# ZONING CODE

# TOWN OF BELGIUM

# OZAUKEE COUNTY, WISCONSIN

Adopted August 4, 1966

Includes amendments adopted through April 6, 2020.

NOTE: The Town of Belgium Zoning Ordinance may be amended by the Belgium Town Board at any time. Please contact the Town Clerk or Zoning Administrator to verify zoning regulations in effect on your property.

Assistance Provided by:

Southeastern Wisconsin Regional Planning Commission

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# SECTION 1 INTRODUCTION

## 1.1. TITLE

This ordinance shall be known as, referred to, or cited as the "ZONING CODE, TOWN OF BELGIUM, OZAUKEE COUNTY, WISCONSIN" and is hereinafter referred to as this "Code" or this "Ordinance."

## 1.2. AUTHORITY

These regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and amendments thereto. [Note: The Town Board was authorized to exercise village powers pursuant to Sections 60.10(2)(c) on April 4, 1961.]

## 1.3. PURPOSE

The purpose of this Code is to promote the public comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Belgium and its residents.

## 1.4. INTENT

It is the general intent of this Code to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in, and promote the safety and efficiency of, the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters; and implement the Town's comprehensive plan or components thereof. It is further intended to provide for the administration and enforcement of this Code and to provide penalties for its violation.

## 1.5. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, codes, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Code imposes greater restrictions, the provisions of this Code shall govern except as may otherwise be required by State or Federal statutes or regulations as adopted from time to time.

## 1.6. INTERPRETATION

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a

limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by the Town of Belgium.

## 1.7. SEVERABILITY

A. If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this Code unconstitutional or invalid, the remainder of this Code shall not be affected thereby.
B. If any application of this Code to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

## 1.8. REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Code, to the extent of the inconsistency only, are hereby repealed.

## SECTION 2 GENERAL PROVISIONS

### 2.1. JURISDICTION

The jurisdiction of this Code shall apply to all structures, lands, water, and air within the Town of Belgium, Ozaukee County, Wisconsin.

### 2.2. COMPLIANCE AND PERMIT

No structure, land, water, or air shall hereafter be used or developed and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, unless specifically exempted in Sections 2.3 or 2.7, and without full compliance with the provisions of this Code and all other applicable local, county, state, and federal regulations.

### 2.3. MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Code and obtain all required permits with the exception of Ozaukee County-owned lands regulated under the Ozaukee County-Owned Lands Zoning Ordinance. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.2022 of the Statutes applies. High-voltage transmission lines (more than one mile in length transmitting 100 kilovolts or more) and large electric generating facilities (100 megawatts or more) which have been issued a Certificate of Public Convenience and Necessity, pursuant to Section 196.491(3) of the Statutes, are exempt from the requirements of this Code.

### 2.4. PLAN COMMISSION

The Plan Commission shall have the duties of making reports and recommendations relating to the planning and development of the Town to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such authority as may be necessary to enable it to perform its function, promote community planning, and implement the purposes of this Code as identified in Sections 1.3 and 1.4.

### 2.5. ZONING ADMINISTRATOR

The Zoning Administrator is designated as the administrative and enforcement officer for the provisions of this Code. The Zoning Administrator shall have the following duties and authorities:

A. Interpret and Administer this Code.

B. Issue All Permits required by this Code, after onsite inspection if needed.

C. Assist the Town Clerk to maintain records of all permits issued, inspections made, work approved, and other official actions.

D. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Code.

E. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters; give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises; and report uncorrected violations to the Town Attorney in a manner specified by the Attorney or Town Board.

F. Assist the Town Attorney in the prosecution of Ordinance violations.

G. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Code. If he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes, except in cases of emergency.

H. Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.

I. Request Assistance and cooperation from the Ozaukee County Sheriff's Department and Town Attorney as deemed necessary.

J. Recommend to the Town Board and Plan Commission any additional regulations deemed necessary.

K. Attend meetings of the Plan Commission or the Zoning Board of Appeals for the purpose of providing technical assistance when requested by the Plan Commission or Board.

## 2.6. PERMIT

Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms

furnished by the Zoning Administrator and shall include the following where applicable:

A. Names and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.

B. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of structure or site; number of employees; and the zoning district within which the subject site is located.

C. Plat of Survey prepared by a professional land surveyor or, where deemed appropriate by the Zoning Administrator, a plan drawn to scale. The scale shall not be smaller than 1-inch equals 40 feet. The plat or plan shall show the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; wetlands, woodlands, steep slopes (12 percent or greater), ordinary highwater marks, and channel boundaries; and existing and proposed front (street), side, rear, and shore yards/setbacks. The plat or plan shall also show the location and use of any abutting lands and their structures within 40 feet of the subject site. In addition, the plat or plan shall show the location of any shorelands and floodplains which will necessitate that Ozaukee County shoreland/floodplain zoning or stipulated permit be secured. A Photocopy of Any Necessary Shoreland/Floodplain Zoning or Stipulated Permits secured from the Ozaukee County Zoning Administrator.

D. A Photocopy of Any Necessary Sanitary Permits secured from the Ozaukee County Department of Land and Water Management.

E. Proposed Water Supply Plan, showing the location of any private well, if municipal water service is not available.

F. Applications for Class 2 Collocation Mobile Service Facilities shall be reviewed for completeness and provide the information specified in Section 66.0404(3)(b) of the Wisconsin Statutes.

G. Additional Information as may be required by the Town Board, Plan Commission, Engineer, or Zoning Administrator. Prior to issuance of a zoning permit, plans for residential construction or additions on lots or parcels, including existing substandard lots or parcels, may be reviewed by the Zoning Administrator and/or Plan Commission for compatibility with the neighborhood character and to examine impact on neighboring properties with regards to building height, storm water runoff, and drainage plans.

H. A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within 30 days after application, unless a longer time period is specified in the Wisconsin Statues or Administrative Code. A zoning permit for mobile service facilities and supporting structures shall be reviewed in accordance with Sections 66.0404(3) and (4) of the Wisconsin Statutes. No zoning permit shall be issued prior to the applicant securing any necessary Ozaukee County Shoreland/Floodplain zoning or stipulated permit and well and sanitary permits. The zoning permit shall expire within 6 months unless substantial work has commenced, and any permit issued in conflict of the provisions of this Code shall be null and void. The applicant may apply for one 6-month extension if substantial work has not commenced.

I. Fee Receipt from the Town Clerk or Treasurer.

J. Any indebtedness to the Town shall be paid, and no license, permit or certification will be issued under this Code for any property upon which any charge, tax, assessment or other claim(s) of the Town are delinquent and unpaid or to any person delinquent in payment of

any tax, forfeiture, assessment or other claim(s) of the Town. This section shall not be construed as limiting any person from obtaining a dog license or from initially obtaining a building permit. Any alleged error in the amount(s) claimed to be due the Town may be appealed in writing to the Town Board within five (5) days of initially being notified of an amount claimed due by the Town. As soon as practicable, the Town Board shall hold a hearing at which the person shall present evidence to substantiate the claimed error and call witnesses on his/her own behalf. Evidence and/or witnesses to refute the alleged error(s) may be presented by the City. Any witness called shall be subject to cross-examination. The applicant and Town may each be represented by legal counsel. After the hearing, the Town Board shall by majority vote make findings of fact and conclusions and shall correct any established error(s).

## 2.7. USES NOT REQUIRING A ZONING PERMIT

No zoning permit shall be required for any of the following:

A. For Building any accessory building or structure not exceeding 100 square feet in area, and any minor structures such as bird houses, tool houses, pet houses, play equipment, arbors, and walls and fences less than 4 feet in height.

B. For Certain Signs as identified in Section 6.3.

C. For Certain Wetland Uses as referenced in Section 3.10A of this Code and as identified in Section 7.0603A and B of the Ozaukee County Shoreland and Floodplain Ordinance.

D. For Any Improvements or nonstructural alteration to an existing building or structure less than 100 square feet in area which does not result in a change in use.

E. For Repairs that do not alter the size or location of an existing building or structure on a lot or parcel. Such repairs shall not include the replacement or alteration of bearing walls and shall be subject to the limitations set forth in Section 7.0 of this Code. F. Any Work that Qualifies for an Exemption under this Section shall be required to comply with the applicable yard/setback, height, and other requirements set forth in this Code.

## 2.8. CONDITIONAL USE PERMIT

See Section 4.0.

## 2.9. OCCUPANCY PERMIT

A. No Vacant Land that has been permitted to be developed; and no buildings or premises that has been permitted to be erected, altered, or moved, or create a change in use; and no nonconforming use that has been permitted to be renewed, changed, or extended in accordance with the provisions of this Code shall be occupied or used until an occupancy permit has been issued by the Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Code. The

permit shall be applied for and obtained prior to occupancy of any land and/or building. A separate Certificate of Occupancy is also required, where applicable, and must be obtain prior to occupation from the Town Building Inspector to inspect and ensure buildings are constructed in accordance with approved building, electrical, plumbing, and/or HVAC plans and specifications.

B. No Land within the Shoreland and Floodplain Areas regulated by Ozaukee County shall be occupied or used, and no structure hereafter erected, altered, or moved within such shoreland and floodplain areas shall be occupied until the applicant submits to the Zoning Administrator a photocopy of any necessary Certificate of Compliance secured from the Ozaukee County Zoning Administrator.

C. Applications for an Occupancy Permit shall be made through the Zoning Administrator on forms provided by the Zoning Administrator or Town Clerk.

D. A Fee Receipt from the Town Clerk or Treasurer shall be submitted with the application.

## 2.10. SIGN ZONING PERMIT

See Section 6.0.

## 2.11. OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or county agency. This includes, but is not limited to, building, electrical, plumbing, and HVAC permits from the Town's building or other applicable inspector to ensure architectural plans and specifications comply with the Wisconsin Uniform Dwelling Code pursuant to Chapters SPS 320 to 325 of the Wisconsin Administrative Code; water use permits from the Wisconsin Department of Natural Resources (DNR) pursuant to Chapters 30 and 31 of the Wisconsin Statutes; and a wetland fill permit from the U.S. Army Corps of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act and/or a Water Quality Certification from the DNR.

## 2.12. GENERAL USE REQUIREMENTS

Only the following uses and their essential services may be allowed in any district.

A. Permitted Uses and their accessory uses as specified in each district.

B. Accessory Uses and Structures are allowed as specified in each district but not until their principal structure is present or under active and continuous construction with the exception of the A-1 and A-2 Districts where an accessory structure used solely for the principal uses stated for the A-1 and A-2 Districts may be allowed prior to the principal structure being in place. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in Section 11.00 of this Code. Notwithstanding anything to the contrary in this section, no accessory

structure for the housing of livestock or any other live animal(s) shall be permitted on any lot or parcel that is not also used for residential purposes.

C. Conditional Uses and their accessory uses and changes to or substitution of existing conditional uses are considered special uses requiring review, public hearing, and approval by the Town Board, after a recommendation from the Plan Commission, in accordance with Section 4.0. Changes to or substitution of conditional uses shall be subject to the provisions of Section 4.3G.

D. Permitted Uses and Associated Accessory Uses Not Specified in this Code and which are found to be similar in character to the principal and accessory uses permitted in the district may be allowed by the Town Board, after the Plan Commission has made a review and recommendation.

E. Conditional Uses and Associated Accessory Uses Not Specified in this Code and which are found by the Plan Commission to be similar in character to conditional uses allowed in the district may be allowed by the Town Board after review, public hearing, and approval in accordance with Section 4.0 of this Code.

F. Temporary Uses may be allowed provided that such uses are of a temporary nature, do not involve the erection of a substantial or permanent structure, and are compatible with neighboring uses. A plan of operation for such uses shall be submitted for review and approval by the Town Board, after considering a recommendation by the Plan Commission. Conditions may be required by the Town Board pertaining to, but not limited to, parking, lighting, sanitary facilities, hours of operation, and duration period allowed for the temporary use. No temporary use shall be conducted within a street right-of-way. Compliance with all other provisions of this Code shall be required.

## 2.13. SITE REQUIREMENTS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation or load bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, character, and general welfare of this community. The Zoning Administrator, in applying the provision of this Section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. Thereafter, the Town Board, after considering a recommendation from the Plan Commission, may affirm, modify, or withdraw the determination of unsuitability. Site restrictions include, but are not limited to, the following:

A. All Lots and Parcels shall abut upon a public street, shall have a private driveway for access to the public street that is located no closer than 10 feet from the nearest property line, and shall have a minimum frontage of at least 100 feet, except existing lots on established private roads. Lots fronting on the radius of a cul -de-sac or curved street shall have a frontage of at least 66 feet in width at the street right-of-way line.

B. Driveways shall not be located closer than 10 feet from the nearest property line. A driveway may be shared by the owners of not more than two (2) abutting properties

where a shared driveway agreement has been recorded with the Register of Deeds that sets forth terms for the perpetual maintenance by the owners and Town Board approval has been granted under Section 2.15(B). Such easement shall provide that it may not be amended or terminated without the prior written approval of the Town Board. Any driveway in excess of 800 feet in length must provide for a passing lane midway being 20 feet overall width by 100 feet overall length.

C. All Principal Structures shall be located on a lot or parcel; and only one principal structure shall be located, erected, or moved onto a lot in the single-family residential district (R-1 District) and agricultural districts (A-1 and A-2 Districts). The Plan Commission may permit more than one nonresidential structure per lot in other districts where more than one structure is needed for the orderly use or development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard/setback, landscaping, or parking requirements or require a minimum separation distance between principal structures.

D. Lots Abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 100 feet from the district boundary line so as to equal the average of the street yards required in both districts.

E. Street Yards/Setbacks and Other Required Yards/Setbacks as set forth in each district shall be provided. The street yard/setback shall be measured from the planned street or highway rights-of-way and, where private roads exist, from the private road easement lines. Corner lots shall have two street yards/setbacks.

F. Private Sewer and Water. The dimension and area of all lots and parcels shall be sufficient to accommodate the use of a private onsite wastewater treatment system (POWTS), designed in accordance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code and Chapter IX, "Sanitation and Health," of the Ozaukee County Code of Ordinances, and a private water supply system (well) in compliance with Chapter NR 812 of the Wisconsin Administrative Code.

