

ZONING ORDINANCE
TOWN OF BELGIUM
OZAUKEE COUNTY, WISCONSIN

Adopted August 4, 1966

Includes amendments adopted through February 7, 2023.

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.

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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; and further the sustainability, including resiliency, of the Town by balancing and accommodating, where appropriate, green development and infrastructure, including use of renewable energy conversion systems, water conservation systems, and other innovative development techniques that are cost-saving, energy efficient, and environmentally-friendly. 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 to ensure compliance with this Code. If Zoning Administrator is refused entry after presentation of their identification, the Zoning Administrator 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 inspection and approval of 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. **Applications for Small Wireless Facilities** and supporting structures shall provide information as specified in Section 66.0414(3)(c)2 of the Wisconsin Statutes.
- H. **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.
- I. **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 Statutes or Administrative Code. A zoning permit for mobile service and small wireless facilities and supporting structures shall be reviewed, respectively, in accordance with Sections 66.0404(3) and (4) and 66.0414(3) 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 within 12 months if the structure for which the permit was issued is not substantially completed, unless that upon showing of valid cause, the Zoning Administrator grants an extension of such permit for a period not to exceed 6 months. Any permit issued in conflict with the provisions of this Code shall be null and void.

J. **Fee Receipt** from the Town Clerk or Treasurer.

K. **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 3.9A 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. 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 on public streets for lots and parcels in most zoning districts, except existing lots on established private roads are exempt and parcels in agricultural zoning districts shall have a minimum frontage of at least 500 contiguous feet. 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, except parcels in agricultural zoning districts shall have a frontage of at least 500 feet.
- 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 6.3C for related sign regulations.
- E. **Energy Conversion Systems** shall comply with the provisions of Section 4.8 and the following:
 - 1. **Energy Conversion Systems** such as certain types of accessory small solar energy systems (excluding large-ground mounted solar systems) and any geothermal systems

are permitted uses in any zoning district, except in the C-1 District and floodplains. Accessory roof-mounted solar systems of any size are permitted uses in all zoning districts, except in the C-1 District and floodplains. Accessory ground mounted solar systems are not permitted uses in the R-1, B-1, M-1, and P-1 Districts. Accessory small ground- and roof-mounted solar systems are permitted uses in A-1 and A-2 Districts, and large-ground mounted solar systems may only be allowed as a conditional use in the A-1 and A-2 Districts under certain conditions as specified below in Section 2.17.E.3. Ground mounted solar systems of any size are prohibited in the street yard of the A-1 and A-2 districts. Small wind energy systems may be allowed as a conditional use in any zoning district, while large wind energy systems may be allowed as a conditional use in most zoning districts but are prohibited in the R-1 and B-1 Districts (see below Section 2.17.E.2).

2. **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 Ordinance; 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.
3. **Solar Energy Conversion Systems** shall comply with all applicable State and Federal laws, including the provisions of Section 66.0401, 91.44, and 91.46 of the Statutes, unless otherwise exempted. No ground-mounted solar collector shall be located closer to a lot line than the yard/setback requirement of the basic use zoning district. Roof-mounted solar collectors shall comply with the provisions of Section 5.2.B. An applicant, or their 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.

In addition, large ground-mounted solar systems may only be located on marginal farmland in the A-1 District but not prime farmland, while such systems may be located on marginal and prime farmlands in the A-2 Districts, however such systems in the A-1 and A-2 Districts shall be located outside of conservancy overlay zoning districts and floodplains.

- F. **Mobile Service Facilities and Small Wireless Facilities**, including support structures, shall meet the provisions of Section 66.0404, “Mobile Tower Siting Regulations,” and Section 66.0414, “Small Wireless Facilities” 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 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. 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 3.9 and 3.10, 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. **Allowed Uses.** Only the uses and their essential services specified in Sections 2.12 and 3 of this Code are allowed in any zoning district. Any uses not specified as a permitted or conditional use in this Code, including proposed conditional uses not meeting conditions required by the Town and this Code, are prohibited.

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.
14. Collocated small wireless facilities.

B. Conditional Uses - See Sections 4.4 and 4.8.

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. Rezoning

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 and large ground-mounted solar 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.
5. Collocated small wireless facilities.

B. Conditional Uses - See Sections 4.5 and 4.8.

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 except wind and large ground-mounted solar 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 and 4.8.

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 except wind and large ground-mounted solar energy systems.
 6. Essential services.
 7. Water conservation systems.
 8. Collocated small wireless facilities.

B. Conditional Uses - See Section 4.8.

C. Minimum Lot Area and Width

1. Area: 1.5 acres
2. Width: 150 feet

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

1. 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 except wind and large ground-mounted solar energy systems.
6. Essential services.
7. Water conservation systems.
8. Collocated small wireless facilities.

B. Conditional Uses - See Section 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 except wind and large ground-mounted solar 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.
20. Collocated small wireless facilities.

B. Conditional Uses – See Section 4.8.

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.)

1. 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 - None.

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 Collocated Small Wireless Facilities** in the R-1 District and new small wireless facilities and supporting structures shall provide information as specified in Section 66.0414(3)(c)2 of the Wisconsin Statutes.
- D. **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.
- E. **Additional Information** as may be required by the Town Board, Plan Commission, or Zoning Administrator.
- F. **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.

- G. **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. **Conditions Imposed.** 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. **Substantial Evidence.** 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) of the Wisconsin Statutes, 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. **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, 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

The following uses shall be conditional uses and may be allowed as specified:

- A. **Bed and Breakfast Establishments** subject to requirements set forth in Sections 91.01(1) of the Wisconsin Statutes, 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-1 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. UTILITY AND COMMUNICATION USES

The following utility and communication uses 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. Also see Section 2.17.E.2.
- B. **New and Substantially Modified Mobile Service Facilities** and supporting structures in all basic use zoning districts that meet the provisions of Section 66.0404 of the Wisconsin Statutes and any yard/setback requirements established as a condition for such facilities proposed in a R-1 District. A class 2 Collocation Mobile Service facility does not require a conditional use permit.
- C. **Collocated Small Wireless Facilities in the R-1 District** and new small wireless facilities and support structures in all districts that meet the requirements of Section 66.0414 of the Wisconsin Statutes.
- D. **Large Ground-Mounted Solar Energy Systems** with a capacity to generate 1 megawatt or more in only the A-1 and A-2 Districts while shared “community” systems may be allowed as a conditional use in these agricultural districts and R-1 District that meet the requirements in Section 2.17.E.3 and other conditions attached to the conditional use permit. Large utility-scale ground-mounted systems with a capacity to generate 1 megawatt or more require a conditional use permit; however, such systems receiving a Certificate of Public Convenience and Necessity (CPCN) from the Wisconsin Public Service Commission (PSC) are exempt from the requirements of this Ordinance, but PSC is required to obtain local comments prior to approving a CPCN.

4.7. UPLAND CONSERVANCE USES IN THE C-2 OVERLAY DISTRICT

The following conservancy uses shall be conditional uses and may be allowed as specified:

- A. **Any Permitted or Conditional Uses**, including structures, in the underlying basic zoning district that may disturb the existing natural features provided that the use will not be contrary to the purpose and intent of the C-2 District.

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.
- F. **New and Substantially Modified** mobile service and small wireless facilities and support structures 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.
- G. **Agricultural Structures**, such as barns, silos, and tanks, shall not exceed in height their distance from the nearest lot line.
- H. **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.
- I. **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. Fencing is prohibited in any portion of shore yards. 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. Also see Section 2.13.D.

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

See Section 2.17.E.

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.

Nonconforming buildings, premises, structures, and fixtures that were lawfully used may continue without being subject to amortization requirements unless fairly compensated in accordance with Sections 62.23(7)(hg)2 of the Wisconsin Statutes but are still subject to the requirements of Section 7.1B, C, and D of this Code.

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 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

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 or limits based on costs may be imposed on the repair, maintenance, renovation, 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.

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

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.

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 Rezoning** 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-1 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.

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. *Italicized* words within definitions are further defined in this Section. Many words or terms in this Ordinance have the same meaning prescribed by the Wisconsin Statutes or Administrative Code. 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 pavements¹, drought-tolerant landscaping, rain and roof gardens, bioinfiltration trenches and basins (i.e. bioswales and stormwater detention/retention ponds or basins), and “gray water” systems² 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.

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.

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.

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.

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 Value Assessed. 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, a conditional use permit is required for new small wireless and new and substantially modified mobile service facilities and support structures in all zoning districts, collocated small wireless facilities in R-1 Districts, and certain transportation, communication, pipeline, electric transmission, utility, and drainage uses in the A-1 District that 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.

Farmland, Marginal. Farmlands that are not “prime farmlands” and are considered lands with poor or limited soil suitability for most crop production.

Farmland, Prime. Significant farmlands classified as “National Prime Farmlands,” consisting of Class I and II soils, and “Farmlands of Statewide Significance,” consisting of Class III soils, by the U.S. Department of Agriculture-Natural Resources Conservation Service that contain soils with good drainage and agricultural capability suitable for most crop production.

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.

Green Development. The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green stormwater infrastructure; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient –6– appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is sometimes referred to as “low impact development” (LID).

Green Stormwater Infrastructure. Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and recharge groundwater by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with underdrains, curb openings into tree wells, rain gardens

and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements¹ with restricted salt application for winter maintenance or the application of alternative winter maintenance techniques, drought-tolerant landscaping materials and techniques, and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (i.e. wetlands and woodlands), soil, waterways, and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

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.

Kilowatt Hour (kWh). An average output of 1,000 watts per hour, a commonly used billing unit for energy delivered to consumers by electric utilities.

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.

¹ *Such pavement should be avoided if the area has a high-water table (groundwater within 4 feet of the bottom of pavement subgrade), if chlorides (salt) are directly applied for deicing and anti-icing, or if the area of permeable pavement would receive runoff from paved areas where chlorides are applied.*

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-1 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 aforescribed 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.

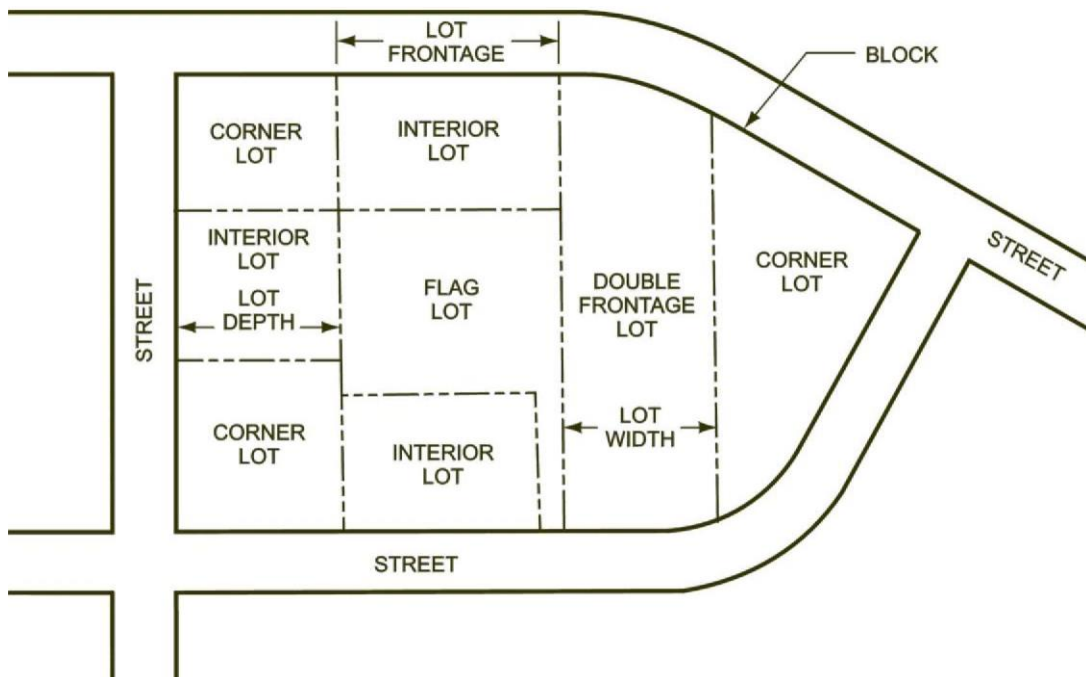
Lot, Substandard. See “Lot or Parcel, Nonconforming.”

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.

