

**TOWN OF GLENMORE
ZONING ORDINANCE
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Town of Glenmore

Zoning Ordinance

Adopted: December 1987

Updated: March 1996

Updated: February 2003

Updated: December 2007

Updated: October 2010

Updated: October 2013

Updated: August 2014

DATCP Submittal Date: 10/27/2014

Updated: December 2014

Updated: May 2015

Town of Glenmore

Zoning Ordinance

Updated: March 1996/February 2003/December 2007/October 2010/October 2013/August 2014 / DATCP Submittal Date 10/27/2014 / December 2014 / May 2015
The Town of Glenmore Town Board and/or its designated agents reserve the right to refer to original documents (Glenmore Zoning Ordinance adopted December, 1987 and subsequent amendments to that Ordinance as contained in official various meeting minutes) when interpreting the updated version of the Town of Glenmore Zoning Ordinance)

TITLE AND AUTHORITY

A. TITLE

This ordinance shall be known, cited, and referred to as: THE TOWN OF GLENMORE ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

B. AUTHORITY

The Town of Glenmore, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, 62.23, and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows:

INTENT, PURPOSE, AND SEVERABILITY

A. INTENT

This ordinance is intended to promote the orderly development of the community.

B. PURPOSE

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

C. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

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

DEFINITIONS

A. GENERAL

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

The word “shall” is mandatory and not discretionary.

The word “may” is permissive.

The word “lot” shall include the words “piece”, “parcel”, and “Plats”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” includes “intended for”, “maintained for” and “occupied for”.

All “measured distances” shall be to the nearest “integral foot”. If a fraction is one-half foot or less, the next “integral foot” below shall be taken.

Any words not herein defined shall be construed as defined in other respective state, county, and town codes.

B. WORDS DEFINED

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

Accessory Building or Use. A building or use which is:

- a. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this ordinance.
- b. Clearly incidental to, subordinate in purpose to, and serves the principal use; and
- c. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Adult Bookstore. An establishment which has a portion of its stock in trade, books, magazines, periodicals, movie films, devices, slides or other photographic or written reproductions and which excludes minors by virtue of age.

Advertising Device. Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Agriculture. The science and practice of the cultivation of the soil.

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

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

Animal Feeding Operation (AFO). A feedlot or facility where animals have been confined, maintained or stabled for a total of forty-five (45) consecutive days or more in any twelve (12) month period. Two (2) or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

Animal Waste Storage Facility

Any configuration built upon real property, or any excavation or mounding of ground constructed upon real property, which is used for the temporary storage of animal waste. Any configuration, excavation or structure in existence at the time this definition is adopted by the Town of Glenmore shall become an “animal waste storage facility” upon any change or addition being made to said configuration, excavation, or structure.

a. Animal Waste Storage Facilities shall be further classified by size. A “ Small Facility” shall be less than 5 million gallons total storage by design. A “Medium Facility” shall be more than 5 million gallons total storage and not exceed 10 million gallons by design. A “Large Facility” exceeds 10 million gallons total storage by design.

b. Animal Waste Storage Facilities shall be classified by type “Farm Use” or “Commercial Use”.

1. Farm Use is the temporary storage of animal waste generated from livestock which reside in the Town of Glenmore on the same parcel or an adjacent parcel to the Animal Waste Storage Facility owned by the same farm. The facility may also temporarily store farm waste water, feed leachate, and bedding, but the primary storage is animal waste from livestock residing in the Town of Glenmore on that parcel or an adjacent Glenmore parcel(s) owned by the same farm. If the livestock mutually exist on a Glenmore located farm and an adjacent parcel owned by the same farm in a neighboring township other than Glenmore, it shall meet the classification of Farm Use.
2. Commercial Use is defined as any use that does not meet the Farm Use definition. Commercial Use includes, but is not limited to, industrial waste, animal waste produced by animals not residing in the town of Glenmore, rented animal waste storage, trucked, hauled, or piped in animal waste from a different location or different farm.

Animal Waste Storage Facility- Abandonment

A livestock waste storage facility that is no longer being used for its intended purpose and is no longer receiving animal waste and has not received any animal waste for a period of two (2) years and based on available evidence will not receive animal wastes from an active livestock operation within the next six (6) months.

Artificial Lake/Artificial Pond. A man-made body of water. For the purpose of this ordinance, water for an artificial lake/artificial pond shall be natural run-off or spring fed only.

Auto Wrecking Yard. Any premises on which more than two (2) motor vehicles, not licensed by the Wisconsin Motor Vehicle Department and/or not in running or operating condition, or parts thereof, are stored in the open.

Basement. That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

Blasting Site. The maximum area in which blasting is permitted as indicated on the drawing submitted with the permit application.

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

Boarding House (Lodging House). A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.

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

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

Building, Attached. A building which is joined to another dwelling at one or more sides by a party wall or walls.

Building, Detached. A building which is entirely surrounded by open space on the same lot.

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

Building Setback Line. A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or centerline of a building may be erected.

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

Campground. A tract or parcel of land on which space is provided for camping, including day and overnight camping.

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

Capacity in Persons of an Establishment or Use. The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code or as may be determined by the Building Inspector.

Cemetery/Mausoleum. Any parcel of land used for the disposal of human remains. Further included shall be any parcel of land used for the disposal of animal remains for any animal not owned by the owner of said parcel of land at the time of said animal's death.

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

Club. An association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

Community Based Residential Facility. A place where three (3) or more unrelated adults reside, in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and licensed by the Department of Health and Social services under Section 50.01, Wisconsin Statutes.

Conditional Use. Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.

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

Day Care Center, Group. A licensed establishment for the care and supervision of nine (9) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day and for more than ten (10) days a month.

Day Care Home, Family. A licensed establishment for the care and supervision of one (1) to eight (8) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.

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

- a. By means of a service window;
- b. In-car service; and
- c. Restaurant or confectioneries with carry out counter.

Dwelling, Farm. A residence occupied by person(s) who are actively engaged in farming and/or person(s) who were actively engaged in farming or had financial interests in a farm at the time the residence was constructed.

Dwelling, Residential. All single, two-family, and multiple-family residential dwellings shall meet the requirements for “Residential Dwellings” as set forth in this ordinance under **GENERAL PROVISIONS, C. Buildings and Uses, #14.**

Dwelling Unit. One (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”.

Employee or Staff Member, Full Time. A person who works full time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift working at least thirty (30) hours per week.

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

Exempt Property. Those properties which are exempt from general property tax and are referenced in Chap.70.11 of the Wisconsin Statutes.

Family. Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

Farm. Any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.

Floor Area. (For determining floor area ratio) The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings.

The “floor area” of a building shall include basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouse, attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in “floor area”.

The “floor area” of structures devoted to bulk storages of materials – including, but not limited to, grain elevators and petroleum storage tanks – shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

Floor Area. (For determining off-street parking and loading requirements). The sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities to the production or processing of goods, or to business or professional offices. However, “floor area” for the purposes of measurement

for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor areas devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities to the production or processing of goods, or to business or professional offices.

Frontage. The length of all the property fronting on one (1) side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.

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

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

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

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

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

Gross Floor Area. The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

Group Home. Community living arrangements for the care and maintenance of five (5) to eight (8) children under eighteen (18) years of age, which are licensed child welfare agencies, as set forth in Wisconsin State Statutes 48.603(5).

Hard Surfaced. A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.

Health and Medical Institutions. Institutions or organizations which provide specialized in-patient care or out-patient medical and dental care.

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

High Capacity Well. A high capacity well has a maximum capacity of 70 or more gallons per minute. A copy of the approval from the Private Water System Section of the Dept. of Natural Resources is required.

Home Occupation. A permitted home occupation is defined as any business or commercial activity that is conducted from property that is zoned for residential use or agricultural use, and meets the following requirements:

A home occupation in the A-1 Agriculture District will not impair or limit the current or future agricultural use of the farm or other protected farmland.

A home occupation shall be conducted entirely within a primary dwelling or in an attached or detached accessory structure and shall be clearly incidental to the use of the primary structure as a dwelling or accessory structure as a garage, workshop, storage shed or barn.

In no way shall the appearance of the structure or premises be so altered or the conduct of the occupation within the structure be such that it can be recognized as serving a non-residential use (either by color, materials, construction, lighting, sounds or noises, vibrations, display of equipment, etc.) The home occupation and all related activities, including storage, shall be conducted completely within the dwelling.

The home occupation shall not cause any sustained or unpleasant noises, vibrations, noxious fumes, dust, odors or glare. The use shall not create any radio or television interference or cause any parking or additional traffic beyond what a normal single-family residence would generate in the immediate neighborhood.

No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.

The home occupation shall not utilize or rely upon delivery or service from large vehicles not customary in the zoning district in which the property is located.

The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

One identification sign is allowed not larger than nine (9) square feet in area and it shall follow **Regulation of Signs**.

No commercial telephone directory listing, newspaper, radio or television service shall be used to advertise the location of a home occupation to the general public.

Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice each year, and each sale shall not last more than seventy-two (72) consecutive hours.

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

Incompatible Use. A use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

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

Irrevocable Letter of Credit. An irrevocable promise by the applicant/developer's bank that the bank will make any payment to the Town requested by the Town of Glenmore should the Town of Glenmore, in the Town's sole discretion, believe that the applicant/ developer has broken one or more of its promises to the Town.

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

Kennels, Indoor. A building in which three (3) or more dogs, or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted within the building itself.

Kennels, Outdoor. A lot or building in which three (3) or more dogs, or four (4) or more cats or other animals at least two (2) months of age are kept commercially for board, and/or propagation, training or sales, or other uses, all of which are conducted on the property itself.

Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street.

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

Lot, Corner. A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

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

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

Lot, Interior. A lot other than a corner or reversed corner lot.

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

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

Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

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

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

Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a “through lot” both street lines shall be deemed front lot lines.

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

Manufactured Home. A structure, transportable in one or more sections, which may or may not be built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.

Class I: A structure transportable in one or more sections designed to be used as a permanent residential dwelling, with permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family, two-family, or multiple-family home when meeting the requirements of **GENERAL PROVISIONS, C. Building and Uses, #14** and therefore, may locate in any district permitting such use.

Class II: A structure transportable in one or more sections and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in it.

Manufactured Home Park. A contiguous parcel of land containing two (2) or more manufactured homes.

Motel. An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A “motel” furnishes customary hotel services, such as maid service and laundering of linens, telephone and secretarial or desk service, and the use and upkeep of furniture. In a “motel”, less than fifty (50) percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

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

Non-Conforming Building. A building which is used in a manner that does not conform with the regulations of the use district in which the building is located.

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

Official Zoning Map. The official zoning map showing the location and boundaries of the districts established by the Town of Glenmore Zoning Ordinance dated December 17, 1987.

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

Planned Development District. An area of land, controlled by a single owner, corporation, or other legal entity which is to be developed as a single unit and is referred herein as “PDD”.

Professional Office (Except Health Care). The office of a member of a recognized profession including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations; including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.

Professional Office, Health Care. The office of a member of a recognized health care professional licensed by Wisconsin State Statutes Chapters 441, 446 to 449.

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

Residential Dwelling. All single, two-family, and multiple-family residential dwellings shall meet the requirements for “Residential Dwellings” as set forth in this ordinance under **GENERAL PROVISIONS, C. Buildings and Uses, #14.**

Restaurant, Drive-In. A restaurant with one of the following characteristics:

- a. No interior seating; or
- b. Interior seating, with in-car service.

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

Right-of-Way.

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

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

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

Sanitary Landfill. Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day’s operation or at more frequent intervals.

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

Setback. The minimum/maximum horizontal distance between the line of a building or structure and the front property line.

Setback Area. The minimum/maximum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.

Setback, Corner Side Yard. The minimum/maximum horizontal distance between the side line of the building or use that runs perpendicular to the fronting street, and the side right-of-way line perpendicular to the fronting street.

Setback, Front Yard. The minimum/maximum horizontal distance between the front line of the building or use, and the street right-of-way line.

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

Setback, Rear Yard. The minimum/maximum horizontal distance between the back line of the building or use, and the rear lot lines.

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

Sign. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a “sign” shall not include any display of official court or public office notices nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A “sign” shall not include a sign located completely within a closed building unless the content shall so indicate.

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

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

Slaughterhouse. A building or portion thereof used in the conducting of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut or altered.

Split Zoning. The existence of more than one zone on adjacent areas of a single parcel with a legal description defining the boundaries of each zone.

Story. That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.

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

Street Right-of-Way. An area covered by a distance of thirty (30) feet from the center of a town road. School Road East of Hwy 96 and any town roads built after 8/4/2014 shall have a right-of-way of thirty-three (33) feet from the center of the road.

Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

Structural Alteration. Any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Subdivision. One split from a parent parcel is allowed in every 5 years. 2 or more splits in less than 5 years constitutes a subdivision.

Town. The Town of Glenmore

Town Board. The governing body of the Town of Glenmore.

Town Zoning Administrator. The Administrator appointed by the Town Board to administer and enforce the provisions of the zoning ordinance.

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

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

Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A “principal use” may be “permitted”, “conditional”, or “non-conforming.”

Variance. A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land which the Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of the section will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.

Windmill. A windmill is not used to generate energy. Windmills are permitted in all zones. A windmill must be set back from any property line a distance of no less than one and one tenth (1.1) times its total height.

Wind Energy System-Large. A wind energy system of one (1) wind tower and turbine that has a nameplate capacity of more than one hundred (100) kilowatts and a total height of more than one hundred seventy (170) feet and less than five hundred (500) feet and is used to generate energy for commercial use.

Wind Energy System-Small. A wind energy system of one (1) wind tower and turbine that has a nameplate capacity of one hundred (100) kilowatts or less and a total height of one hundred seventy (170) feet or less and is primarily used to generate energy for use by the landowner. A minimum of one (1) acre per small wind energy system is required.

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

Yard, Corner Side. A side yard which adjoins a public street.

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

Yard, Interior Side. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Transitional. That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

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

GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within the Town of Glenmore.

B. EXISTING ORDINANCE

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Glenmore or are established by federal, state, or county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise the provisions of this ordinance shall apply.

Where a conflict of regulations is found in Glenmore Zoning, the more restrictive regulation shall apply.

C. BUILDING AND USES

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

2. All principal structures shall be located on a lot and only one principal structure shall be located, erected, or moved onto a lot in the Residential Zones.

3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.

4. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any Residential Zone, on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot provided all other requirements of this ordinance are complied with; however, where two (2) or more contiguous substandard recorded lots are in common ownership and are of such size as to constitute at least one (1) conforming "zoning lot", such lots or portions thereof shall be considered as being maintained in common ownership after the effective date of this ordinance for zoning purposes.

5. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.

6. The height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structure shall be located on a minimum farm site of ten (10) acres. Farm accessory buildings shall not be closer than twenty-five (25) feet to any lot line with the exception that a newly constructed building of less than 500 sq. ft. need only be five (5) feet from the rear lot line.

7. On reversed corner lots, all accessory buildings shall conform to the existing setback lines on both streets, and on the rear lot line, it shall conform to the side yard requirements of the Zoning District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

8. The lawful use of a building or premises existing at the time of the adoption or amendment of this zoning ordinance may be continued, although such use does not conform to the provisions of this ordinance. Such non-conforming use may not be extended.

9. When a building containing a non-conforming use is damaged or destroyed by fire, collapse, explosion, or other causes it may be restored according to Wis. Stats. s.60.61(5m).

10. Where the Town Zoning Administrator or Building Inspector has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is completed within two (2) years of the date of the issuance of such permit by the Town Zoning Administrator or Building Inspector.

11. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of **Administration and Enforcement**.

12. A manufactured home Class I or Class II may be permitted for use as a business office only in those zones in which that business is approved.

13. Requirements for single, two-family, and multiple-family residential dwellings.

a. Minimum Floor Area: Minimum size of a residential dwelling shall be one thousand (1,000) square feet with at least eight hundred fifty (850) square feet on the main (first) floor, excluding garage or carport area. This regulation has been established to prevent overcrowding, enhance fire safety, and enhance the aesthetic compatibility with the surrounding area and neighborhood.

b. Roof Pitch and Overhang: All main buildings shall have a minimum pitch of four (4) inches per twelve (12) inches of run, with a minimum of twelve (12) inch roof overhang on each of the dwelling's perimeter walls, such that the overhang is structurally integrated into the design of the building. A conditional use permit would be granted if it can be proven that the installation of a home with a roof pitch of less than 4:12 and/or a roof overhang of less than twelve (12) inches would not aesthetically impinge upon the surrounding area. A slope of 4:12 or less shall be provided with an ice dam protection in the form of sheet metal or a product labeled as meeting the requirements of ASTM D 1970.

c. Roofing Materials: All residential dwellings and attached/detached garages or carports located on a lot shall have a roof surface of wood shakes, asphalt, composition and wood shingles, clay, concrete, metal tiles, slate, smooth or corrugated sheets of metal, fiberglass, plastic or its equivalent, or build-up gravel materials. This regulation has been established to enhance the aesthetic compatibility with the surrounding area and neighborhood.

d. Siding Materials: All residential dwellings and attached/detached garages located on a lot shall have exterior siding material consisting of weatherproof material such as wood, masonry, concrete, stucco, Masonite, vinyl, aluminum or metal lap. The exterior siding material shall extend to ground level except that, when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation. This regulation has been established to enhance the aesthetic compatibility with the surrounding area and neighborhood.

e. Foundation: All dwellings shall have a properly engineered, permanently attached means of support meeting the applicable installation requirements and all applicable building codes. All foundations will require a minimum of four (4) foot ground cover. This regulation has been established to protect against the elements of snow, ice and frost in the winter and thunderstorms and tornadoes in the summer.

EXCEPTION: Frost protected shallow foundations shall be designed in accordance with ASCE-32.

The height of the foundation shall be maintained at eighteen to twenty-four (18-24) inches above roadway or curb unless otherwise approved by the Town Board.

f. Minimum Width: The minimum width of the main structure of a dwelling shall be fifteen (15) feet. This regulation has been established to prevent overcrowding, enhance fire safety, and enhance the aesthetic compatibility with the surrounding area and neighborhood.

Any home not meeting the requirements of this section shall be treated as a Manufactured Home Class II and may only be placed in a Manufactured Home Park.

D. AREA REGULATIONS

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

E. HEIGHT REGULATIONS

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, public water towers, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and

necessary mechanical appurtenances may exceed the maximum height requirements of the respected zoning districts in this ordinance but in no case shall any of these structures exceed two hundred (200) feet in height.

3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. All towers and structures shall comply with the "Obstruction Marking and Lighting" requirements of the Federal Aviation Administration in cooperation with the Federal Communications Commission. Where "Dual Lighting Systems" are optional, it shall be mandatory that white strobe lighting be used during daylight hours only and the red light shall be utilized at night.

F. FRONT, SIDE, AND REAR YARD REGULATIONS

1. No part of a yard or other open space provided about a building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.

2. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with and further provided that no accessory building shall extend within the setback line on either street.

3. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. FENCES, WALLS, AND HEDGES

1. In any district, no fence, wall, hedge, trees or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto within twenty-five (25) feet of the intersection of any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear visual distance along any roadway.

2. All hedges, trees, and shrubbery shall be planted a minimum of three (3) feet from the lot line.

H. PARKING STANDARDS

1. Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.

2. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.

3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.

5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.

7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor areas, seating capacity or other units of measurement specified herein, the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. OFF-STREET LOADING

1. In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

2. All contractors using the roadway will be liable for any damages to the roadway due to loading and/or unloading equipment or materials.

J. MOVING OF BUILDINGS

1. Permit

A permit shall be obtained in order to move a building that is over six hundred (600)

square feet. Applicant shall apply for such permit through the Zoning Administrator, and such application shall be brought to a Town Board meeting for Town Board approval. The applicant shall be a qualified building mover. Application for this permit shall include:

- a. Photographs of the building
- b. Video of the town roads intended to be used, showing the pre- moving conditions
- c. Site plan showing lot and house dimensions
- d. Any other items deemed necessary by the Town Zoning Administrator.

2. Compliance

Buildings or structures moved shall conform to the provisions for new buildings and structures where deemed practical by the Zoning Administrator. No building or structure shall be moved in whole or in part to any location on the same lot or another lot in the zone district unless every portion of such building or structure which is moved shall conform to the zone district requirements.

3. Unsafe or Unfit Buildings

No building or structure shall be moved if deemed structurally unsafe by the Zoning Administrator.

4. Irrevocable Letter of Credit

Before a permit to move a building or structure is issued by the Zoning Administrator, the applicant shall provide an Irrevocable Letter of Credit. The amount and terms of such Irrevocable Letter of Credit shall be determined by the Glenmore Town Board members for costs associated with the project.

Applicant shall agree, among other things, that the applicant will save and indemnify judgments, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit.

5. Conditions of Approval

Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken and specify the time frame for completion of the moving of the building or structure.

6. Regulations For a Building in Transit

If the Zoning Administrator so orders, the removal of a building shall be continuous during all hours of the day and at night until completed with the least possible obstruction to the thoroughfares. Warning lights shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved in writing by the Town Chairman.

7. Damage to Streets and Highways

Every applicant receiving a permit to move a building or structure shall, within one day after reaching its destination, report that fact to the Zoning Administrator who shall report the same to the Town Chairman who shall inspect the streets and highways over which the building was moved or cause the same to be done to ascertain their condition.

If the moving of the building or structure has caused any damage to the streets or highways over which moved, the applicant shall immediately place them in as good repairs as they were before the move. Upon failure of the applicant to do so within 10 days, to the satisfaction of the Town Chairman, the Town Chairman shall order the repair of the damage done to such streets or highways and shall retrieve payment for the repair through the Irrevocable Letter of Credit.

Restrictions shall follow weight limits on town roads.

No movement of buildings will be allowed on town roads when frost is coming out of the ground.

8. All Utilities/Overhead Obstructions

Every applicant receiving a permit to move a building or structure shall be responsible for all permits required by the utilities involved. Damage done to any utilities shall be reported to that utility. Cost for any utility/overhead obstruction damage shall be the responsibility of the applicant.

K. PUBLIC UTILITIES EASEMENT

1. No individual permits will be issued within subdivisions, new roads or access to roadways until after the roadbed is completed and the right-of-way and utility easements are within six (6) inches of their final grade.

2. Any future service laterals for water and sewer are to extend at least twelve (12) feet beyond the right-of-way onto private property.

L. RIGHT OF WAY EXCAVATION / UTILITY LINES

1. A right of way excavation and utility permit will be required for any excavation conducted in the Town of Glenmore right of way. An annual permit fee of three hundred dollars (\$300) will be required.

2. A map and plans for the project must be presented with the application. Lines may not be laid deeper than forty-two (42) inches, nor less than thirty-six (36) inches.

3. Installation must be in straight lines, close to the right of way in order to leave ample space for sewer or water in the future.

4. No open road cutting will be allowed unless approved by the Glenmore Town Board.

5. At the discretion of the Zoning Administrator, a security deposit of one thousand dollars (\$1,000) or a ten thousand dollar (\$10,000) bond will be required at the time of application. Make check payable to the Town of Glenmore. Deposit will be returned after the following conditions are met:

a. Everything is restored to pre-installation condition to the satisfaction of the Town Zoning Administrator.

b. A final map indicating the actual depth and location of lines laid is provided to the Town Zoning Administrator for Town files.

6. Prior to any excavation in the public right of way the contractor/utility shall stake the route of the utility and notify the Town three (3) working days prior to the start of the utility installation. The route location stakes shall not exceed one hundred (100) feet apart.

7. Proof of liability insurance is required. Certificate of Liability Insurance should indicate that the Town of Glenmore is not responsible or liable for any problems arising as a result of the installation.

8. All excavation shall be restored to existing prior conditions. Utility/permittee will be responsible for all restoration for a period of five (5) years.

9. Issuance of this permit is for temporary use of the Town public right of way. In the event future Town improvements conflict with utilities they must be moved to accommodate for the Town's improvements. All cost to remove or relocate shall be at the expense of the permitted utility. All removal or relocation must be completed within forty-five (45) days of notification by the Town of Glenmore.

M. OUTDOOR FURNACE REGULATIONS

1. Permit. No outdoor furnace shall be installed, erected or replaced in the Town of Glenmore without the owner first obtaining a permit from the Building Inspector for such work and paying a fee for the review and inspection of the furnace installation. The permit shall be visibly displayed on the furnace.

2. Definition. For the purposes of this regulation an outdoor furnace is any detached energy system associated with the production of usable heat or energy, which is not located within the primary structure.

3. Only outdoor furnaces that are UL listed and constructed to meet the latest U.S. Environmental Protection Agency standards shall be permitted. The furnaces shall be installed in

accordance with the manufacturer's instructions. All electrical and plumbing shall be performed by qualified personnel and conform to the uniform building, electrical and plumbing codes.

4. The furnace shall be placed on a non-combustible, poured concrete slab a minimum of four (4) inches thick with at least four (4) inches of compacted, crushed stone or sand as a base or placed on concrete columns set to a four (4) foot depth in ground.

5. The unit must be grounded by the electrical wire connections and an independent ground rod with a proper wire to the furnace for additional safety. Electrical wire must be rated and approved for direct burial if it is to be run underground or in wet conditions.

6. Chimneys shall be minimum of twelve (12) feet high as measured from ground level. If the furnace is located within a three hundred (300) foot radius of any residence not served by the furnace, the stack must be at least two (2) feet higher than the peak of that residence. Any chimney over twelve (12) feet high must have proper supports.

7. Outdoor furnaces shall be located no closer than seventy (70) feet from any property line. No outdoor furnace shall be located in a front yard location.

8. Materials that may not be burned: rubbish or garbage, newspaper, plastic materials, cardboard, recyclable materials, lawn waste, tires, rubber, building materials(excluding lumber), waste oil, rubber products, animal carcasses or feces, food waste, painted materials, furniture, business wastes, office paper.

9. The manufacturers written instructions shall be followed for lighting and refueling the fire.

10. Any outdoor furnace in a state of disrepair, or that is damaged to such an extent it does not operate in full conformance with the manufacturers specifications, is a public nuisance and shall be taken out of service and removed from the property by the owner.

ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

For the purpose of this ordinance, the Town of Glenmore, Brown County, Wisconsin, is hereby divided into the following Zoning Districts:

A-1	Agriculture
B-1	Community Business
I-1	General Industrial
M-1	Multi-Family
R-1	Residential
R-R	Rural Residential

B. ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the Zoning Map, entitled “Zoning District Map for the Town of Glenmore, Brown County, Wisconsin, dated December 17, 1987”, which are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

C. ZONE BOUNDARIES

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the centerlines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll road, and expressway; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks; wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Town Board of the Town of Glenmore, after due hearing, may extend the regulations for either portion of such lot.
4. Split Zoning of Parcels—In order to accomplish the goal of preserving agricultural land in the Town of Glenmore Comprehensive Plan, split zoning of parcels may be allowed at the discretion of the Town Board.

A split zoning document must be created by a licensed surveyor. The document will be a single page containing a legal description of the area to be rezoned, and a map showing acreage and dimensions. The area to be rezoned will be staked. If the rezone is approved, the split zoning document will be dated and kept on file with the Town Clerk.

D. EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any zone district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations and other authorities having jurisdiction. However, radio and television transmission and booster towers, and telecommunication antennas and towers are subject to the regulations prescribed in the zoning district.

A-1 AGRICULTURE –Farmland Preservation

All uses allowed in the A-1 District must be either agricultural uses or uses that are consistent with agricultural use. No structure or improvement may be built on the land unless it is consistent with agricultural use.

A. DEFINITIONS

1. Accessory Use. Any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(c) A home occupation (see definitions section C).

(d) A Waste Storage Facility which will not store animal waste, requires a Land Use Application approved by the Town, a site plan, and proof of DNR and Brown County approvals provided to the Town. NOTE: An Animal Waste Storage Facility is a Conditional Use Permit.

2. Agricultural Use. Agricultural use means any of the following activities conducted for the purpose of producing an income or livelihood: beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising/boarding; orchards; plant greenhouses and nurseries; Christmas tree production, poultry raising; raising of grain, forage, mint and seed crops; raising of fruits, nuts, vegetables, and berries; sod farming; placing land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.; (participating in the milk production termination program under 7 USC 1446 (d)); and vegetable raising.

