

TOWN OF WESTPORT
REGULAR PLAN COMMISSION MEETING
Kennedy Administration Building
Community Meeting Room
5387 Mary Lake Road
Town of Westport, Wisconsin

Virtual Meeting Via GoToMeeting

PLEASE TAKE NOTICE that this meeting will take place virtually via GoToMeeting.

Please join the meeting from your computer, tablet or smart phone by visiting <https://global.gotomeeting.com/join/643557709>. You can also participate by phone by dialing +1 (571) 317-3122 and use access code: 643-577-709. If you are new to GoToMeeting, get the app and be ready when the meeting starts. You may be muted or be asked to mute your device.

AGENDA - November 9, 2020 7:00 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Commission. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to Order
2. Public Comment on Matters Not On the Agenda
3. Approve Minutes
4. Land Division (Create 2 Lots for Approved Church), Cross Lutheran Church, Texas Longhorn Drive (Middleton ETZ), Discussion/Recommendation
5. Land Division (Create 1 Residential Lot), Bakke, 5687 Cobblestone Lane (Waunakee ETZ), Discussion/Recommendation
6. Waunakee Zoning Code Revision, Allow Domestic Fowl in ETZ Area, Discussion/Recommendation
7. Park Committee Report/Items for Action
8. Historic Preservation Commission Report/Items for Action
9. Sign Design Group Report/Items for Action
10. Waunakee/Westport Joint Planning Committee Report/Items for Action
11. Middleton/Westport Joint Zoning Committee Report/Items for Action
12. Miscellaneous Matters/Forthcoming Events
13. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

TOWN OF WESTPORT

PLAN COMMISSION – October 12, 2020

The regular monthly meeting of the Plan Commission was called to order at 7:01 p.m. via GoToMeeting.com virtual video conference by Chair Grosskopf. Members present: Bruskewitz, Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: None. Also attending: Pastor Joel Brandt, Jackie Wolke, Gordy Hunter, Steve Levy, and Tom Wilson.

No one was present For Public Comment on Matters not on the Agenda. The minutes of the August 10, 2020 regular meeting were approved as presented on a motion by Pichette, second Kennedy.

An Initial Consultation was then held on the proposed Variance Request to Change the Setbacks, Levy, 4961 Borchers Beach Road (Middleton ETZ). After a presentation by Wilson and Mr. Levy, and questions and comments by the Commissioners, Mr. Levy was told by the Commissioners of concerns to address if proceeding. Kennedy informed the Commission of an interest she has in a foundation run by Mr. Levy, and will likely abstain in any vote on the matter if it proceeds.

After an introduction by Wilson, a presentation by the applicant, questions were answered, and a lengthy discussion, the SIP and Design Review, Cross Lutheran Church, The Community of Bishops Bay/Texas Longhorn Drive (Middleton ETZ), was recommended for approval and approved as applicable and as presented with conditions and restrictions as recommended by staff in the agenda memo presented (Compliance with the elements of Resolution 20-04 that remain applicable; comments that come in from the fire dept., town engineer, town maintenance staff, and WAEMS as approved by the Town Administrator; build generally as presented subject to other conditions; a CSM consistent with the proposal that contains all Town standard conditions; easements as necessary for access and utilities; all lighting and fixtures to be final approved by the Town Administrator prior to installation; Wilson to review and approve any restriction documents; maintain SIP and Design Review over any additional new structures; maintain all plat easements, covenants, and restrictions; municipal water and sewer shall be provided to the church as approved by the Town Utility Manager, Town Engineer, and Town Administrator; stormwater and erosion control measures to comply with those already approved for the area through the GIP and approved by the Town Engineer; revisions to any environmental corridors consistent with the GIP approval or other minor land use revisions as may be necessary to effectuate this approval to be undertaken by Town or City staff and consultants; a review and report from the Town Engineer that parking meets the standards for the site and use, and that traffic for the proposed use will be appropriately and safely handled by the current roadways and traffic control in the area; and, subject to further approvals and restrictions or conditions precedent recommended and approved by the Town Board and City Council), on a motion by Kennedy, second Bruskewitz, and with the following additions:

- Commissioners would like to see more red and barn board on the building, especially on the west and east sides, and potentially on the south side, with the applicant to submit revised plans

showing the same consistent with the discussion at the meeting to be approved after review by Grosskopf, Cuccia and Wilson;

- Landscape plan should include no invasives and the plan shall be reviewed by Wilson when finalized in order to ascertain there are no invasive plants in the plan (prefer native plants to tie into the adjoining prairies);

- Proposed temporary gravel driveway must be paved within 5 years of occupancy or when Phase II is approved, whichever comes first;

- The property shall comply with the Town's Exterior Lighting Ordinance as included in the staff recommendation, and additionally that exterior lights will follow the same guidelines established for the neighboring Inspire child care facility as to timing;

- Applicants shall provide to the Town a rendering showing the exterior of all phases including a rendering of the final development, as soon as possible, and for this approval to be effective;

- Project engineer must submit a stormwater plan that meets development guidelines per staff recommendation;

- Wilson, Cuccia, Grosskopf, and Town Engineer Kevin Even to review and approve this additional information; and,

- Additional information will be sent to Commissioners for further comment that may become part of the approval.

Signage was not part of this submission so design review over all signage is maintained by the Plan Commission.

Wilson reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission. Pichette, Cuccia, and Wilson reported on work of the Sign Design Group.

Grosskopf and Wilson reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

There were no Miscellaneous Matters or Forthcoming Events raised.

Motion to adjourn by Bruskewitz, second Manering. The meeting adjourned at 8:32 p.m.

