

17 **.21.5. PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.**

18 **5.1. Purpose.**

19 **5.1.1.** The PUD Planned Unit Development Overlay District is intended to permit
20 developments that will, over a period of time, be enhanced by coordinated area
21 site planning, diversified location of structures, and/or mixing of compatible uses.
22 Such developments are intended to provide a safe and efficient system for
23 pedestrian and vehicle traffic; to provide attractive recreation and open spaces as
24 integral parts of the developments; to enable economic design in the location of
25 public and private utilities and community facilities; and to ensure adequate
26 standards of construction and planning. The PUD Planned Unit Development
27 Overlay District will allow for flexibility of overall development design with benefits
28 from such design flexibility intended to be derived by both the developer and the
29 community, while at the same time maintaining insofar as possible the land use
30 density and other standards or use requirements as set forth in the underlying
31 basic zoning district.

32 **5.1.2.** The unified and planned development of a site in a single, partnership, or
33 corporate ownership or control or in common ownership under the Condominium
34 Ownership Act set forth in Chapter 703 of the Wisconsin Statutes may be
35 permitted by the Town upon specific petition under this § 0 and after public
36 hearing, with such development encompassing one (1) or more principal uses or
37 structures and related accessory uses or structures when all regulations and
38 standards as set forth in this § 0 of the Zoning Ordinance have been met.

39 **5.2. Permitted Uses.** Any use, itemized as a permitted or principal use in any section of
40 the Zoning Ordinance that defines a basic use district or other overlay district.

41 **5.3. Permitted Accessory Uses.** Any accessory use, itemized as an accessory use in any
42 section of the Zoning Ordinance that defines a basic use district or other overlay
43 district.

44 **5.4. Conditional Uses.** Any conditional use, itemized as a conditional use in any section of
45 the Zoning Ordinance that defines a basic use district or other overlay district.

46 **5.5. Minimum Area Requirements.** Areas designated as PUD Planned Unit Development
47 Overlay Districts shall be under single or corporate ownership or control and shall
48 contain a minimum development area of:

Principal Uses	Minimum Area of PUD
Residential PUD	2 acres
Commercial PUD	2 acres
Industrial PUD	10 acres

49 **5.6. Density Requirements.** The density of dwelling units shall not exceed the average
50 density in the underlying basic residential district and the density of buildings shall not
51 exceed the average density in the underlying basic commercial or industrial district,
52 which would have been permitted if the PUD Planned Unit Development Overlay
53 District regulations had not been utilized.

54 **5.7. Dimensions.** The total of lot dimensions required by the underlying basic use district
55 may be modified in order to make use of special topographic features of the site or to
56 provide common open space area.

57 **5.8. Building Height.** Buildings in a PUD Planned Unit Development Overlay District shall
58 not exceed the height permitted in the underlying basic use district.

59 **5.9. Setback and Yards.**

60 **5.9.1.** Structures in a PUD Planned Unit Development District shall be a minimum
61 of twenty-five (25) feet from any public or private street right-of-way, from any lot
62 or parcel boundary and from any non-navigable pond or lake.

63 **5.9.2.** No principal structures shall be located closer than twenty (20) feet to
64 another structure. In the case of row houses, no dimension shall be more than
65 one hundred sixty (160) feet in any direction.

66 **5.10. Private Driveways and Roads.**

67 **5.10.1.** A 66-foot wide right-of-way for each private driveway or road in a PUD
68 Planned Unit Development Overlay District shall be reserved in perpetuity for
69 laying out by the Town for public highway purposes pursuant to Chapter 80 of the
70 Wisconsin Statutes (2001), as amended, without award for damages.

71 **5.10.2.** Each private driveway or road in a PUD Planned Unit Development Overlay
72 District that provides access to two or more residential, commercial or industrial
73 structures shall be constructed with a cleared road surface of not less than 20 feet
74 in width and an overhead clearance of not less than 14 feet.

