

§ 340-43. Energy conservation uses.

The following uses are conditional uses in any district and may be permitted as specified:

- A. Wind energy conversion systems, which are used to produce electrical power, provided that the following standards are complied with:
- (1) **Application.** Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premises, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system.
 - (2) **Construction.** Wind energy conversion systems shall be constructed and anchored in such a manner as to withstand wind pressure of not less than 40 pounds per square foot of area.
 - (3) **Noise.** The maximum level of noise permitted to be generated by a wind energy conversion system shall be 85 decibels, as measured on the (A) scale, measured at the lot line.
 - (4) **Electromagnetic interference.** Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (5) **Location and height.** Wind energy conversion systems shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this chapter; however, all such systems over 100 feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FM restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
 - (6) **Fence required.** A security fence shall surround all wind energy conversion systems not less than six feet in height. A sign shall be posted on the fence warning of high voltage.
 - (7) **Utility company notification.** The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

B. Solar energy conversion systems used to produce electrical power or supplement heating systems, provided that the following standards are complied with:

- (1) Application. Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures. The application shall include calculations showing that the structure is constructed to withstand any additional loading placed upon the structure by the installation of the solar energy conversion system. Copies of any solar access easements or agreements obtained by the applicant shall also be provided to the Town.
- (2) Construction. Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building codes.
- (3) Location and height. Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this chapter unless otherwise provided in the conditional use permit issued pursuant to this section.

C. A berm with any portion thereof five feet and above located between the minimum required building setback and the property line or that obstructs natural flow of drainage. A berm located within the Shoreland Protection Jurisdiction of Ozaukee County may be regulated by additional standards and permits by Ozaukee County. **[Added 12-7-2009 by Ord. No. 2009-071**

ARTICLE V Development Standards

§ 340-44. Purpose. [Added 3-6-2006 by Ord. No. 2006-2; amended 11-13-2013 by Ord. No. 2013-031

Development standards present minimum standards for the design and construction of development approved by a final plat of subdivision, certified survey map, condominium plat, conditional use or other approval required by this chapter. The development standards may be further supplemented by policies adopted by resolution of the Town Board, after review and recommendation by the Town Plan Commission. The expansion or alteration of existing developed sites or structures shall meet the standards of this Article V to the extent practicable. In approving or disapproving the project elements of a proposed expansion or alteration of an existing developed site or structure, the Plan Commission shall give due consideration to the character of the existing structure and site and the suitability of the proposed building and site design in relationship to the existing structure and other nearby uses.'

7. Editor's Note: Development standards and policies for minimum road design, road construction and for fall/winter/spring construction were adopted 3-6-2006 by Res. No. 2006-1. Said standards and policies are included at the end of this chapter.

§ 340-45. Street access.

- A. Collector and minor residential streets may be required to connect with surrounding streets when necessary to permit the convenient movement of traffic between neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons. Connection may be denied where the effect would be to encourage the use of such streets by substantial through traffic.
- B. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line or the subdivided property at the point where the connection to the anticipated proposed street is expected, unless prevented by topography or other physical conditions, unless it is the opinion of the Town Plan Commission that such an extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. In addition, the Town may require temporary turnarounds to be constructed at the end of such streets pending their extension. Notwithstanding other provisions of this subsection, no temporary or permanent dead-end streets in excess of 1,000 feet may be created unless another practical alternative is not available.
- C. Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Town Plan Commission but shall not be approved in residential districts. Dead-end or crooked alleys shall not be approved, and an alley shall not connect to an arterial street.
- D. Cul-de-sac streets designed to have one end permanently closed shall normally not exceed 1,000 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 60 feet and a minimum outside paved radius of 48 feet. Greater dimensions may be required when in the interest of the public the Town deems it necessary.
- E. Reserve strips or "spite strips" shall not be allowed on any plat to control access to streets or alleys from abutting property except where control of such strips is placed with the Town under conditions approved by the Town Plan Commission.
- F. Half streets are streets which are only a portion of the required width and are usually platted along property lines. These half streets shall be prohibited except where it is deemed essential for the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Plan Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract.

