

SECTION 26.100 INTRODUCTION

26.100 PURPOSE AND INTENT. The purpose of this ordinance is to promote the public health, safety, convenience and general welfare by ensuring, to the maximum extent practicable, that future development and/or redevelopment of multi-family, commercial or industrial subdivisions or individual parcels of land in the Town of Freedom 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. This ordinance provides minimum regulations, provisions and requirements for safe and aesthetically pleasing design and quality standards for multi-family, commercial or industrial development within the town. This ordinance is intended to encourage development in the town that is consistent with the desire to preserve the town's character. This article is implemented under the Town's authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; and to assist in the full implementation of the Town's Comprehensive Plan.

26.101 AUTHORITY. The provisions of this article are established pursuant to the authority conferred by Wis. Stats. 60.23, 61.34(1), 61.34(5), by adoption of village powers pursuant to Wis. Stats. 60.10.

26.102 EXTENT OF POWER. This ordinance is designed to determine, establish, regulate and restrict:

- (1) Ingress and egress
- (2) Parking and on-site circulation
- (3) Storm water management and erosion control
- (4) Sanitary sewer and water
- (5) External lighting
- (6) Landscaping
- (7) Signage
- (8) Outdoor storage
- (9) Architectural features and the specific location and orientation of buildings and structures

26.103 APPLICABILITY OF OTHER ORDINANCES AND REGULATIONS. The regulations and standards of this ordinance are minimum requirements. Other regulations and standards contained in the Outagamie County Zoning Ordinance, the Outagamie and Town of Freedom Subdivision Ordinances, and the Wisconsin Administrative Code that pertain to the use and development of property 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.

26.104 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.

26.105 JURISDICTION. This ordinance applies throughout the Town of Freedom.

26.106 EFFECTIVE DATE. This ordinance shall be effective after adoption by the Town Board of Supervisors of the Town of Freedom and after publication.

SECTION 26.200 GENERAL PROVISIONS

26.201 APPLICABILITY OF REGULATIONS.

- (1) The regulations set forth in this ordinance shall apply to all multi-family, commercial, and industrial buildings, parking, and structures or additions thereto that require a building permit and are located in the RMF Multi-Family Residential, CL Local Commercial, CR Regional Commercial, CP Planned Commercial Office, or IND Industrial zoning districts. In addition, the regulations apply to commercial and industrial special exception uses and structures in the AED Exclusive Agricultural and AGD General Agricultural zoning districts and to permitted commercial and industrial principal uses and structures in the AGD General Agricultural that are special exception uses and structures in the AED Exclusive Agricultural zoning district.
- (2) Exceptions to these regulations are as follows:
 - (a) Principal buildings or structures that were erected or constructed prior to the effective date of adoption of this ordinance are allowed to make minor improvements to these structures. These improvements must make significant efforts to conform to the site plan ordinance. Any additional square footage added to these structures must be in full compliance to the site plan ordinance. A site plan of changes must be submitted in the same process as outlined in this ordinance.
 - (b) An addition of 20 or fewer parking spaces to an existing parking lot or an alteration of an existing parking lot that results in an addition of 20 or fewer parking spaces.
 - (c) Earthen berm less than three feet in height.
- (3) Property located in the First Addition to the Freedom Industrial Park Plat shall be subject to the requirements in the Declaration of Covenants and Restrictions for the plat.

26.202 SITE PLAN APPROVAL REQUIRED. No building or structure or part thereof requiring a building permit and not exempt pursuant to 26.201 above shall hereafter be erected, constructed or reconstructed and no building permit shall be issued unless a site plan has been submitted and approved according to the requirements and procedures set forth herein.

26.203 MAINTENANCE. Provisions of this ordinance and other ordinances referenced herein become the continued responsibility of the owner of the premises, who is responsible for the maintenance, repair and replacement of site plan requirements.

26.204 FINAL APPROVED SITE PLAN. Upon approval one paper copy, one electronic copy (dwg format) and supporting documents of an approved site plan shall be submitted to the Town of Freedom.

26.205 RECORD DRAWING. The project owner will supply the Town of Freedom with final record drawing documentation in the form of one paper copy, one electronic copy (pdf and dwg format) and supportive documentation of the constructed site plan. In submitting the documentation, the project owner agrees to be liable for the accuracy of the record drawing.

26.206 SITE PLAN AGREEMENT. As a condition of approval, the landowner shall enter into a Site Plan Improvement Agreement with the Town, containing the following provisions:

- (1) Identifying the approved site plan including the submittal of a record drawing

- (2) Identifying the estimated cost of required site improvements for parking, access, landscaping and other required improvements
- (3) Providing the completion date
- (4) Providing for a financial guarantee in the form of a cash escrow deposit with the Town, or a letter of credit or a performance bond for the benefit of the Town and in the name of the Town in an amount not to exceed the estimated costs of the required improvements, for a term commensurate with the completion date plus three additional months, for the purpose of ensuring that required improvements will be completed in a timely manner.