G. Drainage Ways shall be maintained. No building, fill material, or other development may be placed in or adversely affect the channels of any river, stream, drainage way, or tributary thereto in the Town of Belgium.

H. Any Site in excess of one (1) acre proposed for any type of development except agricultural, residential, and platted lots and parcels shall be specifically reviewed by the Plan Commission as to the suitability of the site and demand for Town services.

I. Manufactured/Mobile Homes and/or Recreational Vehicles are not allowed for any type of habitation.

J. Vision Clearance Easements shall be provided, where necessary, to provide unobstructed traffic visibility for safety purposes in accordance with the standards established in Section 7.04G of the Town land division ordinance.

## 2.14. FLOODPLAIN, SHORELAND, AND SHORELAND-WETLAND REGULATIONS

In addition to any other applicable use, site, or sanitary restrictions and regulations, any use on land containing floodplain, shoreland, or shoreland-wetland, as defined in Section 11.00 of this Code, shall comply with the floodplain, shoreland, and shoreland-wetland provisions of Chapter VII, "Shoreland and Floodplain Zoning Ordinance," of the Ozaukee County Code of Ordinances. These provisions include, but are not limited to, minimum lot area and width requirements; minimum building setback requirements from shorelines (ordinary high-water mark of navigable waters); limitations on the type of structures allowed within shorelands; limitations on clearing vegetation within 35 feet of shorelines; and restrictions on extensive filling, grading, lagooning, dredging, ditching, and excavating in shorelands. The boundaries of floodplains, shorelands, shoreland-wetlands, and other wetlands are shown on the Ozaukee County Shoreland and Floodplain zoning maps.

## 2.15. REDUCTION OR JOINT USE

A. No Parcel, Lot, Yard, Parking Area, Building Area, or Other Space shall be reduced in area or dimension so as not to meet the provisions of this Code. No part of any parcel, lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use not otherwise permitted by this Code.

B. Exempted are shared drives for ingress and egress from public roads when approved by the Town Board.

## 2.16. DISTRICTS TO BE REZONED

Lands to be rezoned shall comply with the provisions of Section 9.0 of this Code including those in Section 9.4 which require certain proposed rezonings to be contiguous to similar existing zoned lands.

## 2.17. SPECIFIC USE REQUIREMENTS

The following are use-specific conditions or requirements for certain uses that may be allowed in basic zoning districts in accordance with Sections 3.0 and 4.0:

A. Minor Structures in R-1 District shall be a minimum of 4 feet from a lot line, and a maximum of 2 storage sheds are allowed in the rear yard.

B. Use of storage or shipping containers is not allowed in any zoning district except the A-1 District provided, however, that the Zoning Administrator may, upon application and payment of the application fee established by the Town Board from time-to-time, grant a permit to the owner(s) or occupant(s) of any parcel in the Town for the onsite use of a storage or shipping container(s) for up to thirty (30) days in conjunction with the relocation of such owner(s) or occupant(s) or for up to 90 days in conjunction with on-site construction or alteration on the premises. Only one permit may be granted for any property in the Town during any twelve-month

period and such permit may be extended by the Zoning Administrator for one 30-day period.

C. Utility Substations and Storage Buildings shall not be less than 100 feet from any agricultural and residential lot line within A-1, A-2, and R-1 zoning districts.

D. Home Occupations and Professional Home Offices shall be clearly incidental and subordinate to the principal use of the premises and shall not exceed 25 percent of the area of any floor. No traffic, parking, noise, odor, smoke, lighting, or glare generated by such use shall be greater in volume or intensity than would normally be expected in a residential neighborhood. See Section S.C for related sign regulations.

E. Energy Conversion Systems shall comply with the provisions of Section 5.9.

F. Mobile Service Facilities, including support structures, shall meet the provisions of Section 66.0404, "Mobile Tower Siting Regulations," of the Wisconsin Statutes. Also see Section 5.2E of this Code.

G. Recreational Vehicles and equipment not owned by property owner or occupant shall be stored in an enclosed building. Recreational vehicles and equipment owned by a property owner or occupant shall be stored in an enclosed building or a side or rear yard when not in use.

H. Unregistered Vehicles. No unregistered vehicle(s) shall be stored on any privately-owned property within the Town of Belgium except within an enclosed structure.

## SECTION 3 ZONING DISTRICTS

### 3.1. DISTRICTS ESTABLISHED, GENERAL PROVISIONS.

A. For the purpose of this Code, the Town of Belgium is divided into the following 6 basic zoning districts and 2 overlay zoning districts:

A-1 Farmland Preservation District

A-2 General Agricultural District

R-1 Single-Family Residential District

B-1 Commercial District

M-1 Industrial District

P-1 Park and Recreational District

C-1 Lowland Conservancy Overlay District

C-2 Upland Conservancy Overlay District

B. Boundaries of these Districts are hereby established as shown on a map entitled "Zoning Map for the Town of Belgium, Ozaukee County, Wisconsin," and amendments thereto which accompanies and is a part of this Code. Such boundaries, except the conservancy districts, shall be construed to follow: town and corporate limit lines; U.S. Public Land Survey lines; lot or property lines; centerlines of street, highway, freeway, railway, and utility easements or rights-of-way, or such lines extended; unless otherwise noted on the Zoning Map. The boundaries of the A-1 District were based on the Ozaukee County Farmland Preservation Plan as related to the Town of Belgium and as certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection on September 30, 2013, and any amendments thereto. The boundaries of the C-1 and C-2 Districts are determined in accordance with Sections 3.10 and 3.11, respectively.

The boundaries of floodplain, shoreland, and shoreland-wetlands in the Town are shown on the composite Ozaukee County Shoreland and Floodplain zoning maps, which is a part of and further regulated by the Ozaukee County Shoreland and Floodplain Zoning Ordinance.

All notations and references shown on the Town of Belgium zoning map are as much a part of this Code as though specifically described herein. This Code hereby incorporates any future changes or any later zoning maps that may be adopted by ordinance of the Town Board.

C. Boundary Discrepancies

1. C-1 Lowland Conservancy Overlay District Discrepancies. Whenever the Town is asked to interpret a C-1 District boundary where an apparent discrepancy

exists between the Town zoning map and actual field conditions, the Zoning Administrator shall make the initial determination. When questions arise, the Zoning Administrator shall contact the Wisconsin Department of Natural Resources (DNR) or other appropriate authority for a final determination of wetland location. If the DNR staff or staff of another appropriate authority concurs that the particular area was incorrectly mapped as a wetland or C-1 District, the Zoning Administrator may initiate appropriate action to rezone the property within a reasonable amount of time. C-2 Upland Conservancy Overlay Discrepancies. Whenever the Town is asked to interpret a C-2 District boundary where an apparent discrepancy exists between the Town zoning map and actual field conditions, the Zoning Administrator shall make the initial determination. When questions arise, the Zoning Administrator shall contact the Southeastern Wisconsin Regional Planning Commission (SEWRPC) to determine if the zoning map is in error. If SEWRPC staff concurs that the particular area was incorrectly mapped as a C-2 District, the Zoning Administrator may initiate appropriate action to rezone the property within a reasonable amount of time.

2. Floodplain, Shoreland, and Shoreland-Wetland Boundary Discrepancies. See Section 2.14 of this Code.

D. Vacation of Public Streets shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

E. Permitted Uses. Only the following uses and their essential services may be allowed in any district.

1. Principal uses specified for a district.

2. Accessory uses and structures are permitted as specified within the individual districts, but not until the principal structure is present or under construction.

4. Conditional uses and their accessory uses approved under Section 4.0 of this Code.

5. Uses not specified in this chapter as permitted uses are hereby declared to be prohibited.

6. Unspecified uses that are similar in character to principal uses permitted in the district may be permitted by the Plan Commission upon a finding by the Plan Commission that the desired use is not contrary to the intent of the district and that such use will not otherwise violate any provisions of this chapter.

## 3.2. ZONING MAP

A. A Certified Copy of the Zoning Map shall be adopted and approved as part of this Code and shall bear upon its face the attestation of the Town Chairperson and the Town Clerk and shall be available to the public in the office of the Town Clerk.

B. Amendments to the Zoning Map shall take effect upon adoption of an ordinance by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all zoning map amendments upon the certified copy of the zoning map and certify the same.

## 3.3. A-1 FARMLAND PRESERVATION DISTRICT

This District is intended to provide for, maintain, enhance, and preserve agricultural lands historically utilized for crop production and raising of livestock. The District is further intended to preserve such lands designated as farmland preservation area in the adopted land use plan maps contained in the Town of Belgium and Ozaukee County comprehensive plans, which are consistent with the recommendations of the certified Ozaukee County farmland preservation plan, to help prevent the conversion of agricultural land to non-agricultural uses. This District also functions as a farmland preservation zoning district for exclusive agricultural uses intended to meet the requirements of the Wisconsin Farmland Preservation Program set forth in Chapter 91 of the Wisconsin Statutes to allow the landowners within this District an opportunity to voluntarily claim or continue to claim State farmland preservation tax credits permitted under Subchapter IX of Chapter 71 of the Statutes. As such, it is hereby determined that the highest and best use of the land is agriculture and agriculture-related uses. Additionally, recognizing that the Town is primarily agriculturally-oriented, environmental conditions customarily associated with farming including odors, noises, dust, and mud/dirt of farming are understood to be a normal part of such agricultural character.

A. Permitted Uses. See also, Appendix B – Table of Buildable A-1 Parcels.

1. General farming or agricultural uses such as, but not limited to, beekeeping, dairying, pasturing/grazing, crop and forage production, hatcheries, aquaculture, and livestock keeping, except those uses specified as conditional uses in Section 4.4.

2. Single-family farm residence, and residences, regardless of occupancy, legally existing as of January 1, 2014.

3. Accessory uses or structures such as an activity, business operation, building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including temporary uses such as roadside stands, except where a conditional use permit is required for certain accessory uses under Sections 4.4 and 4.8.

4. Agriculture-related uses such as storage or processing of agricultural products or processing of agricultural wastes, including anaerobic digestion facilities (methane digesters for energy) , except where a conditional use permit is required for certain agricultural-related uses under Sections 4.4 and 4.8 including the processing or storage of alcoholic beverages, fertilizer, firewood, and furs.

5. Essential services.

6. Transportation, utility, communication, or other uses that are required under State or Federal law to be located in a specific place or that is authorized to be located in a specific

place under State or Federal law that preempts the requirement of a conditional use permit for that use, such as class 2 collocation mobile service facilities authorized under Section 66.0404(3) of the Wisconsin Statutes.

7. Forest management.

8. Farm family businesses including home occupation and professional home offices operating as incidental accessory uses on farm properties abutting public streets or highways and conducted by the owner or operator of a farm in accordance with Section 2.17C of this Code, Section 91.01 of the Wisconsin Statutes, and Section ATCP 49.01(11) of the Wisconsin Administrative Code, except no nonfamily members may be employed as part of the business unless a conditional use permit is approved by the Town.

9. Floriculture, horticulture (plant nursery), orchards, and sod farming.

10. Lands enrolled in a Federal agricultural commodity payment program or a Federal or State agricultural land conservation payment program.

11. Undeveloped natural resource and open space areas.

12. Water conservation systems.

13. Any other uses that the Wisconsin Department of Agriculture, Trade and Consumer Protection (ATCP), by rule, identifies as an agricultural use, agriculture-related use, or agricultural accessory use, except where a conditional use permit is required under Sections 4.4 or 4.8.

B. Conditional Uses

See Sections 4.4, 4.8, and 4.10.

C. Minimum Farm Parcel Area and Width

1. Area. 35 contiguous acres under same ownership.

2. Width. 500 feet.

D. Maximum Building Height (Also see Section 5.2.)

1. Farm Residence Height. 35 feet.

2. Accessory Farm Building Height. 60 feet, except silos which is 100 feet.

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.

2. Side. 75 feet for farm residences; yard/setback distance for other farm buildings shall not be less than the height of such buildings.

3. Rear. 50 feet for farm residences; yard/setback distance for other farm buildings shall not be less than the height of such buildings.

4. Shore. 75 feet.

F. Rezonings

Any lands proposed to be rezoned into or out of the A-1 District shall meet the provisions of Section 9.6 of this Code.

## 3.4. A-2 GENERAL AGRICULTURAL DISTRICT

This District is intended to provide for, maintain, enhance, and preserve agricultural lands historically utilized for crop production and raising of livestock. The District is further intended to prevent the conversion of agricultural land to nonagricultural uses. As such, it is hereby determined that the highest and best use of land in the A-2 District is agriculture and agriculture-related uses. Additionally, recognizing that the Town is primarily agriculturally oriented, environmental conditions customarily associated with farming, including odors, noises, dust, and mud/dirt from farming are understood to be a normal part of such agricultural character.

A. Permitted Uses

1. Same as permitted uses in the A-1 District, including single-family farm residences; however, all energy conversion systems, except wind energy systems, are permitted uses.

2. Farm residences and accessory structures legally existing prior to July 17, 1985 may be separated, with the same continued use under the same or different ownership, from the remaining portion of the farm with a minimum of 1.5 acres of land provided the larger remaining portion of the farm maintains at least thirty-five (35) contiguous acres under the same ownership and the smaller separated parcel, regardless of ownership, with existing structure(s) meet A-1 yard/setback requirements. A new farm residence (single-family dwelling) may be constructed on the remaining larger farm parcel containing at least 35 contiguous acres under the same ownership or equivalent to not exceed a density of one (1) farm residence per 35 contiguous acres.

3. Single-family dwellings legally existing prior to July 17, 1985, not accessory to any farm operation or remaining after consolidation of farmlands, are permitted.

4. New single-family dwellings proposed on preexisting vacant nonconforming parcels that are substandard due to parcel width and/or area and legally recorded prior to July 17, 1985, may be permitted uses as determined on a case-by-case basis provided all the requirements of Section 7.5 are met and shall comply with all the provisions of the R-1 Single-Family Residential District insofar as practicable with the exception of the required minimum width and acreage.

B. Conditional Uses

See Sections 4.4, 4.8, and 4.10.

C. Minimum Farm Parcel Area and Width

1. Area. 35 contiguous acres under same ownership.

2. Width. 500 feet.

D. Maximum Building Height (Also see Section 5.2.)

1. Farm Residence Height. 35 feet.

2. Accessory Farm Building Height. 60 feet, except silos which is 100 feet.

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.