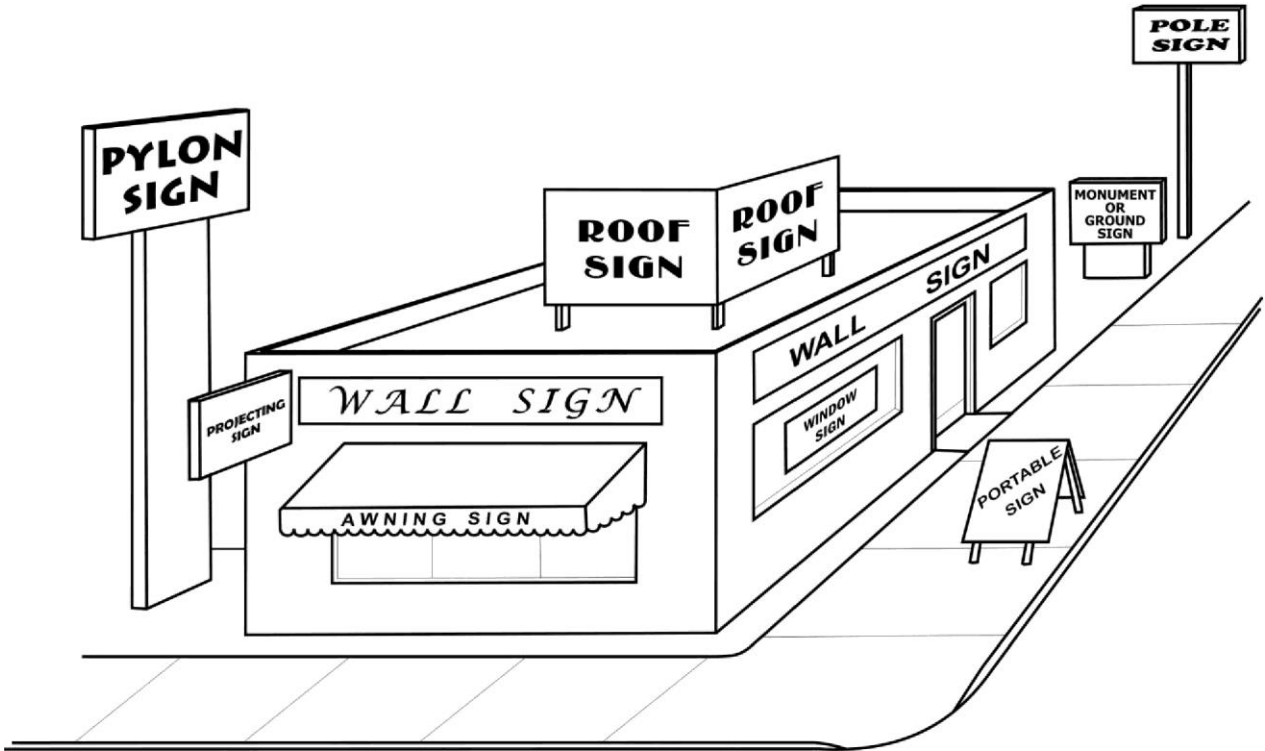
Resiliency. The ability to withstand or recover from social, economic, and environmental crises or disasters.

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.

Small Wireless Facility. See Section 66.0414(1)(u) of the Wisconsin Statutes.

Solar Energy System. Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. Such equipment is sometimes called solar collectors or panels.

Solar Energy System, Small. An accessory solar structure that converts solar energy into usable forms of thermal or electrical energy for primarily noncommercial purposes to serve an individual home, business, or farm residence or operation to provide such converted energy for themselves. Such a system serving an average home, for example, may contain a 5 kilowatt system or array that has the capacity to generate about 600 *kilowatt hour (kWh)* per month that would cover about 60 to 80 percent of an average home energy use (depending on geographic location) that consume about 880 to 920 kWh per month; however, the amount generated and consumed by an individual home, business, and farm can vary significantly.

Solar Energy System, Large. A large commercial solar energy facility (sometimes called solar farms) that converts solar energy to electrical energy primarily distributed to a public utility grid system to serve customers. “Large” systems also include shared solar energy facilities to serve a group (“cluster”) of homes or businesses, a subdivision, or a planned development and are typically referred to as “community” or “cluster-group” solar energy facilities. The word “community” in this context does not mean an entire city, village, or town is served by this type of shared system, since they would be served by a large *utility-scale energy conversion system* that generates and distributes at least 15 megawatts (MW) and up to 300 MW or more per year into a grid system. Large individual businesses or institutional uses may also contain a “large” solar facility for noncommercial purposes to serve themselves and even send excess energy into the grid. These individual systems have a capacity to generate from 20 kilowatts up to 15 MW. A solar system with a capacity to produce 1 MW annually in Southeast Wisconsin would occupy about 5 to 7 acres, at this time of writing.

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.

Substantial Evidence. As related to conditional use permits and defined in the Statutes, 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 any reasonable persons would accept in support of a conclusion.

Sustainability. Creating and maintaining the conditions under which humans and nature can exist in productive harmony, that allow fulfilling the social, economic, and other requirements of present and future generations, as defined by the U.S. Environmental Protection Agency.

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.

Utility-Scale Energy Conversion Systems. A large-scale facility that converts, for example, solar or wind energy to electricity and distributes it into an electrical power grid (transmission) system. The amount of electricity generated to qualify as a "utility-scale" or "large-scale utility" varies. Such facilities typically have a Power Purchase Agreement (PPA) with a utility company, guaranteeing a market for its energy for a fixed time period.

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.

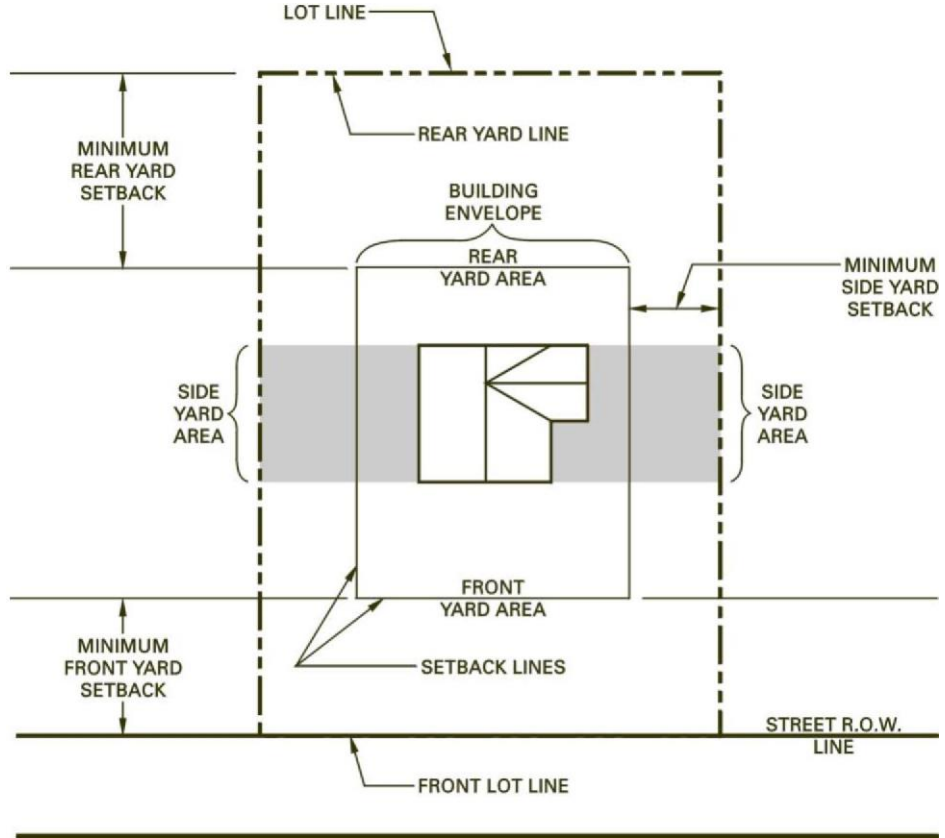
Yard, Shore. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the ordinary highwater mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of a building or structure. (Contact the Ozaukee 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 yard, 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 Density (dwelling units per net acre) | Minimum Lot/Parcel Size | | Minimum Total Floor Area (square feet) | Minimum Yard/Setback | | | | Maximum Principal Building Height ^c (feet) |
|--|---|-------------------------|-----------------------------------|--|----------------------------|--|--------------------------|-----------------|---|
| | | Area (acres) | Width at Yard/Setback Line (feet) | | Street ^a (feet) | Side ^b (feet) | Rear ^b (feet) | Shore (feet) | |
| A-1 Farmland Preservation District | 0.029 | 35 | 500 | -- | 42 | 75 ^d | 50 ^d | 75 | 35 ^e |
| A-2 General Agricultural District | 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, 30 feet for two-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 Recreational District | -- | -- ^f | -- ^f | -- | 42 | 30 | 50 | 75 | 35 |
| C-1 Lowland Conservancy Overlay District | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| C-2 Upland Conservancy Overlay District | -- ^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.

^aMeasured from planned street or highway right-of-way lines.

^bLots abutting a more restrictive zoning district shall provide side and/or rear yards not less than those required in the more restrictive district.

^cSee the applicable zoning requirement for the maximum height requirement for certain accessory buildings and structures.

^dPertains 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.

^ePertains 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.

^fLots 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.

^gAs 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 - FARMLAND PRESERVATION DISTRICT

| <u>TAX KEY</u> | <u>ADDRESS</u> | <u>ACRES</u> |
|------------------|----------------|--------------|
| 01 003 16-004.00 | JAY RD | 20 |
| 01 004 02-002.00 | CTY RD K | 20.22 |
| 01 005 01-001.00 | CTY RD K | 0.48 |
| 01 009 16-000.00 | CTY RD KK | 31.75 |
| 01 011 13-003.00 | 6475 CTY RD LL | 21.4 |
| 01 012 11-001.00 | SILVER BCH RD | 31.58 |
| 01 012 05-001.00 | CLAY RIDGE RD | 29.5 |
| 01 016 16-001.00 | CTY RD D | 20 |
| 01 025 10-002.00 | LAKE CHURCH RD | 26 |
| 01 025 16-000.00 | SANDY BCH RD | 26.1 |
| 01 032 14-001.00 | CTY RD B | 1 |
| 01 035 09-002.00 | CTY RD LL | 26.97 |
| 01 035 13-002.00 | LAKE CHURCH RD | 20 |

TOWN OF BELGIUM LAND DIVISION ORDINANCE

Updated February 7, 2023

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TOWN OF BELGIUM LAND DIVISION ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 TITLE

This Ordinance shall be known as the “Town of Belgium Land Division Ordinance” and is hereinafter referred to as the “Ordinance.”

1.02 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

1.03 PURPOSE

The purpose of this Ordinance is to regulate and control the division of lands within the limits of the Town of Belgium in order to promote and protect the public health, safety, aesthetics, and general welfare of the community. More particularly, and without limitation, it is the purpose of this Ordinance to:

- A. **Implement the Town of Belgium’s** master or comprehensive plan, or components of such plans, and facilitate enforcement of community development standards as set forth in the zoning ordinance and building code.
- B. **Promote the Wise Use**, conservation, protection, and proper development of the Town’s soil, water, wetland, woodland, and wildlife resources and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. **Preserve the Rural and Agricultural Character** of the Town, where appropriate.
- D. **Further the Orderly Layout** and appropriate use of land.
- E. **Avoid the Harmful Effects** of premature division or development of land.
- F. **Lessen Congestion** in the streets and highways.
- G. **Secure Safety** from fire, flooding, water pollution, and other hazards and minimize expenditures for flood relief and flood control projects.
- H. **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters.
- I. **Preserve Natural Vegetation** and cover and protect the natural beauty of the Town.
- J. **Provide Adequate Light and Air.**

- K. **Facilitate Adequate Provision** for transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public necessities.
- L. **Ensure Adequate Legal Description** and proper survey monumentation of divided land.
- M. **Restrict Building** in areas of unsuitable soils or in other areas poorly suited for development.
- N. **Provide for the Administration** and enforcement of this Ordinance.
- O. **Further the Sustainability**, including resiliency, of the Town by accommodating, where appropriate, green development and infrastructure.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

1.05 INTERPRETATION

The provisions of this Ordinance shall be interpreted 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.

1.06 SEVERABILITY AND NON-LIABILITY

- A. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- B. The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only such unsuited soils within the Town; and thereby asserts that there is no liability on the part of the Town Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

1.07 REPEAL

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

SECTION 2.00 GENERAL PROVISIONS

2.01 AREA OF JURISDICTION

This Ordinance shall apply to all lands within the limits of the Town of Belgium, Ozaukee County, Wisconsin.

2.02 APPLICABILITY

All proposed land divisions and any proposed lot or parcel consolidations, except those exempted in accordance with Sections 2.02C and D, shall be subject to Town review and approval in which the Town Board shall approve, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps, after considering a recommendation from the Plan Commission.

- A. **Subdivision.** Any division of land within the Town that results in a subdivision as defined in Section 11.00 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 5.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. **Minor Land Division.** Any division of land within the Town that results in a minor land division as defined in Section 11.00 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 6.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- C. **The Provisions of this Ordinance,** as it applies to divisions of tracts of land into less than 5 parcels, shall not apply to:
 - 1. Transfer of interest in land by will or pursuant to court order.
 - 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 - 3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the zoning ordinance, or other applicable laws or ordinances.
- D. **All of the Following Specific Uses** and activities are exempted from this Ordinance:
 - 1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
 - 2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g), and 236.20(1) and (2)(a) through (e) of the Wisconsin Statutes, unless waived under Section 236.20(2)(L).
 - 3. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Town Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

4. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.