Mary Manering, Secretary

AGENDA ITEM #4:

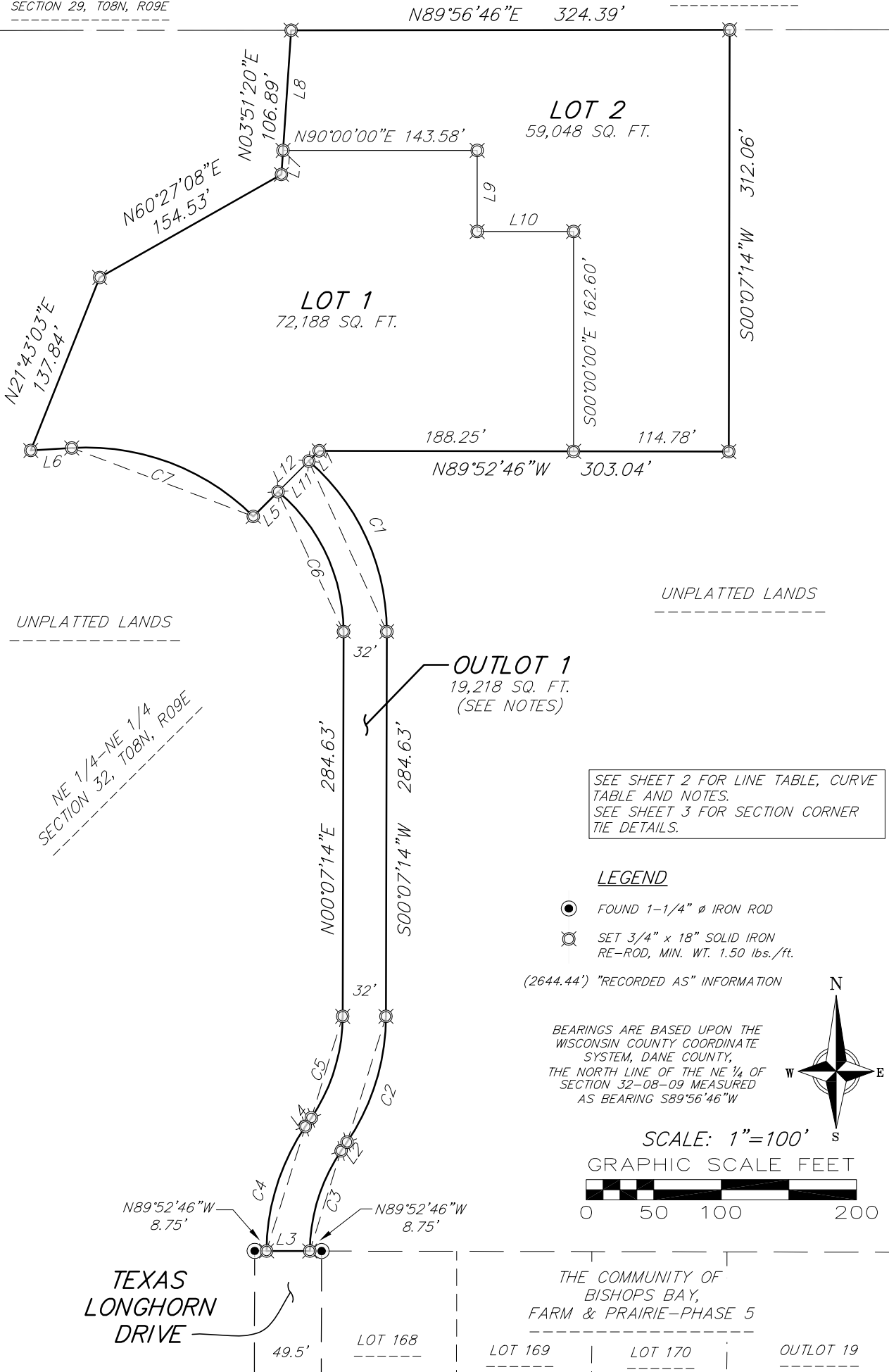
Land Division (Create 2 Lots for Approved Church),
Cross Lutheran Church, Texas Longhorn Drive
(Middleton ETZ), Discussion/Recommendation

CERTIFIED SURVEY MAP No.

UNPLATTED LANDS BEING PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

SE 1/4-SE 1/4
SECTION 29, T08N, R09E

UNPLATTED LANDS



M:\GROTH Design Group\190322_Cross Lutheran Church at Bishops Bay\CADD\190322 - CSM.dwg by: pkn

vierbicher
planners | engineers | advisors



Phone: (800) 261-3898

FN: 190325
DATE: 10-6-2020
REV:
Drafted By: PKN
Checked By: MMAR

SURVEYED FOR:
CROSS LUTHERAN CHURCH
300 BROADWAY DRIVE
SUN PRAIRIE, WI 53590

C.S.M. No. _____
Doc. No. _____
Vol. _____ Page _____

SHEET
1 OF 6

CERTIFIED SURVEY MAP No. _____

UNPLATTED LANDS BEING PART OF THE NE ¼ OF THE NE ¼ OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

Line Table		
LINE NO.	DIRECTION	LENGTH
L1	S45°07'14"W	10.82'
L2	S34°14'27"W	7.77'
L3	N89°52'46"W	32.00'
L4	N34°14'27"E	7.77'
L5	S45°07'14"W	25.83'
L6	S86°24'06"W	30.34'

Line Table		
LINE NO.	DIRECTION	LENGTH
L7	N03°51'20"E	17.78'
L8	N03°51'20"E	89.11'
L9	S00°00'00"E	60.00'
L10	N90°00'00"E	71.36'
L11	S45°07'14"W	32.12'
L12	S45°07'14"W	68.76'

