

ORDINANCE NO. 04-2025

AN ORDINANCE AMENDING SECTION 14 (BUILDING), SECTION 17 (ZONING)
AND SECTION 18 (SUBDIVISION & PLATTING) OF
THE VILLAGE OF GERMANTOWN MUNICIPAL CODE

THE VILLAGE BOARD FOR THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

SECTION 1. That Section 14.05 (BUILDING PERMITS AND INSPECTION) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

14.05(5) PLANS.

- (1) With such application there shall be submitted a complete set of plans and specifications, including a plot plan showing the location of the proposed building and driveway with respect to adjoining roads, highways, streets, alleys, lot lines and buildings. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Safety and Professional Service (DSPS) or designated municipal agent ~~Industry, Labor and Human Relations~~. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one-family and 2-family dwellings shall comply with the provisions of all applicable building codes (see Section 14.07) Wis. Adm. Code ILHR 20.09(4).
- (2) Each applicant is responsible for complying with all Village, state, and federal laws concerning the construction near or on wetlands, lakes, navigable waterways, and floodplains. If construction is proposed on a property that is known to contain any of these features or has soils that are general indicators of the presence of one or more of these features, the Building Inspector may require a wetland delineation or other survey prepared by a professional surveyor that clearly delineates the location of said features relative to the proposed construction, existing buildings and structures, property lines, setback lines, etc., to ensure applicable code requirements are met. Failure to comply may result in the required removal or modification of any construction that violates applicable codes and other penalties and costs.

SECTION 2. That Section 14.06 (OCCUPANCY PERMIT REQUIRED; ISSUANCE AND REVOCATION) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

- (1) No new building shall be occupied or otherwise used prior to the issuance of an occupancy permit. ~~The permit may be revoked at the discretion of the Building Inspector upon 30-day notice to the user or occupant of the building.~~

- (a) A temporary occupancy permit may be issued by the Building Inspector for purposes of occupying only a portion of a building or for a limited period of time not to thirty (30) days provided the building area subject of the temporary occupancy permit has satisfied all health & safety requirements in the applicable building, electrical, plumbing, HVAC, and fire safety codes, all permit fees have been paid, and the required occupancy bond has been submitted to the Village. A new or separate temporary occupancy permit may be required for each area of a building subject of a temporary occupancy permit or each 30-day time period.
- (b) An occupancy The permit may be revoked at the discretion of the Building Inspector upon 30-day notice to the user or occupant of the building.

SECTION 3. That Section 14.075 is created where words that are underlined are to be added:

14.075 “AS-BUILT” CERTIFICATION SURVEY.

- (1) If a building or structure is permitted to be constructed at or within three (3) feet of the minimum setback distance from a property line, right-of-way line, or other building required under the Village’s Zoning Code, the Building Inspector may require a survey that is prepared by a professional land surveyor or engineer that certifies in writing that said minimum required setback has been met prior to issuance of an occupancy permit.
- (2) If a building or structure is permitted to be constructed at or within three (3) feet of the maximum building height allowed under the Village’s Zoning Code, the Building Inspector may require a survey prepared by a professional land surveyor or engineer that certifies in writing that said maximum building height has not been exceeded prior to issuance of an occupancy permit.

SECTION 4. That Section 17.12 (A-1: Agricultural District) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.12(1) PERMITTED USES.

- ~~(r) Wind energy conversion systems and solar energy conversion systems.~~
- ~~(s) Single family dwellings, not farm related, with attached or detached garages, at facilities densities not greater than 0.1 dwelling unit per net acre.~~

17.12(2) CONDITIONAL USES.

- (jj) Wind energy conversion systems and solar energy conversion systems consistent with and only to the extent allowed under Wis. Stat. § 66.0401

17.12(8) ACCESSORY BUILDINGS AND STRUCTURES.

- (1) All new construction of accessory buildings in the A-1 or A-2 District shall only be permitted if the parcel contains 10 acres or more. Any parcels less than 10 acres shall follow the accessory building regulations, including height, size and setbacks established for the Rs-1 and Rs-2 Zoning Districts, section 17.41(1)(a).