3. Consistent with Agricultural Use. Consistent with agricultural use means any activity that meets all of the following conditions:

a. The activity will not convert land that has been devoted primarily to agricultural use.

b. The activity will not limit the surrounding land's potential for agricultural use.

c. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

d. The activity will not conflict with agricultural operations on other properties.

4. DATCP. The Wisconsin Department of Agriculture, Trade and Consumer Protection.

5. Expansion. For the purpose of administering the regulations of A-1 Agriculture expansion shall mean the increase in animal units for any legal entity which requires additional buildings or confinement areas to be constructed or erected. Such expansion definition shall apply to existing and/or new animal feeding operations and/or animal waste storage facilities. Replacement that is the same size or smaller and in the same location, provided it is a conforming use, is not considered new.

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

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

6. Gross Farm Revenue. Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. This includes receipts accruing to a renter, but does not include rent paid to the land owner.

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

8. Irrevocable Letter of Credit. An irrevocable promise by the applicant/developer's bank that the bank will make any payment to the Town requested by the Town of Glenmore should the Town of Glenmore, in the Town's sole discretion, believe that the applicant/developer has broken one or more of its promises to the Town.

B. PERMITTED USES

1. Agricultural use – see definition.

2. Single-family residences existing as of 5-5-08, and additions thereto or replacements thereof on the existing site (within 200 feet of the existing residence), including normal residential appurtenances such as a pool, deck or patio.

3. Transmission lines, substations, telephone and telegraph lines, public utility installation, public streets, street rights-of-way and street improvements, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

4. Undeveloped natural resources and open spaces.

5. Accessory uses –see definition, except those that are listed in par. C.

Examples include:

- a. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
- b. A facility used to store process inputs primarily for agricultural uses on the farm.
- c. A facility used to keep or service vehicles or equipment primarily employed in

agricultural uses on the farm.

d. A solar collector that provides energy primarily for use on the farm.

e. On-farm fuel or agrichemical storage facilities.

f. New or expanding structures or confinement areas necessary for housing animal units. NOTE: The Town of Glenmore requires a letter from the Brown County Land Conservation Department stating the county is aware of the potential for increased animal units and the farm is in compliance with nutrient management requirements.

g. Home occupations (see definitions section C) except farmstead retail outlets (see par C conditional uses).

h. Outdoor furnace (see section D par. M)

i. Roadside stands meeting the requirements of accessory use in par. A, provided the structure does not cover more than three (300) square feet in ground area and does not exceed ten (10) feet in height.

C. CONDITIONAL USES

The Town may issue a conditional use permit for certain agriculture related uses if all of the following apply:

1. The use supports agricultural uses in the A-1 Agriculture zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.

2. The use and its location in the A-1 Agriculture zoning district are consistent with the purposes of the A-1 Agriculture zoning district.

3. The use and its location in the A-1 Agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

4. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.

5. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.

6. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

A conditional use permit is required for the following listed uses. Findings must be made to show that any conditional uses are consistent with agricultural use and meet the criteria listed one (1)

through six (6) above. The conditional use permit may be subject to any additional conditions that the Town deems necessary to carry out the purposes of this ordinance.

- a. Airfields, airports, and heliports, provided that they are public uses, or private uses consistent with agriculture.
- b. Animal waste storage facility for animal waste produced in the Town of Glenmore.
 - Required Setbacks:
 - 250 feet from a well
 - 250 feet from a property line
 - 250 feet from a public road right of way
 - 300 feet from a lake or perennial stream (as defined by USGS quadrangle maps)”
 - Animal waste storage facility commercial use not allowed.
- c. Artificial lakes / artificial ponds.
- d. Cemeteries and mausoleums that qualify under WI s. 91.46(1)(g).
- e. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, and churches and their accessory unoccupied storage outbuildings provided that they are non-profit or governmental uses which do not conflict with agricultural use.
- f. Riding stables and/or boarding facilities that qualify under the definition of accessory use in par. A.
- g. Fire stations, police stations, post offices and other governmental facilities.
- i. Farmstead food processing facilities that process food produced on the farm.
- j. Microwave relay towers that qualify under WI s. 91.46(4) unless authorized under WI s. 91.44(1)(f).
- k. Parks, recreational sites and golf courses, if they are public (governmental) facilities.
- l. Farmstead retail outlets selling agricultural products produced on the farm that qualify under the definition of accessory use in par. A.
- m. Radio, television, telecommunication, and cell towers which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation. All towers must qualify under WI s. 91.46(4) unless authorized under WI s. 91.44(1)(f).
- n. Railroad right-of-way, not including switching, storage, freight yards, or siding, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
- o. Slaughterhouse.
- p. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.

q. Wind energy system – Large. One turbine with a nameplate capacity of more than 100 kilowatts and is used to generate energy for commercial sale.

r. Wind energy system – Small. One turbine with a nameplate capacity of 100 or less kilowatts and is primarily used to generate energy for use by the landowner.

s. Meteorological towers, if they are temporary.

t. Sawmill that processes wood received directly from farms.

u. Agronomic or veterinary service to farms.

v. Sales of feed, seed, fertilizer, and pesticides directly to farms.

D. REZONING LAND OUT OF A-1 AGRICULTURE

Land may not be rezoned out of a farmland preservation zone unless the Town finds all of the following:

1. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezone is consistent with the comprehensive plan.
3. The rezone is substantially consistent with the Brown County Farmland Preservation Plan.
4. The rezone will not substantially impair or limit current or future agricultural use of other protected farmland.

By March 1 of each year, the Zoning Administrator must report to DATCP and Brown County the total acres rezoned, and send a map showing the location of acres rezoned during the preceding year.

E. LOT REQUIREMENTS

Any new lots created must have access to a public road.

F. HEIGHT REGULATION

1. Farm structures – sixty (60) feet maximum*.
2. Residential dwellings – thirty-five (35) feet maximum.

*Except as provided by **General Provisions**, Subsection E, Height Regulations.

G. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance.

However, in no case shall front yard or corner side yard be less than twenty-five (25) feet from the street right-of-way.

2. Side yard, when not abutting a street, shall have a minimum setback of twenty-five (25) feet. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

H. BUILDING SIZE

Minimum size of a residential dwelling shall be one thousand (1,000) square feet ground floor area for a one (1) story dwelling and eight hundred fifty (850) square feet minimum ground floor area for dwellings having more than one story.

I. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in **General Provisions**, Subsection C, Building and Uses.

J. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements**.

K. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

L. OTHER PROVISIONS AND REQUIREMENTS

1. Single family residences and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one (1) acre and one hundred fifty (150) continuous feet of street frontage. Such dwelling and related structures, as identified on an appropriate Certified Survey Map or Plat of Survey, shall be submitted for review for possible rezone at the time of sale.

2. Other structures or buildings allowed within A-1 Agriculture shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

3. Pre-existing residences or buildings located in areas subject to zoning under this section which do not conform to the regulations of this section may continue their pre-existing use and are exempted from any limitations imposed or authorized under Section 60.61(5) of the Wisconsin State Statutes and **General Provisions**, Subsection C. Buildings and Uses.

A-1.1 AGRICULTURE –General Agriculture

All uses, setbacks, provisions, and requirements are the same as A-1 Agricultural-Farmland Preservation.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO _____

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to _____. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____ 20_____

Town Chairman

ATTEST:

Town Clerk

B-1 COMMUNITY BUSINESS

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

Community Business land uses should be avoided in productive agricultural soil areas and in floodplains, wetlands, and other environmentally sensitive lands. They should not adversely impact adjacent land uses. Density should be controlled in order to decrease the need for sewer and water. Location should be emphasized on the main travel corridors of the town in order to take advantage of existing traffic patterns and to maintain the high quality/ physical conditions of the town roads.

A. GENERAL REQUIREMENTS

Uses permitted in B-1 Community Business are subject to the following conditions:

1. Dwelling units and rooming units are not permitted except as the residence of the owner or operator of a business on the premises.
2. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings (unless an exception is granted by a Conditional Use Permit).
3. The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half (1½) tons capacity when located within seventy-five (75) feet of a Residence District boundary line.

B. PERMITTED USES

1. None (See Conditional Uses)

C. CONDITIONAL USES

See Violations and Penalties Section Page X-10 for Conditional Use Permit Transferability

1. Adult bookstore.
2. Adult entertainment establishment.
3. Amusement establishments – archery ranges, bowling alleys, shooting galleries, game room, swimming pools, skating rink, and other similar amusement facilities.
4. Animal hospitals, veterinary services, and kennels.
5. Antique shops.
6. Art and school supply stores.
7. Art shops and galleries, but not including auction rooms.
8. Artificial lakes/artificial ponds.
9. Auction rooms.
10. Automotive rentals and leasing.
11. Automotive repair shops.
12. Automotive services.
13. Bakeries – room or rooms, containing the baking process shall not exceed a total of five thousand (5,000) square feet in area.

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14. Banks and financial institutions.
15. Barber shops.
16. Bed and Breakfast establishments.
17. Beauty parlors.
18. Bicycle sales, rental, and repair stores.
19. Blueprinting and photostating.
20. Boat showrooms and sales.
21. Book and stationery stores.
22. Building material products sales.
23. Business machine sales and service.
24. Cable television installation.
25. Camera and photographic supply stores.
26. Candy and ice cream stores.
27. Car wash.
28. Carpet and rug stores, retail sales only.
29. Catering establishments.
30. Child day care centers.
31. China and glassware stores.
32. Clothing and costume rental stores.
33. Clubs and lodges, non-profit and fraternal.
34. Coin and stamp stores.
35. Computer and data processing services.
36. Custom dressmaking.
37. Dental clinic.
38. Department stores.
39. Drug stores.
40. Dry cleaning establishments, not engaged in wholesale processing.
41. Dry cleaning establishments employing more than four (4) persons.
42. Dry goods stores.
43. Dwelling units and rooming units, above the ground level.
44. Eating and drinking establishments primarily engaged in drive-in and carry-out service.
45. Eating and drinking places, excluding drive-ins and establishments primarily engaged in carry-out service.
46. Electrical and household appliance stores, including radio and television sales.
47. Electrical showrooms and shops.
48. Employment agencies.
49. Farm machinery and equipment sales.
50. Fire stations, police stations, post offices and other governmental facilities.
51. Florist shops.
52. Food stores, grocery stores, meat markets, bakeries and delicatessens.
53. Frozen food stores, including locker rental in conjunction therewith.
54. Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
55. Furrier shops, including the incidental storage and conditioning of furs.
56. Garden supply, tool, and seed stores.
57. Gift shops.
58. Greenhouses, commercial.
59. Gunsmith shop.
60. Hardware stores.
61. Hobby shops, for retail of items to be assembled or used away from the premises.

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62. Hotels, motels.
63. Household appliances, office equipment and other small machine sales and service.
64. Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
65. Insurance agencies.
66. Jewelry stores, including watch and clock repair.
67. Laboratories, medical and dental.
68. Laboratories, medical and dental, research and testing.
69. Laundrettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
70. Leather goods and luggage stores.
71. Libraries.
72. Liquor stores, packaged goods.
73. Locksmith shops.
74. Mail order houses.
75. Manufactured home sales.
76. Medical clinics.
77. Meeting halls.
78. Miscellaneous repair shops.
79. Miscellaneous shopping goods stores.
80. Motor vehicle and automotive parts and supplies.
81. Motor vehicle sales.
82. Musical instrument sales and repair.
83. Newspaper distribution agencies for home delivery and retail trade.
84. Nurseries, lawn and garden supply stores, landscaping.
85. Nursing and personal care facilities.
86. Off-premise signs greater than three (300) square feet in size and less than five hundred-one (501) square feet in size.
87. Office machine sales and servicing.
88. Offices, business, professional and governmental.
89. Office supply stores.
90. Optician sales, retail.
91. Orthopedic and medical appliance stores.
92. Outdoor furnace.
93. Paint and wallpaper stores.
94. Parking garages or structures, other than accessory, for storage of private passenger automobiles only.
95. Parking lots, open and other than accessory.
96. Pet shops.
97. Phonograph record and sheet music stores.
98. Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.
99. Picture framing, when conducted for retail trade on the premises only.
100. Plumbing showrooms and shops.
101. Post offices.
102. Public utility and service uses.
103. Publishing and printing.
104. Radio and television sales, servicing and repair shops.
105. Radio and television stations and studios.

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106. Real estate offices.
107. Recording studios.
108. Recreational and utility trailer dealers.
109. Rental storage units – new.
110. Residential care group homes.
111. Restaurants – including the serving of alcoholic beverages.
112. Schools, commercial and trade.
113. Schools – dance, music, and business.
114. Security brokers.
115. Sewing machine sales and service – household appliances only.
116. Shoe, clothing, and hat repair stores.
117. Shoe stores.
118. Sporting goods stores.
119. Tailor shops.
120. Taverns.
121. Taxidermists.
122. Telecommunication antennas and towers.
123. Ticket agencies, amusement.
124. Tobacco shops.
125. Toy shops.
126. Travel bureaus and transportation ticket offices.
127. Undertaking establishments and funeral parlors.
128. Used merchandise stores.
129. Variety stores.
130. Video stores.
131. Wearing apparel shops and accessories.
132. Wind energy system - Small
133. Wood cabinetmaking.
134. Accessory uses, incidental to, and on the same zoning lot as the principal use.

D. LOT REQUIREMENTS

1. Area – one (1) acre minimum;
2. Zoning lot frontage – one hundred (100) continuous feet minimum.

E. HEIGHT REGULATIONS

All structures – thirty-five (35) feet maximum, except as provided by **General Provisions**, Subsection E, Height Regulations.

F. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall front yard or corner side yard be less than twenty-five (25) feet from the street right-of-way.
2. Side yard shall have a minimum setback of twenty-five (25) feet.

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3. Rear yard, when not abutting a street, shall have a minimum setback of twenty-five (25) feet. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

G. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in B-1 Community Business shall meet the district requirements and those identified in **General Provisions**, Subsection C, Building and Uses.

H. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements**.

I. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

J. OTHER REQUIREMENTS

Additional structures and buildings allowed in B-1 Community Business shall meet the regulations of this district and other articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO B-1, COMMUNITY BUSINESS

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to B 1. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below.
"Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the B-1 zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____, 20_____

Town Chairman

ATTEST:

Town Clerk

I-1 GENERAL INDUSTRIAL

The I-1 General Industrial District is not confined to any one neighborhood but is designed to accommodate those industrial activities which, by their character, should be relatively remote from residential and business development and found not to be obnoxious, unhealthful or offensive by reason of the potential emission and transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, or glare or heat. Businesses may range from small in scale to large in size.

Industrial Business land uses should be avoided in productive, agricultural soil areas and in floodplains, wetlands, and other environmentally sensitive lands. They should not adversely impact adjacent land uses. Density should be controlled in order to decrease the need for sewer and water. Location should be emphasized on the main travel corridors of the town in order to take advantage of existing traffic patterns and to maintain the high quality/ physical conditions of the town roads.

A. GENERAL REQUIREMENTS

Uses permitted in I-1 General Industrial are subject to the following conditions:

1. Dwelling units and rooming units are not permitted, except as the residence of the owner or operator of a business on the premises.
2. All business, servicing, or processing, within three hundred (300) feet of Residential or Agricultural Zones shall be conducted within completely enclosed buildings.
3. All storage within three hundred (300) feet of Residential or Agriculture Zones – except of motor vehicles in operable condition – shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet nor more than eight (8) feet in height.

B. CONDITIONAL USES

1. Abrasive manufacturing.
2. Accessory uses, incidental to, and on the same lot as the principal use.
3. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.
4. Artificial lakes/artificial ponds
5. Asphalt plant.
6. Auto wrecking yard.
7. Bakeries.
8. Bedding manufacturing.
9. Bottling companies.
10. Boot and shoe manufacturing.
11. Brick and structural clay products manufacturing.
12. Building materials sales and storage.
13. Cable television installations.
14. Carpet manufacturing.
15. Cartage facilities.
16. Cloth products manufacturing.

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17. Contractors, architects, and engineering offices, shops and yards.
18. Cosmetic production.
19. Earth excavation exclusive of artificial lakes.
20. Electronic and scientific precision instrument manufacturing.
21. Electroplating.
22. Feed mills.
23. Feed and seed sales.
24. Fire stations, police stations, post offices and other governmental facilities.
25. Food manufacture, packaging and processing.
26. Freight terminals.
27. Glass products and production and sales.
28. Grain storage and processing.
29. Graphite products manufacturing.
30. Greenhouses, wholesale.
31. Heavy machinery production.
32. Laboratories, research and testing
33. Laundries.
34. Light machinery products – appliances, business machines, etc.
35. Lithographing.
36. Lodges and offices of labor organizations.
37. Machine shop.
38. Metal stamping.
39. Musical instruments manufacturing.
40. Off-premise signs greater than three (300) square feet in size and less than five hundred one (501) square feet in size.
41. Orthopedic, and medical appliance manufacturing.
42. Paint products manufacturing.
43. Paper products manufacturing.
44. Parking lots, other than accessory, and subject to the provision of **Off-Street Parking and Loading Requirements**.
45. Petroleum products storage or processing.
46. Plastics manufacturing.
47. Printing and publishing establishments.
48. Public utility and service uses.
49. Rope, cord, and twine manufacturing.
50. Rubber processing and manufacturing.
51. Sign manufacturing.
52. Sporting goods manufacturing.
53. Steel manufacturing.
54. Telecommunication antennas and towers.
55. Trade schools.
56. Warehouses.
57. Wastewater treatment plants, municipal.
58. Wearing apparel manufacturing.
59. Welding shop.
60. Wind energy system- Small.
61. Woodworking and wood products.
62. Any use allowed in B-1 Community Business.

C. LOT REQUIREMENTS

1. Area – one (1) acre minimum
2. Zoning lot frontage – one hundred (100) continuous feet minimum.

D. HEIGHT REGULATIONS

Principal structures – sixty (60) feet maximum, except as provided by **General Provisions**, Subsection E, Height Regulations.

E. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall front yard or corner side yard be less than twenty-five (25) feet from the street right-of-way.
2. Side yard shall have a minimum setback of twenty-five (25) feet.
3. Rear yard when not abutting on a street shall have a minimum setback of twenty-five (25) feet.
4. Where a side or rear lot line in I-1 General Industrial coincides with a side or rear lot line in an adjacent Residential or Agricultural Zone, and a residential structure is located within one hundred (100) feet of I-1 General Industrial, a yard shall be provided along such side or rear lot line not less than thirty (30) feet in depth and shall contain landscaping and planting suitable to provide an effective screen.

F. ACCESSORY BUILDINGS

All accessory buildings hereinafter constructed in I-1 General Industrial shall meet the districts requirements and those identified in **General Provisions**, Subsection C, Building and Uses.

G. PARKING

Parking shall conform to requirements as set forth in **Off-Street Parking and Loading Requirements**.

H. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

I. OTHER REQUIREMENTS

No use shall be established, maintained, or conducted in I-1 General Industrial that causes any of the following:

1. Dissemination of excessive noise, vibration, odor, dust, smoke, observation of gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
2. Hazard of fire or explosion or other physical hazard to any person, building or vegetation.
3. A harmful discharge of waste material.

J. ASPHALT PLANT REQUIREMENTS

1. Site plan approved by Glenmore Town Board.
2. The entire plant site area within property boundaries, including roadways, shall be paved.
3. Stack height shall be no less than sixty (60) feet above ground level or as regulated by DNR.
4. Plant operation hours as agreed upon by all parties involved.
5. The Town of Glenmore shall be notified of major changes in the asphalt plant operations. (Maintenance not included.) Major changes would then be required to be discussed at a Town Board meeting prior to implementation.
6. Hold harmless agreement.
7. Plant must meet all DNR requirements. If the Town of Glenmore conditions are more restrictive, then they shall apply.
8. All documents must be signed by applicant.
8. Prepare a Malfunction Prevention and Abatement Plan to address emergency response in case of uncontained spill causing potential contamination of the aquifer.
10. If asphalt plant is sold, new owners must come before the Town Board for a review and possible change of conditions.

K. ASPHALT PLANT SETBACKS

1. If abutting agricultural property line, setback shall be twenty-five (25) feet.
2. Any other dwellings setback shall be determined by the Glenmore Town Board under conditional use.
3. A minimum of one hundred (100) feet setback from road/street right of way.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO I-1 GENERAL INDUSTRIAL

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to I-1. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the I-1 zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____ 20_____

Town Chairman

ATTEST:

Town Clerk

H-5 Updated 03/02/2020

M-1 MULTI-FAMILY

A. PERMITTED USES

1. Any use permitted in the R-1 Residential District.
2. Apartment (Maximum of 4 units per building, 1 building per parcel.)
3. Condominium (Maximum of 4 units per building, 1 building per parcel.)
4. Boarding or lodging house (Maximum of 4 units per building, 1 building per parcel.)
5. Day care center.
6. Nursery school.
7. Transmission lines, substations, telephone and telegraph lines, public utility installations.

B. PERMITTED ACCESSORY USES

1. Accessory buildings and uses customarily incidental to any of the above structures when located on the same lot and not involving the conduct of a retail business.
2. Home occupations.
3. Outdoor furnace
4. Private garages, carports, and driveways.
5. Satellite dishes less than twelve (12) feet in diameter.
6. Tool houses, sheds and other similar buildings used for the storage of common supplies.

C. CONDITIONAL USE

1. Artificial lakes/ artificial ponds.
2. Cable television installations.
3. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
4. Community based residential facility.
5. Fire stations, police stations, post offices and other governmental facilities.
6. Manufactured home parks.

D. LOT REQUIREMENTS

1. Area – one (1) acre minimum , two (2) acre maximum.
2. Zoning lot frontage – one hundred fifty (150) continuous feet minimum, two hundred ninety-nine (299) continuous feet maximum.

E. HEIGHT REGULATIONS

Residential dwellings – thirty-five (35) feet maximum.

F. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall front yard or corner side yard be less than twenty-five (25) feet from the street right-of-way.

2. Side yard shall have a minimum setback of twenty-five (25) feet.

3. The rear yard, when not abutting on a street, shall have a minimum setback of twenty-five (25) feet for the principal structure and twenty-five (25) feet for the accessory building. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

G. BUILDING SIZE

1. Minimum size of a residential dwelling shall be eight hundred fifty (850) square feet ground floor area.

2. The total area above grade occupied by the building, accessory buildings, and car stalls or parking places shall not exceed fifty (50) percent of the total area of the lot on which they are located.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in **General Provisions**, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements**.

J. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO M-1, MULTI-FAMILY

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to M-1. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, -A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the M-1 zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby

repealed. Section 3. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this _____ day of _____, 20

Town Chairman

ATTEST:

Town Clerk

PLANNED DEVELOPMENT DISTRICT

Entire Ordinance Repealed 12/01/2014

J-1 Revised 12/1/2014

R-1 RESIDENTIAL

A. PERMITTED USES

1. Class I Manufactured Home.
2. Parks, recreational sites and golf courses.
3. Single family dwellings.
4. Transmission lines, substations, telephone and telegraph lines, public utility installations.
5. Two family dwelling.

B. PERMITTED ACCESSORY USES

1. Home occupations.
2. Outdoor furnace.
3. Private garages, carports, and driveways.
4. Satellite dish antennas, less than twelve (12) feet in diameter.
5. Tool houses, sheds and other similar buildings used for the storage of common supplies.

C. CONDITIONAL USE

1. Artificial lakes/ artificial ponds.
2. Cemeteries and mausoleums.
3. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
4. Conservation Subdivisions.
5. Fire stations, police stations, post offices, and other governmental facilities.
6. Manufactured home parks.

D. LOT REQUIREMENT

1. Area – one (1) acre minimum, two (2) acre maximum, not including the public right of way.

2. Zoning lot frontage – one hundred fifty (150) continuous feet minimum, two hundred ninety-nine (299) continuous feet maximum.
3. Minimum lot width 150 feet.
4. For farm dwellings and related structures which remain after farm consolidation, please see A-1 Agriculture Par L. sub 1.

E. HEIGHT REGULATIONS

Residential dwellings – thirty-five (35) feet maximum.

F. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall the front yard or corner side yard be less than twenty-five (25) feet from the right-of-way.

2. Side yard, when not abutting a street, shall have a minimum setback of twenty-five (25) feet. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

G. BUILDING SIZE

Minimum size of a single family residential dwelling shall be one thousand (1,000) square feet ground floor area for a one story single family dwelling and eight hundred fifty (850) square feet minimum ground floor area for single family dwellings having more than one story. Minimum size of a two family dwelling shall be sixteen hundred (1,600) square feet floor area.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in **General Provisions, Subsection C, Building and Uses.**

I. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements.**

J. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs.**

K. OTHER REQUIREMENTS

Other structures or buildings allowed within the R-1 District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO R-1 RESIDENTIAL

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to R-1. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the R-1 zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____ 20____

Town Chairman

ATTEST:

Town Clerk

R-R RURAL RESIDENTIAL

A. PERMITTED USES

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, horticulture, livestock raising, nurseries, orchards, pasturage, poultry raising, riding academies and stables, truck farming, and wildlife sanctuaries.
2. Agricultural warehouses.
3. Class I Manufactured Home.
4. Parks, recreational sites and golf courses.
5. Single family dwellings.
6. Transmission lines, substations, telephone and telegraph lines, public utility installations.
7. Two family dwellings.

B. PERMITTED ACCESSORY USES

1. Additional structures necessary for the continuance of the farming operation.
2. Conservatories and greenhouses for plants, provided such activity is not used for wholesale or retail trade beyond the limitations of a home occupation.
3. Home occupations.
4. Outdoor furnace.
5. Private garages, carports, and driveways.
6. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
7. Satellite dish antennas, less than twelve (12) feet in diameter.
8. Tool houses, sheds and other similar buildings used for the storage of common supplies.

C. CONDITIONAL USE

1. Airfields, airports, and heliports.
2. Animal feed operations.
3. Animal waste storage facility.
4. Artificial lakes/ artificial ponds.

5. Bed and Breakfast establishments.
6. Cemeteries and mausoleums.
7. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
8. Conservation Subdivisions..
9. Fire stations, police stations, post offices and other governmental facilities.
10. Manufactured home parks.
11. Microwave relay towers.
12. New structures or confinement areas necessary for housing animal units.
13. Telecommunication antennas and towers.
14. Town sanitary landfills and town solid waste disposal sites.
15. Wind energy system – Small.

D. LOT REQUIREMENT

1. Area – one (1) acre minimum, two (2) acre maximum not to include the public right of way.
2. Zoning lot frontage – one hundred fifty (150) continuous feet minimum, two hundred ninety-nine (299) continuous feet maximum.
3. Minimum lot width 150 feet.
4. For farm dwellings and related structures which remain after farm consolidation, please see A-1 Agriculture Par L. sub 1.

E. HEIGHT REGULATIONS

1. Farm structures – sixty (60) feet maximum*.
2. Residential dwellings – thirty-five (35) feet maximum.

*Except as provided in **General Provisions**, Subsection E, Height Regulations

F. BUILDING SETBACKS

1. Front yard, corner side yard, and rear yard, when it abuts on a street, shall have a

setback in accordance with those prescribed in the Brown County Highway Setback Ordinance. However, in no case shall the front yard or corner side yard be less than twenty-five (25) feet from the right-of-way.

2. Side yard, when not abutting a street, shall have a minimum setback of twenty-five (25) feet. A newly constructed building of less than five hundred (500) square feet need only be five (5) feet from the rear lot line.

G. BUILDING SIZE

Minimum size of a single family residential dwelling shall be one thousand (1,000) square feet ground floor area for a one story single family dwelling and eight hundred fifty (850) square feet minimum ground floor area for single family dwellings having more than one story. Minimum size of a two family dwelling shall be sixteen hundred (1,600) square feet floor area.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in **General Provisions**, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirements as set forth in **Off-Street Parking and Loading Requirements**.

J. SIGNS

Signs shall be regulated as set forth in **Regulation of Signs**.

K. OTHER REQUIREMENTS

1. All future residential dwellings connected with a farming operation shall be located on a separate lot containing a minimum of one (1) acre and one hundred fifty (150) continuous feet of lot frontage.

2. Other structures or buildings allowed within the R-R District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

AN ORDINANCE REZONING PROPERTY LOCATED AT _____
IN THE TOWN OF GLENMORE, BROWN COUNTY, WISCONSIN,
FROM A-1 AGRICULTURE TO R-R RURAL RESIDENTIAL

WHEREAS, the Town Clerk has published a notice of public hearing regarding such proposed zoning change and a public hearing has been held at the Glenmore Community Center whereupon the Town Board has heard all interested persons.

