



Zoning Chapter

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Part 1

GENERAL PROVISIONS

SECTIONS

SECTION 01	INTRODUCTION
SECTION 02	JURISDICTION AND COMPLIANCE

SECTION 01

INTRODUCTION

SECTION 01

TITLE

The Zoning Chapter of the Saukville Town Code is to be known as the “Zoning Chapter, Town of Saukville, Wisconsin”.

SECTION 01.02

AUTHORITY

The Zoning Chapter is adopted pursuant to the authority granted by the Wisconsin Statutes and amendments thereto.

SECTION 01.03

PURPOSE AND INTENT

The Saukville Town Board (Town Board), in order to protect and promote the public health, safety, and general welfare of the Town of Saukville (Town) and to implement the Town of Saukville Comprehensive Plan (Comprehensive Plan), adopts this Chapter of the Town Code with the following purpose and intent, where applicable:

- A. To provide a precise guide for the physical development of the Town;
- B. To foster a harmonious, convenient, and workable relationship among land uses and ensure compatible development that is consistent with the Comprehensive Plan;
- C. To provide for the administration and enforcement of this Chapter; and
- D. Provide penalties for the violation of this Chapter.

SECTION 01.04

APPLICABILITY AND JURISDICTION

A. **General Applicability.**

This Chapter applies, to the extent permitted by law, to all property within the limits of the Town of Saukville (Town).

B. **Compliance with Chapter Required.**

Unless exempted, no land shall be developed without compliance with this Chapter and other applicable State and Federal regulations.

C. **Relationship to Other Regulations.**

1. **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

2. **Relation to the “Zoning Ordinance, Town of Saukville, Wisconsin.”** The provisions of this Chapter supersede all prior zoning codes, ordinances and regulations, codified or uncoded, adopted by the Town. No provision of this Chapter validates any land use or structure established, constructed, or maintained in violation of prior zoning codes, ordinances, or regulations unless such validation is specifically and expressly authorized by this Chapter and the land use or structure conforms to this Chapter and all other applicable regulations.
 3. **Consistency with the Town of Saukville Comprehensive Plan.** Any permit, license, or approval issued pursuant to this Chapter must be consistent with the Town of Saukville Comprehensive Plan.
- D. Interpretation.** Whenever the meaning or applicability of any development standard or requirement of this Chapter is subject to interpretation, the Town Board has the authority to issue an official interpretation. In their interpretation and application, the provisions of this Chapter 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.

**SECTION 01.05
SEVERABILITY**

- A. Section, Subsection, Paragraph, Sentence, Clause, or Phrase.** If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Chapter.
- B. Application of this Chapter to a Particular Structure, Land, or Water.** If an application of this Chapter to a particular structure, land, or water is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

**SECTION 01.06
WARNING AND DISCLAIMER OF LIABILITY**

The Town of Saukville does not guarantee, warrant, or represent that only those areas delineated as flood lands, wetlands, or drainageways from tests and/or mapping required by this Chapter will be subject to periodic inundation, nor does the Town of Saukville guarantee, warrant, or represent that the soils shown to be suited or unsuited for a given land use from tests and/or mapping required by this Chapter are the only suited or unsuited soils within the jurisdiction of this Chapter and thereby asserts that there is no liability on the part of the Town of Saukville, Town Board, Plan Commission, its agencies, contractors, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance, with this Chapter.

**SECTION 01.07
TRANSITIONAL PROVISIONS - PERMITS ISSUED PRIOR TO EFFECTIVE DATE**

- A.** Except as provided in Section 01.08, no Zoning Permit or Conditional Use Permit shall be issued following the effective date of this Chapter or any amendment

thereto unless the work, structure, or use for which the Zoning Permit or Conditional Use Permit is sought is made to fully comply with the applicable provisions of this Chapter or any such amendment thereto.

B. Right to Complete Construction Pursuant to Approved Plans and Permits.

1. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure if a Building Permit for such structure was lawfully and properly issued before the effective date of this Chapter or any such amendment thereto and such Building Permit had not expired before such effective date of this Chapter.
2. Any application to extend an expired Building Permit must meet the standards of the current Building Code and Zoning Chapter at the time of the application submittal.
3. Upon completion pursuant to Section 01.08, such building or structure may be occupied and a Zoning Permit and/or Certificate of Occupancy shall be issued for the use designated on such Zoning Permit and/or Certificate of Occupancy, subject thereafter, to the extent applicable to the provisions of Section 14.

C. Existing Conditional Uses. When a use is classified as a "Conditional Use" under this Chapter and exists as either a permitted use or conditional use at the date of the adoption of this Chapter, it shall be considered a legal "Conditional Use," without further action of the Town Board, the Plan Commission or its designee, or the Zoning Board of Appeals. Any proposed changes in the existing operation shall be subject to the "Conditional Use" procedures of this Chapter as if such "Conditional Use" was being established anew.

SECTION 01.08

TRANSITIONAL PROVISIONS - APPLICATIONS PENDING FINAL ACTION

- A.** Applications submitted and accepted as complete before the effective date of this Chapter or any such amendment thereto but is still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Chapter, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Section 14, Nonconforming Uses and Structures.
- B.** Completed applications shall be processed and comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire, and future development shall be subject to the requirements of this Chapter.
- C.** An applicant with a pending application may opt, any time before the final disposition of such application, to have the application reviewed and decided under the amended standards of this Chapter by:
1. Withdrawing the pending application.
 2. Submitting, without payment of any additional fee, a new application that complies with the provisions of this Chapter, as amended.

- D. Zoning Administration.** Within 30 days after the effective date of this Chapter or any amendment thereto, the Plan Commission or its designee shall provide written notice to each applicant with a pending application:
1. Their pending application is subject to the provisions of this Chapter; and
 2. The applicant may, within 30 days after the mailing of such notice, refile without an additional fee, its application based on this Chapter, as amended; failure to modify such application in accordance with the terms and provisions of this Chapter as amended may result in the denial of such application for failure to comply with this Chapter, as amended.
- E. Processing of Pending Applications.** Upon the refiling of any pending application as herein provided or upon notification from the applicant that it will not refile or modify its application or upon the expiration of 60 days after the effective date of this Chapter or any amendment thereto, whichever occurs first, such pending application shall be processed according to the terms of this Chapter, as amended provided that:
1. Each application shall be processed according to the application, hearing and procedural requirements that were in effect on the date that such application was filed.
 2. Notwithstanding any other provision of this Section, the Plan Commission or its designee shall have the authority to request additional data, information or documentation for pending applications when, in the Plan Commission or its designee's judgment, such additional data, information or documentation is necessary or appropriate for a full and proper consideration and disposition of such pending application.

SECTION 01.09

REPEAL

The Town of Saukville Zoning Ordinance adopted on March 22, 2000, and all subsequent, enacted amendments thereto, relating to the zoning of land is hereby repealed and all other ordinances or parts of ordinances of the Town of Saukville which are inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

SECTION 02

JURISDICTION AND COMPLIANCE

SECTION 02.01

JURISDICTION

This Chapter shall apply to all structures, land, water, and air within the limits of the Town of Saukville.

SECTION 02.02

COMPLIANCE

- A. General Compliance.** No structure, development, land, water, or air shall be used or altered, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without a Building or Zoning Permit. The applicant is responsible for complying with the requirements of all local, state, and federal regulations. In addition, the following general provisions shall also be complied with:
- 1. Wisconsin Department of Natural Resources.** This includes but is not limited to rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, as amended, setting water quality standards for preventing and abating pollution and for regulating development within flood land, wetland and shoreland areas.
 - 2. Comprehensive Plans.** This includes but is not limited to all adopted comprehensive plans prepared by state, regional, county, municipal or town agencies.
 - 3. Wisconsin Administrative Code.** This includes but is not limited to all applicable rules contained in the Wisconsin Administrative Code not listed in this Chapter.
 - 4. U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.** This includes but is not limited to rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
 - 5. Americans with Disabilities Act (ADA) Accessibility Guidelines.** This includes but is not limited to the requirements of the current ADA Guidelines for Buildings and Facilities.
 - 6. Other Applicable Federal and State Laws and Regulations.** This includes but is not limited to all other applicable federal and state laws and regulations.
- B. Zoning Compliance.** The following specific zoning provisions shall be complied with:
- 1. Changes in Structures or Use.** Except as may otherwise be provided in Section 14, all buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, shall be subject to all regulations that are applicable to the zoning districts in which such buildings, uses, or land shall be located.
 - 2. Nonconforming Buildings, Structures and Uses.** Any lawfully established building, structure or use existing at the time of enactment of this Chapter may be continued though such building, structure, or use does not conform to the provisions of the zoning district in which it is located. Whenever a zoning

- district is changed thereafter, the then existing lawful use may be continued, subject to the provisions of Section 14 (Nonconformities) of this Chapter.
3. **Site Suitability.** No land shall be used or structure erected where the land is deemed unsuitable for such use or structure by the Plan Commission due to flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission, in applying the provisions of this Chapter, 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 so desired within 30 days of the Plan Commission's determination. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
 4. **Lots Abutting Public Streets with Inadequate Street Right-of-Way Dedication or Improvements.** No Building or Zoning Permit for vacant land shall be issued for a lot that has inadequate street right-of-way dedication.
 5. **Land or Lot Divisions.** All land divisions shall conform to the provisions of this Chapter and any other federal, state, or local regulations.
 6. **Must Meet Private Water and On-Site Sewage Disposal System Requirements.** In any zoning district where a public water supply or public sewage service is not available and private water and on-site sewage disposal systems are permitted, each lot or dwelling unit must be capable of meeting the requirements of the Department of Commerce of the Wisconsin Administrative Code and the applicable requirements of Ozaukee County along with any other applicable agency regarding the construction of an on-site sewage disposal systems.

SECTION 02.03 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. In a case of any violation, the Town Board, the Plan Commission, the Town Attorney, or any property owner who would be specifically damaged by such violation may institute appropriate actions or proceedings to enjoin a violation of this Chapter.

SECTION 02.04 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, counties, and other municipal corporations are required to comply with this Chapter and obtain all required permits. State and federal agencies are required to comply as applicable.



Part 2

ZONING MAP AND ZONING DISTRICTS

SECTIONS

- SECTION 03 ZONING MAP**
- SECTION 04 INTRO to DISTRICTS & AGRICULTURAL DISTRICTS**
- SECTION 05 RESIDENTIAL DISTRICTS**
- SECTION 06 NONRESIDENTIAL DISTRICTS**
- SECTION 07 OVERLAY DISTRICTS**

SECTION 03 ZONING MAP

SECTION 03.01

OFFICIAL ZONING MAP

The location and boundaries of the zoning districts established by this Chapter are set forth in the Official Zoning Map, which is incorporated and made a part of this Chapter. The Official Zoning Map, with everything shown thereon, and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described below.

SECTION 03.02

OFFICIAL ZONING MAP AVAILABILITY

- A. The Official Zoning Map and records of the ordinances amending provisions of this Chapter shall be kept on file in the Town Hall and be available for public inspection during normal business hours. These documents may be kept in either hardcopy or digital form. They shall be the final authority as to the status of the current zoning district classification of land in the Town.
- B. For general information purposes, the Town may also maintain a digital version of the Official Zoning Map on the Town website and/or have reduced size printed copies available for purchase.

SECTION 03.03

AMENDMENTS TO THE OFFICIAL ZONING MAP

Amendments made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Chapter and are made in accordance with Section 21, Zoning Chapter Text and Map Amendments. Changes shall be entered on the Official Zoning Map by the Town Clerk after the amendment is approved by the Town Board. At minimum, the Official Zoning Map shall be updated annually to reflect all approved changes.

SECTION 03.04

ZONING BOUNDARIES

- A. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1. Boundaries indicated as following Town limit lines shall be construed as following such town limits
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines
 - 3. Boundaries indicated as approximately following the centerlines of streets, highways, alleys or the main channel of a stream shall be construed to follow centerlines
 - 4. Boundaries indicated as approximately following wetland boundaries as delineated on large-scale topographic maps prepared by Ozaukee County or as determined by using flood profiles and accompanying hydrologic and hydraulic engineering data, said approximate boundaries shall be construed to be the zoning district boundary line
 - 5. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (4) of this section shall be so construed

6. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map
7. Where physical or cultural features exist on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by the above subsections, the Town Board shall interpret and determine the district boundaries.

B. Zoning District Boundary Lines on Non-subdivided Property. On non-subdivided property, the location of the zoning district boundary lines shown on the Official Zoning Map shall be determined by:

1. Use of the scale on such map; or
2. Being in accordance with the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be according to dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise shown.

C. Split Zoning District Classifications of Parcels

Changes made to base zoning district boundaries on the Official Zoning Map shall not result in two or more zoning district classifications on an individual parcel of land.

SECTION 03.05

REZONING OF PUBLIC AND SEMI-PUBLIC AREAS

An area indicated on the Official Zoning Map as a public park, public recreation area, public school site, cemetery, or other similar public or semi-public open space, shall not be used for any other purpose than that designated. When the use of the specific area is ceased, it shall be considered by the Plan Commission and Town Board for potential rezoning to a zoning district that is consistent with the land use district set forth for that area in the comprehensive plan.

SECTION 03.06

ZONING OF STREETS, ALLEYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, public ways, waterways, and railroad rights-of-way, if not otherwise specifically designated; shall be deemed to be in the same zoning district as the property immediately abutting such alleys, streets, public-ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public-way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 03.07

ZONING OF DETACHED LAND

A. General. Any detachments from incorporated areas to the Town of Saukville, resulting from disconnections from incorporated areas, shall be automatically classified as A-1 General Agricultural District, subject to the provisions of Section 04.01 until otherwise classified by amendment.

SECTION 04 INTRODUCTION TO THE ZONING DISTRICTS AND THE AGRICULTURAL DISTRICTS

The Town is divided into base zoning districts that include agricultural districts, residential districts, and nonresidential districts. The boundaries of each of the zoning districts are identified on the Official Zoning Map.

Table 4-1 ZONING DISTRICTS	
AGRICULTURAL DISTRICTS	
A-1	General Agricultural District
A-2	General Agricultural District
A-4	Rural Countryside Agricultural District
A-5	Countryside Agricultural District
RESIDENTIAL DISTRICTS	
R-1	Waterfront Residential Neighborhood Conservation District
R-2	Single-Family Neighborhood Conservation District
R-3	Waterfront Residential Neighborhood Conservation District
NONRESIDENTIAL DISTRICTS	
B-1	Community Business District
M-1	Light Manufacturing District
I-1	Institutional District
P-1	Park and Recreation District
SG	Non-Metallic Mining District

SECTION 04.01 AGRICULTURAL ZONING DISTRICTS – PURPOSE AND APPLICABILITY

The Official Zoning Map includes several agricultural zoning districts. The specific purpose of each agricultural district is as follows:

A. A-1 GENERAL AGRICULTURAL DISTRICT

The A-1 General Agricultural District is intended to:

1. Provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-2 Exclusive Agricultural District and which are generally best suited for smaller farm units, including truck farming, horse farming, orchards, and other similar agricultural-related activity.
2. Retain the rural character of those areas in which the A-1 District is used as set forth in the adopted Comprehensive Plan and components thereof.
3. Be served by on-site soil absorption sewage disposal systems and private wells.

B. A-2 GENERAL AGRICULTURAL DISTRICT

The A-2 General Agricultural District is intended to:

1. Provide for, maintain, preserve, and enhance agricultural lands historically utilized for the production and raising of livestock.
2. Prevent the premature conversion of agricultural land to scattered urban and suburban uses such as residential, commercial, and industrial uses.
3. Be limited to those lands shown as “Prime Agricultural Land” on the adopted Town of Saukville Comprehensive Plan and components thereof and any Ozaukee County adopted farmland preservation plan.
4. To retain the rural character of areas in which the A-2 District is used as set forth in the adopted Town of Saukville Comprehensive Plan and components thereof.
5. Permit agricultural uses and uses consistent with agricultural uses meeting the conditions set forth under the provisions of Chapter 91 of the Wisconsin Statutes as amended.
6. The A-2 District is also intended to allow parcels of under 35 acres as part of a farm consolidation under the provisions of Chapter 91 of the Wisconsin Statutes as amended.
7. Be served by on-site soil absorption sewage disposal systems and private wells.

C. A-4 RURAL COUNTRYSIDE AGRICULTURAL DISTRICT

The A-4 Rural Countryside Agricultural District is intended to:

1. Permit limited agricultural and residential development at intensities that are consistent with the maintenance of a rural countryside character and lifestyle.
2. To preserve and enhance a rural character of surrounding areas and the attractiveness associated with such areas.
3. Promote open space protection and natural resource base protection through the options provided in this district.
4. Serve as a transitional district between the farmland areas and the countryside and suburban intensity areas of the Town.
5. Be served by on-site soil absorption sewage disposal systems (individual systems for conventional subdivisions and private wells).

D. A-5 COUNTRYSIDE AGRICULTURAL DISTRICT

The A-5 Countryside Agricultural District is intended to:

1. Permit limited agricultural and residential development at intensities that are consistent with the maintenance of a countryside/estate character and a countryside/estate lifestyle as set forth in the adopted Comprehensive Plan and components thereof.
2. Serve as a transitional district between the more rural areas or farmland areas and the more suburban intensity areas of the Town.
3. Promote open space protection and natural resource base protection through the options provided in this district.
4. Be served by on-site soil absorption sewage disposal systems (individual systems for conventional subdivisions) and private wells.

SECTION 04.02

AGRICULTURAL ZONING DISTRICTS – PERMITTED, ACCESSORY, AND CONDITIONAL USES

Permitted, Accessory, and Conditional Uses for all the Agricultural Zoning Districts are presented in Table 4-2. The table lists specific land uses and use groups.

A. Table 4-2 Symbols

1. The symbol "P" shall mean that the principal use is permitted in that zoning district by right.
2. The symbol "C" shall mean that the principal use is permitted in that zoning district only after first obtaining a Conditional Use permit.
3. A blank square assumes that the use is not allowed in that zoning district.

B. Uses Not Listed

1. As stated above, it is assumed that uses not listed as a Permitted or Conditional Use in Table 4-2 are not allowed. The Plan Commission may determine that an unlisted use is permitted as a conditional use if sufficiently similar in nature and impact to a listed permitted use or a conditional use. The Plan Commission may refer to any of the following factors as guidance in making this determination:
 - a. Whether the use has similar visual, traffic, environmental and similar impacts as an expressly listed use. The Plan Commission may refer to empirical studies or generally accepted planning or engineering sources in making this determination.
2. The burden is on the applicant to establish that the use is similar to the expressly listed use. The applicant shall submit all proofs or verification that show that the proposed use is similar to another permitted or conditional use and could be allowed.
3. The Plan Commission shall initially determine if a proposed use is similar to another permitted or conditional use in the district and could be allowed.
4. If the Plan Commission determines that the proposed use is deemed sufficiently similar in nature and impact to a permitted use or a conditional use, the applicant shall submit an application for a Conditional Use Permit.

C. Use Groups

1. Use Groups are utilized in the Use Tables to avoid lengthy lists of uses. Uses are grouped which have similar functional characteristics and/or nuisance impacts.

**Table 4-2
AGRICULTURAL ZONING DISTRICTS
Permitted, Conditional Uses**

LAND USE CATEGORIES	SPECIFIC USE TYPE	ZONING DISTRICTS				RELATED SECTIONS
		A-1	A-2	A-4	A-5	
Agriculture Primary Uses						
Agriculture	Crop Production Use Activity Group	P	P	P	P	
	Animal Production and Aquaculture, excluding Concentrated Animal Feeding Operations	P	P	P	P	
	Dairy Farming	P	P	P	P	
	Concentrated Animal Feeding Operations	P	P			16.25
	Support Activities for Agriculture and Forestry, excluding Animal Auction Facilities	P	P	P	P	
	Community Supported Agriculture	P	P	P	P	
	Nursery and Garden Sales	P	P	C	C	16.54
	Agricultural Enterprise	C	C	C	C	16.03

Table 4-2 (continued)
AGRICULTURAL ZONING DISTRICTS
Permitted, Conditional Uses

LAND USE CATEGORIES	SPECIFIC USE TYPE	ZONING DISTRICTS				RELATED SECTIONS
		A-1	A-2	A-4	A-5	
Agriculture-Related Uses						
Agriculture	Accessory Uses, General	P	P	P	P	16.02
	Agritourism Activities	C	C	C	C	16.03
	Animal Hospital and Veterinary Clinic	C	C			16.05
	Barns, Silos and Storage Buildings	P	P	P	P	16.13
	Farm Labor Housing	C	C			16.38
	Fences	P	P	P	P	16.40
	Rural Event Facility	C	C			16.64
	Keeping of Animals	See Section 16.48				
	Kennels, Boarding	C	C			16.49
	Stables, Public	C	C			16.77
	Riding Arena	P	P	C	C	16.62
	Crematory Facilities in an Animal Hospital	C	C			16.28
	Storage Agricultural	P	P	P	P	
	Landscaping Services	C	C			16.50
Residential Primary Uses						
Household Living Other Living Arrangement	Dwelling, Single-Family	P	P	P	P	
	Dwelling, Existing Single-Family not Accessory to a Farm	P				
	Family Farm Business Rental or Lease	C	C			16.39
	Dwelling, Single-Family Second Unit	C	C			16.35
	Bed and Breakfast Inn	C	C			16.14
	Community Living Arrangement (8 < persons)	P	P	P	P	
	Community Living Arrangement (9 > persons)	C	C	C	C	16.23
	Foster Family Home	P	P	P	P	
Utility, Public & Institutional Primary Uses						
Utility	Electric Generating Facility (Large Scale)	C	C			16.36
	Electric Generating Facility (Small Scale)	C	C	C	C	16.37
	Solar Collection/Solar Energy System	C	C	C	C	16.76
	Utility, Major	C	C			16.82
	Utility, Minor	P	P	P	P	16.83

Table 4-2 (continued)
AGRICULTURAL ZONING DISTRICTS
Permitted, Conditional Uses

LAND USE CATEGORIES	SPECIFIC USE TYPE	ZONING DISTRICTS				RELATED SECTIONS
		A-1	A-2	A-4	A-5	
Utility	Commercial Communication Towers and Antennas	C	C			16.20
	Radio and Television Transmitting and Receiving Facilities	C	C			16.58
	Small Wind Energy Systems	P	P	C	C	16.75
Accessory to Primary Residential Uses						
Accessory to Primary Residential Uses	Accessory Uses, General	P	P	P	P	15
	Accessory Dwelling Unit (ADU)	C	C			16.01
	Boat Access Sites (noncommercial)	P	P	P	P	
	Fences	P	P	P	P	16.40
	Fishing (noncommercial)	P	P	P	P	
	Keeping of Animals					16.48
	Hunting and Trapping	P	P	P	P	
	Outdoor Sales, Other	C	C	C	C	16.55
	Outdoor Storage, Residential	P	P	P	P	
	Private Boathouse (no living quarters)	P	P	P	P	
	Recreational Accessory Uses (noncommercial uses including outdoor tennis court, and outdoor swimming pool)	P	P	P	P	
	Recreational Vehicle Parking	P	P	P	P	16.59
	Personal Recreational Trails (non-motorized to include walking, jogging, hiking, bicycle, equestrian, skiing)	P	P	P	P	
Seasonal Sales	C	C	C	C	16.69	
Home Occupations						
Home Occupations	Home Occupations	C	C	C	C	16.46
Other Use						
Other	Building, Moving	C	C	C	C	16.15
Zoning District Columns Legend: Permitted Use = P, Conditional Use Permit Required = C, Not Permitted = Blank (a) May be permitted as a Conditional Use only for the private use of the owner and owner's family and not for commercial enterprises or governmental uses.						