Curve Table						
Curve No.	Length	Radius	Delta	Chord Length	Chord Bearing	Tangent Bearing
C1	143.07'	166.00'	49°22'57"	138.69'	S24° 34' 14"E	S49° 15' 43"E
C2	98.85'	166.00'	34°07'12"	97.40'	S17° 10' 50"W	
C3	78.80'	134.00'	33°41'33"	77.67'	S17° 23' 40"W	S00° 32' 54"W
C4	97.85'	166.00'	33°46'30"	96.44'	N17° 21' 12"E	N00° 27' 57"E
C5	79.80'	134.00'	34°07'12"	78.62'	N17° 10' 50"E	
C6	117.95'	134.00'	50°25'55"	114.18'	N25° 05' 43"W	N50° 18' 41"W
C7	147.92'	174.75'	48°29'56"	143.54'	N69° 20' 56"W	N45° 05' 59"W

NOTES:

- 1) OUTLOT 1 IS A PRIVATE OUTLOT TO PROVIDE VEHICULAR INGRESS AND EGRESS FOR THE BENEFIT OF LOTS 1 AND 2 OF THIS CSM.
- 2) LANDS WITHIN THIS CSM ARE SUBJECT TO A DECLARATION OF PROTECTIVE COVENANTS FOR THE COMMUNITY OF BISHOPS BAY PER DOCUMENT NUMBER 4942536.
- 3) PRIVATE UTILITY EASEMENTS SERVING THIS CSM FOR SANITARY SEWER, WATER, GAS, ELECTRIC, TELEPHONE AND CABLE TV WILL BE RECORDED SUBSEQUENT TO THE RECORDING OF THIS CSM.
- 4) LOT 2 IS RESERVED FOR FUTURE EXPANSION OF A BUILDING AND OR A PARKING LOT BY THE CHURCH.
- 5) THE CURRENT ZONING FOR LANDS WITHIN THIS CSM AND ADJACENT LANDS TO THE EAST, SOUTH AND WEST, IS PLANNED DEVELOPMENT DISTRICT (PDD).
- 6) THE CURRENT BUILDING SETBACKS FOR LOTS 1 AND 2 OF THIS CSM ARE AS FOLLOWS, PER THE COMMERCE DISTRICT IN THE COMMUNITY OF BISHOPS BAY, MASTER DEVELOPMENT PLAN (MDP), DATED AUGUST 18, 2015.
FRONT AND SIDE SETBACK=ZERO
REAR SETBACK=TEN FEET
- 7) THE LAND OWNER AT THE TIME OF TOWN APPROVAL AND RECORDING OF THIS CSM, IS BISHOPS BAY LAND HOLDINGS, LLC, 708 HEARTLAND TRAIL, MADISON, WI 53717.



CERTIFIED SURVEY MAP No. _____

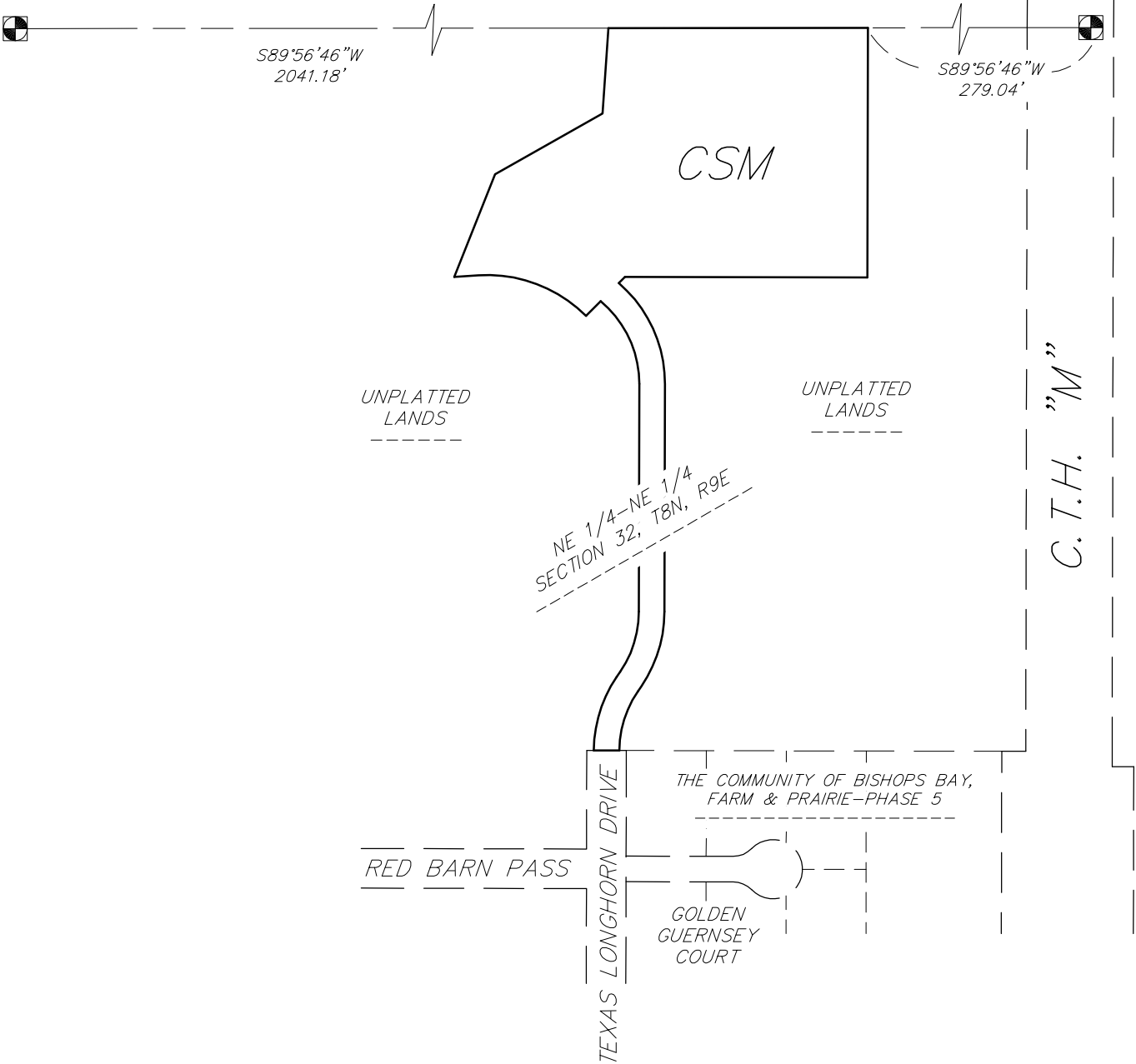
UNPLATTED LANDS BEING PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