NOW THEREFORE, the Town Board of the Town of Glenmore, Brown County, Wisconsin, does ordain as follows:

Section 1. That provided the following conditions are met, the property located at:

Will be rezoned from A-1 to R-R. This rezoning will only occur under the following conditions:

- (a) That the owner of this property must obtain a building permit and commence building on the property within 2 years from the date of adoption of this ordinance stated below. "Commence building" will be determined by the Town Zoning Administrator.

In the event that this condition is not met, this land shall remain in its present zone, A-1, and this ordinance shall be null and void. Once this condition is met, the property is rezoned to the R-R zone.

Section 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon its adoption and proper posting.

Approved and adopted this _____ day of _____ 20____

Town Chairman

ATTEST:

Town Clerk

ANIMAL WASTE MANAGEMENT

Entire ordinance repealed 5-5-08

ARTIFICIAL LAKES/ARTIFICIAL PONDS

The following regulations shall apply to all artificial lakes/ artificial ponds hereinafter constructed or developed within the Town of Glenmore.

A. LOCATION

Artificial lakes/artificial ponds may be permitted in any zoning district by conditional use approval.

B. PROCEDURE FOR APPROVAL

1. The property owner, developer or assigned agent shall make application for conditional use approval to create an artificial lake/artificial pond. (Also see Subsection C. SITE PLANS).

2. Fees will be as follows:

Conditional Use Hearing: See Town of Glenmore Fee Schedule or Contact the Town Clerk or Zoning Administrator

3. Plan Commission will meet to review the application and site plan and make a recommendation to the Town Board.

4. The Town Board will hold a public hearing on the request. Following the public hearing the Town Board will make a decision on the request and site plan at a Town Board meeting.

5. Any alteration of or addition to an artificial lake or artificial pond requires conditional use approval.

6. Any maintenance being done on an artificial lake/artificial pond, which does not change the original size or slope of an artificial lake/artificial pond, will require a Land Use Application from the Zoning Administrator.

C. SITE PLANS

A site plan shall be required for all artificial lake/artificial pond construction. A site plan shall be submitted with the conditional use approval application as part of the application itself. All site plans shall provide the following information:

1. A legible map with all dimensions readable, showing the nearest address and intersection. The map must also show the proposed artificial pond size, existing buildings on the property (residential and other), existing natural features of the property (i.e. wetlands, watercourses, topographic features, etc.) and the adjoining property within five hundred (500) feet of the site. Indicate adjacent property lines.

2. A layout of proposed residential lots and other buildings, if applicable.

3. The type and location of sanitary facilities to be installed if residential development is to take place or the existing sanitary facility location and type.
4. Source of water supply for residential dwellings and water level maintenance in the artificial lake/artificial pond.
5. Surface water runoff with two (2) foot contour topography.
6. Obtain from NRCS or Brown County Land Conservation a map with 2 foot contours showing any navigable water and intermittent streams.

The applicant shall submit twelve (12) copies of the site plan required by the Town Zoning Administrator for the artificial lake/artificial pond construction.

D. DEVELOPMENT STANDARDS

1. The center portion of any artificial lake/artificial pond, other than a fish or wildlife facility, shall be excavated deep enough to maintain a water depth of eight (8) feet.
2. A lake or pond shall be constructed so as to have a bottom slope of not greater than one (1) foot of fall in five (5) feet of travel (5-1). Size of the lake or pond shall be a minimum of 80 feet by 80 feet.
3. No artificial lake/artificial pond shall be constructed within fifty (50) feet of an existing or proposed soil absorption, on-site, sanitary waste disposal system. No artificial lake/artificial pond shall be constructed within twenty-five (25) feet of an existing or proposed holding tank, sanitary waste disposal system.
4. No artificial lake/artificial pond shall be constructed within seventy-five (75) feet of any existing or proposed residence, other structure or road right-of-way.
5. No artificial lake/artificial pond shall be constructed within one hundred (100) feet of any residential property line or one hundred (100) feet of any agricultural property line.
6. The perimeter of the artificial lake/artificial pond shall be landscaped and seeded within six (6) months after completion of the excavation.
7. All excavated material shall be moved from the site or shaped and spread to blend with the natural landforms in the area.
8. At the discretion of the Glenmore Town Board an Irrevocable Letter of Credit may be required. The amount and terms of such Irrevocable Letter of Credit shall be determined by the Glenmore Town Board members for costs associated with the project.
9. Natural run-off and/or spring fed will be the only water sources allowed for the artificial lake/artificial pond being constructed.

E. OTHER REQUIREMENTS

1. The constructed artificial lake/artificial pond shall meet the requirements of the Brown County Shoreland and Floodplain Ordinance, and the Department of Natural Resources.
2. Artificial lakes/artificial ponds constructed adjacent to a navigable body of water shall comply with the regulation set forth by the Wisconsin State Statutes and The Department of Natural Resources.
3. If constructed as a fish or wildlife facility, an artificial lake/artificial pond shall comply with the requirements of the Soil Conservation Service and Agriculture Stabilization Conservation Service.
4. The ground water table in the surrounding area and adjacent to the artificial lake/artificial pond shall be protected.
5. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
6. The Town of Glenmore Plan Commission may, at their discretion, require fencing in areas of expected future development.
7. The Town of Glenmore Town Board retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety, and welfare of the community.
8. The Town Board of the Town of Glenmore retains the right to have access to the site for inspection. Such inspections shall be made randomly, at the discretion of the Town Board, prior to the start of construction, during construction, and/or before completion.

F. DETENTION/RETENTION PONDS

Detention/retention ponds shall follow regulations for artificial lakes/artificial ponds. In addition, banks or side slopes shall be graded and shaped to a slope that permits easy mowing.

BLASTING

A. PURPOSE

This ordinance is to regulate the use of explosive materials and to establish uniform limits on permissible levels of blasting resultants to reasonably assure that blasting resultants do not cause injury, damage or a nuisance to persons or property.

B. GENERAL

No person shall handle or use explosive materials in the Town of Glenmore, unless he/she:

1. Possesses a valid State of Wisconsin blaster's license with the proper classification or is supervised by a holder of a valid State of Wisconsin blaster's license with proper classification; and
2. Possesses all necessary state permits and complies with all applicable local, state and federal regulations, including but not limited to, the requirements of this Chapter and Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.

C. PERMIT

No person shall handle, use or cause explosives to be detonated within the Town of Glenmore without an explosive use permit issued by the Town Zoning Administrator as hereafter set forth:

1. Explosive Use Permit

Applications for an explosives use permit shall be in writing upon forms provided by the Town Zoning Administrator. The applicant will identify the licensed blasters operating under the permit and the blasting locations within the Town of Glenmore. Applications may be made by and permits issued to the blasting business, provided that the person doing the blasting or responsible for such blasting shall hold a valid Wisconsin blaster's license with proper classification.

Each application for an explosives use permit or a renewal thereof shall include a written description of the total area within which explosives are proposed to be used, blasting procedures to be employed, including types of explosives, initiating systems, and an aerial photograph or drawing acceptable to the Town Board with a scale of no less than one (1) inch equals three hundred (300) feet and having an overlaying grid which accurately includes all areas and inhabited buildings within twelve hundred (1200) feet of all proposed blasting areas.

Applications shall be accompanied by a five hundred dollar (\$500.00) permit fee. Permits shall be issued on an annual basis commencing January 1st and ending December 31st. No permittee shall be required to obtain more than one (1) permit annually for its operations within the Town of Glenmore. All explosives use permits applied for after January 1st shall be accompanied by a pro-rated fee from the date of the issuance of the permit through the end of the year.

All applications for renewal for an explosives use permit shall be filed by the permittee with the Zoning Administrator of the Town of Glenmore within sixty (60) days before the expiration date of the previous permit.

O-1 Updated 4/7/2016

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days of the filing of the completed application form. If an application for a subsequent explosives use permit is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

2. Subsequent Explosive Use Plan

A subsequent explosive use plan, not included in the original application, must be brought back to the Plan Commission for a recommendation and to the Town Board for final approval.

A fee, in addition to the permit, of one hundred seventy-five (\$175.00) must be filed with the Town Zoning Administrator for a subsequent explosive use plan.

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days of the filing of the completed application form. If an application for a subsequent explosives use permit is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

3. Certificate of Insurance

Each application for an explosives use permit as herein stated, or a renewal thereof, shall be accompanied by a certificate of Insurance for a Commercial General Liability Policy and said Policy of Insurance shall have limits of coverage of not less than two million (\$2,000,000.00) dollars in the aggregate and one million (\$1,000,000.00) dollars per occurrence and the Town shall be named as an additional insured on applicant's Policy of Liability Insurance.

4. Blasting Log

An accurate blasting log shall be prepared and maintained according to Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code and shall be available to the Town Board of Glenmore upon request for a minimum period of three (3) years.

D. TEMPORARY PERMITS

Town Zoning Administrator, upon receipt of a properly completed temporary permit application form, may issue a temporary permit to allow for special construction or demolition activities requiring the use of explosives. Temporary permits shall be issued for a duration of fourteen (14) consecutive working days. The temporary permit fee shall be two hundred (\$200.00) dollars and shall be submitted with the completed temporary permit application form. Only one (1) temporary permit can be issued for

any given site within the year of permit issuance. Temporary blasting for basements, sewer and water laterals for single-family residential construction will not require a temporary permit under this section. Blasting hours shall comply with **Earth Excavations** I. General Conditions 1, which are 9AM - 4PM, M-F.

E. PREBLAST SURVEY

1. Each explosives use permit application and all permit renewal applications shall include the names and addresses of all residents or owners of dwellings or other structures located within one thousand two hundred (1200) feet of the boundaries of the blasting site. Blasting site is defined as the maximum area in which blasting is permitted as indicated on the drawing submitted with the permit application.
2. At the time of permit application, the applicant shall have notified, in writing, all residents or owners of dwellings or other structures located within one thousand two hundred (1200 feet) of the blasting site, who may request a pre-blast survey and a water quality test for existing wells. This request shall be in writing. The applicant shall cause a pre-blast survey to be conducted as to such dwelling or structures and water quality testing for existing wells, provided however, that the applicant shall not be required to conduct a pre-blast survey or well water quality testing more than once every six (6) years as to any dwelling, structure, or well.
3. The owner of a dwelling or structure that is within one thousand two hundred (1200) feet of the blasting site, which subsequent to the conducting of a pre-blast survey has been substantially modified or improved by more than fifty percent (50%) of the property's fair market value may request a pre-blast survey. If it is found that a pre-blast survey for such improved or modified structure is appropriate, the applicant/permittee may conduct such surveys within a reasonable period of time, but in no case exceeding twice a year for all such requests by all owners.
4. The pre-blast survey and water quality testing shall be promptly conducted in a manner and form and by an independent survey company, a laboratory approved by the State of Wisconsin or organization selected by the applicant and acceptable to the owner or resident and the Town Zoning Administrator. The survey shall determine the condition of the dwelling or structure and shall document any pre-blasting damage or other physical factors that could reasonably be expected to be affected by the use of explosives. The testing of wells shall determine the condition of the water as to be safe for human use. The Town Board may consider accepting a blasting survey or well water test that was prepared prior to the effective date of this ordinance if the blasting survey and well water test meets the requirements outlined herein.
5. The survey shall include a written report signed by the person who conducted the survey. Copies of the survey report shall be promptly provided to the Town of Glenmore, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town of Glenmore any objections to the survey report, setting forth in detail such objections.
6. The water quality test for existing wells shall include a written report signed by the person who conducted the test. Copies of the test shall be promptly provided to the Town of Glenmore, the owner or resident, and the applicant/permittee. The owner, resident or applicant/permittee shall promptly submit in writing to the Town of Glenmore objections to the test, setting forth in detail such objections.

7. Reasonable and reasonably related expenses incurred as a result of such independent survey shall be the responsibility of the applicant/permittee.

F. PREBLAST NOTIFICATION

Before any blasting operation may be conducted within the Town of Glenmore, the company or operator shall give written notice, by fax or letter, received not less than five (5) days preceding any blasting to the Town Chairman and the Town Zoning Administrator that the permittee will be conducting blasting operations during any one week period Monday through Friday and advising the name of the company and the blaster and the approximate dates, times and locations of the blasting during the one week period. The issuance of the notice required herein does not relieve the company or operator from its obligation to provide such other notices as may be required pursuant to the permit or otherwise in **Blasting**.

In addition, a daily notice including date, time of day blasting will occur, number of blasts, and location of blasting shall be faxed to the Town Chairman, Supervisors and the Glenmore Zoning Administrator. Upon resident's request to the Town, the company shall also notify said resident with a similar blasting notice. This shall be done by the means requested including fax, mail, or phone.

G. ENFORCEMENT and PENALTY PROVISIONS

The explosive use permit may be suspended or revoked for substantial noncompliance with the requirements established by the Town of Glenmore as noted herein by this ordinance and the requirements of Chapter ILHR 7, Explosive Materials, Wisconsin Administrative Code.

P - Land Division

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LAND DIVISION

1.01 AUTHORITY

This ordinance is adopted under the authority granted by Section 236 of the Wisconsin Statutes¹ and amendments thereto; and pursuant to this authority the Town Board of Town of Glenmore, Brown County, Wisconsin do ordain as follows:

1.2 TITLE

This ordinance shall be known as, referred to, or cited as the *Town of Glenmore Land Division Ordinance*.

1.3 JURISDICTION

Jurisdiction of these regulations shall include all land and waters within the Town of Glenmore, Brown County, Wisconsin.

1.4 PURPOSE

These regulations are adopted for the following purposes:

- (1) To protect and provide for the public health, safety, and general welfare of the Town.
- (2) To enforce the goals and policies set forth in the Town of Glenmore Comprehensive Plan.
- (3) To preserve the rural character, scenic vistas, and natural beauty of the Town.
- (4) To protect and conserve the value of prime agricultural land throughout the Town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (5) To require conservation subdivision design as the means for residential subdivision development.
- (6) To protect and preserve natural resources, potable water supplies, wildlife habitat, and open space.
- (7) To ensure proper legal descriptions and monumenting of subdivided land.

1.5 GENERAL PROVISIONS

(1) Severability and Non-Liability

- (a) If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (b) The Town of Glenmore does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the Town Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.

(2) Repeal

All ordinances or parts of ordinances of the Town of Glenmore inconsistent or conflicting with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

(3) Abrogation and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

¹ The Wisconsin State Statutes may be viewed online at: <http://www.legis.state.wi.us/rsb/Statutes.html>

(4) Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(5) Effective Date

This Ordinance shall be effective after adoption by the Town of Glenmore Board and publication and posting as required by law.

(6) Land Divisions Not Covered By This Ordinance

The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Cemetery Plats pursuant to sec. 157.07, Stats. and Assessor's Plat pursuant to sec. 70.27 Stats.
- (c) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.

(7) Re-subdivision of Recorded Land Divisions

One minor land division from an original parcel, as defined on page P-6, is allowed in every five years. Two or more divisions in less than five years constitutes a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.

(8) Compliance with Ordinances, Statutes, Regulations, and Plans

Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division creating a new parcel shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:

- (a) The provisions of Chapter 236, Wis. Stats.
- (b) All applicable State of Wisconsin, Brown County and Town of Glenmore ordinances and regulations.
- (c) The Town of Glenmore Comprehensive Plan.

(9) Violations

It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance.

(10) Review Fee

The subdivider shall submit to the Town all fees based upon the fee schedule adopted by the Town of Glenmore Board. Fees shall be submitted at the time of first application to the Town to cover the costs of necessary inspections and review of the appropriate survey. The subdivider shall reimburse the Town for any review costs that exceed the application fee.

(11) Surveys required for Land Divisions

Certified Survey Map

A certified Survey map is required for a minor land division.

Preliminary Plat of Subdivision

A preliminary and eventual final plat of subdivision is required for two or more divisions of a parcel in less than five years. A conservation subdivision design is required.

1.6 DEFINITIONS.

The following terms, whenever they occur in this Ordinance, are defined as follows:

- (1) Act or Action:** In the context of the Town Board or Town Planning Commission's review of a preliminary or final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
- (2) Buildable Area:** The area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Town Planning Commission. The buildable area for the principal structure must be contiguous and not separated by environmental features, streets, or other similar features.
- (3) Building Setback Line:** The distance from the boundaries of a lot within which structure(s) shall not be erected.
- (4) Certified Survey Map:** A map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
- (5) Channel:** A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
- (6) Comprehensive Plan:** The most recently adopted official guide for the physical, social, and economic growth of the Town properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
- (7) Conditional Approval:** Approval of a plat by the Town Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Town Planning Commission.
- (8) Conservation Subdivision:** An area of land which is to be developed as a single unit in a rural setting in such a manner as to preserve open space, farmland, and other natural features such as woodlands, flood plains, and wetlands. Greater design freedom is allowed in order to preserve open space. The open space is owned and managed by a homeowners association or local land trust and is preserved from further development.
- (9) Cul-de-Sac:** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (10) Days:** Shall refer to calendar days.
- (11) Detention Pond:** A permanent man-made pond or pool used for the temporary storage of storm water runoff and which provides for the controlled release of such waters.
- (12) Developers Agreement:** An agreement by a subdivider with the Town of Glenmore that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

- (13) **Development:** The act of constructing buildings or installing site improvements, such as grading, clearing, ditching, installing utilities or any other activity necessary prior to construction.
- (14) **Double Frontage Lots:** A lot other than a corner lot, which has frontage on two substantially parallel streets.
- (15) **Drainage Easement:** Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- (16) **Easement:** The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.
- (17) **Final Plat:** The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.
- (18) **Flood:** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (19) **Floodplain:** The land adjacent to a body of water which has been or may be hereafter covered by flood water including, but not limited to, the regional flood.
- (20) **Floodway:** The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
- (21) **Frontage:** A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- (22) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
- (23) **Gradient:** The slope of land, road, street, or other public way specified in percent (%).
- (24) **Home Owners Association:** An association of all homeowners in a conservation subdivision who own and manage all the open space land in the subdivision.
- (25) **Improvement, Public:** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (26) **Irrevocable Letter of Credit:** A guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Town to pay for improvement costs specified in an approved developers agreement.
- (27) **Land Division:** The act of creating two or more separately described parcels, at least one of which is thirty five (35) acres or less in size, from a single parcel of land by the owner thereof or his agent.
- (28) **Land Trust:** A private non-profit land conservation group or individual capable of buying and holding significant properties to prevent their total development.
- (29) **Lot:** A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
- (30) **Lot Area:** The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of -way but including the area of any easement.
- (31) **Lot Lines:** The peripheral boundaries of a lot as defined herein.
- (32) **Minor Land division:** The division of land by the owner or subdivider resulting in the creation of one new parcel.
- (33) **Outlot:** A parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.

- (34) **Original Parcel:** Those parcels appearing on the Zoning Map as of 4/24/2015.
- (35) **Owner:** Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, Private Corporation, public or quasi-public Corporation, or combination of these.
- (36) **Parcel:** A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
- (37) **Performance Bond:** A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (38) **Plat:** A map of a subdivision.
- (39) **Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Planning Commission for purposes of preliminary consideration.
- (40) **Pre Application:** A required meeting with the Town of Glenmore Zoning Administrator for the Zoning Administrator to review a concept plan and provide input in to next steps or issues.
- (41) **Restrictive Covenant:** Written stipulations on the face of the plat regarding development that the landowner must abide by.
- (42) **Retention Pond:** A permanent man-made pond or pool designed to collect and prevent the release of a given volume of storm water by complete on-site storage.
- (43) **Reviewing Agency:** Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
- (44) **Right-of-way:** A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat, and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (45) **Storm water:** The flow of surface water that results from precipitation.
- (46) **Storm water Management Facilities:** Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of storm water runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
- (47) **Street right of way:** An area covered by a distance of 30 feet from the center of a road; except School road east of highway 96 and any new town roads constructed after adoption of this ordinance.
- (48) **Structure:** Anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
- (49) **Subdivider:** Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.
- (50) **Subdivision:** Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- (a) The act of division creates two or more parcels or building sites of thirty five (35) acres or less in area; or
 - (b) Two or more parcels or building sites of thirty five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (51) **Surveyor:** A land surveyor duly registered in the State of Wisconsin.
- (52) **Tax Parcel Number:** An identification number assigned to real estate in Brown County for taxation purposes.
- (53) **Thoroughfare:** A street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.

- (54) Town:** The Town of Glenmore, Brown County, Wisconsin
- (55) Town Board:** The governing body of the Town of Glenmore.
- (56) Utility Easement:** An easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc..
- (57) Variance:** A departure from the terms of the land division ordinance as applied to a specific structure or parcel of land, which may be granted by the board of appeals when it finds that a literal enforcement will result in unnecessary hardship due to circumstances unique to the property.
- (58) Wetlands:** A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Core of Engineers.

1.7 LAND SUITABILITY

No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, improper use of prime farm soils, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Town Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.

- (1)** When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that the subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
- (2)** When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps:
 - (a)** The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Code of Ordinances Chapter 22 Shorelands and Wetlands and Chapter 23 Floodplains.
 - (b)** Floodplain and floodway lines shall be shown on all final plats and maps.
- (3)** New land divisions not served by public sewer shall comply with the requirements of Brown County Code of Ordinances Chapter 11 and Wisconsin Administrative Code Chapter COMM 83 "Private Onsite Wastewater Treatment Systems" and are hereby adopted by reference and incorporated herein as fully set out.
- (4)** All new land divisions not served by public sewer shall have a state acceptable soil test done for each proposed lot.
- (5)** The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
- (6)** The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Town Board, provided that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
- (7)** Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Glenmore Comprehensive Plan, and Zoning Ordinance.

1.8 DEDICATIONS AND RESERVATIONS

(1) Streets and Public Ways

Whenever a parcel of land to be divided as a subdivision contains all, or in part, a proposed street, highway, drainage way, storm water management facility, public access to navigable lakes or streams, or other public way or access which has been designated in a comprehensive plan as defined in this Ordinance, or as required in Section 236.16(3) Wis. Stats., such public way or access shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

(2) Open Space for Conservation Subdivision

Open space shall be comprised of two types of land, “primary conservation areas” and “secondary conservation areas” (Ref. section 1.11(1) of this ordinance). All land within both primary and secondary conservation areas are required to be protected by a permanent conservation easement prohibiting further development and setting other standards safeguarding the site’s special resources. All easements shall be acceptable to the Town and duly recorded at the County Register of Deeds Office.

(3) Reservation of Lands for Park, Open Space, School, or Public Sites

Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction. If the three-year period expires with no action by the public agency, the open space provisions of Section 1.08(2) of this ordinance shall still be required.

(4) Environmentally Sensitive Areas (ESAs)

Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be made a part of the primary conservation area of a conservation subdivision (Ref. section 1.11(1) of this ordinance).

(5) Lands Between Meander Line and Water's Edge

The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, out lots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(6) Restrictions For Public Benefit

- (a)** Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Town, or public utility, or which name the *Town of Glenmore* as grantee, promisee, or beneficiary, vest in the Town of Glenmore the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, shore protection works, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Town of Glenmore.
- (b)** The Town Board reserves the right to require the provision of future public access across or through dedicated public lands for the purposes of sound engineering, planning, or development purposes.

(7) Storm water Management Facilities

- (a) The Town retains the option to own and maintain the storm water facilities, however the costs to maintain the storm water facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
- (b) Where the storm water facilities are designed only for an approved subdivision or certified survey map, maintenance costs may be apportioned equally to all lots in the subdivision or CSM and such costs may be collected as a special charge placed on the Town tax bill or specially assessed as provided by the Wisconsin Statutes.
- (c) Notification shall be placed on the face of subdivision plats and certified survey maps, which contain designated storm water management facilities, that the property owner may be subject to maintenance charges or assessments for work done by the Town to maintain said facilities.

1.9 IMPROVEMENTS

The subdivider or his or her agent shall furnish and install the following improvements, as required by the Town of Glenmore. The required improvements are to be furnished and installed at the sole expense of the subdivider, unless specified differently within this ordinance or in an approved developer's agreement between the Town of Glenmore and subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Town.

(1) Financing

Before the Town Board approves a preliminary plat, or as a condition of approval in the case of a CSM that contains a public dedication, the subdivider shall submit a Development Agreement and irrevocable letter of credit, performance bond, or cash escrow agreement to assure the following:

- (a) The subdivider shall pay for the cost of all improvements required in the subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Town. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.

Assessments for improvements installed within the subdivision to benefit lands beyond the boundaries of the subdivision shall be deferred until such time that said lands are proposed to utilize the improvements.

- (b) Guaranteed start of construction within 6-months following final plat recordation with the Brown County Register of Deeds Office.
- (c) Guaranteed completion of the required improvements within a 2-year period following approval of the final plat.
- (d) Payment by the subdivider for all costs incurred by the Town for review and inspection of improvements. This would include preparation and review of plans and specifications by the Engineer, Planner, and/or Attorney, as well as other costs of a similar nature.
- (e) The Town may elect to install any of the required improvements under the terms of a cash escrow agreement.
- (f) The irrevocable letter of credit, performance bond, or cash escrow agreement shall be equal to 1-1/4 times the bid package cost for the required improvements.

- (g) If the required improvements are not completed within the 2-year period following approval of the final plat, all amounts held under the escrow agreement, irrevocable letter of credit, or performance bond shall be turned over and delivered to the Town and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs borne by the Town. Any balance remaining after such expenses have been paid shall be returned to the owner or subdivider. The Town Board at its discretion may extend the bond period for an additional period not to exceed 2 years.

(2) Survey Monuments

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(1)(11), Wis. Stats., the Town which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)

(3) Grading and Surfacing

(a) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town . After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated, with surfacing materials approved by the Town before building permits may be issued.

(b) When permanent street sections have been approved, the subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.

(4) Street Signs

The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Town standards, prior to acceptance of the final plat of subdivision or submit a fee deposit in lieu thereof.

(5) Landscaping and Screening Standards

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, a landscaped earthen berm, or a hedge. Landscaping shall not be located within street rights-of-way.

(6) Private Sanitary Sewage Disposal Facilities

(a) The subdivider shall make provisions for adequate private sewage disposal systems as specified by Town, County, and State regulations.

(7) Private Water Supply Facilities

(a) The subdivider shall make provisions for adequate private water systems as specified by the Town and other applicable State and County regulations.

(8) Storm Water Management and Erosion Control Facilities

(a) For all land divisions creating two or more parcels, the subdivider shall submit a storm water management and erosion control plan conforming to the requirements of the appropriate Wisconsin State Statutes and Administrative Codes. The storm water management and erosion control plans shall be completed by an engineer licensed in the State of Wisconsin and be reviewed by the Town appointed engineer at cost to the subdivider.

- (b) Storm water management plans may require but not be limited to storm sewers, road ditches, waterways, storm sewers, curbs and gutters, catch basins and inlets, and water retention/settling basins. Erosion control plans may require but not be limited to landscaping techniques utilizing vegetative covers, silt fencing, grading specifications; berms, and other sound erosion control measures.
 - (c) The subdivider shall assume the cost of installing all appropriately sized storm water management facilities to serve the proposed development. If larger storm water management facilities are required to serve additional areas of the Town, the additional cost of such facilities over and above the cost of those serving the proposed development shall be borne by the Town or assessed against the total area served.
 - (d) Where storm sewer laterals are required, they shall extend a minimum of fifteen (15) feet with tracer wire past the property line to avoid disrupting other existing utility lines at the time of connection.
 - (e) The subdivider shall adequately protect all ditches in accordance with the Wisconsin Construction Site Best Management Practice Handbook and to the satisfaction of the Town appointed engineer within 30 days. No other plantings or obstructions, except erosion control devices and ground cover if approved by the Town appointed engineer or Town Board, shall be placed within areas of storm water drainage.
 - (f) The subdivider shall not be completely released of the letter of credit, escrow, or performance bond until seventy-five percent of the subdivision is filled and the Town-appointed engineer inspects and certifies the storm water facilities. The Town retains the option to own and maintain the storm water facilities; however the costs to maintain the storm water facilities shall be assessed to the property owners tributary to the facilities based upon the property owners' amount of impervious surface.
 - (g) Ownership, maintenance, and liability responsibilities for all stormwater management facilities shall be identified within the storm water management plan.
 - (h) Plans required under this Section shall be submitted to the Town of Glenmore, Brown County Planning Commission, and Department of Natural Resources for review, comment, and approval as appropriate.
- (9) Other Utilities**

A twelve (12) foot utility easement shall be required on the front and side lots of all newly platted lots. If the provision of utilities is to be made from the rear, then a twelve (12) foot utility easement along the rear lot line will be required in place of the front yard easement. All new electric distribution lines (excluding lines of 15,000 volts or more), telephone lines from which individual lots are served, fiber optic, and cable or community antenna television cables within all newly platted subdivisions and land divisions shall be installed underground unless the Town determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lots to be served by said facilities would be best served directly from existing overhead facilities. Associated equipment and facilities which are appurtenant to underground electric and communications systems, including but not limited to, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground. The aforementioned aboveground equipment shall be landscaped so as to blend into the surrounding landscape.