SECTION 04.03

AGRICULTURAL ZONING DISTRICTS – DEVELOPMENT REGULATIONS

Table 4-3 through Table 4-7 prescribe development regulations for each of the agricultural zoning districts.

**Table 4-3
A-1 GENERAL AGRICULTURAL DISTRICT**



Permitted Use Standard

Open Space Ratio, Floor Area Ratio and Maximum Density

Minimum Open Space Ratio	Not Applicable
Maximum Gross Floor Area Ratio (GFAR) of Maximum Gross Density (GD)	0.05 GFAR
Maximum Net Floor Area Ratio (NFAR) of Maximum Net Density (ND)	Not Applicable

Lot Dimensional Requirements

Minimum Lot Area	20 acres
Minimum Lot Width at Setback Line	300 feet
Minimum Front Yard	50 feet (a)
Minimum Side Yard	25 feet (a)
Minimum Side Yard on Corner Lot	50 feet (a)
Minimum Rear Yard	50 feet (a)
Minimum Shore Yard	75 feet

Minimum Total Living Area per Dwelling Unit (D.U.)

1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	250 square feet (a)
1-Story D.U. if Basement is < 600 sq ft	250 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,500 sq ft total 900 sq ft – 1 st floor
Multi-Story D.U. >3 Bedrooms	200 square feet (a) (a)
Multi-Story D.U. if Basement is < 600 sq ft	200 square feet (b)

Maximum Building Height

Principal Structure	35 feet
Accessory Structure	80 feet


- a) Add to minimum required building floor area for each bedroom greater than three.
- b) Add to minimum required floor area and first floor area for each dwelling unit that has a basement less than 600 square feet.
- c) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.

**Table 4-4
A-2 GENERAL AGRICULTURAL DISTRICT**




Landscape Surface Ratio and Floor Area Ratio	
Minimum Landscape Surface Ratio	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05 (a); 0.10 (b)
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
Lot Dimensional Requirements	
Minimum Lot Area	35 acres
Minimum Lot Width at Setback Line	330 feet
Minimum Front Yard	50 feet
Minimum Side Yard	75 feet
Minimum Side Yard on Corner Lot	75 feet
Minimum Rear Yard	75 feet
Minimum Shore Yard	75 feet
Minimum Total Living Area per Dwelling Unit (D.U.)	
1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	200 square feet (a)
1-Story D.U. if Basement is < 600 square feet	200 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,900 square feet total 1,100 square feet – 1 st floor
Multi-Story D.U. >3 Bedrooms	200 square feet (a)
Multi-Story D.U. if Basement is < 600 square feet	200 square feet (b)
Maximum Building Height	
Principal Structure	35 feet
Accessory Structure	80 feet
a) For single-family dwelling structures b) For other farm-related structures included housing for farm laborers.	

**Table 4-5
A-4 RURAL COUNTRYSIDE AGRICULTURAL DISTRICT**

	Permitted Use
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio	0
Gross Density (GD)	0.10
Net Density (ND)	0.10
Lot Dimensional Requirements	
Minimum Lot Area	10 acres
Minimum Lot Width at Setback Line	300 feet
Minimum Front Yard	50 feet (c)
Minimum Side Yard	30 feet (c)
Min. Side Yard on Corner Lot	75 feet (c)
Minimum Rear Yard	30 feet (c)
Minimum Shore Yard	75 feet
Maximum Lot Coverage	0.075
Minimum Total Living Area per Dwelling Unit (D.U.)	
1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	250 square feet (a)
1-Story D.U. if Basement is < 600 square feet	250 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,900 sf total 1,100 sf 1 st floor
Multi-Story D.U. >3 Bedrooms	200 square feet (a)
Multi-Story D.U. if Basement is < 600 sq. ft.	250 square feet (b)
Maximum Building Height	
Principal Structure	35 feet
Accessory Structure	28 feet
<p>(a) Add to minimum required building floor area for each bedroom in excess of three.</p> <p>(b) Add to minimum required floor area and first floor area for each dwelling unit which has a basement less than 600 square feet.</p> <p>(c) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.</p> <p>(d) See Section 15 for “Accessory and Use Standards and Regulations” for minimum setback requirements for accessory uses and/or structures.</p>	

**Table 4-6
A-5 RURAL COUNTRYSIDE AGRICULTURAL DISTRICT**

	Permitted Use
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio	0
Gross Density (GD)	0.18
Net Density (ND)	0.18
Lot Dimensional Requirements	
Minimum Lot Area	5 acres
Minimum Lot Width at Setback Line	250 feet
Minimum Front Yard	50 feet (c)
Minimum Side Yard	30 feet (c)
Min. Side Yard on Corner Lot	75 feet (c)
Minimum Rear Yard	30 feet (c)
Minimum Shore Yard	75 feet
Maximum Lot Coverage	0.075
Minimum Total Living Area per Dwelling Unit (D.U.)	
1-Story D.U. ≤3 Bedrooms	1,500 sq. ft.
1-Story D.U. >3 Bedrooms	250 sq. ft. (a)
1-Story D.U. if Basement is < 600 square feet	250 sq. ft.(b)
Multi-Story D.U. ≤3 Bedrooms	1,900 sf total 1,100 sf -1 st floor
Multi-Story D.U. >3 Bedrooms	100 sq. ft.(a)
Multi-Story D.U. if Basement is < 600 sq. ft.	250 sq. ft.(b)
Maximum Building Height	
Principal Structure	35 feet
Accessory Structures	28 feet
<p>(a) Add to minimum required building floor area for each bedroom in excess of three.</p> <p>(b) Add to minimum required floor area and first floor area for each dwelling unit which has a basement less than 600 square feet.</p> <p>(c) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.</p> <p>(d) See Section 15 for “Accessory and Use Standards and Regulations” for minimum setback requirements for accessory uses and/or structures.</p>	

SECTION 05

RESIDENTIAL DISTRICTS

SECTION 05.01

RESIDENTIAL ZONING DISTRICTS

The Official Zoning Map depicts several residential zoning districts. The specific purposes of each residential district are as follows:

A. R-1 WATERFRONT RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT

The R-1 Waterfront Residential Neighborhood Conservation District is intended to:

1. Be used exclusively in existing residential subdivisions (minor land divisions via certified survey maps and subdivision plats) located in the existing waterfront areas of the Town.
2. Accommodate existing developed areas which are existing lots of record located along shorelines and open waters only and not to be expanded into areas not already subdivided. The creation of new R-1 District lots after June 1, 2020, is prohibited.
3. Minimize nonconforming and substandard lot sizes as such lots would become if placed under more rural- or suburban-oriented land use (and ultimately zoning) classifications. The number of existing substandard lots is to be limited through the combination of abutting substandard lots into a single lot under the same ownership.
4. Provide for the minor infilling of vacant or redevelopment areas consistent with this district and the established character of the neighborhood as defined by earlier approved subdivisions and certified survey maps.
5. Be served by either public sanitary sewer facilities or by on-site soil absorption sewage disposal systems and private wells.

B. R-2 SINGLE FAMILY NEIGHBORHOOD CONSERVATION DISTRICT

The R-2 Single Family Neighborhood Conservation District is intended to:

1. Permit the continuation of the existing pattern of development on existing lots of record in a manner that is consistent with the Town of Saukville Comprehensive Plan and components thereof.
2. Accommodate existing developed areas which are existing lots of record.
3. Not be used in area of the Town not already subdivided nor to accommodate newly developing area of the Town. The creation of new R-2 District lots after June 1, 2020, is prohibited.
4. Be served by on-site soil absorption sewage disposal systems and private wells.

C. R-3 WATERFRONT RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT

The R-3 Waterfront Residential Neighborhood Conservation District is intended to:

1. Be used exclusively in existing residential subdivisions (minor land divisions via certified survey maps and subdivision plats) located in the existing waterfront areas of the Town.

2. Accommodate existing developed areas which are existing lots of record and is not to be expanded into areas not already subdivided. The creation of new R-3 District lots after June 1, 2020, is prohibited.
3. Minimize nonconforming and substandard lot sizes as such lots would become if placed under more rural- or suburban-oriented land use and ultimately zoning classifications. The number of existing substandard lots is to be limited through the combination of abutting substandard lots into a single lot under the same ownership.
4. Provide for the minor infilling of vacant or redevelopment areas consistent with this district and the established character of the neighborhood as defined by earlier approved subdivisions and certified survey maps.
5. Be served by either public sanitary sewer facilities or by on-site absorption sewage disposal systems and private wells.

SECTION 05.02

RESIDENTIAL ZONING DISTRICTS – PERMITTED, ACCESSORY, AND CONDITIONAL USES

Permitted, Accessory, and Conditional Uses for all of the Residential Zoning Districts are presented in Table 5-1. The table lists specific land uses and use groups.

A. Table 5-1 uses the following symbols:

1. The symbol "P" shall mean that the principal use is permitted in that zoning district by right.
2. The symbol "C" shall mean that the principal use is permitted in that zoning district only after first obtaining a Conditional Use permit.
3. A blank square assumes that the use is not allowed in that zoning district.

B. Uses Not Listed

1. Uses not listed as a Permitted or Conditional Use in Table 4-2 are not allowed. The Plan Commission may determine that an unlisted use is permitted as a conditional use if sufficiently similar in nature and impact to a listed permitted use or a conditional use. The Plan Commission may refer to any of the following factors as guidance in making this determination:
 - a. Whether the use has similar visual, traffic, environmental and similar impacts as an expressly listed use. The Plan Commission may refer to empirical studies or generally accepted planning or engineering sources in making this determination.
2. The burden is on the applicant to establish that the use is similar to the expressly listed use. The applicant shall submit all proofs or verification that show that the proposed use is similar to another permitted or conditional use and could be allowed.
3. The Plan Commission shall initially determine if a proposed use is similar to another permitted or conditional use in the district and could be allowed.
4. If the Plan Commission determines that the proposed use is deemed sufficiently similar in nature and impact to a permitted use or a conditional use, the applicant shall submit an application for a Conditional Use Permit.

C. Use Groups

Use Groups are utilized in the Use Tables to avoid lengthy lists of uses. Uses are grouped which have similar functional characteristics and/or nuisance impacts.

**Table 5-1
RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

LAND USE CATEGORIES	SPECIFIC USE TYPE	ZONING DISTRICTS			RELATED SECTIONS
		R-1	R-2	R-3	
Agriculture Primary Uses					
	Crop Production Use Activity Group	P	P	P	
Residential Primary Uses					
Single Family	Dwelling, Single-Family	P	P	P	
Other Living Arrangement	Bed and Breakfast Inn				16.14
	Community Living Arrangement (8 < persons)	P	P	P	
	Community Living Arrangement (9 > persons)	C	C	C	16.23
	Foster Family Home	P	P	P	
Utility, Public & Institutional Primary Uses					
Utilities	Electric Generating Facility (Small Scale)	C	C	C	16.37
	Solar Collection/Solar Energy System	C	C	C	16.76
	Utility, Minor	P	P	P	
	Small Wind Energy Systems				16.75
Accessory To Primary Residential Uses					
Accessory to Primary Residential Uses	Accessory Uses, General	P	P	P	15
	Accessory Dwelling Unit (ADU)	C	C	C	16.01
	Boat Access Sites (noncommercial)	P	P	P	
	Fences	P	P	P	16.40
	Fishing (noncommercial)	P	P	P	
	Keeping of Animals	See Section 16.48			
	Outdoor Storage, Residential	P	P	P	
	Private Boathouse (no living quarters)	P	P	P	
	Recreational Accessory Uses (noncommercial uses including outdoor tennis courts, and outdoor swimming pool)	P	P	P	
	Recreational Vehicle Parking	P	P	P	16.59
Personal Recreational Trails (non-motorized to include walking, jogging, hiking, bicycle, equestrian, skiing)	P	P	P		

**Table 5-1
RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional and Uses**

LAND USE CATEGORIES	SPECIFIC USE TYPE	ZONING DISTRICTS			RELATED SECTIONS
		R-1	R-2	R-3	
Home Occupations					
Home Occupations	Home Occupations	C	C	C	16.46

Table 5-1 RESIDENTIAL ZONING DISTRICTS Permitted, Conditional Uses					
Other Uses					
Other Uses or Activities	Building, Moving	C	C	C	16.15
Zoning District Columns Legend: Permitted Use = P, Conditional Use Permit Required = C, Not Permitted = Blank					

**SECTION 05.03
RESIDENTIAL ZONING DISTRICTS – DEVELOPMENT REGULATIONS**

Table 5-2 through Table 5-4 prescribes development regulations for each of the residential districts.

**Table 5-2
R-1 WATERFRONT RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT**



Minimum Open Space Ratio and Maximum Density	
Open Space Ratio (OSR)	0.00
Gross Density (GD)	1.00
Net Density (ND)	1.00
Lot Dimensional Requirements	
Minimum Lot Area	40,000 square feet
Minimum Lot Width at Setback Line	100 feet; 115 feet – corner
Minimum Front Yard	50 feet (c)
Minimum Side Yard	20 feet (c)
Minimum Side Yard on Corner Lot	45 feet (c)
Minimum Rear Yard	30 feet (c)
Minimum Shore Yard	75 feet
Maximum Lot Coverage (maximum percent of lot area)	0.10
Minimum Total Living Area per Dwelling Unit (D.U.)	
1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	150 square feet (a)
1-Story D.U. if Basement is < 600 square feet	150 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,900 square feet total 1,100 square feet – 1 st floor
Multi-Story D.U. >3 Bedrooms	150 square feet (a)
Multi-Story D.U. if Basement is < 600 square feet	150 square feet (b)
Maximum Building Height	
Principal Structure	35 feet
Accessory Structure	20 feet

- (a) Add to minimum required building floor area for each bedroom greater than three.
- (b) Add to minimum required floor area and first floor area for each dwelling unit that has a basement less than 600 square feet.
- (c) Applicable to existing vacant lots of record at the time of the adoption of this Chapter.
- (d) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.

**Table 5-3
R-2 SINGLE FAMILY RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT**



Minimum Open Space Ratio and Maximum Density

Open Space Ratio (OSR)	0.00
Gross Density (GD)	1.00
Net Density (ND)	1.00

Lot Dimensional Requirements

Minimum Lot Area	40,000 square feet
Minimum Lot Width at Setback Line	100 feet; 115 feet - corner
Minimum Front Yard	50 feet (c)
Minimum Side Yard	20 feet (c)
Minimum Side Yard on Corner Lot	45 feet (c)
Minimum Rear Yard	30 feet (c)
Minimum Shore Yard	75 feet
Maximum Lot Coverage (maximum percent of lot area)	0.10

Minimum Total Living Area per Dwelling Unit (D.U.)

1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	150 square feet (a)
1-Story D.U. if Basement is < 600 square feet	150 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,500 square feet total 900 square feet – 1 st floor
Multi-Story D.U. >3 Bedrooms	150 square feet (a)
Multi-Story D.U. if Basement is < 600 square feet	150 square feet (b)

Maximum Building Height

Principal Structure	35 feet
Accessory Structures	20 feet

- (a) Add to minimum required building floor area for each bedroom greater than three.
- (b) Add to minimum required floor area and first floor area for each dwelling unit that has a basement less than 600 square feet.
- (c) Applicable to existing vacant lots of record at the time of the adoption of this Chapter.
- (d) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.

**Table 5-4
R-3 WATERFRONT RESIDENTIAL NEIGHBORHOOD CONSERVATION DISTRICT**



Minimum Open Space Ratio and Maximum Density

Open Space Ratio (OSR)	0.00
Gross Density (GD)	4.75
Net Density (ND)	4.75

Lot Dimensional Requirements

Minimum Lot Area	12,000 square feet
Minimum Lot Width at Setback Line	60 feet; 75 feet - corner
Minimum Front Yard	25 feet (c)
Minimum Side Yard	5 feet (c)
Minimum Side Yard on Corner Lot	15 feet (c)
Minimum Rear Yard	25 feet (c)
Minimum Shore Yard	75 feet
Maximum Lot Coverage (maximum percent of lot area)	0.50

Minimum Total Living Area per Dwelling Unit (D.U.)

1-Story D.U. ≤3 Bedrooms	1,500 square feet
1-Story D.U. >3 Bedrooms	150 square feet (a)
1-Story D.U. if Basement is < 600 square feet	150 square feet (b)
Multi-Story D.U. ≤3 Bedrooms	1,900 square feet total 1,100 square feet – 1 st floor
Multi-Story D.U. >3 Bedrooms	150 square feet (a)
Multi-Story D.U. if Basement is < 600 square feet	150 square feet (b)

Maximum Building Height

Principal Structure	35 feet
Accessory Structures	20 feet

- (a) Add to minimum required building floor area for each bedroom greater than three.
- (b) Add to minimum required floor area and first floor area for each dwelling unit that has a basement less than 600 square feet.
- (c) Applicable to existing vacant lots of record at the time of the adoption of this Chapter.
- (d) Dens, libraries, studies, lofts, or other rooms within a dwelling unit which can potentially be used as a bedroom shall be counted as a bedroom when containing a closet or located adjacent to a closet.

SECTION 06

NON-RESIDENTIAL ZONING DISTRICTS

SECTION 06.01

NONRESIDENTIAL ZONING DISTRICTS

The Official Zoning Map depicts several non-residential zoning districts. The specific purposes of each non-residential zoning district are as follows:

Table 6-1 NON-RESIDENTIAL ZONING DISTRICTS	
B-1	Community Business District
M-1	Light Manufacturing District
I-1	Institutional District
P-1	Park and Recreation District
SG	Non-Metallic Mining District

A. **B-1 COMMUNITY BUSINESS DISTRICT**

The B-1 Community Business District is intended to:

1. Be applied at locations indicated in the Town of Saukville Comprehensive Plan or locations which abut or front, and have access to, either directly or via frontage roads, STH 33 in the southwest one-quarter of US Public Land Survey Section 26 only.
2. Preserve existing and planned areas of limited small-scale commercial facilities for the convenience of persons residing in the Town.
3. Establish areas of limited small-scale commercial facilities compatible in function and operation for the convenience of persons residing in the Town at appropriate and convenient locations indicated in the Town of Saukville Comprehensive Plan.
4. Provide for the orderly and attractive development and grouping of small-scale professional office or other office related activities compatible in function and operation.
5. Not foster “strip” development patterns along major arterial streets and highways.
6. Provide on-site amenities such as increased open space, landscaping and off-street parking.
7. Allow for the clustering of buildings on parcels of land under individual or multiple ownerships.
8. Promote the compatibility of character, appearance and operation of uses in the B-1 District with the character of the surrounding rural area and minimize the potential undesirable impacts of such commercial uses on the surrounding rural areas and residential neighborhoods which they serve.
9. Be served by on-site soil absorption sewage disposal systems and private wells.

B. M-1 LIGHT MANUFACTURING DISTRICT

The M-1 Light Manufacturing District is intended to:

1. Accommodate existing manufacturing, industrial, warehousing, and ancillary uses of a limited nature and size in locations where the relative proximity to other uses of a lesser intensity requiring more restrictive regulation so as not to make them nonconforming uses.
2. Permit the continuation of the existing pattern of development on existing developed lots of record in a manner that is consistent with the Town of Saukville Comprehensive Plan.
3. Not be used in areas of the Town not already subdivided by certified survey map, subdivision plat, or condominium plat nor to accommodate newly developing areas in the Town.
4. Increase the compatibility of manufacturing, industrial, warehousing, and ancillary uses with the character of the Town as set forth in the Town of Saukville Comprehensive Plan.
5. Be served by on-site, soil absorption sewage disposal systems and private wells.

C. I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to:

1. Eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public, or semi-public purpose is anticipated to be permanent.
2. Apply to those lands where existing or proposed federal, state, or local government activities are conducted, and to major public and private educational and other nonprofit organization facilities.
3. Require increased compatibility with a rural character as set forth in the Town of Saukville Comprehensive Plan and other use of area or bulk regulations.
4. Accommodate moderate-intensity development in such a manner that enhances and protects the rural residential character of the Town.
5. Be served by on-site soil absorption sewage disposal systems and private wells.

D. P-1 PARK AND RECREATION DISTRICT

The P-1 Park and Recreation District is intended to:

1. Provide for areas where the park, recreational, and open space needs, both public and private, of the populace can be met without undue disturbance of natural resources and uses of other adjacent zoning districts.
2. Establish requirements to increase park, recreational, and open space compatibility with the suburban and open space character of the Town as set forth in the Town of Saukville Comprehensive Plan.
3. Require increased compatibility with a rural character as set forth in the Town of Saukville Comprehensive Plan and other area or bulk regulations.
4. Be served by on-site soil absorption sewage disposal systems and private wells.

E. SG NON-METALLIC MINING DISTRICT

The SG Non-Metallic Mining District is intended to:

1. Provide for the conduct of non-metallic mining extraction operations without blasting or crushing operations.
2. Provide for the proper restoration of extractive areas in the Town in a way that will not deteriorate the natural environment.
3. Be used exclusively in non-metallic mining extraction areas of the Town existing at the time of adoption of this Chapter and shall not be used to accommodate new non-metallic mining extraction sites not contiguous to such existing operations at the time of adoption of this Chapter.
4. Minimize the potential adverse effects non-metallic mining extraction may have on the surrounding area.
5. Be used in locations where the relationship to surrounding land use would create fewer problems of land use incompatibility.
6. Not to abut any residential zoning districts or residential portion of a previously Town-approved "Open Space Subdivision".
7. Be served by an Ozaukee County approved on-site system, with a holding tank being only an option if conventional systems are not feasible.