75 **5.10.3.** Each private driveway or road that in a PUD Planned Unit Development
76 Overlay District provides access to one residential, commercial or industrial
77 structure shall be constructed with a cleared road surface of not less than 12 feet
78 in width and an overhead clearance of not less than 14 feet.

79 **5.11.** Authority. The provisions of § .27 of this Zoning Ordinance shall apply, except
80 that in the event provisions of said section are inconsistent with this § 0, then the
81 provisions of this § 0 shall apply.

82 **5.12.** Fees.

83 **5.12.1.** Administrative Petition Fee. A petition shall include payment of an
84 administrative petition fee of \$2,500.00. The petition shall not be considered
85 complete until this fee is paid. The Town shall refund the fee if the petitioner
86 withdraws its petition in writing, delivered to the Town Clerk on or before ten (10)
87 calendar days of date of filing, less all expenses incurred by the Town of Lyndon.
88 That portion of the review fee not used shall be returned to the petitioner within
89 twenty (20) calendar days following receipt by the Town of written notice of
90 withdrawal.

91 **5.12.2.** Professional Review Fee. A petitioner shall pay all reasonable and
92 customary professional fees, including without limitation, engineer and attorney
93 fees, estimated by the Town as necessary to review the petition and advise the
94 Planning Commission and Town Board. The review fee shall be paid in full prior to
95 the start of construction. That portion of the review fee not used shall be returned
96 to the petitioner within twenty (20) days of the Town Board's decision.

97 **5.13.** Procedure.

98 **5.13.1.** Prepetition Conference. Prior to official submittal of the petition for approval
99 of the designation of a PUD Planned Unit Development Overlay District, the
100 owner or his agent making such petition shall meet with the Town Planning
101 Commission to discuss the scope and proposed nature of the contemplated
102 development. The Planning Commission may waive this requirement, in its sole
103 discretion, at the request of the owner or his agent.

104 **5.13.2.** The Petition. Following the prepetition conference, the owner or his agent
105 may file a petition with the Town Clerk for an amendment to the Town's zoning
106 district map designating and adding a PUD Planned Unit Development Overlay
107 District to the underlying basic use or other overlay zoning district(s) thereby
108 permitting the application of the provisions of this § 0 to the designated area. The
109 Town Clerk shall promptly transmit the petition to the Planning Commission.
110 Such petition shall be accompanied by a fee as required under § .27 of this
111 Zoning Ordinance, as well as the following information:

112 **5.13.2.1.** A statement which sets forth the relationship of the proposed PUD
113 Planned Unit Development Overlay District to the Town's adopted
114 comprehensive plan or any adopted component thereof, and the general
115 character of and the uses to be included in the proposed PUD Planned Unit
116 Development Overlay District, including the following information:

117 **5.13.2.1.1.** Total area to be included in the PUD Planned Unit Development
118 Overlay District, area of open space, residential density computations,

119 proposed number of dwelling units, population analysis, availability of or
120 requirements for municipal services and any other similar data pertinent
121 to a comprehensive evaluation of the proposed development.

122 **5.13.2.1.2.** All submissions required for land division pursuant to §§ 71.22
123 through 71.25, inclusive, of Chapter 17 of the Sheboygan County
124 Ordinances, titled "Subdivision Ordinance," as amended.

125 **5.13.2.1.3.** A general summary of the construction costs of structures and site
126 improvement costs, including landscaping and special features.

127 **5.13.2.1.4.** Copies of the articles of incorporation and by-laws of the owners'
128 or members' association, any other covenants or restrictions proposed
129 to be recorded against the property, and, in the case of a condominium,
130 the proposed condominium plat and declaration.

131 **5.13.2.1.5.** Any proposed departures from the standards of development as
132 set forth in this Zoning Ordinance or the Sheboygan County Subdivision
133 Ordinance.

134 **5.13.2.1.6.** The expected date of commencement of physical development as
135 set forth in the proposal and also an outline of any planned development
136 staging or expansion.

