

**Town of Wyoming
Iowa County, WI**

Building Siting Ordinance

1.0 PURPOSE

The purpose of this ordinance is to regulate the siting of buildings within the Town of Wyoming in order to protect the health, safety and welfare of the town residents, preserve property values in the town, and preserve the town's productive agricultural land and rural character. It is designed to enforce the goals and policies set forth in the Town of Wyoming Land Use Policy Plan.

1.1 JURISDICTION

This ordinance shall regulate the location of new structures on land in the Town of Wyoming.

1.2 AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to its adoption of village powers under sec. 60.10(2)(c), 60.22(3), 61.34 and 62.23 of the Wisconsin Statutes.

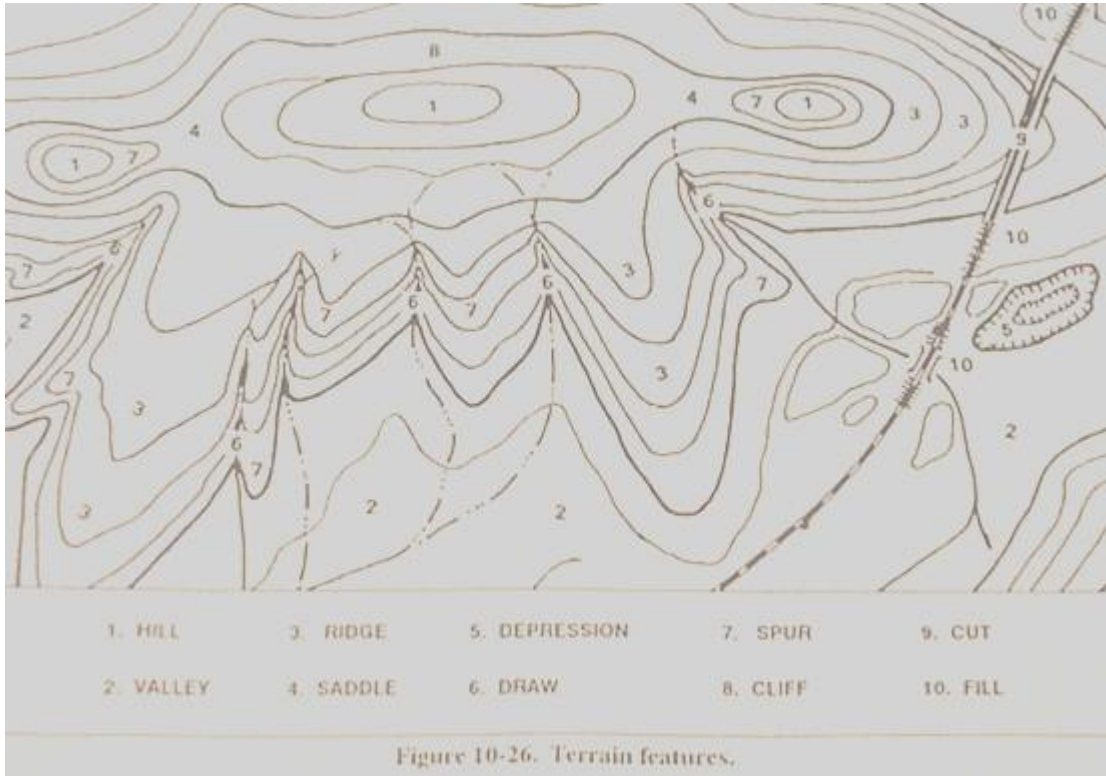
1.3 DEFINITIONS

- (a) Accessory Building. Any building, structure, or use of land customarily incidental to the permitted uses, but only on the same premises with the primary permitted uses.
- (b) Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- (c) Commission. Town of Wyoming Plan Commission
- (d) Farmland. Lands having a history of farming activity (including cropland and rotational pastureland) or lands containing soils defined as Class I, II, or III soils as designated in the Soil Survey Report for Iowa County prepared by the U.S. Natural Resources Conservation Service.
- (e) Ridgeline. A line of high ground, as shown below, with changes in elevation along its top and low ground on all sides, from which 10 natural terrain features, as illustrated on page 2, are derived.



Figure 10-16. Ridgeline.