1.10 CONSTRUCTION PROCEDURE

(1) Construction Plans and Specifications

Construction plans for the required improvements conforming in all respects with the standards of the Town Appointed Engineer or Town Board and the ordinances of the Town shall be prepared at the subdivider expense by a professional engineer who is registered in the state of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Town Appointed Engineer or Town Board for approval and for estimate of the total cost of the required improvements; upon approval they shall become a part of the Developer's Agreement. Immediately following approval of the preliminary plat by the Town Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Town for the following public improvements:

- (a) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
- (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (c) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
- (d) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
- (e) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
- (f) Corner elevations for every proposed lot and out lot, prior to issuance of building permit.
- (g) Additional special plans or information as required by Town Planning Commission, Town Board, or Town Staff.

(2) Action by the Town Appointed Engineer

The Town Appointed Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent Town design standards approved by the Town Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Town Appointed Engineer shall approve the plans and specifications for transmittal to the Town Board. The Town Board shall approve the plans and specifications before the improvements are installed.

(3) Construction and Inspection

- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Town Appointed Engineer upon receipt of all necessary permits and in accordance with the construction methods of Section 1.10.
- (b) Construction shall begin within six (6) months following recording of the final plat with the Brown County Register of Deeds Office.
- (c) Construction of all improvements required by this Ordinance shall be completed within two (2) years from the date of approval of the final plat by the Town Board, unless good cause can be shown for the Town Board to grant an extension.
- (d) During the course of construction, the Town Appointed Engineer shall make such inspections, as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Town for such inspections. This fee shall be the

actual cost to the Town of inspectors, engineers and other parties necessary to insure satisfactory work.

- (e) Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.

(4) As-Built Plans

After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, stubs, sewers and water mains and such other facilities as the Town Appointed Engineer shall require. This map shall be on paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital version of the map projected in Brown County Coordinates shall also be made available to the Town on a compact disc (CD) or digital video disc (DVD) in a format of the Town's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of performance bond or remaining escrow, assuring their completion.

1.11 DESIGN STANDARDS

(1) Conformity with the Comprehensive Plan.

All proposed development shall conform to the Glenmore Comprehensive Plan and be designed as a conservation subdivision. The conservation subdivision shall be administered as a conditional use in the residential and rural residential zones. Permitted uses are single and two family homes. Set back requirements shall be part of the conditional use permit.

Open Space

A Conservation Subdivision may contain a maximum of 10 lots (a minimum of ¾ acre in size) which shall be grouped together to maximize farmland or other natural resource preservation. The primary conservation area shall consist of Environmentally Sensitive Areas such as wetlands, floodplains, slopes over 25% and soils susceptible to slumping, allowing for some flexibility. The secondary conservation area shall comprise 50% of the remaining total tract area (after deducting the primary conservation area) and shall include the most sensitive and noteworthy natural, scenic, and cultural resources on that remaining half of the property. This includes woodlands, prime farmland, natural meadows, and wildlife habitats. The Plan Commission and Town Board reserve the right to allow flexibility on the secondary conservation area. All lands within primary and secondary conservation areas are required to be protected by a permanent conservation easement prohibiting further development. All easements shall be acceptable to the Town Board and recorded in the county Register of Deeds office.

The above areas shall generally be designed as undivided open space to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity. At least 25% of the minimum required open space shall be suitable for active recreation purposes but no more than 50% shall be utilized for that purpose, in order to preserve a reasonable portion of natural areas on the site. The purpose for which open space areas are proposed shall be documented by the subdivider. No land use shall pose a threat to the groundwater, interfere with existing agricultural uses, or conflict with other goals and policies of the Town.

The required open space may be used without restriction for underground drain fields for individual or community septic systems. However, mound systems protruding above grade shall be limited to no more than 10 % of the required open space. Permanent access to septic systems shall be granted to homeowners in writing.

Stormwater management ponds or basins may be included as part of the minimum required open space.

Undivided open space shall be directly accessible to the largest practical number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space for direct access and views. Pedestrian access shall be provided from all lots not adjoining the open space, except through areas vulnerable to trampling damage.

Homeowners Association (HOA) Standards The undivided open space and associated facilities are held in common ownership by a homeowners association operating under the following provisions:

- a. The subdivider shall provide a description and a map of all lands and facilities to be owned by the HOA.
- b. The subdivider shall provide a description of the association including its bylaws, methods for maintaining the open space, and restrictions on the open space.
- c. The HOA shall be organized and operated with a financial subsidy from the subdivider before the sale of any lots within the conservation subdivision.
- d. Membership in the HOA is automatic and mandatory for all purchasers of homes therein and their successors. Membership is a condition of sale and the membership document must be signed at the closing or settlement. The conditions and timing of the transferring of control of the HOA from the subdivider to homeowners shall be identified.
- e. The HOA shall be responsible for liability insurance and taxes on the open space. The HOA is required to carry sufficient insurance coverage to meet possible court judgements against it. Association bylaws, reviewed by the Town attorney before final plat approval is granted, must authorize the HOA or the Town Board to place liens on the real property of members who fail to pay their dues. The open space assessment is included as a part of each homeowners tax bill.
- f. The members of the HOA shall share equitably the cost of maintaining and developing such open space. A management plan for the open space in the subdivision must be submitted to the Plan Commission and the Town Board. The manner of assigning costs of maintenance of the open space to each individual property shall be included in the title to each property.
- g. Failure to adequately maintain the open space constitutes a violation of this ordinance. The Town Zoning Administrator will notify the HOA of any violation, directing the HOA to remedy the same within 20 days. Failure to remedy will cause the Town to do so and add the cost plus 15% to the property's tax bill.
- h. The subdivider shall provide a procedure for resolving disputes among HOA members.

(2) Access

Every lot or parcel created shall front on a public street, excluding alleys.

(Intentionally left Blank)

(3) Streets

- (a) All rural and urban cross-section roads shall meet the adopted minimum design standards for Town roads required by the Town.

Town of Glenmore specifications for new Town road construction:

Level 1: Compacted clay – 28 feet wide

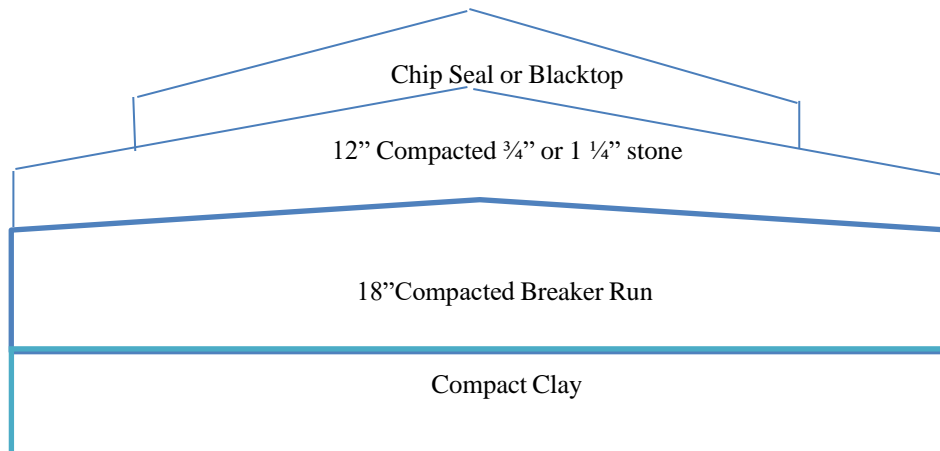
Level 2: Eighteen (18) inches of compacted breaker run – 28 feet wide

Level 3: Twelve (12) inches of compacted $\frac{3}{4}$ inch or $1\frac{1}{4}$ inch stone – 28 feet wide

The extra width is for road footing.

Level 4: Hard surface – chip seal, blacktop, or concrete – 22 feet wide shall be applied the following year. Shoulders on each side shall be 2 feet in width.

All levels of construction shall have a minimum of 2% slope from the center of the road for drainage purposes. The developer shall build the road and deed it over to the Town upon completion.



Town of Glenmore specifications for the size of cul-de-sacs:

Pavement width (curb face to curb face) – 50 foot radius

Right-of-Way width – 65 foot radius

(4) Temporary Roadway Termination

Where a street is terminated temporarily at the edge of a development and the street is longer than two hundred (200) feet or two (2) lot widths, a temporary turn-around shall be provided by one of the following methods:

- (a) If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turnaround shall be constructed to Town standards.
- (b) The subdivider may provide the required turn around on one of the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Town. Such a turnaround shall be constructed to Town standards.

(5) Street Jogs

Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.

(6) Intersections

- (a) Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.
- (b) No street shall intersect another at less than a 75-degree angle.
- (c) Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections shall be fifteen hundred (1500) feet.

(7) Restriction of Access (Protection of Arterial Streets and Highways).

Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.

(8) Street Names

- (a) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street. In no case shall the proposed name of the street duplicate the name of an existing street within the same zip code.
- (b) The use of the suffix "street", "avenue", "boulevard", "drive", "place" or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.
- (c) The Town Board reserves the right to approve or disapprove of any proposed new street names.

(9) Addresses

All new lots shall be numbered in accordance with the uniform house or fire number system adopted by the Town Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Town Board.

(10) Cul-de-sac Streets

- (a) The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
- (b) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
- (c) All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Paragraph 3 of this section.
- (d) Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.

(11) Grades

Pedestrian ways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Town Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.

(12) Ditches

- (a) Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
- (b) All culverts running underneath driveways shall have end walls to maintain the maximum 3:1 slope

- (c) Ditches and culverts shall be sized to efficiently convey storm water and contain a minimum one percent grade.
- (d) Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Town approval.
- (e) All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of storm water.
- (f) Culverts must comply with the driveway section of the zoning ordinance.

(13) Driveways

- (a) Driveways shall be a minimum of seventy-five (75) feet from centerline of the intersection of any road rights-of-way.
- (b) Driveways must comply with the driveway section of the zoning ordinance.

(14) Lots

- (a) Lot dimensions and setback lines shall conform to the requirements and amendments to the Town of Glenmore Zoning Ordinance.
- (b) Side lot lines shall be right angles to straight street lines or radial to curved street lines on which the lots face whenever possible.
- (c) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.
- (d) Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
- (e) Lot lines shall not cross municipal boundary lines.
- (f) Double frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation

(15) Building Setback Lines

- (a) The Glenmore Zoning Ordinance controls building setback lines. The Town shall establish building setback lines appropriate for a conservation subdivision.
- (b) Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses shall not be less than seventy-five (75) feet from the ordinary high water line as measured on a horizontal plane.
- (c) Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on a horizontal plane.
- (d) The Brown County Sewer Service Area and Subdivision Ordinance Environmentally Sensitive Area setbacks shall be complied with.

(16) Utility Easements

(a) Underground Requirements

- (1) All new electric distribution lines, new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground; unless the Town determines that underground placement would be

incompatible with the development, or impractical due to topography, soil, wetland, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions.

- (2) Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
 - (i) The subdivider or his or her agent shall furnish proof to the Town that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
 - (ii) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed

(b) Easement Locations

- (1) Perpetual, unobstructed easements centered on the front and side lot lines of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least twelve (12) feet wide and shall be designated as "*Utility Easements*" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.
- (2) Where topographical or other conditions are such to make impractical the inclusion of utilities within the front or side lot line, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as "*Utility Easements*" on the plat or certified survey map.

1.12 SURVEY AND DATA SUBMISSION REQUIREMENTS

(1) Pre-Application

It is required that prior to the filing of an application for the approval of a preliminary plat or certified survey map the subdivider consult with the Zoning Administrator, and all affected utilities for assistance and advice regarding site suitability and general requirements. The Zoning Administrator will schedule a date to walk the property with the subdivider to become familiar with the property and offer guidance with open space and house locations. It is also recommended that the subdivider consult with the Brown County Planning Commission to obtain planning assistance to avoid potential environmental problems.

(a) Conceptual Plan

A conceptual plan of the proposed conservation subdivision or land division drawn on a topographic survey map shall be submitted to the Zoning Administrator by the 15th of the month prior to the meeting where it is to be reviewed as part of the pre-application prior to the submittal of a preliminary plat for staff review and comment. There shall be no fee for the Town's review of a conceptual plan. The conceptual plan shall identify:

- (1) Property boundaries
- (2) Proposed roads, lots, open space and any proposed dedications
- (3) Slopes at or exceeding 12%
- (4) General soil conditions

- (5) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainage ways, rock outcroppings, and vegetation
- (6) All contiguous property owned or controlled by the subdivider
- (7) Existing buildings and easements
- (8) Current and proposed zoning
- (9) Homeowners Association Plan

(2) Preliminary Plat.

- (a) A preliminary plat shall be prepared for all conservation subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the Brown County Coordinate Monumentation System and shall show correctly on its face the following information:
 - (1) Title of the proposed subdivision.
 - (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
 - (3) Date, graphic scale, and north arrow.
 - (4) Name, address, and phone number of the owner, subdivider, authorized agent, and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Town may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
 - (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the Brown County Coordinate Monumentation System, and the total acreage encompassed.
 - (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
 - (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - (9) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, rock outcrops, wooded areas, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and Subdivision Ordinance, and other similar significant features within the parcel being subdivided.
 - (10) Water elevations of adjoining lakes, ponds, streams, and flowages at the date of the survey, and approximate high and low water elevations.
 - (11) Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.
 - (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
 - (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainage ways, schools, or other public uses.
 - (14) Approximate dimensions of all lots, and proposed lot and block numbers.
 - (15) Computed contiguous buildable area of each lot.

- (16) Existing and proposed land use and zoning included within and immediately adjacent to the proposed subdivision.
- (17) Floodplains, wetlands, proposed primary and secondary open space, and any proposed lake and stream access.
- (18) Surface drainage pattern mapping and indication of direction and established peak volume of soil drainage pattern.
- (19) Proposed preliminary locations for storm water management facilities, if any.
- (20) Location of existing subsurface tiles and proposals to reroute or destroy. The Town and County should cooperate with the subdivider in obtaining recorded locations of subsurface tile, but the subdivider's engineer, planner or surveyor shall draw the location of the subsurface tile on the preliminary plat or land use plan. All proposed rerouting and removal shall be shown prior to plan approval by the Town.
- (21) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Section COMM 83 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (22) Proposed location for, and any easements associated with private sanitary sewage system for each lot.
- (23) Locations of areas of particular sensitivity to groundwater contamination or depletion, if any. Where there are areas of sensitivity to groundwater contamination or depletion, the Town may require a Groundwater Impact Analysis be performed.
- (24) Signature and seal of surveyor
- (25) Copy of Homeowners association by-laws.
- (26) Where the Town finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

(3) Preliminary Plat Submittal Procedure

- (a) Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Town and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Town approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit fourteen (14) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Zoning Administrator by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted. The Planning Commission may forward a copy of the preliminary plat to the Town Engineer and Planning Consultant, if any, for review and written report of their reaction to the proposed plat.
- (b) Within 90 days of the date of filing the preliminary plat, the Town Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Town of Glenmore Comprehensive Plan. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat and shall be submitted to the subdivider. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Section 1.12(5) of this ordinance.

Failure of the Town Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.

- (c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(l)(b), Wis. Stats., the final plat is entitled to approval.

(4) Addressing

In order to ensure timely emergency response, addresses shall be determined as a condition of approval of a final subdivision plat. Minor subdivisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the Zoning Administrator to determine the addresses for each proposed lot.

(5) Developers Agreement

As a condition of approval of a preliminary and/or final plat, the subdivider shall enter into a Developers Agreement with the Town providing for, and including, but not limited to, the subdivider's responsibility and liability for road construction, utility construction, landscaping, erosion control, surface and storm water facilities at grade, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements. This agreement shall provide for time limits and security for performance and penalties for non-compliance. As a condition of approval of the preliminary plat, the subdivider shall agree that as a condition of final plat approval, the developer shall enter into a Developer's Agreement with the Town of Glenmore. *The agreement will not create or invoke special treatment for the subdivider, nor imply or create promises of approval.*

(6) Amendment to Preliminary Approval

Any petition for an amendment to a preliminary approval shall be accompanied by an additional fee of \$500. Such fee is in addition to the normal Plan Commission meeting charge and any necessary additional plat review costs. No amendment shall be approved until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board in accordance with procedures in 1.12 (3).

(7) Final Plat

A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Town finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.

(8) Final Plat Submittal Procedure

- (a) The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Town and appropriate state and county agencies, within 36 months of preliminary plat approval, unless the Town Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Section 1.12(5) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Town has approved the final plat.
 - (i) If the final plat is not submitted within 36 months of the Town of Glenmore approval of the preliminary plat, the Town may refuse to approve the final plat or may require resubmission as a preliminary plat.
 - (ii) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
- (b) Fourteen (14) copies of the final plat, along with any required fees, plans, and specifications as required by the Town shall be presented to the Zoning Administrator by the 15th of the month prior

to the Planning Commission meeting at which it is to be considered and shall be accepted or rejected by the Town Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.

(i) Failure of the Town Board to act within 60 days of submittal of the final plat to the Zoning Administrator, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.

(c) Approved final plats shall be recorded with the Brown County Register of Deeds in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Town until all improvements specified in the developers agreement have been completed.

(9) Amendment to Final Plat Approval

Any petition for an amendment to a final plat approval shall be accompanied by an additional fee of \$500. Such fee is in addition to the normal Plan Commission meeting charge and any necessary plat review costs. No amendment will be approved until a recommendation is made by the Plan Commission, a public hearing is held, and approval is granted by the Town Board.

(10) Certified Survey Map

(a) A certified survey map prepared by a land surveyor registered in Wisconsin is required for all minor land divisions.

(b) The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.

(c) The certified survey map shall comply with the standards set forth in the appropriate zoning ordinance and the land suitability Section 1.07 of this ordinance. All lot, parcel, or building site calculations are to exclude any dedications, right-of-way easements, or reservations.

(d) A retracement certified survey map (CSM) is required for any sale or exchange of land between owners of adjoining property that moves a boundary but does not create additional lots of record. Applicant shall submit an application form and retracement CSM prepared by a registered land surveyor to the Brown County Planning Commission and Land Services Department in accordance with Brown County Land Division and Subdivision ordinance ch 21.46. One boundary move is allowed per original parcel in every five (5) years. (See definition of original parcel on page P-6 and paragraph 7 on page P-3 for further information.) Applicant shall deliver a copy of this Retracement Certified Survey Map to the Town of Glenmore Zoning Administrator ten (10) days prior to the submission to Brown County.

(11) Certified Survey Map Submittal Procedures

Contact the Zoning Administrator to fill out land use application and determine which survey is required.

(a) The final certified survey map, with fourteen (14) copies, along with any required fees, plans, and specifications as required by the Town, shall be submitted by the subdivider or his/her agent to the Zoning Administrator by the 15th of the month prior to the Planning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:

(1) Name, address and phone number of the owner.

(2) Date of survey.

- (3) Graphic scale and north arrow.
 - (4) All existing buildings, and other developed features on the parcel, including septic system.
 - (5) Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
 - (6) Any applicable use or access restrictions and covenants.
 - (7) All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, environmentally sensitive areas or erosion hazard boundaries.
 - (8) Distances and bearings referenced to a line and a corner of the Brown County Coordinate System.
 - (9) Locations and setbacks of proposed buildings and driveway lengths.
- (b) The subdivider shall indicate to the Town the current and proposed zoning of the proposed new lots. A split zone document must be included if split zoning is required. Where the Town finds that it requires additional information to review the certified survey map, it shall have the authority to request such information from the subdivider.
- (c) The Town Board shall, within 90 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Town of Glenmore Comprehensive Plan, and any other applicable local, county or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Town shall so certify on the face of the original map and return the map to the subdivider or his agent.

DRIVEWAY PERMITS

A. PURPOSE

For the safety of the general public, the Town of Glenmore shall determine the location, size, and construction of driveways within the Town limits and the minimum requirements and technical standards for culverts and drainage structures within the Town.

B. PERMIT REQUIRED

Prior to the time the use of a property served by a driveway changes, the owner and/or other necessary parties shall apply for and obtain a driveway permit from the Town of Glenmore. No person or business entity shall construct or enlarge any private driveway or install, re-install, replace, or move a culvert within the Town without first obtaining a driveway permit as required in this chapter. Where a new driveway is to be constructed in conjunction with the construction of a new principal structure, this driveway permit shall be issued along with the building permit. No person shall commence work on any driveway or culvert before the driveway permit has been issued. Payment of any applicable fees is a requisite of permit issuance. Said driveway permit shall remain in full force and effect for a period of two (2) years from the date of issuance. After said two (2) year period has expired, no further construction of driveway can take place without the re-issuance of a driveway permit.

C. APPLICATION

Application for a driveway permit shall be made in writing by the owner or his agent upon forms issued by the Town Zoning Administrator and shall be accompanied by a drawing accurately depicting the proposed driveway to be constructed, reconstructed, altered, or enlarged and a description of the culvert construction. The drawing shall include the following:

1. The location of existing and proposed improvements, including driveway width, shall be identified on the drawing.
2. All numbers and writing shall be legible.
3. The drawing must show building setbacks from all lot lines and must show the nearest building corner.
4. The property, roadway right-of-way widths, road names, and name of person for whom work is being done shall be identified.
5. All driveway permit applications shall contain the applicant's statement that:
 - a. The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.
 - b. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town

road or street at any time, including relocation, reconstruction, widening and maintaining the street and compensation will be determined on an individual basis prior to construction.

c. The permittee, his successors or assigns, agree to indemnify and hold harmless the Town of Glenmore, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

d. The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Town road or street.

6. The Town Board shall review all applications at a regular meeting.

D. DRIVEWAY CONSTRUCTION STANDARDS

1. All driveways shall, wherever possible, follow the Glenmore Comprehensive Plan of conserving farmland.

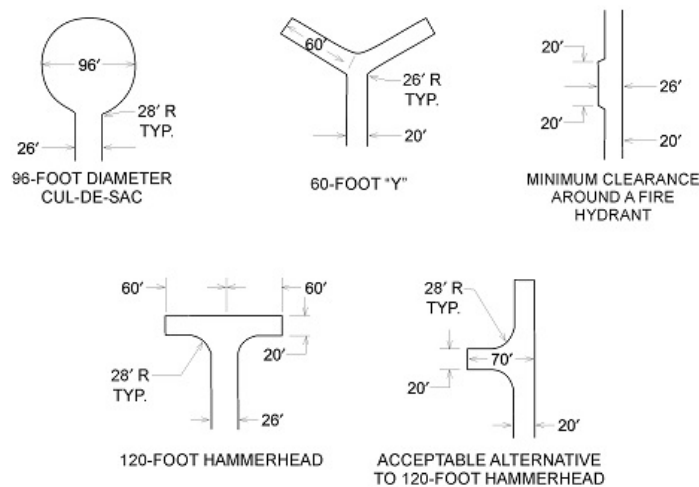
2. Driveway widths at the property line shall be as follows:

a. Residential-minimum twelve (12) feet at the property line and minimum twenty (20) feet at the curb line or pavement edge, with a minimum twelve (12) feet thereafter for single-type driveway. Minimum twenty (20) feet wide at the property line and minimum twenty-eight (28) feet at the curb line or pavement edge for double-type driveway, with minimum twenty (20) feet thereafter.

b. Business/Industrial - minimum twenty-four (24) feet at the property line, thirty-two (32) feet at the curb line, minimum twenty (20) feet thereafter.

c. Agricultural field entrance - minimum thirty (30) feet wide.

3. Driveways with a length greater than two hundred (200) feet that end in a dead end are required to have a turn around or cul-de-sac sufficient for a turn around for the safety and ease of all emergency vehicles. See approved diagram below.



4. Driveways with a length greater than five hundred (500) feet require one (1) pull off area for emergency vehicles, and an additional pull off area for each additional five hundred (500) feet of driveway. Pull off areas for emergency vehicles must be dispersed throughout the driveway.
5. Residential driveways shall intersect the public road at right angles from the property line.
5. Business/ Industrial driveways shall intersect the public road at angles not less than seventy (70) degrees from the property line.
6. No improvements shall be constructed within the road right-of-way in the proximity of the driveway that would block driver vision (from driveway or roadway) or impair drainage.
7. The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.
8. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town Board.
9. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only when the following requirements are complied with:
 - a. The filling or draining shall be to grades approved by the Town Board and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.
 - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
10. All driveway entrances and approaches shall be constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way.
11. Any changes in existing elevations should be verified with utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.
12. No driveway shall be closer than twenty-five (25) feet to the extended street line at an intersection.

13. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

E. APPEAL FROM PERMIT REFUSAL

Any person feeling himself aggrieved by the refusal of the Town Board to issue a permit for a private driveway may appeal such refusal to the Board of Appeals within twenty (20) days after such refusal to issue such permit is made.

F. CULVERT CONSTRUCTION STANDARDS

1. **Size:** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than eighteen (18) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. Culverts shall be constructed of galvanized steel or plastic and shall be of new manufacture. Driveways serving business, industrial, or commercial properties having regular heavy vehicles shall be evaluated case by case for special considerations. Stronger materials and installation requirements may be required. Bridges and culverts must be able to carry a weight load of at least twenty-five (25) ton and be able to withstand water from a twenty-five (25) year flood.

2. **Gauge:** The minimum wall thickness for the galvanized steel shall be in accordance with the following:

PIPE DIAMETER	GAUGE
18 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

Plastic culverts shall be a minimum of eighteen (18) inches in diameter with smooth lined interior. A minimum of eighteen (18) inches of fill is put over the top of the plastic culvert.

Steel culverts shall have a minimum of six (6) inches of fill put over the top of the culvert.

All culverts must have a base of three-quarter ($\frac{3}{4}$) inch stone compacted with fines.

G. DRAINAGE

The culverts shall be placed in the ditch line at elevations that will assure proper drainage.

H. ENDWALLS

Culverts shall be provided with galvanized steel or plastic apron endwalls tapered to a two (2) to one (1) slope, as directed by the Town Board.

I. BACKFILL MATERIAL

Material used for backfill shall be of a quality acceptable to the Town Board and shall be free from frozen lumps, wood or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade shall be six (6) inches for galvanized steel and eighteen (18) inches for plastic.

J. EROSION CONTROL

Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Board.

K. COST

The property owner shall install the culvert and be responsible for the cost thereof.

L. WAIVER

The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary.

M. ENFORCEMENT

All costs incurred by the Town relating to the enforcement of this Chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner including, but not limited to, Town administrative costs and attorney's fees. If a property owner refuses to comply with the Chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60 (16) Wis.. Stats.

TEMPORARY ACCESS PERMIT

A. TEMPORARY PERMIT

The Town of Glenmore may issue a temporary permit allowing access to a roadway during construction only.

B. APPLICATION

Application for a temporary access permit shall be in writing signed by the applicant and the owner of the real estate affected, or the owner's agent, and shall be made to the Town Zoning Administrator. The application shall include a site plan showing the proposed location of the access driveway.

C. APPLICATION PROVISIONS

1. The application shall contain the applicant's statement that:

a. The applicant and owner are agreeing to construct and maintain a gravel access of sufficient width and length to prevent sediment from being tracked onto public and private roadways. The applicant and owner are agreeing that any sediment which reaches a public or private road shall be removed by street cleaning (not flushing) before the end of each day.

b. The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.

c. The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, construction, widening and maintaining the street and compensation will be determined on an individual basis prior to construction.

d. The permittee, his successors or assigns, agree to indemnify and hold harmless the Town of Glenmore, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

e. The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Town road or street.

2. The Town Board shall review all applications at a regular meeting.

D. DESIGN CRITERIA AND REQUIREMENTS

1. **Timing:** The gravel access shall be installed as part of the initial erosion control prior to any grading activities.