§ 340-46. Street grades.

- A. Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum center-line grade of any public way shall not exceed the following:

- (1) Arterial streets: 6%.
- (2) Collector streets: 6%.
- (3) Minor streets, alleys and frontage streets: 8%.
- (4) Any street: the grade of any street shall in no case exceed 8% or be less than 1/2 of 1%.

B. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and the general leveling of the terrain. Tree removal within the right-of-way shall be as required by the Town Board and may be required by the County Highway Commission along county trunk highways where it is deemed necessary to obtain proper vision or additional pavement width. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and 1/2 this minimum for all other streets.

§ 340-47. Road alignment.

- A. When a continuous street center line deflects at any one point by more than 5%, a circular curve shall be introduced having a radius of curvature on such center line of not less than the following:
- (1) Arterial streets and highways: 500 feet.
 - (2) Collector streets: 300 feet.
 - (3) Minor streets: 100 feet.
- B. A tangent of at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- C. A minimum sight distance with clear visibility, measured along the center line, not less than the following shall be provided:
- (1) Arterial streets and highways: 500 feet.
 - (2) Collector streets: 300 feet.
 - (3) Minor streets: 100 feet.
- D. Streets that are to be public dedications are to meet these minimum right-of-way standards. **[Amended 3-6-2006 by Ord. No. 2006-2]**
- (1) Arterial streets and highways: 100 feet.
 - (2) Collector streets: 80 feet.
 - (3) Minor/rural streets: 66 feet.

§ 340-48. Street names.

New street names may not duplicate the names of existing streets within Town boundaries, but streets that are continuations of existing and named streets shall bear the name of the existing street. Street signs shall be required at all intersections and shall be installed by the subdivider. Street sign location and design shall be determined and approved by the Town Plan Commission.

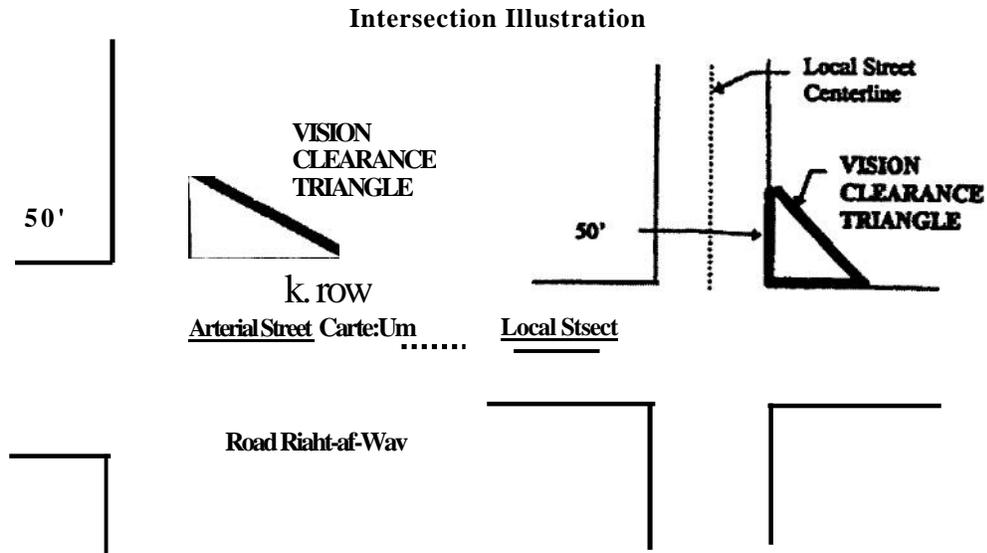
§ 340-49. Intersection design.

