresidential projects. Intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development.

JUNK: Any used, old or second hand scrap metal, metal alloy, synthetic or organic material, or waste or any junked, ruined, dismantled, unlicensed, if licensing is required for legal usage, inoperable or unusable vehicle, machinery, appliance, mobile home or part thereof.

JUNKYARD: Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk. Two or more pieces of junk kept on a property in the Town of Germantown shall constitute a junkyard. A junkyard does include uses established entirely within a closed building.

KENNEL: Any establishment where or whereon three (3) or more dogs are kept for the purpose of breeding, sale or sporting purposes.

LANDSCAPE SURFACE RATIO (LSR): The percentage of the gross site area which must be preserved as useable open space. This is calculated by dividing the total area not covered by hard surfaces including roofs, concrete, asphalt, brick, block, stone, or gravel areas used for vehicles or pedestrian circulation, and all related surfaces as determined by the Zoning Administrator, divided by lot area.

LAND USE: A broad term used to classify land according to present use and according to the suitability for future uses, that is such as for housing, open spaces and parks, commercial, industrial, and institutional.

LIGHT INDUSTRIAL: Any industrial and manufacturing uses, as defined in Section 3.00.

LIVING UNIT: See Dwelling Unit.

LOADING AREA: A complete off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

LOT: A parcel, piece or portion of land, defined by metes and bounds, certified survey, recorded land subdivision plat or other means and separated from other lots, parcels or similar units by such description, and where applicable having its principal frontage upon a street, road or waterway. A Lot may encompass more than one tax parcel.

LOT AREA: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

LOT AREA COVERAGE: See Landscape Surface Ratio.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT LINES: A property boundary line of any land parcel held in single or separate ownership; except that where any portion of the property boundary line extends into the abutting street or alley, the property boundary line shall be deemed to be the street or alley right-of-way line.

LOT, THROUGH: A lot which has a pair of opposite lot lines along two non-intersecting streets, and which is not a corner lot.

LOT, WIDTH: Lot width is measured as the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the length of the front and rear lot lines.

MANUFACTURED HOME: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the Federal Department of Housing and Urban Development (HUD) as complying with the standards established under Wisconsin and Federal law.

MOBILE HOME: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid construction, which has an overall length in excess of 45 feet. 'Mobile Home' includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. This definition does not include a recreational vehicle, as defined in Wisconsin S. 340.01 (48r).

MOBILE HOME PARK: A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

MODULAR HOME: Any structure or component thereof which is intended for use as a dwelling and is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer. 'Modular home' does not mean manufactured home as defined in this section.

NONCONFORMING DWELLING: Any dwelling, lawfully occupied at the time of the effective date of this ordinance or amendments, which does not conform to the regulations in this ordinance.

NONCONFORMING LOT: Any lot created and recorded prior to the effective date of this ordinance or amendment which does not conform to the size or lot dimension requirements in this ordinance. A lot which was legally created and recorded prior to the time this ordinance (or an applicable amendment to this ordinance) took effect shall be considered a legal nonconforming structure.

NONCONFORMING STRUCTURE: A building or structure which existed prior to the time this ordinance (or an applicable amendment to this ordinance) took effect and which is not in conformity with the provisions of this ordinance. A nonconforming building or structure which was legally constructed prior to the time this ordinance (or an applicable amendment to this ordinance) took effect shall be considered a legal nonconforming structure.

NONCONFORMING USE: The use of a building, structure or property which existed prior to the time this ordinance (or an applicable amendment to this ordinance) took effect and which is not in conformity with the provisions of this ordinance. A nonconforming use which was legally established prior to the time this ordinance (or an applicable amendment to this ordinance) took effect shall be considered a legal nonconforming use.

NUISANCE: Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

PARCEL: A lot or group of lots under a single ownership or control.

PARCEL, ORIGINAL: A parcel as it existed as of the adoption date of this ordinance.

PARCEL, SUBSTANDARD: A parcel which is deficient in minimum lot size requirements according to this ordinance.

PAVED: Ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units (including, but not limited to, grasscrete), poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.

PIER: A pier is any structure extending into the water from the shore, whether floating or fixed to the lake bottom, for use as a boat landing place or promenade.

PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, as specified by the ordinance, developed as a single entity according to an approved plan and containing one or more structures with associated common areas.

PLAT: A map of a subdivision created in conformance with the all applicable Town of Germantown, Juneau County, State, and Federal laws.

PLATTED: Mapped or created in conformance with the all applicable Town of Germantown, Juneau County, State, and Federal laws.

PLATTING: The act of creating a map of a subdivision.

