

TOWN OF OMRO

SITE PLAN ORDINANCE

Board Action to code November 12, 2007
Ordinance # _____

An Ordinance Requiring Site Plan Submittal and Approval, Prior to Issuance of any Building Permit other than a One- or Two-Family Residential structure

1.0 INTRODUCTION

- 1. Authorization.** This ordinance has been adopted by the Town Board of the Town of Omro which has been given village powers. In addition to those general village powers it is adopted pursuant to WIS STATS Sec. 60.22(3), 61.34(1) and 61.34(5).
- 2. Applicability of Regulations.** The regulations set forth in this ordinance shall apply to all buildings and structures or additions thereto requiring a building permit except as follows:
 - a. One and two family dwellings and buildings and structures accessory to one and two family dwellings.
 - b. Permitted principal or accessory buildings and structures in an A-1 Agri-Business District or A-2 General Farming District pursuant to the Winnebago Town/County Zoning Ordinance as amended.
 - c. Any accessory buildings and structures not exceeding 400 square feet on a parcel where the principal building or structure has been erected or constructed prior to the effective date of adoption of this ordinance.
 - d. Additions to buildings and structures not exceeding 2,000 square feet or 20 percent of the gross floor area (per floor), whichever is lesser, where the building or structure has been erected or constructed prior to the effective date of adoption of this ordinance.
- 3. Purpose.** The purpose of this ordinance is to promote the public health, safety, convenience and general welfare by insuring, to the maximum extent practicable, that future development or redevelopment of individual parcels of land in the Town of Omro is compatible with existing or potential development of adjacent or nearby properties and with public Improvements and facilities such as roads, sewers and surface drainage.
- 4. Extent of Power.** This ordinance is designed to determine, establish, regulate and restrict:
 - a. Ingress and egress
 - b. Parking and on-site circulation
 - c. Surface and subsurface drainage
 - d. External lighting
 - e. Landscaping
 - f. Signage
 - g. Outdoor storage
 - h. Architectural features and the specific location and orientation of buildings and structures
- 5. Site Plan Approval Required.** No building or structure or part thereof requiring a building permit and not exempt pursuant to paragraph (2) above shall hereafter be erected, constructed, or reconstructed and no building permit shall be issued unless a site plan has been submitted and

approved which lays out the development in a manner most advantageous and compatible with the surrounding uses.

- 6. Applicability of Other Ordinances and Regulations.** The regulations and standards of this ordinance are minimum requirements. Other regulations and standards contained in the Winnebago County Zoning Ordinance, the Winnebago County Land Division Ordinance, the Town of Omro Ordinances and the Wisconsin Administrative Code pertain to the use and development of property and may apply. To the extent possible, the regulations and standards of this ordinance shall be construed consistent with and in harmony with other applicable regulations and standards provided, however, in the event of a conflict, the most restrictive regulation or standard shall apply.
- 7. Severability.** It is declared to be the legislative intent that should any provision or part of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.
- 8. Jurisdiction.** This ordinance applies throughout the Town of Omro.
- 9. Effective Date.** This ordinance shall be effective after adoption by the Town Board of Supervisors of the Town of Omro and after publication in the Omro Herald.

2.0 SITE PLAN REVIEW CRITERIA

1. Driveways

- a. Configuration.** Driveways shall ordinarily intersect with public streets as nearly as possible at right angles provided, however, that for high intensity uses and/or parcels with access to streets with posted speeds of 45 miles per hour or greater, a channelized 'T' intersection may be required. For high intensity uses, acceleration and deceleration lanes may also be required.
- b. Multiple Frontage.** Where a parcel abuts two streets, access may be limited to the street with the lowest functional classification, i.e., arterial, collector and local (as defined in the Town of Omro Comprehensive Plan: Transportation Element).
- c. Number and Spacing.** No parcel fronting on a public street for less than 100 feet shall ordinarily have more than one driveway access to that street. No parcel fronting on a public street for between 100 feet and 250 feet shall ordinarily have more than two driveway accesses to that street provided, however, that the centerline of the two driveways should not be closer than 50 feet for local or collector streets or closer than 75 feet for arterial streets. One additional access may be approved for each additional 250 feet subject to the centerline separation of 50 feet for local or collector streets and 75 feet for arterial streets.
- d. Corner and Lot Line Clearance.** No driveway shall be constructed with its centerline closer than 75 feet to a local street intersection; closer than 100 feet to a collector street intersection; or closer than 150 feet to an arterial street intersection (as measured from right-of-way line). No driveway shall be constructed with its centerline closer than 25 feet to a property line except when the driveway is jointly used by the adjoining property.
- e. Width.** Minimum driveway widths of 12 feet are required for one-way driveways and minimum driveway widths of 24 feet are required for two-way driveways. Driveways shall not exceed a maximum width of 36 feet at their juncture with the street pavement or 30 feet in width at the property line.

f. Coordination With Opposite Side Driveways and Buildings. Driveways shall be located to minimize potential interference and conflicts with the use of buildings and driveways located on the opposite side of the street.