2. Side. 75 feet for farm residences; yard/setback distance for other farm buildings shall not be less than the height of such buildings.

3. Rear. 50 feet for farm residences; yard/setback distance for other farm buildings shall not be less than the height of such buildings.

4. Shore. 75 feet.

## 3.5. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

This District is intended to provide for single-family residential development at densities not exceeding 0.67 dwelling units per net acre or one (1) dwelling unit per 1.5 acres of lot area.

A. Permitted Uses

1. Single-family dwellings, unless determined by the Town to be a conditional use in accordance with the provisions of Section 4.5B.

2. Accessory uses and structures, including temporary uses.

3. Adult family home subject to the limitation set forth in Section 60.63 of the Wisconsin Statutes.

4. Class 2 collocation mobile service facilities.

5. Community living arrangements licensed by the State of Wisconsin, which have a capacity for 8 or fewer persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.

6. Energy conversion systems, except wind energy systems.

7. Essential services.

8. Family childcare homes.

9. Foster homes.

10. Home occupations and professional home offices on properties abutting public streets or highways. (See Section 2.17C.)

11. Water conservation systems.

B. Conditional Uses

See Sections 4.5, 4.8, and 4.10.

C. Minimum Lot Area and Width

1. Area. 1.5 acres.

2. Width. 150 feet.

D. Building Height and Area (Also see Section 5.2.)

1. Height. 35 feet maximum.

2. Area. 1,200 square feet minimum living floor area (excluding basement area).

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.

2. Side. 20 feet for a one story.
30 feet for a two story.

3. Rear. 50 feet.

4. Shore. 75 feet.

F. Plans and Specifications to be Submitted

To encourage a residential environment that is compatible with neighborhood character, zoning and conditional use permits for certain uses allowed in the R-1 District may be required to be reviewed and approved by the Town Board on a case-by-case basis, after considering a recommendation from the Plan Commission, based on the provisions of Sections 2.6H or 4.5B. Said review and approval shall be concerned with, but not limited to, general site layout, building plans, stormwater runoff, drainage plans, ingress and egress, and open space utilization.

## 3.6. B-1 COMMERCIAL DISTRICT

This District is intended to provide for retail and service establishments serving primarily residents and tourists.

A. Permitted Uses

1. Retail establishments offering convenience goods and services, but not including drive-through facilities and outdoor storage of products or supplies. Examples are:

   a. Antique and furniture stores.

   b. Bakeries.

   c. Barber and beauty shops.

   d. Clothing and shoe stores, including repair.

   e. Consignment and secondhand stores.

   f. Delicatessens.

   g. Florist shops.

   h. Gift, craft, or hobby shops.

   i. Grocery and pharmacy stores.

   j. Hardware stores.

   k. Laundry and dry cleaning establishments, self-service and pickup.

   l. Restaurants.

   m. Sporting goods stores.

   n. Temporary outdoor display of merchandise for sale.

2. Business and professional offices and studios. Examples are:

   a. Art, music, dance, fitness, and photography studios.

   b. Architectural, engineering, or other similar professional offices.

   c. Banks, savings and loan associations, and other financial institutions.

   d. Funeral homes/services.

   e. Civic, social, and fraternal associations.

f. Dental, physician, or other professional health offices.

g. Insurance offices.

h. Real estate offices.

3. Accessory uses and structures, including temporary uses.

4. Class 2 collocation mobile service facilities.

5. Energy conversion systems, except wind energy systems.

6. Essential services.

7. Water conservation systems.

B. Conditional Uses

See Sections 4.6 4.8, and 4.10.

C. Minimum Lot Area and Width

1. Area. 1.5 acres.

2. Width. 150 feet.

D. Maximum Building Height (Also see Section 5.2.)

Height. 35 feet.

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.

2. Side. 30 feet.

3. Rear. 50 feet.

4. Shore. 75 feet.

F. Plans and Specifications to be Submitted

To encourage a business environment that is compatible with the rural character of the Town, zoning and conditional use permits for uses allowed in B-1 District shall not be issued without review and approval by the Town Board, after considering a recommendation from the Plan Commission. Said review and approval shall be concerned with, but not limited to, proposed plan of operation, general site layout, building plans, lighting, signage, ingress and egress, parking, loading and unloading, storage, landscaping, and open space utilization.

G. Any Change in operation must be reviewed and approved by the Town Board after considering a recommendation from the Plan Commission.

## 3.7. M-1 INDUSTRIAL DISTRICT

This District is intended to provide for primarily agricultural-related manufacturing, production, or fabrication operations of a limited nature and size, which, on the basis of physical and operational characteristics, would be compatible with and not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. All uses in this District shall be limited in scope, not involving any substantial degree of heavy trucking or other operational characteristics which would adversely affect surrounding areas or uses. All uses in this District must meet the State industrial standards. In conjunction with any use in the M-1 District, the use and/or storage of explosives is prohibited.

A. Permitted Uses

1. Manufacture, fabrication, processing, assembly, and packaging of agricultural and related products including crops, meat, furs, and leather, and farm machinery and equipment except rendering plants, general metals, paper, plaster, and plastics within the confines of a building and in which any smoke, dust, flash, noise, or odor produced in the manufacturing or fabrication process is confined within a building..

2. Uses involving agricultural-related services, offices, sales/distributors, wholesaling, warehousing, food locker plants (except stockyards and slaughterhouses), temporary outdoor display of farm implements for sale, and indoor storage and sale of farm machinery and equipment .

3. Accessory uses and structures, including temporary uses.

4. Class 2 collocation mobile service facilities.

5. Energy conversion systems, except wind energy systems.

6. Essential services.

7. Water conservation systems.

B. Conditional Uses

See Sections 4.7 and 4.8.

C. Minimum Lot Area and Width

1. Area. 1.5 acres.

2. Width. 200 feet.

D. Maximum Building Height (Also see Section 5.2.)

Height. 45 feet.

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.
2. Side. 30 feet.
3. Rear. 50 feet.
4. Shore. 75 feet.

F. Plans and Specifications to be Submitted

To encourage an industrial use environment that is compatible with the rural character of the Town, zoning and conditional use permits for uses allowed in the M-1 District shall not be issued without review and approval by the Town Board, after considering a recommendation from the Plan Commission. Said review and approval shall be concerned with, but not limited to, proposed plan of operation, general site layout, building plans, lighting, signage, ingress and egress, parking, loading and unloading, storage, landscaping, and open space utilization.

G. Any Change in operation must be reviewed and approved by the Town Board after considering a recommendation from the Plan Commission.

## 3.8. P-1 PARK AND RECREATIONAL DISTRICT

This District is primarily intended to provide areas where open space and recreational needs, both public and private, of Town residents can be met without undue disturbance of natural resources and adjacent uses.

A. Permitted Uses

1. Public and private parks.
2. Arboretums and conservatories.
3. Accessory uses and structures, including temporary uses.
4. Class 2 collocation mobile service facilities.
5. Energy conversion systems, except wind energy systems.
6. Essential services.
7. Fishing.
8. Forest reserves (wilderness areas and wildlife refuges).

9. Historic monuments or sites.

10. Playgrounds.

11. Nature and recreational trails including hiking and biking trails.

12. Skating.

13. Skiing.

14. Sledding.

15. Soil and water conservation.

16. Sustained yield forestry.

17. Wading and swimming beaches.

18. Water conservation systems.

19. Water measurement and water control facilities.

B. Conditional Uses

See Sections 4.8, 4.9, and 4.10.

C. Minimum Lot Area and Width

Lots shall provide sufficient area for the activities or operation, principal building and its accessory structures, off-street parking and loading/unloading areas, and all required yards.

D. Maximum Building Height (Also see Section 5.2.)

Height. 35 feet.

E. Minimum Yards/Setbacks (Also see Section 5.0.)

1. Street. 42 feet from planned street or highway right-of-way lines.
2. Side. 30 feet.
3. Rear. 50 feet.
4. Shore. 75 feet.

F. Plans and Specifications to be Submitted

To encourage a park and recreational use environment that is compatible with the rural character of the Town, zoning and conditional use permits for uses allowed in the P-1 District shall not be issued without review and approval by the Town Board, after

considering a recommendation from the Plan Commission. Said review and approval shall be concerned with, but not limited to, proposed plan of operation, general site layout, building plans, lighting, signage, ingress and egress, parking, loading and unloading, storage, landscaping, and open space utilization.

## 3.9. C-1 LOWLAND CONSERVANCY OVERLAY DISTRICT

This District is intended to preserve, protect, and enhance the ponds, streams, lakes, and wetland areas of the Town. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both groundwater and surface water; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for such use; and protect the water-based recreation resources of the Town.

The boundaries of the C-1 District are based primarily on the wetland inventory maps for Ozaukee County prepared by the Wisconsin Department of Natural Resources in coordination with SEWRPC. The C-1 District may further include wetlands shown on development plan approvals. Precise wetland delineations shall be made by field investigation prior to development to verify the C-1 District boundaries, including sites containing farmed wetlands that are proposed for development.

A. Permitted Uses

All uses specified in Section 7.0603 of the Ozaukee County Shoreland and Floodplain Zoning Ordinance provided such uses meet the requirements of said Section. Areas located within the shoreland, as defined in Section 7.0201 of the County ordinance shall be subject to the Ozaukee County Shoreland and Floodplain Zoning Ordinance.

B. Conditional Uses
None.

C. Prohibited Uses

Any use not listed as a permitted use is prohibited.

## 3.10. C-2 UPLAND CONSERVANCY OVERLAY DISTRICT

This District is intended to preserve, protect, enhance, and restore all significant woodlands, wildlife habitat areas, areas of steep topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town.

The boundaries of the C-2 District are based primarily on the upland portion (i.e. prairies, woodlands, steep slopes, and wildlife habitat areas) of primary environmental corridors, secondary environmental corridors, and isolated natural resource areas delineated in the Town of Belgium Comprehensive Plan, or components thereof, and refinements or updates to such

corridors or areas prepared by SEWRPC. The C-2 District may also include buffers, significant natural areas, and conservation easements shown on approved development plans. Precise upland delineations may be necessary by field investigation prior to development to verify C-2 District boundaries.

A. Permitted Uses

1. All permitted uses allowed in the underlying basic zoning district; however, any use or development that may potentially disturb existing natural resource features shall require approval of a conditional use permit.

2. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, invasive, or insect-infested vegetation; and silvicultural thinning.

B. Conditional Uses
See Section 4.10

C. Minimum Lot Area and Width or Density

As per underlying basic zoning district requirements; however, the minimum lot area for residential development shall be no less than 5 acres per dwelling unit or a density of no more than one (1) dwelling unit per 5 acres. Lots shall provide sufficient area for the residential dwelling and accessory structures, private onsite wastewater treatment system, well, driveway, and all required yards/setbacks.

D. Maximum Building Height

As per underlying basic zoning district requirement.

E. Minimum Yards/Setbacks

As per underlying basic zoning district requirement.

F. Plans and Specifications to be Submitted

Applicants for any use or development that may disturb the natural resource features within the C-2 District shall, before any zoning or conditional use permit is issued, present detailed plans and specifications of the proposed use or development for review and approval by the Town Board, after considering a recommendation from the Plan Commission, and determining that the proposed use or development will not be contrary to the purpose and intent of the C-2 District.

## SECTION 4 CONDITIONAL USES

### 4.1. COMPLIANCE AND PERMIT

The Town Board, after consideration of the Plan Commission recommendations, may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Code and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the Town.

### 4.2. APPLICATION

Applications for conditional use permits shall be made in duplicate to the Zoning Administrator or Town Clerk on forms furnished by the Zoning Administrator or Town Clerk and shall include the same information required in Section 2.6B through G and the following where pertinent and necessary for proper review by the Plan Commission and Town Board:

A. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, all abutting property owners, all property owners within 500 feet of the site, and all property owners immediately adjacent to the site such as across waterways and rights-of-way of railways, utilities, streets, highways, and freeways.

    1. Conditional use permit applications for large wind energy systems shall include the names and addresses of residents and property owners located within one (1) mile of the proposed location, together with a written statement signed by the applicant that the notices required by Sections PSC 128.105 and 128.30(5) of the Wisconsin Administrative Code were provided. Applications for small wind energy systems shall include a written statement signed by the applicant that the notices to residents and owners of adjacent lots or parcels required by Sections PSC 128.61(1) and 128.61(7) were provided.

B. Applications for Proposed New or Substantially Modified Mobile Service Facilities and supporting structures shall be reviewed for completeness and provide information as specified in Section 66.0404(2)(b) and (c) of the Wisconsin Statutes.

C. Applications for Proposed Wind Energy Systems shall be reviewed for completeness and provide the information specified in Sections PSC 128.30, 128.31, and 128.60 of the Wisconsin Administrative Code, as applicable.

D. Additional Information as may be required by the Town Board, Plan Commission, or Zoning Administrator.

E. Fee Receipt from the Town Clerk or Treasurer. Costs incurred by the Town Board in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to the applicant.

F. Issuance of a Conditional Use Permit shall not exempt a permit applicant from obtaining the zoning permit required by Sections 2.2 and 2.6 of this Code.

## 4.3. REVIEW AND APPROVAL

A. The Plan Commission and Town Board shall review the site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed plan of operation. Applications for proposed new or substantially modified mobile service facilities and supporting structures shall be reviewed in accordance with Section 66.0404 of the Wisconsin Statutes. Applications for wind energy systems shall be reviewed in accordance with Subchapter III of Chapter PSC 128 of the Wisconsin Administrative Code.

B. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, buffers or planting screens, operational control, location, size and number of signs, hours of operation, improved traffic circulation, higher performance standards, deed restrictions, highway access restrictions, street dedication, certified survey maps, increased yards/setbacks, or parking requirements, may be recommended by the Plan Commission to the Town Board upon its finding that these conditions are deemed necessary to fulfill the purpose and intent of this Code.

C. Compliance with all other provisions of this Code, such as lot width and area, yards/setbacks, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 8.0.

D. Public Hearing. The Town Board shall hold a public hearing upon each application giving a Class 2 public notice as specified in Section 9.5 of this Code. The Town Board may hold the public hearing jointly with the Plan Commission or delegate the responsibility to hold such hearing to the Plan Commission.