SECTION 06.02

NON-RESIDENTIAL ZONING DISTRICTS – PERMITTED, ACCESSORY, AND CONDITIONAL USES

Permitted, Accessory, and Conditional Uses for all the Nonresidential Zoning Districts are presented in Table 6-2. The table lists specific land uses and use groups.

A. Table 6-2 uses the following symbols:

1. The symbol "P" shall mean that the principal use is permitted in that zoning district by right.
2. The symbol "C" shall mean that the principal use is permitted in that zoning district only after first obtaining a Conditional Use permit.
3. A blank square assumes that the use is not allowed in that zoning district.

B. Uses Not Listed

1. Uses not listed as a Permitted or Conditional Use in Table 6-2 are not allowed. The Plan Commission may determine that an unlisted use is permitted as a conditional use if sufficiently similar in nature and impact to a listed permitted use or a conditional use. The Plan Commission may refer to any of the following factors as guidance in making this determination:
 - a. Whether the use has similar visual, traffic, environmental and similar impacts as an expressly listed use. The Plan Commission may refer to empirical studies or generally accepted planning or engineering sources in making this determination.
2. The burden is on the applicant to establish that the use is similar to the expressly listed use. The applicant shall submit all proofs or verification that show that the proposed use is similar to another permitted or conditional use and could be allowed.

3. The Plan Commission shall initially determine if a proposed use is similar to another permitted or conditional use in the district and could be allowed.
4. If the Plan Commission determines that the proposed use is deemed sufficiently similar in nature and impact to a permitted use or a conditional use, the applicant shall submit an application for a Conditional Use Permit.

C. Use Groups

1. Use Groups are utilized in the Use Tables to avoid lengthy lists of uses. Uses are grouped which have similar functional characteristics and/or nuisance impacts.

**Table 6-2
NON-RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

LAND USES	ZONING DISTRICTS					Related sections
	B-1	M-1	I-1	P-1	SG	
Agriculture Primary Uses						
Crop Production Use Activity Group					P	
Animal Production and Aquaculture, excluding Concentrate Animal Feeding Operations					P	
Support Activities for Agriculture and Forestry					P	
Hunting and Trapping					P	
Mining, Utility, Public and Institutional Primary Uses						
Non-Metallic Mining					C	16.65
Utilities and Essential Services Uses						
Electric Generating Facility (Large Scale)	C	C			C	16.36
Electric Generating Facility (Small Scale)	C	C	C		C	16.37
Solar Collection/Solar Energy System	C	C	C	C	C	16.76
Utility, Major	C	C				16.82
Utility, Minor	P	P	P	P	P	16.83
Commercial Communication Towers and Antennas	C	C	C		C	16.20
Radio and Television Broadcast Studio		C				16.58
Small Wind Energy Systems	C	C	C	C	C	16.75
Septic Tank and Related Services		C				16.72
Building, Developing and General Contracting Uses						
Offices and Indoor Storage Facilities	P					
Offices Including Indoor Storage and Light fabrication work	P	P				
Contractors Yards and Outdoor Storage	P					
Specialty Trades Uses						
Indoor facilities only	P					
Outdoor facilities	P					
Manufacturing Uses						
333249	Other Industrial Machinery Manufacturing		P			
323114	Quick Printing	C				16.57
333299	All Other Industrial Machinery Manufacturing		P			
3335	Metalworking Machinery Manufacturing		P			
3339	Other General-Purpose Machinery Manufacturing		P			
3341	Computer and Electronic Product Manufacturing		P			
33633	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing		P			
339	General Manufacturing		P			

**Table 6-2
NON-RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

**Table 6-2
NON-RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

LAND USES		ZONING DISTRICTS					Related Area
		B-1	M-1	I-1	P-1	SG	
31212	Breweries	C	C				16.85
31213	Wineries	C	C				16.85
General Retail Uses		C					16.44
Banking, Financial, Insurance and Credit Union Uses		P					
Data Processing/ Other Information Services Uses		P					
Real Estate and Rental and Leasing Uses							
Real Estate Uses		P					
Self-Storage Unit		C					16.68
Automotive Rental and Leasing		C					16.12
Consumer Goods Rental		P					
Professional, Scientific and Technical Services Uses		P					
Management of Companies and Enterprises Uses							
551111	Offices of Bank Holding Companies	P					
5511112	Offices of Other Holding Companies	P					
56111	Office Administrative Services	P					
56141	Document Preparation Services	P					
561422	Telemarketing	P					
561421	Telephone Answering Services	P					
561431	Private Mail Centers	P	P				
56144	Collection Agencies	P					
56145	Credit Bureaus	P					
561492	Court Reporting and Stenotype Services	P					
561499	All Other Business Support Services	P					
561611	Investigation Services	P					
56162	Security Systems Services	P	P				
5617	Services to Buildings and Dwellings	P	P				
Administrative and Support Services Uses		P					
Educational Services Use Group							
Elementary and Secondary Schools				P			
Other Schools and Instruction				P	C		16.66
Historical Sites		P	P	P	P	P	
Golf Courses and Country Clubs					C		16.45
Recreational Sports and Fitness Centers		C		C	C		16.60
Health Care and Social Assistance Facilities Use Groups							

**Table 6-2
NON-RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

Ambulatory (Outpatient) Health Care Services	C					16.04
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**Table 6-2
NON-RESIDENTIAL ZONING DISTRICTS
Permitted, Conditional Uses**

LAND USES	ZONING DISTRICTS					Related
	B-1	M-1	I-1	P-1	SG	

Accommodation Uses

Facility, Nursing	C					16.41
Day Care Services	P					

Food Service and Drinking Places

Bed and Breakfast Inn	P					16.10
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Automobile/Vehicle Repair and Maintenance Use Groups

Food Service and Drinking Places	C					16.43
Automobile Service Station	C					16.09
Automobile/Vehicle Repair Shops – Principal Use						16.08
Automobile/Vehicle Wash – Principal Use						16.11

Laundry Service Uses

Laundry Service Uses	C					16.51
Religious, Grantmaking, Civic, Professional, and Similar Organizations Use Group	P			P		

Public Administration Use Group

Parks and Open Space Uses

Public Administration Use Group			P			
Recreational Trails (non-motorized to include walking, jogging, hiking, bicycle, equestrian, skiing)	P	P	P	P	P	
Athletic Fields			P	P		
Boat Access Sites				P		
Ice Skating (outdoor)				P		
Nature Areas (not including individual platted residential)	P	P	P	P	P	
Wildlife Sanctuaries	C	C	C	C		16.84
Historic Monuments or Sites	P	P	P	P	P	

Other Uses

Churches and Other Religious Institutions	P		P	P		16.19
Library	C		C	C		16.52
Museum	C		C	C		16.53

Table 6-2 NON-RESIDENTIAL ZONING DISTRICTS Permitted, Conditional Uses						
Community Assembly Places (indoor, less than 100)	P		P	P		
Community Assembly Places (indoor, more than 100)	C		C	C		16.22
Table 6-2 NON-RESIDENTIAL ZONING DISTRICTS Permitted, Conditional Uses						
LAND USES	ZONING DISTRICTS					Related
	B-1	M-1	I-1	P-1	SG	
Rural Event Facility	C					16.64
Accessory to Primary Non-Residential Uses						
Accessory Uses, General (Requirements depend on the Principal Use and the Accessory Use Proposed)	P/C	P/C	P/C	P/C	P/C	15
Automotive Rental Services Accessory to Certain Retail	C					16.12
Automobile/Vehicle Wash	C					16.11
Caretaker Unit	C	C	C			16.17
Crematories, Human or Animal	C					16.28
Drive-Through Facility	C					16.29
Outdoor Seating or Entertainment Accessory to an Eating/Dining Establishment	C					16.61
Outdoor Retail Sales and Display	C		C	C		16.55
Outdoor Storage, General	C	C	C			16.56
Outdoor Storage, Limited	C	C	C			16.56
Seasonal Sales	C		C	C		16.69
Recreation Facility Accessory to a Church or Other Place of Worship	C		C			16.19
Day Care or School Accessory to a Church or Other Place of Worship	C		C			16.19
Other						
Building, Moving	C	C	C	C	C	16.16
Fences	P	P	P	P	P	16.40
Zoning District Columns Legend: Permitted Use = P, Conditional Use Permit Required = C, Not Permitted = Blank						

**SECTION 06.03
NON-RESIDENTIAL ZONING DISTRICTS – DEVELOPMENT REGULATIONS**

Table 6-3 through Table 6-7 prescribes development regulations for each of the Nonresidential Districts.

Table 6-3 B-1 COMMUNITY BUSINESS DISTRICT	
	
Landscape Surface Ratio and Floor Area Ratio	
Minimum Landscape Surface Ratio (LSR)	0.40
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.32
Maximum Net Floor Area Ratio (NFAR)	0.54
Lot Dimensional Requirements	
Minimum Lot Area - new lots or parcels	5 acres
Minimum Lot Area - existing lots of record	40,000 square feet
Minimum Lot Width at Setback Line	250 feet
Minimum Front Yard	25 feet
Minimum Side Yard	10 feet
Minimum Side Yard on Corner Lot	25 feet
Minimum Rear Yard	20 feet
Minimum Shore Yard	75 feet
Maximum Building Height	
Principal Structure	35 feet
Accessory Structure	25 feet
<p>For new construction, no off-street parking area or drive (except for a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersection public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than five feet from any side or rear lot line.</p>	

**Table 6-4
M-1 LIGHT MANUFACTURING DISTRICT**



Landscape Surface Ratio and Floor Area Ratio

Minimum Landscape Surface Ratio (LSR)	0.40
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.40
Maximum Net Floor Area Ratio (NFAR)	0.66

Lot Dimensional Requirements

Minimum Lot Area	5 acres
Minimum Lot Width at Setback Line	250 feet
Minimum Front Yard	45 feet
Minimum Side Yard	30 feet
Minimum Side Yard on Corner Lot	40 feet
Minimum Rear Yard	100 feet
Minimum Shore Yard	75 feet

Maximum Building Height

Principal Structure	35 feet
Accessory Structure	25 feet

For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.89 and the maximum net floor area ratio (NFAR) shall be 1.48

**Table 6-5
I-1 INSTITUTIONAL DISTRICT**



Landscape Surface Ratio and Floor Area Ratio

Minimum Landscape Surface Ratio (LSR)	0.40
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.32
Maximum Net Floor Area Ratio (NFAR)	0.54

Lot Dimensional Requirements

Minimum Lot Area for new lots or parcels	5 acres
Minimum Lot Area for existing lots of record	40,000 square feet
Minimum Lot Width at Setback Line	250 feet
Minimum Front Yard	30 feet
Minimum Side Yard	10 feet
Minimum Side Yard on Corner Lot	25 feet
Minimum Rear Yard	30 feet
Minimum Shore Yard	75 feet

Maximum Building Height

Principal Structure	35 feet
Accessory Structure	25 feet

For new construction, no off-street parking area or drive (except for a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersection public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than five feet from any side or rear lot line.

**Table 6-6
P-1 PARK AND RECREATION DISTRICT**



Landscape Surface Ratio and Floor Area Ratio

Minimum Landscape Surface Ratio (LSR)	0.60
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	0.60
Maximum Gross Floor Area Ratio (GFAR)	0.30
Maximum Net Floor Area Ratio (NFAR)	0.60

Lot Dimensional Requirements

Minimum Lot Area for new lots or parcels	5 acres
Minimum Lot Width at Setback Line	100 feet
Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Side Yard on Corner Lot	50 feet
Minimum Rear Yard	50 feet
Minimum Shore Yard	75 feet

Maximum Building Height

Principal Structure	35 feet
Accessory Structures	25 feet

For new construction, no off-street parking area or drive (except for a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersection public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than five feet from any side or rear lot line.

**Table 6-7
SG NON-METALLIC MINING DISTRICT**

Landscape Surface Ratio and Floor Area Ratio	
Minimum Landscape Surface Ratio (LSR)	0.50
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	No Mitigation Allowed
Maximum Gross Floor Area Ratio (GFAR)	0.37
Maximum Net Floor Area Ratio (NFAR)	0.74
Lot Dimensional Requirements	
Minimum Lot Area – all quarrying/extractive uses	10 acres
Minimum Lot Area – all other uses except non-metallic mining and extraction uses	20,000 square feet
Minimum Lot Width at Setback Line – all quarrying/extractive uses	330 feet
Minimum Lot Width at Setback Line – all other uses except non-metallic mining and extraction uses	100 feet
Minimum Front Yard	-
Minimum Side Yard	-
Minimum Side Yard on Corner Lot	-
Minimum Rear Yard	-
Minimum Shore Yard	75 feet
Maximum Building Height	
Principal Structure	35 feet
Accessory Structure	100 feet

SECTION 07

OVERLAY DISTRICTS

In addition to the base zoning districts, the Official Zoning Map includes several overlay zoning districts. Standards governing development in an overlay zoning district shall apply in addition to the underlying base zoning district. If the regulations governing an overlay district conflict with those governing an underlying base zoning district, the regulations governing the overlay district shall control. If the land is classified with multiple overlay districts, the more restrictive regulations shall control. The specific purposes of each overlay district are as follows:

Table 7-1 OVERLAY ZONING DISTRICTS	
SW	Shoreland-Wetland District
R-R	Recreational-Residential District
GP	General Purpose District
FW	Floodway District
FF	Flood Fringe District
GFP	General Floodplain District

SECTION 07.01 RESERVED FOR FUTURE USE

SECTION 07.02 SW SHORELAND-WETLAND DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.

SECTION 07.03 R-R RECREATIONAL-RESIDENTIAL DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.

SECTION 07.04 GP GENERAL PURPOSE DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.

SECTION 07.05 FW FLOODWAY DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.

SECTION 07.06 FF FLOOD FRINGE DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.

SECTION 07.07 GFP GENERAL FLOODPLAIN DISTRICT

See the Ozaukee County Code of Ordinances for all regulations.



ZONING CHAPTER

Part 3

REGULATIONS APPLYING TO MULTIPLE DISTRICTS

SECTIONS

SECTION 08	GENERAL STANDARDS
SECTION 09	ACCESS
SECTION 10	OFF-STREET PARKING AND LOADING
SECTION 11	REQUIRED LANDSCAPING
SECTION 12	LIGHTING REGULATIONS
SECTION 13	OTHER SITE REGULATIONS
SECTION 14	NONCONFORMITIES

SECTION 08 GENERAL STANDARDS

SECTION 08.01 USE AND BULK REGULATIONS

- A. **Use.** No building, structure, or land shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations specified for the district in which it is located.
- B. **Bulk.** All new buildings and structures shall conform to the building regulations established for the district in which each building is located except for chimneys, cooling towers, elevators, bulkheads, fire towers, stacks, or other mechanical accessory items deemed necessary by the Plan Commission, which shall be permitted to exceed the maximum height provisions when erected based on approval by the Plan Commission.

SECTION 08.02 LOT COVERAGE

All new buildings, structures, and off-street parking and loading areas shall conform to the various lot coverage regulations set forth in this Chapter.

- A. **Maintenance of Minimum Dimensional Requirements of Yards, Courts, and Other Open Spaces.** The maintenance of yards, courts, and other open space and minimum lot area required under the provisions of this Chapter for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.
- B. **Division of Zoning Lots.** No improved zoning lot shall be divided into two or more zoning lots unless all improved zoning lots resulting from each division conform with all the applicable bulk and dimensional regulations of the zoning district in which the property is located.
- C. **Location of Required Open Space.** All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.
- D. **Required Yards for Existing Buildings.** No yards, now or hereafter provided for an existing building, shall subsequently be reduced below, or further reduced below if already less than the minimum yard requirements of the district in which it is located.
- E. **Permitted Encroachments in Required Yards.** See Section 28.

SECTION 08.03 YARDS, GENERAL

Base setback lines are hereby established for all streets and highways in the Town of Saukville as follows, unless otherwise specified by action of the Town Board. On all streets or highways for which the ultimate width has been established by the Town of Saukville Comprehensive Plan, the Town of Saukville Official Map, or subsequent amendments thereto to those documents, the base setback line shall be located at the established ultimate street and/or highway right-of-way

line as prescribed by this Chapter. If road right-of-way is not present, the base setback line will be a line 33' from the centerline of the pavement surface that runs parallel to the roadway. Required setbacks shall be measured from the base setback line. See Figure 9-1.

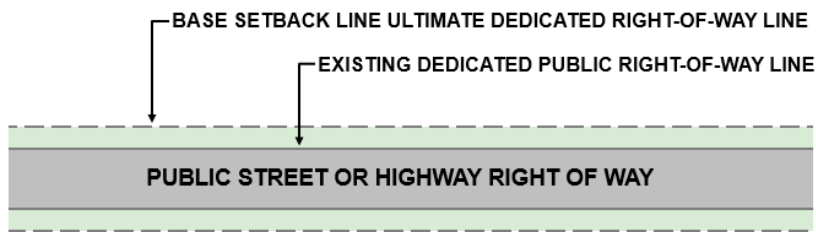


Figure 9-1
Setback from ultimate street and highway right-of-way line

SECTION 08.04
LOT AREA AND DIMENSION

The following shall apply to lots of record existing at the time of the adoption of this Chapter:

- A. Contiguous Parcels.** When two or more parcels of land, any of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the zoning district in which they are located, are contiguous and are held under one ownership, they shall be used as one zoning lot.
- B. Lots or Parcels of Land of Record.** Any single lot or parcel of land, held in one ownership, which is a lot of record and does not meet the requirements for minimum lot width and area, may be used for a permitted use if yards, courts, or usable open spaces are not less than 75 percent of the minimum required dimensions or areas as required by this Chapter.

SECTION 08.05
NUMBER OF BUILDINGS ON A ZONING LOT

A maximum of one dwelling shall be located, erected, or moved onto a lot in the A-1, A-2, A-4, A-5, R-1, R-2, or R-3 Zoning Districts. More than one non-dwelling principal building may be located, erected, or moved onto a lot in the A-1 or A-2 Zoning Districts provided other requirements of this Chapter are met. The Plan Commission may permit more than one principal building per lot in the nonresidential zoning districts where more than one principal building is needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.

SECTION 08.06
REDUCTION OR JOINT USE

No lot, yard, off-street parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use not otherwise authorized by this Chapter.

SECTION 08.07 EASEMENTS

- A. Natural Resource Features Protection/Mitigation, Conservation, Landscape Bufferyard, and Utility Easements Required.** The Plan Commission shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and/or utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape bufferyards, electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.
- B. Site Traversed by Watercourse, Drainageway Channel, or Stream**
1. Where a site is traversed by a watercourse, drainage way, channel, or stream, an adequate drainage way or easement shall be provided as may be required by the Town Engineer or Plan Commission. The location, width, alignment, and improvement of such drainage way or easement shall be subject to the approval of the Plan Commission, and parallel streets or parkways may be required in connection therewith.
 2. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate 100-year recurrence interval storm flows. These design details are subject to review and approval by the Town Engineer or Plan Commission.
- C. Minimum Width Required for All Utility Easements.** All utility easements shall be a minimum of 12 feet in width where recommended by the Town Engineer or Plan Commission.
- D. Shared Driveway Easements.** Refer to 09(B)(2).

SECTION 08.08 STORMWATER MANAGEMENT PLAN REQUIRED

- A. Stormwater Management Plan Required**
1. Stormwater drainage facilities shall be required which are adequate to serve the development. Such stormwater drainage facilities shall be in conformance with any federal, state, county, or local codes regarding stormwater management, applicable comprehensive plans, or as required by the Town of Saukville based upon recommendation of the Town Engineer or Plan Commission.
 2. Stormwater drainage facilities may include, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.
- B. Contents of Stormwater Management Plan.** A stormwater management plan shall be prepared by a licensed, professional engineer and shall include, but not be limited to, the following:

1. Existing and proposed topography at two-foot contour intervals of the proposed development.
2. Proposed elevations of all streets, internal sidewalks, drives, and off-street parking areas.
3. Proposed drainage swales.
4. Proposed storm sewers, manholes, and inlets.
5. Construction site erosion facilities.
6. A report and map(s) showing the drainage basin for the entire area where the development is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed development.
7. Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
8. Calculations relating to the amount of runoff from the site of the proposed development before development and anticipated runoff following the development of the site.

C. Drainage Facilities.

1. Stormwater drainage facilities shall, if required by the Town Engineer or Plan Commission, include stormwater detention and/or retention basins, structures, and settling basins necessary to prevent erosion and sedimentation where such facilities discharge into streams or lakes.
2. The design criteria, the size, type, grades, and installation of all stormwater drains and sewers and other cross-section, invert and erosion control, paving, check dams, flumes, or other energy dissipating structures, seeding, and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be according to the plans and standard specifications approved by the Town, including the Town's "Standards and Specifications for Development."
3. Existing drainage systems such as drain tile should be protected, maintaining all existing paths of drainage

SECTION 09 ACCESS

SECTION 09.01

ACCESS TO PUBLIC STREETS AND PRIVATE ACCESS EASEMENTS

- A. Access to Public Street Rights-of-Way.** Except as otherwise provided for herein, every building shall be constructed or erected upon a lot or parcel of land that abuts no less than 75 feet upon a dedicated public street right-of-way.
- B. Private Access Easements and Access Reservations.** – Subject to the approval of the Plan Commission, a building may be permitted on a parcel of land which does not abut on a public street right-of-way provided that:
1. The parcel of land is located within any agricultural district.
 2. Has access by permanent private access easement or access reservation of a minimum width of at least 66 feet in width to a public street right-of-way.
 3. The private access easement or access reservation location does not conflict with Town plans for the future development of street in the area
 4. No more than three dwelling units, parcels, or lots may provide access by such shared private access easement or access reservation.
 5. The Plan Commission may require that a permanent maintenance agreement be established for the maintenance of said private access easement or access reservation and that such agreement be filed with the Ozaukee County Register of Deeds as a restriction and protective covenant on each parcel involved.

SECTION 09.02

ACCESS TO PUBLIC STREETS

This Section sets forth vehicular access requirements for proposed site plans for developments which abut arterial, collector, or minor streets. This Chapter recognizes that public streets are a public investment that requires control mechanisms to assure both public safety and functional capacity. Proposed development for residential and nonresidential uses shall meet the following requirements:

- A. Access Standards for All Residential and Nonresidential Uses.** All proposed site plans proposed shall meet the following standards:
- 1. Controlled Access to Public Streets.** Lot and parcel vehicular access points shall be permitted only at locations according to this Chapter and other Town of Saukville adopted plans and ordinances. The Plan Commission may limit vehicular access to any adjoining arterial, collector, or minor street.
 - 2. Distance Between Vehicular Access Points.** The spacing of vehicular access points from arterial streets and highways to lots and parcels created after the effective date of this Chapter shall be determined as a function of arterial street and highway operating speeds. The minimum spacing between vehicular access points along such streets or highways, to the extent deemed practicable by the Plan Commission, shall be determined according to Table 9-1. This spacing is based upon average vehicle acceleration and deceleration rates and is considered necessary to maintain safe traffic operation.