The Town Engineer and/or Planner will monitor the progress of the required improvements and will inform the Town Board if there is a need to use the cash escrow deposit, letter of credit or performance bond to complete the project or if the escrow deposit can be returned.

SECTION 26.300 SITE PLAN REVIEW CRITERIA

26.301 INTENSITY CATEGORIES. The Town of Freedom's Comprehensive Plan contains three intensity levels - high intensity, medium intensity, and low intensity – for commercial development. The locations of these three levels are shown on the Future Land Use Plan and are described below in (1) through (3). If a commercial development is proposed for an area not located in one of the three intensity levels, the Town of Freedom Plan Commission will decide which level will apply based in part on the zoning district that the Outagamie County Planning and Zoning Department has determined to be applicable to the commercial development.

- (1) **High intensity** development would include but not be limited to “big box” retailers, large automobile dealerships, hotels and motels, and recreational establishments. High intensity development would typically to be located in a CR Regional Commercial or CP Planned Commercial Office. Site size may range from five to 40 acres. Building design would be commercial or industrial in nature.
- (2) **Medium intensity** development would include but not be limited to larger retail outlets (but not “big boxes”), convenience stores, garden centers, and storage establishments that would require a CR Regional Commercial, CL Local Commercial, or CP Planned Commercial Office. Site size may range from two to 20 acres. Building design would be commercial in nature.
- (3) **Low intensity** development would include professional offices and small neighborhood centers with retail outlets and service establishments that would require a CL Local Commercial or a CP Planned Commercial Office zoning district. Site size may range from one to ten acres. Building design would be more residential in nature with masonry facades and low to medium pitched, shingled roofs.

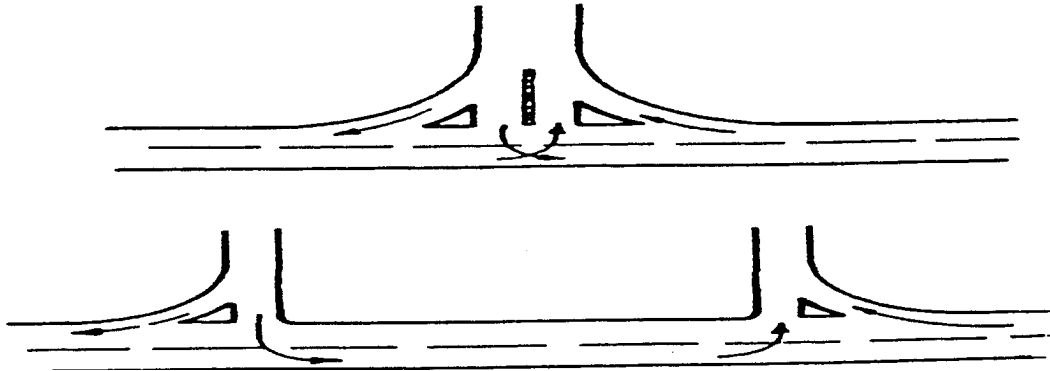
26.302 APPLICABILITY

- (1) The site plan review criteria apply to multi-family residential development, all three intensity levels for commercial development, and industrial development except where indicated.
- (2) Where there is a difference between the requirements of this ordinance and the Outagamie County Zoning Ordinance, the more restrictive shall apply.

26.303 INGRESS AND EGRESS

- (1) **Configuration.** Driveways shall ordinarily intersect with public streets as nearly as possible at right angles. For all commercial and industrial uses with access to streets with posted speeds of 45 miles per hour or greater, a channelized "T" intersection as depicted in Figure 1 below, may be required. For high intensity uses, acceleration and deceleration lanes may also be required. Appropriate accommodation of traffic volume may be addressed by requiring additional stacking room and at no time shall stacking interfere with internal and external traffic flow.
- (2) **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.