- (f) Ridge. Is part of a Ridgeline, which is a sloping line of high ground. If you are standing on the centerline of the ridge, you will normally have low ground in three directions and high ground in one direction.
- (g) Hill. Is part of a Ridgeline, which is, an area of high ground – the ground slopes down in all directions
- (h) Saddle. Is a dip or low point between two areas of high ground. It is simply a dip or break along a level ridge crest.



- (i) Steep Slopes. Slopes in excess of 12%.
- (j) Town. The Town of Wyoming, Wisconsin
- (k) Town Board. The Town of Wyoming Board of Supervisors

1.4 APPLICATION REQUIREMENTS AND PROCEDURES

- (a) Applicability. Any person or entity proposing to construct a building or install a manufactured building shall submit an application with the appropriate fee to the Planning and Landmark Commission and obtain building site approval from the Town Board.
- (b) Application Forms. Application forms are to be approved by the Town Board and made part of the submittal package used by the Commission and shall contain the following:
 1. Information for Administration
 - (A) Name, address and phone number of applicant.
 - (B) Name, address and phone number of landowner (if different from (A)).
 2. Information for Evaluation

- (A) A sketch map showing the following:
 - (i) North arrow, date, scale, reference to section corner.
 - (ii) Recorded easements.
 - (iii) Property lines.
 - (iv) Zoning setbacks.
 - (v) Location of existing buildings and proposed structure(s).
 - (vi) Side view of buildings, showing elevation.
 - (vii) Proposed outdoor lighting.
 - (viii) Planned earth movement.
 - (ix) Additional information, if deemed necessary by the Commission.

(B) A Plat Map with the parcel highlighted.

(C) Aerial Photo / Site Analysis. The aerial photo should be marked to show property lines, existing fencerows and hedgerows, farm fields, pastures, existing field roads and driveways, existing vegetation, wetlands, floodplains, lake and river shorelines, streams/ditches and other watercourses.

(D) Soils Map and Soil and Slope Analysis. The soils map should include highlights showing prime farmland, existing topography (contours, ridgelines, and hilltops) and lands unsuitable for development due to soil slope conditions.

(c) Application Review, Approval or Denial Procedures

1. Requests for building site approval shall be referred to the Commission.
2. The Commission will send the submittal package, which includes the Building Site Application Form, to the applicant and schedule a review at a regularly scheduled monthly meeting.
3. Review will consist of the following:
 - (A) An evaluation of the proposal by the Commission for conformity with the Town of Wyoming Land Use Policy Plan, this Ordinance, and all other Town Ordinances;
 - (B) A site visit. In addition to confirming the conditions described in the application, the site visit will evaluate the proposal for its impact on significant wildlife habitat, scenic views and the Town's rural character.
4. The Commission issues its findings and recommendation to the Town Board, which shall either approve or disapprove the Building Site Application at the next regularly scheduled Board Meeting.
5. An applicant for a Building Site Approval shall be required to submit at the same time an application for internal driveway approval and an application for access to a Town road if applicable. If driveway access is to a county road or a state or federal highway, approval from the highway authority with jurisdiction will be required. The three applications shall be reviewed and acted on together by both the Commission and the Town Board.

(d) Approval Period. The Building Site Approval is effective for 12 months from the date of issuance, and shall expire after 12 months unless renewed.

(e) Renewal. The Building Site Approval may be renewed for one additional period of 12 months. If the building has not been constructed by the end of this period, a new application must be submitted and approved.

(f) Revocation of Approval. All Building Site Approvals are issued conditionally. After notice and a hearing, the Town Board may revoke a Building Site Approval previously issued in the event the applicant fails to maintain compliance with the conditions listed in the ordinance. The Building Site Approval is not

transferable from one person to another or from one place to another. If the Building Site Approval is revoked, reapplication is required.

1.5 EXEMPTIONS

- (a) Accessory Building. Accessory buildings meeting all four of the following criteria do not require a Building Site Approval: (1) within 300 feet of existing structures, (2) greater than 500 feet from nearest road, (3) less than 900 square feet in area and (4) not more than one story.
- (b) Additions or Additional Stories. Additions or additional stories to a permitted use do not require a Building Site Approval.

1.6 COSTS OF APPLICATION REVIEW

- (a) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the Submittal Package.
- (b) Other Costs. All reasonable costs incurred by the Town or its Agents in order to properly review each Building Site Application will be borne by the Applicant.