2. Parking

a. Surface. All off-street parking facilities shall be surfaced with a hard surface within twelve months of occupancy. All surfaces shall be maintained in a smooth, hard surfaced condition.

b. Drainage. All off-street parking facilities shall meet the drainage requirements set forth in Section 17.31 of the Winnebago County Zoning Ordinance.

c. Location and Arrangement. Subject to required landscaping areas, all required yards in commercial and industrial districts may be used for off-street parking. Off-street parking shall be arranged for convenient access and safety of pedestrians and vehicles. Off-street parking shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets. Except for driveways, no part of the right-of-way shall be used for vehicle maneuvering or parking.

d. Dimensional Standards. Each off-street parking space shall not be less than nine (9) feet in width and not less than 180 square feet in area exclusive of the space required for aisles and driveways. Minimum aisle width shall be as follows;

Angle of Parking	One Way Aisle	Two Way Aisle
Parallel	12 feet	20 feet
30°	12 feet	20 feet
45°	12 feet	22 feet
60°	18 feet	24 feet
90°	22 feet	24 feet

e. Marking. Any off-street parking area in excess of 5,000 square feet or ten off-street parking spaces shall have individual spaces marked.

f. Curbs or Stops. All off-street parking spaces shall have curbs or vehicle stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property or landscaped areas.

3. Outside Storage of Equipment, Products and Materials

a. Location and Arrangement. Outside storage shall meet the requirements set forth in the Winnebago County Zoning Ordinance and shall meet the landscaping requirements set forth in Section (4)(c) herein. Outside storage shall be clearly separated from any off-street parking areas, driveways, buildings and structures by a distance of not less than 10 feet. No outside Storage shall be in the front or side yard of a parcel.

b. Visibility. No outdoor storage shall be permitted unless such storage is visually screened from view of any private property owner or roadway, with a suitable solid masonry or wood fence at least six (6) feet in height. Screening shall be well maintained.

- c. **Safety.** Such storage area shall be located and arranged so as to not impair the convenience and safety of vehicular or pedestrian travel. No equipment, products or materials shall be piled or stacked to a height exceeding the principal building.
- d. **Surface.** In commercial or multi-family zoned land, all outside storage areas shall be surfaced with a hard surface, and in industrial areas (as an option), gravel material would be allowed. The surface of outdoor storage areas should be maintained in a smooth, well graded condition.

4. Landscaping

a. **General Requirements.** Not less than 15 percent of the total parcel or lot area shall be devoted to landscaped areas. Sensitive land areas such as mature trees, open space, wetlands, and existing natural features shall be protected through appropriate landscaping.

b. Landscaping for Off-Street Parking.

- (1) Required Perimeter Landscaping for Off-street Parking Abutting Streets. On any parcel providing an off-street parking area or other vehicular use area abutting a street right-of-way where such area will not be effectively screened visually by an intervening building or structure, a landscaped strip not less than ten (10) feet in depth shall be provided between the parking area or other vehicular use area and the right-of-way line except for driveways. Shrubs, hedges or other suitable plantings at least two feet in height when measured immediately after planting shall be placed along the entire length of the strip.
- (2) Required Perimeter Landscaping for Off-Street Parking Abutting Commercial or Industrial Properties. On any parcel providing an off-street parking or other vehicular use area abutting a property zoned or, in fact, used for commercial or industrial purposes, where such area will not be effectively screened visually by an intervening building or structure, a landscaped strip not less than ten (10) feet in depth at the rear or ten (10) feet in width at the side shall be provided between the parking area or other vehicular use area and the property line. Shrubs, hedges or other suitable plantings at least two feet in height when measured immediately after planting shall be placed along the entire length of the strip.
- (3) Required Perimeter Landscaping for Off-Street Parking Abutting Residential Uses. On any parcel providing an off-street parking area or other vehicular use area abutting a property zoned or, in fact, used for residential purposes, where such area will not be effectively screened visually by an intervening building or structure, a landscaped strip not less than fifteen (15) feet in depth shall be provided between the parking area or other vehicular use area and the rear property line and a landscaped strip not less than ten (10) feet in width shall be provided between the parking area or other vehicular use area and the side property line. The landscaped strip shall be so designed, planted and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally. A six foot high opaque barrier structure may be substituted for the planting, provided a shrub or vine shall be planted every 10 feet along the outside of the barrier structure. The remainder of the strip shall be planted with grass, groundcover or other landscape treatment.
- (4) Required Interior Landscaping for Off-Street Parking. In addition to the perimeter landscaping requirements set forth herein, off-street parking areas in excess of 2,500 square feet or 10 spaces shall provide not less than 100 square feet of interior landscaping for every additional 2,500 square feet or 10 spaces of off-street parking. Interior landscaped

areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction. Where tiers of interior parking spaces are proposed to abut one another, a landscaped strip not less than five (5) feet in width, maintained between the tiers, may be provided to meet interior landscaping requirements. Ordinarily each separate interior landscaped area shall contain a minimum of 100 square feet and shall have a minimum dimension of five (5) feet and include at least one tree with the remaining area adequately landscaped with shrubs, groundcover or other landscape material.

c. Landscaping for Outside Storage of Equipment, Products and Materials. The landscaping requirements for off-street parking set forth in (4)(b)1., 2., 3., and 4. shall apply to outside storage provided, however, that the requirements of sub, 3. may be required for all perimeter landscaping whether or not the parcel abuts a residential use.

d. Required Interior Landscaping for Sides of Buildings and Structures Abutting Street Right-of-Ways or Property Zoned or Used for Residential Purposes. The closest side of any building or structure abutting a street right-of-way or a property zoned, or in fact, used for residential purposes shall be provided with a landscaped strip not less than five (5) feet in width along such side. The landscaped strip shall be so designed, planted and maintained as to provide shrubs, vines or trees every 20 feet, with the remaining area adequately landscaped with grass, groundcover or other landscape treatment. In lieu of a landscaped strip, this requirement may be met by providing landscaped areas not less than 100 square feet in area, every 25 feet along and adjacent to the side building or structure.

e. Equivalent Landscaping. For some uses such as mini-storage facilities, terminals and the like or uses involving large equipment where interior landscaping requirements would result in unnecessary hardship, the interior landscaping requirements may be met by an equivalent increase in perimeter landscaping. Where a parcel contains unique environmental features such as a natural watercourse, a grove or stand of mature trees or other unique feature, the landscaping requirements herein may be modified to preserve such features on the parcel.

f. Other Landscaping Requirements. Parcels over one acre in size or parcels developed or redeveloped for uses involving the operation of heavy machinery or equipment or where a significant portion of the use of the parcel is conducted outside of any building may be subject to additional landscaping requirements including but not limited to larger perimeter landscaped areas and berms.

5. Storage of Waste and Trash. Storage of waste or trash shall be in an enclosure that meets the following standards:

- a. Be entirely enclosed by a masonry or solid wooden fence material at least six (6) feet in height, with a door having a one foot vertical clearance at the bottom, and a feature that allows doors to be latched in the open position.
- b. The floor of a screened enclosure should be at the same level as the lot and be hard surfaced, should be located at the rear of the building and easily accessible for refuse pick-up.

6. Drainage

a. Drainage Requirements. Any parcel developed or redeveloped shall require submittal of drainage impact calculations and appropriate drainage improvements according to the requirements set forth in Section 17.31 of the Winnebago County Zoning Ordinance.

b. Existing Drainage. To the maximum extent practicable, existing watercourses and drainage patterns shall be maintained. Modifications of existing watercourses or drainage patterns shall

not unduly impair or impede drainage from other parcels in the watershed. Farm drain tile shall not be terminated or discontinued without provision to accommodate tile flows.

7. **Lighting.** No exterior lighting, whether freestanding or mounted on a building or structure, shall be reflected or produce unreasonable glare beyond the parcel boundaries. All exterior lighting fixtures, either wall mounted or freestanding, shall be identified on the face of the site plan, and shall state the dispersion pattern, intensity of light, and cut-off shielding that reflects light downward and in which the light source is not visible from adjacent properties.
8. **Signs.** Signs shall meet the requirements of Section 17.28 of the Winnebago Zoning Ordinance and the Town of Omro Ordinance on signs. No sign shall be located within ten feet of any side or rear lot line.