- (2) An accessory building is allowed to be constructed and used on property in the A-1 District if it is used specifically for the purpose of and is an integral part of an agricultural use of the property that is also the primary use of the property intended to produce an income or livelihood consistent with the permitted uses under 17.12(1) above and the provisions of Wis. Stats. Chapter 91.01(2). Accessory buildings and structures may include, but are not limited to, facilities on a farm used to store or process raw agricultural commodities produced on the farm, keep livestock, keep or service vehicles or equipment used on the farm for an agricultural purpose, provide veterinary services to livestock on the farm, or store or process product inputs for agricultural uses on the farm. Such buildings and structures may also include greenhouses, roadside stands selling or utilizing agricultural products produced on the farm, as well as facilities to produce energy primarily from the farm's products or for use on the farm, such as wind turbines, solar energy structures, manure digesters, or bio-fuel facilities. Animal waste storage or processing facilities on the farm may also be considered an accessory use or structure.
- (3) Construction of an accessory building is not allowed to occur before the primary building is in place or the primary use of the property has commenced. Accessory buildings in the A-1 District are not allowed to be used for a non-farm or non-agricultural use unless such use is allowed under Section 17.12(2) above and has been authorized through the issuance of a conditional use permit.

SECTION 5. That Section 17.33 (M-1: LIMITED INDUSTRIAL DISTRICT) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.33(3) **CONDITIONAL USES.**

- (a) ~~Yards and structures used for the temporary storage or holding of animals not for slaughter.~~

SECTION 6. That Section 17.34 (M-2: GENERAL INDUSTRIAL DISTRICT) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.34(3) **CONDITIONAL USES.**

- (a) The manufacturing, fabricating or underground storage of chemicals, explosives, flammable liquids and gaseous or vaporous substances
- (b) Two or more aboveground storage tanks (over 5,000 gallon capacity) for storage of flammable materials, subject to compliance with section 11.071 of this Code.
- (c) Solid waste landfills, transfer stations, and solid and other waste disposal and recovery uses, including waste hauling vehicle operations & maintenance facilities, dumpster and other waste & recycling container storage & transportation operations

SECTION 7. That Section 17.50(2)(f)6. (Fences, Retaining Walls and Berms in Residential Zoning Districts) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

6. Fences and Easements.

- i. Fences should ~~shall~~ not be located within any type of utility or private easement unless written authorization to install said fence is provided to the Village at the time a building permit is submitted by the utility owner and/or beneficiary of the easement. ~~provided however, the~~
- ii. ~~The Planning~~ Commission may authorize the installation of a fence in encroachment by a fence into a publicly owned and maintained drainage easement where the owner of the land encumbered by the easement shows to the satisfaction of the ~~Planning~~ Commission that, considering the proposed location, design and materials of the proposed fence, the encroachment of the fence into the easement will not materially interfere with drainage flow within the easement, and, in the case of a subdivision, the homeowners association consents in writing to the encroachment, or if not in a subdivision, the adjacent landowners consent in writing.
- iii. If the ~~Planning~~ Commission deems it necessary in order to make its decision to authorize an encroachment into a drainage easement by a fence, it may require that the applicant provide a report by a professional engineer providing an opinion that the encroachment will not impair drainage flow within the easement.
- iv. Should it be necessary and in the public interest for the Village or its designee to remove a fence installed in a publicly owned and maintained easement or right-of-way, all costs (materials and labor) shall be borne by the owner of the fence.
- v. If the installation of a fence in a public drainage easement is approved, the Plan Commission may require as a condition of approval that the property owner enter into an agreement with the Village that the property owner assumes responsibility for removing and/or replacing the fence and any other damages or costs if access to or maintenance of the easement is required by the Village.
- vi. If the applicant whose property abuts the drainage way shall be aggrieved by the decision of the ~~Planning~~ Commission, such aggrieved person may appeal the decision to the Village's Board of Zoning Appeals by filing an appeal within thirty (30) days after the date of the ~~Planning~~ Commission's decision.

SECTION 8. That Section 17.50(2)(g) (Fences, Retaining Walls and Berms in Commercial, Industrial, Institutional and Agricultural Districts) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

17.50(2)(g) Fences, Retaining Walls and Berms in Commercial, Industrial, and Institutional and Agricultural Districts.