- A. Streets shall intersect at right angles, and not more than two streets shall intersect at one point.
- B. Intersections shall be approached on all sides by grades not to exceed 4% for a distance of at least 50 feet in length unless exceptional topography would prohibit these grades.
- C. The minimum turning radius at an intersection shall not be less than 40 feet.
- D. If a proposed street is to enter a Town, county or state arterial and it is deemed a hazardous entrance by the governing body having jurisdiction over the road, it will be the responsibility of the subdivider to correct the potential hazard through an agreement with the governing body or else relocate the proposed entrance to a more suitable location approved by the governing body.
- E. The following distances between intersections must be observed:
 - (1) Minor and collector streets shall not empty into state and federal highways at intervals less than 1,300 feet and into an arterial less than 1,000 feet.
 - (2) Minor and collector streets shall be in alignment with existing and planned streets entering the above highways from the opposite side.
- F. If the intersections on minor and collector streets are not in alignment, the distance between streets opening upon opposite sides of any existing or proposed streets must be at least 150 feet measured along the intersecting center line. Where the streets enter on the same side, the intersection distance measured from the center line shall be at least 300 feet.

§ 340-50. Traffic visibility.

- A. No obstruction that would create a road hazard or impede road or ditch maintenance shall be permitted on or over any road right-of-way without permission of the Town Board, except for mailboxes.
- B. No obstructions, such as structures, parking, signs, or vegetation, shall be permitted between the heights of 2 1/2 feet and 10 feet above the plane through the mean center-line grade of the road within the triangular space formed by any two existing or proposed intersecting street right-of-way lines and a line joining points on such lines located a minimum of 50 feet from their intersection (see Intersection Illustration). In the case of arterial streets intersecting with other arterial streets, local streets or railways, the

corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet along the arterial street (see Intersection Illustration).



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- C. Vision triangles providing unobstructed views in both directions perpendicular to the line of sight shall be maintained at all intersections in accordance with this chapter. Where intersections occur at county trunk highways, Ozaukee County vision corner standards apply.⁸
- D. No building or obstruction to view is permitted in the triangular area, and appropriate statements regarding those restrictions shall be provided on the plat or survey document.

§ 340-51. Loading requirements.

- A. On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:
 - (1) Retail business: one space of at least 10 feet by 25 feet for each 20,000 square feet of floor area or part thereof.
 - (2) Wholesale and industrial: one space of at least 10 feet by 50 feet for each 10,000 square feet of floor area or part thereof.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (³) Bus and truck terminals: sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
- B. Each loading and unloading space shall have access to a public dedicated street or alley.
- C. At no time shall any part of a truck or van be allowed to extend into the right of-way of a public road or street while the vehicle is being unloaded or loaded.

§ 340-52. Driveways. [Amended 11-13-2013 by Ord. No. 2013-061]

All driveways installed, altered, changed, replaced, or extended after the effective date of this section shall meet the following requirements:

- A. Driveways in residential districts shall be a minimum of 12 feet wide.
- B. Shared driveways in residential districts serving more than two residences shall be a minimum of 20 feet wide. A shared driveway agreement addressing repair, maintenance and snowplowing is required for all shared driveways in a form that must be approved by the Town Attorney. The shared driveway agreement shall be recorded with each property's deed in the Ozaukee County Register of Deeds office.
- C. Driveways in agricultural districts shall be a minimum of 20 feet wide.
- D. Driveways intended for public use in all districts, except residential and agricultural districts, shall be a minimum of 24 feet wide for two-directional driveways and 12 feet wide for one-directional entering or exiting driveways.
- E. Islands between driveway openings on the same property shall be a minimum of six feet between all driveways.
- F. There shall be a minimum setback of eight feet from all lot lines for all driveways, except shared driveways.
- G. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
- H. Vehicular entrances and exits to banks, restaurants, motels, funeral homes, and vehicular sales, service, washing and repair stations or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

§ 340-53. Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- A. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 12 feet wide for single- and two-family dwellings, at least 18 feet wide for farmsteads, and a minimum of 24 feet wide for all other uses.
- B. The size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- C. Location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street right-of-way opposite a residential district.

