

STATE OF WISCONSIN WAUKESHA COUNTY VILLAGE OF ELM GROVE

AN ORDINANCE AMENDING CHAPTER 335
OF THE VILLAGE CODE OF ORDINANCES REGULATING THE APPROVAL
OF PLAY STRUCTURES AND THEIR PLACEMENT

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS
FOLLOWS:

SECTION 1: § 335-88(C) is hereby amended by the deletion of text which is ~~overstricken~~ and the addition of text which is underlined as follows:

- C. Exemptions from site and building plan approval requirements. The following facilities and uses are exempt from the site and building plan approval requirements:
- (1) Interior alterations that do not affect the structure's exterior dimensions. Minor maintenance or repairs such as re-painting, re-siding, re-roofing, window replacement and other repairs to the exterior of a structure that do not alter the color, size, shape, architectural character or illumination of the property or that do not exceed \$15,000.
 - (2) Signs that replace existing sign panels without changing the dimensions or character of the sign and type or intensity of lighting or illumination.
 - (3) Play facilities Structures, except as provided in § 335-88(D)(6)(K). Seasonal Play Structures as defined in Section 335-88(D)(6)(K)[1]C., swing sets, basketball hoops, flagpoles, and ground barbecues.
 - (4) Decorative fences pursuant to § 335-88(D)(6)(g).
 - (5) Retaining walls pursuant to § 335-88(D)(6)(h).

SECTION 2: § 335-88(D)(6)(k) is hereby created as follows:

[1] Definitions

- A. A "Play Structure" is a detached structure which can be or is intended to be used by minors to engage in commonly accepted play activities.
- B. A "Play House" is a Play Structure or component thereof, which is covered or partially covered and which has at least three (3) walls or sides, and is placed on or attached to the ground and not entirely located on and supported by a tree, such as a tree house.
- C. A "Seasonal Play Structure" is a play structure that is not permanently attached to the ground, is ordinarily not intended for year round usage because of its design or limited usefulness and is removed during the off season of use.

[2] General Regulations.

- A. Play Structures shall not exceed twenty (20) feet in height. Any Play Structure taller than fifteen (15) feet in height at any point shall be subject to Plan Commission review and approval.

- B. Play Houses shall not have a footprint area exceeding one hundred (100) square feet or a height greater than ten (10) feet, unless it is part of a multi-use play structure in which case 335-88(D)(6)[2](a) applies. Any Play House exceeding these dimensions shall be considered an accessory structure and shall be subject to all ordinances governing accessory structures. Any Play House with electrical or water capabilities ~~or attached to the ground~~ shall be subject to all applicable building permits and inspections and shall be subject to Plan Commission review and approval.
- C. Seasonal Play Structures shall be exempt from the requirements set forth in this section 335-88(D)(6)(K).
- D. Play Houses shall not be used as yard maintenance buildings. No more than one yard maintenance building and one Play House shall be allowed on any residential property. No residential property shall have more than one Play House.
- E. Play Structures and Play Houses shall not be located in street yards.
- F. Play Houses and Play Structures shall comply with the setback requirements of the applicable zoning district. At no point shall any portion of a Play House or Play Structure project into a required setback area unless written consent is provided by all abutting property owners and filed with the Zoning Administrator. Such written consent must contain original signatures accompanied by [a] a reasonable depiction of the proposed Play Structure or Play House and its placement including dimensions and property boundaries and [b] a brochure or other documentation which identifies and illustrates height, width, length, features, construction material list, and completed appearance of the proposed Play House or Play Structure.

[3] Plan Commission Review.

Any Play Structure or Play House which is not clearly exempted from review under section 335-88(D)(6)(K)[2] shall be referred to the Plan Commission. Each abutting property owner shall be notified of the time, date, and place of the relevant Plan Commission meeting. The Plan Commission may deny, approve, or conditionally approve the proposed Play Structure or Play House. The Plan Commission shall have discretion, in the absence of a self imposed hardship situation, to grant a conditional approval which deviates from the requirements of Section 335-88(D)(6)(K)[2] only after considering potential screening, layout modifications, impact on neighboring properties and imposing removal timelines.

[4] Minimum Standards for Maintenance. All Play Structures shall be properly maintained or otherwise protected to prevent deterioration or a negative impact upon neighboring properties.

SECTION 2: This ordinance shall take effect and be in full force from and after its passage and publication.

Passed and approved this 25th day of March 2008
 VILLAGE OF ELM GROVE

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk

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