2.03 COMPLIANCE

No person, firm, or corporation, shall divide any land or propose any lot or parcel consolidation, unless exempted under this Ordinance, located within the jurisdictional limits of the Town which results in a subdivision, minor land division, or replat, or consolidation of lots or parcels as defined herein; no such subdivision, minor land division, or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with:

- A. **All requirements of this Ordinance.**
- B. **Duly Approved Master or Comprehensive Plan**, or any components of such plans, of the Town of Belgium, Wisconsin.
- C. **The Town of Belgium Zoning Ordinance**, the Ozaukee County Floodplain and Shoreland Zoning Ordinance, and all other applicable ordinances.
- D. **The Provisions of Chapter 236** of the Wisconsin Statutes.
- E. **The Rules of the Wisconsin Department of Safety and Professional Services**, as contained in Chapters SPS 383 and 385 of the Wisconsin Administrative Code, regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- F. **The Rules of the Wisconsin Department of Transportation**, as contained in Chapter Trans 233 of the Wisconsin Administrative Code, and the Ozaukee County Highway Department relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting highway.
- G. **The Rules of the Wisconsin Department of Natural Resources**, as contained in Chapters NR 103, 115, and 116, of the Wisconsin Administrative Code, setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- H. **The Rules of the U.S. Army Corps of Engineers** and U.S. Environmental Protection Agency.
- I. **Proposed Land Divisions** that would create substandard lot or parcel sizes, which do not meet the applicable zoning ordinance requirements within which the subject land is located, are prohibited unless otherwise explicitly allowed by the Town zoning ordinance or certain deed restrictions, and are reviewed and approved by the Town Board.

2.04 LAND SUITABILITY

No land shall be divided which is held unsuitable for such use by the Town Board, upon recommendation of the Town Plan Commission, Town Engineer, or other agency as determined by the Board, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or poses an imminent harm to the environment. In addition:

- A. **Floodplains.** No lot one (1) acre or less in area served by a private onsite wastewater treatment system (POWTS), including but not limited to a conventional septic system, mound system, or holding tank, shall include floodplains. All lots more than one acre in area served by a POWTS shall contain not less than 40,000 square feet of land which is at least two feet above the elevation of the 100-year recurrence interval flood, as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such flood stage data are not available, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Town Engineer.
- B. **Lands Made, Altered, or Filled with Non-Earth Materials** within the preceding 20 years and those land made, altered, or filled with earth within the preceding 7 years shall not be divided into building sites which are to be served by POWTS except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. **Lands Having a Slope** of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. Lots proposed to be served by POWTS shall have no less than 40,000 square feet in slopes of less than 12 percent.
- D. **Lands Having Bedrock** within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS, unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of Comm 83. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and

the quality of the influent entering the proposed soil dispersal area. The subdivision layout shall permit the infiltrative surfaces of dispersal cells to be located at least 24 inches above bedrock.

- E. **Lands Having Seasonal and/or Permanent Groundwater** within 10 feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of SPS 383. The subdivision layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 24 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 24 inches of soil separation required shall be comprised of an in situ soil type for which soil treatment capability is credited under the aforereferenced table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within 4 inches of the bottom of the A horizon.
- F. **Lands Covered by Soils Having Coarse Textures** such as loamy coarse sand with 60 percent or more coarse fragment content shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- G. **Land Drained by Farm Drainage Tile or Farm Ditch Systems** shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- H. **The Town Board**, upon recommendation of the Town Plan Commission and in applying the provisions of this section, shall in writing recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability, if so desired. The Town Board may thereafter affirm, modify, or withdraw its determination of unsuitability.

2.05 DEDICATION AND RESERVATION OF LANDS

- A. **Streets, Highways, and Drainageways.** Whenever a proposed subdivision or minor land division encompasses all or any part of an arterial street, drainageway, or other public way which has been designated on a duly adopted Town, County, or regional comprehensive plan, or component thereof, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and as set forth in Section 7.00.
- B. **Open Space.** Whenever a tract of land to be divided within the Town encompasses all or any part of open space lands, as defined in Section 11.00 DEFINITIONS of this Ordinance, said open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:

1. Reservation or dedication to the Town of Belgium.
2. Conservation easement.
3. Deed restriction. Common open space to be permanently preserved shall be protected by providing a deed restriction that prohibits any land division or development of said open space.

2.06 HOMEOWNERS ASSOCIATIONS

Common areas or facilities within a land division shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

- A. **The Subdivider** shall provide the Town with a description of the homeowners association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review and approval by the Town Board and Plan Commission.
- B. **The Association** shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision.
- C. **Membership** in the association shall be mandatory for all purchasers of lots therein and their successors and assigns.
- D. **The Association** shall be responsible for maintenance and insurance of common areas and facilities.
- E. **A Land Stewardship Plan** for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- F. **The Members** of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities.
- G. **The Association** shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- H. **The Subdivider** shall arrange with the Town Assessor a method of assessment of any common areas and facilities, which will allocate to each lot within the subdivision a share of the total assessment for such common areas and facilities.
- I. **The Town** may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the Town at least 30 days prior to such transfer.

- J. **In the Event** that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

2.07 IMPROVEMENTS

Before approval of any final plat or, where applicable, certified survey map located within the limits of the Town, the subdivider shall install street and other improvements as hereinafter provided. In the alternative, if such improvements are not installed at the time the final plat or certified survey map is submitted for approval, the subdivider shall, before the recording of the plat or certified survey map where applicable, enter into a development agreement with the Town agreeing to install the required improvements, and shall file with said agreement a bond or letter of credit with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements. Said estimate shall be made by the Town Board, after review and recommendation by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than one (1) year from the date the plat or certified survey map is recorded and as a further guarantee that all obligations to subcontractors for work on the subdivision are satisfied. In addition:

- A. **Contracts** and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to review by the Plan Commission and approval by the Town Board after receipt of a recommendation from the Town Engineer and the Town Attorney.
- B. **Governmental Units** to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- C. **Survey Monuments.** Before final approval of any plat within the limits of the Town, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the Town Engineer. The Town Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one (1) year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to

the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

2.08 DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the Town Board of any final plat or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 9.02 of this Ordinance, the subdivider shall sign and file with the Town Board a development agreement. The development agreement shall be approved as to form by the Town Attorney, and shall be approved by the Town Board prior to approval of the final plat or certified survey map.

2.09 EXCEPTIONS AND MODIFICATIONS

Where, in the judgment of the Town Plan Commission, it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because exceptional or undue hardship would result, the Town Board, upon recommendation of the Town Plan Commission, may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
- B. **Preservation of Property Rights.** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. **Absence of Detriment.** That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- D. **A Simple Majority Vote** of the Plan Commission quorum shall be required before recommending any exception or modification of this Ordinance to the Town Board, and the reasons shall be entered into the minutes of the Commission.

2.10 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No

person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor land division, or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statute.

2.11 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 plus any additional applicable costs incurred by the Town for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- A. **Recordation** improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. **Conveyance** of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- C. **Monuments** disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
- D. **An Assessor's Plat** made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision is created by successive divisions.

2.12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

SECTION 3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION CONSULTATION

Prior to filing an application for the approval of a preliminary plat or certified survey map, the subdivider shall consult with the Town Plan Commission and/or its staff in order to obtain advice and assistance. A sketch plan of the proposed subdivision or

certified survey map shall be brought by the applicant to the meeting. This pre-application consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning the project. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed project and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW

When it is proposed to divide land into 5 or more parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in area, by a division or by successive divisions of any part of the original property within a period of 5 years; or when it is proposed to divide land into 5 or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of 5 years, the subdivider shall subdivide by use of a subdivision plat. The subdivision plat shall include all parcels of land less than 35 acres in area and may, at the owner's discretion, include any other parcels 35 acres or larger in area.

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of folded copies of the plat for distribution in accordance with this Section; the completed application; and the preliminary plat review fee with the Town Clerk at least 30 days prior to the meeting of the Town Plan Commission at which consideration is desired. In addition:

A. **The Town Clerk** shall, within 2 normal working days after filing, transmit:

1. Four copies to the Ozaukee County planning agency.
2. One copy to the Villages of Belgium or Fredonia if the lands to be platted lie within the extraterritorial plat approval jurisdiction (1½ miles) of either municipality;
3. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
4. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if lands lie within 500 feet of the ordinary high-water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

- B. **In Lieu of the Procedure** set forth in Section 3.02, paragraph A above, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the preliminary plat directly to the Director of Plan Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Town Clerk the additional copies required for the reviews required by Section 3.02, Paragraphs C and D below.
- C. **The Town Clerk** shall also transmit, within 5 normal working days after filing, 10 copies of the preliminary plat to the Town Plan Commission and Town Board and one (1) copy to the Town Engineer for review and recommendations concerning matters within their jurisdiction. The recommendations of Town Engineer shall be transmitted to the Town Plan Commission within 20 days from the date the plat is received. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this Ordinance, the Town of Belgium Zoning Ordinance, the Ozaukee County Floodplain and Shoreland Zoning Ordinance, and all other Town ordinances, rules, regulations, and the master or comprehensive plan and components thereof.
- D. **The Town Clerk** shall also transmit, within 5 normal working days after filing, one (1) copy each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission (SEWRPC), affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is received.

3.03 PRELIMINARY PLAT APPROVAL

- A. **The Objecting Agencies** shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- B. **The Town Plan Commission** shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, ordinances, and master or comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the Town Board.
- C. **The Town Board**, with or without the recommendations of the Town Engineer, Plan Commission and the objecting or approving agencies, shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve

conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Town Board's permanent file.

- D. **Failure of the Town Board to Act** within 90 days, the time having not been extended as set forth herein and no unsatisfied objections having been filed, shall constitute approval of the plat as filed.
- E. **Approval or Conditional Approval** of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11 (1) (b) of the Wisconsin Statutes. The Town Board may extend the time for submission of the final plat.

3.04 FINAL PLAT REVIEW

A final plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of folded copies of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the Town Clerk at least 30 days prior to the meeting of the Town Board at which action is desired. In addition:

- A. **The Town Clerk** shall, within 2 normal working days after filing, transmit:
 - 1. Four copies to the Ozaukee County planning agency.
 - 2. One copy to the Villages of Belgium or Fredonia if the lands to be platted lie within the extraterritorial plat approval jurisdiction (1½ miles) of either municipality;
 - 3. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
 - 4. Additional copies to the Director of Plat Review, Wisconsin Department of Administration, for re-transmission as follows:
 - a. Two copies to WisDOT if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two copies to WDNR if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shoreland areas are located within the plat.

- B. **In Lieu of the Procedure Set Forth Above**, the subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original of the final plat directly to the plat review section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit to the Town Clerk the additional copies required for the reviews required below.
- C. **The Town Clerk** shall also transmit, within 5 normal working days after filing, 10 copies of the final plat to the Town Plan Commission and Board, and one copy to each of the Town Engineer, the affected public or private utility companies, the school district with jurisdiction, and SEWRPC.
- D. **The Town Plan Commission** shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Town Board.
- E. **Partial Platting**. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

3.05 FINAL PLAT APPROVAL

- A. **The Objecting Agencies**, shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- B. **Submission**. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat. The Town Board may extend the time for submission of the final plat.
- C. **The Town Plan Commission** shall, within 30 days of the date of filing of the final plat with the Town Clerk, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.
- D. **Notification**. The Town Board shall give at least 10 days prior written notice of its intent to act on the plat to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.

- E. **The Town Board** shall, in accordance with Section 236.11 of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat, unless time is extended by agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Town Board's permanent file. The Town Board shall not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, with the date they were forwarded, and that no objections have been filed within 20 days or, if filed, that they have been met.
- F. **Failure of the Town Board** to act within 60 days, the time having not been extended and no unsatisfied objections having been filed and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- G. **Recordation.** After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Ozaukee County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval, as required in Section 236.25(2)(b) of the Wisconsin Statutes.
- H. **Copies.** The subdivider shall file 10 copies of the recorded final plat with the Town Clerk for distribution to the Town Engineer, Building Inspector, Assessor, and other affected officials for their files.

3.06 CERTIFIED SURVEY MAP REVIEW AND APPROVAL (Minor Land Division)

When it is proposed to divide land into not more than 4 parcels or building sites, inclusive of the original remnant parcel, any of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a 5-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into not more than 4 parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of blocks within the subdivision plat, and the division does not result in a subdivision, the subdivider shall subdivide by use of a certified survey map. The certified survey map shall include all parcels of land less than 35 acres in area and may, at the owner's discretion, include any other parcels 35 acres or larger in size. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map and the completed application with the Town Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired.

- A. **A Pre-Application Consultation**, in accordance with Section 3.01 of this Ordinance, is required.
- B. **The Town Clerk** shall, within 5 normal working days after filing, transmit the copies of the map and letter of application to the Town Board and Plan Commission.
- C. **The Town Clerk** shall, within 5 normal working days after filing, transmit a copy of the map to the Ozaukee County planning agency and all other applicable approving authorities, including extraterritorial plat review agencies if not waived in writing. Copies may also be transmitted to SEWRPC for review and comment. Their recommendations shall be transmitted to the Town Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, rules, regulations, and master or comprehensive plans and components thereof as may be applicable.
- D. **The Town Plan Commission** shall recommend approval, approve with conditions and/or deed restrictions, or rejection of such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider, and shall transmit the map along with its recommendations to the Town Board.
- E. **The Town Board** shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map.
- F. **Recordation.** After the certified survey map has been approved by the Town Board the Town Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the Ozaukee County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 6 months after the date of the last approval and within 24 months after the first approval.
- G. **Copies.** The subdivider shall file 10 copies of the recorded certified survey map with the Town Clerk. The Clerk shall distribute copies of the map to the Town Engineer, Town Planner, Building Inspector, Assessor, Land Information Officer, and other affected officials for their files.