E. If, following the public hearing and after consideration of the Plan Commission recommendations, the applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Code or those imposed by the Plan Commission, the Town Board shall grant the conditional use permit. Any condition imposed must be related to the purpose of this Code and be based on substantial evidence.

F. For purposes of this Code “substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

G. The requirements and conditions described under section 4.3E must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the

application and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town Board's decision to approve or deny the permit must be supported by substantial evidence.

H. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the Town Board may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in this Code or by the Plan Commission.

I. No conditional use shall be granted other than those conditional uses expressly listed in Sections 3.0 and 4.0 of this Code.

J. Reexaminations. The Plan Commission may upon complaint or periodically upon its own initiative conduct a review of an existing conditional use permit to ascertain whether all conditions are being met.

K. Amendments. Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered an amendment. The process for amending a permit shall generally follow the same procedures as those required for initially granting a conditional use permit as set forth in this Section.

L. Revocations of Conditional Use Permit. Should a permit applicant or, for a permit for which transference was authorized, the applicant's heirs, assigns, or successors in interest, fail to comply with the conditions of the permit issued by the Town Board or should the use, or characteristics of the use, be changed without prior approval by the Town Board, the conditional use permit may be revoked by the Town Board following a public hearing conducted upon 10 days' written notice to the permit holder. The hearing shall be held before the Town Board on the question of revocation of the conditional use permit, and. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this Section.

## 4.4. AGRICULTURAL AND RELATED USES IN THE A-1 AND A-2 DISTRICTS.

Except where specifically allowed as a permitted use, the following agricultural and related uses shall be conditional uses and may be allowed by the Town Board as specified provided that they are consistent with the purpose and intent of the agricultural use district. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Code set forth in Sections of this Code elsewhere, the specific requirements of this Code, and the particular land use problems related to development of the site or sites as proposed.

A. Certain Agricultural and Agricultural-Related Uses such as livestock sales barns; agricultural equipment dealerships and facilities providing agricultural supplies; animal hospitals and

shelters for livestock; animal hospitals, shelters, and kennels for animals other than livestock which are incidental accessory uses to a principal agricultural use on the same property provided the lot or parcel area for these uses is not less than 5 acres, and further provided that, if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest residential structure existing in a R-1 Single-Family Residential District at the time the zoning permit is issued; veterinarian services; commercial boarding or training of livestock; and permanent commercial roadside stands for agricultural products. An application under this Section shall be subject to all of the following conditions as applicable:

1. **Number of animals**. The number of animals shall not exceed one grazing animal for each acre plus 10 fowl for each acre.
2. **Prohibited animals**. The following are not permitted on parcels smaller than 35 acres: hogs, male goats, roosters, or fur-bearing animals, other than rabbits.
3. **Location of buildings**. In addition to any other applicable restriction, a building that houses livestock shall not be located within a floodplain or closer than 50 feet to any existing dwelling unit or to any lot line.
4. **Fencing**. Any area where poultry, domestic livestock, or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
5. **Animal Hospitals or Shelters** for purposes of this Code refer to a separate facility operated or staffed by at least one (1) licensed Doctor of Veterinary Medicine.
6. **Waste Management**. A plan shall be submitted for approval detailing methods and frequency of disposal of fecal material and urine generated by animals and/or livestock.

B. Processing or Storage of alcoholic beverages, fertilizer, firewood, and furs.

C. Bed and Breakfast Establishments subject to requirements set forth in Sections 91.01(1) and 254.74 of the Wisconsin Statutes and Chapter DHS 197 of the Wisconsin Administrative Code, provided necessary State permits and licenses are secured.

D. Farm Family Businesses including home occupations and professional home offices operating as incidental accessory uses on farm properties abutting existing private roads/streets and conducted by the owner or operator of a farm in accordance with Section 2.17C of this Code, Section 91.01 of the Wisconsin Statutes, and Section ATCP 49.01(11) of the Wisconsin Administrative Code. Also included are such uses on farm properties abutting existing public streets or highways that employ nonfamily members, but no more than 4 full-time nonfamily employees annually.

E. [Reserved].

F. Transportation, communication, pipeline, electric transmission, utility, or drainage uses (as defined in Section ATCP 49.01 of the Wisconsin Administrative Code) other than those allowed under Sections 3.3A5 or 6 or 4.4E, if they meet the requirements in Section 91.46(4) of the Wisconsin Statutes. Small minor distribution lines and infrastructure such as solar panels on rooftop of homes, driveways with paralleling swales, and electrical, telephone,

cable, sewer lateral, and water supply lines connecting from the farm residence to the above referenced main major transmission lines, pipelines, and infrastructure are not conditional uses, but are permitted uses appurtenant to a residence.

## 4.5. RESIDENTIAL USES IN THE R-1 DISTRICT

In addition to Section 4.8, the following uses shall be conditional uses and may be allowed as specified:

A. Bed and Breakfast Establishments subject to requirements set forth in Section 254.74 of the Wisconsin Statutes and Chapter DHS 197 of the Wisconsin Administrative Code, and provided necessary State permits and licenses are secured.

B. Cluster/Conservation Developments. Such developments may be required by the Town when the Plan Commission determines on a case by case basis that a conventional development of subdividable land in the R-l District will adversely impact adjoining or nearby farming operations, other adjoining or nearby land uses, the overall rural character of the area, indigenous natural features and/or resources, environmentally sensitive areas, or scenic vistas and views. Such developments shall conform to all Town procedures and specifications as set forth in the Town land division ordinance, including the provisions in Section 7.06F.

C. Community Living Arrangements licensed by the State of Wisconsin, which have a capacity for 9 or more persons, subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.

D. Home Occupations and professional home offices on properties abutting existing private roads/streets. Also see Section 2.17C.

E. Non-Typical Pets, , and keeping of livestock subject to the following restrictions:

1. **Number of animals**. The number of animals shall not exceed one grazing animal for each acre plus 10 fowl for each acre.
2. **Prohibited animals**. The following are not permitted on parcels smaller than 35 acres: hogs, male goats, roosters, or fur-bearing animals, other than rabbits.
3. **Location of buildings**. In addition to any other applicable restriction, a building that houses livestock shall not be located within a floodplain or closer than 50 feet to any existing dwelling unit or to any lot line.
4. **Fencing**. Any area where poultry, domestic livestock, or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
5. **Waste Management**. A plan shall be submitted for approval detailing methods and frequency of disposal of fecal material and urine generated by animals and/or livestock.
6. **Chickens**:
   i. No more than 4 chickens may be kept.

ii. The keeping of roosters is prohibited.

iii. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

iv. The enclosure (coop) housing chickens shall be located at least 25 feet from any residential structure on an adjacent lot.

v. The property owner, operator, or tenant shall register the premises where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection as required by state law and maintain such registration for so long as may be required.

4.6. Reserved.

4.7. Reserved.

4.8. PUBLIC AND SEMI-PUBLIC USES

The following public and semipublic uses, such as governmental, cultural, educational, religious, and public-related uses and ownership, shall be conditional uses and may be allowed in certain zoning districts as specified:

A. Wind Energy Conversion Systems in all districts, except large wind energy systems with a nominal capacity of one megawatt (one million watts) or greater are prohibited in the R-1 and B-1 Districts, that meet the provisions of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code.

B. New and Substantially Modified Mobile Service Facilities and supporting structures in all districts that meet the provisions of Section 66.0404 of the Wisconsin Statutes. A class 2 collocation mobile service facility does not require a conditional use permit.

4.9. Reserved.

4.10. Reserved. \

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## SECTION 5 MODIFICATIONS

### 5.1. GENERAL

Modifications to the terms of this Code may be granted as provided in this Section.

### 5.2. HEIGHT

The district height limitations stipulated elsewhere in this Code may be exceeded, but such modification shall be in accordance with the following:

A. An Increase in Building Height may be granted by the Plan Commission for principal and accessory buildings when, in the opinion of the Town Board and Plan Commission, the increase is intended to accommodate an attractive roof or façade design that is also compatible with the general character of the neighborhood and is not detrimental to adjacent properties. However, an increase in building height for the express purpose of adding another livable or useable floor level, than would typically be realized under the standard height requirement of the basic zoning district is prohibited.

B. Architectural Projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, roof-mounted solar collectors, flues, and chimneys shall not exceed in height their distance from the nearest lot line, but the modified height shall not exceed 50 feet.

C. Special Structures, such as gas tanks, grain elevators, manufacturing equipment and necessary mechanical appurtenances, water and cooling towers, aerial and fire observation towers, substations, and smokestacks shall not exceed in height their distance from the nearest lot line.

D. Essential Services, such as utilities, water towers, and electric power and communication transmission lines and supporting poles, pylons, or similar structures are exempt from the height limitations of this Code, except mobile service facilities and supporting structures or towers shall comply with the provisions in Section 5.2E.

E. Communication Structures, such as radio, television, and aerial transmission and relay towers and radio, television, and aerial receiving antennas, not including ground-mounted and building-mounted earth station antennas, shall not exceed in height their distance from the nearest lot line.

   New and substantially modified mobile service support structures, as defined in Section 66.0404(1) of the Wisconsin Statutes, shall not exceed in height their distance from the nearest lot line. The Town Board, after considering a recommendation from the Plan Commission, may allow the tower height to be greater than the distance to the nearest lot line if the applicant submits an engineering certification, to the satisfaction of the Town, that the structure's "fall zone" area will be located entirely within the boundaries of the subject lot or parcel.

F. Agricultural Structures, such as barns, silos, and tanks, shall not exceed in height their distance from the nearest lot line.

G. Fences and Accessory Structures. See Section 5.3D, E, and F for height limitations on fences, and Section 5.3G and H for height limitations on accessory structures.

H. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected up to a height of 45 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the zoning district's maximum height requirements.

## 5.3. YARDS/SETBACKS

The yard/setback requirements stipulated elsewhere in this Code may be modified as follows:

A. Uncovered Stairs, landings, and fire escapes may project into any yard, but no such projection shall exceed 6 feet and shall not be closer than 20 feet to any lot line.

B. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed 3 feet (See Section 5.2B for height limits in relation to setback).

C. Agricultural, Communication, and Special Structures and Public or Semipublic Facilities shall comply with relevant provisions in Section 5.2 in terms of yard/setback required in relation to the height of such structures or facilities. Utility substations and storage buildings shall comply with the provisions of Section 2.17B.

D. Residential Fences are permitted on the property lines in residential districts but shall not exceed a height of 6 feet in the side and rear yard or a height of 4 feet in the street yard, and shall not be closer than 2 feet to any planned street or highway right-of-way line. The finished side of the fence shall face adjacent properties. The grade change plus the height of the fence shall not exceed 6 feet. Barbed wire fencing is prohibited.

E. Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height, shall not be closer than 2 feet to any planned street or highway right-of-way line, and shall be of an open type similar to woven wire or wrought iron fencing.

F. Fences of any kind are not allowed in areas below the Wisconsin Department of Natural Resource's established ordinary highwater mark.

G. Accessory Uses and Detached Accessory Structures on lots abutting Lake Michigan are permitted in the street yard provided that such use or structure shall not be closer than 10 feet to the principal structure; shall not exceed 15 feet in height; shall not occupy more than 10 percent of the street yard area; shall not be closer than 10 feet to the side lot line; shall meet

shoreyard setback requirements; and shall not be closer than 15 feet from planned street or highway right-of-way lines or 40 feet from the centerline of a private road.

H. Accessory Uses and Detached Accessory Structures in the R-1 Single-Family Residential District, except lots abutting Lake Michigan, are permitted in the rear yard only provided they shall not be closer than 10 feet to the principal structure; shall not exceed 15 feet in height, shall not occupy more than 10 percent of the rear yard area; shall not be closer than 25 feet to the rear lot line and shall not be closer than 10 feet to the side lot line. Off-Street Parking and Vehicle Display Areas are permitted in all yards of the B-1 Commercial District, but shall not be closer than 25 feet to any planned public right-of-way, or side or rear lot line.

I. **Off-Street Parking and Vehicle Display Areas** are permitted in all yards of the B-1 Commercial District, but shall not be closer than 25 feet to any planned public right-of-way, or side or rear lot line.

J. **Essential Services**, such as utilities, electric power and communication transmission lines and supporting poles, pylons, or similar structures are exempt from the yard/setback requirements of this Code, except mobile service facilities and support structures shall meet the requirements of Section 5.2E.

## 5.4. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

Modifications to requirements of this Code may be granted by the Plan Commission for the purpose of complying with the requirements of Title II, "Public Services," and Title III, "Public Accommodations and Commercial Facilities," of the Americans with Disabilities Act. Such compliance may require waiving or modifications to yard/setback requirements, parking requirements, sign requirements and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

## 5.5. AVERAGE STREET YARDS/SETBACKS

The required street yard/setback may be reduced in the R-1 Single-Family Residential District and the B-1 Commercial District to the average of the existing street yards/setbacks of the abutting structures on each side, but in no case less than 7 feet from the planned street or highway right-of-way lines.

## 5.6. CORNER LOTS

Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard.

## 5.7. SHORELAND LOTS

Shoreland lots subject to this Code shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot, and 2 side yards. Shoreland lots do not normally have a rear yard.

## 5.8. ENERGY CONVERSION SYSTEMS

A. Energy Conversion Systems such as solar and geothermal systems are permitted in any zoning district except small wind energy systems may be allowed as a conditional use in any zoning district while large wind energy systems may be allowed as conditional uses in most zoning districts but are prohibited in the R-1 and B-1 Districts.

B. Wind Energy Conversion Systems shall comply with all applicable State and Federal laws, including the provisions of Section 66.0401 of the Wisconsin Statutes and Chapter PSC 128 of the Wisconsin Administrative Code. Such systems are exempt from the height requirements of this Code; however, no such system shall be located closer to a lot line than the setback, if any, specified in Table 2 in Section PSC 128.61(3) for small wind energy system and Table 1 in Section PSC 128.13(1) for all other wind energy systems. The applicant may propose larger setbacks in order to meet other standards contained in Chapter PSC 128 such as, but not limited to, noise and shadow flicker limitations.