2. **Maintenance:** The gravel access shall remain in place and be maintained until the disturbed area is stabilized by permanent best management practices. The gravel access shall be inspected daily. All areas filled with silts and mud will be repaired or replaced immediately.

3. **Removal:** When use of the temporary access driveway is terminated, the gravel and culvert shall be removed and the area restored with topsoil, seed and mulch or as provided in an approved development/landscape plan.

4. **Location:** The gravel access shall be located to provide maximum use by all construction vehicles.

5. **Dimensions:** The gravel access shall consist of at least six (6) inches of two (2) to three (3) inch clear aggregate, be a minimum of fifty (50) feet in length or the distance from the road to the specific construction area, whichever is less, and be at least sixteen (16) feet in width. The width shall be eighteen (18) feet if it is necessary to have vehicles pass on the site.

6. **Drainage:** A properly sized culvert shall be installed in the road ditch. The minimum size allowed is eighteen (18) inches and no end sections are required.

7. **Signage:** Where visibility is restricted, appropriate traffic warning signs shall be installed and maintained.

E. EROSION CONTROL

Erosion control measures shall be implemented as necessary to control erosion.

EARTH EXCAVATIONS

The following regulations shall apply to all future and existing excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Glenmore where applicable.

A. PURPOSE

This ordinance is intended to establish regulations for excavation to insure the health, safety and welfare of the Town of Glenmore.

B. GENERAL

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries, shall come under the jurisdiction of this ordinance.

2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site beyond the boundaries of the parcels of record on which excavation is taking place as of the date of the adoption of this ordinance.

C. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance.

1. Excavation and removal of less than five hundred (500) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds Office.

2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

3. Normal agricultural activities.

4. Landscaping or site preparations for building use.

5. Excavation, fill and grading for public road construction purposes within the right-of-way.

6. Artificial Lakes / Artificial Ponds

D. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Glenmore Zoning Administrator by the property owner or his assigned agent. Forms shall be provided by the Town Zoning Administrator.

The Town Plan Commission shall make a recommendation to the Town Board within thirty (30) days from the filing of the completed application form. A failure of the Town Plan Commission to submit written findings to the Town Board within the thirty (30) day period shall constitute a denial of the application by the Town Plan Commission.

The Town Board shall then reach a decision within sixty (60) days from the filing of the completed application form. If an application for a permit to excavate or remove earth materials is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

2. An application fee of one thousand dollars (\$1000.00) shall accompany the application for an initial permit. A fee of one thousand dollars (\$1000.00), if no changes are proposed, shall accompany each permit renewal. If substantial changes or alterations are made to the approved plan, an additional fee of five hundred dollars (\$500.00) shall accompany the renewal permit. Permits are issued on January 1st and shall be valid for one (1) year upon issuance. Partial year application fees will be prorated.

3. The application shall contain the required information as specified in **Earth Excavations**, Subsection E prior to the issuance of an excavation permit.

4. Following submittal and approval of the excavation plan by the Town Board, the Town Zoning Administrator shall issue the permit.

E. SITE PLANS

The following information shall be required on a site plan prior to issuing an excavation permit:

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals three hundred (300) feet.
2. Contour intervals of the proposed site at intervals of twenty (20) feet, when available.
3. Existing and proposed drainage patterns of the site.
4. Proposed re-grading and re-vegetation of the site after completion of the excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and location of temporary or permanent buildings to be erected on the site.
7. Approximate amount of earth material to be excavated or removed at the site.
8. Approximate number of trucks and other types of machinery to be used at the site.
9. Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.

10. Amount of and location of parking spaces.
11. Location and means of storing fuel.
12. Security plans for the site.

F. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within one hundred (100) feet of any property or street line. If the property is abutting agricultural property line and no residence is located within one hundred (100) feet of the property line, then the setback can be no less than twenty-five (25) feet.

2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

G. MATERIAL HANDLING

1. No excavation shall take place within fifty (50) feet of any property line or one hundred (100) feet of the street line.

Where existing quarries share adjoining property lines, a mutual agreement between the quarry operators would exempt them from the fifty (50) foot setback at the adjoining property line. A copy of this mutual agreement must be provided to the Town of Glenmore.

2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling on neighboring property.

H. EXCAVATION SITES

The excavation of earth materials shall be allowed as a Conditional Use in I-1 General Industrial.

I. GENERAL CONDITIONS

1. Hours of operation:

Business/Crushing Hours:	6am-5pm	M-F	June, July, August
	6am-10pm	M-F	April, May, September
	6am-2am	M-F	October-March

Blasting Hours:	9am-4pm	M-F
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If in the event an emergency has delayed a blast beyond 4:00pm, loaded holes may be blasted within a reasonable time thereafter.

Drilling Hours:	7am-5pm	M-F
Loading/Hauling & Excavating Hours:	6am-5pm 7am-2pm	M-F Sat. (if needed)

Regular maintenance and repair may be done outside specified hours.

2. Install sound deadening material inside of feed hoppers and on material chutes in connection with crushing operations.
3. Install discharge boots on end of transfer conveyor and stock piling conveyor in connection with crushing operation.
4. Maintain mufflers on drill hammers, drill engines, and other points where mufflers are normally installed.
5. Berms are allowed in lieu of a fence when approved by the Town Board. Berms will be a minimum of five (5) feet and may be permitted next to the road right-of-way.
6. Install horn or whistle on premises that shall sound a minute before every blast is made to alert neighbors of blasting.
7. A vacuum sweeper and/or water flush shall be used on roadways, as assigned by the conditional use permit, when trucking materials or equipment in or out of the quarry during quarry operations. Keep records.
8. Watering process at the conveyors and other points in crushing operation where feasible.
9. Make every reasonable effort to have loads covered into and out of quarry.
10. Contribute to widening, paving, shoulders and maintaining of town roads affected.
11. Quarrying depth shall be no more than fifty (50) feet plus or minus to the nearest horizontal seam.
12. Encourage reduced speed on affected roadways.
13. Monitor all blasts and keep records.
14. Zoning Administrator and a Plan Commission member will visit the site at least one (1) month prior to permit renewal.
15. Following the issuance of a conditional use permit to begin a quarry operation, a one-time inspection of any well within twelve hundred (1200) feet of the quarry, the purpose of such inspection being to establish the well status, must be made by an independent firm and paid for by the quarry operator. If more than one quarry operator is within the twelve hundred (1200) foot range, the charges for the inspection shall be shared by the operators and shall be pro-rated according to the number of quarry operators.

Inspected existing wells within twelve hundred (1200) feet of the zoned area for quarrying will be replaced if the well fails due to quarry operations.

New wells installed must meet the DNR standards before they are covered for failure due to quarry operations.

Quarry operator(s) is/are responsible for well replacement. All claims shall be made with the quarry operator(s).

16. Any changes in quarry operation or equipment used must come to a hearing before the Glenmore Town Board.

17. Permit renewed annually with additional requirements, if deemed necessary by the Glenmore Town Board.

18. Follow Brown County Non-Metallic Mining Reclamation Ordinance along with any changes made to the ordinance.

19. Quarry must meet all DNR requirements. If the Town of Glenmore conditions are more restrictive, then they shall apply.

20. Hold harmless agreement with Town of Glenmore.

21. If the Quarry is sold, new owners must come before the Town Board for a review and possible change of conditions.

22. Make available to the Town Board proof of a minimum five million dollar (\$5,000,000.00) umbrella insurance policy to cover damages caused by quarry operations. The Town of Glenmore shall be named as an additional insured on the applicant's Policy of Liability Insurance.

23. Due notice of meeting(s) scheduled to discuss Earth Excavations shall be given to the applicant as well as any other individual who has filed a request with the Town Zoning Administrator or Town Clerk. Due notice of said meeting(s) shall also be given to all landowners within one (1) mile of the subject property.

The "due notice" provision of this paragraph shall be satisfied if the Town Zoning Administrator or Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Zoning Administrator or the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

J. OTHER REQUIREMENTS

1. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.

2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.

3. A copy of the plans and specifications approved by the Town Board shall be on file at the Town Clerk's office or kept on the project site through the entire excavation and reclamation period. Upon written request the applicant will provide access to any and all records pertaining to the applicant's excavation permit.

4. When excavating and removal operations are no longer used the reclamation plan on file shall be followed.

5. If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinance for Brown County shall apply.

6. Town Plan Commission members, with proper clearance from the excavation permit holders, shall be allowed on the premises during scheduled operating hours for inspection purpose.

7. A Surety Bond or other form of financial assurance is required from the mine operator based on the cost to implement the reclamation plan should the county waiver such financial assurance in its reclamation ordinance.

MANUFACTURED HOME PARKS

This Article shall regulate the parking, location and maintaining of all manufactured homes and manufactured home parks.

Manufactured home parks shall be allowed as Conditional Uses in the Multi-Family and Residential Zones.

Manufactured home parks shall be prohibited in all other zoning districts within the Town of Glenmore.

No manufactured home park space shall be rented or leased for a period of less than thirty (30) days.

A. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

1. Dependent Unit. A manufactured home which does not have a bath or shower or toilet facilities.
2. Manufactured Home. A structure, transportable in one or more sections, which may or may not be built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.

Class I: A structure transportable in one or more sections designed to be used as a permanent residential dwelling, with permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as manufactured home under 42 U.S.C. Sections 5401 to 5426. For purposes of this ordinance, a manufactured home Class I shall be considered a single-family, two-family, or multiple-family home when meeting the requirements of **GENERAL PROVISIONS, C. Building and Uses, #13**, and therefore may locate in any district permitting such use.

Class II: A structure transportable in one or more sections and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in it.
3. Manufactured Home Park. Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Manufactured Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.
4. Non-Dependent Unit. A manufactured home that has a bath or shower and toilet facilities.
5. Occupied Area. That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.

6. Pad. A concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the Class II manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.

7. Park Management. The person who owns or has charge, care or control of the manufactured home park.

8. Person. Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or chassis agent, heir or assignee.

9. Space. A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.

10. Unit. One (1) manufactured home.

B. LOCATION OUTSIDE PARK

1. It shall be unlawful, except as provided in this Ordinance for any person to park any manufactured home on any street, alley, or highway or other public place or on any tract of land owned by any person, within the Town of Glenmore.

2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

3. No person shall park or occupy a Class II manufactured home on any premises which is situated outside an approved manufactured home park, except under special permit as provided in Section C. Parking of only one (1) unoccupied manufactured home or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:

a. Within an accessory private garage building or in a rear yard during the entire year.

b. Within the side yard setback area during the period between the dates of May 1st and the second Tuesday in September. A unit so parked may have the drawbar protrude into the front yard setback area.

c. Within the front yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.

4. A person may apply for a Temporary Class II Manufactured Home Permit.

a. Application for a permit to locate a temporary manufactured home within the Town of Glenmore shall follow the requirements and procedures as outlined in MANUFACTURED HOME PARKS—C. PERMIT FOR LOCATION OUTSIDE OF MANUFACTURED HOME PARK—1,2,3.

b. Exception to B. LOCATION OUTSIDE PARK 4.a.is that a public hearing is not required for the locating of a temporary manufactured home.

c. A temporary manufactured home permit shall only be issued for temporary quarters while an on-site home is being constructed or as a temporary arrangement because an existing home has been damaged or destroyed by fire, collapse, explosion or other cause.

d. A temporary manufactured home permit shall only be valid for a period of one (1) year from the date of issuance or until a period of thirty (30) days after the issuance of an occupancy permit for a newly constructed or reconstructed home on the premises.

e. A new application must be made upon expiration of the permit.

5. All previously existing manufactured homes being replaced with other manufactured home shall meet or exceed the requirements set forth in this zoning ordinance. If said conditions are met by said replacement manufactured homes, then said replacement manufactured homes shall be exempt from the conditional use procedures set forth herein. However, said replacement manufactured homes shall only be exempt from said conditional use procedures if the replacement manufactured home is going to be placed on the same lot of the manufactured home it is replacing.

C. PERMIT FOR LOCATION OUTSIDE OF MANUFACTURED HOME PARK

1. After holding a public hearing, the Town Zoning Administrator, upon approval of the Town Board as hereinafter provided, may issue special written permits allowing the location of a manufactured home outside of a manufactured home park. The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessees of the location for which the permit is issued. Not more than one (1) manufactured home shall be granted a permit to locate on any one (1) premise outside a manufactured home park.

2. A temporary Class II manufactured home permit shall be allowed in the Town of Glenmore subject to the requirements of **Manufactured Home Parks B, 4.**

Application should be made for permit to the Town Zoning Administrator, and shall state the name and permanent address of the occupants of the manufactured home, the license number of the manufactured home and towing vehicle, the exact location of the premises, the name of the owner and the occupant of any dwelling on the premises, a statement of the nature and location of sanitary facilities, and the permission of the occupant of the dwelling house for their use, and a statement that all wastes from manufactured home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within two hundred (200) feet of the proposed location of the manufactured home, and a statement of permission from the owner for their use.

The Town Zoning Administrator shall refer the application to the Town Board for Investigation, inspection and public hearing of the proposed site. Only after approval by the Town Board, the Zoning Administrator shall issue a permit for the proposed site. Any permit issued shall limit the location of any manufactured home outside of a manufactured home park within the Residential, Agriculture, and Multi-Family Districts of the Town of Glenmore.

3. All occupied Class II manufactured homes in the Town of Glenmore not located in a manufactured home park shall abide by the following requirements:

- a. Must be anchored on each of the four (4) corners.
- b. Setback ordinance shall meet the setback requirements of the zone in which the lot is located.

D. LICENSE FOR MANUFACTURED HOME PARK: APPLICATION AND ISSUANCE

1. No person shall establish, operate, maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Glenmore without first securing a license for each park from the Town Board, pursuant to this chapter. Such a license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.

2. The application of such license or renewal thereof shall be approved by the Town Board. The following conditions shall apply:

- a. Annual fee for the Manufactured Home Park shall be \$100.00 per space.
- b. Monthly parking fees will be required, the amount to be determined by the Town Board, to assure the Town of Glenmore will receive adequate payment for the value of the homes located in the park. Fees will be forwarded to the Zoning Administrator prior to the first day of the month in payment for the month.
- c. A surety bond, the amount to be determined by the Town Board, will be required to guarantee the collection by the licensee of the monthly parking permit fees and the compliance of the licensee and park management with the provisions of this ordinance. Such bond shall also be for the use and benefit, and may be prosecuted and recovery had thereon, by any person who may be injured or damaged by reason of the licensee violating any provision of this ordinance.
- d. An Irrevocable Letter of Credit shall be required. The amount and terms of such Irrevocable Letter of Credit shall be determined by the Glenmore Town Board members for costs associated with the project.
- e. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this ordinance and/or the laws and regulations of the State of Wisconsin relating to manufactured home parks and their operation. In particular, special attention will be paid to references in the laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.

3. The application for a license or renewal thereof shall be made on forms furnished by the Town Zoning Administrator and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or

will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by twelve (12) copies of the park plan showing the following, either existing or as proposed:

- a. The extent and area for park purposes.
- b. Roadway and driveways.
- c. Location and designation of dependent and independent manufactured home spaces.
- d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
- e. Complete layout of storm, sanitary and water systems for service building and spaces.
- f. Method and plan of garbage removal.
- g. Plan for electrical or gas lighting of spaces.
- h. Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

E. REVOCATION AND SUSPENSION

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058(2) (d), Wisconsin Statutes.

F. LOCATION OF MANUFACTURED HOME PARKS

An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

G. MANUFACTURED HOME PARK PLAN

1. Manufactured home spaces shall be clearly defined. Size of lots shall be determined by Plan Commission and Town Board. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space. The park shall be arranged so that all spaces shall face or abut on a roadway not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provide for adequate storm water drainage, said drainage to be determined by the Town. The roadways shall be well lighted and shall not be obstructed.

2. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lighted.
3. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
4. All manufactured homes within a manufactured park shall be parked within the designated spaces.
5. For protection of abutting property owners as well as manufactured home owners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
6. Each manufactured home space shall provide a front and rear yard setback of twenty-five (25) feet and a side yard setback of twenty-five (25) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except the following:
 - a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - b. The hitch used for pulling the manufactured home may protrude into the front yard setback.
7. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section G. MANUFACTURED HOME PARK PLAN 6.
8. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator or Building Inspector to be used for accommodation of necessary water and sanitary connections.
9. A manufactured home must park on a base of either blacktop four (4) inches thick, concrete four (4) inches thick or crushed stone twelve (12) inches thick.
10. The area around a manufactured home bottom must be enclosed with a fireproof type sheeting.
11. A manufactured home must be anchored on each of the four (4) corners.
12. All manufactured homes in manufactured home parks shall be skirted, unless the unit is placed within one (1) foot vertically of the stand with soil and other materials completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
13. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on, or addition or alteration to, the exterior of a manufactured home shall

be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition of awnings, antennae, or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback side yard and rear yard requirements for manufactured home units.

14. Size of the open space and recreation area for the residents of the manufactured home park shall be determined by the Plan Commission and Town Board.

H. SANITARIAN REGULATIONS

All manufactured home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

I. OPERATION OF MANUFACTURED HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT.

1. In every manufactured home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Ordinance shall be posted therein and the park register shall at all times be kept in said office.

2. The attendant or person in charge and the park licensee shall operate the park in compliance with this Ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:

a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:

(1) Names and addresses of all owners and occupants of each manufactured home.

(2) Number of children of school age.

(3) State of legal residence.

(4) Dates of entrance and departure of each manufactured home.

(5) Make, model, year, and serial number of license number of each manufactured home and towing or other motor vehicles and state, territory or country issuing such licenses.

b. Notify park occupants of the provisions of this Ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to their attention.

c. Supervise the placement of each manufactured home on its stand which includes securing its stability and installing all utility connections and tiedowns.

d. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

e. Maintain the park free from growth of noxious weeds.

f. Notify the health officer immediately of any suspected communicable or contagious diseases within the park.

OFF-STREET PARKING AND LOADING

A. GENERAL REQUIREMENTS – OFF-STREET PARKING

1. Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within three hundred (300) feet, if such spaces are permitted in such zone.

Off-street parking spaces may be located in any yard, except in the required front yard setback or corner side yards in residential districts. Enclosed buildings and carports containing off-street parking shall be subject to the applicable yard requirements.

2. Size. Each required off-street parking space shall be at least nine (9) feet in width measured at right angles to the center of the car as parked, and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, or columns. Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three (23) feet.

3. Access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

4. Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements. No parking spaces or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the Plan Commission.

5. Computation. When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded, while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

6. Utilization. Required accessory off-street parking facilities provided for uses listed in Part B of this Article shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses, except as may otherwise be provided for the parking of trucks in the granting of conditional uses.

7. Design and Maintenance.

a. Plan. Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Zoning Administrator.

b. Drainage and grade. All parking areas shall have adequate drainage and shall be provided with bumper guards, where required by grade.

c. Surfacing and marking of parking lots. All off-street parking lots shall be

provided with blacktop or concrete surfacing and shall be maintained at all times in such a manner as to prevent the release of dust and to be free of dust, trash and debris.

d. Screening and landscaping. All open automobile parking areas containing more than three (3) parking spaces shall be effectively screened on each side adjoining or fronting any property situated in a Residence District or any institutional premises by a wall or fence.

e. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance.

f. Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified under **Regulation of Signs**.

g. Sales, repair and service. No sale, storage, repair work, or servicing of any kind shall be permitted in any parking facility, except by permission of the Town Board.

8. Increased Use. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement, required parking or loading facilities, as required herein, shall be provided for such increase in intensity of use, and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

9. Changed Use. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be required for such new use.

10. Damage or Destruction. For any conforming or legally non-conforming building or use, which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established or repaired, off-street parking or loading facilities shall be provided as required by this ordinance.

11. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the zoning lot on which building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or long-term, the term of such lease to be determined by the Town Board; and such deed or lease shall be filed with the Register of Deeds of Brown County. The deed or lease shall require such owner or his/her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

12. Submission of Plot Plan. Any application for a building permit, or for an occupancy certificate, where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this ordinance.

13. Handicapped Parking Requirements. All off-street parking lots shall adhere to Wisconsin Statutes 346.503 and 346.56 as to requiring handicapped parking.

14. Existing Parking Facilities. Accessory off-street parking facilities in existence on

the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this ordinance.

B. SPECIFIC REQUIREMENTS – OFF-STREET PARKING

1. Apartment Hotels. One and one-half (1½) parking spaces shall be provided for each dwelling unit or lodging room and additional space as shall be required for supplemental uses.

2. Educational (Non-Boarding) and Cultural Institutions.

a. Elementary and middle schools. One (1) parking space shall be provided for each employee and adequate visitor space to be determined by the Town Board.

b. Senior High Schools. One (1) parking space shall be provided for each employee, and one parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

c. Public libraries, art galleries, museums and aquariums. One (1) space shall be provided for each two (2) employees plus additional parking space equal to fifty (50) percent of capacity in persons.

d. School auditoriums and gymnasiums. One (1) parking space shall be provided for each eight (8) seats.

e. Stadiums and grandstands. One (1) parking space shall be provided for each eight (8) seats.

f. Colleges, junior colleges and universities. One (1) parking space shall be provided for each employee, and one (1) parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four (24) hour period.

g. Fraternities, sororities, and dormitories in conjunction with colleges, junior colleges and universities. One (1) parking space shall be provided for each three (3) active members or dormitory residents, plus one (1) parking space for the manager.

3. Health and Medical Institutions.

a. Convalescent homes, nursing homes, rest homes, institutions for the care of the aged and for children, and sanitariums. One (1) parking space shall be provided for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.

b. Hospitals. One (1) parking space shall be provided for each four (4) hospital beds, plus one (1) parking space for each two (2) employees and doctors assigned to the staff.

c. Group Homes. One (1) parking space for each four (4) occupants authorized

and one (1) parking space for each employee on the maximum shift.

4. Multiple Family Dwellings. One and one-half (1½) parking spaces shall be provided for each dwelling unit. In addition, there shall be provided one (1) guest parking space for each four (4) units in all multiple dwellings or fractions thereof.

5. Philanthropic and Charitable Institutions. One (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

6. Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

7. Public Utility and Service Uses. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Plan Commission, to serve the public.

8. Radio and Television Stations. One (1) parking space shall be provided for each two (2) employees.

9. Religious Institutions.

a. Churches, chapels, temples, and synagogues. One (1) parking space shall be provided for each four (4) seats.

b. Convents, seminaries, monasteries, rectories, parsonages, parish houses, and religious retreats. Parking spaces shall be provided in adequate number, as determined by the Plan Commission, to serve persons employed or residing on the premises, as well as for the visiting public.

10. Recreational.

a. Stadiums, ball parks, and other outdoor sports arenas. One (1) parking space for each four (4) permanent seats. Such parking shall be located no further than eight hundred (800) feet to the nearest corner of the property on which the place of assembly is located.

b. Theaters, indoor sports arenas, and auditoriums, other than those incidental to schools. One (1) parking space for each four (4) seats, plus one (1) additional parking space for each two (2) employees on the maximum shift.

c. Bowling alleys. Four parking spaces per alley, plus additional requirements for other such uses as eating and drinking establishments.

d. Dance halls, skating rinks, lodge halls, exhibition halls, without fixed seats. One (1) parking space for each eighty (80) square feet of usable floor area.

e. Golf driving ranges or shooting ranges. One (1) parking space for each driving tee or shooter station.

f. Miniature courses or putting greens. Two (2) parking spaces for each golf hole.

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g. Game and athletic courts. Two (2) parking spaces for each court.

h. Golf courses. Eight (8) parking spaces per hole and one (1) for each thirty-five (35) square feet of gross floor area in principal building connected with the course, plus one (1) for each two hundred (200) square feet of gross floor area for adjoining accessory commercial uses.

i. Swimming pools (other than those used in accessory uses with residential and commercial uses). One (1) parking space for every one hundred (100) square feet of pool area, one (1) parking space for each employee on the maximum shift. Customer pickup and drop-off zone shall be provided on a curbed directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.

11. Rooming Houses. One and one-half (1½) parking spaces shall be provided for each rooming unit, plus one (1) space for the owner or manager.

12. Single-Family Detached Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.

13. Two Family Dwellings. Two (2) parking spaces shall be provided for each dwelling unit not to be located within the front yard setback.

14. Day Care Centers and Nursery Schools. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, such parking requirement for children authorized may be reduced to one (1) parking space per ten (10) children if a customer pickup and drop-off zone is provided on the curved directional driveway with the parking zones behind the street setback area, said parking zone not to interfere with the other parking requirements.

15. Day Care Homes, Family. One (1) parking space for each eight (8) children authorized and one (1) parking space for each staff member; however, if the staff resides in the home, the required spaces and driveway standards of a single family home may apply, upon the discretion of the Plan Commission.

16. Commercial and Retail Service Uses.

a. Animal hospitals and kennels. Two (2) parking spaces shall be provided for each employee.

b. Dry cleaning establishments, laundromats, and receiving stations. One (1) parking space shall be provided for each two (2) employees and every two (2) automatic self-service units.

c. Funeral homes and mortuaries. One (1) parking space for each five (5) seats or one hundred (100) square feet of floor area for each chapel or parlor, whichever is greater.

d. Governmental Buildings, United States, State, County and City. One (1) parking space for each two (2) employees, plus such additional space deemed necessary by the Plan Commission.

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e. Hotels. One (1) parking space shall be provided for each lodging room, plus one (1) parking space for each employee, plus additional spaces for affiliated uses, as required by this ordinance.

f. Medical and dental clinics. Three (3) parking spaces shall be provided for each staff member and regularly visited doctor.

g. Motels and rooming units. One and one-half (1½) parking spaces shall be provided for each dwelling unit or lodging room, plus one (1) parking space for each employee.

h. Planned development. Parking facilities shall be provided on the basis of the required spaces for each individual use.

i. Restaurants, taverns, supper clubs, cocktail lounges and night clubs. Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided, plus one (1) space for each employee.

j. Retail stores and shopping centers. One (1) parking space shall be provided for each one hundred fifty (150) square feet of floor area.

k. Schools – music, dance or business. One (1) parking space shall be provided for each two (2) employees, plus one (1) space for each five (5) students.

l. Theaters, indoor. Parking spaces equal in number to fifty (50) percent of the seating capacity in persons shall be provided.

m. Banks, savings and loan associations, and other financial institutions. One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.

n. Drive-in banks, savings and loan associations, and other financial institutions. Six (6) spaces for one (1) drive-in window, plus four (4) spaces for each additional drive-in window; in addition, one (1) parking space per employee on the maximum shift.

o. Barber shops, beauty salons, and other similar personal service use. Two (2) spaces per operator's station and one (1) space per employee on the maximum shift.

p. Bus and motor coach depot or station. One (1) space per employee during maximum shift plus six (6) spaces per bus at peak loading capacity.

q. Bus and motor coach service garage. One (1) space per employee on the maximum shift, plus suitable area for servicing and parking bus and motor coaches.

r. Carry-out restaurants, confectionaries, and drive-in restaurants. One (1) parking space per fifty (50) square feet of net patron floor area, excluding restrooms, plus one (1) space per employee on the maximum shift, plus six (6) stacked parking spaces for each vehicle service window.

s. Automobile service station uses and automobile wash facilities. One (1)

space per employee on the maximum shift and two (2) spaces per service stall or bay, plus three (3) stacked spaces per each fueling position or car washing staff.

t. Motor vehicles, machinery sales and repair garage. One (1) parking space for each four hundred (400) square feet of floor area, plus one (1) space per employee on the maximum shift.

u. Shops repairing household appliances and equipment. One (1) parking space per two hundred (200) square feet of floor area, plus one (1) space per employee on the maximum shift.

v. Furniture and large appliance store. One (1) parking space for each five hundred (500) square feet of gross floor area, plus one (1) parking space per employee on the maximum shift.

w. Outdoor sales areas, such as for new or used automobile, boat or trailer sales, lumber or building material yards, plant nurseries, or similar uses. One (1) parking space for each one thousand (1,000) square feet of uncovered sales area, plus one (1) parking space per employee on the maximum shift.

x. General retail sales, including department stores not located in a shopping center. One (1) parking space per two hundred (200) square feet of gross floor area, plus one (1) per employee on the maximum shift.

y. Offices. Business, governmental, and professional offices (excepting health care, but including counseling services). One (1) parking space shall be provided for each three hundred (300) square feet of floor area for the first eight thousand (8,000) square feet of gross floor area.