- D. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- E. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- F. Off-street spaces required:

Use	Minimum Parking Required
Residential	2 spaces for each dwelling unit
Motels and hotels	1 space for each guest room plus 1 space for every 3 employees
Hospitals, clubs, lodges, dormitories and fraternity houses	1 space for every 2 beds plus 1 space for every 3 employees
Sanitariums, institutions and rest and nursing homes	1 space for every 5 beds plus 1 space for every 3 employees
Medical and dental clinics	5 spaces for each doctor
Churches, theaters and auditoriums	1 space for every 5 seats
Colleges and secondary and elementary schools	1 space for every 2 employees plus 1 space for every 10 students of 16 years of age or more
Restaurants, taverns, places of entertainment, lodges and clubs, repair shops and retail and service stores	1 space for every 150 square feet of floor area and 1 space for every 2 employees
Manufacturing and processing plants, laboratories and warehouses	1 space for every 2 employees
Financial institutions and business, government and professional offices	1 space for every 300 square feet of floor area and 1 space for every 2 employees
Funeral homes	20 spaces for each viewing room
Bowling alleys	5 spaces for each alley
Motor vehicle sales (new and used)	1 space for every 500 square feet of floor area used plus 1 space for every 300 square feet of outdoor display for every motor vehicle to be displayed
Automobile repair garages	1 space for every regular employee plus 1 space for every 250 square feet of floor area used for repair work
Gasoline filling stations	3 spaces for each grease rack or similar facility plus 1 space for every attendant

- G. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

H. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

§ 340-54. Handicapped parking.

A. All open off-street parking areas shall provide for accessible parking spaces in accordance with the following minimum standards:

Total Number of Parking Spaces	Number of Physically Handicapped Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total spaces
1,001 and over	20 plus 1 for each 100 over 1,000

B. All parking spaces provided for the use of physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.

C. All parking spaces provided for the use of physically disabled persons shall be marked with a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such signs shall comply with the requirements of §§ 346.50, 346.503 and 346.505, Wis. Stats.

§ 340-55. Parking lot landscaping.¹⁴

Off-street parking lots in all business, industrial, and park and recreation districts with more than 10 stalls shall provide for the following:

A. Ten percent of the interior parking lot area shall be landscaped with trees, shrubs and ground cover.

B. One tree for every 10 parking stalls.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. A landscape buffer shall be located between parking lots and public roads. The buffer shall be at least three feet high and be composed of earth berms or compact hedgerow of shrubs. This landscape buffer is intended to screen the view of parked vehicles from public roads.
- D. A twelve-foot-wide minimum landscape planting screen shall be located between parking lots and adjacent property line.

§ 340-56. Blocks.

The width, length and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.

- A. The lengths, widths and shapes of blocks shall be determined by provisions for building sites suitable to meet the needs of the type of use contemplated; the requirements of this chapter pertaining to lot size and dimensions; need for convenient access; circulation, control and safety of street traffic; and limitation and opportunities of topography. Block lengths shall normally not exceed 2,000 feet or be less than 600 feet in length.
- B. In residential areas, pedestrianways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- C. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial, condominium, and industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

§ 340-57. Lots.

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform in all respects to the lot size and width requirements set forth in this chapter. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

- A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double frontage and reverse frontage lines shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. Lots shall normally have a minimum average depth of 150 feet. Excessive depth in relation to width shall be avoided if possible, and a proportion of two to one is

considered to be a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial, condominium, and industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

- D. Corner lots shall be 20% wider than the minimum width as required for lots less than 150 feet in width. Where the required minimum average width of lots is 150 feet or greater, corner lots shall not be required to be increased in width.
- E. Lands lying between the meander line and the water's edge and any otherwise unplatable lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots or public dedications in any plat abutting a lake or stream. All lands under option to the subdivider or to which he holds any interest that abut the proposed subdivision and a lake or stream shall also be included.
- F. All lots must abut a public street for at least 60 feet. An exception to that dimension may be on culs-de-sac or sharp curves where the lot lines radiate from the street; under these conditions, the minimum lot width at the public street shall be 30 feet. However, under special conditions a private road may be utilized in accordance with the applicable provisions of this chapter.
- G. Access to flag lots must be a minimum of 60 feet wide. Other lot size requirements of this chapter for minimum size, width and depth of a flag lot begin at the point where the lot is a minimum of 100 feet wide.

§ 340-58. Highway access.