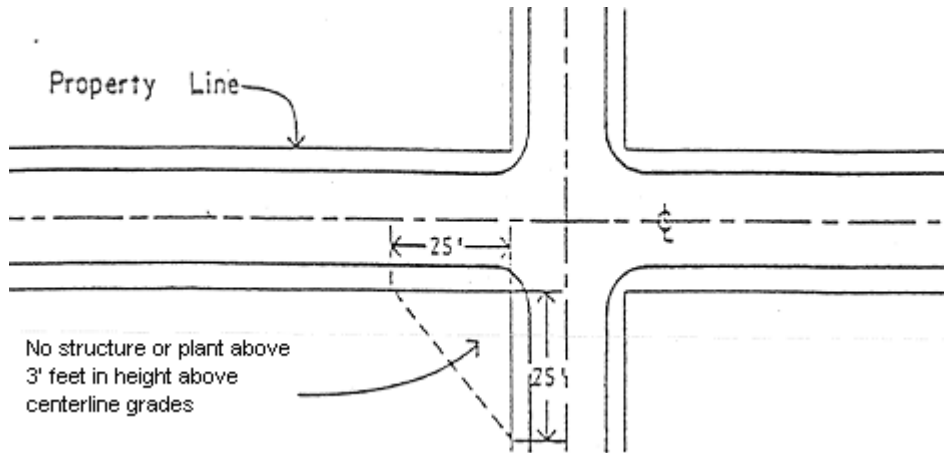
FIGURE 1



- (3) **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. Access points on county and state roads are subject to the applicable county or state regulation.
- (4) **Corner and Lot Line Clearance.** No driveway shall be constructed with its centerline closer than 50 feet to a local street intersection; closer than 75 feet to a collector street intersection; or closer than 100 feet to an arterial street intersection. 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.
- (5) **Width.** Driveways to Town roads shall have a minimum width of 24 feet and shall not exceed a maximum width of 35 feet. Driveway width is measured as the edge-to-edge distance of a driveway measured at the right-of-way line. Driveways to County or State roads/highways shall be regulated as per County or State requirements.
- (a) The minimum and maximum driveway widths for driveways to Town roads may be waived by the Town Board without the granting of a variance if the applicant can demonstrate that:
1. Strict compliance with the driveway width would cause an operational hardship and safety concerns; and
 2. Such relief would not cause detriment to the public good and will not impair the intent and purpose of this chapter or the desirable general development of the Town.
- (6) **Coordination With Opposite Side Driveways, Roadways, and Buildings.** Driveways shall be located to minimize potential interference and conflicts with the use of buildings, roadways and driveways located on the opposite side of the street.

- (7) **Vision Corner.** Driveways shall list vision corners at all intersections with the public right-of-way. These shall be indicated to provide 25 feet from the intersection into the property and 25 feet along the property with a connecting line between their furthest points (see Figure 2).

FIGURE 2



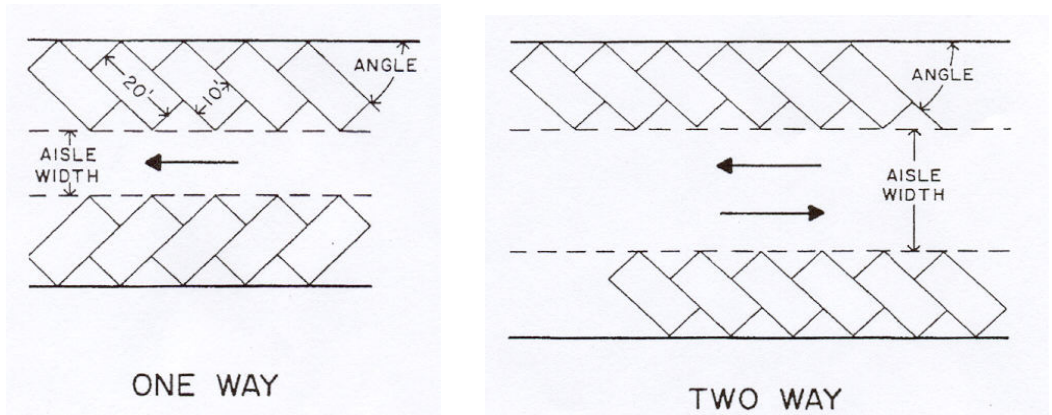
26.304 PARKING AND ON-SITE CIRCULATION

- (1) The site plan shall meet at a minimum the parking requirements of the zoning district in the Outagamie County Zoning Ordinance that is applicable to the development.
- (2) **Internal Parking Areas**
- (a) **Surface.** All off-street parking and loading areas shall be surfaced with bituminous asphalt, concrete or a dustless material within six months of occupancy. All surfaces shall be maintained in a smooth, well graded condition.
- (b) **Drainage.** All off-street parking facilities shall meet the drainage requirements set forth in Chapter 24 Stormwater Management of the Town of Freedom's Ordinances.
- (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. Side yard parking must maintain a 25 foot setback from those parcels zoned residential.
- (d) **Dimensional Standards.** Each off-street parking space shall not be less than nine (9) feet in width and not less than eighteen (18) feet in length. Minimum aisle width shall be as follows (See Table 1 and Figure 3):

TABLE 1

Angle of Parking	One Way Aisle	Two Way Aisle
Parallel	12 feet	24 feet
30 °	12 feet	24 feet
45 °	13 feet	24 feet
60 °	18 feet	24 feet
90 °	20 feet	24 feet