137 **5.13.2.2.** A general development plan which shall include the following:

138 **5.13.2.2.1.** A description of the relationship between uses of the lands
139 included in the proposed PUD Planned Unit Development Overlay
140 District and all contiguous properties, including, without limitation,
141 current uses of the contiguous lands, the proposed discharge and
142 receipt of storm water and proposed easements for ingress, egress and
143 utilities.

144 **5.13.2.2.2.** A description of proposed public and private roads, driveways,
145 and parking facilities.

146 **5.13.2.2.3.** Architectural plans, elevations, and perspective drawings and
147 sketches illustrating the design and character of proposed structures.

148 **5.13.2.2.4.** Maps of existing topography on the site with contours at no
149 greater than two (2) foot intervals National Geodetic Vertical Elevation,
150 depicting all navigable waters of and wetlands regulated by the laws of
151 the United States and the State of Wisconsin, and all shorelands and
152 floodplains regulated by the Shoreland Zoning Ordinance of Sheboygan
153 County.

154 **5.13.2.3.** Site plan data, which shall include the following:

- 155 **5.13.2.3.1.** Site plans drawn to a recognized engineering or architectural
156 scale with the name of project noted.
- 157 **5.13.2.3.2.** One (1) colored rendering of the site and landscaping plans.
- 158 **5.13.2.3.3.** Owner's and/or developer's name and address noted.
- 159 **5.13.2.3.4.** Architect's and/or engineer's name and address noted.
- 160 **5.13.2.3.5.** Date of plan submittal.
- 161 **5.13.2.3.6.** Scale of drawing, site size (area in square feet or acres), and
162 building area and coverage noted on plan.
- 163 **5.13.2.3.7.** Existing and proposed topography shown at a contour interval of
164 not less than two (2) feet at National Geodetic Vertical Datum, indicating
165 proposed rough and finish grades on a grading plan and location of
166 improvements.
- 167 **5.13.2.3.8.** A soils map.
- 168 **5.13.2.3.9.** The size, arrangement, and location of all building sites. In lieu of
169 exact building lines, the site plans may denote building envelopes
170 describing the outer limits of building sites.
- 171 **5.13.2.3.10.** Architectural plan, pursuant to § 5.13.2.4.
- 172 **5.13.2.3.11.** All building and yard setback lines and distances between
173 buildings or building envelopes indicated.
- 174 **5.13.2.3.12.** Where applicable, both the one hundred (100) year recurrence
175 interval floodplain and the floodway indicated.
- 176 **5.13.2.3.13.** All drives, curb cuts, and both ingress and egress locations
177 indicated.
- 178 **5.13.2.3.14.** The proposed location of all signage to be placed on the site.
- 179 **5.13.2.3.15.** The location and type of all outdoor lighting proposed to illuminate
180 the site.
- 181 **5.13.2.3.16.** Total number of exterior and interior parking spaces noted.
- 182 **5.13.2.3.17.** Existing and proposed public and private road names indicated.
- 183 **5.13.2.3.18.** Existing and proposed public and private road rights-of-way
184 and/or reservations and widths.
- 185 **5.13.2.3.19.** All existing and proposed easements on the subject property.