Table 9-1 ARTERIAL STREET AND HIGHWAY OPERATING SPEED AND MINIMUM SPACING BETWEEN DIRECT VEHICULAR ACCESS POINTS	
Street/Highway Speed Limit (miles per hour)	Minimum Driveway Spacing Measured at the Street Right-of-Way Line (feet)
25	105
30	125
35	150
40	185
45	230
50	275
Cul-de-sac	75

3. **Limitation of Access to Interstate, United States, State Trunk, and County Highways.** No new direct vehicular access shall be allowed to interstate, United States, state trunk, and county trunk highway public rights-of-way unless approved by the Wisconsin Department of Transportation, Ozaukee County, and the Plan Commission.

4. **Temporary Access.**
 - a. **Town Roads.** On Town roads, the Town Board may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.
 - b. **County Streets and Highways.** Temporary access to Ozaukee County street and highway rights-of-way is reviewed and may be approved by the Ozaukee County Highway Department. It is the applicant's responsibility to obtain all necessary approvals from the Ozaukee County Highway Department for all such temporary access points proposed before site plan approval by the Town.
 - c. **State Highways.** Temporary accesses to State highway rights-of-way are reviewed and may be approved by the Wisconsin Department of Transportation. It is the applicant's responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed before site plan approval by the Town.

5. **Vehicular Nonaccess Reservations Required.** The Plan Commission may require deed restrictions to be placed on a lot or parcel for which a site plan is proposed to limit vehicular access to abutting arterial, collector, or minor streets and highways. A landscaped bufferyard of an adequate bufferyard intensity level, as determined by the Plan Commission or by Section 10, shall be provided in vehicular nonaccess reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular nonaccess reservations shall be graphically so noted on site plans or as a formal deed restriction

formally filed with the Ozaukee County Register of Deeds before final approval by the Town.

6. Arterial Street and Highway Access and Street Intersections:

No new direct public or private access shall be permitted to an arterial street or highway within 250 feet of the intersection of the right-of-way lines of another arterial street or highway.

7. Minor Streets and Vehicular Access Point Alignments. Minor streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed to improve safety conditions related to access to the street system.

8. Sight Distance and Driveway Placement. Direct vehicular access placement on an abutting collector, arterial street, or highway shall be such that an exiting vehicle has a minimum unobstructed sight distance according to Table 9-2 based upon the operating design speed of the abutting collector or arterial street or highway.

Table 9-2 HIGHWAY DESIGN SPEED AND MINIMUM REQUIRED SIGHT DISTANCE FOR DIRECT VEHICULAR ACCESS POINT PLACEMENT	
Highway Design Speed (miles per hour)	Minimum Sight Distance (feet)
30	200
35	225
40	275
45	325
50	350

B. Access Standards for Nonresidential Districts. All site plans proposed for nonresidential zoning districts shall meet the following standards:

1. **Maximum Number of Vehicular Access Points Per Lot.** Generally, along arterial streets and highways (including lots that abut the frontage roads of said rights-of-way), where the abutting street frontage is less than 350 feet, a maximum of one vehicular access point shall be permitted to a particular lot from each of any one or two abutting arterial streets and highways. One additional driveway entrance along a single continuous lot with frontage greater than 400 feet may be permitted by the Plan Commission. When a shared vehicular access point is used by two or more abutting lots, said shared vehicular access point shall be considered as one single vehicular access point for each lot or parcel served.

2. **Provision of Shared Vehicular Access Points Between Lots.** Vehicular access points planned to be located along property lines, or within five feet of a property line, shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two lots or parcels of land or may be a mutually agreed upon land access easement.

- C. **Street Excavation and Openings.** See other Town of Saukville ordinances as applicable.

**SECTION 09.03
HIGHWAY ACCESS**

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

**SECTION 09.04
RESERVED FOR FUTURE USE**

SECTION 09.05

BUILDING SETBACK REQUIREMENTS ALONG ARTERIAL STREETS AND HIGHWAYS.

Table 9-3 sets forth the minimum required building setbacks for lots or parcels that abut the indicated arterial streets and highways.

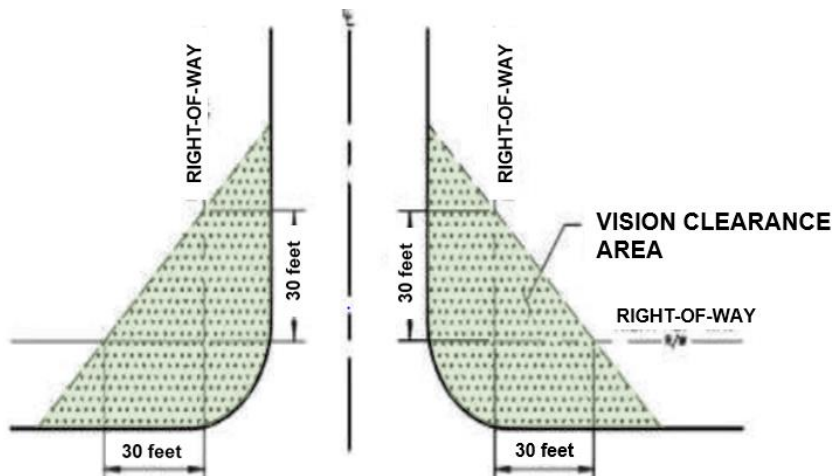
Total 9-3 REQUIRED INCREASED BUILDING SETBACKS ALONG ARTERIAL STREETS AND HIGHWAYS	
Types of Arterial Street or Highway by Jurisdiction	Minimum Required Setback from Ultimate Arterial Street or Highway Right-of-Way Line (a)
US Highways	75
State Trunk Highways	75
County Trunk Highways	60
Locally Designated Arterial Streets and Highways	60
(a) Based upon the distance from the ultimate right-of-way width established by the adopted County jurisdictional highway plan.	

**SECTION 09.06
DRIVEWAYS**

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

- A. **Islands.** In all nonresidential districts, islands between driveway openings shall be provided with a minimum of 12 feet between all driveways and six feet from all lot lines.
- B. **Openings.** All openings for vehicular ingress and egress shall not exceed 24 feet.

**SECTION 09.07
VISION TRIANGLE**



**Figure 9-1
Vision
Triangle**

- A. No Obstructions Permitted.** Vision triangles are a triangular-shaped portion of land established at street intersections or driveways in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the view between a height of four feet and ten feet above the centerline grade of the intersecting streets , in the area bounded by the street lines of the corner lots and a line joining points along the street thirty (30) feet from the point of the intersection of any public way or public or private corner lot. See Figure 9-1.
- B. Corner Cut-Off Distances for Intersecting Arterial and/or Collector Streets.** In the case of arterial and/or collector streets intersecting with other arterial and/or collector streets, the corner cut-off distances establishing the triangular vision clearance space shall be increased to 50 feet. Said 50 feet shall be as measured from the two intersecting street rights-of-way lines and a line joining the two points on such lines. No visual obstructions, such as structures, parking, or vegetation, shall be permitted in any such triangular vision clearance space.

SECTION 10 OFF-STREET PARKING AND LOADING

SECTION 10.01

PURPOSE

The purpose of this Section is to provide development standards to ensure the following:

- A. Adequate off-street vehicle and bicycle parking and loading facilities are provided for new development and major alterations to existing development;
- B. Minimize the negative environmental impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- C. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations and for shared parking facilities; and
- D. All listed conditional uses must comply with the requirements of this section prior to approval and the issuance of a conditional use permit

SECTION 10.02

APPLICABILITY

- A. **New Buildings and Land Uses.** On-site parking must be provided at the time any main building or structure is erected, when there is any new or expanded land use, or when a change in an existing land use occurs.
- B. **Reconstruction, Expansion, or Change of Use in Existing Non-Residential Buildings.** When a change of use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, additional on-site parking division and loading must be provided for such addition, enlargement, or change in use and not for the entire building or site. The existing parking must be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use, unless the new occupant is in a different use classification than the former occupant.
- C. **Alterations that Increase the Number of Dwelling Units.** Except in the case of Accessory Dwelling Units (ADUs), the creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires on-site parking to serve the new dwelling units, either through existing or through new parking spaces.
- D. **When Constructed.** Construction of required parking facilities must be completed and the spaces available for use before a Certificate of Occupancy may be issued.
- E. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number of parking spaces and loading facilities maintained at the time of such damage or destruction.

**SECTION 10.03
EXISTING PARKING AND LOADING**

- A. Existing Parking and Loading.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location, or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
 - 1. No property owner may sublease, sub-rent, or otherwise encumber the required off-street parking spaces, unless specifically allowed pursuant to this Section.
 - 2. Existing off-street parking spaces that are not required for the development on site may be used for other uses pursuant to this Section.
 - 3. Required off-street parking must not be used for storage or other non-parking related uses.
- B. Nonconforming Parking or Loading**
 - 1. An existing use of land or structure will not be deemed to be nonconforming solely because of lack of on-site parking or loading facilities required by this Chapter, provided that facilities used for on-site parking and/or loading are not reduced further in number.
 - 2. Any resurfacing and/or restriping of parking areas may remain nonconforming, provided there is not an increase in the nonconforming parking or loading.
- C. Accessibility.** Required parking for non-residential uses must be accessible during all business hours.
- D. Valet Parking.** Valet, or “stacked” parking is allowed if an attendant is present to move vehicles. If valet parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Plan Commission or its designee ensuring that an attendant will be present when necessary for operation.
- E. Residential Garage Conversion.** The conversion of residential garages into additional living space for the primary unit is allowed only if an equivalent number of permanent, covered off-street parking spaces will be provided on site.
- F. Commercial Vehicle Parking.** Parking of more than one commercial vehicle in any residential or agricultural district is prohibited.
 - 1. This requirement shall not be interpreted to apply to agriculturally-related vehicles.
 - 2. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any agricultural or residential district.

**SECTION 10.04
OFF-STREET PARKING SPACE AND ON-SITE QUEUING REQUIREMENTS FOR USE TYPES**

- A. Minimum Number of Off-Street Parking Spaces and On-Site Queuing Required for Uses.** The minimum number of off-street parking spaces accessory to designated uses (except for a specific use that has a special ordinance with requirements for off-street parking in which event the special ordinance shall apply; such as a condition of the granting of a Conditional Use Permit) shall be provided as set forth in Table 10-1. Calculations resulting in fractional numbers of off-street parking and/or queuing spaces required shall be rounded to the next higher whole number.

In all districts no vacant land shall be occupied or used, and no building shall be erected, enlarged, extended, or increased, or used including, but not limited to, use by a new use or changed use, until and in connection with every use, there shall be provided off-street parking stalls for all vehicles according to the following:

- A. Adequate Access and Drive Widths.** The following shall apply:
1. Adequate access to a public street shall be provided for each parking space.
 2. Each required off-street parking space shall open directly onto an aisle or driveway that is wide enough to provide safe and efficient means of vehicular access to the parking space.
 3. Driveways providing access to a public street shall be a minimum of 12 feet in width for one- and two-family residential dwellings, and a minimum of 24 feet wide for all other uses.
 4. Except for one- and two-family residential dwellings, one-way drives providing access to a public street shall be a minimum of 14 feet in width.

Table 10-1 OFF-STREET PARKING & ON-SITE QUEUING REQUIREMENTS FOR USE TYPES	
Use	Required Off-Street Parking Spaces and Other Requirements
Agricultural Uses	
Agriculture	None
Nurseries	2 spaces per 1,000 sq. ft. plus 1 space per 4,000 sq. ft. of outdoor display area or portion thereof, plus 1 for each company vehicle plus 1 for each employee
Residential Uses	
Single-Family Detached Dwelling Structure	2 spaces per D.U. One minimum two-stall attached garage for each single-family dwelling on a parcel of land less than one acre in area, said garage may be detached if parcel of land is one acre or more.
Two-Family Dwelling Structure	2 spaces per D.U. One, two-stall attached garage per structure.
Congregate Housing	1 space per bedroom
Outdoor Recreational Uses	
Basketball Court	5 spaces per basket
Camps, Day or Youth	1 space per employee
Golf Course	3 spaces per hole, plus any required for other uses which are a part of the facility
Golf Driving Range or Firing Range	1 space per 10 linear ft. of driving or firing line plus 1 space per employee
Playing Fields	1 space per 4,000 sq. ft. of outdoor playfield area or portion thereof, plus 1 space per acre of passive recreation area
Riding Arenas, Equestrian Centers, or Public Stables	1 space per 4 equestrian stalls, plus 1 space per 2,000 sq. ft. of riding area or portion thereof, plus 1 per employee
Riding Stables	1 space per employee, plus 1 space per 4 equestrian stalls or portion thereof
Skating Rink	6 spaces per 1,000 sq. ft. of rink area or portion thereof, plus additional parking spaces as may be required by buildings or areas used for other purposes
Tennis Courts	2 spaces per court
All Others	1 space per 10,000 sq. ft. or portion thereof

Table 10-1 (continued)	
OFF-STREET PARKING & ON-SITE QUEUING REQUIREMENTS FOR USE TYPES	
Use	Required Off-Street Parking Spaces and Other Requirements
Institutional Uses, Indoor	
Religious Institution	0.25 space per seat if seats are fixed, or 0.25 space per 20 lineal inches of seating, or 1 space per 30 sq. ft. of floor area or portion thereof used for seating in the main sanctuary, whichever is greater. Queuing Space - Six on-site
Commercial Uses, Office	
General, including Government Offices	3.3 spaces per 1,000 sq. ft.
Medical	10 spaces per 1,000 sq. ft. plus 1 space per each practitioner and/or employee Queuing Space - Six on-site
Commercial Uses, Retail	
Miscellaneous Freestanding Retail Stores	
Commercial Uses, Heavy Retail/Service	
Vehicle Repair Shop (without Dispensing Gasoline)	4 spaces per service bay
Commercial Uses, Bars or Restaurants	
Bars or Taverns	10 spaces per 1,000 sq. ft. or 1 space per 2 seats or stools, plus 1 space per employee, whichever is greater
General Restaurant	20 spaces per 1,000 sq. ft.
Home Uses	
Home Occupations or Home Businesses	As required per type of D.U. plus 1 space for any- allowed business vehicle
Day Care, Home (In Residential Structure)	As required per type of dwelling unit. plus 1 space for picking -up and dropping off children
Light Industrial Uses	
Light Industry	2 spaces per 1,000 sq. ft.
Contractor Shop	1 space per 1,000 sq. ft. plus 1 space per company vehicle
Warehouse	0.5 spaces per 1,000 sq. ft or 1 space per employee, whichever is greater, plus 1 space for each company vehicle stored on the premises
Mini warehouses	1 space per employee, plus 1 space per 10 storage units or portion thereof
Industrial Uses: Non-Metallic Mining	
Extraction or Disposal	1 space per employee

Table 10-1 (continued)	
OFF-STREET PARKING & ON-SITE QUEUING REQUIREMENTS FOR USE TYPES	
Commercial Communication Towers and Antennas	1 space per employee
Uses	
Christmas Tree Sales	1 space per 1,000 sq. ft outdoor sales and display area or portion thereof, plus 1 per employee (may not be paved)
Contractor's Construction- Site Office	10 spaces per 1,000 sq. ft. Note.: May not be paved
Public Interest Events	1 space per 3 attenders (may not be paved)
Special Event	1 space per 3 attenders (may not be paved)
Real Estate Sales Office	3.3 spaces per 1,000 sq. ft. (shall be paved)
Farm Stand	5 spaces per 1,000 sq. ft. plus 1 space per 1,000 sq. ft of outdoor sales and display area or portion thereof, plus 1 space per employee (may not be paved)

B. Minimum Parking Space Size.

The size of each parking space shall be not less than 10' x 20', exclusive of the space required for ingress and egress.

C. Minimum Required Parking Lot Setbacks and Screening/Landscaping.

1. **General** Any building hereafter erected or structurally altered shall be provided with off-street parking spaces within the property line limits of the property being served, or within the limits of a common parking lot serving one or more buildings, and in no case closer than 10 feet to the base setback line including front yard, side yard, and rear yard nor constructed within any required front yard setback area in all nonresidential zoning districts.
2. **Minimum Screening and Landscaping Requirements to be Met When Off-Street Parking Areas Abut the A-4, A-5, R-1, R-2, and R-3 Districts.** All off-street parking areas, except in the A-4, A-5, R-1, R-2, and R-3 Districts, shall be screened and maintained at the base setback from any abutting A-4, A-5, R-1, R-2, or R-3 Districts pursuant to the bufferyard and landscape requirements set forth in Section 10. All screening and plant materials shall be a minimum of six feet in height at the time of installation.
3. **Minimum Off-Street Parking Setback When the A-4, A-5, R-1, R-2, or R-3 Districts Abut** In the A-4, A-5, R-1, R-2, or R-3 Districts, no parking stall or driveway shall be closer than six feet to a side lot line of an abutting A-4, A-5, R-1, R-2, or R-3 Districts except where the Zoning Board of Appeals grants a variance.
4. **Minimum Distance of Truck Parking from Any Residential Zoning District.** No truck exceeding 0.75 ton shall be allowed to be parked within 150 feet of any residential zoning district.

D. Off-Street Parking Area Surfacing. All open, off-street loading and parking spaces shall be improved with a pavement of either asphalt or concrete and storm water drainage facilities as approved by the Town Engineer or Plan Commission. This

paragraph shall not apply to single-family detached dwellings in the agricultural and residential districts.

- E. Off-Street Parking Stalls.** Off-street parking stalls shall be marked by painted lines or other approved material and shall be maintained to be legible at all times.
- F. Landscaping.** All public off-street parking areas that serve five vehicles or more and are created or redesigned and rebuilt following the adoption of this Chapter shall be provided with accessory landscape areas meeting all applicable requirements of Section 11.
- G. Uses Not Listed in Table 10-1.** Parking spaces for Permitted Uses or Conditional Uses not listed in Table 10-1 shall be provided according to requirements designated by the Plan Commission upon recommendation of the Plan Commission or its designee. The provisions for a use deemed similar by the Plan Commission may be applied. In addition, the Plan Commission may require compliance with published nationally recognized off-street parking standards from such professional organizations such as the Institute of Transportation Engineers, the American Planning Association, or similar professional organization.
- H. Employee Parking.** Parking space required on an employee basis as set forth in Table 10-1 shall be based on the average number of employees on duty or residing, or both, on the premises at any one time.
- I. Off-Street Parking Requirements for Mixed or Combined Uses Located within the Same Building or On the Same Lot or Parcel.** Combinations of any of the uses set forth in Table 10-1 shall provide the total number of off-street parking stalls and/or queuing space required for each individual use.

**SECTION 10.05
OFF-STREET PARKING LOT DESIGN.**

- A. Minimum Width of Off-Street Parking Rows and Aisles.** The design of all off-street parking regulated by this Chapter shall be in conformance with the requirements set forth in Table 10-2.

Table 10-2 MINIMUM WIDTH OF OFF-STREET PARKING ROWS AND AISLES				
Type of Row	Parallel Spaces	45 Degree Angle Spaces	60 Degree Angle Spaces	90 Degree Angle Spaces
Single Row & Aisle	20 ft.	35 ft.	40 ft.	45 ft.
Double Row & Aisle	28 ft.	60 ft.	62 ft.	65 ft.

**SECTION 10.06
PARKING SPACES FOR USE BY PERSONS WITH DISABILITIES.**

All open, off-street parking areas shall provide parking spaces for persons with disabilities meeting all applicable "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" or as amended unless conflicting with the above specified "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" requirements as amended, the following standards are applicable:

- A. Application.** Requirements of Section 10.01, Section 10.02, and Section 10.03 apply to parking spaces for persons with disabilities, except where in conflict with the requirements of this Section.
- B. Minimum Required Number of Accessible Off-Street Parking Spaces for Use by Persons with Disabilities.** Table 10-3 shall apply. The minimum required number of accessible off-street parking spaces for use by persons with disabilities shall be considered as a part of the total off-street parking spaces required.

Table 10-3 MINIMUM REQUIRED NUMBER OF ACCESSIBLE OFF-STREET PARKING SPACES			
Total Number of Off-Street Parking Spaces in Parking Lot or Area	Minimum Required Number of Accessible Off-Street Parking Spaces	Total Number of Off-Street Parking Spaces in Parking Lot or Area	Minimum Required Number of Accessible Off-Street Parking Spaces
1 to 25	1	201 to 300	7
26 to 50	2	301 to 400	8
51 to 75	3	401 to 500	9
76 to 100	4	501 to 1,000	2 percent of total
101 to 150	5	1,001 and over	20 plus 1 for each 100 over 1,000
151 to 200	6		

- C. Minimum Dimensions for Off-Street Parking Spaces Provided for Use by Persons with Disabilities.** The minimum dimensions for all parking spaces provided for use by persons with disabilities shall be:
 1. Automobiles: 13 feet wide by 20 feet long
 2. Vans: 16 feet wide by 20 feet long

- D. Distance to Facility Entrances for the Location of Off-Street Parking for Persons with Disabilities.** Off-Street parking spaces provided for persons with disabilities shall be as close as possible to an entrance that allows such persons to enter and leave the parking area without assistance.

- E. Signage of Off-Street Parking Spaces Serving Persons with Disabilities.** All parking spaces provided for disabled persons shall be marked by a sign that includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by disabled persons. Such signs shall comply with:
 1. The requirements of the aforementioned, "Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities" as amended;
 2. The requirements of the Wisconsin Statutes as amended; and
 3. The requirements of TRANS 200.07 of the Wisconsin Administrative Code.

**SECTION 10.07
OFF-STREET LOADING REQUIREMENTS**

- A. Loading Spaces Required.** Every new commercial and industrial building and every building enlarged by more than 5,000 square feet of floor area that is to be occupied by a use requiring the receipt or distribution by vehicles or trucks of material or merchandise must provide off-street loading and unloading areas as follows.