FIGURE 3



- (e) **Required Landscape Areas and Pedestrian Ways.** Any off-street parking area in excess of 5,000 square feet shall have landscaped areas equaling not less than 15 percent of the parking area intermittently placed throughout the parking area. Planting requirements shall be consistent with the landscaping requirements and are factored into their provisions where applicable. Curbed planting islands or peninsulas shall be provided as described below.
 1. Parking spaces must be separated by a planting island or peninsula at the rate of one (1) island/peninsula for each row of twelve (12) consecutive parking spaces for single row configurations, or for each twenty-four (24) consecutive parking spaces in double row configurations.
 2. Each island or peninsula shall be at least 270 square feet in area for single row configurations, and 540 square feet in area for double row configurations.
 3. Where practicable, islands and peninsulas shall be placed at the ends of parking rows or along designated pedestrian circulation areas. Planted boulevards within off-street parking areas may be considered as an alternative to islands and peninsulas. The islands must be underlain by soil and shall be protected by curbing unless a modified curb is used for drainage.
- (f) **Marking.** Any off-street parking area in excess of 5,000 square feet or ten off-street parking spaces shall have individual spaces marked.
- (g) **Curbs.** All off-street parking spaces shall have curbs so as to prevent vehicles from overhanging into pedestrian ways.

26.305 STORM WATER MANAGEMENT AND EROSION CONTROL

- (1) In addition to providing a grading and drainage plan, site plans must comply with Chapter 24 Stormwater Management and Chapter 25 Erosion and Sediment Control of the Town of Freedom's Ordinances.
- (2) 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. All drain tile shall not be terminated or discontinued without provision to accommodate tile flows. There shall be no hard-piping of storm water directly off-site. Storm water piping within a parcel is permitted.

26.306 SANITARY SEWER AND WATER

- (1) **Sanitary District.** All developments located in the Town of Freedom Sanitary District shall connect to public sanitary sewer and water when available. Written documentation must be submitted confirming that the Sanitary District has reviewed and approved the plans for connection to sanitary sewer and water. If sewer and water is not currently available but the Sanitary District is planning on extending sewer and water to the site, written documentation must be submitted stating when public sanitary sewer and water will be provided. If sewer and water is not currently available and the Sanitary District is not planning on extending services, the site must conform to Sections 23.306(1) and (2).
- (2) **Private Sanitary Sewer.** Any development proposed to be served by private on-site wastewater treatment systems shall provide evidence that the system complies with Wisconsin Department of Commerce Administrative Codes and with Outagamie County sanitary sewer regulations.
- (3) **Private Well.** Any development proposed to be served by a private well shall provide evidence that the system complies with Wisconsin Department of Natural Resources Administrative Codes.

26.307 EXTERNAL LIGHTING

- (1) A lighting plan shall be submitted as part of the site plan.
- (2) 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. The exterior lighting 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. No undue lighting shall extend beyond the property lines.
- (3) Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for safety and security.

26.308 LANDSCAPING

- (1) **General Requirements**
 - (a) The landscape design and planting plan is to be an integral part of the site

development. All landscape plans will be reviewed in conjunction with the overall site development plan. All vegetation used to satisfy requirements of this section shall be indigenous to the appropriate hardiness zone and physical characteristics of the site. Landscape features should be used so as to create a park-like appearance while addressing the considerations of visual screening, land cooling, drainage and other environmental concerns.

- (b) Minimum sizes of plantings shall be as follows:
 - 1. Deciduous trees: two-inch diameter as measured six inches from the ground.
 - 2. Coniferous trees: a minimum of six feet in height.
 - 3. Evergreen shrubs: a minimum of 24 inches in height.
 - (c) All plant material shall conform to American Standards for Nursery Stock, latest edition, sponsored by the American Association of Nurserymen, Inc. All vegetation shall be planted in accordance with accepted planting procedures. Plants that die must be replaced within one year. When a height specification is stated, the planted material must obtain said height within five years.
 - (d) All approved landscaping is to be installed within one planting season of the landscape/site development plan approval. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic. Any vegetation which is shown on the approved landscape/site development plan that dies must be replaced within one planting season per the approved landscape/site development plan.
 - (e) All landscaping shall be completed before final occupancy is granted. If it is not possible due to weather conditions, then the applicant shall enter into a development agreement with the town which specifies a planting schedule and shall submit a bond or letter of credit in the amount for the cost of completing such landscaping as required in the landscape plan.
 - (f) It shall be the responsibility of the owner and/or lessee of the principal use or building to perform the necessary maintenance of all landscaping, including mowing, weeding, trimming, watering, and fertilization of all grass, ground cover shrubs or trees, and the removal of dead or waste material.
- (2) **Multi-Family Residential.** Landscaping requirements, at a minimum, are as regulated in Section 54-208 in the RMF Multi-Family Residential District in the Outagamie County Zoning Ordinance. The following requirements apply to the extent that they are more restrictive:
- (a) The minimum green space area shall be 30 percent of the total lot.
 - (b) The street front yard and side yards abutting the front one third of the building shall be seeded or sodded. All other yards shall at least be seeded with appropriate seed mix. The following exceptions may be granted:
 - 1. The use of mulch materials for shrubs and foundation plantings.
 - 2. The seeding of future expansion areas as shown on site development plans.
 - 3. Areas designated as green space, to be properly planted and maintained in a natural state.
 - (c) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.
 - (d) The number of shrubs shall not be less than one per 1,000 square feet of total lot

area or fraction thereof, up to five-acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five-acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five-acres. An equivalent landscape plan may be approved to address unique circumstances.