- 186 **5.13.2.3.20.** North arrow.
- 187 **5.13.2.3.21.** Existing and general location of proposed sanitary sewers, storm
188 sewers, water mains and fire hydrants (existing and proposed) and
189 proposed electrical service easements. In addition, all locations for the
190 proposed connections to such utilities should be indicated on the site
191 plan.
- 192 **5.13.2.3.22.** Any proposed storm water management facilities, including
193 drainage ways, pipes and detention/ retention areas.
- 194 **5.13.2.3.23.** Locate existing trees.
- 195 **5.13.2.3.24.** Location, extent, and type of proposed landscaping and
196 landscape plantings as well as any proposed buffer areas for adjoining
197 properties.
- 198 **5.13.2.3.25.** Location of pedestrian sidewalks and walkways.
- 199 **5.13.2.3.26.** Location of institutional, recreational, and open space areas and
200 areas reserved or dedicated for public or resident uses, including
201 schools, parks, and drainage ways.
- 202 **5.13.2.3.27.** A graphic outline of any development staging or expansion that is
203 planned. If the development abuts an existing or planned arterial or
204 collector street or highway, as identified on the Town's comprehensive
205 plan or component thereof, all driveway locations of all adjoining
206 property within two hundred (200) feet of the subject property shall be
207 indicated on the site plan.
- 208 **5.13.2.3.28.** Written project summary including operational information,
209 building schedule, and estimate of project value including all site
210 improvement costs.
- 211 **5.13.2.3.29.** Other data, which may be required by either the Town Planning
212 Commission or the Town Board to review the site plan.
- 213 **5.13.2.4.** Architectural data, which shall include the following:
- 214 **5.13.2.4.1.** Architectural plans, elevations, sketches and color perspective
215 renderings illustrating the design and character of all proposed
216 structures. Said elevations and perspective renderings shall indicate the
217 location and placement of all auxiliary building equipment such as
218 heating, ventilating, and/or air conditioning equipment. These drawings
219 are to be drawn to a recognized architectural scale with the name of the
220 project noted.
- 221 **5.13.2.4.2.** Owner's and/or developer's name and address noted.

254 require the petitioner to provide a sufficient number of copies of the petition to the
255 Planning Commission.

256 **5.15.3.** If the Planning Commission determines the petition is incomplete, the
257 Planning Commission shall notify the petitioner in writing, specifying the additional
258 materials or information required to complete the petition.

259 **5.15.4.** If the Planning Commission determines the petition is complete, the
260 Planning Commission shall notify all abutters to the site as shown on the
261 Assessor's records, by first-class mail, on or before seven (7) days before the first
262 Planning Commission meeting under § 5.16, that a petition has been accepted.
263 This notice shall contain a brief description of the proposed activity and the name
264 of the petitioner, give the location of a copy of the petition available for inspection,
265 and provide the date, time, and place of the Planning Commission meeting at
266 which the petition will be considered. Failure on the part of any abutter to receive
267 such notice shall not be grounds for delay of any consideration of the petition nor
268 denial of the project.

269 **5.16.** Planning Commission Review and Recommendation. The Planning
270 Commission, at its next regular meeting not fewer than seven (7) days after the Town
271 Clerk mails notice to abutters, allowing customary time for public notice of said
272 meeting and distribution of the application to the plan commissioners, shall review all
273 petitions and the site, including without limitation, storm water drainage, soils,
274 vegetation, surface waters, topography, nearby land and water uses that may be
275 affected by the proposed Project; traffic conditions on public highways serving the
276 site, and any other factors consistent with the requirements of this Zoning Ordinance
277 and bearing on the public health, welfare, safety or property values. Based upon said
278 review, the Planning Commission shall make a recommendation to the Town Board.
279 The Planning Commission may add any additional conditions or restrictions that it
280 may deem necessary or appropriate to promote the spirit and intent of this Zoning
281 Ordinance and the purpose of this § 0.

282 **5.17.** Public Hearing. On or before thirty (30) days of the review and
283 recommendation by the Planning Commission, a public hearing shall be held before
284 the Town Board pursuant to the provisions of § .27 of this Zoning Ordinance.

285 **5.17.1.** Each person wishing to speak or otherwise present evidence at said hearing
286 shall:

287 **5.17.2.** Identify himself or herself by name, residence address, any principal he or
288 she represents, and whether he or she will be compensated by or on behalf of the
289 principal,

290 **5.17.3.** Provide a copy of all documents and things upon which he or she relies to
291 the keeper of the record.

292 **5.17.4.** A record shall be kept by a court reporter, including a transcript of
293 proceedings and a copy of all documents or things presented. The court reporter

294 shall file a complete original and two complete copies with the Town Clerk on or
295 before fourteen (14) days after said hearing, or at such earlier time as the Town
296 Board may determine.

297 **5.17.5.** The chair, at his or her sole discretion, may cause persons wishing to speak
298 to be sworn on their oaths or may cause the hearing to be conducted as nearly as
299 possible as a contested case hearing of appropriate class pursuant to Wis. Stat.
300 §§ 227.44 through 227.50, as amended.