One (1) additional parking space shall be furnished for each seven hundred (700) square feet or fraction thereof for the next twelve thousand (12,000) square feet of total floor area and one (1) additional parking space shall be provided for each one thousand (1,000) square feet, or fraction thereof, for total area in excess of twenty thousand (20,000) square feet.

One (1) parking space shall also be provided for each staff member or employee on the maximum shift.

z. Cultural and community centers, such as libraries, art galleries, and museums. One (1) parking space for every three hundred (300) square feet of visitor use area, plus one (1) parking space for each one and five-tenths (1.5) employees on the maximum shift.

aa. Businesses (not listed above). One (1) parking space for each two (2) staff members or employees, plus such additional parking space, as may be required by the Plan Commission for customers or users.

17. G-1 General Industrial, Unless Specifically Mentioned. Off-street parking spaces accessory to uses allowed in G-1 General Industrial shall be provided in accordance with the following minimum requirements:

a. For the uses listed hereunder, one (1) parking space shall be provided for

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every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls:

- (1) Air, motor, railroad, water freight terminals, and repair shops.
- (2) Building materials sales yards.
- (3) Contractors shops and yards.
- (4) Greenhouses, wholesale.
- (5) Mail order houses.
- (6) Manufacturing establishments.
- (7) Printing and publishing establishments.
- (8) Radio and television stations.
- (9) Sewage treatment plants – municipal.
- (10) Warehouses.
- (11) Any establishments for production, fabrication, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products.

b. In G-1 General Industrial and for any industry, one (1) space for every one thousand (1,000) square feet of building area or for every two (2) employees, whichever constitutes the greater number of stalls. Industries operating more than one (1) shift must have additional spaces to provide for change of personnel at shift change time.

REGULATION OF SIGNS

A. PURPOSE OF SIGN REGULATION

The purpose of this ordinance is to promote and protect the public safety, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the Town of Glenmore.

B. DEFINITIONS

1. Animated Signs. A sign with action or motion, flashing color changes, requiring electrical energy, electronic or manufactured sources of supply, but not including wind actuated elements, such as flags, banners, or specialty items. This definition does not include public service signs, such as time and temperature, revolving, or changeable message signs.
2. Architectural Projection. Any projection which is not intended for occupancy and which extends beyond the façade of an exterior wall of a building, but shall not include signs.
3. Area of Copy. The entire area within a single, continuous perimeter composed of squares or rectangles which encloses the extreme limits of advertising message, announcement, or decoration of a wall sign.
4. Area of Sign. The total accumulative area of faces of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign-face surface.
5. Background Area of Sign. The entire background area of a sign upon which copy could be placed. In computing area of sign background, only that face or faces which can be seen from any one direction at one time shall be counted.
6. Billboard. -- See "Off-Premise Signs"
7. Building Façade. That portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
8. Building Façade Facing. A resurfacing of an existing façade with approved material illuminated or non-illuminated.
9. Business Identification Sign. Any sign which promotes the name and type of business only on the premises where it is located.
10. Canopy Sign. Any sign attached to or constructed in, on, or under a canopy or marquee. For the purpose of this ordinance, canopy signs shall be controlled by the rules governing projection signs.
11. Changeable Message Sign. A sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

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12. Directional Signs. On premise incidental signs designed to guide or direct pedestrians or vehicular traffic.
13. Double Faced Sign. A sign with copy on two (2) parallel faces that are back to back, facing in opposite directions.
14. Free Standing Signs. A sign which is supported by one or more columns, uprights or braces, in or upon the ground.
15. Grade. The elevation or level of the street closest to the sign to which reference is made, measured at the street's centerline.
16. Gross Area. The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, rules for Area or Copy apply.
17. Ground Sign. A sign erected on one or more freestanding supports or uprights not attached to any building.
18. Height of Sign. The vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign.
19. Illuminated Signs. A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.
20. Legal Non-Conforming Sign. A non-conforming sign that did meet code regulations when it was originally installed.
21. Marquee. Marquee is a permanent roofed structure attached to and supported by the building and projecting over public property.
22. Marquee Sign. Any sign attached to or constructed in a marquee.
23. Multiple Copy Sign. A sign which advertises other than the name of the business and the principal product or service.
24. Non-Conforming Sign. A sign that does not meet code regulations.
25. Off-Premise Sign. A sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located, or directs persons to a different location from where the sign is located.
26. On Premise Sign. Any sign identifying or advertising a business, person, activity, goods, products or services located on a premise where the sign is installed and maintained.
27. Projecting Sign. A sign, normally double faced, which is attached to and projects from a structure or building fascia.

28. Revolving Sign. A sign which revolves three hundred sixty (360) degrees but does not exceed eight (8) rpm.

29. Roof Sign. A sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

30. Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

31. Sign Structure. Any structure which supports or is capable of supporting any sign, as devised in this code. A sign structure may be a single pole or may or may not be an integral part of the building.

32. Swinging Sign. A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

33. Temporary Sign. A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, or other special events on a temporary basis.

34. Under Marquee Sign. A lighted or unlighted display attached to the underside of a marquee protruding over public or private sidewalks or right-of-way.

35. Wall Sign. A sign which is in any manner affixed to any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall and which does not exceed more than six (6) feet above the parapet, eaves, or building façade of a building on which it is located or a sign which is painted on any exterior wall.

36. Window Sign. A sign installed on a window for purposes of viewing from outside the premises.

37. Zoning of Land Use. Shall mean the land use district as established by the Town Board.

C. GENERAL REQUIREMENTS

1. Scope. This ordinance pertains to and regulates all billboards and signs in the Town of Glenmore.

2. Animated Signs in Residential District. No animated signs shall be erected or maintained in any residential land use district. No animated signs shall be erected or maintained closer than two hundred (200) feet from any residential zoned parcel on which there exists structures used for residential purposes.

3. Marquee Signs. Marquee signs may be placed on, attached to, or constructed in a marquee. Marquee signs shall be limited to the size of the marquee.

4. Building Façade Signs. Copy area of a building façade facing shall not exceed forty (40) percent of the background facing to which it is applied.

5. Wall Signs. Background area of wall signs shall not exceed thirty (30) percent of the building façade or four (4) square feet per lineal foot of the elevation upon which they are placed, whichever is greater.

6. Multiple Copy Signs.

a. Copy area of multiple copy signs not to exceed thirty (30) percent of background to which applied.

b. Principal identification sign is a sign which identifies only the name of the business and the principal product or service. These signs are not subject to any limitation of copy area to background.

7. Free Standing Sign. Free standing signs shall be located within the property lines and shall have a minimum clearance of ten (10) feet.

8. Ground Signs or Billboards.

a. Such signs shall be located back of the street line a distance equal to, and not less than, the height of the sign.

b. A ground sign, any part of which is located in the building setback of the right-of-way shall have a minimum vertical distance of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three (3) feet in height. Only one (1) ground sign shall be allowed in the front building setback per zoning parcel.

c. Any ground sign or projecting sign within twenty-five (25) feet of an intersection or fifteen (15) feet of a driveway, measured from the point of intersection with a right-of-way, shall maintain a minimum of ten (10) feet between the bottom of the sign and the grade at the right-of-way line or shall be not more than three (3) feet in height.

9. Maximum Area of Signs. The maximum area of signs shall be the accumulation of the area of all signs located on a parcel of record. The maximum area of signs may differ according to the zoning classification of a lot.

10. Roof Signs. Roof signs are only allowed in the Business and Industrial Districts and must meet the following requirement:

The highest point of the sign shall not exceed the highest point of the building on which the sign is situated.

11. Stability. Signs shall be constructed so that they will withstand a wind pressure of at least thirty (30) pounds per square foot surface, and will otherwise structurally be safe, and shall be securely anchored or otherwise fastened, suspended or supported that they will not be a menace to persons or property. No sign shall be suspended by chains or other devices that will allow the sign to swing, due to wind action.

12. Illumination. All electrical signs shall conform to State electrical requirements. Illumination shall be directed entirely on the sign.

13. Maintenance of Signs. All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

14. Removal of Obsolete, Non-maintained, or Abandoned Signs. All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed by the business or property owner within ninety (90) days after the receipt of removal notice, or, upon failure of such removal, the town shall remove such signs at the expense of the property owner.

15. Location. All free standing, ground, and portable signs shall be located within the property lines.

16. Residential District. No sign facing a Residential District shall be closer than twenty-five (25) feet to that district line.

D. PERMIT

It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done in the Town of Glenmore without first obtaining a sign permit for each such sign from the Zoning Administrator, as required by this ordinance. Permits shall not be required for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.

1. Application for a Permit. Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Zoning Administrator. The applicant shall provide all information required on the application for the permit.

2. Permit Fees. Application for permit shall be filed with the Zoning Administrator, together with a permit fee for each sign in accordance with the following schedule, provided, however, that the minimum fee for a permit shall be not less than Fifteen Dollars (\$15.00) for any sign or for an amount based on area, as follows:

Signs visible from a public street shall be calculated at a basis of thirty cents (\$0.30) per square foot. The calculation of the area of a ground sign, shall be based on gross area of one (1) face of the sign. The area of wall signs shall be the gross area, as calculated in this ordinance.

E. SIGNS NOT REQUIRING A PERMIT

1. Construction Signs. Two (2) construction signs per construction site, not exceeding one hundred (100) square feet in area each, confined to the site of construction, and removed thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.

2. Directional and Instructional Non-Electric Signs. Directional and instructional non-electric signs, which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight (8) square feet each in area and do not in any way advertise a business.

This includes, but is not limited to, such signs as those identifying restrooms, telephone, parking areas, entrances and exits.

3. Non-Illuminated Emblems. Non-illuminated emblems, or insignia of any nation or political subdivision, profit or non-profit organization.

4. Government Signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty.

5. House Numbers and Name Plates. House numbers and name plates not exceeding two (2) square feet in area for each residential, commercial or industrial building.

6. Interior Signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications of this ordinance.

7. Memorial Signs and Plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other non-combustible material not more than four (4) square feet in area.

8. No Trespassing or No Dumping Signs. No trespassing and no dumping signs not to exceed one and one-half (1½) square feet in area per sign.

9. Public Notices. Official notes posted by public officers or employers in the performance of their duties.

10. Public Signs. Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.

11. Political and Campaign Signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

a. Said signs may be erected not earlier than thirty (30) days prior to the primary election and shall be removed within fifteen (15) days following said general election.

b. Each sign, except billboards, shall not exceed sixteen (16) square feet in non-residential zoning districts and eight (8) square feet in residential zoning districts.

c. No sign shall be located within fifteen (15) feet of the public right-of-way at a street intersection, nor over the right-of-way.

12. Real Estate Signs. One (1) real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.

a. In residential districts, such signs shall not exceed six (6) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

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b. In all other districts, such signs shall not exceed thirty-two (32) square feet in area and shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished.

13. Temporary Window Signs. In business, commercial and industrial districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed fifty (50) percent of the total window area, and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

14. On Premise Symbols or Insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.

15. On Premise Temporary Signs. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations, provided such signs are posted not more than thirty (30) days before said event and removed within fifteen (15) days after the event.

16. Vehicular Signs. Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.

17. Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.

18. Awnings. Awnings with signs consisting of one (1) line of copy upon the border of the awning.

19. Home Occupation Signs. A sign, not exceeding nine (9) square feet in size, which is located on the property to which the sign pertains.

20. Agricultural Signs. Including, but not limited to field identification signs, field plot signs, product identification signs (ie. seed signs), and Farm identification sign which is located on the property to which the sign pertains.

F. SPECIFIC ZONING DISTRICT REQUIREMENTS

1. Residential Districts and Agricultural District

a. In the Residential Districts and Agricultural District, all signs are prohibited, except for the following non-flashing, non-illuminated, permanent signs under the conditions specified.

(1) **Real Estate Signs**. Real estate signs, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight (8) square feet in area. Corner lots shall be permitted two (2) such signs, one facing each street.

(2) **Nameplate Signs**. Nameplate signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs, one (1) facing each street.

- (3) **Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for one (1) farm.** Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm.
- (4) **Bulletin Boards.** Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet and may not be located within the building setback lines.
- (5) **Memorial Signs.** Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
- (6) **Official Signs.** Official signs, such as traffic control, parking restrictions, information and notices.
- (7) **Home Occupation Signs.** A home occupation sign shall not exceed nine (9) square feet in size and shall be located on the property to which the sign pertains.
- (8) **Off Premise Signs.** Off premise signs shall not exceed sixteen (16) square feet in area for a single faced sign. Double faced signs shall be no greater than thirty-two (32) square feet in area with no single face having more than sixteen (16) square feet of area.

b. **Safety Standards.** All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the Zoning Administrator, shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

c. **Mounting.** All signs shall be mounted in one of the following manners:

- (1) Flat against a building or wall;
- (2) Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

d. **Height.** No sign shall exceed a height of twenty (20) feet.

e. **Ground Signs.** Any ground sign greater than three (3) feet in height shall have at least ten (10) feet of under-clearance.

f. **Number of Ground Signs.** One (1) ground sign shall be allowed per zoning parcel.

g. **Setbacks.** Signs shall meet all yard requirements of the Zoning District, excepting those instances as set forth in **Regulation of Signs C. General Requirements 8. a, b, and c** of this ordinance.

2. All Business District and Industrial Districts.

a. **Projection.** In these Districts, where limitations are imposed by this

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ordinance on the projection of signs, from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof.

b. **Safety Standards.** All outdoor advertising structures, post signs, accessory signs, or advertising statuary, which are declared to be a traffic hazard by the Zoning Administrator, shall be relocated or rearranged in accordance with safety standards. A sign in direct line of vision of any traffic signal, from any point in the traffic lane, shall not have red, green or amber illumination, nor be illustrated in such a way so as to interfere with vision of said signal, nor be illustrated in such a way as to be distracting.

c. **Mounting.** All signs shall be mounted in one of the following manners:

- (1) Flat against a building or wall;
- (2) Back to back in pairs, so that back of sign will be screened from public view;
- (3) In clusters in an arrangement which will screen the back of the signs from public view;
- (4) Or otherwise mounted so that the backs of all signs or sign structures showing to the public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

3. **B-1 Community Business.** In B-1 Community Business, business signs and advertising devices are permitted, subject to the following conditions:

a. **Area.** The gross area in square feet of all signs on a zoning lot shall not exceed three hundred (300) square feet.

b. **Content.** Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “Men’s Clothing”, “Drugs”, “Jeweler”, and the like, and the year the business was established, and the street number thereof. Signs may advertise articles of merchandise sold on the premises.

c. **Height.** No sign shall exceed a height of thirty (30) feet.

d. **Number of Ground Signs.** One (1) ground sign shall be allowed per zoning parcel.

e. **Setbacks.** Signs shall meet all yard requirements of the Zoning District, excepting those instances as set forth in **Regulation of Signs C. General Requirements. 8. a, b, and c** of this ordinance.

4. **I-1 General Industrial.** In I-1 General Industrial, business signs are permitted, subject to the following conditions:

a. **Area.** The gross area in square feet of all signs on a zoning lot shall not exceed four hundred (400) square feet.

b. **Content.** Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “Men’s Clothing”, “Drugs”, “Jeweler”, and the like, and the year the business was established, and the street number thereof. Signs may advertise articles of merchandise sold on the premises.

c. **Height.** No sign shall exceed a height of thirty (30) feet.

d. **Number of Ground Signs.** One (1) ground sign shall be allowed per zoning parcel.

e. **Setbacks.** Signs shall meet all yard requirements of the Zoning District, excepting those instances as set forth in **Regulation of Signs C. General Requirements.** 8. a, b, and c of this ordinance.

G. OFF-PREMISE POSTER PANEL AND PAINTED ADVERTISING SIGNS

1. All off-premise poster panel and painted bulletin signs are prohibited in the Town of Glenmore regardless of the nature, size and location, except as provided herein.

2. Off-premise poster panel and painted bulletin signs shall not be erected in the Town of Glenmore in any location, unless a permit is first obtained therefore from the Town of Glenmore Zoning Administrator. Said permit shall not be issued unless a complete application, as requested by the Town of Glenmore Zoning Administrator, is filed at the time of the application for the permit.

3. All off-premise signs which contain, include, or are illuminated by any flashing, intermittent or moving light or lights, or those of red, green, or amber color at intersections, are prohibited. Lights from any illumination shall be shaded, shielded, or directed so that the light intensity or brightness will be minimized to the surrounding areas. Such illumination shall be direct and the source of light shall not be exposed, when facing a Residential Zone. There shall be no direct illumination upon a roadway, or no glare or source of light shall be visible.

4. There shall be no off-premise signs in the town which are more than thirty (30) feet in height above the adjacent street level.

5. Any off-premise sign three hundred one (301) square feet or more in size, must have a spacing of at least one thousand (1,000) feet between it and any other off-premise sign. Any off-premise sign three hundred (300) square feet or less in size, must have a spacing of at least five hundred (500) feet between it and any other off-premise sign three hundred (300) square feet or less in size.

6. Off-premise poster panel and painted bulletin signs in the town (off property) shall only be allowed in Business and Industrial Districts and in those Districts shall be subject to the further limitations of this ordinance.

7. Off-premise signs three hundred (300) square feet in size or less shall be permitted uses in Industrial Districts and Business Districts only. Off-premise signs greater than three hundred (300) feet but less than five hundred one (501) square feet may be allowed as a Conditional Use in the Business and Industrial Zones.

8. Off-premise signs shall be permitted in the Residential and Agricultural Districts. In no case, however, shall a single faced sign be greater than sixteen (16) square feet in area and in no case shall a double faced sign be greater than thirty-two (32) square feet. Double-faced signs may be no greater than thirty-two (32) square feet in area with no single face having more than sixteen (16) square feet of area.

9. No off-premise sign permitted by this ordinance, or any other ordinance of the town, shall in any manner project over the right-of-way of any highway or roadway in the town.

10. No more than one (1) off-premise sign per zoning lot, subject to spacing requirements, or one painted bulletin is permitted on the same zoning lot.

11. No sign built within one hundred (100) feet of an intersection shall have less than ten (10) feet of under clearance, unless erected on or against an existing building. Off-premise business signs shall not be located within the front yard setbacks, where such setbacks are established.

12. Any off-premise sign for advertising purposes in the town greater than three (3) feet in height shall have at least ten (10) feet of under clearance, unless erected upon or against an existing building.

13. Any off-premise signs erected in the town shall be erected on no more than two (2) uprights and shall be engineered to withstand at least thirty (30) pounds per square foot wind load.

14. No off-premise advertising signs shall be allowed to be placed on the roof of an existing building.

15. All off-premise signs shall also meet the sign requirements of the respective Zoning Districts. In case of a conflict, the most restrictive requirement shall apply. Ground signs shall also meet the requirements of **Regulation of Signs C. General Requirements 8. a, b, and c.**

H. ALTERATION – RELOCATION

No sign or billboard in the Town of Glenmore shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this Chapter. The changing of movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith shall not be deemed to be alterations within the meaning of this ordinance.

I. NON-CONFORMING SIGNS

1. Notification of Non-Conformity. The Zoning Administrator shall survey the town for signs which do not conform to the requirements of this section. Upon determination that a sign is a non-conforming sign, the Zoning Administrator shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located.

2. Non-conforming Signs. Any sign located within the town limits on the date of adoption of this section or located in an area annexed to the town thereafter, which does not conform with these provisions, is eligible for characterization as a “non-conforming” sign and is permitted, provided it also meets the following requirements:

a. The sign was covered by a sign permit, or a permit was issued prior to the date of adoption of this section if one was required.

b. No sign permit was required for the sign in question and the sign was in all respects in compliance with applicable law on the date of construction or installation.

3. Continuation of Non-conforming Status. A non-conforming sign shall maintain its non-conforming designation provided:

a. No structural modification of a non-conforming sign is permitted, except where such modification will result in having the effect of bringing such sign more in compliance with the requirements of this section, except for changing of copy and normal maintenance, or

b. The sign is not relocated, or

c. The sign is not replaced.

d. The total structural repairs or alterations to such a non-conforming sign shall not, during its life, exceed fifty (50) percent of the assessed value of said sign existing at the time it became non-conforming.

4. Loss of Non-conforming Status. Any changes, except as provided in **Regulation of Signs I. Non-Conforming Signs** 3. a, b, c, and d, shall result in the loss of non-conforming status.

J. ABANDONED SIGNS AND DETERIORATED OR DILAPITDATED SIGNS

1. All signs or sign messages shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted or when rental or compensation is no longer provided if said sign is of the off-premise type. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner sixty (60) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator, or his duly authorized representative, may remove the sign at cost to the sign owner.

2. The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wisconsin Statutes 66.05.

K. PENALTY

Any sign erected without a permit shall be removed at the owner's expense, or brought into compliance within thirty (30) days of written notification of the Zoning Administrator. In the event that the owner does not remove, or bring into compliance, the Zoning Administrator may order removal or compliance.

TELECOMMUNICATION

I. ANTENNAS AND TOWERS

A. DEFINITIONS

As used in this article, the following terms shall have the meaning indicated.

1. Alternative tower structure. Man-made structures such as elevated tanks, electric utility transmission line towers, nonresidential buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Freestanding signs are not considered to be alternative tower structures.
2. Antenna. Any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. FAA. Federal Aviation Administration.
4. FCC. Federal Communications Commission.
5. Governing authority. The Town Board of the Town of Glenmore.
6. Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
7. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy wires, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structure, and the like.

B. APPLICABILITY

1. District Height Limitations.

The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower exceed the following height limitations:

- a. for a single user, up to ninety (90) feet in height;
- b. for two users, up to one hundred twenty (120) feet in height; and
- c. for three or more users, up to one hundred fifty (150) feet in height.

C. CONDITIONAL USE PERMIT

1. Requirements.

a. A Conditional Use Permit shall be required prior to construction of any tower, placement of any antenna or additions to tower/antenna.

b. Towers and antennas may only be located in Rural-Residential, Agriculture, General Industrial and Commercial Business zoning districts.

c. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. Prior to the leasing of space on any tower, lessee shall apply for a permit from the Town of Glenmore. If a building is needed to accommodate the leased tower space, conditional use approval will be required.

f. Submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article and FAA lighting requirements.

2. Factors Considered in Granting Conditional Use Permits.

The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

a. Height of the proposed tower.

b. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider's equipment.

c. Proximity of the tower to residential structures and residential district boundaries.

d. Nature of uses on adjacent and nearby properties.

e. Surrounding topography.

f. Surrounding tree coverage and foliage.

g. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

h. Proposed ingress and egress.

i. Availability of suitable existing towers and other structures as discussed in Section C. 3 of this article.

j. Abandonment surety bond.

3. Availability of Suitable Existing Towers or Other Structures.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

4. Setbacks and Separation.

The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required:

a. Towers must be set back a distance equal to the height of the tower plus twenty (20) feet from the offsite structure and/or adjacent property.

b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

5. Landscaping.

The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby:

a. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

D. GUIDELINES AND REQUIREMENTS

1. Purpose and Goals.

The purpose of this article is to establish general guidelines for the location of towers and antennas. The goals of the article are to:

a. encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;

b. strongly encourage the joint use of new and existing tower sites;

c. encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

d. encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;

e. enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

2. Principle or Accessory Use.

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the

antennas or towers may be located on leased parcels within such lots.

Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

Any space leased out on a new or existing tower shall apply for a permit from the Town of Glenmore.

3. Inventory of Existing Sites.

Each applicant for an antenna and or tower shall provide to the Plan Commission and the Town Board an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.

The Plan Commission and the Town Board may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Plan Commission and Town Board are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

4. Aesthetics and Lighting.

The guidelines set forth in Section D GUIDELINES AND REQUIREMENTS shall govern the location of all towers, and the installation of all antennas governed by this article provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.

a. Towers shall maintain a galvanized steel finish, or subject to any applicable standards of the FAA and be painted a neutral color so as to reduce visual obtrusiveness.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. All towers and structures shall comply with the "Obstruction Marking and Lighting" requirements, amended from time to time, of the Federal Aviation Administration in cooperation with the Federal Communications Commission. Where "Dual Lighting Systems" are optional, it shall be mandatory that white strobe lighting be used during daylight hours only and the red light shall be utilized at night.

e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six (6) feet above the ground on a placard no larger than one and one-half (1-1/2) sq. ft.

5. Federal Requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency.

Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

6. Building Codes, Safety Standards.

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Secs. Comm 62.35 to 62.41, Wisconsin Administrative Code, as amended from time to time. Every telecommunication facility shall incorporate sufficient anti-climbing measures into the facility to reduce the potential for trespass and/or injury.

If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

E. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. If there are two (2) or more users of a single tower, then the antenna and/or tower shall not become abandoned until all users cease using the structure.

The governing authority may require the removal of said antenna and/or tower. Written notice from the governing authority must be given to the owner of such abandoned antenna and/or tower if

removal is required. The owner of such antenna and/or tower shall remove the same within ninety (90) days of receipt of notice from the governing authority.

If such antenna and/or tower is not removed within said ninety (90) days, the governing authority may remove such antenna and/or tower at the expense of the antenna and/or tower owner, or at the expense of the property owner in the case where the owner of the antenna and/or tower is leasing the property upon which the antenna and/or tower is installed.

F. SAFETY

1. Every tower shall incorporate sufficient anti-climbing measures to reduce the potential for trespass and/or injury.

2. Towers must be set back a distance equal to the height of the tower plus 20 feet from adjacent property lines. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

3. Towers and antennas shall not be used to display advertising.

G. SURETY

A surety bond in the amount of \$20,000 is required from each applicant for removal of a tower or antenna that is abandoned.

II. MOBILE (CELL) ANTENNAS AND TOWERS

A. PURPOSE

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. DEFINITIONS

1. Class 1 collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

2. Class 2 collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

3. Mobile service. A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves.

4. Search ring. A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

5. Substantial modification. The modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

a. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

b. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.

c. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

d. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

C. APPLICATION PROCESS FOR A NEW TOWER OR CLASS 1 COLLOCATION (EXCLUDING SMALL WIRELESS FACILITY)

1. A mobile tower siting permit is required for the siting and construction of any new mobile service support structure and facilities. A collocation permit is required for a class 1 collocation.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement

of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If the town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90 day period:

a. Plan Commission review of the application to determine whether it complies with all applicable aspects of the Town's building code and, subject to the limitations in this section, zoning ordinances.

b. Town Board final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback required in a zoning ordinance, that setback does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

8. The Fee can be found on the Town of Glenmore Fee Schedule or by contacting the Town Clerk or Zoning Administrator.

D. APPLICATION PROCESS FOR CLASS 2 COLLOCATION (EXCLUDING SMALL WIRELESS FACILITY)

1. A collocation permit is required for a class 2 collocation.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed mobile service facility.

3. A permit application will be provided by the town upon request to any applicant.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject. (Ref. section X. Glenmore Zoning Ordinance) As part of the final inspection the applicant will furnish before and after photos to show what was added to the tower.

5. If an applicant submits to the Town an application for a permit to engage in an described in this ordinance, which contains all of the information required under this ordinance, the Town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The Fee can be found on the Town of Glenmore Fee Schedule or by contacting the Town Clerk or Zoning Administrator.

E. SAFETY

1. Every mobile tower shall incorporate sufficient anti-climbing measures to reduce the potential for trespass and/or injury.

2. Mobile towers must be set back a distance equal to the height of the tower plus 20 feet from adjacent property lines. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

3. Mobile towers and antennas shall not be used to display advertising.

F. SURETY

A surety bond in the amount of \$20,000 is required from each applicant for a new mobile tower or class 1 or class 2 collocation for removal of a tower or antenna that is abandoned.

III. SMALL WIRELESS FACILITIES

A. PURPOSE

The purpose of this ordinance is to regulate by zoning permit the siting and construction of any new small wireless facility service support structure and facilities in addition to 2019 Wisconsin Act 14 and any updates to the Act.