- (3) **High Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:
- (a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.
- (4) **Medium Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:
- (a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.
 - (b) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.
 - (c) The number of shrubs shall not be less than one per 1,000 square feet of total lot area or fraction thereof, up to five acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five acres. An equivalent landscape plan may be approved to address unique circumstances.
- (5) **Low Intensity Commercial.** Landscaping requirements, at a minimum, are as regulated in Section 54-236 in the CL Local Commercial District, Section 54-262 in the CR Regional Commercial District or in Section 54-282 in the CP Planned Commercial Office District in the Outagamie County Zoning Ordinance, whichever is applicable. The following requirements apply to the extent that they are more restrictive:
- (a) The minimum green space area shall be 30 percent of the total lot.
 - (b) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.
 - (c) The street front yard and side yards abutting the front one third of the building shall be seeded or sodded. All other green areas shall at least be seeded with appropriate seed mix. The following exceptions may be granted:
 - 1. The use of mulch materials for shrubs and foundation plantings.
 - 2. The seeding of future expansion areas as shown on site development plans.
 - 3. Areas designated as green space, to be properly planted and maintained in a natural state.
 - (d) When a site is abutting residential zonings, a berm may be required which is four

feet high and 16 feet wide, with plantings that will provide 75 percent opacity within five years.

- (e) All existing trees shall be preserved whenever possible, with necessary removal approved as part of the landscape plan. The minimum number of trees planted shall be one tree per 5,000 square feet of total lot area or fraction thereof.
 - (f) The number of shrubs shall not be less than one per 1,000 square feet of total lot area or fraction thereof, up to five-acres of development. For developments over five acres, the number of shrubs shall not be less than one per 1,000 square feet for the first five-acres and shall not be less than one per 3,000 square feet of lot area or fraction thereof for the area over five-acres. An equivalent landscape plan may be approved to address unique circumstances.
- (6) **Industrial.** Landscaping requirements, at a minimum, are as regulated in Section 54-309 in the IND Industrial District in the Outagamie County Zoning Ordinance. The following requirements apply to the extent that they are more restrictive:
- (a) The front, side and rear yards shall be graded, landscaped and planted with trees, shrubs, ground cover and appropriate natural landscaping materials.

26.309 SIGNAGE

- (1) **Multi-Family Residential.** As regulated in Section 54-209 in the RMF Multi-Family Residential District and in Section 54-355 in the Outagamie County Zoning Ordinance.
- (2) **High Intensity Commercial.** As regulated in Section 54-237 in the CL Local Commercial District, Section 54-263 in the CR Regional Commercial District or in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, whichever is applicable.
- (3) **Medium Intensity Commercial.** As regulated in Section 54-237 in the CL Local Commercial District, Section 54-263 in the CR Regional Commercial District or in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, whichever is applicable.
- (4) **Low Intensity Commercial.** As regulated in Section 54-283 in the CP Planned Commercial Office District and in Section 54-355 in the Outagamie County Zoning Ordinance, regardless of the actual zoning district in which the property is located.
- (5) **Industrial.** As regulated in Section 54-310 in the IND Industrial District and in Section 54-355 in the Outagamie County Zoning Ordinance.

26.310 OUTDOOR STORAGE

- (1) **Multi-Family Residential**
 - (a) No outside storage of any kind shall be permitted
 - (b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.

(2) **High Intensity Commercial**

- (a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
- (b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
- (c) All storage areas shall be paved.
- (d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

(3) **Medium Intensity Commercial**

- (a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
- (b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
- (c) All storage areas shall be paved.
- (d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

(4) **Low Intensity Commercial**

- (a) No outside storage of any kind shall be permitted
- (b) All refuse containers must be enclosed by a structure, the exterior walls of which are of the same material as found on the exterior walls of the principal building. No waste material or refuse may be dumped or permitted to remain on any part of the property outside of the buildings.
- (c) All storage areas shall be paved.
- (d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot.