301 **5.18.** Town Board Action. At its next regular meeting following said public hearing,
302 the Town Board shall approve, approve with conditions, or deny the application in
303 writing, together with the findings on which that decision is based. Town Board action
304 shall be consistent with the requirements of this Zoning Ordinance in the interests of
305 the public health, welfare, safety and property values. However, if the Town Board
306 has a waiting list of applications that would prevent the Town Board from making a
307 decision within the required time period, then a decision on the application shall be
308 issued within sixty (60) days of the public hearing. This time period may be extended
309 upon agreement between the applicant and the Town Board.

310 **5.19.** Standards of Review. To obtain approval from the Town Board, an application
311 must comply with the standards in this section.

312 **5.19.1.** The petition for the proposed PUD Planned Unit Development Overlay
313 District shall state that the petitioner intends to begin the physical development of
314 the designated PUD Planned Unit Development Overlay District within nine (9)
315 months following the approval of the petition for a PUD Planned Unit
316 Development Overlay District and that the development will be carried out on or
317 before December 31 of the second year following approval of the petition,
318 excluding the year of approval.

319 **5.19.2.** The proposed PUD Planned Unit Development Overlay District shall be
320 consistent in all respects to the purpose of this § 0 and to the spirit and intent of
321 this Zoning Ordinance, is in conformity with the comprehensive plan or
322 component plans thereof for community development, would be consistent with
323 the general welfare and economic prosperity of the Town and the immediate
324 neighborhood, and that the benefits and improved design of the resultant
325 development justifies the establishment of a PUD Planned Unit Development
326 Overlay District.

327 **5.19.3.** In the case of any proposed PUD Planned Unit Development Overlay
328 District:

329 **5.19.3.1.** The proposed site shall be provided with adequate and sufficient
330 drainage facilities for the receipt and discharge of storm water. The Planning
331 Commission and the Town Board may use for guidance the draft NR 151,
332 Wis. Admin. Code (2001) or, following promulgation, the final version thereof,
333 as amended.

- 334 **5.19.3.2.** The proposed site shall be safely accessible from and to public roads
335 that are adequate to carry the traffic reasonably expected to be generated by
336 the proposed development, applying traffic engineering principles. The
337 Planning Commission or the Town Board may require that a petitioner obtain
338 a traffic engineering report from a designated traffic engineer.
- 339 **5.19.3.3.** No undue constraint or burden will be imposed by the proposed
340 development on public services and facilities, including, without limitation, fire
341 and police protection, schools, parks and recreation areas, street main-
342 tenance, and maintenance of public areas. The Planning Commission or
343 Town Board may require that a petitioner obtain a written statement from the
344 provider of such public, services, facilities or protection that the proposed site
345 plan meets said standards.
- 346 **5.19.3.4.** The public and private roads and driveways on the site of the proposed
347 development shall be adequate to serve the residents of the proposed
348 development safely and shall meet the minimum standards of all applicable
349 ordinances of the Town. The Planning Commission or Town Board may
350 require that a petitioner obtain a written statement from the fire department
351 and Sheboygan County sheriff's department that the proposed site plan
352 meets said standards.
- 353 **5.19.3.5.** The petitioner has obtained all required permits required by the
354 Shoreland Zoning Ordinance of Sheboygan County and for proposed
355 discharges from the site to navigable waters and wetlands regulated by the
356 laws of the United States and the State of Wisconsin. The Planning
357 Commission or the Town Board may require that the petitioner obtain written
358 determination from the appropriate regulatory authority of navigability of any
359 water, delineation of any wetland, and written determination of the
360 applicability of any laws of the United States and the State of Wisconsin to
361 such waters or wetlands.
- 362 **5.19.3.6.** Centralized public water and sewer facilities shall be provided and
363 permitted pursuant to the laws of the State of Wisconsin.
- 364 **5.19.3.7.** The entire tract or parcel of land to be included in a PUD Planned Unit
365 Development Overlay District shall be held under single ownership, or if there
366 is more than one (1) owner, the petition for such PUD Planned Unit
367 Development Overlay District shall be considered as one (1) tract, lot, or
368 parcel, and the legal description must define said PUD Planned Unit
369 Development Overlay District as a single parcel, lot, or tract and be so
370 recorded with the Register of Deeds for Sheboygan County.
- 371 **5.19.3.8.** The proposed development conforms to the following architectural
372 review principles, criteria, and review guidelines