No direct private access shall be permitted to the existing or proposed rights-of-way of freeways or to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

- A. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (3) Local streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- B. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- C. Temporary access to the above rights-of-way may be granted by the Town Plan Commission after review and recommendation by the highway agencies having

jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

§ 340-59. Landscaping.

- A. Street trees. The subdivider shall plant at least one shade tree of a species acceptable to the Town Plan Commission and of at least 1 1/2 inches to two inches in caliper for every 100 feet of frontage on both sides of all streets proposed to be dedicated. The required trees shall be planted in the street yard within 10 feet of the street lot line in accordance with plans and specifications approved by the Town Plan Commission. In lieu thereof, the Plan Commission may accept tree plantings arranged in groupings rather than spaced equally in rows, provided that the number of trees shall be at least the number required as provided above.
- B. Planting screens. In some circumstances the Town Plan Commission may require a planting screen buffer between conflicting or contrasting land uses and/or to provide visual and sound screening along highways and major Town roads. Such planting shall be placed within a designated planting easement of adequate width and shall conform to plans required as part of the preliminary plat submittal and in accuracy and detail sufficient for review by the Plan Commission.
- C. General landscaping guidelines.
- (1) Planting screens shall consist of compatible naturalistic groupings of hardy plant material.
 - (2) A diverse mixture of deciduous and evergreen tree and shrub varieties shall be used.
 - (3) Sizes shall be adequate for reasonable immediate effect.
 - (4) Short-lived tree varieties are not acceptable (i.e., silver maple, lombardy poplar, box elder, chinese elm).
- D. Required landscaping, fencing, and buffering between residential land uses and other nonresidential land uses. Along any side between a residential and commercial, business, industrial and/or manufacturing use the following regulations shall apply: **[Amended 8-5-1999 by Ord. No. 99-6]**
- (1) The Town Planner, or other designee of the Town Plan Commission, shall review the proposed uses and available site plan information and shall make a recommendation to the Plan Commission as part of the application or preapplication process as to which of the following conditions shall be considered as issues or conflicts to be resolved by the proposed landscaping, fencing, or buffering:
 - (a) Safety. Maintaining a safe environment, including issues regarding trespass, traffic and pedestrian safety, and crime prevention.

- (b) Security. Maintaining security in a manner that protects the private property of adjacent landowners.
 - (c) Privacy. Maintaining or enhancing a sense of privacy and the enjoyment of residential property and the typical activities that occur on such property
 - (d) View. Substantially minimizing bad views and enhancing and protecting good views from residential property to surrounding areas
 - (e) Light. Substantially minimizing or blocking artificial light from tall poles associated with nonresidential development at night
 - (f) Noise. Substantially minimizing or reducing the amount of noise that is associated with nonresidential uses and activities.
- (2) After reviewing the recommendations from the Town Planner (or designee of the Plan Commission), the following types of landscaping, fencing, or buffers may be required by the Plan Commission relative to its findings that the issues noted in Subsection D(1) are applicable:
- (a) Safety and security. This issue shall be addressed with four-foot to eight-foot secure fences, the location and visual character of which may vary from metal fencing to more decorative fencing depending upon the issues of privacy, view, light, and noise. The height of such fencing may be dependent privacy, views, and light.
 - (b) Privacy and views.
 - [¹] This issue shall be addressed with any of the following options:
 - [a] Four trees for every 30 linear feet of edge condition (at least two inches in caliper).
 - [b] Two trees (at least two inches in caliper) every 30 feet combined with either four shrubs every 30 feet or an ornamental fence at least four feet in height.
 - [c] Maintenance of large open natural areas at least 100 feet wide.
 - [2] The maturity and location of all plant materials is subject to site plan review by the Plan Commission. Existing plant materials may be considered as part of the required plant materials. The Plan Commission has the discretion to specify which of these alternatives are considered suitable or unsuitable given the circumstances on adjoining properties.
 - (c) Light. This issue shall be addressed with planting of trees of a more mature nature (such that they will reach an appropriate height to block artificial light within a five-year time frame) and/or ornamental fencing. The height and distance of the artificial light from the adjoining residential buildings shall be taken into consideration when determining the extent of such provisions.