C. Solar Energy Conversion Systems shall comply with all applicable State and Federal laws. Such systems are exempt from the height requirements of this Code; however, no ground-mounted solar collector shall be located closer to a lot line than the setback/yard requirements of the basic zoning district. Roof-mounted solar collectors shall comply with the provisions of Section 5.2B. An applicant, or his agent, proposing roof-mounted solar collectors shall certify to the Zoning Administrator that the solar collectors will not exceed the load bearing limits of the structure they are being placed upon.

## SECTION 6 SIGNS

### 6.1. PURPOSE AND INTENT

The intent of this Section is to provide for and regulate the location and safe construction of signs to ensure that signs are compatible with their surroundings, are well maintained, express the identity of individual proprietors and the Town as a whole, protect property value, do not distract and endanger traffic safety and flow, do not result in an uncontrolled proliferation of signs, and preserve the character and attractiveness of a neighborhood or the Town. See Section 11.0, Illustration 11.0B, which identifies various types of signs.

### 6.2. COMPLIANCE AND PERMIT

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs exempted in Section 6.3, and without being in conformity with the provisions of this Code, Section 84.30 of the Wisconsin Statutes, and Chapters Trans 200 and 201 of the Wisconsin Administrative Code, if applicable. The construction and maintenance of proposed signs requiring a zoning permit shall be subject to review and approval by the Zoning Administrator or Building Inspector.

### 6.3. SIGNS PERMITTED WITHOUT A PERMIT

The following signs are permitted in all districts without a zoning permit and are subject to the following regulations:

A. Agricultural or Farm Identification Signs pertaining to the products or services of the agricultural premises not to exceed 32 square feet in area for any one farm.

B. Temporary Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

C. Personal Name, Home Occupation, Professional Home Office, and Warning Signs not to exceed 2 square feet in area located on the premises.

D. Bulletin Boards for public, charitable, or religious institutions not to exceed 32 square feet in area located on the premises.

E. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.

F. Official Signs, such as traffic control, parking restrictions, information, and notices.

G. Temporary Signs and banners not to exceed 4 square feet in area and not to exceed 6 months unless an extension is granted by the Zoning Administrator.

## 6.4. SIGNS PERMITTED IN R-1 SINGLE-FAMILY RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in R-1 Single-Family Residential Districts and are subject to the following regulations:

A. Permanent Monument (Ground) Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or residential development and shall be set back at least 10 feet from planned street rights-of-way. The Plan Commission may allow such a sign closer to or within a street right-of-way or median after determining that the sign will have no adverse impact on public safety and the subdivision (i.e. homeowners association) or development ensure responsibility for and proper maintenance of the sign. Such signs shall be subject to Plan Commission review and approval.

B. Temporary Development Signs (temporary promotional signs; does not include for sale, lease, or rental signs, which are regulated by Section 6.3B) for the purpose of designating a new building or development, or for promotion of a new subdivision may be permitted for a limited period of time provided that the sign shall not exceed 32 square feet in area and shall be placed outside street rights-of-way. The Zoning Administrator shall specify the period of time the sign may remain based on the size of the development to allow a reasonable time to market the development.

## 6.5. SIGNS PERMITTED IN B-1 COMMERCIAL AND M-1 INDUSTRIAL DISTRICTS WITH A PERMIT

The following signs are permitted in B-1 Commercial and M-1 Industrial Districts, and are subject to the following regulations:

A. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside a building's wall surface, shall not exceed 100 square feet in area or 30 percent of the signable area of the building, whichever is smaller, for any one premise, and shall not exceed 20 feet in height above the mean centerline street grade or extend above the roofline of the building unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least 3 sides, whichever is lower.

B. Projecting Signs fastened to, suspended from, or supported by structures on premises developed for business shall not exceed 100 square feet in area for any one premises, shall not extend more than 6 feet into any required yard/setback, shall not exceed a height of 20 feet above the mean centerline street grade, and shall not be less than 10 feet above any pedestrian way, nor 15 feet above a driveway.

C. Monument (Ground) Signs shall not exceed 6 feet in height, shall be supported by pillars or posts on the sides or a structural base of not less than 50 percent of the length of the sign face (example: a sign with a face 8 feet in length would have a structural base of 4 feet or more in width), shall be set back at least 10 feet from front, side, or rear lot lines, and shall not exceed a sign area of 32 square feet.

D. Pole or Pylon Signs shall not exceed 12 feet in height above the mean centerline street grade, shall meet all the yard/setback requirements for the district in which it is located, and shall not exceed 32 square feet in area on all sides.

E. Window Signs shall be placed only on the inside of commercial buildings, and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.

F. Combinations of any of the above signs shall meet all the requirements for that type of individual sign.

## 6.6. SIGNS PERMITTED IN P-1 PARK AND RECREATIONAL DISTRICTS WITH A PERMIT

Park, recreation, and related governmental/institutional name signs are permitted in the P-1 Park and Recreational Districts when approved by the Town Board after review and recommendation by the Plan Commission.

## 6.7. FACING AND PROHIBITED SIGNS

A. No Sign, except those permitted in Sections 6.3 and 6.4, shall be permitted to face a R-1 Single-Family Residential District within 100 feet of such district boundary.

B. Billboard Signs, Roof Signs, and Searchlights are not allowed in any districts.

## 6.8. LIMITATIONS

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed in such a way as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility. Signs may be illuminated but non-flashing.

## 6.9. EXISTING NONCONFORMING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this Code may be continued even though the use, size, number, or location does not conform to the provisions of this Code. However, such signs shall be deemed nonconforming uses or structures, and the provisions of Section 7.0 shall apply.

When a business or other use changes, thereby requiring a new sign, the sign shall be brought into conformance with the provisions of this Code, including application for a zoning permit if required.

## 6.10. ABANDONED SIGNS

All signs shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer being conducted, or the sign is dilapidated or beyond repair under the provisions of Section 66.0413 of the Wisconsin Statutes. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove such sign. Upon failure to comply with this notice, the Town may initiate action to enforce the provisions of this section.

## SECTION 7 NONCONFORMING USES, STRUCTURES, LOTS, AND PARCELS

Existing lawful nonconforming uses, structures, lots, and parcels within the Town shall meet the provisions of this Section, and those lands subject to Chapter VII, "Shoreland and Floodplain Zoning Ordinance," of the Ozaukee County Code of Ordinances, shall be subject to the provisions of that Code of Ordinances.

### 7.1. EXISTING NONCONFORMING USES

The lawful nonconforming use of land or water; a lawful nonconforming use of a conforming or nonconforming building, structure, or fixture; or a lawful nonconforming use on a conforming or nonconforming lot or parcel that existed at the time of the adoption or amendment of this Code may be continued although the use does not conform with the current provisions of this Code, subject to all of the following :

A. Only that Portion of the building, structure, fixture, land, or water in actual use may be so continued, and the nonconforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order so as to comply with the provisions of this Code.

B. Total Lifetime Structural Repairs or alterations to a building, premise, structure, or fixture containing a nonconforming use shall not exceed 50 percent of the Town's equalized assessed value of the building, premise, structure or fixture at the time its use became nonconforming unless Section 7.1D applies or it is permanently changed to a conforming use in accordance with the use provisions of this Code. Ordinary maintenance repairs are not considered structural repairs, modification, or additions. Some examples of ordinary maintenance repairs include painting, caulking, decorating, paneling; the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems; and other nonstructural repairs.

C. Discontinuance. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of the building, premise, structure, or fixture shall conform to the provisions of this Code.

D. Restoration of certain nonconforming structures.

1. Restrictions on restorations contained in Section 7.01(B) of this Code shall not be not be construed to prohibit the restoration or replacement of a nonconforming structure if the structure will be restored to, or replaced at, the size, location, and use that it had immediately before the damage or destruction occurred, or to impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

a. The nonconforming structure was damaged or destroyed on or after March 2, 2006. and

b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

2. A structure subject to subparagraph 1 may be reconstructed to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

this Code

## 7.2. EXISTING NONCONFORMING STRUCTURES ON CONFORMING OR NONCONFORMING LOTS OR PARCELS

A. **A Nonconforming Structure** with a conforming use lawfully existing at the time of the adoption or amendment of this Code may be continued although the structure's size or location does not conform with the yard/setback , height, parking, or access provisions of this Code. Additions and enlargements to existing nonconforming structures with a conforming use are permitted and shall conform with the established yard/setback, height, parking, and access provisions of this Code. Nonconforming structures with a conforming use may be repaired, maintained, renovated, or remodeled subject to building code and other applicable requirements. No prohibition or limits may be imposed on the costs of the repair, maintenance, renovation, or remodeling of nonconforming structures.

B. **Nonconforming Structures** with a conforming use may be repaired, maintained, renovated, or remodeled, subject to building code and other applicable requirements. No prohibition, limits based on costs, or requiring a variance may be imposed on the repair, maintenance, renovation, rebuilding, or remodeling of such structures or any part thereof.

C. **Additions and Enlargements** to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, and access provisions of this Code. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. The provisions of this Subsection with respect to additions or enlargements are applicable only if the lot or parcel conforms to the existing sanitary code requirements for private onsite sewage treatment system (POWTS) or is served by a public sanitary sewer.

D. **Existing Nonconforming Structures** may be moved and shall conform to the established yard/setback, height, parking, and access provisions of this Code.

E. **Existing Nonconforming Structures with a Conforming Use** that are damaged or destroyed on or after March 2, 2006 by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements and in so far as is practicable shall conform with the building yard/setback, height, parking, and access provisions of this Code. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. The provisions of this

Section with respect to reconstruction are applicable only if the lot or parcel conforms to existing sanitary code requirements or is served by public sanitary sewer. Such reconstruction shall commence within 12 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.

## 7.3. EXISTING CONFORMING STRUCTURES ON NONCONFORMING LOTS OR PARCELS

The continued use of a conforming structure with a conforming use existing at the time of the adoption or amendment of this Code may be allowed although the lot or parcel size (area) and/or width does not meet the current requirements of this Code.

A. Additions or Enlargements to such structures are permitted provided they conform to all provisions of the Ordinance other than minimum lot or parcel area and/or width requirements.

B. Such Structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be reconstructed provided they conform to all use and other provisions of this Code other than minimum lot or parcel size (area) and/or width requirements.

## 7.4. CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed or altered to conform with the requirements of this Code, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall be subject to all the conditions required by the Zoning Board of Appeals.

## 7.5. EXISTING VACANT NONCONFORMING LOTS AND PARCELS

A. In the R-1 Residential District and A-1 and A-2 Agricultural Districts, a single-family detached dwelling within a R-1 or A-2 District and a farm residence within a A-1 or A-2 District and their accessory structures may be erected on any vacant undeveloped nonconforming (substandard) legal lot or parcel of record in the County Register of Deeds Office before the initial adoption date of this Code and amendment thereof, which is August 4, 1966, for lots in the R-1 District and July 17, 1985, for parcels in the A-1 and A-2 Districts.

Vacant nonconforming legal parcels that existed before July 17, 1985, in the A-1 District as provided in the preceding paragraph, are considered a “farm,” and one single-family farm residence maybe constructed on the parcel.

B. In the R-1 District, all district and existing sanitary code requirements shall be complied with insofar as practicable for vacant nonconforming lots but shall not be less than the following unless a variance is granted in the manner provided in Section 8.0 of this Code:

1. Lot: Area. 9,000 square feet minimum.
Width. 60 feet minimum.

2. Building: Height. 35 feet maximum.

Area. 1,200 square feet minimum living floor area (excluding basement area)

3. Yard: Street. 42 feet minimum from planned street or highway right-of-way line.

Side. 10 feet minimum for a one-story house.

15 feet minimum for a two-story house.

4 feet minimum for accessory structures. Rear. 50 feet minimum.

4 feet minimum for accessory structures. Shore. 75 feet minimum.

C. In the A-1 and A-2 Districts, any proposed use in the A-1 District shall meet the siting provisions under Section 91.46(2)(c) of the Wisconsin Statutes and such vacant nonconforming parcels in the A-1 and A-2 Districts shall be in accordance with the provisions of Sections 3.3 and 3.4, respectively. All plans for development on such nonconforming parcels shall be subject to review and approval on a case-by-case basis by the Town Board, after considering a recommendation from the Plan Commission. Variances may only be granted in the manner specified in Section 8.0 of this Code.

D. **Statutory Provisions**. In accordance with Section 66.10015(2)(e) of the Wisconsin Statutes, a property owner of a legal nonconforming (substandard) lot or parcel may:

1. Convey an ownership interest in a substandard lot or parcel.

2. Use the substandard lot or parcel as a building site if all of the following apply:

a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

b. The substandard lot or parcel is developed to comply with all other requirements of this Code, except the minimum lot dimensional requirement unless otherwise specified.

E. **Merging.** In accordance with Section 66.10015(4) of the Statutes, the Town may not require one or more lots or parcels to be merged with another lot or parcel, for any purpose, without the consent of the owners of the lots or parcels that are to be merged.

## SECTION 8 ZONING BOARD OF APPEALS

### 8.1. ESTABLISHMENT

There is hereby established a Zoning Board of Appeals for the Town of Belgium for the purpose of hearing appeals and applications, and granting variances to the provisions of this Code in harmony with the purpose and intent of this Code.

### 8.2. MEMBERSHIP AND TERM

A. The Zoning Board of Appeals shall consist of 5 members appointed by the Town Chairperson and confirmed by the Town Board of Supervisors.

B. Terms shall be for staggered three-year periods.

C. One member of the Zoning Board of Appeals shall be designated as Chairperson by the Town Chairperson.

D. Two Alternate Members shall be appointed by the Town Chairperson for a term of 3 years. Annually, the Town Chairperson shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Zoning Board of Appeals refuses to vote because of conflict or potential conflict of interest or when a member is absent. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the Zoning Board of Appeals so refuses or is absent.

E. All Members of the Zoning Board of Appeals shall reside within the Town.

F. Secretary shall be the Town Clerk.

G. Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Zoning Board of Appeals.

H. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

I. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### 8.3. ORGANIZATION

A. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own governance in accordance with the provisions of this Code. The Zoning Board of Appeals may adopt further rules as necessary.

B. Meetings shall be held at the call of the Chairperson and shall be open to the public; however, the Zoning Board of Appeals may convene in closed session in accordance with Section 19.85 of the Wisconsin Statutes.