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- 5.19.3.8.1.** The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
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- 5.19.3.8.2.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
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- 5.19.3.8.3.** Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted where any exposed facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area and which presents an unattractive appearance to the public and surrounding properties.
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- 5.19.3.8.4.** Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing neighborhood buildings.
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- 5.19.3.8.5.** No building shall be sited in a manner that would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
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- 5.19.4.** In the case of proposed residential PUD Planned Unit Development Overlay Districts:
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- 5.19.4.1.** Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.
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- 5.19.4.2.** The total net residential density within the PUD Planned Unit Development Overlay District will be the average density permitted in the underlying basic use district.
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- 5.19.4.3.** Provision has been made for the installation of adequate public or shared facilities and the continuing maintenance and operation of such facilities.
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- 5.19.4.4.** The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding public streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

448 **5.19.6.4.** The proposed development is properly related to the total transportation
449 system of the community and will not result in an adverse effect on the safety
450 and efficiency of the public streets.

451 **5.19.7.** In the case of mixed use PUD Planned Unit Development Overlay Districts:

452 **5.19.7.1.** The proposed mixture of uses produces a unified composite that is
453 compatible within the underlying zoning districts and which, as a total
454 development entity, is compatible with the surrounding neighborhood.

455 **5.19.7.2.** The various types of uses conform to the general requirements as herein
456 before set forth, applicable to project of such use and character.

457 **5.19.7.3.** The proposed development shall be adequately provided with and shall
458 not impose any undue burden on public services and facilities, such as fire
459 and police protection, street maintenance, and maintenance of public areas.

460 **5.20.** Disposition of the Petition.

461 **5.20.1.** General Approval. After the public hearing and due consideration, the Town
462 Board shall either deny the rezoning petition for a PUD Planned Unit
463 Development Overlay District, approve the petition as submitted or approve the
464 petition as modified by additional conditions and restrictions. The approval of the
465 petition shall be based upon the building, site, and operational plans for the
466 development and shall be conditioned upon the subsequent submittal and
467 approval of more specific and detailed plans as each stage of development
468 progresses. Building permits may only be issued upon obtaining general approval
469 of the petition for rezoning for a PUD Planned Unit Development Overlay District.
470 The Town Board shall not approve any petition unless it finds by a preponderance
471 of the evidence after viewing the site plan and/or architectural plans that the intent
472 and purpose of this Zoning Ordinance have been complied with. The findings of
473 the Town Board shall be indicated in the minutes of its meeting and shall be a
474 public record. Plans shall be stamped approved, conditionally approved, or
475 denied and signed and dated by the Town Chairperson and retained as a
476 permanent record by the Town Clerk. The approved preliminary plan shall
477 designate the pattern of proposed streets and the size and arrangement of
478 individual buildings.

479 **5.20.2.** Detailed Approval. Plans submitted for detailed approval shall be precise
480 and contain all items required by the Planning Commission or Town Board.
481 Detailed approval of the plans for each stage of development shall be required
482 before building permits will be issued for the construction of the structures that are
483 included in the plans for that stage of development.

484 **5.20.3.** Standard Conditions of Approval. The following standard conditions of
485 approval shall be a part of any approval or conditional approval issued by the
486 Town Board. Where necessary to ensure that an approved project meets the
487 criteria of this ordinance, the Town Board can impose additional conditions of

488 approval. Reference to the conditions of approval shall be clearly noted on the
489 final approved site plan, and shall include:

490 **5.20.3.1.** A letter of credit in the amount of all public improvements shall be
491 submitted before such approval is granted.