3.07 REPLATS

Except for assessors' plat as provided in Section 70.27(1) of the Wisconsin Statutes, when it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or

alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 3.01 through 3.05 of this Ordinance.

The Town Clerk shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of record of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

SECTION 4.00 PRELIMINARY PLAT

4.01 GENERAL REQUIREMENTS

A preliminary plat shall be required for all subdivisions and shall be based on a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:

- A. **The Preliminary Plat** shall be clearly noted and labeled on its face “Preliminary Plat.”
- B. **Inset Map** of the area concerned showing the general location of the proposed subdivision in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- C. **Location** of proposed subdivision by quarter section, township, range, county, and state.
- D. **Title or Name** under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- E. **Names** and addresses of the owner, subdivider, and land surveyor preparing the plat.
- F. **Date**, graphic scale, and north arrow.
- G. **The Entire Area Contiguous** to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Plan Commission may

waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

4.02 SITE ANALYSIS INFORMATION

The following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

- A. **Topographic Features**, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.
- B. **Hydrologic Characteristics**, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The boundaries of the 100-year recurrence interval floodplain, as determined by the Federal Emergency Management Agency (FEMA) or the Wisconsin Department of Natural Resources (WDNR), shall be shown. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be subject to review and approved by the Town Engineer.
- C. **Delineations of Natural Resource Areas**, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by SEWRPC, and the location and type of any rare or endangered species habitat.
- D. **Soil Types**, as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- E. **Existing Vegetation**, including the boundaries and characteristics of woodlands and hedgerows. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- F. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- G. **Scenic Vistas**, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.

- H. **The Location and Classification** of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry points into the subdivision.
- I. **Existing Land Uses** within the proposed subdivision and within 200 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- J. **Public Parks and Open Space Areas** within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- K. **Existing and Proposed Zoning** on and adjacent to the proposed subdivision.
- L. **Any Additional Information** requested by the Town Plan Commission.

4.03 PLAT DATA

All preliminary plats shall show the following:

- A. **Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to two corners established in the U. S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. **Topographic Features**, including existing and proposed contours, within the exterior boundaries of the plat and extending to the centerline of adjacent public streets, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to NGVD (1929).
- C. **Boundaries of the 100-Year** recurrence interval floodplain and related floodplain regulatory stages, as determined by FEMA or WDNR. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- D. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD (1929) shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by WDNR.

- E. **Lake and Stream Meander Lines** proposed to be established.
- F. **Any Proposed Lake and Stream Access**, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- G. **Any Proposed Lake and Stream Improvement** or relocation, and notice of application for approval by WDNR, when applicable.
- H. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- I. **The Location of Woodlands** as mapped by SEWRPC and existing vegetation to be retained within the proposed subdivision.
- J. **Location**, right-of-way width, and names of all existing and proposed streets, highways, or other public ways, bicycle and pedestrian ways, utility rights-of-way, active and abandoned railway rights-of-way, vision corner easements, and other easements within and adjacent to the plat.
- K. **Type, Width, and Elevation** of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to mean NGVD (1929).
- L. **Approximate Radii** of all curved lines within the exterior boundaries of the plat.
- M. **Location and Names** of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- N. **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 200 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat, shall be shown.
- O. **Locations** of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.

- P. **Existing Zoning** on and adjacent to the proposed subdivision.
- Q. **Approximate Dimensions** of all lots, the minimum lot area required by the zoning district in which the plat is located and proposed lot and block numbers. Lots and blocks shall be numbered consecutively.
- R. **Building or Setback Lines** including those which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- S. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for drainageways, open space preservation, or other public use.
- T. **Location, Approximate Dimensions, and Area** of any proposed common areas or facilities.
- U. **Location, Approximate Dimensions, and Area** of any sites which are to be used for shopping centers, church sites, or other non-public uses not requiring lotting.
- V. **Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains which might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to NGVD (1929).
- W. **The Approximate Location** of any existing private onsite wastewater treatment systems (POWTS).
- X. **Location and Results of Soil Boring Tests**, where required by Chapter SPS 385 of the Wisconsin Administrative Code, made to a depth of 6 feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per 3 acres shall be made initially. Two copies of the results of such tests shall be submitted along with the preliminary plat.
- Y. **Location and Results of Soil Percolation Tests**, where required by Chapters SPS 383 and 385 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption sewage disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per 3 acres or one (1) test per lot, whichever is greater. Two copies of the results of such tests shall be submitted along with the preliminary plat.

Z. **Location of Proposed Special Restrictions** such as those relating to deed restrictions, access-control easements along public ways, or conservation easements.

AA. **Any Additional Information** requested by the Town Plan Commission, Town Board, Town Engineer, Town Attorney, or Town Zoning Administrator.

4.04 **STREET PLANS AND PROFILES**

The Town Engineer or Plan Commission shall require that the subdivider provide street plans and profiles showing the existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon NGVD (1929), and plans and profiles shall meet the approval of the Town Engineer.

4.05 **SOIL BORINGS AND TESTS**

A. **The Plan Commission**, upon recommendation of the Town Engineer, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and soundings be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and soundings shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.

B. **Where a Subdivision** will not be served by public sanitary sewer, the provisions of Chapters SPS 383 and 385 of the Wisconsin Administrative Code shall be complied with, and the appropriate data submitted with the preliminary plat.

4.06 **SOIL AND WATER CONSERVATION**

The Plan Commission, upon the recommendation of the Town Engineer and after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the Wisconsin Department of Natural Resources (WDNR) Construction Site Erosion and Sediment Control Standards that are available at the following website: <http://www.dnr.state.wi.us/org/water/wm/nps/stormwater/techstds.htm>. Additional guidelines and standards for practices not found in the preceding WDNR standards are set forth in the publication, *Wisconsin Construction Site Best Management Practice Handbook*, prepared by WDNR. (Also see Section 8.15 of this Ordinance.)

4.07 **COVENANTS AND HOMEOWNERS ASSOCIATION DOCUMENTS**

A. **A Draft Copy of Any Proposed Protective Covenants** whereby the subdivider intends to regulate land use in the proposed subdivision shall accompany the

preliminary plat. The proposed covenants shall be subject to review and approval by the Town Board and Plan Commission.

- B. **A Draft Copy of Any Proposed Homeowners Association Declarations,** covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 2.06. The proposed documents shall be subject to review and approval by the Town Board and Plan Commission.
- C. **A Draft Copy of a Land Stewardship Plan** for proper management of the common open space in conservation subdivisions, sometime called cluster developments, shall be included in the submittal of association documents.

4.08 SURVEYOR'S CERTIFICATE

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes.

SECTION 5.00 FINAL PLAT

5.01 GENERAL REQUIREMENTS

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

5.02 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. **Street Width** along the line of any obliquely intersecting street to the nearest 0.01 foot.
- C. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the plat.
- D. **Building or Setback Lines** required by the Town Plan Commission, Town Zoning Ordinance, or other approving or objecting agency including those which are more

restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider and are to be included in recorded private covenants.

- E. **Utility** and drainage easements.
- F. **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, the information required by Section 2.06 shall be submitted with the Final Plat, together with any associated deed or plat restrictions required by the Plan Commission.
- G. **Boundaries of the 100-year** recurrence interval floodplain and related regulatory stages as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- H. **Special Restrictions** required by the Town Plan Commission or other approving or objecting agency relating to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.
- I. **Additional Information** as may be required by the Town Plan Commission, Town Board, Town Engineer, Town Attorney, or Town Zoning Administrator.

5.03 DEED RESTRICTIONS

The Town may require that deed restrictions be filed with the final plat. When required, such restrictions shall be recorded with the final plat.

5.04 SURVEY ACCURACY

The Town Engineer shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Town Engineer, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing. In addition:

- A. **The Maximum Error of Closure** before adjustment of the survey of the exterior boundary of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000; nor, in azimuth, 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field

measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- B. **All Street, Block, and Lot Dimensions** shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in 5,000, or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.

- C. **The Town Board** shall receive the results of the Town Engineer's examination prior to approving the final plat. The Town Engineer may, however, in accordance with Section 2.07C of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one (1) year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Town Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the Town Engineer is satisfied with the accuracy of the land surveying concerned.

5.05 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

5.06 STATE PLANE COORDINATE SYSTEM

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the plat shall be tied directly to two adjacent section or quarter-section corners (that is not the center of a section) defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The State Plane Coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927 and shall be adjusted to the control survey network established to the standards promulgated by SEWRPC for the area concerned.

Where the field measurements differ from the control survey data by more than one part in 10,000, as an alternative to adjusting the field measured distances and bearings of the

ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor.

All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

5.07 CERTIFICATES

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Ordinance.

5.08 FILING AND RECORDING

- A. **The Final Plat** shall be submitted for recording in accordance with Section 3.05G of this Ordinance.
- B. **The County Register of Deeds** shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.
- C. **The Subdivider** shall file a copy of the final plat with the Town Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

SECTION 6.00 CERTIFIED SURVEY MAP (Minor Land Divisions)

6.01 GENERAL REQUIREMENTS

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall also comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance.

A preliminary map or sketch map shall be submitted by the subdivider to the Town Plan Commission or its staff for review and comment prior to the submission of a proposed certified survey map for review and approval.

6.02 REQUIRED INFORMATION

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. **Inset Map** of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- B. **Date**, graphic scale, and north arrow.
- C. **Name** and addresses of the owner, subdivider, and land surveyor preparing the certified survey map.
- D. **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 200 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.
- E. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for drainageways, open space preservation, or other public use.
- F. **Building or Setback Lines** required by the Town Plan Commission, Town Zoning Ordinance, or other approving or objecting agency including those which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the subdivider and are to be included in recorded private covenants.
- G. **Location and Names** of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- H. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- I. **Street Width** along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- J. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the proposed certified survey map, and the location and right-of-way of existing and proposed bicycle and pedestrian ways.
- K. **Special Restrictions** required by the Town Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent

to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.

L. Utility and Drainage Easements.

6.03 ADDITIONAL INFORMATION

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- A. **Topographic Features**, including existing and/or proposed contours, with two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to National Geodetic Vertical Datum (NGVD) of 1929. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. **Soil Types** as shown on the soil survey maps prepared by the U. S. Soil Conservation Service (now known as the U.S. Natural Resources Conservation Service).
- C. **The Square Footage** and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.
- D. **Existing Zoning** of all parcels, lots, and outlots.
- E. **The Town Plan Commission**, upon recommendation of the Town Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- F. **Where the Site is Not to be Served** by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of private onsite wastewater treatment systems (POWTS). Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The number of such tests initially made shall be not less than one (1) test per 3 acres or one (1) test per parcel, whichever is greater. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of POWTS, set forth in a separate report submitted with the proposed certified survey map.

- G. **The Approximate Location** of existing and proposed onsite sewage treatment and disposal facilities.
- H. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- I. **Boundaries of the 100-year** recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency or the Wisconsin Department of Natural Resources. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the subdivider, and the engineer's report providing the required data shall be submitted for review and approval by the Town Engineer. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood shall also be provided.
- J. **The Location of Woodlands**, as mapped by SEWRPC, within the proposed certified survey map.
- K. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- L. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map and within 200 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD (1929) shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the WDNR.
- M. **The Town Plan Commission** may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Town Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations.
- N. **Any Additional Information** requested by the Town Plan Commission.

6.04 DEED RESTRICTIONS

The Town Board may require deed restrictions to be filed with the certified survey map. When required, such restrictions shall be recorded with the approved certified survey map.

6.05 STATE PLANE COORDINATE SYSTEM

Where the map is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by SEWRPC, the map shall be tied directly to two adjacent section or quarter section corners (that is not the center of a center) defining a quarter section line so located, monumented, and placed on the State or County Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The State Plane Coordinates, together with a description, of the monuments marking the section or quarter section corners to which the map is tied shall be shown on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927 and shall be adjusted to the control survey network established to the standards promulgated by SEWRPC for the area concerned.

Where the field measurements differ from the control survey data by more than one part in 10,000, in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor.

All distances shall be recorded to the nearest 0.01 foot and all bearings to the nearest one second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the certified survey map.

6.06 CERTIFICATES

- A. **All Certified Survey Maps** shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Ordinance.
- B. **Dedication of Streets** and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

6.07 RECORDING

After the certified survey map has been duly approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded as provided for under Section 3.06F of this Ordinance.

SECTION 7.00 DESIGN STANDARDS

7.01 STREET ARRANGEMENT

- A. **General Requirements.** In any new land division, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted Ozaukee County jurisdictional highway system plan or the adopted Town comprehensive plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division shall be designed so as to provide each lot with satisfactory frontage on a public street.
- B. **Arterial Streets** shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- C. **Collector Streets** shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to special traffic generators such as schools, churches, shopping centers, and other concentrations of population and to the arterial streets to which they connect.
- D. **Minor Land-Access Streets** shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm drainage and utility systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- E. **Proposed Streets** shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Town Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent lands.
- F. **Arterial Street and Highway Protection.** Whenever an existing or planned arterial street or highway is located adjacent to or within a proposed land division, adequate protection of residential lots, limitation of access to the arterial street or highway, and separation of through and local traffic shall be provided by reverse frontage or through the use of frontage, cul-de-sac, or loop streets. A restricted non-access easement along any property line abutting an arterial street or highway shall be

required (See Section 7.08C). Permanent screening such as earth berms, decorative walls or fencing, landscape plantings, and/or any combination thereof, shall be required in any restricted non-access area.

