

**SITING ORDINANCE**

Ordinance # \_101023

**SECTION 1- PURPOSE**

The purpose of this ordinance is to primarily ensure structures erected in the Town of Greenfield are positioned on their respective properties so as to be consistent with the goals set forth in the Town of Greenfield Comprehensive Plan: to preserve and maintain the Town's scenic vistas and rural character, and maintain woodlands, wetlands, agricultural land and open spaces.

The provisions contained in this ordinance are adopted to promote the general welfare of the community and protect public and private property from damage or destruction due to abnormal or accelerated erosion due to land development and construction activities occurring on proposed development sites, and to protect the fragile ravine and bluff ecosystems from unwarranted damage or destruction caused by land development and construction activities. Furthermore, the regulations are designed to further the orderly use of land, to secure safety from floods, or other natural disasters.

*The Town, in this ordinance, recognizes Sauk County's Land Resources and Environment provisions of its Zoning ordinance where it identifies setback requirements of projects on parcels of land, and the other provisions in the County's Land Use permit application, while this ordinance primarily addresses the location of the structure on the parcel.*

**SECTION 2 - JURISDICTION**

All projects in the Town of Greenfield requiring a Sauk County Land Use permit will also need a Town of Greenfield Siting permit prior to construction.

Jurisdiction of these regulations shall include the construction of new structures, and all modifications of the exterior (height, width, or depth) of existing structures within Greenfield Township. This ordinance shall not apply to small non-residential structures as defined in Section 4 below.

No person or entity shall commence any land disturbing activity in preparation for a new structure, erect any structures or install a manufactured dwelling or accessory building, or expand structures (height, width, length, or depth) without first submitting an application with the appropriate fee and obtaining all permits required by the Town of Greenfield and any other permits required by the State of Wisconsin or Sauk County.

The project's plans and specifications shall not be altered in any respect without the written consent of the Board after the Siting Permit application has been approved by the Town Board.

A non-refundable application fee of an amount determined by a resolution of the Board shall be charged for each application.

**SECTION 3 - AUTHORITY**

These regulations are adopted under the statutory authority granted pursuant to sec. 101.65, 101.76, and 101.761, and by the Town's adoption of village powers under sec. 60.10(2)(c),

60.22(3), 61.34, 62.23 and 236.45 of the Wisconsin Statutes.

#### **SECTION 4 -- DEFINITIONS**

Unless otherwise specified, the terms indicated below as used in this ordinance shall have the following meaning:

Accessory building: Structures, not including a primary residence, that are subordinate and supplementary to the primary use of the parcel, be it agricultural, residential, or a combination thereof.

Applicant: The owner-of-record of the parcel upon which the project is to be developed, or his/her appointed representative (agent),.

Application: Siting Permit Application document.

Board: The elected Town Board of the Town of Greenfield.

County Land Resources and Environment Department: *A division of Sauk County, Wisconsin government tasked with permitting, inspections and enforcement of the ordinances of Sauk County.*

Land-disturbing Activity: Any activity resulting in other than minor movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing topography in conjunction with the site preparation. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Excavation for plantings, normal agricultural and forestry activities, septic field percolation tests, and similar activities do not constitute land-disturbing activity.

Land Use Coordinator: Person appointed by the Town Chair to be the first point of contact for persons contemplating projects in the Town. The Land Use Coordinator will provide the appropriate written material including Town ordinances and applications to interested party(s).

Leaf Out: The time of the year when leaves are fully developed on deciduous trees.

Parcel: A contiguous quantity of land in the possession of an owner, single or common interest.

Plan Commission: Town of Greenfield five member group of residents selected under Wisconsin Ss 60.62(4)(a) tasked with reviewing Town siting and driveway projects and applications.

Project: Building a structure or land disturbing activity.

Ridgeline: A visually prominent, relatively narrow crest of land.

1. Major Ridgeline: A ridgeline characterized by the lack of a topographical backdrop where the sky is visible beyond the ridge.
2. Minor Ridgeline: A ridgeline, typically lower in height, when compared to the surrounding

terrain which may be visible only to a limited area, and having a backdrop of a nearby higher topographical feature.

Siting: To fix, locate, or build a structure in a particular place on a parcel of land.

Slope: The vertical rise divided by the horizontal length as expressed in a percentage.

Small Non-Residential Structures:

1. Structures with a foot print of less than 120 square feet,
2. Fences and walls less than six feet in height and less than 50 percent opacity.
3. Any wind tower less than 25 feet in height.