SECTION CORNER TIE DETAIL
(NOT TO SCALE)

NORTH 1/4 CORNER
SECTION 32, T8N, R9E
BRASS CAPPED STEEL
MONUMENT FOUND
N=504327.87
E=803086.75

S89°56'46"W 2644.61' = OVERALL MON. TO MON.
(S89°56'30"W 2644.44')

NORTHEAST CORNER
SECTION 32, T8N, R9E
2" Ø IRON PIPE FOUND
N=504330.36
E=805731.36



BEARINGS ARE BASED UPON THE
WISCONSIN COUNTY COORDINATE
SYSTEM, DANE COUNTY,
THE NORTH LINE OF THE NE 1/4 OF
SECTION 32-08-09 MEASURED
AS BEARING S89°56'46"W



CERTIFIED SURVEY MAP No. _____

UNPLATTED LANDS BEING PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

SURVEYOR’S CERTIFICATE:

I, Paul R. Knudson, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Section 236.34 of the Wisconsin Statutes and the subdivision regulations of the Town of Westport, and under the direction of Bishops Bay Land Holdings, LLC, owner of said land, I have surveyed, divided and mapped this Certified Survey Map; that such Certified Survey Map correctly represents all exterior boundaries of the land surveyed and the division of that land in accordance with the information provided; and that this land is Part of the Northeast 1/4 of the Northeast 1/4 of Section 32, Township 08 North, Range 09 East, Town of Westport, Dane County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Section 32; thence S89°56’46”W, 279.04 feet along the north line of said NE 1/4 to the Point of Beginning; thence S00°07’14”W, 312.06 feet; thence N89°52’46”W, 303.04 feet; thence S45°07’14”W, 10.82 feet to a non-tangential curve; thence Southeasterly 143.07 feet along the arc of a curve to the right, having a radius of 166.00 feet and a chord bearing S24°34’14”E, 138.69 feet to the point of tangency thereof; thence S00°07’14”W, 284.63 feet to a point of curvature; thence Southwesterly 98.85 feet along the arc of a curve to the right, having a radius of 166.00 feet and a chord bearing S17°10’50”W, 97.40 feet to the point of tangency thereof; thence S34°14’27”W, 7.77 feet to a point of curvature; thence Southwesterly 78.80 feet along the arc of a curve to the left, having a radius of 134.00 feet and a chord bearing S17°23’40”W, 77.67 feet to the northerly plat boundary of The Community of Bishops Bay, Farm and Prairie-Phase 5; thence N89°52’46”W, 32.00 feet along said northerly plat boundary to a non-tangential curve; thence Northeasterly 97.85 feet along the arc of a curve to the right, having a radius of 166.00 feet and a chord bearing N17°21’12”E, 96.44 feet to the point of tangency thereof; thence N34°14’27”E, 7.77 feet to a point of curvature; thence Northeasterly 79.80 feet along the arc of a curve to the left, having a radius of 134.00 feet and a chord bearing N17°10’50”E, 78.62 feet to the point of tangency thereof; thence N00°07’14”E, 284.63 feet to a point of curvature; thence Northwesterly 117.95 feet along the arc of a curve to the left, having a radius of 134.00 feet and a chord bearing N25°05’43”W, 114.18 feet; thence S45°07’14”W, 25.83 feet to a non-tangential curve; thence Northwesterly 147.92 feet along the arc of a curve to the left, having a radius of 174.75 feet and a chord bearing N69°20’56”W, 143.54 feet to the point of tangency thereof; thence S86°24’06”W, 30.34 feet; thence N21°43’03”E, 137.84 feet; thence N60°27’08”E, 154.53 feet; thence N03°51’20”E, 106.89 feet to the north line of said NE 1/4; thence N89°56’46”E, 324.39 feet along the north line of said NE 1/4 to the Point of Beginning.

Said description contains 150,454 square feet or 3.454 acres, more or less.

Vierbicher Associates, Inc.
By: Paul R. Knudson

Dated this 6th day of October, 2020.

Signed: _____
Vierbicher Associates, Inc.
Paul R. Knudson, P.L.S. No. 1556



CERTIFIED SURVEY MAP No. _____

UNPLATTED LANDS BEING PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

OWNER’S CERTIFICATE:

Bishops Bay Land Holdings, LLC, a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that we caused land described on this Certified Survey Map to be surveyed, divided, mapped, and dedicated as represented hereon. We further certify that this Certified Survey Map is required by s. 236.10 or 236.12 Wisconsin Statutes, to be submitted to the Town of Westport for approval.

IN WITNESS WHEREOF, the said Bishops Bay Land Holdings, LLC, has caused these presents to be signed by Daniel J. Hartung, its President, at Madison, Wisconsin, on this _____ day of _____, 20____.