(5) **Industrial**

- (a) No outside storage of any kind shall be permitted unless such stored materials are visually screened from all streets and adjoining properties with a suitable fence, vegetation, berm, or combination thereof approved by the Plan Commission. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to behind the front line of the building on the property, and within the building setback lines.
- (b) All refuse containers must be enclosed by a fence of solid material such as will provide a suitable visual screen. No waste material or refuse may be dumped or

- permitted to remain on any part of the property outside of the buildings.
- (c) All storage areas between the front and back line of the building on the property shall be paved. Storage areas behind the back line of the building do not have to be paved but must be maintained in a smooth, well-graded condition.
 - (d) No trucks or truck trailers, or trailer or semi trailers shall be used for storage on any lot for more than seven consecutive days.

26.311 ARCHITECTURAL FEATURES

(1) Applicability

- (a) This section applies only to commercial and industrial structures.

(2) General Design Criteria

- (a) **Architectural Design Intent.** One dominant material and theme shall be selected based upon its own natural integrity.
 1. Additional materials shall maintain the building theme and accentuate the dominant material.
 2. Materials shall convey permanence, substance, durability, timelessness and restraint, with low maintenance.
 3. Sustainable design principles and conservation of natural raw materials by utilizing renewable and or recycled materials.
 4. Building size and massing will be compatible with other structures on adjoining properties.
 5. Proposed building materials and colors shall be compatible with materials and colors of adjoining properties.
 6. Mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
 7. Architectural design features shall be a part of the design that may include distinctive main building entrance features as well as reduction of apparent size of long facades by introduction of offsets, roof lines, cornice lines, or change of materials.
- (b) **Acceptable Roofing Materials.** For roof construction provide any of the following roofing systems or materials consistent with the design theme of the building.
 1. Asphalt, fiber-cement, slate or wood shingles on sloped roofs.
 2. Architectural metal roof panels on sloped roofs.
 3. Materials as approved for flat roofs.
- (c) **Acceptable Exterior Building Materials.** It is the intent to create a high level of aesthetic development and to promote a positive community and regional influence. A primary (dominant) material shall be used with up to two additional secondary (accent) materials to present a consistent design theme. Proposed building materials and colors shall be compatible with materials and colors of adjoining properties.

- (d) **Temporary Wall Exception.** For high and medium intensity commercial buildings and for industrial buildings where a future addition is planned, it is not the intention of this section to limit growth within the community by requiring temporary exterior walls to be constructed of higher (acceptable) quality materials. Temporary exemption shall not exceed 10 years after original occupancy. For other than the primary street façade(s), the following materials may be considered as exceptions for temporary exterior walls:
1. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
 2. Non-flat metal panels.
 3. Stucco system.
 4. Other material as approved.
- (e) **Infill Development.** It is the intent to preserve the existing architectural image of the community. For that purpose, developments that will “infill” between adjoining properties shall be compatible in massing, scale, use of exterior materials and general aesthetic design in such a manner to enhance the overall appearance of the entire grouping of properties.
- (f) **Accessory Buildings.**
1. Accessory buildings shall be located on the site per requirements of the zoning district.
 2. Accessory buildings shall maintain the same theme and material selections as the principal building.
 3. Any unheated storage structure, attached or unattached to the primary building, that later is occupied for any other use but cold storage, shall be upgraded to meet the standards required for that business district.
- (g) **Screening.** It is the intent of this section to provide screening of flat roof structures under a 3/12 pitch and roof or ground mounted mechanical equipment that will be readily visible when viewed at ground level from other properties or from major public ways. View towards equipment shall be screening to 75% opacity or covered in a manner that forms an integral part of the building design. Screening shall be permanent and complementary to the design intent of the building. Screening may be in the form of fencing, screen walls or parapets, or landscaping and shall be constructed of one of the following materials:
1. Wood or masonry fencing.
 2. Metal solid or louvered screen wall.
 3. Parapet using same material as building.
 4. Evergreen landscaping materials with height at maturity at least 6 inches above top of highest point of equipment.
- (h) **Loading Docks.** Adequate loading dock space shall be provided to address the needs of a building function.
1. Loading docks should be located in the side or rear setback to minimize exposure to the general public. Should the building orientation or parcel not provide a suitable accommodation or present an undue hardship the

Town Board may allow the loading dock in the front yard setback if a practical alternative does not exist.

