

**VILLAGE OF WINDSOR
ORDINANCE 2019-15**

**AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES
CONCERNING EARTH DISTURBING ACTIVITY**

WHEREAS: Village Staff recommends certain amendments be made to the Village of Windsor Code of Ordinances regarding earth disturbing activity; and

WHEREAS: the Village of Windsor Plan Commission held a public hearing regarding the proposed amendments on June 13, 2019; and

WHEREAS: the Plan Commission recommended approval to the Village Board of the proposed amendments in Plan Commission Resolution 2019-09 and as set forth herein; and

WHEREAS: the Village Board finds it to be in the public interest to amend Chapter 52 concerning earth disturbing activity.

NOW, THEREFORE, the Village Board of the Village of Windsor, Dane County, Wisconsin do ordain as follows:

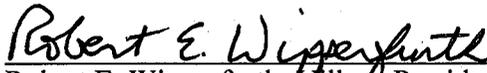
SECTION 1. Section 52-20(8) of the Windsor Code of Ordinances is hereby repealed and recreated as set forth in the attached Exhibit A.

SECTION 2. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 3. This ordinance shall take effect upon passage and publication as provided by law.

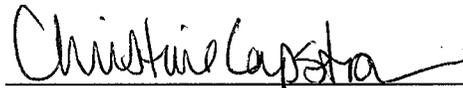
The above and foregoing Ordinance was duly adopted at a meeting of the Village Board of the Village of Windsor held on July 18, 2019, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR



Robert E. Wipperfurth, Village President

Attested by:



Christine Capstran, Village Clerk

Published: July 25, 2019

Effective: July 26, 2019

Incorporated by Reference: Exhibit A: Chapter 52-20(8)

Exhibit A

Chapter 52 – Zoning Districts

Article III. – General Provisions, Regulations, and Standards.

Sec. 52-20. – General restrictions, provisions and exceptions.

(8) *Earth-disturbing activities.*

(a) *Purpose.* The purpose of this subsection is to set forth the minimum requirements for earth-disturbing activities and further the following interests.

1. Promote the public health, safety, convenience and general welfare;
2. Limit earth-disturbing activities detrimental to erosion and sedimentation control and stormwater management practices resulting from the construction of any building, structure, or impervious surface; and
3. Preserve the general aesthetics and character of the surrounding area.

(b) *Definitions.*

1. *Development.* Any activity requiring a zoning permit or certificate of compliance, including earth-disturbing activities that will lead to the installation of footings, piers, posts, pilings or foundations.
2. *Earth-disturbing activities.* Any activity involving the clearing, cutting, excavating, filling, or grading of earth or any other activity that alters earth topography or vegetative cover.

(c) *Standards.*

1. The established grade within five (5) feet of any property line as depicted on a certified survey map or subdivision plat shall remain unchanged.
2. *Infill development.* The Zoning Administrator shall require the submittal of a detailed grading plan per Sec. 52-20(8)(d) before commencement of the earth-disturbing activities when the adjoining properties have been built-out. The established grade of the adjoining properties shall determine the finished grade at the property line for the earth-disturbing activities on the subject property.
3. *Utility easements, drainage easements and natural watercourse.* The established grade for all utility easements, drainage easements and natural watercourses as depicted on a certified survey map or subdivision plat shall remain unchanged.
4. *Minimum lowest opening exposure.* The lowest opening exposure shall not be less than the lowest opening exposure elevation specified for the lot as depicted on a certified survey map or subdivision plat.

If the lowest opening exposure elevation is not specified on a certified survey map or subdivision plat, the lowest exposure elevation shall be a minimum of twenty-

- four (24) inches above the lowest lot corner elevation as depicted on a certified survey map, subdivision plat, or grading plan.
5. Maximum top of foundation wall elevation. The maximum top of foundation wall elevation shall not be greater than forty-eight (48) inches above the highest lot corner elevation as depicted on a certified survey map, subdivision plat, or grading plan.
 6. Driveway angle of approach. The vertical angle of the driveway surface between the right-of-way and the edge of pavement shall comply with the Village of Windsor Code of Ordinances, Chapter 42, Sec. 42-60(b) – Angle of Approach.

(d) *Special Exception.*

1. The Zoning Administrator may grant a special exception to the terms of this subsection, only if the earth-disturbing activities are not contrary to the purpose of this subsection. Prior to considering such a special exception, the Zoning Administrator shall require the submittal of a detailed grading plan to include the following:
 - a. Scaled grading plan for the lot illustrating proposed buildings or structures, protected window wells/egress openings, patios, decks, retaining walls, driveways, culverts, etc.;
 - b. Lot setbacks and distances between proposed buildings or structures;
 - c. Lot easements;
 - d. Lot boundaries, boundary lengths, and bearings;
 - e. Elevations of lot corners;
 - f. A minimum of one existing grade elevation along “side lot boundary” near mid-point of building or structure. Additional grade elevations may be required for lot boundaries greater than 200 feet;
 - g. Elevations at top of foundation wall, lowest opening exposure, protected window well/egress opening, centerline of driveway over culvert, edge of sidewalk or path, and street and/or curb to match proposed improvements and existing conditions; and
 - h. Proposed driveway length and slope at centerline.