B. DEFINITIONS

1. “Antenna equipment” or “wireless equipment” means equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as the antenna.
2. . “Antenna facility” means an antenna and associated antenna equipment, including ground-mounted antenna equipment.
3. “Applicant” means a wireless provider that submits an application.
4. “Application” means an application for a permit under this section to collocate a small wireless facility or to install, modify, or replace a utility pole.
5. “Collocate,” “collocate on,” or “collocation” means the placement, mounting, replacement, modification, operation, or maintenance of a small wireless facility on, or of ground-mounted antenna equipment adjacent to, a structure.
6. “Communications facilities” means the set of equipment and network components, including wires and cables and associated facilities, used by a communications service provider to provide communications service.
7. “Communications network” means a network used to provide a communications service.
8. “Communications service” means cable service, as defined in 47 USC 522 (6), telecommunications service, as defined in 47 USC 153 (53), information service, as defined in 47 USC 153 (24), or wireless service.
9. “Communications service provider” means a person that provides communications service.

10. “Facility” means an antenna facility or a structure.

11. “Fee” means a one-time charge.

12. “Governmental pole” means a utility pole that is owned or operated by the state or by a political subdivision in a right-of-way.

13. “Investor-owned electric utility” means a public utility whose purpose is the generation, transmission, delivery, or furnishing of electric power but does not include a public utility owned and operated wholly by a municipality or a cooperative association organized under Ch. 185.

14. “Micro wireless facility” means a small wireless facility that does not exceed 24 inches in length, 15 inches in width, and 12 inches in height and that has no exterior antenna longer than 11 inches.

15. “Small wireless facility” means a wireless facility to which all of the following apply:

a. The wireless facility satisfies any of the following:

i. The wireless facility is mounted on a structure 50 feet or less in height including any antenna.

ii. The wireless facility is mounted on a structure no more than 10 percent taller than any other adjacent structure.

iii. The wireless facility does not increase the height of an existing structure on which the wireless facility is located to a height of more than 50 feet or by 10 percent, whichever is greater.

b. Each antenna associated with the deployment of the wireless facility, excluding associated antenna equipment, is no more than 3 cubic feet in volume.

c. All other wireless equipment associated with the wireless facility specified in subd. 1., including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume.

d. The wireless facility does not require registration as an antenna structure under 47 CFR part 17.

e. The wireless facility is not located on tribal land, as defined in 36 CFR 800.16 (x).

f. The wireless facility does not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 CFR 1.1307.

16. “Utility pole” means a pole that is used in whole or in part by a communications service provider; used for electric distribution, lighting, traffic control, signage, or a similar function; or used for the collocation of small wireless facilities. “Utility pole” does not include a wireless support structure or electric transmission structure.

17. “Utility pole for designated services” means a utility pole owned or operated in a

right-of-way by the state, a political subdivision, or a utility district that is designed to, or used to, carry electric distribution lines, or cables or wires for telecommunications, cable, or electric service.

18. “Wireless facility” means an antenna facility at a fixed location that enables wireless services between user equipment and a communications network, and includes all of the following:

- a. Equipment associated with wireless services.
- b. Radio transceivers, antennas, or coaxial, metallic, or fiber-optic cable located on, in, under, or otherwise adjacent to a utility pole or wireless support structure.
- c. Regular and backup power supplies.
- d. Equipment that is comparable to equipment specified in this subdivision regardless of technical configuration.

19. “Wireless facilities” does not include any of the following:
a. The structure or improvements on, under, or within which equipment specified in subd. 1. is collocated.

- b. Wireline backhaul facilities. (See #25 for definition.)
- c. Coaxial, metallic, or fiber-optic cable that is between utility poles or wireless support structures or that is not adjacent to a particular antenna.

20. “Wireless infrastructure provider” means any person, other than a wireless services provider, that builds or installs wireless communication transmission equipment, antenna equipment, or wireless support structures.

21. “Wireless provider” means a wireless infrastructure provider or a wireless services provider.

22. “Wireless services” means any service using licensed or unlicensed wireless spectrum, including the use of a Wi-Fi network, whether at a fixed location or by means of a mobile device.

23. “Wireless services provider” means any person who provides wireless services.

24. “Wireless support structure” means an existing freestanding structure that is capable of supporting small wireless facilities, except that “wireless support structure” does not include any of the following:

- a. A utility pole.
- b. A structure designed solely for the collocation of small wireless facilities.

25. “Wireline backhaul facility” means a facility for providing wireline backhaul

service.

26. “Wireline backhaul service” means the transport of communications services by wire from small wireless facilities to a communications network.

C. APPLICATION PROCESS FOR SMALL WIRELESS FACILITY

1. A small wireless facilities siting permit is required for the siting and construction of any new small wireless service support structure and facilities.

2. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

- a. The name and business address of, and the contact individual for, the applicant.
- b. The location of the proposed or affected support structure.
- c. The location of the proposed small wireless service facility.
- d. FCC certifications
- e. Safety Certifications

3. A permit application will be provided by the town upon request to any applicant.

4. If an applicant submits to the Town an application for a permit which contains all of the information required under this ordinance, the Town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Upon receipt of a complete application, the Town shall complete all of the following within 60 days if the application involves collocating on an existing structure (90 days if the application involves a new or replacement utility pole) or the applicant may consider the application approved. The applicant and the town may agree in writing to an extension.

- a. Make a final decision whether to approve or disapprove the application.
- b. Notify the applicant, in writing, of its final decision.
- c. If the application is approved, issue the applicant the relevant permit.
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The fee for the permit (including building permit) See Fee Schedule.

7. There is an annual fee for maintaining the right of way due the placement of a small wireless facility. (See Fee Schedule).

WIND ENERGY FACILITY (Revised 10-13-10)

PURPOSE

The purpose of the Wind Energy Facility (WEF) Ordinance is to provide a regulatory scheme for the construction and operation of WEFs in the Town of Glenmore, subject to reasonable restrictions, which will preserve the public health and safety. The ordinance will distinguish between a large WEF that is used to generate energy for commercial sale and a small WEF that is primarily used to generate energy for use by the Landowner.

DEFINITIONS

1. Ambient Noise. Intermittent noise events such as from aircraft flying over, dogs barking, mobile farm or construction machinery and the occasional vehicle traveling along a nearby road are all part of the ambient noise environment, but would not be considered part of the background noise unless they were present for at least 90% of the time.
2. Blade Glint. Reflection of the sun off the surface of wind turbine blades.
3. Blade Throw. The distance a turbine blade or pieces of a broken blade could be thrown in the event of a mechanical failure.
4. Broadband Noise. The “swishing” or “wooshing” sound emitted as a function of a WES operation.
5. Good Neighbor Payments. Monetary compensation made to the Landowner, within a specified radius of a WES, which is a part of the WES CUP agreement between the Owner and the Town.
6. Hub Height. The distance measured from ground level to the center of the turbine hub.
7. Independent. Not controlled or influenced by the Owner.
8. Infra-sound. Sound with energy in the frequency range of 20 Hz and below is considered to be infra-sound and is normally considered to not be audible unless in relatively high amplitude.
9. Inhabited Structure. An occupied building existing prior to the conditional use application which includes, but is not limited to: residences, schools, churches, daycare facilities, public libraries, community buildings, places of employment and farm buildings where humans work on a daily basis.
10. Karst Feature. A geological feature that can act as a direct conduit for pollutants to enter groundwater, wells, springs and streams.
11. Landowner. The legal entity that owns the property on which a WEF is located.
12. Low Frequency Noise. An ongoing noise that impairs the health of a resident emitted during periods of turbulence as the blades are buffeted by changing winds that can cause structural vibration. Low frequency noise refers to sounds with energy in the lower frequency range of 20 to 200 Hz.
13. MET Tower. A meteorological tower used for the measurement of wind speed.
14. Noise. Any unwanted sound.
15. Non-participating Property. Real property that has no WEF or is in a different WEF.
16. Non-participating Residence. A residence located on a non-participating property.

17. Owner. The legal entity that owns a WEF.
18. Rotor Diameter. Diameter of the circle swept by the rotating blades.
19. Shadow Flicker. Moving shadows caused by the rotation of the turbine blades passing in front of the sun.
20. Total Height. The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.
21. Town. Town of Glenmore and/or appointed or elected officials thereof.
22. Wind Energy Facility (WEF). An electricity generating facility consisting of one or more WES under common ownership or operating control and including substations, MET towers, cables/wires, and other buildings accessory to such facility.
23. Wind Energy System (WES)-Large. A wind energy system of one (1) wind tower and turbine that has a nameplate capacity of more than one hundred (100) kilowatts and/or a total height of more than one hundred seventy (170) feet and less than five hundred (500) feet and is used to generate energy for commercial sale.
24. Wind Energy System (WES)-Small. A wind energy system of one (1) wind tower and turbine that has a nameplate capacity of one hundred (100) kilowatts or less and a total height of one hundred seventy (170) feet or less and is primarily used to generate energy for use by the Landowner.

WIND ENERGY FACILITY-LARGE

A. GENERAL REQUIREMENTS

1. Location

A large WEF is a conditional use and may be located in areas zoned agriculture, business, industrial or rural residential.

No WES shall be located within any floodplains, shorelands, wetland areas or areas of karst features. A copy of all necessary DNR permits to cross any of these areas is required prior to issuing a building permit. A map indicating floodplains, shorelands, wetlands and areas of karst features in the proposed land parcels shall be submitted to the Town Zoning Administrator. Any karst features discovered must be reported to the Brown County Land Conservation Department.

2. Setback

The WES wind tower in a large WEF must be set back from any existing inhabited structure no less than one-half (1/2) mile.

Each WES wind tower shall be set back from the nearest property line, public road, communication and/or electrical lines a distance no less than three and one-tenth (3.1) times its total height.

An Owner shall measure WES setback distances as a straight line from the vertical center line of the wind turbine tower to the nearest point on the permanent foundation of an inhabited structure or to the nearest point on the property line or feature, as applicable.

The wind tower in a large WEF must be set back from any existing natural gas line the distance indicated by the natural gas line representatives. Owner shall provide to the Town Clerk a letter from natural gas line representatives stating the proper setback needed.

Setbacks could be decreased if written permission of a waiver is secured from the affected parties. In no instance shall the setback from an inhabited structure be decreased to less than one and one-tenth (1.1) times the total height of the wind tower. A notarized copy of the written permission shall be filed with the Town Clerk. Also, such permission must be recorded at the Brown County Register of Deeds and a copy of the recorded document shall be filed with the Town Clerk.

3. Clearance

The vertical distance from the ground level to the tip of a WES blade when the blade is at its lowest point must be no less than seventy-five (75) feet.

4. Electrical Wires

All electrical wires associated with a WEF, other than wires necessary to connect the WES to its base and to overhead collection lines, must be located underground. All electrical components of the WEF shall conform to relevant and applicable Local, State, and National codes.

5. Design

Wind towers shall maintain a galvanized steel finish, or subject to any applicable standards of the Federal Aviation Administration (FAA) and, if painted, a neutral color shall be used so as to reduce visual obtrusiveness. Applicant shall submit a certification by the manufacturer stating that the proposed blade coating will not create a reflective surface conducive to blade glint.

The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the WEF to the natural setting and built environment.

A WEF shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the FAA or other applicable authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. All towers and structures shall comply with the "Obstruction Marking and Lighting" requirements, amended from time to time, of the FAA in cooperation with the Federal Communications Commission (FCC). Where "Dual Lighting Systems" are optional, it shall be mandatory that white strobe lighting be used during daylight hours only and the red light shall be utilized at night. The Town Board may require use of shielding or control systems approved by the FAA to reduce visibility of lighting to individuals on the ground.

Each WES generator shall meet or exceed applicable standards and regulations of any agency of the State or Federal government with the authority to regulate wind powered generators. If such standards and regulations are changed retroactively, then Owner shall bring the WES generator into compliance with such applicable revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring the WES generator into compliance with such revised standards and regulations shall constitute a violation of the ordinance. **(see VIOLATIONS AND PENALTIES SECTION)**

A determination of no hazard shall be obtained from the FAA prior to installation and a copy of such determination shall be filed with the Town Clerk. If a permit issued by the Wisconsin Department of Transportation is required, Owner will not install the WES generators until such a permit is issued and a copy is filed with the Town Clerk.

No word or graphic representation, other than appropriate warning signs and Owner or Landowner identification, may be placed on a WES.

Any above ground electrical equipment associated with a WES must be located under the sweep area of a blade assembly.

6. Road Conditions

An assessment of the Town road condition, including videos and/or photographs, shall be performed by a Town Official and the Owner or Owner's representative prior to the beginning of construction and/or reconstruction, any major maintenance projects, and at the time of decommissioning.

Owner shall reimburse the Town for any and all repairs and reconstruction to the public Town roads resulting directly from the construction of the WEF.

Any subsequent damage to the public roads resulting directly from reconstruction, any major maintenance and at the decommissioning of the project shall be repaired in accordance with the above.

An escrow account, held at the Denmark State Bank in the name of the Town, must be established for repairs and maintenance of the roads to cover construction and/or reconstruction, any major maintenance projects, and decommissioning. The Town will have full rights to withdraw funds, at any time, for documented repairs. The amount of the escrow is to be determined by the Town Board prior to the Conditional Use Permit (CUP) approval and be based on the size of the WEF.

Owner shall provide written notice to the Town regarding the dates of construction, reconstruction, any subsequent major maintenance projects and decommissioning.

7. Right-of-Way Excavation

A right-of-way excavation and utility permit shall be required for any excavation conducted in the Town of Glenmore right-of-way.

Owner shall follow requirements of the "**Right of Way Excavation/Utility Lines**" section under **General Provisions** in the **Town of Glenmore Zoning Ordinance**.

8. Blasting Activity

All blasting shall be conducted in conformance with the "**Blasting**" section of the **Town of Glenmore Zoning Ordinance** and applicable State and Federal laws and regulations.

9. Drain Tile Fields

Where large WEF construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the Landowner.

10. Driveway Permit

A driveway permit shall be required. Owner shall follow the requirements of the "**Driveway Permits**" section of the **Town of Glenmore Zoning Ordinance**.

All driveways or service roads shall be constructed so farm equipment can move on or over them without impairment.

11. Landscaping

All landscaping must be properly maintained, including grass cutting.

B. SAFETY AND HEALTH

1. A WES, including any wind system accessories, must be secured against unauthorized access by means of a locked barrier or security fence. All access doors to the WES and electrical equipment shall be lockable.

2. Exterior of towers shall not be climbable up to fifteen (15) feet above ground level.

3. All new substations shall be fenced to prevent public access.

4. An Owner shall post and maintain up-to-date warning signs containing a 24 hour emergency contact telephone number, information identifying the Owner and sufficient information to identify the location of the individual tower within the WES. An Owner shall post these signs at every intersection of a WES access road with a public road and at each WES location.

5. Owner shall ensure that ice from WES blades does not impact any inhabited structure or Non-Participating Landowner's property. A report shall be prepared by an Independent Wisconsin Registered Licensed Professional Engineer, selected by the Town Board at the Owner's expense, that indicates the maximum distance that ice can be thrown from the turbine blades. The report shall be provided to the Planning Commission prior to CUP application review. If the report indicates ice throw exceeds the setback, the setback will be increased.

6. Owner shall ensure that WES blade throw does not impact any inhabited structure or Non-Participating Landowner's property. A report shall be prepared by an Independent Wisconsin Registered Licensed Professional Engineer, selected by the Town Board at the Owner's expense, which indicates the maximum blade throw. The report shall be provided to the Planning Commission prior to CUP application review. If the report indicates blade throw exceeds the setback, the setback will be increased.

7. An Owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a WES and shall design the WES so that computer modeling indicates that no inhabited structure will experience more than twenty (20) collective hours per year of shadow flicker under planned operating conditions.

An Owner shall operate the WES in a manner that does not cause collectively more than twenty (20) hours per year of shadow flicker at an inhabited structure from any or all WES. The collective twenty (20) hours per year will be allocated on a first come, first served basis so that no inhabited structure receives more than twenty (20) hours per year collectively from all WEF(s) combined. If an inhabited structure experiences more than twenty (20) hours per year collectively of shadow flicker under the WES normal operating conditions, the Owner(s) shall use operational curtailment to comply.

8. A WEF shall be sited and operated so that it does not interfere with telephone (including cellular and digital), standard digital TV (antenna), microwave, satellite (dish), navigational, weather forecasting facilities, internet, broadband or radio communications and reception to and from neighboring areas. The Town may modify this list in order to encompass all future electromagnetic communications and technological mediums for home and business operations. The Owner shall be responsible for the full cost of any remediation necessary to provide equivalent or better alternate service or correct any problems. Remediation shall continue for the life of the project. Should remediation not be completed within five (5) business days, the Owner shall be required to cease operations until remediation is completed.

The Owner shall respond within twenty four (24) hours to any request for a communications interference investigation by a Property Owner within the project boundary or within a three (3) mile radius beyond the project boundary. Testing shall commence within five (5) business days of the request. Owner is responsible for remediation within five (5) business days from determination of interference caused by the WEF. Remediation shall continue for the life of the project.

The Owner shall provide a critical communications study prepared by an Independent Wisconsin Registered Licensed Professional Engineer, selected by the Town Board at the Owners expense. The study shall show that the proposed WEF will not interfere with emergency (fire, police/sheriff, ambulance), radio, two-way communications (base stations, mobile, hand held radios, including digital), paging, broadband, standard digital TV (antenna), telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, internet or radio communications and reception to and from neighboring areas. The Town may modify this list in order to encompass all future electromagnetic communications and technological mediums for home and business operations

9. Owner shall take reasonable steps to minimize interference with the operation of all flights or air space required for hospitals, medical centers and airports. A determination of no hazard shall be obtained from the local air ambulances and be submitted with the CUP application. A copy shall also be given to the Town Clerk.

10. Landowners within one (1) mile of all WES and trenches have the option of getting their wells tested pre-construction and up to twelve (12) months post-construction at the expense of the Owner. If a well which tested safe prior to construction is discovered to be no longer safe after construction, the owner will take immediate action to restore the well to its pre-construction safe condition. No remediation method will be exempt including, but not limited to, replacement of the well. Owner's requirement to restore any well will include full replacement of the well. All costs associated with restoring or replacing the well shall be paid by Owner.

11. Noise modeling shall be performed by an Independent Qualified Acoustical Consultant selected by the Town Board at the Owners expense. Results of the modeling shall be submitted with the CUP application. If the modeling shows that noise levels will exceed stated design limits listed below, setback must be adjusted. The noise modeling required will be determined by the Town and shall include, but not be limited to, infra-sound, low frequency noise, broad spectrum and full spectrum testing.

Pre-construction baseline noise studies shall be conducted by an Independent Qualified Acoustical Consultant selected by the Town Board at the Owner's expense. Within twelve (12) months after the WEF is operational, and within four (4) weeks of the anniversary date of the pre-construction baseline noise study, the Owner shall perform post-construction noise studies. Pre-construction and post-construction noise studies shall be filed with the Town Clerk. Findings shall be forwarded to the Town Board as soon as possible.

The noise design limit for all WES generators shall not exceed 35 dBA for any period of time when measured at the exterior of any inhabited structure on a non-participating property existing at the date of approval.

In the event audible noise, due to WES operations, contains a steady pure tone, such as a whine, whistle, screech or hum, the Owner shall immediately take corrective action to permanently eliminate the noise. Upon receipt of a complaint, the Owner shall use operational curtailment to eliminate the steady pure tone until the Owner permanently corrects the problem.

Noise levels may exceed criteria listed above if written consent from the affected Property Owners has been obtained allowing noise levels to exceed the maximum limits otherwise allowed. A notarized copy of the written permission shall be filed with the Town Clerk. Also, such

permission must be recorded at the Brown County Register of Deeds and a copy of the recorded document shall be filed with the Town Clerk.

Response to complaints must be made within five (5) days. Noise tests will be conducted by an Independent Qualified Acoustical Consultant selected by the Town Board. Costs associated with the first testing will be paid by the Owner. Subsequent costs of testing will be paid by the offending party.

12. Owner will employ good utility practice to ensure that the WEF will not cause stray voltage or electromagnetic fields (EMF) that would affect any property. For purposes of this CUP, stray voltage is defined as neutral-to-earth voltage measured from the electrical system neutral and/or any structure bonded to this neutral-to-earth that adversely affects humans or animals. For purposes of this CUP, EMF are defined as a concentration of electric charges or magnetic forces that adversely affects humans or animals.

Owners shall seek written permission from Landowners prior to stray voltage testing. An Owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within one (1) mile of a WEF, including new substations and underground wiring, pursuant to the stray voltage protocol established by the Public Service Commission of Wisconsin (PSCW).

Testing shall be performed before any WEF construction activity begins and after the WEF is operational. Test results shall be provided to all Landowners whose property was tested. Test results shall also be filed with the Town Clerk. Those findings shall be forwarded to the Town Board as soon as possible. Owner shall not be required to perform testing on property where the Landowner has refused to grant permission for the testing.

Stray voltage testing shall be conducted upon a written complaint from Property Owners within one (1) mile of the WEF. Testing may be ordered by the Town Board at the expense of Owner. Owner will shut down the WEF as reasonably needed, but in no event longer than one hour, for testing to determine whether the WEF is the cause of stray voltage or EMF problems. If the WEF is determined by said testing to be the cause, then the WEF operation shall cease until the problems are solved. Representatives of the affected Landowners and Owner shall monitor the testing and review the test results. Should the test results indicate that any stray voltage or EMF increase is due to the WEF, Owner shall pay the cost for all necessary steps to eliminate the problem.

Costs associated with the first testing will be paid by the Owner. Subsequent costs of testing will be paid by the offending party.

13. Prior to the application of the CUP, the Owner shall develop and submit an emergency action plan designed to minimize the possibility and extent of personal injury and property damage regarding the WEF. The plan should include procedures for prompt response to all emergencies, including but not limited to, fire, natural disaster, equipment damage or injury to any person. The plan should include a communication contact list and sufficient information to provide adequate guidance to each person that must implement these procedures.

In an emergency, the Owner of an affected WES shall immediately cease operation of the affected WES for the duration of the emergency. Emergency shall mean a condition or situation caused by the affected WES that presents an imminent physical threat of danger to life or significant threat to property as determined by the Town Board or emergency responders.

Within 24 hours, an Owner shall notify the Town Board of the occurrence and nature of the WES emergency.

An Owner shall establish and maintain liaison with the Town Board, fire, police and other appropriate first responders serving the WEF to create effective emergency plans that include all of the following:

- A) A list of the types of WEF emergencies.
- B) Current emergency contact information for first responders and for the Owner, including names and phone numbers.
- C) Written procedures for handling different types of emergencies that provide for shutting down the WEF or a portion of the WEF as appropriate.
- D) Duties and responsibilities of the Owner and of first responders.
- E) An emergency evacuation plan for the area within one-half (1/2) mile of any WEF including the location of alternate landing zones for emergency services aircraft.

The Owner shall review the emergency plan at least annually with Town, fire, police and other appropriate responders to update and improve the plan as needed.

The Owner shall distribute current copies of the emergency plan to the Town Board, the Town Clerk, fire, police and other appropriate responders as identified by the Town Board.

The Town Board may require the Owner to provide WEF emergency annual training for fire, police and other appropriate first responders until the WEF has been decommissioned. The cost of time spent by the appropriate emergency personnel shall be reimbursed by the Owner.

The Owner shall do all of the following:

- 1) Furnish its operators, supervisors and employees, who are responsible for emergency action, a copy of the current emergency procedures to ensure compliance with those emergency procedures.
- 2) Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
- 3) As soon as possible after the end of the WEF emergency, review employee activities to determine whether the procedures are effectively followed.

14. Owner shall follow a regular maintenance schedule consistent with all manufacturer's recommendations to ensure safe operation.

Owner shall submit to the Town Clerk a yearly report of the maintenance records of the WEF site plus any health and safety issues that have arisen.

15. All solid waste and hazardous waste generated during construction, reconstruction, operation, maintenance or decommissioning shall be removed from the site in a timely manner consistent with Local, State, and Federal regulations.

16. Representatives of the Town, along with Owner's representatives, shall be allowed to inspect the WES generator site at ground level after providing not less than 24 hours advance written notice to Owner.

17. Landowners who accept the good neighbor payment would still have the same protection that the Glenmore WEF ordinance affords to all Residents.

C. PROCEDURE

It is unlawful for any person to construct, install, or operate a WEF that is not in compliance with this ordinance or with any conditions issued pursuant to this ordinance.

PRE-APPLICATION NOTICE

1. At least ninety (90) days before an Owner files an application to construct a WEF, an Owner shall use certified mail to provide the pre-application notice of the planned WEF to all of the following:

- A) Landowners within two (2) miles of a planned WEF.
- B) Towns within which the WEF may be located.
- C) Emergency first responders and air ambulance service providers serving a town within which the WEF may be located.
- D) The Wisconsin Department of Transportation (DOT).
- E) The Public Service Commission of Wisconsin (PSCW).
- F) The Department of Natural Resources (DNR).
- G) The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).
- H) The Office of the Deputy Undersecretary of the United States Department of Defense.

2) At least 180 days before filing an application to construct a WES with a maximum blade tip height exceeding 600 feet, the Owner shall provide, by certified mail, written notice of the planned WEF to the PSCW.

The Owner shall include all of the following in the pre-application notice:

- A) A complete description of the WEF including the number of turbines, total height and megawatts of all the planned WES(s).
- B) A map showing the planned location of all WES.
- C) Contact information of the Owner.
- D) A list of all potential permits or approvals the Owner anticipates may be necessary for construction of the WEF.
- E) Whether the Owner is requesting a joint application review process through the PSCW and the name of each Town that may participate in the joint review process.

A copy of all notices, methods of notification and names and addresses of those notified, must be certified as completed by the Owner and provided to the Zoning Administrator and the Town Clerk.

CONDITIONAL USE PERMIT (CUP) APPLICATION NOTICE

On the same day an Owner files a CUP application for a WEF, the Owner shall use certified mail to provide written notice of the filing of the application to Landowners and Residents located within two (2) miles of the proposed location of the WEF. The notification shall include all of the following:

- A) A complete description of the WEF including the number of turbines, total height and megawatts of the WES(s).
- B) A map showing the locations of all proposed WES.
- C) The proposed timeline for construction and operation of the WEF.
- D) Locations where the application is available for public review.
- E) Owner contact information.

After the Town receives an application for a WEF, a notice is required to be published by the Town in accordance with Wisconsin Statutes. The notice shall include a brief description of the proposed WEF and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Town and the approximate schedule for review of the application by the Town.

CONDITIONAL USE PERMIT (CUP) REQUIREMENTS

A CUP is required for each WEF. The fee required for a CUP shall be six hundred (\$600) dollars per WES.

Owner must provide a site plan including:

- A) Proposed location and distance of the WES with reference to the property lines of the parcel/parcels on which they are located, including GPS coordinates.
- B) Any inhabited structures on the parcel or on an adjacent parcel.
- C) The right-of-way of any public road that is within six hundred (600) feet.
- D) The location of MET towers, active and abandoned wells within one-half ($\frac{1}{2}$) mile of each WEF and existing WEFs within two (2) miles.

In addition, the following information is required:

- 1) Name, corporate status, address, and telephone number of the person signing the application and certifying that the application is true and correct.
- 2) Name, corporate status, address, and telephone number of the Owner.
- 3) Name, corporate status, address, and telephone number of the Landowner.
- 4) Legal description of the property.
- 5) Scale diagram showing proposed location of aboveground and underground electrical wiring, communication line location, access routes, landscaping, and fencing proposed by Owner.
- 6) Location of any overhead utility lines adjacent to the property.
- 7) A signed statement indicating the Owner shall comply with all applicable Local, State, and Federal codes, laws, orders, regulations, and rules including applicable State construction and electrical codes.
- 8) Number, description, and design specifications of each WES including the manufacturer, model, capacity, blade length, total height, megawatts and lighting.
- 9) Drawing showing a cross section, elevation, and diagram of the proposed tower and the tower foundation.

Owner agrees to reimburse the Town's attorney fees in relation to the evaluation, preparation, adoption and implementation by the Town of this CUP. Owner shall pay the fees within sixty (60) days of the execution of this CUP.

A new CUP must be obtained under the following conditions: 1) WEF expands beyond the original application information provided; 2) After the issuance of a building permit, the Town Board would determine there to be a significant change to the project.

A CUP issued pursuant to this ordinance expires if the WEF is not installed and functioning within two (2) years from the date the CUP is issued or the WEF is out of service or otherwise unused for a continuous twelve (12) month period. A CUP may be renewed by the Town Board if there are extenuating circumstances. Notification of the intent to renew must be made ninety (90) days in advance of the permit expiration date. Renewal fee will be six hundred (\$600) dollars per WES.