C. Minutes of the Proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Zoning Board of Appeals determination, and its finding of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.

D. **The Majority Vote** of the Zoning Board of Appeals members present shall be necessary to correct an error, grant a variance, and allow a substituted use. of the Zoning Board of Appeals members present shall be necessary to correct an error, grant a variance, and allow a substituted use.

## 8.4. AUTHORITY

The Zoning Board of Appeals shall have the following authority:

A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.

B. Variances. To hear and decide appeals for variances where, based on special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such a variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Code shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

C. Substitutions. To hear and decide applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Zoning Board of Appeals allows such a substitution, the use may not thereafter be changed without application.

D. Permits. The Zoning Board of Appeals may reverse, affirm wholly or partly, modify the order, requirement, decision, or determination appealed from, and may issue or direct the issuance of a permit.

E. Assistance. The Zoning Board of Appeals may request assistance from other Town officers, departments, commissions, and boards.

F. Oaths. The Chairperson of the Zoning Board of Appeals, or in Chairperson's absence, the acting Chairperson may administer oaths and request the attendance of witnesses.

## 8.5. APPEALS AND APPLICATIONS

Appeals to the Zoning Board of Appeals may be made by any person aggrieved or by any officer, department, or board of the Town affected by any decision of the Zoning Administrator

concerning the literal enforcement of this Code. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

A. Name and Address of the appellant or applicant, all abutting property owners, all property owners within 500 feet, and all property owners immediately adjacent to the site such as across waterways and rights-of-way of utilities, railways, streets, highways, and freeways.

B. Plat or Survey prepared by a registered land surveyor, or where deemed appropriate by the Zoning Administrator, a map/site plan drawn to scale showing all the information required for a zoning permit in Section 2.3 of this Code.

C. Additional Information required by the Zoning Board of Appeals or Zoning Administrator.

D. Fee Receipt from the Town Clerk or Treasurer for the filing fee established by the Town Board from time to time.

## 8.6. STAY OF LEGAL PROCEEDINGS

An appeal shall stay all legal proceedings in accordance with the provisions of Section 62.23(7)(e)5 of the Wisconsin Statutes unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
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## 8.7. PUBLIC HEARING

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof by publication of a Class 1 notice under Chapter 985 of the Wisconsin Statutes published at least 15 days in advance of the hearing, and shall give due notice to the parties in interest, Zoning Administrator, and Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney. The Zoning Board of Appeals may postpone a public hearing if it determines that it needs additional information.

## 8.8. FINDINGS

No variance to the provisions of this Code shall be granted by the Zoning Board of Appeals unless it finds by the preponderance of evidence presented that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

A. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall

have the effect of allowing a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

B. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended uses that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this Code should be changed.

C. Economic Hardship and Self-Created Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-created hardships shall not be considered as grounds for the granting of a variance.

D. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

E. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Code or the public interest.

## 8.9. DECISION

A. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Zoning Board of Appeal decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

B. Conditions may be placed upon any permit ordered or authorized by the Zoning Board of Appeals.

C. Variances or Substitutions granted by the Zoning Board of Appeals shall expire within 12 months unless substantial work has commenced pursuant to such a grant.

D. An Extension, the duration determined by the Zoning Administrator on a case-by-case basis, may be granted by the Zoning Administrator prior to its expiration. The Zoning Administrator or applicant may request that the Zoning Board of Appeals review and approve the request for extension.

E. The Final Disposition of an appeal or application to the Zoning Board of Appeals should be in the form of a written resolution or order signed by the Chairperson of the Zoning Board of Appeals. Such resolution shall state the specific facts which are the basis of the Zoning Board of Appeals determination and shall either affirm, reverse, vary, or modify the requirement, decision, or determination appealed, in whole or part; dismiss the appeal for lack of jurisdiction or prosecution; or grant or deny the application. A written decision, however, is not required provided the Zoning Board of Appeals reasoning is clear from the transcript of its proceedings.

F. Granting of a Variance or Substitution by the Zoning Board of Appeals shall not exempt a permit applicant from obtaining the zoning permit required by Section 2.2 and 2.4 of this Code.

## 8.10. RESUBMISSION

A. Resubmission. No appeal or application which has been denied after a hearing shall be considered again unless the applicant can show a material change in circumstances or provide new evidence, as reasonably determined by the Zoning Administrator.

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## 8.11. REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may, within 30 days after the filing of the decision in the office of the Town Clerk, seek court review of the decision as provided in Section 62.23(7)(e)(10) of the Wisconsin Statutes.

## SECTION 9 CHANGES AND AMENDMENTS

### 9.1. AUTHORITY

A. Whenever the Public Necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Code or amendments thereto.

B. Such Change or Amendment shall be subject to the review and recommendation of the Plan Commission as provided in Section 62.23(7)(d) of the Wisconsin Statutes.

### 9.2. INITIATION

A change or amendment may be initiated by the Town Board, Plan Commission, Zoning Administrator, or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed. A petition by a lessee must be cosigned by the owner(s) of the property.

### 9.3. PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations of this Code shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

A. Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 500 feet of the area proposed to be rezoned.

B. Owners' Names and Addresses of all abutting properties, all properties within 500 feet, and all properties adjacent to the area proposed to be rezoned such as across waterways and rights-of-way of utilities, railways, streets, highways, and freeways (i.e.

C. Additional Information required by the Plan Commission or Town Board in order to give appropriate consideration to the petition.

D. Fee Receipt from the Town Clerk or Treasurer.

### 9.4. REVIEW AND RECOMMENDATIONS

A. The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied within 30 days of the Town Board's referral of the matter to the Plan Commission. Unless the Town Board sets a longer period of time. The Plan Commission, with the prior consent of the Town

Board, may defer making its recommendation until after the public hearing provided for in Section 9.5.

B. Proposed amendments or rezonings shall be consistent with the adopted Town comprehensive plan and any components and/or amendments thereto. All lot or parcel rezoning requests to an R-1 Residential District must abut wholly or partially the property lines of existing lots or parcels identically zoned R-1 respectively, unless designated for such uses allowed in the R-1 District accordingly on the land use plan map of the adopted Town comprehensive plan. All rezoning requests for lots or parcels to a B-1 or M-1 District must abut wholly or partially the property line of existing lots or parcels identically zoned B-1 or M-1 District, respectively. For the purpose of this Subsection, abutting lot or parcel lines in the R-1, B-1, and M-1 Districts does not include those only touching at a single point (i.e. only corners of lots or parcels touching) and those separated from adjacent lots or parcels by waterways or rights-of-way of utilities, railways, streets, highways, and freeways.

## 9.5. PUBLIC HEARING

The Town Board shall, after posting or publishing Class 2 notice under Chapter 985 of the Wisconsin Statutes, hold a public hearing upon each proposed change or amendment forwarded by the Plan Commission, giving public notice of the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days prior written notice to the Clerk of any municipality lying within 1,000 feet of any land to be affected by the proposed change or amendment and to all parties in interest as defined in Section 11.00 of this Code. The Town Board may hold the public hearing jointly with the Plan Commission or delegate the responsibility to hold such public hearing to the Plan Commission.

## 9.6. NOTIFICATIONS AND FINDINGS REQUIRED FOR AMENDING OR REZONING A-1 FARMLAND PRESERVATION DISTRICT LANDS

A. No Land shall be rezoned out of the A-l Farmland Preservation District unless the Town Board finds, in accordance with Section 91.48 of the Wisconsin Statutes, all of the following after a public hearing:

1. The Land is Better Suited for a use not allowed in the A-1 District;

2. The Rezoning is Consistent with the Town comprehensive plan and the Ozaukee County certified farmland preservation plan; and

3. The Rezoning will not Substantially Impair or Limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

B. A Notification of any amendments to the regulations of the A-1 District that relate to the provisions of Section 91.36 (8)(b) of the Statutes and all land rezoned into the A-1 District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (ATCP) in accordance with Section 91.36(8)(d) of the Statutes. A copy of the amendment shall be included with the notice transmitted to ATCP.

The Town shall by March 1 of each year provide to ATCP and Ozaukee County a report of the number of acres that the Town has rezoned out of the A-1 District, if any, during the previous year and a map that clearly shows the location of those acres.

## 9.7. TOWN BOARD ACTION

Following the public hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall act on the petition, either approving, modifying and approving, or disapproving of the same.

## 9.8. Reserved.

## SECTION 10 FEES AND PENALTIES

### 10.1. PETITION AND PERMIT APPLICATION FEES

A. Fee Payment. All persons, firms, or corporations who petition for approval of a zoning text or map amendment, variance, or appeal, and all persons, firms, or corporations performing work in the Town of Belgium for which this Code requires the issuance of a zoning, conditional use, or occupancy permit, shall, upon filing, pay a fee to the Town Clerk or Treasurer in accordance with the schedule of fees established by the Town Board and amended from time to time to help defray the cost of administration, investigation, advertising, and processing of such petitions and permit applications. Any applications filed by the Town Board, Plan Commission, Engineer, Attorney, or Zoning Administrator are exempt from the fee requirement.

B. Additional Fees. If the Town Board, Plan Commission, or Zoning Administrator determine that additional professional assistance is needed, beyond what is normally necessary to review a proposed development, petition, or permit application, the Town Board may employ the services of attorneys, engineers, planners, architects, surveyors, or related professional experts as may be required, the services of which shall be paid for by the petitioner or applicant. A deposit of funds may be required prior to any meeting.

C. Meeting. The Zoning Administrator may require one or more staff meetings to review any proposed plan or development prior to its consideration by the Plan Commission.

### 10.2. DOUBLE FEE

A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued, or if a building or the premises are occupied prior to the issuance of an occupancy permit. Such double fee shall not release the applicant from full compliance with this Code nor from prosecution for violation of this Code.

### 10.3. VIOLATIONS

Any building or structure erected, moved, placed, or structurally altered, or any use established in violation of any provisions of this Code by any person (including building contractors or their agent), shall be deemed an unlawful building, structure, or use. The Town Board may direct the Town Attorney to bring an action to enjoin, remove, or vacate any use, erection, moving, alteration, or placement of any building, structure, or use in violation of this Code. Authorization taken under this section shall be in addition to, and not to exclusion or prejudice of any other penalty or remedy that may be available, and specifically it shall not be necessary to prosecute for a forfeiture before resorting to these other remedies.

## 10.4. REMEDIAL ACTION

Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, Zoning Administrator, or Town Attorney may institute appropriate legal action or proceedings for the imposition of any penalty provided for in Section 10.5 of this Code and to prohibit such owner, agent, or occupant from using such structure, land, or water. The 30-day written notice provided for under this Code may be reduced to a lesser time where, in the opinion of the Zoning Administrator, a lesser period is reasonably required to protect the public health, safety, or welfare.

## 10.5. PENALTIES

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Code or any regulation, rule, or order made hereunder shall, upon conviction thereof, forfeit not less than $100 nor more than $1,000 together with the costs of prosecution for each violation. Each day that each violation exists or continues shall constitute a separate offense.

## SECTION 11 DEFINITIONS

For the purpose of this Code, the following definitions shall be used. Certain words or phrases have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning as defined in this Section. Words used in the present tense in this Code include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she". A singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Code shall be presumed to have their customary dictionary definitions.

Abutting Lands. Lots or parcels of lands that share all or part of a common property line with another lot or parcel.

Acreage, Net. The remaining ground area after subtracting all portions for existing and proposed street rights-of-way within a development or subdivision.

Adult Family Home. A licensed place where 3 or 4 adults who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident; or a licensed private residence where 3 or 4 adults or any number of adult siblings, each of who has a developmental disability, who are not related to the operator reside and receive care, treatment, or services that are above the level of room and board but not including nursing care. An adult family home does not include any of the following: a convent, a facility or private home for victims of domestic abuse, a shelter, or other facilities excluded in Section 50.01(1) and (1g) of the Wisconsin Statutes.

Basement. That portion of any structure located partly or mostly below the average lot grades.

Berm. A human-made, formed earth mound of definite height, width, and length used for buffering or screening purposes.

Buffer Yard. An area of land which contains sufficient area and width, landscape plantings, earth berms, fencing, walls, or other visual and/or sound barriers intended to eliminate or minimize land use conflicts between adjacent land uses.

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.

Building Floor Area. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility areas, garages, porches, breezeways, and unfinished attics.

Building Height. The vertical distance measured from the mean elevation of the natural, finished grade along the street yard face of the building or structure to the highest point of flat or pitched roofs.

Building, Principal. A building in which the principal use of the lot or parcel on which it is located is conducted. Any building intended to be used for human habitation shall constitute a principal building.

Business. A lawful commercial endeavor to engage in the production, purchase, sale, lease, or exchange of goods and/or the provision of services.

Cluster/Conservation Development. A form of residential development that concentrates buildings or lots and their supporting infrastructure on a portion of the site found to be most favorable for construction, while preserving the remaining land for common open space, agriculture, wildlife habitat, open vistas and views, recreation, or environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size, while complying with the density provisions of this Code. Such development could consist of one or more cluster groups surrounded by common open space and is sometimes called an open space subdivision development.

Collocation. A telecommunication facility comprised of a single telecommunication tower or building or other structure supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private wireless telecommunications provider. See also "Mobile Service Facility, Class 1 Collocation," "Mobile Service Facility, Class 2 Collocation," and "Mobile Service Facility, Substantial Modification."

Community-Based Residential Facility (CBRF). A place where 5 or more adults who are not related to the operator or administrator of the facility reside and receive care, treatment, or services above the level of room and board, but not including more than 3 hours of nursing care per week per resident nor above intermediate-level nursing care. A CBRF is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes. A CBRF does not include any of the following: a convent, facilities for victims of domestic abuse, a shelter, or other facilities excluded in Section 50.01(1g) of the Statutes.

Community Living Arrangements. Community living arrangement facilities for children or adults. Such facilities for children mean a group home or a residential care center for children and youth. Such facilities for adults mean a community-based residential facility (CBRF).

Conversion Systems, Energy. A facility, structure, or installation, such as, but not limited to, solar panels, wind turbines, or geothermal systems, intended to convert or produce energy for heating, cooling, ventilation, lighting, or electricity generated or produced from natural resources or forces such as sunlight, wind, water, or geothermal energy.

Conservation Systems, Water. A facility, structure, material, or installation such as, but not limited to, rain barrels or cisterns, controlled irrigation systems (i.e. timed and/or dripline irrigation systems), porous and pervious pavements[1], drought-tolerant landscaping, rain and roof gardens, bioinfiltration trenches and basins (i.e. bioswales and stormwater detention/retention ponds or basins), and "gray water" systems[2] intended to conserve and improve the quality and quantity of surface and groundwater resources.

Contiguous. For the purpose of meeting minimum parcel area requirements in the A-1 and A-2 Agricultural Districts, contiguous means parcels that are abutting or that are adjacent to each other including when separated by a waterway or rights-of-way of utilities, railways, streets, highways, or freeways. It does not include parcels touching only at a single point (i.e. only corners of parcels touching) for only those in the A-1 District.

1 Such pavement should be avoided if chlorides (salt) are directly applied for deicing and anti-icing, or if the area of permeable pavement will receive runoff from paved areas to which chlorides are applied.

2 Such gray water systems should consist of low or nontoxic wastewater from wash basins, showers, or bathtubs (excludes those from kitchen sinks, dishwashers, or washing machines unless their wastewater is separated from or pretreated for high nutrient, salt, or soap residues/levels-toxicities) intended to be reused for other purposes, particularly landscape irrigation. Such gray water should not be sprayed due to potentially inhaling pathogens and should not be stored more than 24 hours before use due to bacteria accumulation, unless first properly treated.

Deed Restrictions. A restriction on the use of a property set forth in the deed.

Density, Net. The net area required for a residence divided by an acre (43,560 square feet). The result is expressed as dwelling units per net acre. Net acres, used in computing net density, are the net area or actual site area of a parcel devoted to the residential use, excluding street rights-of-way, and consists of the building footprint area including any driveway, patio, or deck; required yards; and open space that is part of the residential lot or site.

District, Basic Use. A part or parts of the Town for which the regulations of this Code governing the use and location of land and buildings are uniform (such as the Agricultural, Residential, Commercial, Industrial, and Park and Recreational District classifications).

District, Overlay. A zoning designation that modifies the underlying basic use zoning district requirements in a specific manner.

Driveway. That portion of a lot, parcel, or property intended to be used for vehicular access, paved or unpaved, from the abutting public street.

Driveway, shared**.** A common driveway jointly owned and maintained between two abutting properties.

Dwelling. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Eave. The projecting lower edge of a roof overhanging the wall of a building.

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Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare and fire, flood, windstorm, riots, and/or invasions.

Environmental Corridor, Primary. A concentration of significant natural resources at least 400 acres in size, 2 miles long, and 200 feet wide as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

Environmental Corridor, Secondary. A concentration of significant natural resources at least 100 acres in size and one (1) mile long as delineated and mapped by SEWRPC. No minimum area or length criteria apply to secondary environmental corridors that link primary corridors.

Equalized Assessed Value. The value of a structure and/or parcel of property as determined by the local assessor with any adjustments made to account for an assessment that does not reflect "full" (100 percent) value. Full assessed value of the structure and/or parcel usually is equivalent to "full" (100 percent) fair market value at the time assessment is made.

Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service or the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, traffic signals, pumps, lift stations, and hydrants.

For the purpose of this Code, essential services are permitted in all zoning districts; however, new and substantially modified mobile service facilities require approval of a conditional use permit in all zoning districts, and certain transportation, communication, pipeline, electric transmission, utility, and drainage uses require approval of a conditional use permit in all agricultural districts and must meet the requirements in Section 91.46(4) of the Wisconsin Statutes.

Fall Zone. The area over which a mobile service support structure is designed to fall in the event of collapse or other structural failure.

Family. Any number of persons related by blood, adoption, or marriage, or a total number of unrelated persons (excluding children one year of age or younger in the computation) of no more than twice the number of bedrooms in a dwelling.

Family Child Care Home. A dwelling licensed as a childcare center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than 8 children.

Farm. For the purpose of Section 3.3 of this Code, farm means all land under same ownership that is primarily devoted to agricultural use.

Farm Family Business. For the purpose of clarification in Sections 3.3A9 and 4.4D of this Code, farm family business refers to a business operated by the owner or operator, or resident family member of the owner or operator, of a farm, that is not associated with an agricultural use; that requires no buildings, structures, or improvements other than a farm residence or a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use; that employs no more than 4 full-time nonfamily employees annually; and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

Floodplain. The land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the floodplain fringe, and may include other designated floodplain areas for regulatory purposes. For the purpose of this Code, the floodplain is all lands, including surface water areas, contained in the "regional flood" or 100-year recurrence interval flood, which has a one (1) percent chance or probability of occurring in a given year.

Floor Area. The sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls and is sometimes called the "living area." For the purpose of this Code, floor area shall not include basements, breezeways, porches, decks, garages, and unfinished attics.

Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.62 of the Wisconsin Statutes for the care and maintenance of 4 or fewer children or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the State promulgates rules permitting a different number of children, for the number of children permitted under those rules.

Front Yard. See "Yard, Street."

Frontage. The smallest dimension of a lot abutting a public street measured along the street line.

Group Home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Section 48.625 of the Wisconsin Statutes for the care and maintenance of 5 to 8 children.

Highway Right-of-Way. See "Street Right-of-Way."

Home Occupations. Any occupation for financial gain or support from a private home business of resident occupants conducted entirely within buildings of such occupants which is clearly incidental and subordinate to the principal use of the premises and does not significantly change the essential residential character or appearance of the home. A home occupation includes uses such as dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barber and beauty shops, dance schools, or massage, tattoo, or body-piercing parlors. For the purpose of this Code, bed and breakfast establishments are not considered home occupations.

Intensity. The degree to which land is occupied or the density of development. (There is no single measure of the intensity of land use. Rather, a land use is relatively more or less intense than another use. Generally, a particular use may be more intense due to one or more characteristics, such as traffic or parking generated, amount of impervious building and/or pavement surface, bulk of structures, number of employees, density such as number of dwelling units per acre, or nuisances such as pollution, noise, light, etc.)

Intermediate-Level Nursing Care. Basic care that is required by a person who has a long-term illness or disability that has reached a relatively stable plateau.

Isolated Natural Resource Area. An area containing significant remnant natural resources at least 5 acres in area and 200 feet in width, as delineated and mapped by SEWRPC.

Livestock. Domestic farm animals such as bovine animals (i.e. bison and cows), equine animals (i.e. horses and donkeys), goats, sheep, swine, poultry, farm raised deer, farm raised game birds, camelids (i.e. llamas and alpacas), ratites (i.e. emus and ostriches), and farm raised fish. Dogs, cats, and other household pets are not considered livestock.

Loading/Unloading Area. A completely off-street space or berth on the same lot as the associated principal use for the loading or unloading of freight carriers, having adequate ingress and egress to a public street.

Lot. An area of land on which a principal building and its accessory buildings are placed, together with the required open spaces, provided that no such area of land shall be bisected by a public street. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation for meeting minimum lot size requirements for the purpose of this Code, except in the A-1 and A-2 Districts. The term 'lot" is used in all district regulations other than the A-l and A-2 Districts, where the term "parcel" is used. See also "Parcel." Illustration No. 11.0A identifies various types of lots.

Lot, Shoreland. A lot abutting a lake or stream. Normally the lot abuts a street on one side, the lake or stream on the opposite side, and the remaining lot lines are side lot lines. The aforedescribed lot has no rear lot line. If, however, the lake or stream abuts the lot on the lot line perpendicular to the street, that lot has only one side lot line and a rear lot line opposite the lot line abutting the street.

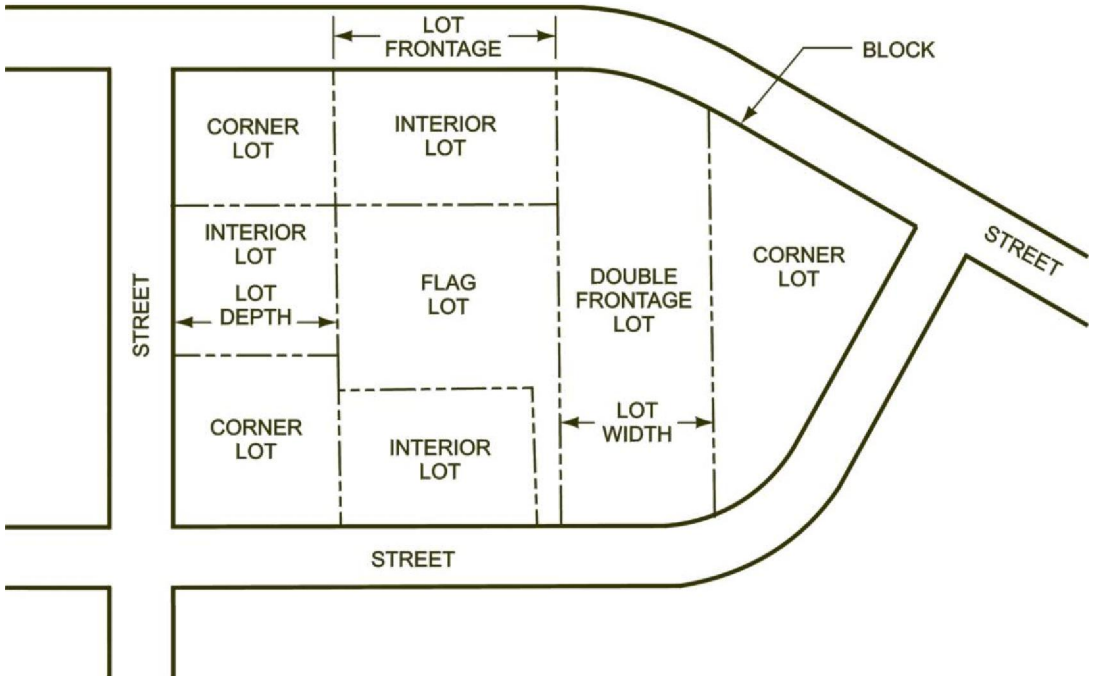
Lot, Substandard. See "Lot or Parcel, Nonconforming."

Lot or Parcel, Nonconforming. Any lot or parcel, the area, dimensions, or location of which was lawful prior to the adoption or amendment of this Code, but which fails by reason of such adoption or amendment to conform to the present regulations of this Code. Vacant nonconforming lots or parcels are also referred to as substandard lots or parcels.

Lot Lines. The peripheral boundaries of a parcel of land within which lot area is computed. Lot Width. The width of a parcel of land measured at the front (street) yard setback line.

Illustration No. 11.0A

TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Mobile Service Facility, Class 1 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification to such supporting structure.

Mobile Service Facility, Class 2 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility or engage in substantial modification to such supporting structure.

Mobile Service Facility, Substantial Modification. An existing mobile service support structure that is substantially modified, including the mounting of an antenna on such a structure, as defined in Section 66.0404(1)(s) of the Wisconsin Statutes. Also see "Mobile Service Facility, Class 1 Collocation."

Mobile Service Tower. A freestanding support structure, such as a pole, designed to support a mobile service facility (sometimes called a wireless cellular or digital communication facility).

Motel. A series of attached, semi -attached, or detached sleeping units for the accommodation of transient guests for a continuous period of not more than 30 days within each calendar quarter.

Navigable Water. Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the State portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water that have a bed differentiated from adjacent other seasons. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Ordinary Highwater Mark (OHWM). The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Ownership, Same. For the purpose of this Code as the term is used in Sections 3.3C and 3.4C, it means abutting lots or parcels, regardless of whether such lot(s) or parcel(s) are undeveloped or developed with an existing building, are solely owned or held by the same identical owner. For example, if a person, co-owners, or trust owns a lot or parcel that abuts a lot or parcel, whether vacant or not, in which said identical person, co-owners, or trust, respectively, is also the sole owner, such lots or parcels are considered to be under the same ownership.

Parcel. A land ownership upon which one or more rural structures, including farm residences, barns, and other farm structures, are placed, together with the required open spaces. The term "parcel" is used in the A-1 and A-2 District regulations and unlike the term "lot," as defined elsewhere in this Section may include lands reserved for roadway purposes in the computation of meeting the required minimum parcel size.

Parcel, Substandard. See "Lot or Parcel, Nonconforming."

Parties in Interest. Includes all abutting property owners, all property owners within 500 feet, and all adjacent property owners across waterways or rights-of-way of utilities, railways, streets, highways, and freeways from the subject lot or parcel.

Poultry. Domestic farm fowl, such as chickens, ducks, and turkeys.

Professional Home Offices. Residences of recognized professions used to conduct their professions as a private home business within buildings of such resident occupants where the office is clearly incidental and subordinate to the principal use of the premises and does not significantly change the essential residential character or appearance of the home. Professional home offices include uses such as residences of doctors of medicine, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, insurance and real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions. Professional home offices do not include massage, tattoo, or body-piercing parlors.

Residence, Farm. For the purpose of Section 3.3 of this Code, farm residence means a single-family residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.

2. A parent or child of an owner or operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

Residence, Nonfarm. A single-family residence other than a farm residence.

Residential Care Center for Children and Youth. A facility operated by a child welfare agency licensed by the State pursuant to Section 48.60 of the Wisconsin Statutes for the care and maintenance of children residing in that facility.

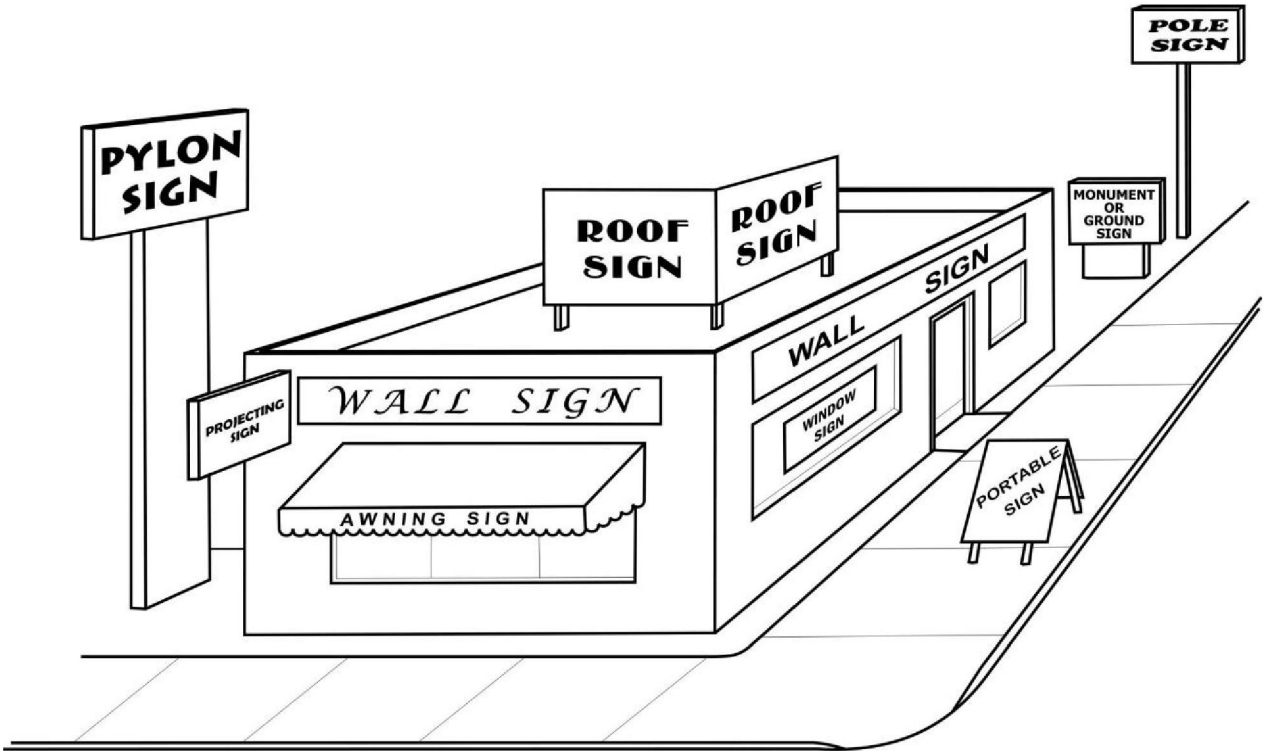
Setback. See "Yard, Rear", "Yard, Shore", "Yard, Side", and "Yard, Street."

Shorelands. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream, or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a natural navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and (c) such lands are maintained in nonstructural agricultural use.

Signs. Any medium, including its words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used for identification purposes or to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product. Illustration No. 11.0B identifies various types of signs.

Illustration No. 11.0B

SIGN TYPES




Sign, Abandoned. A sign, or part thereof, which no longer correctly advertises a bona fide business, service, or product available on the premises for a period of 30 days or more. A structurally unsound sign, or part thereof, which has been left unrepaired for a period of 30 days or more after notification by the Zoning Administrator or Building Inspector that such sign is in need of repair is also considered an abandoned sign.

Sign, Billboard. An off-premise sign with removable or changeable copy on which the copy is intended to be replaced with new copy after the termination of a specified period and direct attention to a business, product, service, or entertainment conducted, sold, or offered at a location other than the premise on which the sign is located. For the purpose of this Code, billboards do not include community signs and bulletin boards used to announce church services, or to display court or other public official notices, or temporary signs offering the sale or lease of the premises on which the sign is located.

Sign, Fascia. A sign that is mounted or painted on, or attached to, the flat horizontal surface or piece (such as a band or board, sometimes called a signboard or nameplate) of a building typically located directly above the front door and may extend over adjacent windows.

Sign, Off-Premises. A sign which is not appurtenant to the use of the property where the sign is located, or to a product sold, or a service offered upon the property where the sign is located.

Sign, Permanent. Any sign which is intended to be, and is so constructed as to be, of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear), and position, and in a permanent manner affixed to the ground or a wall of a building.

Sign, Roof. A sign that is mounted to the roof of a building and which projects above the point of a building with a flat roof and the eave line of a pitched roof (see Illustration No. 11.0B).

Sign Area. The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign is an irregular shape or consists of more than one section or module, their area shall be totaled. Any irregular shaped sign area shall be computed by using the actual sign face surface. In the case of individual letters, the area of copy will be squared off and used.

Sign Copy. The message, announcement, words, letters, numbers, pictures, art, advertisement, and any other information or decoration on the face of a sign.

Sign Face. The area or display surface used for the message.

Sign Height. The vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised plant bed (planter) or on a berm, the grade shall be determined by the average of the grades measured at the base of the planter or the toes of the slope at the front and back of the berm.

Street Right-of-Way. A public right-of-way which contains a paved roadway or a planned street facility, roadside swales and/or stormwater infrastructures, and sometimes sidewalks and/or pedestrian/bicycle paths.

Street or Highway Right-of-Way, Planned. For the purpose of this Code in measuring street yards/setbacks, street or highway rights-of-way shall be the planned public rights-of-way since existing dedicated street or highway right-of-way lines may not reflect the desired or minimum width for planned street or highway right-of-way. In accordance with Section 7.03A of the Town Land Division Ordinance, the total street right-of-way width in the Town of Belgium shall be no less than 66 feet, usually measured 33 feet from the centerline of the road pavement on each side. Highways and freeways typically require wider rights-of-way.

Structural Alterations. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders.

Structure, Accessory. See "Use or Structure, Accessory." Structure, Principal. See "Building, Principal."

Structures. Any erection or construction, such as buildings, bridges, towers, masts, poles, booms, signs, carports, manure storage facilities, and fences.

Structures, Minor. Any small movable accessory erection or construction, not exceeding 100 square feet in area, such as birdhouses, toolsheds, pet houses, play equipment, or arbors, and walls and fences under 4 feet in height.

Structure, Nonconforming. Any building or structure lawfully existing at the time of the adoption or amendment of this Code which houses a use that is permitted in the zoning district, but does not comply with all applicable area, width, height, yard/setback, and/or parking requirements set forth in this Code for the district in which it is located. Any such structure conforming with respect to use (containing a

conforming use) but not in respect to dimensional or parking requirements shall be considered a nonconforming structure and not a nonconforming use.

Unnecessary Hardship. The circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, yard/setback requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Code.

Use. The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use or Structure, Accessory. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot, parcel, or development site serving a purpose customarily incidental to or an integral part of the principal use or principal structure. Accessory uses or structures include incidental repairs; storage inside an enclosed structure such as sheds and detached garages; minor structures; parking facilities; gardening; guest's and owner's quarters not for rent; private swimming pools; and private emergency shelters.

Use, Agricultural. Any of the following activities conducted to produce an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; and enrolling land in Federal agricultural commodity payment program or Federal or State agricultural land conservation payment program. Such use includes any other uses that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Use, Agricultural-Related. An agricultural equipment dealership, facility providing agricultural supplies, or facility for processing agricultural wastes. Such use also includes any other uses that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural-related use.

Use, Conditional. A use of a special nature which may be permitted provided it is included as a conditional use in the district regulations and that can be controlled with certain conditions imposed by the Town Board after considering recommendations from the Plan Commission.

Use, Nonconforming. Any use of land or water, or land in combination with any structure (or building), lawfully existing at the time of adoption or amendment of this Code which does not comply with the current use regulations for the zoning district in which it is located.

Utilities. Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Variance. An authorization granted by the Board of Zoning Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this Code.

Wetland. An area that has a predominance of hydric soils and are inundated or saturated by surface or groundwater at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic (water loving) vegetation and which has soils indicative of wet conditions.

Wind Energy System. Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy such as electrical energy.

Wind Energy System, Large. A wind energy system that has a total installed nameplate capacity of greater than 300 kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts. Large wind energy systems essentially exceed the capacity specifications for a small wind energy system. The height of such systems is usually over 250 feet, with "utility-scale" systems about 400 to 500 feet in height.

Wind Energy System, Small. A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. The average height of "small" wind energy systems is approximately 80 feet, but small systems may be up to 250 feet in height.

Yard. An open space on the same lot or parcel with a structure, unoccupied and unobstructed, from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yard, Rear. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal or accessory building (see Illustration No. 11.0C). This yard shall be opposite the street yard or one of the street yards on a corner lot, which is usually opposite the face of the dwelling or building containing the "front door" or main entryway.

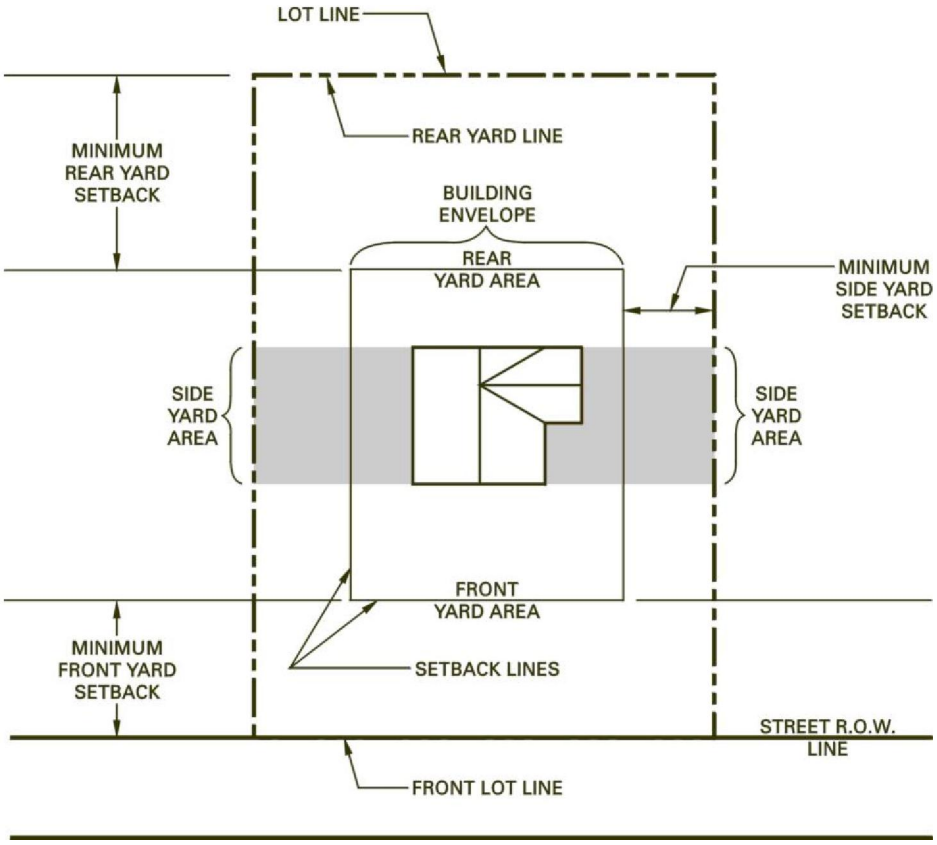
Yard, Shore. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the ordinary highwater mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of a building or structure. (Contact the Ozaukee County Department of Land and Water Management for shoreland requirements including shoreland setback which is generally 75 feet but contains certain exemptions.)

Yard, Side. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal or accessory building. Lots generally have two side yards; however, a corner lot has only one side yard. The side yard setback area does not extend beyond the front building face into the street year, or beyond the rear building face into the rear yard (see Illustration No. 11.0C).

Yard, Street or Front. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the planned street or highway right-of-way and a line parallel thereto through the nearest point of the principal or accessory building (see Illustration No. 11.0C) excluding uncovered steps, landings, and roof overhangs. Where the street right-of-way line is an arc (curve), the street yard shall be measured from the arc. Street yards/setbacks shall be measured at the end of the "stem" providing access from the street to the lot. Corner lots shall have two such yards, one side yard, and one rear yard.

Illustration No. 11.0C

LOCATION OF YARDS AND REQUIRED
SETBACKS ON A TYPICAL INTERIOR LOT



APPENDIX A

SUMMARY OF AREA, YARD/SETBACK, AND HEIGHT REQUIREMENTS

| Zoning Districts | Maximum Residential | Minimum | | Minimum Total Floor Area | Minimum Yard/Setback | | | | Maximum Principal |
|---|---|---|---|---|---|---|---|---|---|
| | | Area (acres) | Width at Yard/Setback | | Street[a] (feet) | Side[b] (feet) | Rear[b] (feet) | Shore (feet) | |
| A-1 Farmland | 0. 029 | 35 | 500 | -- | 42 | 75[d] | 50[d] | 75 | 35[e] |
| A-2 General Agricultural | 0.029 | 35 | 500 | --- | 42 | 75[d] | 50[d] | 75 | 35[e] |
| R-1 Single-Family Residential District | 0.67 | 1.5 | 150 | 1,200 | 42 | 20 feet for one-story, | 50 | 75 | 35 |
| B-1 Commercial District | -- | 1.5 | 150 | -- | 42 | 30 | 50 | 75 | 35 |
| M-1 Industrial District | -- | 1.5 | 200 | -- | 42 | 30 | 50 | 75 | 45 |
| P-1 Park and | -- | -- f | --[f] | -- | 42 | 30 | 50 | 75 | 35 |
| C-1 Lowland Conservancy | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| C-2 Upland Conservancy | --[g] | --[g] | --[g] | --[g] | --[g] | --[g] | --[g] | --[g] | --[g] |

NOTE: This table is a summary and should not be used to answer zoning-related questions. Refer to the zoning text and map for specific zoning district information.

[a]Measured from planned street or highway right-of-way lines.

[b]Lots abutting a more restrictive zoning district shall provide side and/or rear yards not less than those required in the more restrictive district.

[c]See the applicable zoning requirement for the maximum height requirement for certain accessory buildings and structures.

[d]Pertains to yard/setback requirements for farm residences. The yard/setback requirement for other farm buildings shall not be less than the height of such buildings.

[e]Pertains to the maximum height requirement for farm residences. The maximum height requirement for other farm buildings is 60 feet, except silos which is 100 feet.

[f]Lots shall provide sufficient area and width for the activities or operation, principal building and its accessory structures, off-street parking and loading/unloading areas, and all required yards. As per underlying basic zoning district requirements; however, the minimum lot area for

residential development shall be no less than 5 acres per dwelling unit or a density of no more than one (1) dwelling unit per 5 acres

# APPENDIX B

Table of Buildable A-1 Parcels