

TOWN OF PORTLAND (MONROE COUNTY)

SITE PERMIT ORDINANCE: 2021 – 1

(Replaces Site Ordinance 2008 No. 1)

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1. TITLE/PURPOSE

This ordinance is entitled the Town of Portland Site Permit Ordinance.

The purpose of the ordinance is to protect the health, safety, and welfare of township residents by assuring that any construction in the Town of Portland will comply with:

- A. County sanitary permit requirements
- B. County and state floodplain, wetland, and shoreland zoning requirements
- C. Any other state mandated or county zoning ordinances that exist at the time of construction
- D. State building plan approval procedures for commercial building or any residential building with three or more living units
- E. Minimum township requirements for driveway access, site development, and construction standards (see Section 4)
- F. Township efforts to locate and record buildings for purposes of providing emergency services and for assessment purposes

This ordinance will also set forth an orderly procedure for obtaining a site permit and will establish permit fees and penalties for failure to obtain a required site permit.

2. AUTHORITY

The Town Board of the Town of Portland has been granted village powers pursuant to Sec. 60.10 (1988-1989) Wis. Stats. and have the specific authority, powers, and duties pursuant to Sec. 60.10, 60.22, 101.65, & 101.651 Wis. Stats to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Portland and to act for the health, safety, and welfare of the public.

3. SITE PERMIT APPLICATION REQUIRED

A site permit is required for construction, reconstruction, additions to an existing dwelling, or placing of any building or structure larger than 100 square feet on land in the Town of Portland. Exterior dimensions will be used to determine the area.

This requirement applies to all types of buildings, including but not limited to buildings constructed on site, buildings constructed or manufactured elsewhere and moved to the site, mobile homes, and modular and manufactured homes.

If the building will be or could be used as a dwelling, the Wisconsin Uniform Building Permit Application (SBD-5823) will be used. For other buildings, a Town of Portland Site Permit Application will be used.

All buildings or structures, regardless of their intended use or size must meet the minimum requirements listed in Section 4 before a Site Permit will be issued.

A Site Permit will be good for one year from the date of issue. If the building is not completed during the period, a new application and new permit will be required. For purposes of this provision, a building is considered complete when the exterior work is completed.

4. MINIMUM REQUIREMENTS FOR ISSUANCE OF SITE PERMIT

No Site Permit will be issued until the following requirements have been satisfied.

- A. Applicant must submit a properly completed application form accompanied by the designated fee.
- B. Applicant must submit a copy of the sanitary permit obtained from the Monroe County Zoning Department, or a written waiver from the County Zoning Office verifying that a sanitary permit is not needed for the building.
- C. Applicant must provide written verification from the Monroe County Zoning Department that the proposed building is in compliance with County floodplain, shoreland, and wetland ordinances and any other state mandated or County ordinances that might be relevant to the building site.
- D. Unless an approved driveway already exists to provide access to the property, the applicant must first obtain a Driveway Permit from the Town Board (if the driveway enters from a Town road) or from the appropriate County or State office (if the driveway enters from a County or State highway). The driveway must then be completed and approved BEFORE building construction begins.
- E. If the proposed building is a commercial building or a residential building with three or more living units, the Town will be guided by the State of Wisconsin's building plan approval procedures.

- F. SETBACKS. No construction will be allowed within 30 feet of a Town road right-of-way line. (For example, in the case of a four-rod road, the right-of-way line is approximately 33 feet from the centerline of the road. Therefore, no construction would be allowed within 63 feet of the road's centerline.)

For a building located on a County highway, the minimum setback will be 75 feet from the centerline, or 42 feet from the right-of-way, whichever is greater.

No construction will be allowed within 30 feet of any of the other boundaries of the parcel or lot.

1. In certain cases, a variance may be granted, after review of the Town Board.

- G. By signing the application, the applicant agrees that all construction materials will be staged and stored in an orderly manner that will prevent them from blowing and that will not create an environmental hazard or aesthetic nuisance.