PRIVATE DRIVE: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

PRE-EXISTING USE OR STRUCTURE: A use or structure enacted or built prior to an applicable zoning, subdivision, or other development code. See Nonconforming Use and Nonconforming Structure definitions.

PROFESSIONAL OFFICE: The office of a doctor, salesman, insurance agent, travel agent, practitioner, dentist, minister, architect, landscape architect, planner, professional engineer, lawyer, author, musician, real estate broker or other recognized professional.

PUBLIC OPEN SPACE: Any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

PUBLIC PARK: See public open space.

PYRAMIDING: Pyramiding is defined as the act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a greater degree than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel back lot development from off shore lots of residences via a narrow parcel of land to provide access to the water. For the purposes of this policy, pyramiding shall be defined as situations where more than two lots have access to a public body of water via a narrow parcel of land.

RECREATIONAL AREA: Any park, playground, ball field, ski hill, sport field, swimming pool, riding stable or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or private organizations.

RESIDENCE: A structure or part of a structure containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartments. Residences do not include: such transient accommodations as transient hotels, motels, tourist cabins, or trailer courts; recreational vehicles; dormitories, fraternity or sorority houses. In a mixed-use structure, that part of the structure used for residential uses, except accessory to residential uses.

RIGHTS-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, telephone line, drainage facilities, oil or gas pipeline, water main, sanitary or storm sewer main. The usage of the term right-of-way for zoning purposes shall mean every right-of-way hereafter established and shown on a plat or certified survey map which is separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROW: See Right-of-way.

SETBACK LINES: Lines established adjacent and parallel to highways, shorelines and side lot lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained, except for accessory uses, as allowed by this Ordinance. For purposes of enforcement, all setback lines

are to be established as the setback distance measured perpendicular from the applicable lot line. For side and rear yards, setback distances shall be measured from the side and rear lot line. For front yards, setback distances shall be measured from the road right-of-way. Where no right-of way exists and the front lot line is located within the road travel surface, setback distance shall be measured from back of drainage swale, or edge of pavement or travel surface if no drainage swale present. Where no right-of-way exists and the front lot line is not located within the road travel surface, the front setback shall be measured from the front lot line.

SHIPPING CONTAINER: standardized reusable vessels that were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities and/or originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “cargo container”.

SITE PLAN: A scale drawing showing proposed uses and structures for a parcel of land as required by this ordinance.

SITE TRIANGLE: A space approximately triangular in shape, on a corner lot, in which nothing is permitted to be built, placed, or grown in a way that would impede visibility.

SPECIAL EXCEPTION: See Conditional Uses.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial changes in the roof and exterior wall.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. The following shall be construed to be a structure, but the definition is not limited to those listed: arbors, billboards or other advertising medium detached or projecting, boathouses, buildings, docks, dwellings, fences, garages, mobile homes (see definition), manufactured homes, modular homes, piers, signs, stairways to the water, tool houses, and walls. Driveways and parking lots shall not be considered structures. Setbacks for signs shall be regulated in the Sign Ordinance.

STRUCTURE, PRINCIPAL: The main structure on a parcel of which the primary use of the parcel is contained.

SUBDIVISION: The portioning of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other units of land.

TEMPORARY USE: A use which is allowed or permitted for any period of time which is not permanent.

UNIMPROVED LAND: Land which is not considered Improved Land, as defined above.

UNNECESSARY HARDSHIP: That circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

USABLE OPEN SPACE: That part of the ground level of a lot which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings and accessory buildings. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

UTILITY FACILITIES: Utility owned structures not related to the direct delivery of utility service to households or businesses. Utility facilities include power generating plants, electrical utility substations, utility offices, treatment plants, sanitary stations, and sanitary landfills.

VARIANCE: An authorization granted by the Zoning Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

WETLANDS: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation, and which have soils indicative of wet conditions, as determined by the Wisconsin Department of Natural Resources.

YARD: An open space on a lot which is unoccupied or unobstructed from its lowest level to the sky. For the purpose of this ordinance, a “yard” is defined as the open space between a lot line and the nearest foundation line of the principal structure.

YARD, FRONT: A yard extending along the full length of the front lot line between the side lot lines

YARD, REAR: A yard extending along the full length of the rear lot line between the side lot lines.

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

Amended to update sections 2-11 covering definitions and procedures at a regular meeting of the Town Board of the Town of Germantown, Juneau County, Wisconsin on the 13th day of July, 2021.

APPROVED:

Gregg Haunroth, Town Chairman

ATTEST:

Susan Ganther, Town Clerk/Treasurer