In the Presence of:

BISHOPS BAY LAND HOLDINGS, LLC

By: _____
Daniel J. Hartung, President

State of Wisconsin)
) ss
County of Dane)

Personally came before me this _____ day of _____, 20____, the above named, Daniel J. Hartung, President of the above named Bishops Bay Land Holdings, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My Commission Expires: _____

M:\GROTH Design Group\190322_Cross Lutheran Church at Bishops Bay\CADD\190322 - CSM.dwg by: pkn

CERTIFIED SURVEY MAP No. _____

UNPLATTED LANDS BEING PART OF THE NE ¼ OF THE NE ¼ OF SECTION 32,
TOWNSHIP 08 NORTH, RANGE 09 EAST, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

CITY OF MIDDLETON APPROVAL

Approved for recording on this _____, day of _____ 20____.

Mark Opitz, City Planner

TOWN OF WESTPORT APPROVAL:

This Certified Survey Map, including any dedications shown thereon, has been duly approved
by the Town Board of the Town of Westport, Dane County, Wisconsin, on _____,
20_____.

Thomas G. Wilson, Town Administrator

REGISTER OF DEEDS CERTIFICATE:

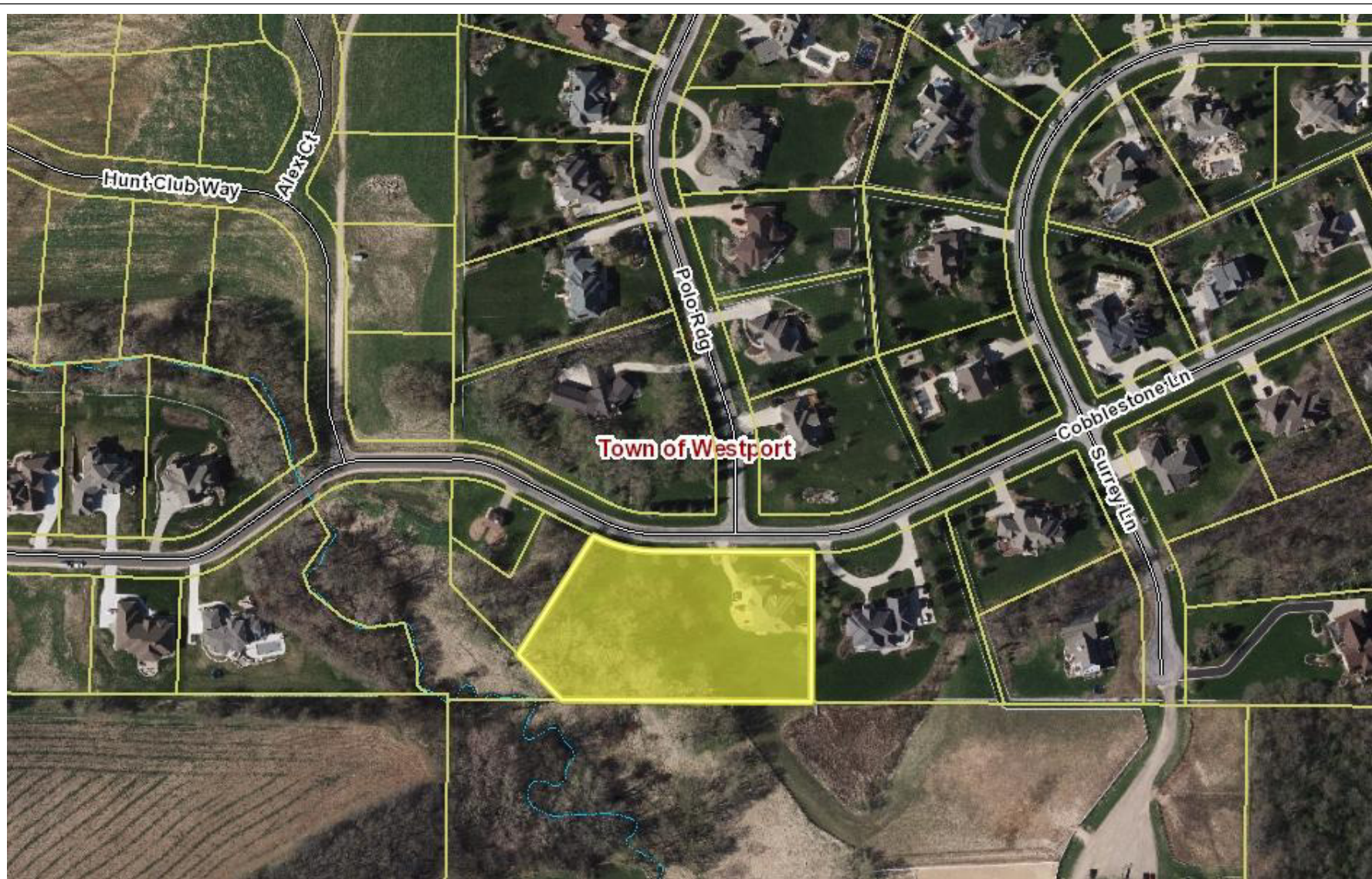
Received for recording on this __ day of _____, 20____, at
____ o'clock ____m., and recorded in Volume _____ of Certified Surveys
on Pages _____, as Document Number _____.

Kristi Chlebowski, Dane County Register of Deeds

M:\GROTH Design Group\190322_Cross Lutheran Church at Bishops Bay\CADD\190322 - CSM.dwg by:pknu

AGENDA ITEM #5:

Land Division (Create 1 Residential Lot), Bakke,
5687 Cobblestone Lane (Waunakee ETZ),
Discussion/Recommendation



Town of Westport GIS

DISCLAIMER: The Town of Westport does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 316'

Town of Westport

5387 Mary Lake Road
Waunakee, WI 53597
(608) 849-4372

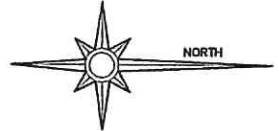
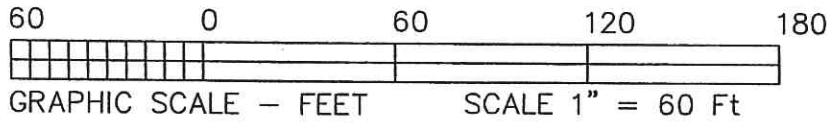
Print Date: 11/2/2020

CERTIFIED SURVEY MAP

WALKER SURVEYING INC.

5964 LINDA CT. MAZOMANIE, WI. 53560

A REDIVISION OF LOT 36, CARRIAGE RIDGE, LOCATED IN THE NW 1/4 OF THE NW 1/4, SECTION 21, T08N, R09E, TOWN OF WESTPORT, DANE COUNTY, WISCONSIN.



W 1/4 CORNER
SECTION 21-08-09
FND 1 1/4" I.S.

WISCOR-DANE
N 512,278.85
E 805,678.07

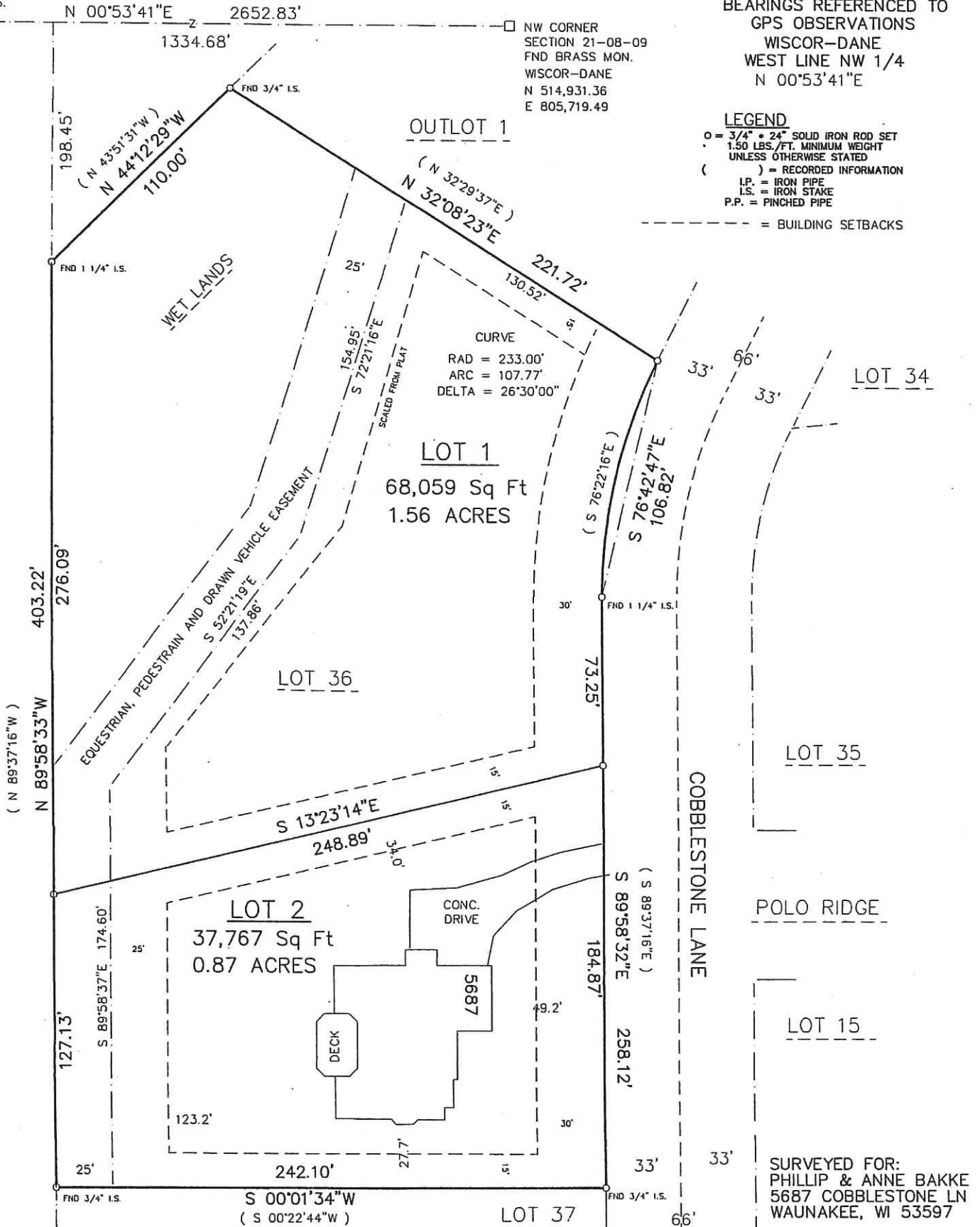
NW CORNER
SECTION 21-08-09
FND BRASS MON.
WISCOR-DANE
N 514,931.36
E 805,719.49

BEARINGS REFERENCED TO
GPS OBSERVATIONS
WISCOR-DANE
WEST LINE NW 1/4
N 00°53'41"E

LEGEND

○ = 3/4" x 24" SOLID IRON ROD SET
1.50 LBS./FT. MINIMUM WEIGHT
UNLESS OTHERWISE STATED
() = RECORDED INFORMATION
I.P. = IRON PIPE
I.S. = IRON STAKE
P.P. = PINCHED PIPE

--- = BUILDING SETBACKS



NOTES:

THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED, REFER TO BUILDING SITE INFORMATION CONTAINED IN THE COUNTY SOIL SURVEY.