Screening: Any vegetation or natural topographic feature which wholly or partly obstructs the visibility of a structure.

Structures: Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires temporary or permanent location on the ground or attachment to something having temporary or permanent location on the ground.

Town: Town of Greenfield.

## **SECTION 5 - MANDATORY SITING PERMITS**

A. A Siting Permit is required when a structure of any kind is moved within or into the Town and no new structure or any part thereof shall be erected or ground broken for such or enlarged, altered, within the Town except as provided in this ordinance until all necessary State, County and Town permits shall have been first obtained by the owner or the owner's agent

B. An addition or structural change to the exterior of a residence, fences and walls more than 6 feet in height and greater than 50% opacity shall be considered a structure and in-ground swimming pools, decks, mobile homes, storage sheds are considered structures that need permits.

C. No Town of Greenfield Siting Permit is required for any accessory structure of 120 square feet of floor area or less or any wind tower less than 25 feet in height provided that such structure conforms with all applicable zoning district minimum required yard setbacks and other standards of this ordinance. Projects that also do not need a permit are: painting/siding a residence, shed or structure, replacing windows and doors, installing gutters or downspouts, putting new shingles on a roof.

D. On an unimproved parcel, the first permit necessary would be a Driveway permit from the Town, followed by a County Land Use permit, and a Town Siting permit. If the structure is a residence, a State Building permit must also be obtained.

E. At least two permits are required for all other non-residential structures: a County Land Use permit and a Town Siting permit.

## **SECTION 6 - SITING GOALS**

A. This ordinance is intended to implement the goals of the Town of Greenfield Comprehensive Plan by:

1. Preserving the scenic quality of the Town.
2. Shifting development away from wetlands, floodplains, or steeply sloped (greater than 20 percent) areas of the Town.
3. Shifting development away from productive farmland in order to preserve the Town's rural character and to protecting its agricultural base.
4. Locating structures on the parcel to minimize erosion or other damage to the area.
5. Adhering to storm water control and erosion control practices as prescribed by the most recent Natural Resources Conservation Service (formerly SCS) reviews and publications.
8. Building away from elevations whether a ridge line, ridge, saddle, hill, etc. to prevent impact on the natural skyline.
9. Building away from the center of meadows and/or fields and/or create a buffer between the new structure and the adjacent, existing farm operation.
10. Building into woodland edges in order to reduce visual prominence.
11. Maintaining wooded screening during the leaf-out period of the year along roads. Methods to meet this standard may include but are not limited to: limiting tree removal along the road to only those trees necessary for the driveway, or setting structures so that they are screened from the road by existing vegetation.

## **SECTION 7 -SPECIAL CASE PROJECTS**

A. Upon due consideration of an application, the Plan Commission (PC) and/or Town Board may make some exceptions to the requirements expressed in Section 6 if the PC and Board determine some or all of the following findings:

1. Compliance with the provisions of Section 6 would result in greater negative impact than would an alternate building location on the same parcel.
2. There is no building site on the parcel outside of the area(s) identified in Section 6 that may be accessed while in compliance with the Greenfield Driveway Ordinance.
3. The parcel and/or issues presented are unique from other parcels and situations in the Town, and,
4. The parcel where the project is located has not been divided since the date of the enactment of this ordinance so as to create a situation requiring an exception under this section.

B. The Board may request technical assistance from any State or County agency, or professional engineering company to assist with the assessment of a project at any time during the project application process.

## **SECTION 8 - INITIAL PROJECT REVIEW**

A. Applicant's first Contact with Town.

1. The Land Use Coordinator (LUC) will be the first point of contact for persons/owners seeking information and/or approval of any construction project or the potential for same on a

parcel yet to be purchased.

2. If the project is still in the preliminary planning stages and the LUC determines the parcel is within an area of the Town with steep slopes, major ridgelines, wetlands, near watercourses or the project will disturb more than one (1) acre, the LUC may suggest the person/applicant appear before the PC for a preliminary meeting.

3. At an initial meeting, the PC will review the site and provide the applicant with comments on the project based on the best possible location of the structure(s) on the parcel to conform to the goals outlined in Section 6, above.

4. The PC may determine that the parcel cannot be developed as proposed without engineered remediation plans such as an erosion and storm water control plans for construction and post construction. The specific additional materials needed for attachment to the application will be specified by the PC.

5. The applicant can inform the LUC to request an appearance before the PC when the additional drawings and/or remediation plans for the project have been completed along with the completed Siting Application as described below.