- H. The applicant must demonstrate to the Town Board that the building and building site proposed will not cause severe and unacceptable environmental damage and that the building will not itself be vulnerable to geographical or environmental hazards. This will have to be determined on a case-by-case basis, but at a minimum the following issues must be addressed:

1. Whether the building site will be vulnerable to storm water runoff and melted snow runoff
2. Whether the building site involves an area of soil instability (For example, a slope greater than 30%, organic soils, peats, or mucks at or near the surface)
3. If the proposed building site is within 2,000 feet of the boundaries of a presently operating or permanently closed landfill, the Board will not approve a permit for a dwelling unit until the applicant has in place a water system that conforms to all applicable State Administrative Codes, and the Board reserves the right to attach other conditions to the permit.

If questionable issues arise from these and similar considerations and if no alternative site on the property can be agreed on, and if the Board therefore feels that it could not approve the application, the Town Board will hold a Public Hearing prior to final action on the Site Permit Application.

At the Hearing, the Board will publicly state why it feels the proposed building will have a significant negative impact on the environment and/or why it feels that the proposed building will negatively affect the health, safety, or welfare of the public. The applicant will then have an opportunity to provide written or verbal testimony from a licensed engineer, architect, or other professional that the construction can be accomplished without these negative effects. The burden is on the applicant to prove that the construction will not create significant negative

impacts on the environment or the public. Any expenses involved in resolving the issue will be paid by the applicant.

5. PROCEDURE AND FEES

Before beginning ANY construction activity, the applicant should:

1. Request an application form from the Town Clerk
2. Complete the application and submit it to the Town Clerk with a check for the required fee

The building inspector will review the application, make certain that all supporting documents, permits, and waivers have been obtained by the applicant (see Section 4, Minimum Requirements for Issuance of Site Permit), and are attached.

The site permit must be prominently displayed at the construction site.

FEES. Fees, approved by a simple majority of the Town Board, will be reviewed annually by the Board to see that the fee is sufficient to cover the costs of administration.

The following fees will take effect with the adoption of this ordinance:

Site Permit (any size dwelling unit or structure over 100 square feet)	\$25.00
Driveway or Access Road Permit (includes inspection)	\$25.00

6. PENALTIES

Any building or structure constructed, erected, or placed on land in the Town of Portland in violation of any of the provisions of this Ordinance shall be deemed an unlawful building or structure.

Any person, who constructs, erects, or places a building or structure on land in the Town of Portland in violation of any provision of this Ordinance, shall be required to forfeit \$100.00.

7. DEFINITIONS

For the purpose of this Ordinance the following definitions shall be used:

SITE PERMIT: Any such permit so issued shall show the owner or owners of such property upon which such proposed construction is to take place, describe the property as described in the town assessment roll, and show the amount of cost or estimated cost, and the estimated square footage of the proposed construction, reconstruction, or additions to existing buildings.

BUILDING: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. It includes structures erected or built on site and structures made elsewhere and moved to the site.

BUILDING SITE: The space or area of ground upon which a building is to be erected, which it will cover exactly, and the adjacent ground which will be or could be affected by the existence of the building (in terms of drainage, water table, soil disturbance, and resulting erosion, compaction, absorption, increased traffic, and similar environmental factors.)

MANUFACTURED HOME: A dwelling unit that is primarily assembled at an off-site location, with interior electrical wiring, plumbing, and interior finishing substantially installed before location on the final site, but which is still not ready for occupancy without substantial preparation and construction at the site.

MOBILE HOME: Any structure originally designed to be capable of transportation by motor vehicle upon public highways which does not require substantial on-site fabrication and which is intended for occupancy as a year-round residence.

ROADWAY: That portion of a highway which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

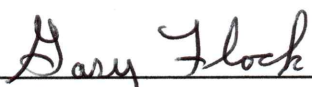
SETBACK: The required minimum distance between a structure and any lot line or highway right-of-way line.

SLOPE: A measure of the steepness of a site, expressed as a percent. (For example, a slope which rises 3 vertical feet for every 10 horizontal feet is a 30% slope.) Also called grade or gradient.

8. EFFECTIVE DATE

This Ordinance shall take effect after a Town meeting and adoption by the Board of the Town of Portland and posting as required by law.

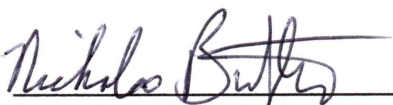
Adopted: April 14, 2021



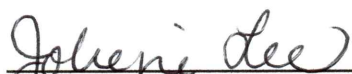
Town Chairman – Gary Flock



Supervisor – Robert Brown



Supervisor – Nicholas Butzler



Attested By:
Town Clerk – Jolene Lee