1. All fences shall be subject to review and approval by the Building Inspector prior to the issuance of a building permit.
2. Fences in rear and/or side yards may be up to 10 feet in height.
3. Fences in front of the building or within the front yard setback are only permitted after approval by the Plan Commission.
4. Fences shall be constructed using the following methods and materials:
 - i. Naturally resistant or treated wood
 - ii. Brick, masonry or natural stone
 - iii. Wrought iron, aluminum or galvanized metal (coated and noncoated)
 - iv. Vinyl (rigid PVC)
 - v. Other material of comparable quality must be approved by the Zoning Administrator.
 - vi. Fences that contain a finished side and an unfinished side, shall be installed in a manner in which the finished side faces the adjacent property. In case of a discrepancy, the Village Zoning Administrator shall determine which side of the fence is the finished side.
5. Fences and Easements. See Section 17.50(2)(f)6. above.
6. It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.
7. ~~Agricultural Fences.~~
 - i. ~~Agricultural fences are permitted in all agricultural zoning districts pursuant to Chapter 90, Wis. Stats.~~
8. Retaining Walls. See Section 17.41(6).
9. Berms. See Section 17.57.

SECTION 9. That Section 17.50(2)(h) is created as follows where words that are underlined are to be added:

17.50(2)(h) Fences, Retaining Walls and Berms in Agricultural Districts.

1. Agricultural Fences.
 - i. Except as provided in subsection ii below, fences are permitted in all agricultural zoning districts provided they meet the requirements under pursuant to Chapter 90, Wis. Stats.
 - ii. Fences meeting the residential fence requirements under Section 17.50(2)(f) may be installed on property in an agricultural district along a property line that abuts a residential district. A minimum setback of twenty-five (25) feet or the minimum distance necessary to provide adequate sight vision along a public street, whichever is greater, shall be maintained a public street right-of-way.

- iii. Fences meeting the fence requirements under Section 17.50(2)(g) may be installed on property in an agricultural district along a property line that abuts a commercial, industrial, or institutional district. A minimum setback of twenty-five (25) feet or the minimum distance necessary to provide adequate sight vision along a public street, whichever is greater, shall be maintained a public street right-of-way.
2. It is the property owner's responsibility for any lawn maintenance of lands that lie between a fence and the property line.
3. Fences and Easements. See Section 17.50(2)(f)6. above.
4. Retaining Walls. See Section 17.41(6).
5. Berms. See Section 17.57.

SECTION 10. That Section 18.07 (DESIGN STANDARDS) is revised as follows where words that are ~~stricken~~ are deleted and words that are underlined are to be added:

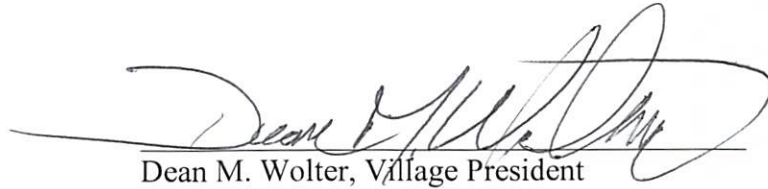
18.07(6) LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. In addition:

(h) Internal corner lots shall have an additional width of ten (10) feet to permit adequate building setbacks from the side streets and corner lots located at the subdivision entrance(s) and abutting an exterior public street shall have an additional width of twenty (20) feet to accommodate the perimeter buffer requirement under Section 18.07(16).

18.07(16) PERIMETER LANDSCAPED BUFFER. All subdivisions shall contain a landscaped buffer around the perimeter of the subdivision and along all exterior streets (excluding internal streets that provide direct access to subdivision lots). Said buffer shall be a minimum of twenty (20) feet in width and contain a combination of berms, fencing, and/or plantings that provides an adequate visual screening from the adjacent roadway(s) and other land uses. This buffer should be part of an open space outlot maintained by a homeowner's association but may be included as part of the subdivision lots provided the minimum buffer width is in addition to the lot area (see Section 18.07(6). A landscape plan for the perimeter buffer shall be prepared and submitted for Plan Commission approval as part of the required construction plans under Section 18.09.

SECTION 11. This ordinance shall take effect and be in full force the day after its passage and publication, as provided by law.

Adopted: January 20, 2025



Dean M. Wolter, Village President

ATTEST:



Donna Ott, Village Clerk

Approved as to form:



Brian C. Sajdak, Village Attorney

Published: