

Town of Lincoln Zoning Ordinance Language Changes

From Ordinance No. 12012014A

The following changes to the Town of Lincoln Zoning Ordinance were adopted in Resolution #050613A2 by the Board of Supervisors on May 6, 2013, and are hereby adopted in the Zoning Ordinance:

To be added as Section 11.3.1.a.i (page 98) and 12.3.1.j (page 103):

“Substantial” versus “minor” changes in a building permit: The Zoning Administrator, in consultation at his/her discretion with the Plan Commission Chair and/or the Chair of the Board of Supervisors, shall make a determination as to whether the changes made to the plans for a building permit are substantial or minor. If the determination is that the changes are substantial, the applicant must re-apply for the building permit and undergo a site plan review as required.

To be added as Section 12.3.1.i (page 103):

“Substantial work” shall mean a *considerable amount of work has been done towards completing the project that received approval. The site work shall have progressed beyond grading and shall involve physically starting the building project. Site work shall involve the expenditure of at least 10% of the total project cost, with the burden of proof on the applicant. This may include obtaining necessary plot plans, surveys, engineering data, easements, deed restrictions, approvals, and permits.* Completion of structural foundations and construction shall occur above grade within twelve (12) months of the effective date of the building permit or date of approval of an extension of the building permit. Construction must continue with reasonable progress and no interruption greater than one hundred eighty (180) consecutive days. Hardships shall be considered by the Board of Supervisors on a case by case basis.

Change to Section 8.2.1 (page 78):

Residential development having one dwelling on a lot of record are exempt from the site plan review.

To be added to Section 8.5 (page 80):

24. Setbacks or buildings and other structures from property lines and roads.
25. Location of proposed, existing, and abandoned wells on the property and their setbacks from all existing and proposed buildings and other structures, property lines, and roads.
26. Distances or setbacks from all drainage features on the property, including waterways, perennial and intermittent streams, ponds, and tile lines.
27. Location of any Karst features on the property, especially sink holes.
28. Location of driveways, parking, and provisions for traffic circulation.
29. Outdoor area lighting

30. Any future expansion plans.

To be added to Section 2.2 Words Defined (page 5):

DEVELOPMENT AGREEMENT - A development agreement is a contract between the Town and a person who has ownership or control of property within the Town. The purpose of the agreement is to specify the standards *and conditions* that will govern development of the property. The development agreement provides assurance to the developer that he/she may proceed to develop the project subject to the rules and regulations in effect at the time of approval; the development will not be subject to subsequent changes in regulations. The agreement may clarify how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide community improvements, required mitigation measures, setbacks and dimensional requirements, *and other conditions*. The agreement can also facilitate enforcement of requirements, since it is a contract that details the obligations of the developer and the Town. All development agreements shall be approved by the Board of Supervisors.

Enacted this 1st day of December, 2014 by the Town Board of Supervisors of the Town of Lincoln.

TOWN BOARD

Cory Cochart, Chairman (signed)

Nick Cochart, Supervisor #1 (signed)

Jesse Jerabek, Supervisor #2 (signed)

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this

1st day of December, 2014

Dale Massey, Town Clerk (signed)

Ordinance No. 0302201502

**Ordinance Adopting Changes to the Town of Lincoln Zoning Ordinance
Authorizing Development Agreements**

The Town Board of Supervisors of the Town of Lincoln (“Town Board”), Kewaunee County, Wisconsin, does ordain as follows:

1. Authority

The following change to the Town of Lincoln’s Zoning Ordinance is adopted pursuant to the authority granted under Wis. Stats. §60.01 to “enter into contracts necessary for the exercise of its corporate powers”, §60.61 to adopt a zoning ordinance, and the Town’s exercise of Village Powers under §60.10 and 60.62.

2. **Section 8.6 of the Town of Lincoln Zoning Ordinance shall be revised with the following language (changes in bold italics):**

8.6 Review and Findings

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety. The Plan Commission may, at its discretion, require an applicant for a Building Permit requiring a Site Plan Review to enter into a Development Agreement with the Township. All Development Agreements shall be approved by the Board of Supervisors.

Enacted this 3rd day of March, 2015 by the Town Board of Supervisors of the Town of Lincoln.

TOWN BOARD

Cory Cochart, Chairman (signed)

Nick Cochart, Supervisor #1 (signed)

Jesse Jerabek, Supervisor #2 (signed)

CERTIFICATION OF ENACTMENT

I hereby certify that the foregoing ordinance was duly enacted by the Town Board of the Town of Lincoln on this 3rd day of March, 2015

Dale Massey, Town Clerk (signed)