1.7 CONDITIONS

The Town Board shall issue or reissue a Building Site Approval in the Town of Wyoming only if all of the following conditions are satisfied as determined by the Town Board:

- (a) Plan Compliance. The construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Town of Wyoming Land Use Plan.
- (b) Farmland Impact. The construction project will have minimum adverse impact on farmland.
- (c) Compliance with ordinances. The applicant complies with all applicable county, state, and Town building codes and ordinances, including this Building Siting Ordinance.
- (d) Public Nuisances. The applicant or applicant's contractor(s) will prevent any public nuisance associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
- (e) Private Nuisances. The applicant will install and maintain adequate physical structures and/or operational controls to prevent trespassing, littering, and discharging of waste and to prevent nuisances on private and public lands adjacent to the construction project site.

1.8 DESIGN STANDARDS

- (a) Intent. This Building Siting Ordinance is intended to implement the provisions of the adopted Town of Wyoming Land Use Policy Plan. This means that the Town shall look favorably upon site plans that:
 1. Preserve the scenic quality of the Town.
 2. Shift development away from wetlands, floodplains, or steeply sloped areas of Town.
 3. Shift development away from productive farmland in order to preserve the Town's rural character and to protect its agricultural base.
 4. Locate structures and activities in a manner that minimizes conflict with neighboring uses.
 5. Adhere to storm water control and erosion control practices as prescribed by the most recent Natural Resources Conservation Service (formerly SCS) reviews and publications or those recommended by the Iowa County Soil and Water Conservation District.

6. Conform development to the natural limitations of the site, which may include the topography, soils, vegetation, and the presence of natural features such as woodlands, ridgelines, and waterways.
 7. Minimize the impact of buildings on important wildlife habitat.
- (b) Standards. The Town will use the following standards when considering the Building Site Application, in order to further the goals of the Town's Land Use Policy Plan. Does the applicant do the following?
1. Build away from elevations whether a ridge line, ridge, saddle, hill, etc. to prevent impact on the natural skyline.
 2. Build away from the center of meadows and/or fields.
 3. Avoid building on Class I, II, and III soils whenever possible.
 4. Set back new structure from adjacent, existing farm operations and/or create a buffer between the new structure and the adjacent, existing farm operation.
 5. Build away from wetlands, floodplains, and steep sloped areas of the Town, pursuant to applicable county and state regulations.
 6. Build into woodland edges in order to reduce visual prominence.
 7. Maintain wooded buffers 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, sharing driveways where appropriate, or setting structures so that they are buffered from the road by existing vegetation.
 8. When building on grassy hillsides, use existing vegetation, rock outcroppings, or depressions in topography- to screen the building from road viewing, or plant new vegetation when necessary

1.9 ENFORCEMENT

The Town of Wyoming reserves the right to cancel or suspend any or all permits issued for a project until compliance with the Building Site Approval is achieved.

1.10 PENALTIES

Any person or entity that violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

1.11 SEVERABILITY

The provisions of the Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.12 DISCLAIMER

The Town of Wyoming issuance of a Building Site Approval does not constitute a warranty or assurance of any kind whatsoever as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

1.13 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after its passage and publication as required by law.

- (1) Town Board Approval. This Ordinance was adopted by the Town Board on this 11th day of April, 2000.

APPROVED BY:

John Hess

, Chairperson

Jeanne Williams

, Supervisor

Alan Bemis

, Supervisor

ATTESTED BY:

Cheryl Limmex, Clerk

, Title

- (2) Public Notice

- (a) Public Review. A notice was published in *The Spring Green Home News* and *The Dodgeville Chronicle* on 4/5 & 4/6 2000 to inform residents that a final draft of this Building Siting Ordinance was on file with any Town officer during which it was available for inspection, and that a Public Hearing would be held on April 11, 2000 at 7 PM. The notice was also posted at the Town Hall and at the two other designated places in the Town.
- (b) Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted on 4/17, 2000 at the Wyoming Town Hall and the two other designated places in the Town.
- (c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in *The Spring Green Home News* and *The Dodgeville Chronicle*, the publications of record for the Town of Wyoming on 4/19 & 4/20, 2000 .