- G. **Development Control or Reserve Strips** shall not be allowed on any plat or certified survey map to control access to streets, except where control of such strips is placed with the Town under conditions approved by the Town Board upon a recommendation from the Town Plan Commission.
- H. **Street Names** shall be approved by the Town and shall not duplicate or be similar to existing street names elsewhere in the Town. Existing street names shall be continued into the land division wherever possible.
- I. **Private Streets** shall not be approved nor shall public improvements be approved for any private streets. All streets shall be dedicated for public use.

7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

Whenever a proposed land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- A. **Non-Access Easement and Planting Area.** When lots within a proposed land division back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (See Section 7.08C) and planting area (sometimes called a landscaped bufferyard) at least 30 feet in depth shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth required by the Town zoning ordinance shall be increased by 30 feet to accommodate the non-access easement and planting area. This non-access easement and planting area shall be a part of all lots and shall have the following restriction lettered on the face of the plat or certified survey map:

"This area is reserved for the planting of trees and shrubs. No access shall be permitted across this area. The building of structures, except public or private utility structures and fences, is prohibited hereon."

- B. **Streets Parallel to a Limited Access Highway** or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway, shall be located at a minimum distance of 250 feet from said street or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of desirable approach gradients.
- C. **Minor Land-Access Streets** immediately adjacent to arterial streets and railroad rights-of-way shall be avoided in residential areas.
- D. **Shared Driveway Access.** See Section 7.08C.

7.03 STREET AND OTHER PUBLIC WAY DESIGN STANDARDS

A. **Cross-Sections.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, or jurisdictional highway system plan. If no dimensions are specified therein, the minimum right-of-way and roadway width of all proposed streets shall conform to the Town road standards set forth in Section 82.50 of the Wisconsin Statutes, but no less than those established in Section 82.50(1)(d) with a minimum right-of-way width of 66 feet and a minimum pavement width of 22 feet with 5-foot shoulders. Cross-sections for arterial streets, freeways, or expressways shall be based upon detailed engineering studies.

B. **Cul-de-Sac Streets** designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access. For lengths proposed to exceed 1,000 feet, the developer shall show extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors.

These streets shall terminate in a circular turnaround having a minimum right-of-way radius of 80 feet and a minimum pavement radius of 60 feet with 4-foot shoulders. Such turnarounds with landscaped islands shall provide a minimum island radius of 38 feet. Islands within cul-de-sac turnarounds and “eyebrow” turnarounds (half circular cul-de-sacs) may be allowed provided the islands are maintained by private means such as a homeowners association. The Plan Commission may require curb and gutter at the perimeter of such islands.

C. **Temporary Termination** of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular-shaped turnabout within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed.

D. **Bicycle and Pedestrian Ways** with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, churches, shopping areas, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.

E. **Grades**

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades that exceed one (1) percent shall be connected by vertical curves that meet the standards for

stopping sight distance established in the American Association of State Highway and Transportation Officials, *A Policy on Geometric Design of Highways and Streets*.

2. Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial streets: 6 percent.
 - b. Collector streets: 8 percent.
 - c. Minor land-access streets, cul-de-sacs, and frontage streets: 10 percent.
 - d. Bicycle ways: 5 percent; however, steeper grades are acceptable for distances up to 500 feet.
 - e. Pedestrian ways: 12 percent. Steps or stairs shall be provided if the grade will exceed 12 percent.
 3. The grade of any street shall in no case exceed 12 percent or be less than one-half (0.5) of one (1) percent for streets with a rural cross section.
- F. **Crowns.** Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Town Engineer.
- G. **Radii of Curvature.** When a continuous street centerline deflects at any one point by more than 7 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial streets and highways: 500 feet
 2. Collector streets: 300 feet
 3. Minor land-access streets: 100 feet
- A tangent at least 150 feet in length shall be provided between reverse curves on arterial and collector streets.
- H. **Street Elevations in Floodplains.** Elevations of streets passing through floodplains shall be designed in the following manner:
1. Arterials streets shall be designed so that they will not be overtopped by the 50-year recurrence interval flood.
 2. Collector and minor land-access streets shall be designed so that they will not be overtopped by a 10-year recurrence interval flood.
- I. **Bridges and Culverts.** All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 100-year recurrence

interval flood event without raising the peak stage, either upstream or downstream, as established by the Wisconsin Department of Natural Resources (WDNR). Larger permissible flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable State regulations and shall be submitted to the WDNR to assure compliance therewith.

- J. **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the proposed land division plat, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- K. **Passing Lanes and Acceleration/Deceleration Lanes.** When the land to be subdivided is proposed to have a street connection to an arterial street, the Town Plan Commission may require that the subdivider install a “passing” or “bypass” lane adjacent to the traffic lane opposite the intersection as well as an acceleration and a deceleration lane adjacent to the traffic lane nearest the intersection, all of which shall be approved by the Town Engineer.

7.04 STREET INTERSECTIONS

- A. **Right Angle.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. **The Maximum Number** of streets converging at one intersection shall not exceed two.
- C. **The Number of Intersections** along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- D. **Continuation of Minor Land-Access and Collector Streets.** Minor land-access and collector streets shall not necessarily continue across arterial streets; but if the distance between the centerline intersection of such streets is less than 250 feet measured along the centerline of the arterial street, then the location of the collector and/or minor land-access streets shall be adjusted so that the distance is increased or the adjoinment across the intersecting street is continuous and a jog is avoided.
- E. **Corner Curves.** Property lines at street intersections shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Town Engineer,

or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet or greater.

F. **Handicap Ramps or Openings.** On all streets where sidewalks are required, ramps or openings to accommodate handicapped individuals or vehicles shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes.

G. **Vision Clearance Easements**

1. No substantial obstructions by such features as structures, vegetation, or parked automobiles shall be permitted between the heights of 2 ½ feet and 10 feet above the plane through the mean curb grade, or if no curb exists, the centerline street grade adjacent to the triangular space formed by any 2 existing or proposed intersecting nonarterial street (collector streets and minor land-access streets) right-of-way lines and a line joining points on such lines located a minimum of 30 feet from their intersection (see Illustration No. 1).

Open fences not exceeding a height of 3 feet with less than 25 percent opaqueness and necessary utility poles and traffic, directional, and street name signs approved by the public agency having jurisdiction may be permitted within such triangular areas. Single poles (not exceeding 12 inches in width) and single trunk trees (not exceeding 24 inches in diameter) may also be allowed provided that they are located as far away from the intersection as possible and that the bottom of the tree canopy and any advertising sign face, if applicable, are at least 10 feet above the adjacent mean curb or pavement grade. Trees, when planted, shall be pruned of branches lower than about 5 feet above grade; thereafter, all trees shall be pruned of branches from the trunk to below the upper height limit when feasible in relation to tree size as it matures. In establishing the vision triangle, the planned or ultimate right-of-way lines shall be used.

2. In the case of any streets intersecting with arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 80 feet (see Illustration No. 1).

3. Vision triangles at intersections with State or County Trunk Highways shall meet the vision corner requirements of the State or Ozaukee County highway agency that has jurisdiction, but in no case shall they be less than those specified in subsections 7.04G1 and 2 above.

7.05 BLOCKS

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

7.06 LOTS

- A. **General Requirements.** The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.
- B. **Side Lot Lines** shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Town Plan Commission.
- C. **Double Frontage or Reverse Frontage Lots** shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- D. **Access.** Every lot shall front or abut for a distance of at least 100 feet on a public street, except existing lots on established private roads are exempt, and parcels in agricultural districts shall front or abut for a distance of at least 500 feet on public streets. Also see Section 7.08C pertaining to shared driveways. 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, except parcels in agricultural zoning districts shall have a frontage of at least 500 feet.
- E. **The Area and Dimensions of Lots** shall conform to the requirements of the Town zoning ordinance or the Ozaukee County Shoreland and Floodplain Zoning Ordinance. Buildable lots that will not be served by a public sewerage or water service or other approved communal systems shall be of sufficient size to permit the use of a private onsite wastewater treatment system (POWTS), designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code, and a private water supply system (well), in compliance with Chapter NR 812 of the Wisconsin Administrative Code.
- F. **Lot Sizes for Cluster/Conservation Developments** may be reduced to less than the minimum lot area and dimensions required for a zoning district, but in no case shall the lot size be less than $\frac{3}{4}$ acre (32,670 square feet) or the density be more than that permitted in such zoning district. The remaining area of the development site shall be maintained in permanent open space, which may include compatible amenities, by proper deed restrictions and/or conservation easements and shall be restricted from further land division.
- G. **Re-Division of Lots.** Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow for the possible future re-division of such lots into lot sizes compatible with the zoning district.

- H. **Depth.** Excessive depth in relation to width shall be avoided and a proportion of 2.5 to one (2.5:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources.
- I. **The Width of Lots** shall conform to the requirements of the Town Zoning Ordinance or other applicable ordinance.
- J. **The Shape** of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
- K. **Lands Lying Between the Meander Line and the Water's Edge** and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.
- L. **Remnants of Lots** below minimum size left over after subdividing a larger tract must be added to an adjacent lot, or a plan shown as for future use of the remnant, rather than allowed to remain as unusable parcels.
- M. **Restrictions Prohibiting Development.** Whenever a lot appearing on a final plat or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Town, shall appear on the face of the plat or map.

7.07 BUILDING SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

7.08 EASEMENTS

- A. **Utility Easements.** The Plan Commission may require utility easements of widths deemed adequate for the intended purpose as determined by the Town Engineer. Such easements shall be located as determined by the applicable utility company, but preferably should be located along rear and side lot lines and should be designed

to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables, and similar equipment shall be installed underground unless the Town Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.

- B. **Drainage Easements.** Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.
- C. **Vision Corner Easements and Controlled- and Shared-Access Easements.** The Plan Commission may require vision corner easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval in order to limit potential traffic hazards. Access provisions shall be evaluated on a case-by-case basis to determine the safety and feasibility of shared access.

7.09 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division, the Plan Commission may require that such areas be dedicated or that restrictions, including those for conservation easements, be placed on the plat or certified survey map to protect such resources. The Plan Commission may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development. Conservation easements may be held by the Town of Belgium, a nonprofit conservation organization, or another entity as approved by the Town Board.

7.10 PUBLIC SITES AND OPEN SPACES

- A. **In the Design** of a subdivision plat or a certified survey map, due consideration shall be given to the reservation or dedication of areas for drainageways, trail corridors, public open space sites, public access to navigable waters, and other

public purposes/lands. If designated on the comprehensive plan or comprehensive plan component, such areas, if any, shall be made a part of the plat or certified survey map as stipulated in Section 2.05 of this Ordinance. If not so designated, consideration shall be given to preserving open space sites such as environmental corridors; scenic, cultural, scientific, and historic sites; woodlands; wetlands and marshes; lakes, ponds, and watercourses; and ravines.

- B. **Navigable Streams or Lakeshores** shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, WDNR, and the Town, as required by Section 236.16(3) of the Wisconsin Statutes.

SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 GENERAL REQUIREMENTS

All required improvements shall be constructed in accordance with plans and specifications approved by the Town Engineer. Such improvements may include those for green development and infrastructure subject to Town Engineer approval on a case-by-case basis in accordance with accepted engineering practices. The cost of all required improvements shall be borne by the subdivider unless alternative arrangements are agreed to and documented in the subdivider's agreement.

8.02 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer.

8.03 GRADING

- A. **Following the Installation** of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.
- B. **Grading Cut and Filled Lands.** Cut and filled lands shall be graded to slopes not exceeding 4 horizontal to one (1) vertical (4:1), or the soil's angle of repose, whichever is the lesser, and be covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- C. **Streets and Lots** shall be brought to finished grades as specified in a site grading plan approved by the Town Engineer.

8.04 STREET SURFACING

Following the installation, inspection, and approval by the Town Engineer of utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, a comprehensive plan, or component thereof. Said surfacing shall be done in accordance with plans and specifications approved by the Town Engineer.

8.05 CURB AND GUTTER

- A. **In Land Divisions**, the Town Board may require the subdivider to construct concrete curb and gutters in accordance with plan and standard specifications approved by the Town Plan Commission, upon the recommendation of the Town Engineer. In addition, curbs and gutters may be required on cul-de-sac “islands” and on streets with steep topographical conditions. Opening in curbs for drainage may be allowed, upon approval by the Town Engineer, to accommodate green stormwater management measures such as drainage into street tree wells, infiltration trenches, or bioretention basins with under drains.

- B. **Curb Ramps** shall be installed, where applicable, in accordance with Section 66.0909 of the Wisconsin Statutes and as approved by the Town Engineer.

8.06 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Town Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town Engineer.

8.07 SIDEWALKS AND PEDESTRIAN/RECREATION PATHS

- A. **Concrete Sidewalks or Asphalt Off-Road Paths** may be required by the Plan Commission to accommodate safe and adequate pedestrian or bicyclist circulation. Such facilities shall be located within a dedicated public right-of-way or a public pedestrian/recreation access easement. If located within a public access easement, said easement shall be a minimum of 20 feet in width. The construction of all sidewalks or asphalt paths shall be in accordance with plans and specifications approved by the Town Engineer.