Table 10-4 REQUIRED LOADING SPACES	
Floor Area (sq. ft.)	Required Loading Spaces
0 – 5,000	0
5,001 – 30,000	1
30,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

- 1. Multi-Tenant Buildings.**

The floor area of the entire building must be used in determining spaces for multi-tenant buildings. A common loading area may be required if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
- 2. Additional Loading Spaces Required.** The required number of loading spaces may be increased by the Plan Commission to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement must be based on the

anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. Location.

1. All required loading spaces shall be on the same lot as the use served.
2. No permitted or required loading space shall be within 40 feet of the nearest point of intersection of any two streets.
3. No loading space shall be located in a required side yard abutting an A-5; R-1, R-2, or R-3 District or a required front yard.

C. Access.

1. Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a way that will least interfere with traffic movement.
2. Loading spaces on lots located adjacent to public ways shall be so situated as to enable the vehicles to back into the loading dock from areas other than public ways.
3. The blocking of loading spaces by other loading spaces, permanent or moveable structures of any type, including trash receptacles or compactors, shall be prohibited.

D. Surfacing. All open off-street loading spaces shall be improved with pavement and storm water drainage facilities according to such standards set forth in Section 10.04D.

E. Computation. Where the total floor area of the use being served is less than 2,000 square feet, the required off-street loading spaces may be used to satisfy the requirements for any off-street parking spaces. Employee parking maneuver areas may also be used for access to loading docks and as truck standing areas.

F. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted within loading facilities provided in any residential or nonresidential zoning districts.

G. Maneuvering Space Required to Service Outdoor Loading Areas. Adequate off-street truck maneuvering area shall be provided on-site and not within any public street right-of-way or other public lands.

H. Interference With Fire Exit or Emergency Access Prohibited. Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

SECTION 10.08

OFF-STREET LOADING SPACE DESIGN

A. Minimum Dimensional Standards for Off-Street Loading Spaces Accessory to Nonresidential Uses in Business and Public and Semi-Public Districts. The minimum size of off-street loading spaces accessory to nonresidential uses in the B-1, I-1, and P-1 Districts shall be 10 feet in width and 25 feet in length, exclusive of aisle and maneuvering space, and it shall have a vertical clearance of not less than 15 feet. No loading space or dock shall extend into a public street right-of-way.

B. Minimum Dimensional Standards for Off-Street Loading Spaces Accessory to Nonresidential Uses in Industrial Districts. The minimum size of off-street loading

spaces accessory to uses in the M-1 and SG Districts shall be a minimum of 12 feet in width by 50 feet in length and have a vertical clearance of not less than 15 feet. No loading space or dock shall extend into a public street right-of-way.

SECTION 11 REQUIRED LANDSCAPING

SECTION 11.01 APPLICABILITY

- A. **Landscaping Required.** All new and/or renewed conditional use permits require that landscaping be implemented on site. All proposed landscaping must be displayed in the form of a Landscape Plan. All Landscape Plans will be reviewed by the Plan Commission on a case by case basis.

SECTION 12

LIGHTING REGULATIONS

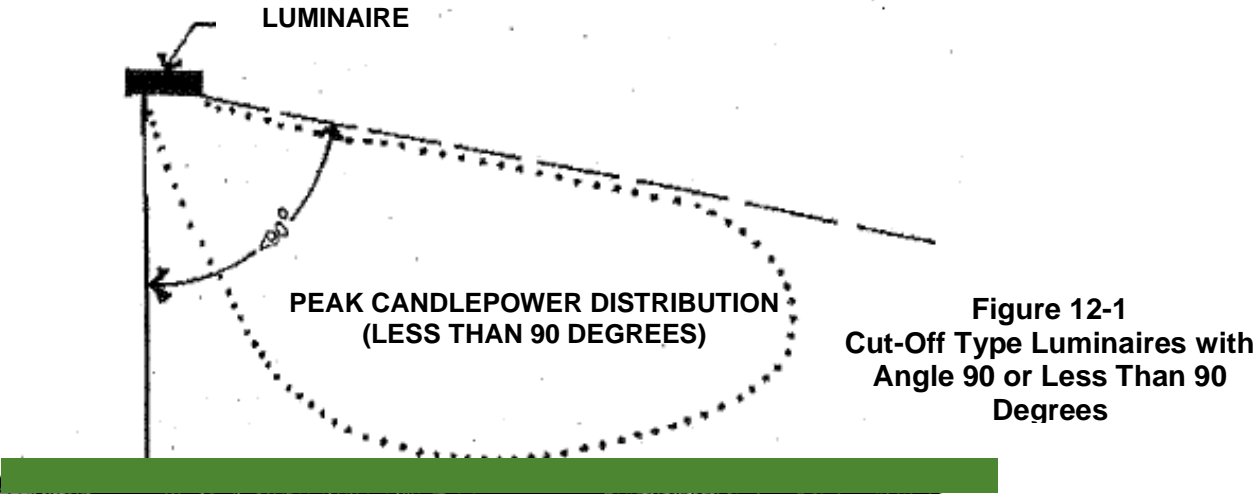
SECTION 12.01

EXTERIOR LIGHTING STANDARDS

All exterior lighting shall consist of cut-off type luminaires or directional down lighting and meet the following standards:

- A. **Requirements for Total Cut-Off Type Luminaires.** When a luminaire has total cut-off of light at an angle of 90 or less than 90 degrees and is located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cut-off angle intersects the ground (see Figure 12-1), then the maximum permitted illumination and the maximum permitted height of the luminaire shall be as set forth in Table 12-1.

Table 12-1 REQUIREMENTS FOR THE USE OF CUT-OFF TYPE LUMINAIRES WITH ANGLE 90 or LESS THAN 90 DEGREES		
Zoning District	Maximum Permitted Illumination (a) (foot candles)	Maximum Permitted Luminaire Height (feet)
A-1, A-2, A-4, R-1, R-2, and R-3	0.8	15
All Other Districts	4.0 (b)	25 (b)
Town Required Street Lights in All Districts	Per Town of Saukville Requirements and Specifications	Per Town of Saukville Requirements and Specifications
(a) These standards do not address illumination levels or fixture height that may be required by the Town of Saukville for the adequate lighting of public street rights-of-way. These represent maximum illumination levels on private property as measured at the property line.		



**SECTION 12.02
EXTERIOR LIGHTING PLAN REQUIRED**

- A. **General.** Except in the A-1, A-2, A-4, A-5, R-1, R-2, and R-3 Districts, at the time any exterior light is installed or substantially modified, whenever a Site Plan Review application is made and whenever a Zoning Permit application is made, an exterior lighting plan shall be submitted to the Town of Saukville to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- B. **Lighting Plan Elements.** A Lighting Plan submitted pursuant to this Chapter shall have at a minimum the following elements:
 1. A catalog page cut sheet or photography of the luminaire including the mounting method.

2. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
3. A plot plan drawn to a recognized engineering or architectural scale indicating the location of the luminaires proposed, mounting and/or installation height in feet, the overall illumination levels (in foot candles), and uniformities on the site, and the accomplished by means of an isolux curve or computer printout projecting the illumination levels.
4. A graphic depiction of the luminaire lamp or bulb concealment and light cut-off angles.
5. In addition to the full-size drawing required above, one copy of each drawing submitted shall also be submitted in 11" x 17" black and white reduction.

SECTION 12.03

EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR RECREATIONAL USES

- A. General.** Except in the A-1, A-2, A-4, A-5, R-1, R-2, and R-3 Districts, at the time any exterior light is installed or substantially modified whenever a Site Plan Review application is made and whenever a Zoning Permit application is made an exterior lighting plan shall be submitted to the Town of Saukville to determine whether the requirements of this Section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- B. Lighting Plan Elements.** A Lighting Plan submitted pursuant to this Chapter shall have at a minimum the following elements:
1. A catalog page cut sheet or photograph of the luminaire including the mounting method.
 2. A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.
 3. A plot plan drawn to a recognized engineering or architectural scale indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels in foot candles and uniformities on the site, and the illumination levels in foot candles at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 4. A graphic depiction of the luminaire lamp or bulb concealment and light cut-off angles.
 5. In addition to the full range drawings required above, one copy of each such drawing submitted shall also be submitted in 11" x 17" black and white reduction.

SECTION 12.04

EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR RECREATIONAL USES

Additional ball diamonds, playing fields golf driving ranges, tennis courts and similar outdoor recreational facilities have unique requirements for nighttime visibility and general have limited hours of operation. These uses may be exempted from the exterior lighting standards of the Chapter if the applicant can satisfy the Plan Commission upon Site Plan Review that the following requirements are met:

- A. **Site Plan.** The Site Plan must meet all other requirements of this Section.
- B. **Exterior Light Sources.** Any exterior light sources shall not exceed the maximum permitted post height of 50 feet.
- C. **Shielded Luminaires.** If the luminaire is shielded in either its orientation or by a landscaped buffer yard to prevent light and glare spill over to adjacent residential property or residential zoning districts, then the luminaire may exceed a total cut off angle of 90 degrees. The maximum permitted illumination at the interior buffer yard line of all required buffer yards shall not exceed two-foot candles.
- D. **Lighting Plan Required.** A Lighting Plan meeting the requirements of Section 12 shall be submitted to the Plan Commission for review and approval.

**SECTION 12.05
STREET LIGHTING**

Street lighting shall conform to the standards set forth by the State of Wisconsin for the State Trunk Highways, Ozaukee County for County Trunk Highways and the Town of Saukville for Town streets and highways.

**SECTION 12.06
ADDITIONAL REGULATIONS**

Despite any other provision of this Section to the contrary the following provisions shall also be applicable.

- A. **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted excluding seasonal lighting between November 1 and January 31.
- B. **Light Sources and/or Luminaires Not to be Located Within Required Buffer Yards.** Light sources or luminaires shall not be located within required buffer yard areas except on pedestrian walkways.
- C. **Requirements of Other Applicable Codes and Ordinances to be Met.** The provisions of this Section are designed to supplement other applicable ordinances and codes and not as a substitute. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Chapter, applicable building codes and ordinances, electrical codes and ordinances, and all other codes and ordinances as applicable and under appropriate permit and inspection.
- D. **Safety Signal, Emergency Warning Device Lighting and Emergency Warning Lighting Exempted.** Safety signal, warning device lighting and emergency warning lighting shall be exempt for the exterior lights' standards of this Section.

**SECTION 12.07
LIGHT MEASUREMENT**

- A. Metering Equipment.** Lighting levels shall be measured in foot candles with a direct reading, portable light meter with an accuracy of plus or minus five percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within 90 days of its use.
- B. Method of Measurement.** The meter sensor shall be mounted not more than six inches above ground level in a horizontal position at the interior line of the buffer yard or at the property line, as required herein. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. To eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in questions on, then with the same sources off. The average of the two readings shall be compared with the maximum permitted illumination allowed under this Section.

SECTION 13 OTHER SITE REGULATIONS

SECTION 13.01

LOTS ABUTTING MORE RESTRICTIVE ZONING DISTRICT BOUNDARIES.

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 in the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line to equal the average of the street yards required in both districts.

SECTION 13.02

LOTS DIVIDED BY DISTRICT BOUNDARIES.

Where a lot is within two or more zoning districts, the regulations applicable to each zone district will be applied only to that portion of the lot area within that zone district. The minimum lot area and width requirements of the base zone district covering the greatest portion of the lot area will apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area and width will apply to the entire lot.

SECTION 13.03

DEVELOPMENT OF SUBSTANDARD LOTS.

Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. Unless a variance is applied, a substandard lot will be subject to the same setback, lot coverage, and density requirements as a standard lot.

- A. Essential Services, Utilities and Electric Power and Communication Transmission Lines.** Essential services, utilities and electric power and communication transmission lines not elsewhere regulated in this Chapter are exempt from the yard and distance requirements of this Chapter.
- B. Landscape Buffer Yard, Landscaping, Vegetation and Areas of Natural Resource Features Mitigation Exempt from Yard and Setback Requirements.** Landscape buffer yards, landscaping, vegetation and natural resource features mitigation areas are exempt from the yard and setback requirements of this Chapter. Landscape plantings (except Town-approved street trees) exceeding 18 inches in height (such as shrubs) shall not be permitted in the street right-of-way unless approved by the Plan Commission.
- C. Front and/or Corner Lot Street Yard Setbacks for Additional Right-of-Way Dedication.** For existing lots of record only within existing Subdivisions or Certified Survey Maps when additional public street right-of-way dedication is required by the Town or other governmental unit, the front and/or corner street yard setback requirements of this Chapter may be reduced by the same distance as that required for public street right-of-way dedication. However, such front and/or corner lot street yard setbacks shall not be reduced to less than 20 feet.

**SECTION 13.04
RESERVED FOR FUTURE USE**

**SECTION 13.05
EXCEPTIONS TO HEIGHT LIMITS**

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

- A. Architectural Projections.** Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Chapter.
- B. Special Structures.** Special structures such as elevator penthouses, gas tanks, grain elevators, observation towers and scenery lofts, barns, necessary appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.
- C. Essential service, Utilities, Water Towers and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers and electric power and communication transmission lines are exempt from the height limitations of this Chapter.
- D. Public or Semipublic Facilities.** Public and semipublic facilities such as schools, religious institution, hospitals, monuments, sanatoriums, libraries and governmental offices and stations may be erected to a height of 60 feet provided all required yards are increased not less than one foot for each foot the structure exceeds that zoning district's maximum height requirement.
- E. Modification of Other Ordinances and Regulations.** Modifications permitted under this Section do not modify any requirements of federal, state or local building codes relating to the elements addressed in this Chapter.

SECTION 14 NONCONFORMITIES

SECTION 14.01

PURPOSE

Within the zoning districts established by this Chapter, there may exist uses, buildings, structures, and lots that do not conform to the provisions of this Chapter. The purpose of this Section is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

SECTION 14.02

NONCONFORMING USES

- A. The lawful nonconforming use of a building, structure, or land existing on the effective date of this Chapter may be continued although it does not conform to the provisions of this Chapter, provided that:
1. **Extension of Use.** The nonconforming use shall not be extended or expanded unless necessary for the structure or building to comply with applicable state or federal requirements.
 2. **Discontinuance of Use.** If a nonconforming use is discontinued, any future use shall comply with the provisions of the district in which the use is located. Proof of discontinuation of a nonconforming use for 12 consecutive months shall be prima facie evidence that the nonconforming use has been discontinued.
- B. **Changes of Use.** A nonconforming use may be changed to a different use based on the new use as follows:
1. **New Use Permitted by Right.** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located and complies with all applicable standards for such use.
 2. **New Use Requires a Use Permit.** No legal nonconforming use may be changed to a different use without approval of a Use Permit, unless the new use is permitted by right. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same classification as the previous use, as defined in this Chapter, and the use is not expanded.
 3. **New Nonconforming Use Not Permitted.** Nonconforming uses may not be changed to a different nonconforming use.

SECTION 4.03

NONCONFORMING BUILDINGS OR STRUCTURES

A lawful nonconforming building or structure existing on the effective date of this Chapter may be continued although it does not conform to the provisions of this Chapter with respect to bulk characteristics including, but not limited to, setback, open space, floor area ratio, height, density, parking facilities, amount of parking, and style, provided that any additions or enlargements shall conform to the provisions of the Chapter.

**SECTION 14.04
NONCONFORMING LOTS**

A lawful nonconforming lot existing on the effective date of this Chapter may be continued although it does not conform to the provision of this Chapter, provided that the size and shape of the lot shall not be changed in any way to increase the nonconformity.

- A. Lots of Record.** In any district where residential uses are allowed, a single-family dwelling may be established on a lot of record existing on the effective date of this chapter, regardless of the size of the lot, provided that all other requirements of the applicable zoning district are complied with.

- B. Involuntary Nonconformance of a Lot.** Notwithstanding any other provision of this Chapter, no lot will be considered nonconforming if such lot is rendered nonconforming as a result of a conveyance of any interest in the lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings, or to meet a requirement of any public entity having jurisdiction.

**SECTION 14.05
TERMINATION OF NONCONFORMING USES**

A. Termination of Legal Nonconforming Use by the Town Board.

The Town Board may consider whether or not to order the termination of any nonconforming use and the time period within which such use must be terminated as provided herein only after a duly noticed public hearing:

1. The property owner of record and any tenant, individual or business operator known to be occupying the property shall be notified in writing no less than ten days in advance of the hearing that The Town Board will be considering whether or not to order the termination of a nonconforming use. The notice shall state the specific date, time, and location of the hearing.
2. If the Town Board orders termination of a nonconforming use, the Order of Termination shall include the effective date of the termination and shall be served on the owner of record and any tenant and/or business operator or any other person or business entity known to be occupying the premises via personal service or delivery through the United States Postal Service or any other service designated for overnight delivery. If the Town Board determines that there is no known address for an owner of record and any tenant and/or business operator, the Board may direct service of the Order of Termination to be accomplished by posting the Order on the property and publishing the Notice of the Order of Termination in a newspaper of general circulation. Service of the Termination Order shall be deemed complete at such time as it is served in the manner provided herein.

B. Termination Period. The following time periods shall apply to the termination of a nonconforming use:

1. Except as otherwise provided herein, a non-conforming use that does not occupy a structure shall cease within one year from the date of a Town Board Order of Termination.
2. Except as otherwise provided herein, all other nonconforming uses shall cease within five years from the date of a Town Board Order of Termination.
3. The Town Board may, within its discretion, order termination of a nonconforming use within any other time period that is less than five years where it determines that it would be appropriate in consideration of one or more of the following factors:

- a. The total cost of land and improvements
- b. The length of time the use has existed
- c. The length of time the use has existed as a nonconforming use
- d. The intended use and scope of use of the property before it became nonconforming
- e. Whether the originally intended use and scope of use of the property before it became nonconforming was expanded after it became a nonconforming use or is proposed to be expanded
- f. Whether and to what extent the original investment in the improvements on the property was recouped
- g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the Comprehensive Plan and any applicable land use elements
- h. The potential threat to public health, safety, or welfare by the continuation of the nonconforming use
- i. The cost of moving and reestablishing the use elsewhere; and
- j. Any other relevant factors.

C. Application for Modification of Order of Termination.

Within one year of the issuance of The Town Board's Order of Termination, as provided herein, the property owner of record or any lessee of the property, acting with the written consent of the current owner may apply for a modification of the Termination Order to extend the date by which all nonconforming uses shall cease up to an additional 15 years. An Application for Modification shall be submitted on a form to be supplied by Saukville and shall be signed by the property owner, shall state the reasons why the use should be allowed to continue, and shall state how the continued use will not be incompatible with or detrimental to the uses in the surrounding area adjacent to the property; and shall state how the continued use will be consistent or can be modified to become consistent with the Comprehensive Plan for the surrounding zoning area.

D. Plan Commission Hearing on the Application for Modification.

The Plan Commission shall conduct a duly noticed public hearing within a reasonable time not to exceed 90 days after the application for modification of a Termination Order is deemed complete and accepted by Saukville, and may approve, conditionally approve, or deny such request for modification. The Plan Commission may also impose such conditions as they may deem necessary to protect the public health, safety and welfare, to provide greater compatibility with the surrounding property and to secure the objectives of the Comprehensive Plan. In no event may any modification of a Termination Order be approved for a period of more than 15 additional years beyond the date The Town Board ordered the elimination of the nonconforming use.

E. Plan Commission Determination.

1. Before making a determination whether or not to grant an application for modification of the Termination Period, as defined herein, the Plan Commission may direct that an amortization analysis be prepared, at the applicant's cost, to assist them in evaluating the application. The amortization analysis shall be conducted by a reputable firm, selected by and retained under contract to Saukville. Said firm should have the appropriate knowledge and expertise in conducting amortization analyses, including but not limited to experience in analyzing operations, relevant accounting and financial reporting standards, compliance demands and valuation of facilities for the use or uses being conducted on the property.

2. Applicant shall make a deposit with the Town of the estimated cost of the amortization analysis, staff time and hearing costs relating to the application and shall thereafter promptly pay any additional costs over the initial estimate. Failure to make the required deposit within seven days of being advised by the Town of the estimated costs for the application for modification, including the amortization analysis shall be deemed a withdrawal of the Application for Modification of the Termination Period and no further action will be taken by Saukville on such application. The time period to make the deposit may be extended by Saukville Plan Commission or its designee for an additional seven days.
3. The Plan Commission may continue the hearing on the application for modification as necessary to complete such amortization analysis.
4. The Plan Commission must consider all documentary and oral evidence and testimony submitted for or at the hearing, and in making its decision to modify the Termination Order shall consider the following, where applicable:
 - a. The total cost of land and improvements when the property was first constructed and/or began operating, including any expansions or modifications during the period when the use was a lawful (conforming) use
 - b. The total length of time the use has existed since it was first constructed and/or became operational
 - c. The length of time the use has been nonconforming
 - d. The intended scope of the business operating on the property at the time the use became nonconforming. (Examples, business permits, licenses, applications, etc.)
 - e. Whether the intended scope of the business operating on the property before it became nonconforming has been or is proposed to be expanded or intensified since the property became nonconforming
 - f. Whether and to what extent the investment in the improvements on the property before it became a nonconforming use was recouped
 - g. The extent to which the use on the property is incompatible with surrounding uses and properties within the zone, the Comprehensive Plan and any applicable land use elements
 - h. The possible threat to public health, safety, or welfare by the continuation of the nonconforming use beyond the five-year elimination period
 - i. The cost of moving and re-establishing the use elsewhere
 - j. Any other relevant factors

F. **Appeal.** The Plan Commission determination may be appealed to The Town Board pursuant to Section 25.05, Appeals.

**SECTION 14.06
NONCONFORMING STRUCTURES**

- A. Right to Continue.** Any nonconforming structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load; nor any enlargement of the area, space, or volume occupied by or devoted to any use therein, except as provided in this Section. The right to continue to use a nonconforming structure attaches to the land and is not affected by a change in ownership. No substitution, expansion, or other change in use and no alteration or other change in structures is permitted, except as provided in this Section.
- B. Right to Repair or Restore.** Nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Section, unless deemed to be a public nuisance because of health or safety conditions.
- C. Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws, subject to the following provisions:
1. Alterations and enlargements that comply with the following, subject to approval of the Plan Commission or its designee:
 - a. Alterations or enlargements necessary to meet Town or State requirements; and
 - b. Alterations or enlargements consistent with the current requirements of the zoning district in which the structure is located or otherwise allowed in that zoning district.
 - i. Energy-efficient upgrades, including replacement of lamps within light fixtures.
 - ii. Alterations and enlargements that comply with the following are subject to approval of a Major Conditional Use Permit:
 - iii. Alterations or enlargements that extend into a nonconforming setback, where the alteration or enlargement would not:
 1. Further reduce any existing nonconforming setback;
 2. Exceed applicable building height limits;
 3. Further increase any existing nonconforming lot coverage; or
 4. Increase the required number of off-street parking spaces unless parking is provided under current standards for the additional floor area.