3.0 SITE PLAN SUBMITTAL

1. **General Requirements.** A site plan shall be submitted prior to an application for a building permit. For conditional uses under the Winnebago County Zoning Ordinance, a site plan shall be submitted and reviewed by the Town Plan Commission and Town Board, prior to the hearing before the County Planning and Zoning Committee. Any Town of Omro conditions regarding the variance would become part of the County's conditional use permit (in non-shoreland areas).
2. **Site Plan Review Application.** A site plan review application shall be submitted along with the site plan. The site plan review application shall be available from the Town and require the following information:
 - a. Name, address and phone number of the property owner.
 - b. Name of project, if any, and the address and legal description of the property.
 - c. A statement describing the proposed development or redevelopment.
 - d. The zoning classification of the parcel.
 - e. Tabulations of total gross acreage and square feet of the parcel.
 - f. Tabulations of total gross floor area and the percentages thereof proposed to be devoted to various uses.
 - g. Tabulation of the number of employees, as applicable, or the number of dwelling units as applicable.
 - h. Tabulation of the number of parking and loading spaces.
 - i. Tabulation of the impervious surface area and drainage calculations where applicable.
 - j. Tabulation of required landscaping area.
3. **Site Plan Contents.** A site plan shall contain the following elements:
 - a. Location map.
 - b. Names of adjacent or surrounding streets.
 - c. A survey of the property, drawn to scale of sufficient size, to show boundaries (lot lines) of

- the parcel, with dimensions; the location and dimensions of all buildings and structures; and the dimensions of all yards.
- d. The location of all parking and loading areas; the location and dimensions of driveway access points; the distances between driveways and any lot lines or intersections; and the direction of internal traffic flow.
 - e. The location and dimensions of all perimeter and interior landscaped areas and the nature of the landscaping treatment and materials.
 - f. The location of all existing and proposed public and private easements and the location of all utilities and utility connections.
 - g. The direction and flow of surface drainage and the location and nature of drainage improvements.
 - h. The location and nature of signs and lighting.
 - i. Other information necessary or required to show compliance with the review criteria of this ordinance or the Winnebago County Zoning Ordinance.

4.0 ADMINISTRATION

- 1. Site Plan Filing.** The petitioner shall submit an application, with fifteen copies of the site plan, and the preliminary filing fee. The site plan shall be drawn to readable scale, and include the items as identified in section 3.0 (Site plan submittal) of this ordinance. Submission shall be at least 10 days prior to the regular Planning Commission meeting at which it is to be considered.
- 2. Plan Commission Review.** Once the Town Clerk receives a complete application, site plan and preliminary review fee, the Site plan shall be placed on the next Plan Commission agenda.
- 3. Approval.** The Town Board shall take into consideration the Plan Commission's recommendation and will decide whether to approve, deny, or refer the site plan back to the Plan Commission. The Town Board action shall occur within 60 days of a complete submittal and shall state in writing any conditions of approval or reasons for denial, unless the time is extended by agreement with the property owner. Failure of the Town Board to act within the 60 days or extension thereof constitutes approval of the site plan. No public notice and hearing is required for site plan consideration, but action shall be taken in public session as part of a previously prepared agenda.
- 4. Records.** Town Board approval of a site plan shall be noted on the face of the site plan by signatures of the Town Board Chairperson and Town Clerk and the date of approval. The Town shall keep on file one copy of all site plans submitted for approval. The Town shall release a signed copy to the petitioner after payment is made by the petitioner of any balance of actual review fee charges. All matters of site plan approval shall be of public record.
- 5. Development and Redevelopment to be as Provided In Approved Site Plans.** An approved site plan shall constitute a condition for the issuance of a building permit. An approved site plan only authorizes development or redevelopment as set forth in the approved site plan. Development or redevelopment at variance with that set forth on an approved site plan shall be deemed a violation of this ordinance.
- 6. Modifications or Amendments After Approval.** In the event special conditions and circumstances exist which are peculiar to the land, which would cause unnecessary hardship

or practical difficulties to develop or redevelop the parcel in strict conformity with the approved site plan, the Town Board may modify or amend the site plan provided the spirit and intent of this ordinance shall be observed. Any modification or amendment shall be noted on the face of the site plan with the date of the modification or amendment.

- 7. Site Plan Review Fee.** A review fee shall be paid to the Town Clerk at the time of site plan submittal. A site plan cannot be processed until the review fee is paid. Any balance of actual review fee charges must be paid prior to the Town releasing a signed approved copy of the site plan to the petitioner.
- 8. Violations.** It shall be a violation of this ordinance to develop or redevelop a parcel subject to site plan approval without obtaining site plan approval. It shall be a violation of this ordinance to develop or redevelop a parcel contrary or inconsistent with an approved site plan.
- 9. Remedies.** Compliance with the provisions of this ordinance may be enforced by appropriate fines and penalties. Compliance may also be enforced by injunctive suit of the Town.
- 10. Penalties.** Any person who violates any provision of this ordinance, or any order issued hereunder, shall upon conviction, forfeit not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) together with costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.
- 11. Appeals.** Any person or persons, jointly or severally aggrieved by any decision of the Town Board, may within 30 days after the decision of the Town Board, commence an action seeking the remedy available by certiorari.

Adopted: _____

Attest: _____
Barbara Croissant, Clerk
Town of Omro

Brian Noe, Chairman
Town of Omro