492 **5.20.3.2.** Permittee shall indemnify, hold harmless and defend the Town against
493 any and all demands; claims; suits, alternative dispute resolution
494 proceedings under Wis. Stat. § 802.12, as amended from time to time;
495 arbitration awards; or orders or judgments of a court for compensation for
496 injury to person or damage to property of others arising from the negligent or
497 intentional acts of permittee, its employees, agents, independent contractors
498 or materials suppliers committed during construction or operation of the
499 subject property or the violation of any applicable statute or ordinance

500 **5.20.3.3.** Prior to commencement of construction of the subject property, the
501 permittee shall obtain comprehensive general liability and property damage
502 insurance, as follows, and file certificates thereof with the Town Clerk:

503 **5.20.3.3.1.** Coverage shall protect the permittee and any contractor during the
504 performance of work covered by the permit from claims for damages for
505 personal injury, including accidental death as well as claims for property
506 damages, which may arise from operation under the permit, whether
507 such operations be by the permittee or by any contractor or by anyone
508 directly or indirectly employed by either of them in such manner as to
509 impose liability on the Town and the amounts of such insurance shall be
510 subject to the following limits:

Worker's Compensation	Statutory
Employer's Liability	
Accident	\$100,000 Each Accident
Disease	\$100,000 Each Employee
Disease	\$500,000 Policy Limit
Bodily Injury	\$500,000 Per Person
	\$500,000 Per Occurrence
	\$500,000 Aggregate
	\$5,000 Medical Per Person
Property Damage	\$250,000 Per Occurrence

\$250,000 Aggregate

Excess Liability (Umbrella)

General Aggregate \$1,000,000

Each Occurrence \$1,000,000

511 **5.20.3.3.2.** The certificate of insurance shall contain a ten (10) day notice of
512 cancellation shall name the Town as an additional insured.

513 **5.20.4.** Changes or Additions. Any subsequent change or addition to the plans or
514 uses shall first be submitted for approval to the Town Clerk and if, in the opinion
515 of the Town Clerk, upon consultation with the Town Board, such change or
516 addition constitutes a substantial alteration of the original plan, the provisions of
517 §§ 5.13 through 5.20, inclusive, shall pertain, and the Town Clerk shall determine
518 and collect appropriate fees pursuant to § 5.12.. If the Town Clerk determines
519 such change or addition does not constitute a substantial alternation of the
520 original plan, then such change or addition shall be either approved or denied by
521 the Planning Commission, subject to appeal to the Town Board by any person
522 adversely. Written notice of an appeal shall be filed with the Town Clerk within
523 thirty (30) days of the decision. The notice of appeal shall clearly state the
524 reasons for the appeal.

525 **5.21.** Inspection and Fee. The Town shall have the right, at its sole option, to inspect
526 the subject property as necessary and on prior written notice to the permittee. The
527 Town may employ professional services and charge a review fee as provided in §
528 5.12.2; provided, however, the permittee shall pay the fee prior to said inspection, as a
529 condition of continuation of said permit.

530 **5.22.** Appeals. Any person aggrieved by a decision of the Town Clerk or the Town
531 Board under this ordinance may appeal the decision to the Board of Adjustment, as
532 provided by Wis. Stat. § 60.65 (5) and 59.694, as amended, and § 30 of the Zoning
533 Ordinance. Written notice of an appeal shall be filed with the Board of Adjustment
534 within thirty (30) days of the decision. The notice of appeal shall clearly state the
535 reasons for the appeal.

536 **5.23.** Penalties. Sections .19 and .20 of the Zoning Ordinance shall apply to any
537 person who owns or controls any building or property that violates this ordinance.

538 **5.24.** Conflict and Severability.

539 **5.24.1.** Conflicts with other Ordinances. Whenever a provision of this ordinance
540 conflicts with or is inconsistent with another provision of this ordinance or of any
541 other ordinance, regulation, or statute, the more restrictive provision shall apply.

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5.24.2. Severability. The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.