**SECTION 14.07
INVOLUNTARY NONCONFORMANCE OF A LOT**

Notwithstanding any other provision of this Chapter, no lot will be considered nonconforming if such lot is rendered nonconforming as a result of a conveyance of any interest in the lot to a public entity through eminent domain proceedings, under threat of eminent domain proceedings, or to meet a requirement of any public entity having jurisdiction.

**SECTION 14.08
RESTORATION OF CERTAIN NONCONFORMING STRUCTURES.**

- A.** Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under this section may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject location, and use that it had immediately before the damage or destruction occurred, or

impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- B.** An ordinance enacted under this section which shall allow for the size of a structure 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.



Part 4

STANDARDS FOR USES AND ACTIVITIES

SECTIONS

SECTION 15	ACCESSORY USES, GENERAL
SECTION 16	STANDARDS FOR USES AND ACTIVITIES

SECTION 15 ACCESSORY USES, GENERAL

SECTION 15.01

GENERAL STANDARDS FOR ACCESSORY USES

- A. Accessory Uses.** Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses shall not involve the conduct of any business, trade, or industry except as may be otherwise permitted by this Chapter as a home occupation (Section 16.46) or agricultural use. Accessory uses include incidental repairs; storage; parking facilities; gardening; decks; private swimming pools; and private emergency shelters. Regulations for some specific accessory uses are presented in Section 16.
- B. Location of Accessory Structures.** No part of an accessory building shall be within the required front yard setback. No part of an accessory building shall be located within a required side yard or rear yard of, except:
1. Required Minimum Distance from Alley. When an alley exists, no part of an accessory building shall be closer than five feet to the right-of-way line of said alley.
 2. Minimum Side and Rear Yard Setback of Accessory Buildings Not Exceeding 250 square feet in area. The erection of one accessory building not exceeding 250 square feet in area to be no closer than five feet to the side and rear lot lines is permitted.
 3. Minimum Setbacks of Accessory Buildings Exceeding 250 square feet in area. Accessory buildings exceeding 250 square feet in area shall meet the setback requirements of the principal use of the parcel or lot.
- C. Time of Construction.** No accessory building or structure shall be constructed on any lot before the start of construction of the principal building to which it is accessory.
- D. Percentage of Required Rear Yard Occupied.** No accessory building or buildings shall occupy more than 40 percent of the area of a required rear yard.
- E. Height of Accessory Buildings and Structures (including Garages) in Required Rear Yards.** No accessory building or structure, or portion thereof, located in a required rear yard setback shall exceed the maximum permitted height of the zoning district in which the accessory building or structure is located.
- F. No Slab Required for Accessory Buildings of 250 Square Feet or Less in Area.** Accessory buildings of 250 square feet or less in area (excluding trash, recycling materials, and garbage waste receptacles, or dumpsters, in the nonresidential zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory building, the flooring shall be constructed of decay resistant material (or other approved hard surface) and the building shall be securely anchored to the ground.
- G. Maximum Number of Accessory Structures (including Garages) Per Lot.** The following regulations shall apply (Also see Section 08.05 regarding the maximum number of principal buildings on a zoning lot).

1. The maximum number of accessory structures per zoning lot in the A-4 and A-5 Districts shall be three accessory structures per zoning lot.
2. The maximum number of accessory structures per zoning lot in the R-1, R-2, and R-3 Districts shall be two accessory structures per zoning lot.
3. The maximum number of accessory structures per zoning lot in the B-1, M-1, SG, I-1 and P-I Districts shall be determined by the Plan Commission at the time of Site Plan review.
4. Land Division applications associated with properties that have existing accessory structures in the A-1 or A-2 Zoning Districts shall only consider the maximum lot coverage requirement and not the cumulative area requirement or the number of accessory structures requirement when creating a new A-4 or A-5 Zoning District lot(s). Exemption from the maximum lot coverage requirement is only allowed with a Conditional Use Permit approved by the Plan Commission. No further non-compliance of the property is allowed.

H. Maximum Area of Individual Accessory Buildings.

1. **Maximum Area of Individual Accessory Buildings (including Detached Garages) on Parcels of Land or Lots Having an Area of 40,000 Square Feet or Less.** The maximum area of individual accessory buildings (including detached garages) on parcels of land or lots having an area of 40,000 square feet or less shall be 720 square feet. (Also see Section 15.01.I for "Maximum Total Cumulative Area" requirements.)
2. **Maximum Area of Individual Accessory Buildings (including Detached Garages) on Parcels-of Land or Lots Having an Area of Greater than 40,000 Square Feet but Less than Five Acres.** The maximum area of individual accessory buildings (including detached garages) on parcels of land or lots having an area greater than 40,000 square feet but less than five acres shall be 900 square feet plus an additional 275 square feet for each acre over 40,000 square feet. (Also see Section 15.01.I for "Maximum Total Cumulative Area" requirements.)
3. **Maximum Area of Individual Accessory Buildings (including Detached Garages) on Parcels of Land or Lots Having an Area of Greater than Five Acres.**
 - a. In the A-4 and A-5 Zoning Districts, including Conventional Subdivision, the maximum total area of individual accessory buildings, including detached garages, shall be 2,500 square feet. Sidewalls of such structures shall not exceed 16 feet in height, and such structures may have roof overhangs that are consistent with the design and construction of the principal structure on the parcel. Under circumstances consistent with the provisions and goals of the Land Use Plan and the spirit and intent of the Zoning Chapter, the Town Board may vary from the requirements of this subsection to authorize an accessory structure according to design standards and conditions as specified by the Board, for reconstruction, renovation or replication of a historically accurate barn or similar structure using materials consistent with the time period represented.
 - b. In the R-1, R-2, and R-3 Districts, the maximum total area of individual accessory buildings (including detached garages) shall be 900 square feet. (Also see Section 15.01.I for "Maximum Total Cumulative Area" requirements.)

I. Maximum Total Cumulative Area of Accessory Buildings.

1. In the A-4 and A-5 Zoning Districts, including Conventional Subdivisions, the maximum total cumulative area of all accessory buildings, including detached garages, shall be 2,500 square feet. Sidewalls of such structures shall not exceed 16 feet in height and such structures may have roof overhangs that are consistent with the design and construction of principal structures on the parcel. Under circumstances consistent with the provisions and goals of the Land Use Plan, and the spirit and intent of the Zoning Chapter, the Town Board may vary from the requirements of this subsection to authorize an accessory structure according to design standards and conditions as specified by the Board, for reconstruction, renovation or replication of a historically accurate barn or similar structure using materials consistent with the time period represented.
2. In the R-1, R-2, and R-3 Districts, the maximum total cumulative area of all accessory buildings (including detached garages) shall be 900 square feet.

J.

Special Exception for Historical Accessory Buildings and Structures. In any zoning district, the Plan Commission may grant a special exemption to exceed the maximum total cumulative area of accessory buildings allowable in a parcel which contains historical accessory buildings or structures that are being preserved. The floor area of the accessory building(s) to be preserved shall not be counted in determining the amount of accessory building floor area allowable on the subject parcel.

K. Accessory Buildings Over 2,500 Square Feet

1. Accessory buildings over 2,500 square feet in total area are allowed as follows:

Zoning District	Requirements
A-1, A-2 Zoning Districts	Permitted. Requires site plan review by the Plan Commission.
A-4, A-5 Zoning Districts	Conditional Use Permit required in accordance with Section 20.
R-1, R-2, R-3 Zoning Districts	Not Permitted.
Nonresidential Zoning Districts	Conditional Use Permit required in accordance with Section 20.

2. Accessory buildings over 2,500 square feet in total area must meet the following standards and submittal requirements:
 - a. A pre-application conference with the Plan Commission, detailed site plan, and proposed outdoor lighting plan is required.
 - b. A proposed landscape plan that includes a bufferyard and/or screening component that reduces or minimizes the impact of the accessory structure on neighboring properties shall be required and may be subject to modification based on input from the surrounding property owners.
 - c. Maximum building height is twenty-eight (28) feet.
 - d. Minimum side and rear yard building setbacks is seventy-five (75) feet. The Plan Commission may increase building setbacks at its discretion. No portion of the accessory structure shall be located in the front yard.
 - e. No accessory building or combination of accessory buildings shall exceed 8,500 square feet in total area.
 - f. Sidewalls shall not exceed 16 feet in height, unless otherwise approved by the Plan Commission.

SECTION 16 STANDARDS FOR USES AND ACTIVITIES

SECTION 16.01

ACCESSORY DWELLING UNIT (ADU)

Accessory dwelling units must meet all residential building codes and sanitary codes, the requirements of Section 16 and require approval of a Conditional Use Permit (Section 20.03) subject to the following conditions:

- A.** An accessory dwelling unit is limited to:
 - 1. No more than 800 square feet second residence on the same lot as an existing principal residence.
 - 2. No more than two bedrooms.
 - 3. Attached units; detached accessory dwelling units and accessory dwelling units in garage structures are strictly prohibited.
 - 4. One accessory dwelling unit permitted per lot.
- B.** The owner of the lot must reside either in the principal residence or in the accessory dwelling unit.
- C.** Lots for a proposed accessory dwelling unit:
 - 1. Must meet all minimize lot dimensions in the applicable zoning district, and accessory dwelling units must meet all required setbacks.
 - 2. Must have adequate off-street parking for the residents of both the principal residence and the accessory dwelling unit.
- D.** Accessory dwelling units must be oriented and constructed to protect the privacy of neighboring properties. If necessary, vegetative screening may be required.
- E.** Accessory dwelling units cannot be sold separately from the principal residence on the lot, nor from the lot on which the accessory dwelling unit sits.

SECTION 16.02

ACCESSORY USES, GENERAL

An overview of Accessory Uses is presented in Section 15.

SECTION 16.03

AGRITOURISM & AGRICULTURAL ENTERPRISE ACTIVITIES

- A.** Agritourism Activities are related to the following:
 - a. These agricultural-related activities are accessory to, conducted on an operating farm, and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation.
 - b. Activities include farming, ranching, historical, cultural, civic, training and exhibition, or pick-your-own activities and attractions. This use includes farm tours, hayrides, corn mazes, classes relating to agricultural products or skills, picnic facilities or similar uses.

- c. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public.
- d. An agritourism activity does not include rural event facility (Section 16.64), Roadside Stand for the Sale of Agricultural Products (Section 16.63), or Seasonal Sales (Section 16.69).
- e. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

B. Agricultural Enterprise Activities are related to the following:

- a. Ancillary operations that support any listed permitted uses in an agricultural district to enhance the viability of that agricultural property.

**SECTION 16.04
AMBULATORY HEALTH CARE SERVICES**

Approval of a Conditional Use Permit is required for these uses. Ambulatory Health Care Services are establishments with physicians and other medical staff primarily engaged in provided surgical services on an outpatient basis or providing emergency care services on an outpatient basis. Outpatient surgical establishments have specialized facilities, such as operating and recovery rooms, and specialized equipment, such as anesthetic or X-ray equipment.

**SECTION 16.05
ANIMAL HOSPITAL AND VETERINARY CLINIC**

Approval of a Conditional Use Permit is required for these uses. Animal hospitals and veterinary clinics shall meet the following requirements:

- A. Activities to be Conducted within an Enclosed Building.** All activities, including animal exercise areas, shall be conducted within an enclosed building which allows for adequate ventilation.
- B. Minimum Building Distance from adjoining Residential Use Lot Line.** Buildings, housing, animal hospitals, and veterinary clinics which are fully enclosed shall be located no closer than 75 feet from any adjacent residential use lot line.
- C. Enclosed Exercise Areas.** Enclosed exercise areas shall be not less than 100 feet from any residential lot line. The operator of the animal hospital or veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects and excessive noise. All exercise areas shall be permanently attached to the principal building and fully enclosed.
- D. Crematory Facilities.** A crematory facility in an animal hospital requires specific approval of a Conditional Use Permit.

**SECTION 16.06
AQUACULTURE**

Aquaculture conducted for the purpose of an income or livelihood. "Aquaculture" means the controlled cultivation of aquatic plants and animals, using "normal aquaculture activities" as defined in Wis. Stat. § 281.36.

- A. Review of the Conditional Use Permit shall address:**

1. Proposed setbacks from property lines and existing residential uses. The facility shall be located no closer than 75 feet from any adjacent residential use lot line.
 2. Visual buffers
 3. Proposed stormwater concept
 4. Noise and odor
 5. Water supply
 6. State DNR environmental permits
- B. Processing, storage, packaging and distribution of shellfish and fish requires M-1 zoning.

SECTION 16.07

AUTOMOTIVE/VEHICLE – MINOR REPAIR AND MAINTENANCE – ACCESSORY USE

Approval of a Conditional Use Permit is required for this use.

The repair of automobiles or other motorized vehicles is subject to the following restrictions:

- A. Only minor repairs and maintenance may be done on vehicles owned by the occupant of the structure, family member or vehicle used for work which, for purposes of this Section, are the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of sparkplugs or ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.
- B. Other Repairs. Any other repairs on the motorized vehicles or automobiles shall be restricted to totally enclosed spaces that are properly ventilated and only accomplished on privately registered vehicles lawfully licensed and owned by the occupant of the structure.

SECTION 16.08

AUTOMOTIVE/VEHICLE REPAIR SHOPS – PRINCIPAL USE

Automotive repair shops shall meet the following requirements. Approval of a Conditional Use Permit is required for a spray booth.

- A. **Direct Access to Arterial Streets Required.** All automotive repair shops shall have direct access to an arterial street which is a federal, state or county designated highway except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.
- B. **Required Additional Landscape Buffer Yard when Abutting a Residential Zoning District.** When abutting a residential zoning district, automotive repair shops shall provide one additional buffer yard intensity factor to that already required. Said required buffer yard plant units shall be in addition to those plants required under the provisions of Section 08.
- C. **Screening of All Loading Docks, Storage and Garbage or Waste Facilities.** All loading docks, storage and garbage or waste facilities shall be screened from view and fully enclosed within masonry walls eight feet in height. Masonry materials shall be compatible with the materials on the front building wall of the main building. Under no circumstances, however, shall such requirements be less than those specified elsewhere in this Chapter. The Plan Commission shall determine if the storage, garbage or waste

facility shall be attached to the principal structure. In addition, the following requirements shall be met for trash dumpsters and garbage receptacles:

1. **Trash Dumpster and Garbage Receptacle Enclosures Required.** All garbage cans, trash dumpsters, trash containers and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened for public view.
 2. **Trash Dumpster and Garbage Receptacle Maintenance Required.** Fencing and landscaping for storage area shall be maintained in good condition and kept litter-free. All garbage cans, trash containers and other garbage storage devices shall be emptied, and the contents properly disposed of not less than once every seven days; or in the case of recycling materials, every fourteen days.
 3. **Unenclosed Storage of Trash or Waste Prohibited.** No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
 4. **Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited.** No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
 5. **Concrete Slab Required.** All trash dumpsters and garbage receptacles shall be placed upon a concrete slab that has a thickness of not less than five inches.
 6. **Adequate Size to Accommodate Recycling Materials.** All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of material s to be recycled.
- D. Architectural Design.** All automotive repair shops abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block or stone.
- E. Lighting.** The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety degrees and shall be located so that the bare light bulb lamp or light source is completely shielded from the direct view of an observer five feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts.
- F. Repair Services.** All repair services shall be done within a completely enclosed building and shall meet the following requirements:
1. No more than the required off-street parking shall be allowed.
 2. All overnight storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a masonry wall of a minimum height of six feet.
 3. All damaged or non-operable parts shall be stored indoors until removed from the premises.
 4. An automotive repair facility shall store all vehicle parts within a completely enclosed building.
- G. Spray/Paint Booths.** Spray booths must be fully enclosed and separated a minimum of 500 feet from residential zone districts, parks, schools, and day care facilities, unless approved with a Major Conditional Use Permit approval.

SECTION 16.09 AUTOMOTIVE SERVICE STATIONS

Approval of a Conditional Use Permit is required for this use. Where allowed, these uses must be located, developed, and operated in compliance with the following standards:

- A. Site Design.** Designs must incorporate landscaping and screen walls to screen vehicles while allowing eye-level visibility into the site. Fleet fuel stations in industrial zoning districts are exempt from this requirement.
- B.** Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view, where feasible.
- C. Air and Water Stations.** Air and water stations must be identified on site plans and located outside required setback areas.
- D. Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

SECTION 16.10

B-1 BED AND BREAKFAST INN

B1 Bed and Breakfast Inn as defined in ATCP 73 of the State of Wisconsin Administrative Code. Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

SECTION 16.11

AUTOMOBILE/VEHICLE WASH

Approval of a Conditional Use Permit is required for this use.

Automobile/vehicle washing facilities must be located, developed, and operated in compliance with the following standards:

- A. Recycled Water.** A recycled water system is required, where available.
- B. Hours of Operation.** When adjacent to a residential zone districts, the hours of operation are limited to 8:00 a.m. to 7:00 p.m., seven days a week.

SECTION 16.12

AUTOMOTIVE RENTAL AND LEASING

Approval of a Conditional Use Permit is required for this use. Automotive Rental and Leasing is related to a company that rents or leases automobiles for short periods of time to the public, generally ranging from a few hours to a few weeks.

SECTION 16.13

BARN, SILOS AND STORAGE BUILDINGS NOT INCLUDING PRIVATE STABLES OR GARAGES.

- A. Maximum Height of Barns or Storage Buildings in the A-1 and A-2 Districts.** The maximum height of barns or storage buildings, not including garages, in the A-1 and A-2 Districts shall be no more than 40 feet for a new structure and not exceed the height of a former barn which is being restored or replicated.

- B. **Maximum Height of Silos in the A-1 and A-2 Districts.** The maximum height of silos in the A-1 and A-2 Districts shall be no more than 80 feet.

SECTION 16.14

BED AND BREAKFAST INN

Approval of a Conditional Use Permit is required for this use; Bed and Breakfast facilities shall meet the following requirements:

- A. **Number of Rooms Limited.** Bed and Breakfast establishments shall have no more than two rooms devoted to the Bed and Breakfast use.
- B. **Bed and Breakfast Rooms.** All Bed-and-Breakfast rooms shall be located within the principal residence.
- C. **Owner Occupancy Required.** The owner shall occupy the Bed and Breakfast establishment at all times.
- D. **Parking.** In addition to the parking required for the principal use, one additional off-street parking space shall be provided for each room rented. These parking areas shall be located so as to be screened from view from the street adjacent to the establishment.
- E. **Signage.** Signage for the Bed and Breakfast use is limited to one two-sided sign with a maximum surface area of four-square feet on each side. The sign shall be mounted on the building face or free-standing in the front yard.
- F. **Food Service Limited.** Food service is limited to breakfast for those purchasing lodging.
- G. **Advertising Limited.** The Bed and Breakfast establishment shall not be advertised to the general public as a restaurant, hotel or motel.
- H. **Sales Prohibited.** No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the Bed and Breakfast.
- I. **Compliance with All Applicable Local, State, and Federal Regulations.** The applicant shall certify that they will meet all applicable local, state, and federal regulations related to Bed and Breakfast, including all applicable local and state fire safety and sanitation regulations.

SECTION 16.15

BUILDING, MOVING WITHIN AGRICULTURAL AND RESIDENTIAL DISTRICTS.

Approval of a Conditional Use Permit is required to move an existing building from outside the Town to a site within the Town or from site to site within the Town to ensure neighborhood compatibility, structural integrity of the building, architectural quality, and compliance with the requirements of this Chapter. No building shall be moved into the Town or moved from site to site within the Town except by obtaining a Conditional Use Permit from the Town. The following specific requirements and standards shall apply to moving a building:

- A. **Compatibility with Existing Structures in the Vicinity of the Site Where the Building is to be moved.** The building to be moved shall be compatible in terms of architecture, floor area, massing and bulk (as determined by the Plan Commission) with the existing structures in the vicinity of the site where the building is to be moved.
- B. **No Detrimental Effects.** The building to be moved shall have no detrimental effect upon the living environment and property values of the area into which the building is to be moved.
- C. **Surety Bond Required.** A surety bond shall be posted with the Town to cover any costs incurred to the Town with respect to the movement of the building through public street rights-of-way.
- D. **Building Inspection Report Required.** A building inspection report shall be submitted to the Town prior to the issuance of a Conditional Use Permit which evaluates the overall condition of the building, as inspected and described in writing by a State of Wisconsin certified building inspector. The report shall include photographs and diagrams as necessary and shall enumerate all changes or alterations necessary to bring the building up to current Town Building Code standards. Said building inspection report shall be reviewed and comment upon made to the Plan Commission by the Town Building Inspector.

SECTION 16.16

BUILDING MOVING WITHIN NONRESIDENTIAL DISTRICTS.

Moving of an existing building from outside the Town to a site within the Town or from site to site within the Town requires approval of a Conditional Use Permit to ensure neighborhood compatibility, structural integrity of the building, architectural quality and compliance with the requirements of this Chapter. No building shall be moved into the Town or moved from site to site within the Town except after obtaining a Conditional Use Permit from the Town. The following specific requirements and standards shall apply to building moving:

- A. **Compatibility with Existing Structures in the Vicinity of the Site Where the Building is to be Moved.** The building to be moved shall be compatible in terms of architecture, floor area, massing and bulk (as determined by the Plan Commission), with the existing structures in the vicinity of the site where the building is to be moved.
- B. **No Detrimental Effects.** The building to be moved shall have no detrimental effect on the living environment and property values of the areas into which the building is to be moved.
- C. **Surety Bond Required.** A surety bond shall be posted with the Town to cover any costs incurred to the Town with respect to the movement of the building through public street rights-of-way.
- D. **Building Inspection Report Required.** A building inspection report shall be submitted to the Town prior to the issuance of a Conditional Use Permit which evaluates the coverall condition of the building as inspected and described in writing by a State of Wisconsin certified building inspector. The report shall include photographs and diagrams as necessary and shall enumerate all changes or alterations necessary to bring the building up to current Town Building Code standards. Said building inspections report shall be reviewed, commented upon and submitted to the Plan Commission by the Town Building Inspector.