The term of this CUP is twenty-five (25) years from commissioning. However, the Town reserves the right to revoke entirely, or modify in part, this CUP in the event of a failure of Owner to comply with any term of this CUP or any other obligation presently imposed by the Town.

This CUP will be subject to periodic review by the Town of Glenmore Planning Commission and the Town of Glenmore Town Board. The first review will be one (1) year after operation commences. Thereafter, a review will take place every five (5) years. The purpose of the review is to determine whether the Owner has complied with the terms and conditions of the CUP. There will be a charge for the review process. All escrows and letter of credit amounts are to be reviewed at this time to ensure that funds are sufficient and that they meet inflationary costs.

Any recorded access easement across private lands to a WEF shall name the Owner as having access to the easement and shall also name the Town as having access to the easement.

An Independent Wisconsin Registered, Licensed Professional Engineer, hired by the Town and paid for by the Owner shall review the electrical plans and complete a minimum of two (2) inspections of the project during construction.

Owner will be responsible for overseeing compliance with conditions of this CUP during the construction phase of the project. Upon completion of construction, Owner shall designate all contact persons responsible for overseeing compliance with the conditions of this permit. Owner shall provide addresses, daytime telephone numbers and emergency telephone numbers of designated contact persons to the Town Clerk. The designated contact list must be kept current and all changes shall be filed with the Town Clerk.

Change of ownership should not be valid until the new owner has shown proof of compliance with all specific requirements of the original Owner. Requirements include, but are not limited to, general liability, financial assurance for decommissioning and an escrow account for road repairs. The new Owner will immediately notify the Town Clerk, Town Board and Landowner hosting the WES(s) of any sale of the WES(s). All other information must be updated immediately by the new Owner, including emergency warning signs.

Owner shall develop a Complaint Resolution Procedure to be utilized throughout the operational life of the WEF that can be used to keep track of the complaints made. Town and Owner will agree on complaint procedure prior to the issuance of CUP approval. Copies of the Complaint Resolution Procedure are to be given to the Town Clerk. A record of complaints made to the Town Board shall be maintained by the Town Clerk.

The Town reserves the right to impose impact fees on all WEF projects.

BUILDING PERMIT PROCEDURE

A building permit issued by the Town of Glenmore Building Inspector shall be required for each individual WES prior to construction of said WES. Building permits granted under this ordinance run with the land and are transferable.

Owner shall not alter the location of any WES without first obtaining written consent from the Town Board.

If warranted, the Town Board has the authority to call a public hearing for requested permit modifications at the expense of the Owner.

The following additional information is required at the time the building permit is granted:

- A) Blueprints or drawings that have been approved by a Wisconsin Registered Licensed Professional Engineer showing a cross section, elevation, and diagram for any WES and WES foundation.
- B) Statement describing any hazardous materials that will be used on the property and how those materials will be stored.
- C) Statement that each WES and MET tower will be installed in compliance with manufacturer's specifications, along with a copy of manufacturer's specifications.

POST CONSTRUCTION FILING REQUIREMENTS

Within 90 days of the date a WEF commences operation, the Owner shall file with the Town Clerk and the PSCW an as-built description of the WEF. Also included shall be an accurate map of the WEF showing GPS locations of the WES(s), geographic information and routes of underground wiring. Owner shall label each WES location with a unique identifier consistent with the information posted at the WES location.

E. INSURANCE

A large WEF is required to have a comprehensive coverage policy of public liability insurance insuring against loss or liability caused by Owner's occupation and use of the WEF in an amount not less than five million (\$5,000,000) dollars per occurrence. The Town shall be named as an additional insured. Cancellation of this policy shall be prohibited. The Town shall be a certificate holder in this policy. Annual renewal notice shall be filed with the Town Clerk.

F. FINANCIAL ASSURANCE

Owner shall provide the Town with an irrevocable letter of credit in the amount of three hundred thousand dollars (\$300,000.00) per WES for decommissioning. The irrevocable letter of credit must be issued by the Denmark State Bank in a form approved by the Town attorney for the sole use of the Town. The irrevocable letter of credit must be provided prior to the issuance of a building

permit. The Town reserves the right to adjust the amount of this financial assurance if circumstances warrant.

G. LIABILITY

The Owner of the WEF shall defend, indemnify and hold harmless the Town and their Officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the Owner concerning the operation of the WEF without limitation.

In addition to the indemnification described above, the Owner shall reimburse the Town its attorney's fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the CUP or any portion thereof, or the issuance of any permits to the Owner by the Town or any claim against the Town by any third party related to the WEF. The Town shall notify the Owner promptly upon discovering any claim entitling it to a land use defense reimbursement.

H. DECOMMISSIONING

A WES that is out of service for a continuous twelve (12) month period shall be deemed to have been abandoned. The Town Board shall require the removal of said WES. Written notice must be given to the Owner of said WES if removal is required. The Owner of said WES shall remove the same within the timeframe determined by the Town Board.

The Owner shall:

- A) Remove all WES(s), above ground improvements, and outdoor storage.
- B) Remove all foundations, pads, and underground electrical wires and reclaim the site to a depth of four (4) feet below the surface of the ground.
- C) Remove all hazardous material from the property and dispose of the hazardous material in accordance with Federal and State law.
- D) Remove, clear, and grade any access roads unless the Landowner wants to keep the access road. A copy of the Landowner's intention to keep the access road shall be filed with the Town Clerk.

If such WES is not removed within the time-frame determined by the Town Board, the Town may remove such WES at the expense of the Owner. Any profits associated with the removal of a WES by the Town shall be retained by the Town.

SEVERABILITY-SEE RELATED SECTION IN GLENMORE ZONING

VIOLATIONS AND PENALTIES-SEE RELATED SECTION IN GLENMORE ZONING

WIND ENERGY SYSTEM-SMALL

I. GENERAL REQUIREMENTS

1. Location

A small wind energy system is a conditional use and may be located in areas zoned agriculture, business, industrial, or rural residential.

No turbines shall be located within any floodplains, shorelands or wetland areas. A copy of all necessary DNR permits to cross any of these areas is required prior to issuing a building permit. A map indicating floodplains, shorelands and wetland areas in the proposed land parcels shall be submitted to the Town Zoning Administrator.

2. Setback

The wind tower in a small wind energy system must be set back the total height of the tower plus twenty (20) feet from any property line, public road, or communication and/or electrical lines. A minimum of one (1) acre per wind energy facility is required.

Setbacks could be decreased if written permission of a waiver is secured from the affected parties. In no instance shall the setback from a non-participating inhabited structure be decreased to less than 1.1 times the total height of the wind tower. A notarized copy of the written permission shall be filed with the Town Clerk. Also, such permission must be recorded at the Brown County Register of Deeds and a copy of the recorded document shall be filed with the Town Clerk.

3. Electrical Wires

All electrical wires associated with a small wind energy system (other than wires necessary to connect the wind turbine to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires) shall be located underground. All electrical components of the wind energy facility shall conform to relevant and applicable local, state, and national codes.

4. Design

Small wind towers shall be finished or painted a neutral color so as to reduce visual obtrusiveness.

Towers shall not be artificially lighted unless required by the FAA.

No word or graphic representation, other than appropriate warning signs or manufacturer's identification may be placed on a wind energy system.

Tower shall comply with applicable building codes.

Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities".

5. Blasting Activity

All blasting shall be conducted in conformance with the “**Blasting**” section of the **Town of Glenmore Zoning Ordinance** and applicable state and federal laws and regulations.

6. Driveway Permit

A driveway permit for new driveways shall be required. Owner shall follow the requirements of the “**Driveway Permits**” section of the **Town of Glenmore Zoning Ordinance**.

7. Landscaping

All landscaping must be properly maintained, including grass cutting.

J. SAFETY AND HEALTH

1. All ground mounted electrical and control equipment shall be secured against unauthorized access.

2. The tower shall be installed so as not be climbable for a minimum of eight (8) feet above the ground.

3. Owner must take such reasonable steps as are necessary to prevent, mitigate, or eliminate shadow flicker on any non-participating inhabited structure or non-participating property.

2. Small wind energy systems noise limit shall not exceed 5 dBA over the average of the ambient level, tested for a 24 hour period, as measured at the exterior of any non-participating inhabited structure existing at the date of approval.

Noise levels may exceed criteria listed above if written consent from the affected property owners has been obtained allowing noise levels to exceed the maximum limits otherwise allowed. A notarized copy of the written permission shall be filed with the Town Clerk. Also, such permission must be recorded at the Brown County Register of Deeds and a copy of the recorded document shall be filed with the Town Clerk.

Costs associated with the first testing will be paid by the owner. Subsequent costs of testing will be paid by the offending party.

5. Owner will employ good utility practice to ensure that the Wind Energy Facility will not cause stray voltage or electromagnetic fields (EMF) that affects neighboring properties. For purposes of this permit, stray voltage is defined as neutral-to-earth voltage measured from the electrical system neutral and/or any structure bonded to this neutral to earth that adversely affects humans or animals. For purposes of this permit, electromagnetic fields are defined as a concentration of electric charges or magnetic forces that adversely affects humans or animals.

Stray voltage testing shall be conducted upon any bonafide complaint from neighboring property owners. Testing may be ordered by the Town Board at the expense of Owner. Owner will shut down the Wind Energy Facility as reasonably needed, but in no event longer than one hour, for testing to determine whether the Wind Energy Facility is the cause of stray voltage or EMF problems. If the Wind Energy Facility is determined by said testing to be the cause, then the Wind Energy Facility operations shall cease until the problems are solved. Representatives of the affected

landowners and Owner shall monitor the testing and review the test results. Should the test results indicate that any stray voltage or EMF increase is due to the Wind Energy Facility, Owner shall pay the cost for all necessary steps to eliminate the problem.

Costs associated with the first testing will be paid by the owner. Subsequent costs of testing will be paid by the offending party.

6. All solid waste and hazardous waste generated during construction, operation, or maintenance shall be removed from the site in a timely manner consistent with local, state, and federal regulations.

K. PROCEDURE

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any conditions issued pursuant to this ordinance.

1. Prior to the scheduling of any zoning meeting(s) the owner of the proposed wind energy system must notify adjoining landowners, in a letter, of their intent to erect a wind turbine. The Utility must be notified if the owner intends to connect to the grid. A copy of the notice and names and addresses of those notified must be provided to the Zoning Administrator and Town Clerk.

2. A conditional use permit is required for each wind energy facility. The fee required for a conditional use permit shall be two hundred seventy-five (\$275) dollars per wind energy system.

Owner must provide a site plan including:

- a. Proposed location and distance of the tower/towers with reference to the property lines.
- b. Any residence, business, or public building on the parcel or on an adjacent parcel.
- c. The right-of-way of any public road that is within six hundred (600) feet.
- d. Any overhead utility lines.
- e. Wind system specifications including manufacturer and model, rotor diameter, tower height, tower type (free standing or guyed).
- f. Blueprint or drawing of tower and tower foundation.

3. A building permit issued by the Town of Glenmore Zoning Administrator shall be required for each individual wind turbine prior to construction of said wind turbine. Permits granted under this ordinance run with the land and are transferable. Change of location is not allowed.

4. . A permit issued pursuant to this ordinance expires if the wind energy system is not installed and functioning within two (2) years from the date the permit is issued or the wind energy system is out of service or otherwise unused for a continuous twelve (12) month period. A permit may be renewed by the Town Board if there are extenuating circumstances.

L. LIABILITY

The owner of the wind energy facility shall defend, indemnify and hold harmless the Town and their officials from and against any and all claims, demands, losses, suits, causes of action, damages,

injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the owner concerning the operation of the wind energy facility without limitation.

In addition to the indemnification described above, the owner shall reimburse the Town its reasonable attorney's fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of this permit or any portion thereof, or the issuance of any permits to the owner by the Town. The Town shall notify the owner promptly upon discovering any claim entitling it to a land use defense reimbursement.

M. DECOMMISSIONING

A small wind energy system that is out of service for a continuous twelve (12) month period shall be deemed to have been abandoned. Written notice of abandonment must be given to the owner of the small wind energy system. The owner shall have the right to respond to the notice within 30 days from notice receipt date and provide information to the Town Board that demonstrates the system has not been abandoned.

If the Town Board deems the small wind energy system to be abandoned the owner shall remove the generator from the tower, at the owner's expense, within the time frame determined by the Town Board.

METEOROLOGICAL TOWER(12-1-08)

A meteorological tower (MET Tower) shall be allowed as a conditional use in areas zoned Agriculture, Community Business, Industrial and Rural Residential.

Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing. Due notice of the hearing shall also be given to all owners of any real estate, where side real estate is located within one hundred (100) feet of the subject property.

MET towers shall be removed no later than 2 years from construction. If such MET tower is not removed within the time frame of 2 years from construction, the Town may remove such wind energy system at the expense of the owner. Any proceeds associated with the removal of the MET tower removed by the Town shall be retained by the Town.

A renewal of the conditional use approval may be granted by the Town Board if there are extenuating circumstances.

A MET tower must be set back from any road and/or non-participating properties a distance no less than one and one-tenth (1.1) times its total height.

Financial Assurance: The owner shall provide the Town with an irrevocable letter of credit in an amount equal to the cost of the tower for decommissioning. The letter of credit must be issued by the Denmark State Bank in a form approved by the Town attorney. The letter of credit must be provided prior to the receipt of a building permit. The Town reserves the right to adjust the amount of this financial assurance if circumstances warrant.

Liability: The owner of the MET tower shall defend, indemnify and hold harmless the Town and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever including attorney fees arising out of the acts or omissions of the owner concerning the operation of the MET tower without limitation. In addition to the indemnification described above, the owner shall reimburse the Town its reasonable attorney's fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of this permit or any portion thereof, or the issuance of any permits to the owner by the Town. The

Town shall notify the owner promptly upon discovering any claim entitling it to a land use defense reimbursement.

ADMINISTRATION AND ENFORCEMENT

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

GENERAL

1. No structure of any kind, shall hereafter be erected, moved or structurally altered until the appropriate permit required has been applied for and issued.
2. This section shall provide for the establishment of the positions of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.

B. ZONING ADMINISTRATOR

The Town Board of Glenmore shall appoint a Zoning Administrator. It shall be the duty of the Zoning Administrator to administer and enforce this ordinance. The Zoning Administrator may be assisted in that duty by such other persons as the Town Board may direct. The Town of Glenmore Zoning Administrator shall have the following responsibilities and duties in addition to those other responsibilities and duties which are assigned from time to time to the Zoning Administrator by the Town Board:

1. Issue all permits, including, but not limited, to conditional use permits and excavation permits, and make and maintain records thereof.
2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
3. Disseminate information to those individuals and entities having questions concerning this ordinance.
4. Forward to the Town of Glenmore Plan Commission, or the designated representative of the Plan Commission, all applications for conditional uses and all applications for amendments to this ordinance.
5. Forward to the Board of Appeals, or the designated representative of the Board of Appeals, all appeals concerning any action taken by the Zoning Administrator or any other administrative official in the enforcement of this section or any ordinance adopted pursuant to this ordinance.
6. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
7. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.
8. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify in writing the person responsible for such violation and ordering the action necessary to

correct it. The Zoning Administrator shall be solely responsible for the administration and enforcement of this ordinance.

9. Comply with all open meeting, public hearing and notice requirements concerning the enforcement of this ordinance.

C. BOARD OF APPEALS

1. A Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson, subject to confirmation by the Town Board for three (3) years, except that of those first appointed, one (1) shall serve for one (1) year; two (2) for two (2) years; and two (2) for three (3) years.

The members shall serve with compensation as set by the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after public hearing.

The Town Chairperson shall designate one of the members as Chairperson of the Board of Appeals subject to approval by the Town Board. The Town Chairperson shall appoint two (2) alternate members to the Board of Appeals subject to approval by the Town Board. The first alternate shall act with full power when a member cannot vote due to conflict of interest or absence. The second alternate only acts when the first alternate or multiple Board of Appeals members cannot vote. Alternate members shall have staggered three (3) year terms of office.

Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.

2. The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairperson of the Board of Appeals and at such other times as the Board of Appeals may determine. The Chairperson, or in his/her absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.

3. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

Statements of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as provided in the ordinance shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes.

4. Appeals to the Board of Appeals may be taken by any person alleging there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator in the enforcement of this section or of any other ordinance adopted pursuant to this ordinance.

Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Zoning Administrator a notice of appeal specifying the grounds thereof.

5. The Zoning Administrator or his/her designated representative shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

6. The Board of Appeals shall hold a public hearing on each appeal. Time, place, and purpose of the appeal shall be published as provided in the state law on planning and zoning and applicable to the Town of Glenmore.

7. Due notice of the hearing shall be given to the appellant as well as any other individual who has filed a request with the Zoning Administrator for a written notice of the time and place of the appeal.

In Community Business, General Industrial and Multifamily zones, due notice of hearing shall be given to all landowners within one (1) mile for variances.

For wind turbine siting's, due notice shall be given to all landowners within one (1) mile.

In agriculture and residential zones, due notice of the hearing shall be given to all landowners within one-half (1/2) mile for variances.

The "due notice" provision of this paragraph shall be satisfied if the Zoning Administrator sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Zoning Administrator shall be deemed conclusive proof that "due notice" was given to said parties.

8. The Board of Appeals shall have the following powers:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any administrative official acting on behalf of the Zoning Administrator with respect to the enforcement of this section or any ordinance adopted pursuant to this section;

b. To hear and decide special exceptions to the terms of this ordinance upon which this Board of Appeals is required to determine under said ordinance;

c. To authorize upon appeal and specific cases such variance from the term of the ordinances that will not be contrary to the public interest, where, only to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done;

d. In exercising the above mentioned powers in paragraph a. through c. hereinabove, in conformance with the provisions of this ordinance, reverse or affirm, wholly or partly, any order, requirement, decision or determination appealed from, said Board of Appeals shall further have the power to make any such order, requirement, decision or determination as ought to have been made by the Zoning Administrator or any official acting on behalf of the Zoning Administrator. The Board of Appeals may therefore issue or direct the issuance of any permit which the Zoning Administrator could have issued.

9. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show in what particular and specific respects an “unnecessary hardship” or “practical difficulty” would have been created by the literal enforcement of the terms of this ordinance.

10. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant in any matter on which it is required to pass or effect any variation in the requirements of this ordinance.

If a decision is not rendered by the Board of Appeals within 60 days form the date the Appeal was filed with the Zoning Administrator, the said Appeal shall be deemed denied by the Board of Appeals.

D. TOWN PLAN COMMISSION

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes.

1. Jurisdiction. The Glenmore Town Plan Commission shall carry out the following duties under this ordinance:

a. Review all applications for conditional uses, applications for excavation permits and proposed amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance;

b. Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this ordinance, and report his/her conclusion and recommendations to the Glenmore Town Board;

c. Hear and decide matters upon which it is required to consider and make recommendations under this ordinance.

2. Meetings.

a. All meetings of the Town Plan Commission shall be held at the call of the Chairperson of the Commission or his/her designated representative, and such time as the Commission may determine.

b. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions.

3. Decisions. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission present at said meeting at the time said vote is taken provided that a quorum exists. A quorum shall exist when four (4) or more members of the Commission are present at the time the vote is taken.

4. Membership.

- a. The Town Plan Commission shall consist of seven (7) members appointed by the Glenmore Town Chairperson and subject to confirmation by the Glenmore Town Board.
- b. The Town Plan Commission shall consist of not more than one (1) member of the Zoning Board of Appeals; and not more than two (2) members of the Glenmore Town Board. The remaining Plan Commission members shall be additional citizens of the Town of Glenmore.
- c. The terms shall be for three (3) years, except that of those first appointed two (2) shall serve for one (1) year; two (2) shall serve for two (2) years; and three (3) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Glenmore for cause upon written charges after a public hearing.
- e. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Glenmore.
- f. The Town Chairman shall appoint the Chairman of the Town Plan Commission.

E. BUILDING PERMIT

1. No building, or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied until a building permit has been issued by the Town Building Inspector. No change in the use of a building shall be made until a permit has been issued by the Town Building Inspector for a change and the building meets all applicable state building codes for the new use.

2. Application for said building permit shall be made in writing to the Glenmore Town Zoning Administrator by the landowner or his/her authorized agent. The Building Inspector shall issue the building permit if the proposed building complies with all provisions of this ordinance.

Said building permit shall remain in full force and effect for a period of two (2) years from the date of issuance. After said two (2) year period has expired, no further building can take place without the re-issuance of another building permit.

The building permit shall be granted or denied within a ten (10) day period from the date the application is received by the Building Inspector. The failure of the Building Inspector to issue a building permit within said ten day period shall be construed as a denial of the building permit, thereby beginning the tolling of the thirty (30) day period in which the applicant can appeal to the Board of Appeals for the issuance of said building permit.

3. Each building permit shall be accompanied by a plat in accordance with requirements as specified in **Administration and Enforcement**, Subsection F. Site Plans.

F. SITE PLANS

1. All applicants for building permits for business, residential, and industrial uses shall be accompanied by the following:
 - a. A copy of the plat or certified survey map of the proposed building site. A plat of survey will be accepted in lieu of a certified survey map for any rezone on a parcel of land over ten (10) acres.
 - b. Site plan shall meet the site plan requirements of the zone in which the site is located.
 - c. The plan shall show the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Zoning Administrator for the proper enforcement of this ordinance.
2. Said plan material shall be submitted to the Zoning Administrator or his/her designated representative. Required plat material shall be submitted in conjunction with an application for a building permit.

G. VARIANCES

1. Application. An application for the variance shall be filed with the Zoning Administrator or his designated agent. The application shall contain such information as requested in the application provided by the Zoning Administrator as well as such other further information as the Zoning Administrator may deem reasonably necessary to evaluate such request for a variance.
2. Variance Criteria. The Zoning Board of Appeals shall not grant a variance as requested in G.1 above unless it shall make findings based upon the evidence presented to it in each specific case:
 - a. Because of the particular physical surrounding, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - b. Conditions upon which a petition for variance is based are unique to the property for which the variance is sought, and are not applicable, generally to other property within the same zoning classification.
 - c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
 - d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

e. Proposed variation shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property value within the neighborhood.

H. AMENDMENTS

1. Authority. The Glenmore Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts and amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purposes of said changes as per **Intent, Purpose, and Severability** of this ordinance.
2. Initiation. Amendments may be proposed by a governmental body, interested person or organization.
3. Application. An application for an amendment shall be filed with the Zoning Administrator and shall be in such form and accompanied by such information as required by the Zoning Administrator. The Zoning Administrator shall then immediately forward a copy of said application to the Chairperson or the Town Plan Commission.
4. Finding and Recommendation.
 - a. The Town Plan Commission shall make written findings of fact and shall submit them, together with its recommendations to the Town Board prior to the public hearing. Said written findings shall be submitted to the Town Board within sixty (60) days from the date the application was received by the Zoning Administrator.

A failure of the Town Plan Commission to submit written findings to the Town Board within the sixty (60) day period shall constitute a denial of the application by the Town Plan Commission. The Town Plan Commission shall have complied with this paragraph concerning the submission of written findings to the Town Board upon receipt of the written findings by the Town Clerk for the Town of Glenmore.

b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- (1) Existing uses of property within the general area of property in question.
- (2) Zoning classification of property within the general area of the property in question.
- (3) Suitability of property in question to the uses permitted under the existing zoning classification.
- (4) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

(5) The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.

(6) The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

5. Town Board Action.

a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment or until the sixty (60) day period set forth in 4 Finding and Recommendation a. has expired whichever occurs first. Receipt of the recommendation by the Town Clerk shall constitute a formal receipt of the written recommendation from the Town Plan Commission with respect to the proposed amendment.

b. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing.

In Community Business, General Industrial and Multifamily zones, due notice of the hearing shall be given to all landowners within one (1) mile for rezones & CSM's.

In agriculture and residential zones, due notice of the hearing shall be given to all landowners within one-half (1/2) mile for rezones & CSM's.

Due notice of the hearing shall be given to all landowners within one-half (1/2) mile for residential rezones, agriculture and CSM's. Due notice of the hearing shall be given to all landowners within one (1) mile for Community Business, Wind Energy, General Industrial, and Multi Family. The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that "due notice" was given to said parties.

c. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the unanimous vote of the full Town Board membership.

d. The Board shall make a decision on the amendment within sixty (60) days from the receipt of the Plan Commission recommendation by the Town Clerk.

e. If an application for a proposed amendment is not acted upon finally by the Town Board within sixty (60) days of the date upon which such application is received by the Town Clerk, it shall be deemed to have been denied.

I. CONDITIONAL USES

1. Purpose. To place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application. The application for conditional use permit shall be filed with the Glenmore Zoning Administrator or his designated agent on a form so prescribed by the Town of Glenmore. The application shall be accompanied by such plans and/or data prescribed by the Town Zoning Administrator and shall include a statement, in writing, by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts.

4. Town Plan Commission Action. After the application for the Conditional Use has been reviewed by the Town Plan Commission, a written recommendation shall be submitted by the Town Plan Commission to the Town Board. For purposes of this section, said written recommendation shall be filed with the Town Clerk and such filing shall be deemed a filing with the Town Board.

In its written recommendations, the Town Plan Commission shall recommend such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as the Town Plan Commission deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this ordinance.

If the Town Plan Commission fails to serve upon the Town Clerk a written recommendation regarding said application for a conditional use permit within sixty (60) days from the date said application was filed with the Zoning Administrator or his designated agent, then in said event the failure to so serve said written recommendations upon the Town Clerk shall be deemed a denial of the conditional use permit by the Town Plan Commission.

5. Hearing on Application. Due notice of the hearing shall be given to the applicant as well as any other individual who has filed a request with the Town Clerk for a written notice of the time and place of the hearing.

In Community Business, General Industrial, and Multifamily zones, due notice of the hearing shall be given to all landowners within one (1) mile for conditional uses.

For wind turbine siting's, due notice of the hearing shall be given to all landowners within one (1) mile.

In agriculture and residential zones, due notice of the hearing shall be given to all landowners within one-half (½) mile for conditional uses.

The "due notice" provision of this paragraph shall be satisfied if the Town Clerk sends a letter to any person entitled to "due notice" stating the time and place of the hearing. An

affidavit of mailing executed by the Town Clerk shall be deemed conclusive proof that “due notice” was given to said parties.

6. Decision of Town Board. Conditional use permits shall only be granted by the Town Board. Within sixty (60) days of the date on which the Town Clerk receives the written recommendation from the Town Plan Commission, the Town Board shall make a determination concerning the issuance of the conditional use permit.

If the Town Plan Commission fails to render a written recommendation to the Town Clerk within sixty (60) days from its receipt of the conditional use application as set forth in the previous paragraph, then the Town Board shall have one hundred twenty (120) days from the date in which the application for the conditional use permit was filed with the Zoning Administrator or his designated agent in which to make a determination regarding the application for the conditional use permit.

It is the responsibility of the applicant to notify the Town Board, by means of notification to the Town Clerk, that the Town Plan Commission has failed to take the necessary action as required in I. CONDITIONAL USES 4. Town Plan Commission Action.

7. Conditions and Guarantees. When issuing a conditional use permit, the Town Board shall require such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements as specified in this ordinance.

In all cases in which conditional uses are granted, the Town Board may require such evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being fulfilled.

A Conditional Use Permit stays with the property as long as the use remains the same. If the use is to be changed, another Conditional Use Permit is required.

J. FEES

Any application for a conditional use permit, an appeal concerning a building permit, an application for a zoning change for a parcel of property, or application for a variance shall be accompanied by a fee as determined by the Town of Glenmore. See Town of Glenmore Fee Schedule or Contact the Town Clerk or Zoning Administrator for the fee amount.

VIOLATIONS AND PENALTIES

A. CIVIL PENALTY

1. Any person, and the officers, directors, managing agents, or partners of any corporation, firm partnership or other organization or business violating or failing to comply with any of the provisions of this Ordinance shall be subject to a penalty in an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per day for each violation from the date set for compliance until compliance with the order is achieved.

2. In addition to any penalty which may be imposed by the Town, any person violating or failing to comply with any of the provisions of these chapters shall be liable for all damage to public or private property arising from such violation.

3. The penalty imposed by this section shall be collected by civil action brought by the Town Attorney.

B. ADDITIONAL RELIEF

In addition to the penalties set forth in this section, violation of the terms of these chapters may also result in the revocation of any authorization, franchise, approval, lease, or permit issued or granted hereunder.