DISTANCES MEASURED TO THE NEAREST HUNDRETH OF A FOOT
BEARINGS MEASURED TO THE NEAREST 5"

DOCUMENT NO. _____

CERTIFIED SURVEY MAP NO. _____

VOLUME _____

PAGE _____

CERTIFIED SURVEY MAP
WALKER SURVEYING INC.
5964 LINDA CT. MAZOMANIE, WI. 53560

SURVEYORS CERTIFICATE

I Anthony J. Walker, hereby certify that this survey is in full compliance with chapter 236.34 of Wisconsin Statutes and Chapter 86-105 of the Village Waunakee subdivision ordinances. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is correct representation of all of the exterior boundaries of the land surveyed and division of that land, in accordance with the information provided.

Anthony J. Walker, Registered Land Surveyor no. RLS 1957

LEGAL DESCRIPTION

Lot 36, Carriage Ridge, located in the NW 1/4 of the NW 1/4, Section 21, T08N, R09E, Town of Westport, Dane County, Wisconsin.

OWNERS CERTIFICATE

As owners we hereby certify that we have caused the lands described on this Certified Survey Map to be surveyed divided and mapped as shown hereon. We also certify that this Certified Survey Map is required to be submitted to the Town of Westport and the Village of Waunakee as approving authorities.

Phillip J. Bakke

Anne Marie Bakke

STATE OF WISCONSIN

COUNTY)ss Personally came before me this _____ day of _____, 2020, the above named owners, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public

my commission expires _____

TOWN OF WESTPORT

This Certified Survey Map is hereby acknowledged and accepted by the Town of Westport, Dane County, Wisconsin.

Town of Westport Administrator

VILLAGE OF WAUNAKEE

Approved for recording per Village of Waunakee action of _____, 2020

Village Clerk

REGISTER OF DEEDS

RECEIVED FOR RECORDING THIS _____ DAY OF _____, 2020
AT _____ O'CLOCK ____M AND RECORDED IN VOLUME _____ OF
CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES _____

kristi Chlebowski Register of Deeds

PAGE 2 OF 2

DOCUMENT NO. _____
CERTIFIED SURVEY MAP NO. _____
VOLUME _____ PAGE _____

AGENDA ITEM #6:

Waunakee Zoning Code Revision, Allow Domestic Fowl
in ETZ Area, Discussion/Recommendation

Jessica Frey

From: Tara Curtis <teejaye@gmail.com>
Sent: Monday, September 28, 2020 8:40 PM
To: Tom Wilson
Cc: Robert Anderson; Jessica Frey; Kevin and Leslie Even - Waunakee (kevin@waunakee.com); Tracy Meinholz (tmeinholz@waunakee.com)
Subject: Re: Zoning for domestic fowl enclosure

Hello Tom,

I really appreciate your willingness to discuss revising the code to allow for chickens. We have written up something for you to take with you to the meetings next month.

We live at 5533 Woodland Dr which is a 1.5 acre lot flanked by Six Mile Creek and a corn field. The lot is not adjacent to the residential building or yard of a neighbor.

We would like to keep six hens within a fenced enclosure with access to a covered coop, located in the backyard, far from any neighboring residential building, water front, or sidewalk. This situation would be in line with Dane County Zoning requirements for the keeping of domestic fowl.

Because we are zoned as a single family residence, we would not be able to keep chickens in the Town of Westport. While we understand why there is a limit on domestic fowl in residential zoning, our circumstances are such that keeping chickens would not disturb the enjoyment of others in the community.

We respectfully request that the zoning code be revised to allow for the keeping of chickens in residential zoning under circumstances like ours.

Sincerely,

The Curtis Family
Donald, Tara, Hazel, and Alice

On Mon, Aug 31, 2020 at 2:19 PM Tom Wilson <twilson@townofwestport.org> wrote:

Thanks Tara. Also Bob in the Westport office said you talked to him and he gave you some ideas. Since you are in a residential zoning district under the Waunakee Zoning Code, the keeping of chickens is not an allowed use. You would not be able to get a variance for that either since use variances are not allowed that I am aware of anyway. Seems like you would need to get the code revised to allow for chickens. I think that has been tried in the past in Waunakee without much luck. But I would suggest sending something to me that requests the change and then we can take it to the plan commissions to at least have a discussion. Just something like you have said below and why chickens would be ok in yours and similar circumstances in your opinion. I suspect this would be something for the October meetings.

Thanks.

permits pursuant to this chapter, and Wis. Admin. Code ch. NR 135 where applicable.

(c) Any pond 200 square feet or greater, and within 75 feet of a property line or road right-of-way, shall require the approval of a conditional use permit.

(2) Construction Of Ponds. Pond construction shall include the following:

(a) All spoil material removed from the pond shall be thin spread, less than 12 inches in thickness, on upland portions of the parcel.

(b) All disturbed areas associated with pond construction shall be stabilized.

(3) The Town Board shall require safety measures, such as fencing and gates.

(4) Pond Construction Proposal. The developer of any pond which requires a conditional use permit shall submit a plan and description. Plans and descriptions shall include: size of pond, location on site, setbacks, other existing or planned water features on the site, spoil spreading location, disturbed land reclamation means, property description, site stability, erosion, and construction timing.

(5) Biological Stability. All ponds which require a conditional use permit shall include plans for introduction of plants, fish and underwater features which will maintain the water in the pond in a biologically healthy state. No fish or plants which are considered invasive species may be introduced into a pond.