- B. **Wider Than Standard** sidewalks or off-road paths may be required by the Town Engineer in the vicinity of schools, churches, shopping areas, and other places of public assembly, and the Town Board may require the construction of such facilities in locations other than required under the preceding provisions of this Ordinance if such walks or paths are necessary, in their opinion, for safe and adequate pedestrian or bicyclist circulation. The Town Board, upon a recommendation of the Plan Commission, may waive the requirement for sidewalks or paths upon a finding that

such walks or paths are not required because of the provision of a separate network of pedestrian ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

8.08 SANITARY SEWERAGE DISPOSAL SYSTEMS

- A. **The Subdivider Shall Make Provision** for adequate private onsite wastewater treatment systems (POWTS), as specified by the Town, County, and State agencies concerned, where public sanitary sewer facilities are not available. When public sanitary sewerage facilities are available, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division. The Plan Commission may require the installation of sewer laterals to the street lot line. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances within the proposed land division.
- B. **The Subdivider Shall Assume** the cost of installing all sewers eight inches in diameter or less in size. If sewers greater than eight inches in diameter are required to serve areas outside the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the Town, and the excess cost either borne by the Town or assessed against the total tributary drainage area.

8.09 STORMWATER MANAGEMENT FACILITIES

- A. **The Subdivider Shall Construct** stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, and water retention and detention facilities, and settling basins including bioretention basins and infiltration trenches, as may be required. Such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town Engineer. Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all stormwater facilities within the proposed subdivision or minor land division.
- B. **The Subdivider Shall Assume** the costs entailed in constructing stormwater conveyances and storage facilities necessary to serve the proposed development and to carry the existing stormwater flows through the proposed development. If larger conveyance and storage facilities are required to accommodate flows originating from outside of the proposed development, or to avoid flooding attendant to

increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Town or assessed against the tributary drainage areas concerned.

8.10 WATER SUPPLY FACILITIES

- A. **The Subdivider Shall Make Provision** for adequate private water systems, as specified by the Town, County, and State agencies concerned, if municipal water service is not available. When public water supply and distribution facilities are available, the subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. The Town Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer. The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed land division.
- B. **The Subdivider Shall Assume** the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the excess cost shall be borne by the Town.

8.11 OTHER UTILITIES

- A. **The Subdivider Shall Cause** gas, electrical power, telephone, television cable, and other communication facilities to be installed, where available, in such a manner as to make adequate service available to each lot in the land division, in accordance with Section 7.08.
- B. **Plans Indicating** the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division shall be approved by the Town Engineer.

8.12 STREET LAMPS

The Town Plan Commission may permit the installation of private post lamps of a design compatible with the neighborhood and type of development proposed on each lot of a land division or at appropriate locations within a subdivision. The specific type and location of such post lamps shall be approved by the Town Engineer. Shielded luminaries with downward reflections, or luminaries with cutoff optics, and careful fixture placement shall be required.

8.13 STREET SIGNS

The subdivider shall install traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:

- A. **The Design and Placement** of traffic control signs shall follow state regulations.
- B. **The Subdivider Shall Install** at least 2 street name signs, of a design and color compatible with the neighborhood and as approved by the Town Engineer, at each four-way street intersection proposed to be dedicated and one (1) at each “T” intersection. Street name signs shall be installed so as to be free of visual obstructions.

8.14 EROSION AND SEDIMENTATION CONTROL

- A. **The Subdivider Shall Prepare** an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall follow sound erosion and sedimentation control practices as referenced in Section 4.06 of this Ordinance and shall be subject to approval by the Town Engineer.
- B. **The Subdivider Shall Plant** those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the Town Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.
- C. **The Subdivider Shall Install** those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures, set forth in the approved erosion and sedimentation control plan.

8.15 LANDSCAPING

- A. **The Subdivider Shall Install** landscaping in accordance with landscape plans and specifications approved by the Town Plan Commission as required by Section 9.04. Such landscaping may include landscaping in common open areas and landscape screenings within buffer areas in conservation subdivisions, sometimes called cluster developments. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.
- B. **Maintenance of All Landscaping** included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under Section 2.06.

SECTION 9.00 CONSTRUCTION

9.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or certified survey map has been approved, a development agreement has been executed, the Town Board has given written authorization to proceed upon receipt of all necessary and required permits, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the Town Engineer.

9.02 PHASING

The Town Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

9.03 BUILDING PERMITS

No building permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

9.04 PLANS

Each of the following plans and accompanying construction specifications, except for the landscaping plan, shall be approved by the Town Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be approved by the Town Plan Commission.

- A. **Street Plans** and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements.
- B. **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. **Stormwater Management Plans**, calculations, and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.
- D. **Water Supply and Distribution Plans** and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
- E. **Utility Plans** showing the location and size, where applicable, of all gas, electrical power, telephone, and other communication facilities.

- F. **Grading Plans** showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town Engineer.
- G. **Erosion and Sedimentation Control Plans** showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 8.14.
- H. **Landscaping Plans** showing and describing in detail the location, size, and species of any proposed new trees, shrubs, grasses, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable material such as rocks, sand, gravel, or mulch; and structures such as walls, fences, and entrance signs.
- I. **Additional Special Plans** or information as required by the Town Engineer, Town Plan Commission, or Town Board which may include lighting plans, land stewardship plans, hydraulic and hydrologic studies, additional design considerations, and computations involved in preparing required plans.

9.05 EARTH MOVING

Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile removal or laying, dredging, and lagooning, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourse, water regimen, and topography, and shall comply with all applicable Town, County, and State requirements.

9.06 PRESERVATION OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing desirable trees, shrubs, grasses, and groundcover not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, and pedestrian/recreation pathways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

9.07 INSPECTION

The subdivider, prior to commencing any work within the land division, shall notify the Town Clerk to make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

9.08 COMPLETION OF IMPROVEMENTS

All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision plat by the Town Board, except that in lieu of completion

of construction, a certified check, surety bond, or letter of credit approved by the Town Attorney may be furnished as provided in Section 2.07.

9.09 AS-BUILT PLANS

Within 30 days following completion and acceptance by the Town Engineer of all improvements, the subdivider shall provide 2 complete sets of plans and profiles that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal locations shall be expressed in terms of Wisconsin State Plane Coordinates, North American Datum of 1927 and vertical locations shall be referenced to the National Geodetic Vertical Datum of 1929.

SECTION 10.00 FEES

10.01 GENERAL

The subdivider shall pay the Town Clerk all fees as hereinafter required and at the times specified before being entitled to record the Plat or Certified Survey Map concerned.

10.02 PRELIMINARY PLAT OR CERTIFIED SURVEY MAP REVIEW FEE

- A. **The Subdivider Shall** pay a fee as set forth in the Town fee schedule to the Town Clerk at the time of first application for approval of any preliminary plat or certified survey map to assist in defraying the cost of review.
- B. **A Reapplication Fee** as set forth in the Town fee schedule shall be paid to the Town Clerk at the time of reapplication for approval of any preliminary plat or certified survey map which has previously been reviewed.

10.03 IMPROVEMENT REVIEW FEE

- A. **The Subdivider Shall** pay a fee or present a letter of credit or a bond equal to one (1) percent of the cost of the required public improvements as estimated by the Town Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Town of reviewing such plans and specifications.
- B. **The Fee May** be recomputed, upon demand of the subdivider or Town Engineer, after completion of improvement construction in accordance with the actual cost of such improvements to defray the cost for reviewing all improvement plans and specifications, and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Town Engineer.

10.04 INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Town.

10.05 FINAL PLAT REVIEW FEE

- A. **The Subdivider Shall** pay a fee as set forth in the Town fee schedule for each lot or parcel within the final plat to the Town Clerk at the time of first application for approval of said plat to assist in defraying the cost of review.
- B. **A Reapplication Fee** as set forth in the Town fee schedule shall be paid to the Town Clerk at the time of a reapplication for approval of any final plat which has previously been reviewed.

10.06 ENGINEERING FEE

- A. **The Subdivider Shall** pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat.
- B. **Engineering Work** shall include the preparation of any construction plans and standard specifications. The Town Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

10.07 SPECIAL LEGAL AND FISCAL REVIEW FEES

The subdivider shall pay a fee equal to the cost of any special legal or fiscal analyses which may be undertaken by the Town in connection with the proposed land division, including the drafting of contracts between the Town and the subdivider. These fees may also include the cost of obtaining independent professional opinions of engineers, landscape architects, and land planners requested by the Town Plan Commission in connection with the review of the land division being considered.

10.08 APPEAL OF FEES

The Subdivider shall have the right to challenge the amount of any fees levied under Sections 10.03, 10.04, 10.06, and 10.07 of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the Subdivider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

10.09 PAYMENT

All fees shall be paid in full within 30 days of invoicing

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purpose of this Ordinance, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this Ordinance 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". The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Ordinance shall be presumed to have their customary dictionary definitions.

11.02 SPECIFIC WORDS AND PHRASES

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Town Board or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission (SEWRPC), school districts, and local utility companies.

Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes. Governing bodies with approving authority include the Town Board, the governing body of the municipality having extraterritorial plat approval authority such as the Villages of Belgium or Fredonia, and the Ozaukee County planning agency.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets and highways.

Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and village or town boundaries.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the yard or building setback requirements of the Town Zoning Ordinance and the requirements of this Ordinance.

Building Setback Line. See Building Line.

Certified Survey Map. A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than 4 parcels or building sites (also referred to as a minor land division); or used to document, for recording purposes, survey and dedication data relating to single parcels.

Collector Street. A street used, or intended to be used, to carry traffic from minor land-access streets to the system of arterial streets, including the principal entrance streets to residential developments and/or activity or employment centers.

Common Open Space. See Open Space, Common.

Comprehensive Plan. The extensively developed plan, sometimes called a master plan, adopted by the Plan Commission and certified to the Town Board pursuant to Section 62.23 of the Wisconsin Statutes, or a Comprehensive Plan adopted by the Town Board pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

County Planning Agency. The agency (the Ozaukee County Environmental and Land Use Committee) created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

Covenant. A restriction on the use of land, usually set forth in the deed.

Cul-de-sac Street. A local street with only one (1) outlet and having an appropriate turn-about for vehicular traffic.

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

Development Agreement. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.

Engineer, Town. A registered professional engineer who provides consulting or resident staff services to the Town, and who is duly appointed by the Town Board to the position.

Environmental Corridor. See “Primary Environmental Corridor,” “Secondary Environmental Corridor,” and “Isolated Natural Resource Area”.

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class city or a village and within 3 miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all parts of which are equidistant from the boundaries of each municipality, so that not more than one (1) municipality exercises extraterritorial plat approval jurisdiction over any area.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

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

Frontage Street. A minor land-access street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

Green Development. The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructures; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).

Green Infrastructure. Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and reduce flooding by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with under drains, rain gardens and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements with restricted salt and pollutants in such areas, xeriscaping (landscaping that conserves water by using drought-tolerant plants and ornate hardscapes or mulch versus traditional mowed turf/grass), and other energy and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

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

Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the Town Zoning Ordinance.

Lot, Corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less.

Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have 2 front yards and 2 side yards and no rear yard.

Lot, Flag. A lot not fully fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

Minor Land-Access Street. A street used, or intended to be used, primarily for access to abutting properties.

Minor Land Division. A minor land division is any division of land that:

1. Creates more than one (1), but less than 5, parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in size, by a division or by successive divisions of any part of the original parcel within a period of 5 years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one (1), but less than 5, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision.

Municipality. An incorporated city or village.

National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all Federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, *Horizontal and Vertical Survey Control in Southeastern Wisconsin*.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town may not approve any plat upon which an objection has been certified until the objection has been satisfied. Objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, and the Wisconsin Department of Transportation.

Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, and shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Open Space, Common. Privately-owned land within a land division that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division. Common open space shall not be part of

individual residential lots, and shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Open Space, Public. Land within a land division that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Town.

Ordinary High Water Mark. The point on the bank or shore 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 characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately. For the purpose of this Ordinance, public dedications and public rights-of-way are not considered parcels.

Plat. A map prepared, as required by Section 2.02 of this Ordinance, for the purpose of recording a subdivision.

Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Primary Environmental Corridor. A concentration of significant natural resources at least 400 acres in area, at least 2 miles in length, and at least 200 feet in width, as delineated and mapped by the SEWRPC.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian way, drainageway, or part thereof.

Replat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

Reserve Strip. Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.

Secondary Environmental Corridor. A concentration of significant natural resources at least 100 acres in area and at least one (1) mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the SEWRPC.

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the floodplain, whichever is greater.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat.

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of transfer of ownership or of building development where the act of division creates 5 or more parcels or building sites, inclusive of the original remnant parcel, any one of which is less than 35 acres in area, by a division or by successive divisions of any part of the original property within a period of 5 years.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Sustainability. Creating and maintaining the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations, as defined by the U.S. Environmental Protection Agency.

Tract. A parcel lying in more than one U. S. Public Land Survey section.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions.

Woodlands. Upland areas at least one (1) acre in extent covered by deciduous or coniferous trees as delineated and mapped by the SEWRPC.

SECTION 12.00 ADOPTION AND EFFECTIVE DATE

12.01 PLAN COMMISSION RECOMMENDATION

The Town Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 28th day of June, 2006.