## **SECTION 9 - SITING PERMIT APPLICATIONS.**

- A. Applicants must apply for and receive a County Land Use permit and if a new or extension of an existing driveway is necessary, a Town Driveway permit must be approved before a Town Siting permit can be approved.
  - 1. If the parcel poses no extraordinary issues, the LUC may choose to provide the Siting Permit application without the applicant first appearing before the PC.
  - 2. The applicant will be instructed to contact the LUC after receiving the required County and Town Driveway Permit (if necessary) to schedule an appearance before the PC with a completed Siting Permit submitted to the LUC not less than five (5) working days before the regularly scheduled meeting.
- B. A copy of the County Land Use permit application must be attached to the Town Siting permit application along with any other documentation as requested by the PC and:
  - 1. An aerial photo of the parcel obtained from Sauk County GIS mapping office, showing the project area.
  - 2. A contour map from Sauk County GIS Mapping Office showing the project parcel.

## **SECTION 10. PC REVIEW**

- A. Upon receipt of a completed Siting Permit Application with any required additional supporting documentation, the LUC shall submit the application to the PC chairperson for inclusion on the Commission agenda for a regularly scheduled meeting.
- B. The PC will determine if the proposed project and position (siting) of the structure on the parcel will comply with this ordinance, and shall make a recommendation to the Town Board to approve or deny the application accordingly.

## **SECTION 11. TOWN BOARD APPLICATION REVIEW**

- A. After receiving the PC's recommendation on the application, the Board will review the application and decide whether to issue the permit or deny the permit.
- B. If approved, the plans and specifications expressed in the application shall not be altered in any respect which involves any of the above-mentioned ordinances except by the written consent of the Board.
- C. All construction and position of the structure on the project site must comply with the specifications expressed in the Siting Permit application. Any construction that is not specified in the Siting Permit or site location illustrated in the site plan, or otherwise not listed in the Siting Application, shall be deemed a violation of the Permit and shall subject the Owner and Applicant to the penalties established in this ordinance below.
- D. The permit thereafter which shall be kept and displayed at the site of the proposed project.
- E. The approved Siting permit will be valid for a period of two (2) years from the date of Town Board approval.

## **SECTION 12. APPLICATION REJECTION**

- A. Should the Board determine the project plans do not conform to the provisions of this ordinance or other related requirements, approval of the application may be denied.
- B. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or the owner as specified on the application.

## **SECTION 13 -- PERMIT AMENDMENTS OR MODIFICATIONS**

- A. A landowner or landowner agent must apply to the Commission for an amendment, modification or change to the permit.
  - 1. The PC shall determine if the requested modification requires resubmission of all or part of the application.
  - 2. Submission and review will follow the same requirements and review processes as described in Sections above.
  - 3. The PC shall only recommend approval of an amendment, modification or change to the permit if the changes comply with the requirements and conditions of this ordinance.
- B. The Board may extend a Siting permit before the permit lapses upon such terms considered reasonable and appropriate after consideration of a request from the permit holder.
- C. Request for an extension must be made in writing to the Town Board. An extension may

be granted for a period of one (1) year.

#### **SECTION 14 - VIOLATIONS**

- A. Any landowner who neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance after being duly notified by the Town shall be in violation of this ordinance and subject to the penalties specified in Section 15. Penalties shall accrue from that date of notification as long as the violation exists. Compliance with the terms and agreements between the Town and the owner may be enforced by an injunction issued by the Town against the landowner.
- B. Right of appeal shall not extend beyond ninety (90) days from the first date of notification of a violation.

#### **SECTION 15 – PENALTIES**

- A. Any landowner who violates this ordinance shall forfeit not more than \$1,000.00 for each violation.
  - 1. Any landowner violating this ordinance shall also pay all costs of prosecution, including reasonable attorney fees.
  - 2. Each day that a violation continues is a separate violation.
  - 3. Should the landowner refuse to correct the violation, the Town shall have the right to take actions to remedy the violation.
  - 4. The landowner shall pay any costs incurred by the Town in taking action to remedy violations.
- B. The cumulative penalty shall not be less than the total cost to the Town of restoring, rebuilding, dismantling, or otherwise meeting the stipulations agreed upon by the owner, Board, and PC, plus legal fees.
- C. If a violation of this ordinance results in changes or modifications that impose a greater restriction upon the landowner in furtherance of the intent of this ordinance, the Board may waive all or part of the penalty provision of this ordinance.

End of Ordinance