10-9-1.0630 Poultry and egg production, beekeeping in residential zones: secondary standards. These standards apply to poultry and egg production, and beekeeping in single family residential, multiple family residential, and rural community zoning districts only, where there has been no approval of animal units. These standards shall not apply to poultry or egg production or beekeeping as an agricultural use or to parcels which are regulated by the number of animal units.

(1) If the Lot is less than 2 acres in area, the number of poultry kept shall not exceed 6 per Lot on the same lot as the dwelling. If the Lot is 2 acres or more, the number of poultry kept

shall not exceed 12 per Lot on the same lot as the dwelling.

(2) A description of the poultry coop shall be provided with the land use permit application. Coops may be part of an accessory structure, but may not be a part of a dwelling.

(3) Roosters and crowing cockerels shall not be kept.

(4) Poultry shall be kept in fenced areas to prevent poultry from trespassing onto neighboring properties.

(5) Setbacks of poultry and beekeeping activities.

(a) Poultry related structures shall be located no less than 25 feet from any side or rear yard.

(b) Beekeeping related structures shall be located no less than 100 feet from any side or rear yard line. (6) If the structures associated with poultry and egg production in the SFR, MFR, and RUC zones are less than or equal to 120 square feet and the number of poultry is less than 6 per lot, no land use permit shall be required provided the standards of this chapter are met.

(7) All manure shall be stored in a manner which prevents the generation of odors or runoff from the property. Manure may not be disposed of in domestic waste systems.

10-9-1.0631 Recreation facility, outdoor: secondary standards. (1) Proposed lighting installations shall use shading, brightness control and directional planning to avoid light spill onto surrounding properties, or skyward.

(2) Hours of operation, including hours of night lighting, shall be specified as a condition of the conditional use.

(3) If any powered recreational sports are involved, the terms of approval shall specify the kinds of equipment which is permitted, noise limits measured at the property line, erosion control measures and safety precautions.

10-9-1.0632 Rendering plant facility: secondary standards. (1) Rendering activities shall take place in a confined area which prevents odors and wastes from escaping.

Sec. 14-8. - Prohibited and protected animals.

- (a) *Protected animals.* The keeping of protected animals shall be subject to the following:
- (1) *Possession and sale.* It shall be unlawful for any person to possess with intent to sell or offer for sale or buy or attempt to buy, within the village, any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family Felidae; polar bear (*Thalarctos maritimus*); red wolf (*Canis niger*); vicuna (*Vicugna vicugna*); or alligator, caiman or crocodile of the order of Crocodilia; gray or timber wolf (*Canis lupus*); sea otter (*Enhydra lutris*); Pacific ridley turtle (*Lepidochelys olivacea*); Atlantic green turtle (*Chelonia mydas*); Mexican ridley turtle (*Lepidochelys kempii*).
 - (2) *Compliance with federal regulations.* It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile or the dead body or parts thereof which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973 (PL 135), 16 USC 1531.
 - (3) *Importation of certain birds.* No person shall import or cause to be imported into this village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) *Exceptions to subsection (a).* Subsection (a) of this section shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a scientific collector's permit issued by the secretary of the department of natural resources of the state or to any person or organization licensed to represent a circus.
- (c) *Keeping wild animals.* Notwithstanding subsection (a) of this section, it shall be unlawful for any person to keep, maintain or have in such person's possession or under such person's control within the village any poisonous reptile; any other dangerous or carnivorous wild animal, insect or reptile; any vicious or dangerous domesticated animal; or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in such person's possession or under such person's control within the village any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes:
 - a. Chimpanzees (*Pan troglodytes*).
 - b. Gibbons (*Hylobates*).
 - c. Gorillas (*Gorilla gorilla*).

- d. Orangutans (*Pongo pygmaeus*).
 - e. Siamangs (*Symphalangus*).
 - (3) Bears (*Ursidae*).
 - (4) Bison (*Bison*).
 - (5) Cheetahs (*Acinonyx jubatus*).
 - (6) Crocodilians (*Crocodylia*), 30 inches in length or more.
 - (7) Constrictor snakes, six feet in length or more.
 - (8) Coyotes (*Canis latrans*).
 - (9) Deer (*Cervidae*), including all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
 - (10) Elephants (*Elephas maximus* and *Loxodonta africana*).
 - (11) Game cocks and other fighting birds.
 - (12) Hippopotami (*Hippopotamidae*).
 - (13) Hyenas (*Hyaenidae*).
 - (14) Jaguars (*Panthera onca*).
 - (15) Leopards (*Panthera pardus*).
 - (16) Lions (*Panthera leo*).
 - (17) Lynxes (*Lynx*).
 - (18) Monkeys, new world (*Platyrrhine*).
 - (19) Monkeys, old world (*Catarrhine*).
 - (20) Ostriches (*Struthio camelus*).
 - (21) Prosimians (*Prosimii*).
 - (22) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (23) Rhinoceroses (*Rhinocerotidae*).
 - (24) Sharks (class *Chondrichthyes*).
 - (25) Snow leopards (*Panthera uncia*).
 - (26) Tigers (*Panthera tigris*).
 - (27) Wolves (*Canis lupus*).
 - (28) Poisonous insects or spiders.
 - (29) Except in properly zoned districts, horses, mules, llamas, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (d) *Exceptions to subsection (c)*. The prohibitions of subsection (c) of this section shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment;

agricultural fairs; shows or projects of the 4-H clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:

- (1) Their location conforms to chapter 133 pertaining to zoning.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

(Code 1988, § 7-1-13; Code 1998, § 14-10; Ord. No. 10-11, § 3, 11-1-2010)

State Law reference— Captive wildlife, Wis. Stats. ch. 169.