**SECTION 16.17
CARETAKER UNIT**

Approval of a Conditional Use Permit is required for this use; Caretaker Units shall meet the following requirements:

- A. **Accessory Use.** Caretaker Units are allowed as an accessory use to a self-storage facility.
- B. **Number Allowed.** Only one caretaker unit is allowed on a lot.
- C. **Location.** Caretaker units shall be interior and attached to the self-storage facility.
- D. **Setbacks and Height.** The caretaker unit shall conform to side and rear yard setbacks of the principal use; the caretaker unit shall not exceed two stories
- E. **Parking.** Parking may be provided as part of the parking area for the Self-Storage Facility. No additional parking is required.
- F. **Ownership.** A caretaker unit shall be owned by the same person or entity who owns the self-storage facility and shall not be sold separately from the remainder of the property.

**SECTION 16.18
CEMETERY, HUMAN.**

Approval of a Conditional Use Permit is required. Cemeteries for humans shall meet these requirements:

- A. **State Requirements.** All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.
- B. **Minimum Required Site Area.** A minimum required site size for the entire cemetery site shall be three acres.
- C. **Off-Street Parking and Maneuvering of Funeral Corteges.** There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
- D. **Minimum Interment Setbacks.** No interment shall take place within 50 feet of any adjoining lot line.
- E. **Minimum Structure Setback.** All structures shall be set back a minimum of 50 feet from any boundary line of the cemetery property plus two feet for each one *foot* of structure height more than 25 feet to the maximum height permitted by the zoning district in which it is located.

**SECTION 16.19
CHURCHES AND OTHER RELIGIOUS INSTITUTIONS**

Religious institutions are permitted uses but some accessory uses including Day Care Centers, Community Assembly Places, Schools, Sports Facilities, Residential Uses and other accessory uses require approval of a Conditional Use Permit and shall be reviewed on a case by case basis.

**SECTION 16.20
COMMERCIAL COMMUNICATION TOWERS AND ANTENNAS.**

Except in the case of the installation of an antenna(s) on an existing commercial communication tower (which the antenna does not increase the height of said existing tower or whether said existing tower is a conforming use or a legal nonconforming use pursuant to the requirements of this Chapter), all commercial communication towers and antennas in the B-1, M-1, SG, I-1, P-1,

A-1 and A-2 Districts, which exceed a height of 50 feet shall require approval of a Conditional Use Permit and shall meet the following conditions and requirement:

- A. Use of Existing Commercial Communications Towers or Existing Structures.** Critical Infrastructure (police, fire, public utilities) are exempt from the requirement to share tower infrastructure. Approval of a Conditional Use Permit for a new commercial communication tower shall not be granted unless the applicant for said Conditional Use Permit demonstrates that the proposed antenna planned for the new tower cannot be accommodated on an existing or approved commercial communication tower or other existing structure. Such demonstration may include one or more of the following:
1. No existing commercial communication towers or existing structures are located within the geographic area required to meet the applicant's communications facility technical requirements.
 2. No existing commercial communication tower or existing structure is of a sufficient height to meet the applicant's communications facility technical requirements.
 3. No existing commercial communication tower or existing structure has the structural capability to support the applicant's proposed antenna and said existing structure cannot practically be reinforced, modified or replaced to accommodate planned antenna(s). Applicant to provide a signed affidavit with facts justifying that the use of existing tower infrastructure is cost prohibitive or otherwise not feasible.
 4. The proposed antenna at the existing tower or existing structure would cause non-compliance with state laws or federal regulations if placed at the existing tower or existing structure.
- B. Minimum Setback Requirements.** There shall be a setback of sufficient radius around the antenna structure as measured from the extremities of the antenna base equal to the antenna tower height plus 25 feet so that its collapse will be entirely contained on the property. These standards may be modified to a lesser requirement if the applicant submits written evidence from a structural professional engineer licensed in the State of Wisconsin which indicates that the tower is so designed that the collapse of the tower would require a lesser setback in order to entirely contain its collapse on the property.
- C. On-Site Locational Requirements.**
1. Antenna is to be located behind the principal structure on the parcel. If feasibility of location is in question, the Plan Commission may use discretion in approving another location as appropriate.
 2. Adequate space, as determined by the Plan Commission, shall be provided onsite for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
 3. The antenna shall be placed on the site so as to not be detrimental to any onsite environmental features and to avoid disruption to neighboring properties.
- D. Maximum Height.** Such antennas and antenna structures shall not exceed a maximum height of 200 feet, unless overruled by state regulations.
- E. Antennas and Antenna Structures to be Structurally Self-Supporting.** All antennas and antenna structures shall be structurally self-supporting without the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.

- F. Advertising and Signage.** No form of advertising or signage other than warning or equipment information signage shall be allowed on the antenna, antenna structure, base or framework. This prohibition shall include all flags, pennants, whirling objects, banners, inflatable devices or other entity(s) attached to strings or lines.
- G. Cable Installation.** All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
- H. Minimum Distance Between Antennas and/or Antenna Towers.** The minimum distance between any antennas which exceed a height of 50 feet shall be three quarters of a mile as measured from the exterior base of the antenna or antenna structure.
- I. Minimum of Three Service Providers to be Allowed to Use Antenna Facilities.** The applicant shall allow the sharing of the antenna support facilities with three or more other service providers through the use of a co-location agreement. The holder of a Conditional Use Permit for an antenna support facility shall not make access to the antenna support facility and site economically unfeasible. If additional user(s) demonstrate through an independent arbitrator or other pertinent means that the holder of a Conditional Use Permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the Conditional Use Permit for said facility shall become null and void. All commercial communications structures shall be designed structurally, electrically and in all respects to:
1. Accommodate both the applicant's antennas and comparable antennas.
 2. Allow for the future rearrangement of antennas upon the commercial communication structure.
 3. Accept antennas mounted at varying heights provided said heights do not exceed the maximum height approved or the height of the approved commercial communication tower or existing structures.
- J. Security.** The base of the commercial communication tower and its associated Accessory structures shall be fenced and secured so that it is not accessible by the general public. All fencing shall meet the applicable fence requirements of this Chapter.
- K. Detailed Site and Landscape Plan Required to be Approved.** A detailed Site Plan and Landscape Plan shall be submitted to the Plan Commission for review and recommendation to the Town Board.
- L. Removal of Antenna Facilities Upon Abandonment.** A bond or irrevocable letter of credit shall be provided to the Town for use by the Town for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used. Any commercial communication tower which has not had at least one antenna operated for a continuous period of 12 months shall be considered abandoned. The property owner shall also sign an agreement, and record with the County Register of Deeds, a deed restriction to remove the tower within 12 months of the discontinuance of its use.
- M. Anchoring.** All commercial communications towers shall be permanently anchored to the ground.
- N. Lighting.** Commercial communications towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority. Illuminated

towers shall use red or flashing red lighting for night illumination. No flashing white strobe lights are permitted.

- O. Color.** Commercial communications towers shall be of a color that best allows it to blend into the surroundings, except as may be regulated by state or federal authorities. Color is subject to approval of the Plan Commission.
- P. Tower Appearance and Antenna Placement Within an Enclosed Tower Structure.** The Town Board upon recommendation from the Plan Commission shall determine the overall tower appearance and may require that the antenna be placed upon or within an enclosed tower structure.
- Q. Parking and Driveways.** A minimum of 2 parking spaces shall be provided on each tower site. The Plan Commission may require additional parking spaces. Drives shall be a gravel or paved surface and comply with the minimum indicated for the zoning district where the parcel is located.
- R. Maintenance Plan.** A maintenance plan shall be submitted with the Conditional Use Permit application. The tower owner and the owners of any accessory structures associated with the tower shall be responsible for maintaining the tower, accessory structures, fencing, road and landscaping in good repair and free from any unsightly rubbish. In addition, the tower owner shall submit to the Town a certified inspection report signed by a State of Wisconsin registered structural engineer at least once every five years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends repairs or maintenance be required, then a letter signed by a State of Wisconsin registered structural engineer shall be submitted to the Township to verify that such repairs and/or maintenance have been completed. The Township shall have the authority to require the removal of the tower based on the inspection report if it deems the removal necessary to preserve the general welfare and safety of the Township.

SECTION 16.21 RESERVED FOR FUTURE USE

SECTION 16.22 COMMUNITY ASSEMBLY PLACE (more than 100 persons) Approval of a Conditional Use Permit is required for this use.

- A.** Review of the Conditional Use Permit shall address access, off-street parking and traffic.
- B.** Traffic shall not exceed the capacity of adjacent roadways.
- C.** Access through existing residential areas is prohibited.

SECTION 16.23 COMMUNITY LIVING ARRANGEMENT (9 or more persons) (Wis. Stat. § 59.69(15))

Approval of a Conditional Use Permit is required for this use.

- A.** Community living arrangement: Includes all facilities provided for in Wis. Stats. § 46.03(22) and 48.743(1), 48.02, 48.02(17q), and 50.01(1)(a) or (b), including child welfare agencies, group homes for children or adults, and community based residential facilities; along with adult family homes.

- B. Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes.
- C. In the A-1 District, this use is only allowed in preexisting residences.

**SECTION 16.24
COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING**

Approval of a Conditional Use Permit is required for this use.

**SECTION 16.25
CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

Approval of a Conditional Use Permit is required for a CAFO. The following performance standards and application procedures applicable to CAFOs are based on Wisconsin Statute 281 and 283 and Wisconsin Administrative Code NR 151 and 243 and apply to CAFOs existing at the time of adoption of these provisions; Animal feeding operations which are proposed to be expanded to become CAFOs; and newly proposed CAFOs.

A. Water Quality Standards

- 1. Compliance with State agricultural performance standards, prohibitions and conservation practices for livestock operations, subject to applicable cost share requirements. Specific standards enforced through this Chapter are:
 - a. Manure management prohibitions in sec. 281.16(3), Wis. Stats.
 - b. Nutrient and manure management standards, including NRCS Nutrient Management Standard 590 and Ozaukee County Chapter XII.
 - c. Compliance with County regulations for manure storage facilities.
- 2. Approval of a construction and management plan by the Town Building Inspector to ensure that the CAFO is designed and operated to prevent construction site erosion and post-construction storm water runoff that may pose a pollution or sedimentation problem.
- 3. Compliance with a monitoring program, if required.
- 4. Maintenance and a retention of records regarding manure application, crop history and testing, subject to inspection upon written request and reasonable history and testing, subject to inspection upon written request and reasonable notice.

B. Setbacks and Separation Requirement. Compliance with requirements set forth in this Chapter, subject to adjustment based on implementation of best management practices to minimize odor, dust and noise under these procedures:

- 1. Minimum setback requirements for livestock structures such as lagoons, feed storage, animal housing and machine sheds:
 - a. 50 feet from a lot line where such uses are adjacent to other agricultural-zoned lands;
 - b. 150 feet from a lot line where such uses are adjacent to residential zoned lands;
 - c. 75 feet from navigable waters. Specific Shore land Zoning requirements are regulated by the Ozaukee County Shore land/ Wetland Zoning ordinance;
 - d. 300 feet from wetlands;
 - e. A minimum separation distance to protect private wells (See NR 812.08);

- f. 300 feet from pre-existing non-farm residences; and
 - g. 750 feet from pre-existing parks, churches and schools.
2. Minimum setback requirements for manure applications:
 - a. Manure application shall comply with NRCS Nutrient Management Standard
 - b. 590 for setbacks for land applications; and
 - c. Manure applications shall not be applied to land within 200 feet of a residence. The setback may be reduced to 100 feet from the residence if the manure is injected or incorporated within 24 hours. Manure may be applied up to the property line provided that adjacent landowner provides written permission to do so.
 3. Odors, dust and noise from animal feeding operations shall be minimized through best management practices and available technology.
 4. Site conditions, including separation distances, prevailing wind, topography, and building orientation may be considered in determining appropriate management practices. Livestock buildings, manure storage facilities, manure application procedures and other site conditions may be assessed to understand the frequency duration and intensity of odor. In determining suitable practices for a site, the Town of Saukville may seek the recommendations of University of Wisconsin Extension, Natural Resources Conversation Services and other public agencies having expertise in agricultural matters.
 5. The Town of Saukville may require that a livestock producer enter an agreement to install, modify and maintain management practices effective in mitigating odor and other impacts.
 6. If an operator has adopted appropriate management strategies of technologies, the Town of Saukville may reduce setback distances.

C. Permit Application Procedures and Requirements for CAFOs Applications for Conditional Use Permits shall be accompanied by a nonrefundable fee in addition to the following shall be submitted:

1. A signed statement that includes:
 - a. The names and addresses of the owners;
 - b. The legal name and business address of the facility, if different than the owner's;
 - c. The location of the facility by section and quarter section; and
 - d. A list of the maximum number of animals, by type, in the existing and proposed facility.
2. A map (preferably topographic) or aerial photograph showing the proposed facility and its location in relation to property lines, roads, homes and buildings within 1,250 feet; active or abandoned wells with 500 feet; sinkholes or other karst features within 1,000 feet; and navigable waters within 1,000 feet.
3. A plan view of the proposed facility showing the location and dimensions of animal confinement, manure storage and other facilities, drainage patterns on the site and other relevant features such as wells with 250 feet. The sketch shall be drawn to a scale no smaller than 1 inch = 100 feet and should include a north arrow and temporary benchmark.
4. Construction plans and specifications prepared in accordance with technical standards for any manure storage facility and components of a runoff control system. Plans shall be certified as meeting technical standards by an agricultural or civil engineer

- registered in the State of Wisconsin or a Department of Agriculture, Trade and Consumer Protection or NRCS engineering practitioner.
5. A nutrient management plan meeting NRCS Nutrient Management Standard 590, prepared or approved by a qualified planner as defined in Wisconsin Administrative Code Ch. ATCP 50. Written and signed land spreading contracts shall be provided if the applicant does not have the minimum acreage to apply manure according to the plan. An applicant may be granted on the condition that these requirements are met.
 6. A list of property owners within 1,000 feet of the proposed CAFO. All adjacent property owners shall be notified by the Town of Saukville prior to a public hearing or other action regarding the permit.

Within sixty days of receiving a completed application and fee, the Town shall inform the applicant in writing whether the application is adequate and sufficient for processing. After a public hearing or additional information is required, the Town shall approve or reject the application within 60 days after the close of the public hearing or the receipt of additional information. All decisions shall be made in writing accompanied by findings to support the decision and based on evidence that is part of the public record.

F. Site Assessment

A site assessment may be conducted prior to the issuance of a Conditional Use Permit at the request of the Town or on the initiative of the permit applicant. An assessment may cover environmental and other concerns. If an assessment is required, the Town will provide a written notice describing the precise nature of the items to be assessed.

G. Standards for Approval of Conditional Use Permits for CAFOs.

The governing body shall not approve the application for a Conditional Use Permit unless it finds that the proposed use:

1. Complies with applicable requirements of this Chapter, including the detailed performance standards which are included herein.
2. Will not create an unreasonable level of noise, odor or other adverse impacts on existing uses in the surrounding areas as compared to development of the site by a use that is permitted by right. Accompanying this finding there must be the related finding that reasonable mitigation cannot reduce these impacts.
3. Is compatible with existing or permitted uses on adjacent lands in terms of building height, setbacks, open spaces building scale, landscaping drainage, traffic generation or hours of operation.
4. Will be adequately served by utilities, access roads, drainage and other necessary facilities and public services and will comply with State agricultural standards.

H. Additional Conditions

The following conditions may be attached to a Conditional Use Permit upon specific findings that they are needed to satisfy the purpose of this Chapter and assure operation of the use in a manner compatible with existing and potential uses of adjoining properties and in the general vicinity:

1. Increased setbacks and yards;
2. Landscaping, planting screens and other windbreaks;
3. Operational controls, including road usage, lighting and signs, and time of operation;
4. Measures to minimize odor, noise and dust;
5. Measures to control erosion and meet water quality standards;
6. Limits on the number of animals housed in an AFO based on the capacity of the facility to manage manure and the adequacy of the land based to apply manure; and

7. Similar requirements found necessary to fulfill the purpose and intent of this Chapter. Applicants may be provided the opportunity to demonstrate that the implementation of best management practices can alleviate the need for a proposed condition.

SECTION 16.26

CONSTRUCTION TRAILERS AS TEMPORARY OFFICES

A Permit is required for this use subject to the following considerations:

Removal of Trailer Required Upon Completion of Work. A licensed contractor engaged upon a construction project for which a Building Permit has been issued by the Building Inspector may temporarily use a construction trailer for office facilities in the location where the work is being done provided such construction trailer shall:

- A. Not be placed upon the public streets but upon the property on which the Building Permit authorizes the construction.
- B. Not be placed more than fifteen days prior to the commencement of the work for which the Building Permit has been issued.
- C. Be removed within fifteen days after completion of the work for which the Building Permit has been issued.
- D. Use of Mobile Homes or Modular Homes as Temporary Offices During a New Construction or Remodeling. A Zoning Permit may be issued by the Plan Commission for a one year period for mobile homes or modular homes as temporary offices while business properties are being constructed or remodeled if they are placed upon the property for which there is a Building Permit issued by the Building Inspector for the remodeling. The permit shall be for one year or until the new construction or remodeling is completed whichever is the shorter period. The Zoning Permit may be renewed after the expiration of the one-year period.

SECTION 16.27

RESERVED FOR FUTURE USE

SECTION 16.28

CREMATORIES, ANIMAL OR HUMAN

Crematory facilities require approval of a Conditional Use Permit. A Crematory is a location where either deceased animal or human bodies are reduced to mostly tiny pieces of bones resembling ash through exposure to flame. All applicable Federal, State, and Local regulations must be followed.

SECTION 16.29

DRIVE-THROUGH FACILITIES

Approval of a Conditional Use Permit is required for this use. Typically, these facilities include, but are not limited to, those accessory to financial institutions, eating/drinking establishments retail sales, service, repair uses and dry-cleaning stores and can involve a drive-up window or remote unit such as an ATM or remote delivery system. Approval of a Conditional Use Permit is required for all drive-thru facilities regardless of the underlying zoning. The development standards in this section are intended to supplement the standards in the underlying zoning district. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

- A. **Drive-Through Aisles.** The minimum standards for drive-through aisles are as follows:

1. Each drive-through aisle shall be a minimum of 12 feet in width. At least 180 feet of stacking space is required for each lane for restaurant uses. For nonfood businesses, the staking space may be reduced to a minimum of 60 feet. This distance is measured from the service window or unit to the entry point into the drive-up lane.
2. Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way.

B. Hours of Operation. When located within 100 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 100 feet from a residential use, then there are no restrictions on the hours of operation. The designated approving authority may grant exceptions through a conditional use permit after preparation of a qualified noise study.

C. Noise. Any speaker system shall be designed to limit ambient noise levels in the immediate area

SECTION 16.30

DUMPSTERS FOR TRASH AND GARBAGE (Trash and Garbage Storage as accessory uses in agricultural and nonresidential districts). The following requirements shall be met for trash dumpsters and garbage receptacles in nonresidential districts:

Approval of a Conditional Use Permit is required for this use.

A. Trash Dumpster, Recycling Containers and Garbage Receptacle Enclosures Required.

1. All garbage cans, trash dumpsters, trash containers, recycling containers and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view.
2. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally.
3. Where such facilities are provided outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
4. A visually opaque access gate which obscures the view of garbage cans, trash dumpsters, trash containers, recycling containers and other storage devices, shall be provided to all such enclosures. Said gate shall be a minimum of five feet in width.
4. All garbage cans, trash dumpsters, trash containers, recycling containers and other storage devices shall be emptied, and the contents properly disposed of not less than once every seven days.

B. Unenclosed Storage of Trash, Recyclable Materials or Waste Prohibited. No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.

C. Trash Dumpster, Recycling Containers and Garbage Receptacle Location. No trash dumpster or other trash recycling or waste receptacle shall be permitted in any off-street parking space or drive.

D. Concrete Slab or Another Hard Surface Required. Except in the A-1, A-2, A-4, and A-5 Districts, all trash dumpsters, recycling and garbage receptacles shall be placed upon a concrete slab or other hard surface.

- E. Adequate Size to Accommodate Recycling Materials.** All trash dumpsters, recycling and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.
- F. Accessibility.** Garbage, trash, wastes, recycling containers and dumpster enclosures shall be located on the site to provide reasonable accessibility to waste collection vehicles.
- G. Building Permit Required for the Construction of Garbage, Trash, Waste, Recycling Containers and Dumpster Enclosures.** A Building Permit shall be required for the construction of any garbage, trash, and waste or dumpster enclosure.

**SECTION 16.31
RESERVED FOR FUTURE USE**

**SECTION 16.32
DUMPSTERS FOR TRASH AND GARBAGE - CONSTRUCTIONS SITES.**

- A. Permit Required.** No Building Permit shall be issued to construct any building in any zoning district or for any other construction as required by the Building Inspector Plan Commission or its designee unless the applicant shows to the satisfaction of the Building Inspector that the applicant will provide and maintain on each construction site a dumpster with a minimum capacity of ten cubic yards. The dumpster shall be packed in such a way to eliminate the possibility of its contents from blowing about the construction site or on to neighboring properties. The dumpster shall be placed on the property before commencing of the framing of the new structures. A fenced area for the temporary storage of recyclable materials shall be provided on site.
- B. Failure to Comply.** Failure to comply with obtaining, utilizing, emptying and maintaining of a dumpster for construction debris shall after notification to the builder by the Plan Commission or its designee or Building Inspector and the lapsing of a grace period of forty-eight hours, necessitate the issuance of citations to the builder in the matter. The Building Inspector may also authorize, obtain and maintain dumpsters on construction sites pursuant to the procedures in Chapter 66.62 of the Wisconsin statutes as amended. Pursuant to Chapter 66.62 of the Wisconsin Statutes as amended, the Town can provide reasonable notice and a hearing before the Town Board about whether this section has been violated. If the Town Board finds that this section has been violated, the Town Board may order a dumpster to be obtained and maintained on the construction site with cost charged to the property owner benefited thereby and placed as a special assessment and a lien against the property.

**SECTION 16.33
RESERVED FOR FUTURE USE**

**SECTION 16.34
RESERVED FOR FUTURE USE**

**SECTION 16.35
DWELLING, SINGLE FAMILY, SECOND UNIT**

Approval of a Conditional Use Permit is required for this use. A second single family dwelling unit if occupied by an owner of the farm parcel of at least 35 acres or one of the categories listed in

Chapter 91.75.(2) of the Wisconsin Statutes (to carry on permitted farm use within minimum A-1 District lot size and setbacks).

SECTION 16.36

ELECTRIC GENERATING FACILITY (Large Scale): An electric generating facility designed for nominal operation at a capacity of 100 megawatts or more [See Wis. Stat. § 196.491] This does not apply to testing activities undertaken by an electric utility for purposes of determining the suitability of a site for the placement of an electric generating facility, to the extent prohibited by statute.