12.02 PUBLIC HEARING

The Town Plan Commission and Town Board held a joint public hearing on the proposed Land Division Ordinance on the 28th day of June, 2006.

12.03 TOWN BOARD APPROVAL

The Town Board of the Town of Belgium concurred with the recommendations of the Plan Commission and adopted the Land Division Ordinance at a meeting held on the 7th day of August, 2006.

12.04 EFFECTIVE DATE

This Land Division Ordinance shall take effect upon adoption by the Town Board and the filing of proof of posting or publication in the office of the Town Clerk.

Date of Posting or Publication: August 9, 2006

Effective Date: August 10, 2006

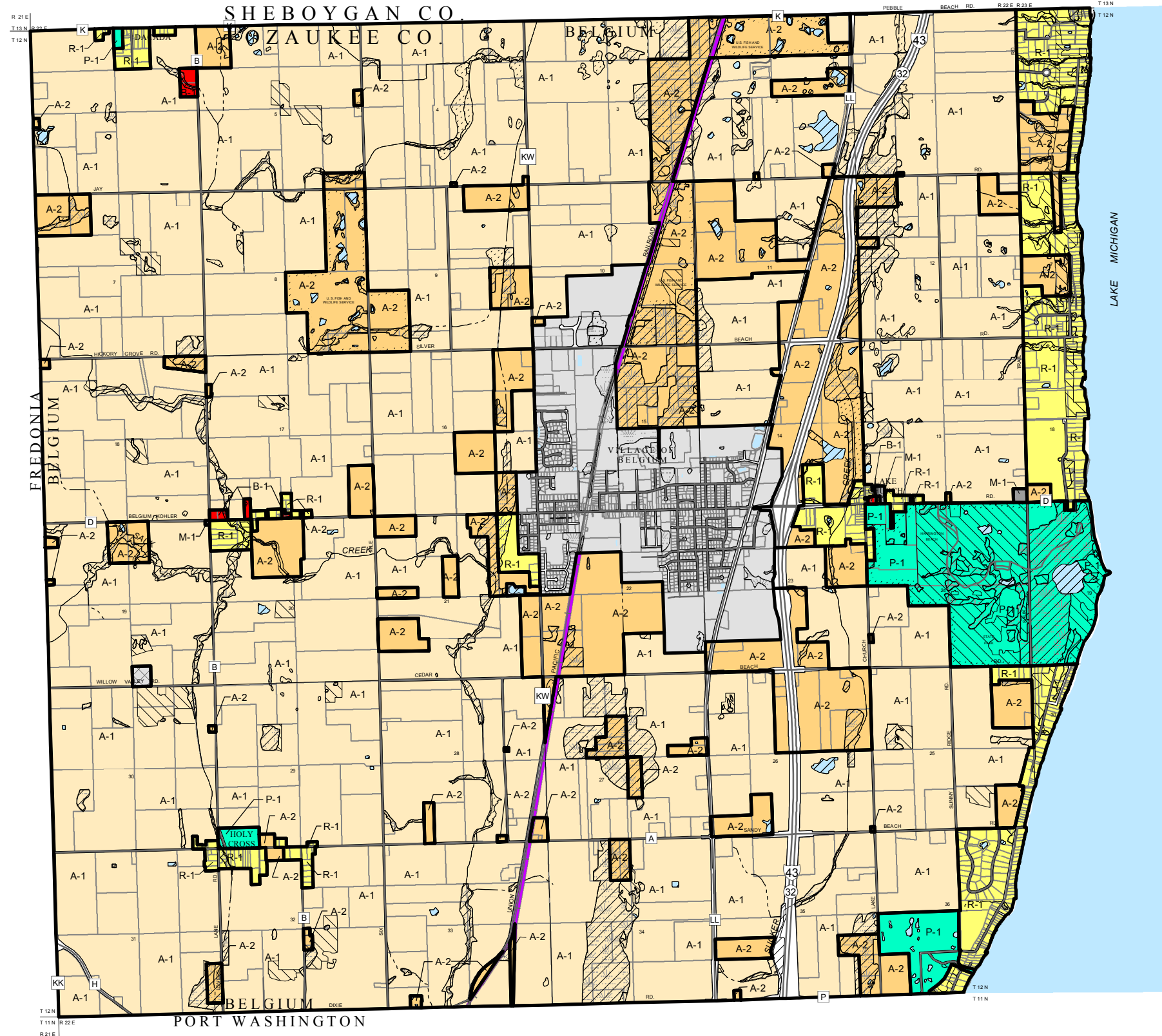
s/Francis Kleckner
Chairperson

ATTEST:

s/ Ginger Murphy
Town Clerk

* * * *

TOWN OF BELGIUM ZONING MAP



ZONING DISTRICTS

- ZONING DISTRICT BOUNDARY
- A-1 FARMLAND PRESERVATION
- A-2 GENERAL AGRICULTURAL
- R-1 SINGLE-FAMILY RESIDENTIAL
- B-1 COMMERCIAL
- M-1 INDUSTRIAL
- P-1 PARK AND RECREATIONAL
- ▨ LOWLAND CONSERVANCY OVERLAY (C-1)
- ▨ UPLAND CONSERVANCY OVERLAY (C-2)

ADDITIONAL INFORMATION

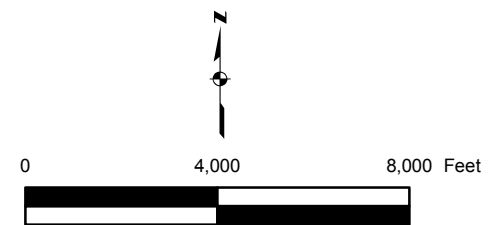
- · · · · · INTERMITTENT STREAM OR WATERCOURSE
- CREEK AND SHORELINE
- SURFACE WATER: 2010
- OZAUKEE INTERURBAN TRAIL / RAILROAD RIGHT-OF-WAY
- ▨ NONFARMED WETLANDS: 2014
- ▨ FARMED WETLANDS: 2014
- VILLAGE OF BELGIUM
- ▨ OZAUKEE COUNTY OWNED (ZONED) LAND

NOTE:
 THIS MAP IS NOT A CADASTRAL MAP.
 PROPERTY LINE LOCATIONS ARE APPROXIMATE.
 PROPERTY LINES AND VILLAGE LIMITS
 ARE CURRENT AS OF NOVEMBER 2014.
 CONSERVANCY OVERLAY DISTRICTS MAY BE
 SUBJECT TO FIELD VERIFICATION, INCLUDING SITES
 CONTAINING FARMED WETLANDS THAT MAY BE
 PROPOSED FOR DEVELOPMENT IN THE FUTURE.
 APPLICANTS MUST CONTACT THE OZAUKEE
 COUNTY LAND AND WATER MANAGEMENT
 DEPARTMENT PRIOR TO DEVELOPMENT TO
 DETERMINE IF COUNTY SHORELAND AND
 FLOODPLAIN ORDINANCE REQUIREMENTS APPLY.

CERTIFICATION:
 I, THE UNDERSIGNED, TOWN CHAIRPERSON OF THE TOWN OF
 BELGIUM, OZAUKEE COUNTY, WISCONSIN, DO HEREBY
 CERTIFY THAT THIS ZONING MAP FOR THE TOWN OF BELGIUM,
 OZAUKEE COUNTY, WISCONSIN, WAS ADOPTED AND
 APPROVED AS PART OF THE ZONING ORDINANCE OF THE TOWN
 OF BELGIUM, OZAUKEE COUNTY, WISCONSIN, AND IS AVAILABLE
 IN THE OFFICE OF THE TOWN CLERK. CHANGES THEREAFTER SHALL
 NOT BE EFFECTIVE UNTIL CERTIFIED BY THE TOWN CLERK.

ATTESTATION:
S/ Thomas E. Winker
 TOWN CHAIRMAN
S/ Ginger L. Murphy
 TOWN CLERK

DATE OF LAST ZONING AMENDMENT: JULY 15, 2015



Source: Town of Belgium and SEWRPC.

ORDINANCE NO. 2021-01**ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE**

WHEREAS, pursuant to the authority granted in Wis. Stat. § 23.33 the Town Board has determined that establishment of regulations concerning how, when, and where all-terrain vehicles and utility terrain vehicles may be operated on public roads in the Town will promote the public health, safety and welfare; and

NOW, THEREFORE, the Town Board of the Town of Belgium, Ozaukee County, Wisconsin do ordain as follows:

SECTION 1. Ordinance No. 2021-01, entitled “All-Terrain Vehicle and Utility Terrain Vehicle Ordinance” is hereby created to read as follows:

ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES**Section I – Intent.**

Pursuant to the authority granted in Wis. Stat. § 23.33, the Town Board of the Town of Belgium, Ozaukee County, adopts the following provisions concerning the operation of all-terrain and utility terrain vehicles within the Town to promote the public health, safety and welfare.

Section II - Definitions.

- A. Except as otherwise may be specifically provided in this Ordinance, the definitions set forth in Wis. Stat. § 23.33(1), and as amended from time to time, are hereby incorporated herein and made part of this Ordinance by reference as if fully set forth.
- B. As used in this Ordinance, the term “ATV/UTV” shall refer to an “All Terrain Vehicle” as defined in Wis. Stat. § 23.33(1)(b) and/or a “Utility Terrain Vehicle” as defined in Wis. Stat. § 23.33(1)(ng).

Section III – Designated ATV/UTV Routes.

- A. Only those roads within the Town designated with signage as provided under Wis. Stat. § 23.33(8)(e) shall be open to ATV/UTV usage as ATV/UTV routes.
- B. Such routes shall be limited to state and county roads posted with speed limits of 35mph or less and shall be further limited to the area in the Town of Belgium West of and including Lake Church Road, Clay Ridge Road, and Six Mile Road, as well as Silver Beach Road connecting Lake Church Road and Clay Ridge Road, and Jay Road connecting Clay Ridge Road and Six Mile Road as depicted on the map incorporated herein as Exhibit A that have been posted with signage required under Section III(A) of this ordinance.
- C. Use of ATV/UTV routes designated under this Ordinance shall be limited to the hours of 5:00AM through 11:00PM.
- D. The chair of the Lakeshore ATV/UTV Club, or his or her designee, is authorized to post signage on designated routes in compliance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code §§ NR 64.12 and NR 64.12(7).

Section IV – Rules of Operation.

All ATV/UTV operators and passengers shall comply with the following Rules of Operation:

- A. No ATV/UTV operator shall operate at a speed in excess of the posted speed limit.

- B. Age-related restrictions set forth in Wis. Stat. § 23.33(5), and as amended from time to time, are incorporated herein and made part of this Ordinance by reference as if fully restated herein.²
- C. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.
- E. All ATV/UTV operators shall ride single file.
- F. The operator of an ATV/UTV shall obey all traffic laws, local ordinances and DNR Regulations
- G. No person shall operate an ATV/UTV that does not comply with all applicable equipment provisions in Wis. Stat. § Wis. Stat. § 23.33(6).
- H. No person shall ride in or upon any part of any ATV/UTV in violation of the passenger restrictions set forth in Wis. Stat. § 23.33(6r).
- I. No person shall operate an ATV/UTV that is in violation of the noise limits set forth in Wis. Stat. § 23.33(6m).
- J. ATV/UTV operators are required to have proof of liability insurance coverage.
- K. ATV/UTV operators shall restrict noise issues, radios and sound systems are allowed but the volume must be kept to a minimum and is limited to within the personal space of the vehicle.
- L. No open intoxicants are allowed in or upon any ATV/UTV while the vehicle is in operation.
- M. On all roads shared with another jurisdiction, the more restrictive Ordinance shall apply.
- N. Provisions concerning operation of an ATV/UTV while under the influence of an intoxicant set forth in Wis. Stat. § 23.33 are incorporated and made part of this Ordinance as if fully set forth herein and a violation of any such provision shall constitute a violation of this Ordinance.
- O. No person may operate an ATV/UTV on or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.
- P. No person may operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances.
- Q. The operator of an ATV/UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV/UTV, a snowmobile or a motorcycle except as provided under Chapter 346 of the Wisconsin Statutes, where applicable.

Section V – Town Immunity from Liability.

ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV/UTV routes under this Ordinance for recreational use the Town of Belgium intends to utilize the liability and immunity protections provided under Wis. Stat. § 895.52 provided, however, that the Town does not waive any other liability exemption(s) and/or limitation(s) afforded the Town under Wisconsin law.

Section VI – Interference, Possession of Posted Signs Prohibited.

No person shall interfere with or possess any sign posted pursuant to this Ordinance in violation of Wis. Stat. § 23.33(8)(f).

Section VII -- Enforcement

- A. Pursuant to Wis. Stat. § 23.33(12), any State traffic patrol officer under Wis. Stat. § 110.07(1), an inspector under Wis. Stat. § 110.07(3), a conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stat. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- B. No operator of any ATV/UTV may refuse to stop after being requested to do so by a law enforcement officer or a commission warden.

Section VIII - Penalties

The penalties set forth in Wis. Stat. § 23.33(13), are adopted by reference and, upon conviction of a violation of this Ordinance, any violator of this Ordinance shall be subject to the forfeiture(s) set forth in that statute, together with statutory costs and assessments and, in default of payment, the Court may impose an alternate penalty as set forth in Wis. Stat. § 800.095.

Section IX. Town Clerk to Provide Required Notices.

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the Town Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Ozaukee County Sheriff's Office.

Section X - Severability

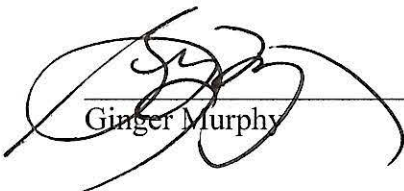
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section XI - Effective Date

This ordinance shall become effective upon its passage and publication/posting.

Passed this 7th day of September, 2021

Town of Belgium, Clerk



Ginger Murphy

Town of Belgium, Chairman



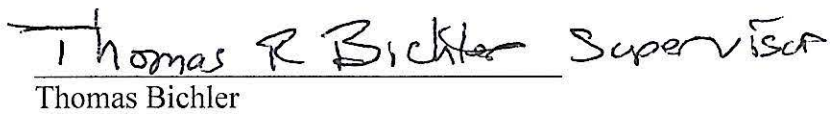
Thomas Winker

Town of Belgium, Supervisor



William Janeshek

Town of Belgium, Supervisor



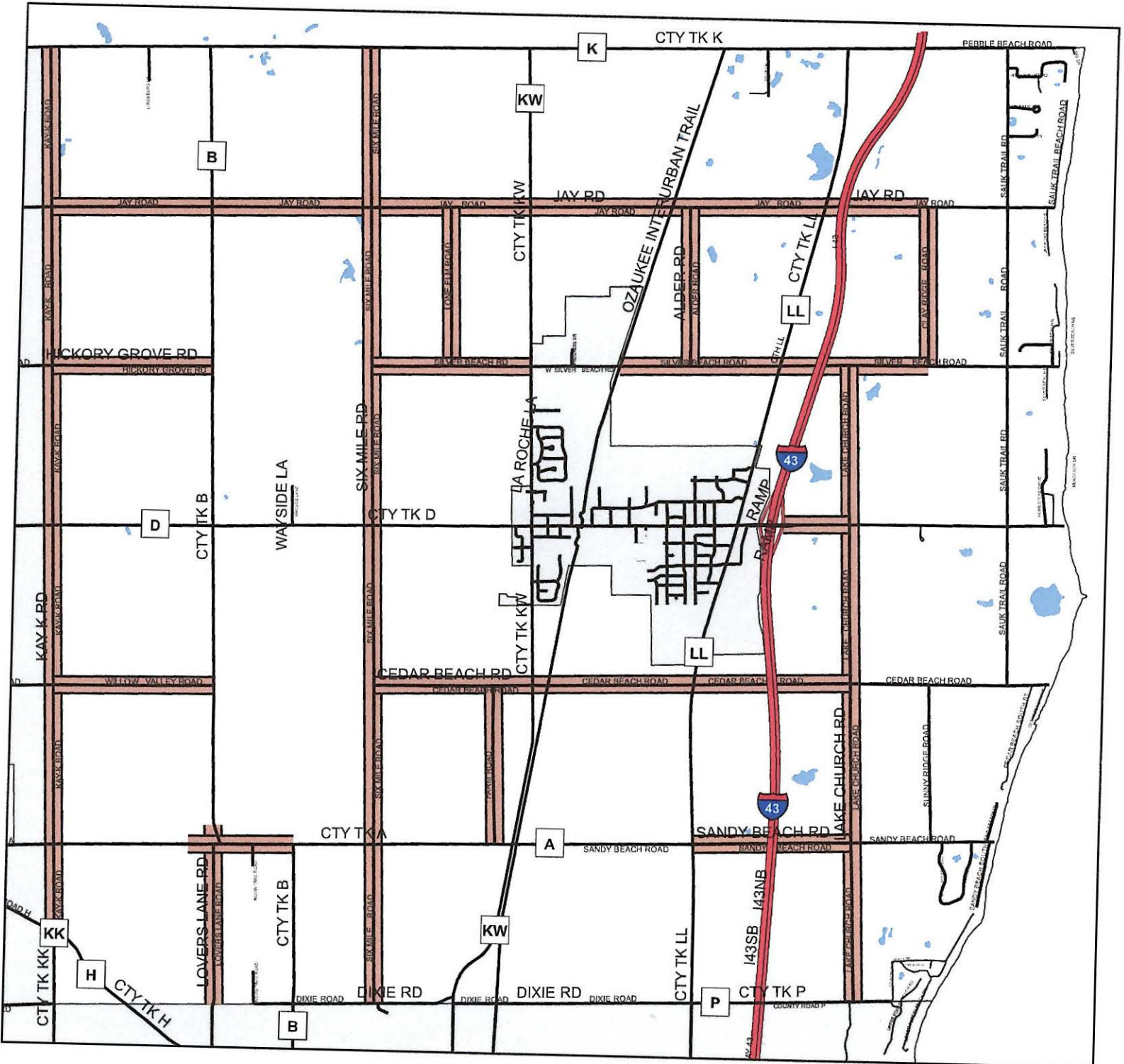
Thomas Bichler

Posted this date of September 9, 2021

TOWN OF BELGIUM ORDINANCE 2021-01

ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE

EXHIBIT A



Legend

ATV/UTV Allowable Access



Date: 9/8/2021

**TOWN OF BELGIUM
OZAUKEE COUNTY
WISCONSIN**

**ORDINANCE REGULATING
DISCHARGE AND CARRYING OF FIREARMS**

ORDINANCE NO. 1-88

THE TOWN BOARD OF THE TOWN OF BELGIUM, OZAUKEE COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

Section 1: Definitions

"The designated areas" shall be understood to refer to the area in the Town of Belgium East of Sauk Trail Road between Pebble Beach Road and County Road D, East of Sunny Ridge Road between Cedar Beach Road and Sandy Beach Road, and East of Lake Church Road between Sandy Beach Road and County Road P.

"The Town" shall be understood to refer to the Town of Belgium.

"The owner" shall be understood to refer to a person, a sole proprietorship, a partnership, or a corporation, as the case may be, owning land within the Town of Belgium, or to a partner or responsible officer of such sole proprietorship, partnership, or corporation.

"Firearm" shall be understood to include, within limitation, any pistol, rifle, or other instrument used in the propulsion of shot, shell, or bullets by the action of gunpowder exploding within it.

"Carrying" a firearm shall be understood to mean possession or control of a firearm, as defined above. A person transporting a firearm to or from areas where he or she is permitted to carry a firearm shall not be taken to be carrying said firearm if it is unloaded.

Section 2: Regulation

No person shall carry, discharge, attempt to discharge, or cause to be discharged any firearm in the designated area.

Section 3: Exceptions

- a) The above shall not be taken as preventing a police officer from carrying a firearm in the lawful performance of his or her duty.
- b) The above regulation shall not be taken as preventing a person from carrying a firearm when such a firearm is necessary to protect his or her personal property or the personal property of another, or when being carried according to Wisconsin Statute 941.23 regarding "carrying concealed weapon".
- c) Any owner of a parcel of land of 5 acres or more located within the designated area and any member of the household of said owner may carry a firearm and discharge, attempt to discharge, or cause to be discharged a firearm on the owner's land, providing that he or she

does not do so in a manner as to be in reckless disregard of the lives or safety of persons upon public roads or public lands or upon private property of others.

- d) A landowner of 5 acres or more located in the designated area may give written permission to another person to discharge firearms on his property. This permit must be in the possession of the individual and must be renewed yearly.
- e) The above regulation shall not prevent the carrying, discharging, or attempting to discharge any firearm when hunting waterfowl on take Michigan so long as all shots fired are directed over water.

Section 4: Restrictions

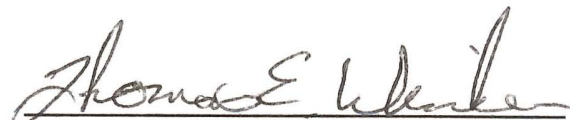
No person while on lands or another shall carry, discharge, attempt to discharge, or cause to be discharged any firearm within 100 yards of any building devoted to human occupancy, including any house trailer or mobile home, without the written permission of the owner or occupant of the building.

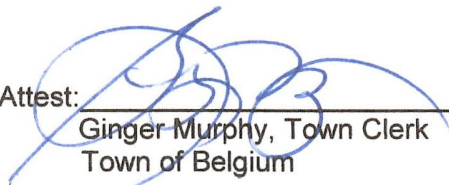
Section 5: Penalty

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 Ordinance shall be issued a warning for the first offense. Subsequent offenses, upon conviction thereof, will forfeit not more than \$500.00 and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

This ordinance shall take effect upon its passage and posting as provided by law.

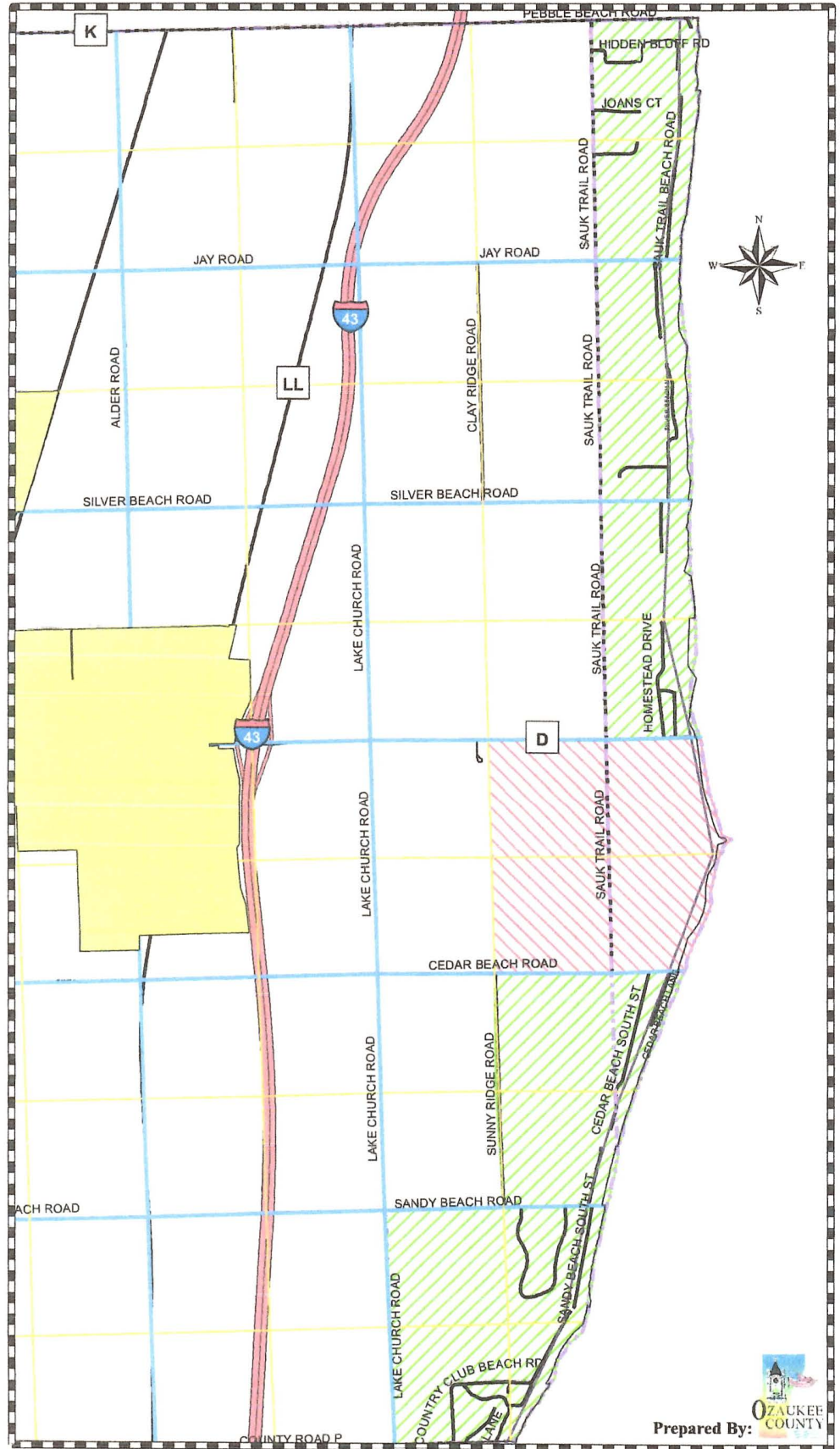
Passed this 3rd day of October, 1988
Revised this 3rd day of October, 1994.
Revised this 8th day of September, 2015.


Thomas Winker, Town Chairman
Town of Belgium
TOWN
CHAIRMAN

Attest: 
Ginger Murphy, Town Clerk
Town of Belgium

Date Posted: September 29, 2015



ORDINANCE 1-88 REGULATING DISCHARGE AND CARRYING OF FIREARMS DESIGNATED AREA



OBEDI ALL **NO HUNTING**
AND **NO TRESPASSING**
SIGNS ON POSTED LANDS.
QUESTIONS AND CONCERNS
REGARDING TRESPASSING OR
HUNTING ON POSTED LAND
SHOULD BE DIRECTED TO
OZAUKEE COUNTY SHERIFF
262-284-7172

Legend

Hunting Designations

-  DESIGNATED HUNTING AREA: Written permission from property owners of 5 acres or more must be in possession and renewed annually
-  HARRINGTON BEACH PARK Must comply with State of Wisconsin Regulations