2. Loading docks shall be located on the site such that they fully accommodate the length and maneuvering clearances required without extending into required front yard setbacks or landscape buffer yards. Maneuvering of vehicles to enter or exit from the docks shall not encroach upon any public road or highway.
 3. A landscape buffer yard shall be constructed, according to the landscaping requirements, between loading docks and any single or two-family properties.
- (i) **Awnings, Canopies and Projections.** The use of awnings, canopies and projections in the architectural design of commercial buildings is encouraged to divide the massing of a building into “pedestrian-friendly” areas. Awnings, canopies and projections shall be consistent with the architectural design intent of the building and compatible with adjoining properties. Awnings, canopies and projections shall be of size, proportion, material and color to compliment or enhance the features of the building. These elements must also meet other zoning regulations regarding setbacks and size in addition to the requirements of this section.
 - (j) **Building Orientation.** The building orientation can be adjusted to meet specific site concerns of a parcel to include aesthetic considerations of adjoining properties.
 - (k) **Internal Building Layout.** Floor plans shall be submitted that indicate general uses and provide adequate accommodation for the public where appropriate. Common areas such as entrances shall provide the necessary square footage to prevent overcrowding. All internal uses that could limit external pedestrian or vehicular traffic shall be avoided.
 - (l) **Exceptions.** Should a particular parcel present an undue hardship or needs arise to mitigate adjoining land use impacts, provisions of these regulations can be modified so long as the intent is protected and not be utilized in significant fashion as to warrant revision.
- (3) **Exterior Wall Coverage - High Intensity Commercial**
 - (a) Acceptable primary exterior building materials shall cover 33 percent or more of wall surfaces facing a front yard setback and 25 percent or more of wall surfaces facing a side yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.
 - (b) **Acceptable Primary (Dominant) Exterior Building Materials.**
 1. Clay or masonry brick
 2. Natural or manufactured stone
 3. Decorative concrete masonry (sealed) with color consistent with design theme.

4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Glass curtain walls
6. Other materials as approved

(c) **Acceptable Secondary (Accent) Exterior Building Materials.**

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Other materials as approved

(4) **Exterior Wall Coverage - Medium Intensity Commercial**

- (a) Acceptable primary exterior building materials shall cover 50 percent or more of wall surfaces facing a front yard setback, 33 percent or more of wall surfaces facing a side yard setback, and 25 percent or more of wall surfaces facing a rear yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

(b) **Acceptable Primary (Dominant) Exterior Building Materials**

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Glass curtain walls
6. Other materials as approved

(c) **Acceptable Secondary (Accent) Exterior Building Materials**

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

(5) **Exterior Wall Coverage - Low Intensity Commercial**

- (a) Acceptable primary exterior building materials shall cover 100 percent of wall surfaces facing a front, side, or rear yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be

achieved by building location, orientation, additional landscaping or additional screening.

(b) Acceptable Primary (Dominant) Exterior Building Materials

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

(c) Acceptable Secondary (Accent) Exterior Building Materials

1. Stucco system.
2. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
3. Vinyl, aluminum, or wood siding.
4. Other materials as approved

(6) **Exterior Wall Coverage - Industrial**

(a) Exterior Wall Coverage. Acceptable primary exterior building materials shall cover 25 percent or more of wall surfaces facing a front or side yard setback. Those areas deemed to be of limited exposure to the general public percentages may be lowered so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.

(b) Acceptable Primary (Dominant) Exterior Building Materials

1. Clay or masonry brick
2. Natural or manufactured stone
3. Decorative concrete masonry (sealed) with color consistent with design theme.
4. Poured-in-place, tilt-up or precast architectural concrete (shall have stone, texture or coating appearance consistent with design theme)
5. Other materials as approved

(c) Acceptable Secondary (Accent) Exterior Building Materials

1. Non-flat metal panels.
2. Stucco system.
3. Non-decorative exposed concrete block where block is painted and maintained in a color consistent with the building design theme and dominant material.
4. Vinyl, aluminum, or wood siding.
5. Other materials as approved

SECTION 26.400 SITE PLAN SUBMITTAL

26.401 APPLICABILITY AND PROCEDURE

- (1) When a site plan is required per Section 26.201 of this ordinance, such site plan shall be submitted in advance of or at the same time as an application for a building permit or at the same time as an application for a special exception, as the case may be. The Town Clerk administrator shall immediately circulate the site plan to the Town's engineer, planner, and building inspector, to the chief of the Town's fire department, and to the Town of Freedom Sanitary District #1 for their review and comment.
- (2) A conceptual site plan may be submitted prior to the submission of the final site plan application. The Plan Commission and Town Board will review the conceptual site plan to determine if there any specific or unusual concerns that will need to be addressed in the final site plan. No formal action will be taken on the conceptual site plan.
- (3) Within 30 days of submittal of the final site plan, the Town Clerk shall transmit the final site plan along with all pertinent comments to the Plan Commission for its consideration and recommendation to the Town Board.

