ORDINANCE NO. O-2023-012

TOWN OF LEDGEVIEW, BROWN COUNTY, WISCONSIN

AN ORDINANCE TO AMEND CHAPTER 135-11 BUILDING USE AND RESTRICTIONS, 135-18.1 EXTERIOR LIGHTING, AND 135-18.5 TEMPORARY USES

The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:

Section 135-11 Building and use restrictions

P. Site plan/development and design standards.

(10) Landscaping

(e) District requirements. Development within the Town shall meet the followingminimum requirements:

[1] R-2 Residential District

[a] One tree per 50 of road frontage; minimum of two trees.

[b] ~~Thirty~~ Forty-three percent of total lot area shall remain green space.

[2] R-3 Multiple-Family shall contain at a minimum:

[a] One tree per 50 feet of road frontage; minimum of two trees.

[b] ~~Forty~~ Fifty percent of total lot area shall remain greenspace.

[3] PDD, PDD-BP, I-1 Institutional District, B-1 Business District, B-2 Business District, LI Light Industrial District and HI Heavy Industrial District shall contain at aminimum:

[a] One tree per 50 feet of road frontage; minimum of two trees.

[b] Twenty-five percent of total lot area shall remain green space.

R-1 Residential District

Section 135-23 Lot requirements ~~with public sewer~~. Lot requirements shall be as follows:

B. Greenspace requirement. Impervious areas including buildings, accessory buildings (including garages), patios, walkways, and parking areas shall cover no more than 43% of the total lot area. If the imperious area is requested to exceed this value, the owner will need to provide stormwater best management practices in accordance with Chapter §90 Stormwater Management of the Town of Ledgeview Municipal Code.

R-2 Residential District

Section 135-48 Lot requirements ~~with public sewer~~. Lot requirements shall be as follows:

B. Greenspace requirement. Impervious areas including buildings, accessory buildings (including garages), patios, walkways, and parking areas shall cover no more than 43% of the total lot area. If the imperious area is requested to exceed this value, the owner will need to provide stormwater best management practices in accordance with Chapter §90 Stormwater Management of the Town of Ledgeview Municipal Code.

R-3 Multiple-Family District

§ 135-59 Lot requirements. Lot requirements are as follows:

D. Greenspace requirement. Impervious areas including buildings, accessory buildings (including garages), patios, walkways, and parking areas shall cover no more than 50% of the total lot area.

Section 660-18.1 **Exterior lighting.**

A. Purpose. The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote safety and to prevent the creation of nuisances in all zoning districts.

B. Applicability. The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property.

C. Definitions. The following terms, whenever used in this section, shall have the meanings set forth below:

(1) Fixture. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

(2) Flat Lenses. A glass or plastic element used in luminaires that is flush or inside the bottom edge of the luminaire.

(3) Footcandle (fc). The luminance on a one-square-foot surface of which there is a uniformly distributed flux of one lumen. One footcandle is equal to one lumen per square foot. Unless otherwise expressly provided, footcandle measurements in this section shall refer to ground-level measurements of luminance at fully maintained output as used rather than initial luminance.

(4) Footcandle Horizontal Measurement (hfc). The measurement of foot-candles utilizing a direct reading, portable light meter mounted on a horizontal position.

(5) Glare. The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

(6) Light Trespass. Light from an artificial light source that is intruding across property boundaries.

(7) Lighting Zone. Introduced by the International Commission on Illumination (CIE) in 1997 and adopted by the IES in 1999, lighting zones for the exterior environment were originally implemented to help reduce light pollution. In the years since, lighting zones have become a useful tool for designing environmentally responsible solutions and making decisions that support high-quality lighting based on the prescribed ambient lighting conditions of adjacent properties.

(8) Lumens. A unit of illumination, being the amount of illumination of a unit area of spherical surface due to a light of unit intensity placed at the center of the sphere.

(9) Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

(10) Uniformity Ratio. Describes the average level of illumination in relation to the lowest level of illumination for a given area.

(11) Outdoor Lighting. Includes, but is not limited to, floodlighting, security lighting, event lighting, landscape lighting or the lighting of off-street parking and loading areas, but does not include public streetlights or traffic signals.

(12) Security Lighting. Any light source used to illuminate a building, structure or property during the evening hours that seeks to deter criminal activity.

D. Exterior Lighting Plan Required. Any and all exterior site and building lighting shall be depicted on a site plan indicating location of light fixtures and intensity of foot-candles at various points on the site, catalog cuts of the proposed fixtures, and a summary table containing average foot-candles, minimum foot-candles, maximum foot-candles, uniformity ratio (average/minimum), foot-candles at the property line, pole height, base height. Once the plan is approved, the exterior lighting of the property shall conform to the plan.

E. Requirements.

(1) Orientation of fixture. All fixtures shall be ninety-degree downcast. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.

(2) Location. Light fixtures shall not be located within required buffer yards. In no case shall a lighting fixture be located closer than three feet to a property line in any district.

(3) Flashing, flickering and other distracting lighting. Flashing, flickering and/or other lighting which may distract motorists are prohibited.

(4) Lamps, bulbs, and intensity of illumination:

(a) Lamps or bulbs. The use of metal halide lamps or bulbs shall be prohibited except as allowed under Subsection E(4)(e) below.

(b) Minimum lighting standards. All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas.

(c) Maximum allowable lighting standards. Lighting shall be provided in accordance with the standards of the Illuminating Engineering Society of North America (IESNA) Lighting Exterior Applications. Specifically, the Town of Ledgeview shall follow lighting zones LZ-2: Moderate Ambient Light which applies to areas of human activity (i.e., habitation, recreation, and/or work) where electric lighting may be required for safety and convenience at night. Pedestrian vision within this zone is adapted to moderate light levels, and the pedestrian has a moderate expectation of electric lighting.

(d) Exterior lighting shall be designed at or below the following average maintained foot-candles at the property line:

cation	Maximum Foot-Candles At Property Line - Horizontal Measurement
sidential to residential	Horizontal fc: 0.10
nresidential to nonresidential	Horizontal fc: 2.0
nresidential to residential	Horizontal fc: 0.10
Intensity at adjoining right-of-way, except a noted below for automotive dealerships	Horizontal fc: 0.50
Intensity at adjoining major/minor arterial rights-of-way for automotive dealerships	Horizontal fc: 10.0

(e) The following exceptions shall be permitted:

(i) Outdoor recreation facilities and assembly areas. Maximum average on-site lighting of 3.60 footcandles. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

(ii) Gas station pump islands. Maximum average on-site lighting of 15.0 footcandles shall be permitted. All under-the-canopy fixtures shall be fully recessed. Only high- and low-pressure sodium vapor lamps or bulbs shall be permitted.

(iii) Auto display lots. The use of metal halide lamps or bulbs shall be permitted to illuminate vehicles for display. The use of metal halide lamps or bulbs shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. The maximum average on-site lighting shall be 15.0 footcandles.

(iv) Temporary emergency lighting used by police, firefighters, and other emergency services, as well as all vehicular luminaires shall be exempt from this Section.

(v) Hazard warning lights that are required by local, county, state, or federal regulatory agencies shall be exempt from this Section.

(vi) Luminaires used for public roadway illumination by a public transportation agency shall be exempt from this Section.

(vii) Special events lighting. Any temporary or special events lighting which is not in compliance with the requirements of this section shall secure a temporary use permit from the Town.

(5) Ground-mounted lighting. All ground-mounted luminaries designed or intended for purposes of illuminating buildings, signs, flagpoles, or other on-site amenities shall be completely screened with vegetative cover or other materials in order to fully shield the light source from public view.

(6) Building lighting. All luminaries designed or intended for purposes of lighting any building on the premises shall limit, to the greatest extent possible, spill-over of light into the sky. Building-mounted lighting shall be appropriately shielded to prevent glare.

(7) Fixture heights. The maximum fixture height in the R-R, R-1, R-2, R-3, and NCD districts and for residential uses shall be 15 feet as measured from grade. The maximum fixture height in the B-1, B-2, LI, HI, BP, and IO Districts shall be lesser of 20 feet or the ridgeline of the building.

(8) Fixture base. All lighting fixtures shall be located on a base not to exceed twelve inches above grade. Fixtures shall be placed within landscape islands and otherwise protected by curbing or placement outside of the parking lot.

F. Ordinary Repair and Maintenance. Normal maintenance and incidental repair or replacement may be performed on any nonconforming exterior light or fixture; provided, however, that any repair or replacement shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced. Maintenance shall include the replacing, repairing, or repainting of any portion of an exterior light or fixture, including, without limitation, the renewing of any part that has been made unusable by ordinary wear and tear, weather, or accident. The replacing or repairing of an exterior light or fixture that has been damaged shall be considered maintenance only when the damage has been caused by an act of God or violent accident.

G. Alteration; Enlargement; Moving. No exterior light or fixture shall be:

(1) Changed or altered in any manner that would create nonconformity or increase the degree of its nonconformity.
(2) Enlarged or expanded without BSO Plan approval.
(3) Structurally altered to prolong its useful life.
(4) Moved in whole or in part to any other location without BSO Plan approval.
(5) Changed to another nonconforming exterior light or fixture.

H. Nonconforming lighting. All lighting fixtures lawfully existing prior to the effective date of this chapter shall be considered as legal conforming uses and grandfathered fixtures. However, the replacement or relocation of a grandfathered fixture shall result in a discontinuation of such grandfathered status, and such replacement or relocated lighting shall meet the requirements of this section. Moreover, any grandfathered fixtures that direct light toward streets or fixtures in parking lots that cause disability glare to motorists or adjacent properties shall be shielded or redirected so that the fixtures do not cause a potential safety hazard to motorists or disrupt the use or enjoyment of adjacent properties.

Section 135-18.5 Temporary uses.

A. General provisions.

(1) A Zoning Permit shall be required for temporary uses allowed in this chapter, except that temporary uses operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, but shall otherwise be subject to the requirements of this chapter.
(2) The applicant shall submit a site plan or other suitable description to the Zoning Administrator, with any required permit fee. As a condition of permit issuance, the Zoning Administrator may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this chapter. If the Zoning Administrator finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six months following revocation.
(3) All temporary uses, including but not limited to those enumerated in Subsection B below shall comply with the following requirements:

(a) No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.
(b) Temporary uses shall be examined and approved by the Zoning Administrator, Building Inspector, Fire Chief, and Director of Public Works indicating that the proposed use, activities, building or site complies with provisions of the respective Codes applicable to the use.
(c) Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.
(d) Temporary uses shall be conducted completely within the lot on which the use is proposed to be located, unless the Town Board authorizes the use of Town-owned property or right-of-way.
(e) A Zoning Permit is required for a temporary use, the Zoning Administrator shall assess the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be

located and the availability of other public and private parking facilities in the area. The Zoning Administrator may deny the permit for a temporary use if he finds that its operations will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.

(f) During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner; shall be kept free of litter, debris, and other waste material, and all storage shall comply with the regulations outlined Section 135-18.4.

(g) Signs for a temporary use shall be permitted only in accordance with Chapter 79: Signs.

B. Permitted temporary uses.

(1) Temporary outdoor sales. Temporary outdoor sales shall be limited to three events within one calendar year per lot. These events shall be restricted to the following time limits: one event of not more than ninety (90) days, and two events of not more than thirty (30) days each.

(2) Public markets, farmers markets, and farm stands. Public markets and farmers markets shall require a Special Event permit. Farm stands or roadside stands shall be regulated in accordance with Section 135-80(D) and Section 135-93(D).

(3) Outdoor arts, crafts and plant shows, exhibits and sales. Outdoor arts, crafts and plant shows, exhibits and sales conducted by a nonprofit or charitable organization shall be permitted in any nonresidential zoning district, and may be conducted for a period of not more than three consecutive days without a Special Event Permit.

(4) House, apartment, garage and yard sales. House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three consecutive days, and no more than three such sales shall be conducted from the same residence in any 12-month period. A permit or prior approval of the Town shall not be required for such uses.

(5) Temporary outdoor entertainment.

(a) Commercial establishments. Temporary outdoor entertainment accessory to an existing commercial establishment may be conducted at without a special event permit if the entertainment is in compliance with Section 41-7: Noise.

(b) Community or special event. Temporary outdoor entertainment shall be permitted as part of a community festival or an event hosted by the Town, school district, other governmental body or civic organization or as a temporary accessory use to a private business use a special event permit shall be required.

(6) Temporary contractor and real estate trailers. Temporary contractor and real estate trailers shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development. No such use shall contain any sleeping or cooking accommodations and its location shall be approved by the Zoning Administrator.

ADOPTED this 19th day of December, 2023.

Philip J. Danen, Town Board Chairman
Town of Ledgeview, Brown County, WI

ATTEST:
I, Jennifer L Broich, Clerk of the Town of Ledgeview, do hereby certify that this is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held Tuesday, December 19, 2023.

Jennifer L. Broich, Clerk

Posted: December 22, 2023
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