26.402 CONTENTS OF THE SITE PLAN. A site plan, based on an exact survey of the property drawn to a scale of sufficient size, shall contain the following elements, where applicable:

- (1) Statements of ownership and control of the proposed development.
- (2) Statement describing in detail the character and intended use of the development including the hours of operation if a commercial or industrial use.
- (3) The title of the project and the names of the project planner and developer, date and north arrow.
- (4) Boundaries of the project.
- (5) Existing and proposed streets, watercourses, and easements.
- (6) Exact location of all existing and proposed buildings and structures including the outdoor storage and screening of equipment and materials other than vehicles.
- (7) Architectural plans including elevations for the exterior walls of all buildings, lighting, signs, and landscaping.
- (8) Access and traffic flow; off-street parking and off-street loading area.
- (9) Recreation facilities locations, if applicable.
- (10) Access to utilities and points of utility hookups.
- (11) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to the various permitted uses.
- (12) Tabulations showing the derivation of numbers of off-street parking and loading spaces and total project density in dwelling units per gross acre.
- (13) Grading and drainage plans and drawings needed to demonstrate compliance with Chapter 24 Storm Water Management and Chapter 25 Erosion and Sediment Control of the Town's ordinances, if needed.
- (14) Proof that existing or proposed sanitary and water systems, if not provided by the Town of Freedom Sanitary District, are in compliance with the applicable regulations.
- (15) If located in the IND Industrial zoning district, descriptions of industrial processes and materials pertinent to conformance with the industrial performance standards contained in the Outagamie County Zoning Ordinance.
- (16) If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations covenants, surety

arrangements or other legal instruments providing adequate guarantee to the Town that such common facilities will not become a future liability for the Town.

- (17) Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant, Town staff, Plan Commission, or Town Board may believe is pertinent.

26.403 SITE PLAN DRAWING REQUIREMENTS. Drawings shall include a site plan, floor plan, exterior building elevations and other documentation to show conformance with this ordinance. Plans shall be drawn to scale and submitted on sheets no larger than 24x36 or smaller than 11x17.

26.404 SUPPLEMENTARY RESOURCES. If particular circumstances exist that warrant increased study or analysis to fulfill the requirements or intent of this ordinance the cost of such consultation shall be passed on to the applicant. During this time the 60-day review period shall be suspended pending the receipt of all information requested.

26.405 PUBLIC PARTICIPATION. While no public notice and hearing is required for site plan consideration, such matters shall be handled in public session as part of a previously prepared agenda. All matters relating to site plan consideration shall be a public record. Written notice of the meeting at which the final site plan is to be considered shall be mailed to the applicant and all property owners of record within 300 feet of the outer boundaries of the property.

SECTION 26.500 ADMINISTRATION

- 26.501 SITE PLAN APPROVAL.** The Plan Commission shall review the site plan and forward it to the Town Board along with a recommendation to approve, approve conditionally, or reject the site plan. The Town Board shall have the authority to take action to approve, approve conditionally or reject the final site plan within 60 days of submittal and shall state in writing any conditions of approval or reasons for rejection, 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.
- 26.502 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 paper copy, one electronic copy and supportive documentation of all approved site plans. All matters of site plan approval shall be of public record.
- 26.503 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.
- 26.504 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 requirements in this ordinance or with an approved site plan, the Town Board may modify the requirements of this ordinance or amend the site plan provided the spirit and intent of this ordinance shall be observed. Any amendment after site plan approval shall be noted on the face of the site plan with the date of the amendment.
- 26.505 MINOR SITE PLAN ADJUSTMENTS.** Minor site plan adjustments that do not significantly alter the submittal nor contradict any provision of this ordinance can be approved, approved with conditions, or denied by the Town Engineer and/or Planner following final approval. Changes to the plan must be submitted in writing and if approved an amended copy of the site plan must be furnished to the Town for public record.
- 26.506 SITE PLAN REVIEW FEE.** There is hereby established a site plan review fee per the Town of Freedom's "Application Fee Schedule & Submittal Criteria". The site plan review fee shall be paid to the Town Clerk at the time of site plan submittal. Payment of the site plan review fee is a prerequisite site for submittal and action by the Plan Commission and Town Board. Special meeting costs are the cost of the applicant and are held at the discretion of the Plan Commission Chair and correspondingly the Town Board Chair.
- 26.507 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.
- 26.508 EXPIRATION.** The approval of any site plan required by this section shall remain valid for one (1) year after the date of final approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. An extension of up to an additional twelve months may be granted by the Town Board upon receipt

of an application for an extension. If the site plan has changed, the Town Engineer and/or Planner will review the changes to determine if they are major or minor. If the changes are major, a revised site plan will need to be submitted in accordance with the requirements of this ordinance. If the changes are minor, the site plan can be adjusted per section 26.505 of this ordinance.

For purposes of this article “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing of financial arrangements, issuance of building permits, letting of contracts, grading of property or stockpiling of material on the site shall not constitute actual construction.

- 26.509 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.
- 26.510 PENALTIES.** Any person, firm, association, partnership, trust or corporation 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 the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.
- 26.511 APPEALS.** Any person, firm, association, partnership, trust, or corporation aggrieved by any decision or determination of the Town Board, may within 30 days after the decision or determination, commence an action seeking review by certiorari.

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