Approval of a Conditional Use Permit is required for this use. Large-scale electric generation facilities shall meet the following requirements:

- A. Approval of a Conditional Use Permit is required for this use.**
- B. Direct Access to Arterial Streets Required.** All power generation facilities shall have direct access to an arterial street which is a federal, state or county designated highway.
- C. Minimum Required Setbacks.** Front, rear and side yards shall be a minimum of 50 feet from all lot and public street right-of-way lines. When adjacent to residential zoning district yards shall be a minimum of 1,000 feet from said residential portion of a residential zoning district line.
- D. All Applicable Local, State and Federal Environmental Standards to be Met.** Proof of the ability to meet all applicable local, state and federal environmental standards shall be provided.

SECTION 16.37

ELECTRIC GENERATING FACILITY (Small Scale): An electric generating facility designed for nominal operation at a capacity of less than 100 megawatts [See Wis. Stat. § 196.491]. Approval of a Conditional Use Permit is required for this use.

SECTION 16.38

FARM LABOR HOUSING.

Approval of a Conditional Use Permit is required for this use and farm labor housing shall meet these requirements:

- A. Minimum Parcel Size.** The farm labor housing shall be an accessory use to an agricultural use which agricultural use has a minimum parcel size of 35 acres.
- B. Maximum Permitted Density.** The maximum density of the farm labor housing shall not exceed one dwelling unit per two acres of the Zoning lot devoted to agriculture. The units may be clustered, but the area of land used in calculating the density cannot be further subdivided or used for uses other than agriculture. Dormitories, for purposes of density calculations, shall be calculated at 2.56 residents equaling one dwelling unit. *[Note: This number is based upon the 2010 US Census of 2.56 persons per occupied rental housing unit in the Town of Saukville]*

SECTION 16.39

FAMILY FARM BUSINESS RENTAL OR LEASE

Family Farm Business Rental or Lease of property qualifying as a under the provisions of Section 91.75(B) of the Wisconsin Statutes.

**SECTION 16.40
FENCES.**

Fences shall be constructed of rock, masonry or wood. Chain link fences and chain link with slats shall be prohibited from use in required bufferyards.

- A.** The following are required of all fences installed in the Town of Saukville:
1. All fences shall be maintained in good repair and in structurally sound conditions. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight and plumb.
 2. No advertising or signs shall be permitted on any fence in any zoning district.
 3. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
 4. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.
 5. Snow fencing will only be permitted between November 15 and April 15 of the following year.
- B. Fencing in Residential Zoning Districts.**
1. Fences having a height of six feet or less may be used to locate property lines within the required side and rear yard areas in the residential districts.
 2. Chain-link fences shall not be allowed in the front yards of residential districts.
 3. No barbed wire, chicken wire (except for gardening purposes), razor wire, or electrically charged fences shall be allowed in residential zoning districts.
- C. Fencing in the A-1 and A-2 Zoning Districts.**
1. Fencing shall be permitted in all yards in the A-1 and A-2 Zoning Districts, and in all yards in legal nonconforming agricultural uses for replacement of existing fencing. Fencing shall be permitted in front yards only for the enclosure of cultivated fields, pastures and animal pens.
 2. Fencing for areas other than those described in Paragraph 1 above shall comply with the residential zoning district fencing requirements.
 3. Fencing may be constructed in the A-1 and A-2 Districts for cultivated fields and pastures before a principal structure is present.
- D. Location of Fencing in the I-1 and P-1 Zoning Districts.**
1. Fencing more than six feet in height, enclosing a park, elementary, middle or a high school site shall be permitted in all yards.
 2. All fencing in the I-1 and P-1 Districts shall be limited to open mesh-type fencing (chain link).
- E. Fencing in Nonresidential Zoning Districts Excluding B-1 and M-1 Districts.**
1. Fences installed in these nonresidential zoning districts shall not exceed six feet in height except when required to enclose outside storage area or when approved by the Plan Commission may be up to 10 feet in height.
 2. Fencing constructed to enclose outside storage areas shall be at least eight feet

- in height and in no case lower in height than the enclosed storage area.
3. All fencing constructed to enclose outside storage areas in nonresidential zoning districts shall be approved by the Plan Commission.
 4. Barbed wire may be allowed on the top of fences eight feet or more in height.

SECTION 16.41 FACILITY, NURSING

Approval of a Conditional Use Permit is required for this use. Nursing Facilities can include but are not limited to the following: independent living apartments, adult homes, enriched housing, family-type homes, assisted living programs, continuing care retirement communities, and nursing homes. Each application shall be reviewed on a case-by-case basis.

SECTION 16.42

SECTION 16.43 FOOD SERVICE AND DRINKING PLACES USE GROUP

Approval of a Conditional Use Permit is required for this use. Food Service and Drinking Places include restaurants (with and without drive through accessibility), delis, coffee shops, bars, lounges, and taverns.

SECTION 16.44 GENERAL RETAIL

Approval of a Conditional Use Permit is required for this use. General Retail uses include those related to the sale of goods individually or in small quantities directly to consumers.

SECTION 16.45 GOLF COURSES AND COUNTRY CLUBS

Approval of a Conditional Use Permit is required for this use.

- A. A golf course may include a clubhouse (which may include dining, social events and gatherings, and other recreational facilities), pro-shop, restrooms, driving range, shelters, maintenance facility, and other uses that are typically accessory to a golf course.
- B. Golf Courses may also provide golf equipment rental and golf instruction services.
- C. In reviewing site plans for golf courses, the Town shall review access, stormwater, and compatibility with adjacent uses with an emphasis on the compatibility of any maintenance facilities.
- D. Golf Courses must address water usage prior to the issuance of a Conditional Use Permit, as both damage to adjacent wells and impact to the aquifer is strictly prohibited.

SECTION 16.46 HOME OCCUPATIONS

Where allowed, home occupations must be located, developed, and operated in compliance with the following standards; approval of a Conditional Use Permit is required for this use.

- A. **Applicability.** This Section applies to Home Occupations in any residential unit in Saukville regardless of the zoning district designation. This Section does not apply to family day care.
- B. **Permit Required.** A permit is required for Home Occupations where clients or customers are served on site. If no clients or customers are served on site, no permit is required.
- C. **Residential Appearance.** The residential appearance of the dwelling unit within which the Home Occupation is conducted must be maintained.
- D. **Location.** All Home Occupation activities must be conducted entirely within the dwelling unit and/or an associated garage or accessory structure(s) on the same lot, subject to applicable provisions for garage parking.
- E. **Maximum Size.** The space exclusively devoted to the Home Occupation (including any associated storage) must not exceed 25 percent of the combined floor area of the dwelling unit, accessory structure(s), and available garage not used for parking.
- F. **Employees.** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a Home Occupation.
- G. **On-Site Client Contact.** Customer and client visits are permitted; however, the Home Occupation may not generate pedestrian or vehicular traffic in excess of 10 trips per day.
- H. **Employee/Client Parking.**
 1. Customers, clients, and/or employees must park on site. If the site cannot accommodate an on-site parking space, they may park directly on the street adjacent to and in close proximity to the home.
 2. Parking required for customers/clients/employees may be provided on site in a tandem configuration.
- I. **Hours of Operation.** Employees, visitors, students, and/or clients are permitted between the hours of 8:00 a.m. to 9:00 p.m.
- J. **Vehicles.** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.
- K. **Signage.** All signage shall be permitted through the Town of Saukville and must meet all applicable restrictions.
- L. **Hazardous Materials.** Activities conducted, and equipment or materials used, must not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There must be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
- M. **Nuisances.** A Home Occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.
- N. **Multiple Home Occupations.** Multiple Home Occupations in a dwelling are allowed provided the space exclusively devoted to the Home Occupations, including any associated storage, complies with all other provisions in this Section.

- O. Telecommuting.** Telecommuting, defined as working from home while making use of the Internet, email, and the telephone, is permitted in all Zoning Districts as a permitted use.
- P. Prohibited Uses.** The following uses are not permitted as Home Occupations:
 - 1. Adult-Oriented businesses
 - 2. Automobile/vehicle sales and services
 - 3. Eating and drinking establishments
 - 4. Hotels and motels
 - 5. Hospitals and clinics
 - 6. Firearms manufacturing and on-site sales
 - 7. Cannabis uses

**SECTION 16.47
RESERVED FOR FUTURE USE**

**SECTION 16.48
KEEPING OF ANIMALS**

Approval of a Conditional Use Permit is required for some of these uses. The following requirements shall be met for the keeping of animals as an accessory use in the Town of Saukville:

A. General.

- 1. Animals shall be kept on premises at all times and not allowed to wander onto public rights of way. Animal keepers shall take adequate measures to prevent animals from running at large and/or wandering into a public right of way. Appropriate measures may include animal training, fences, invisible fences, coops, or other means to reasonably comply with this requirement. If the measures taken by the animal keeper prove to be inadequate, the Town of Saukville may require additional restraints needed to comply with this requirement.
- 2. Animal keepers shall dispose of all animal waste in a responsible fashion so as to not negatively impact ground water or create a biohazard. The animal keeper shall comply with all County and/or State regulations governing the disposal of animal waste.
- 3. Animal keepers shall limit their animal keeping activities so as to not create a nuisance for neighboring parcels. Aggrieved residents have the right to petition the Plan Commission for enforcement of this provision as set forth in Section 20.13.

B. Limits on numbers of animals by parcel size.

- 1. Animal keepers shall keep no more than the maximum number of equivalent animal units allowed for the size of the parcel where the animals are kept. These limits apply only when the keeping of animals is an accessory use for the parcel in question. The maximum number of animal units based on parcel size is as follows:
 - a. One equivalent animal unit for parcels under three acres in size.
 - b. Two equivalent animal units for parcels at least three but less than five acres in size.
 - c. For parcels of at least five acres in size, the limit is three equivalent animal units plus one-half an equivalent animal unit for each acre above five acres. For example, a maximum of five equivalent animal units could be kept on a parcel that is nine acres in size.

2. Animal unit equivalents are defined in the following table.
3. Animal unit equivalents for animals not listed in the table above shall be established as needed by the Plan Commission.
4. The keeping of beef cattle, dairy cattle, swine, equine livestock, llamas, camels and other animals deemed as “large” by the Plan Commission is prohibited on lots in R-1, R-2, and R-3 zoning districts, regardless of parcel size.

Table 16-1 ANIMAL UNIT EQUIVALENTS		
Type of Livestock	Number of Animal Unit Equivalents per Head	Heads per Equivalent Animal Unit (approx.)
Beef Cattle	1.0	1.0
Dairy Cattle	1.4	0.71
Swine	0.4	2.5
Sheep	0.1	10
Goats	0.1	10
Equine Livestock	1.0	1.0
Llamas, Camels	1.0	1.0
Turkeys	0.03	33
Ducks	0.03	33
Chickens	0.03	33
Dogs	0.25	4
Cats	0.25	4

- C. **Pets.** The keeping of animals as pets shall be permitted in all zoning districts, within the defined limits on the number of animal units allowed based on parcel size.
- D. **Equine Livestock.**
 1. The keeping, breeding and/or maintenance of equine livestock as a commercial operation shall be prohibited when such use is an accessory use of the parcel in question. However, the buying and selling of equine livestock as personal property is permitted.
 2. The keeping, breeding and/or maintenance of equine livestock for private use shall be permitted as an accessory use on lots in A-1, A-2, A-3, A-4 and A-5 zoning districts, having a minimum of two acres, and for which adequate animal housing can be provided legally within the scope of the Zoning Chapter. The term “private use” in this paragraph shall be construed to include the housing of equine livestock not owned by the animal keeper, provided that such housing is not performed as a commercial operation.
 3. All equine livestock kept under the provisions of this section shall be housed in a private stable. Private stables for the keeping of equine livestock shall be subject to the following standards:
 - a. **Required Setbacks.** All piles of feed or bedding shall be located at least 50 feet from any public street right-of-way or lot line of adjacent nonresidential district and at least 50 feet from any lot line of an adjacent agricultural or residential district lot line in order to minimize odor and nuisance problems.

- b. **Manure Maintenance.** The Ozaukee County Sanitation & Health Ordinance, the Wisconsin Department of Natural Resources and the Department of Agricultural Trade and Consumer Protection have laws in place that regulate animal housing, manure storage and animal waste runoff. The animal keeper shall comply with all such applicable regulations.
- c. **Stable Location.** All points on the perimeter of any stable building shall be at least 50 feet from the nearest lot line or right-of-way line of the parcel on which it is located.
- d. **Maximum Number of Stables.** In A-4 and A-5 zoning districts there shall be no more than one such stable allowed per lot.
- e. **Private Use Only.** Stable and livestock are for the use of the property owner and guests only. No equine livestock boarding shall be offered for sale on the premises. No food or beverage service shall be offered for sale on the premises.

E. Kennels: Dog and Cat Breeding and Boarding.

- 1. The breeding and/or boarding of dogs and cats as a commercial operation shall be prohibited when such use is an accessory use of the parcel in question. However, the buying and selling of dogs and cats as personal property is permitted.
- 2. The breeding and/or boarding of dogs and cats for private use shall be permitted as an accessory use on lots having a minimum of two acres and for which adequate housing can be provided legally within the scope of this Section. The term “private use” in this paragraph shall be construed to include the housing of dogs or cats not owned by the animal keeper, provided that such housing is not performed as a commercial operation offered to the general public.
- 3. **Adoption of State Statutes.** Except as otherwise specifically provided in this Chapter, the current and future statutory provisions of Chapter 174, Wisconsin Statutes describing and defining regulations with respect to dogs, exclusive of any provisions therein relating to penalties to be imposed are adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute incorporated herein by reference is required or prohibited by this Section. Any further additions, amendments, revisions or modifications of the current or future statutes incorporated herein are intended to be made part of this Chapter in order to secure uniform statewide regulation of dogs.
- 4. **Private Kennels.** For purposes of this section, a kennel is defined as either a breeding kennel or a boarding kennel. A breeding kennel is a formal establishment for the propagation of animals. A boarding kennel is a place where animals are housed temporarily for a fee. A private kennel is a kennel operated for private use and not offering boarding or breeding services to the general public. Structures necessary for the housing of animals as pets are not considered kennels under this section. Private kennel facilities for dogs and cats shall meet the following requirements:
 - a. **Solid Waste and Feces Removal.** Feces and all other solid waste shall be disposed of in a fashion so as to not negatively impact ground water, create a biohazard, or emit noxious odors.
 - b. **Noises, Smoke and Odor.** Any training of dogs or cats shall not include the use of loud noises or produce smoke or odor. The kennel facility shall not generate adverse, off-site noise or odor impacts.

- c. **American Kennel Club (AKC) Guidelines.** The American Kennel Club (AKC) guidelines shall be used, at minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes and runs.
- d. **Minimum Required Setbacks.** All outdoor housing units shall be a minimum of 50 feet from any residential zoning district and all exercise areas shall be a minimum of 50 feet from any portion of a residential zoning district.

F. Other Livestock.

- 1. For purposes of this section, “Livestock” means any bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, or domestic fowl, including any farm-raised game bird.
- 2. The keeping, breeding and/or maintenance of other livestock as a commercial operation shall be prohibited when such use is an accessory use of the parcel in question.
- 3. The keeping, breeding and/or maintenance of other livestock for private use shall be permitted as an accessory use on lots having a minimum of two acres and for which adequate animal housing can be provided legally within the scope of this Chapter. The term “private use” in this paragraph shall be construed to include the housing of livestock not owned by the animal keeper, provided that such housing is not performed as a commercial operation offered to the general public.
- 4. For the keeping of other livestock, the following minimum standards shall be used:
 - a. **Required Setbacks.** All piles of feed or bedding shall be located 50 feet from a public street right-of-way or lot line or an adjacent nonresidential district and 50 feet from any lot line of any adjacent agricultural or residential district lot line, in order to minimize odor and nuisance problems.
 - b. **Manure Maintenance.** Manure shall be store for removal and disposed of in accord with all applicable county, state and federal regulations. Ozaukee County Sanitation & Health Ordinance, the Wisconsin Department of Natural Resources and the Department of Agriculture Trade and Consumer Protection have laws in place that regulate animal housing, manure storage and animal waste runoff. No manure piles shall be stored closer than 50 feet to any lot line.
 - c. **Animal Housing Structure Location.** All points on the perimeter of any animal housing structure shall be at least 50 feet from the nearest boundary line or right-of-way line of the parcel on which it is located.

**SECTION 16.49
KENNELS, BOARDING**

Approval of a Conditional Use Permit is required for this use.

- A. **Solid Waste and Feces Removal.** The disposal of all feces and other solid waste generated by the kennel operation shall be reviewed and approved by the Plan Commission or its designee.
- B. **Required Fencing.** All runs and kennel areas shall be fenced with chain link, solid wood fencing or a masonry wall of a height to be determined by the Plan Commission. The fence or wall shall be of quality material and be neat in appearance.

- C. Noises, Smoke and Odor.** Any training of animals shall not include the use of loud noises (unless approved by the Town Board) or produce smoke or odor. The kennel facility shall not generate adverse, off-site noise or odor impacts.
- D. American Kennel Club (AKC) Guidelines.** The American Kennel Club (AKC) guidelines shall be used, at minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes and runs.
- E. Minimum Required Setbacks.** All outdoor runs shall be a minimum of 150 feet from any residential zoning district and all exercise areas shall be a minimum of 50 feet from any residential zoning district.

**SECTION 16.50
LANDSCAPING SERVICES.**

Approval of a Conditional Use Permit is required for this use. Landscaping Services are related to a business that operates to construct, install, and maintain lawns, trees, yards, shrubs, gardens, patios, related grounds, and other outdoor areas owned by others. All proposed uses must submit a Site Plan that clearly identifies where all pieces of equipment will be stored on site.

**SECTION 16.51
LAUNDRY SERVICE USES**

Approval of a Conditional Use Permit is required for this use. Laundry Service Uses are related to the commercial washing of cloth or fabric with water, and includes ironing, pressing, folding, or starching of washed cloth or fabric.

**SECTION 16.52
LIBRARY**

Approval of a Conditional Use Permit is required for this use. A Library is a building or room containing collections of books, periodicals, and sometimes films and recorded music for the public to read, borrow, or reference.

**SECTION 16.53
MUSEUM**

Approval of a Conditional Use Permit is required for this use. A Museum is a building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

**SECTION 16.54
NURSERY AND GARDEN SALES**

Approval of a Conditional Use Permit is required for this use within the A-4 and A-5 Districts. Nursery and garden sales either as a principal use or accessory use shall meet the following requirements:

- A. Outdoor Sales of Merchandise to be Accessory to Enclosed Building.** There shall be an enclosed building with outdoor sales of merchandise accessory to said building.
- B. No Outdoor Display Permitted Which is Not Accessory to Enclosed Building.** No outdoor display shall be permitted which is not an accessory to an enclosed building.

- C. **Maximum Area of Outdoor Sales.** The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.
- D. **Chemicals.** The Plan Commission shall determine the extent, type amount and location of all chemicals located on the premises including fertilizers.

**SECTION 16.55
OUTDOOR SALES, OTHER**

Approval of a Conditional Use Permit is required for this use.

Outdoor sales facilities must be located, developed, and operated in compliance with the following:

- A. **Permit Required.** Where permissible, seasonal and temporary sales, such as Christmas tree and pumpkin lots require a Permit.
- B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise must comply with the following standards:
 1. **Relationship to Main Use.** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.
 2. **Display Locations.**
 - a. Outdoor sales or display located within the public road right-of-way is subject to an encroachment permit issued by the Public Works Department.
 - b. The displayed merchandise must not disrupt the vehicle, bicycle, and pedestrian circulation on the site, obstruct driver or rider visibility or otherwise create hazards for vehicles, bicyclists, or pedestrians.
 - c. Except for Automobile/Vehicle Sales and Leasing, a four-foot pedestrian pathway must be maintained and remain unobstructed by either merchandise or displays. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.
 3. **Allowable Merchandise.** Only merchandise generally sold at the business is permitted to be displayed outdoors.
 4. **Refuse/Litter.** The operator is responsible for collecting all trash created from outdoor sales operations.
 5. **Monitoring.** All outdoor sales locations must be monitored by store personnel.

**SECTION 16.56
OUTDOOR STORAGE, GENERAL & LIMITED**

Approval of a Conditional Use Permit is required for these uses. General Outdoor Storage is related to the storage of merchandise, goods, inventory, materials, personal belongings, or equipment or other items which are not intended for immediate sale or removal by locating them outside for more than twenty-four (24) hours. General Outdoor Storage is typically unroofed. Limited Outdoor Storage is related to the storage of merchandise, goods, inventory, materials, personal belonging, or equipment or other items which are not intended for immediate sale or removal by locating them outside for more than twenty-four (24) hours but less than six (6) months. Limited Outdoor Storage may be required to be buffered and / or covered.

**SECTION 16.57
QUICK PRINTING**

Approval of a Conditional Use Permit is required for this use. Quick Printing is related to commercial printing except screen printing and books without publishing. It also includes establishments primarily engaged in traditional printing activities combined with document photocopying services.

**SECTION 16.58
RADIO AND TELEVISION TRANSMITTING AND RECEIVING FACILITIES & BROADCAST STUDIOS**

Approval of a Conditional Use Permit is required for these uses. Radio and television transmitting and receiving facilities shall meet the following requirements:

- A. Interference with Air Traffic Prohibited.** The proposed structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
- B. Interference with Radio and Television Reception Prohibited.** The proposed structure shall not result in interference with radio and television reception in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission regulations.
- C. Minimum Setback Requirements.** There shall be a setback of sufficient radius around the antenna structure as measured from the extremities of the antenna base that is equal to the antenna tower height plus 25 feet so that its collapse will be contained on the property.
- D. On-Site Locational Requirements for Radio and Television Receiving Facilities.**
 - 1. An antenna structure shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard but shall not be located closer to the street than the principal use (that portion of the principal use closest to the street).
 - 2. Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard.
 - 3. All satellite antennas shall be screened from view from any abutting street by an opaque fence, wall or hedge of a minimum of six feet in height.
 - 4. Adequate space as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
- E. Maximum Height.** Such antennas and antenna structures shall not exceed a maximum height of 100 feet.
- F. Antennas and Antenna Structures to be Structurally Self-Supporting.** All antennas and antenna structures shall be structurally self-supporting without the use of any wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
- G. Advertising.** No form of advertising shall be allowed on the antenna, antenna structure, base or framework.

- H. **Cable Installation.** All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
- I. **Minimum Distance Between Antennas and/or Antenna Towers.** The minimum distance between any antennas (or antenna arrays) which exceed a height of 50 feet shall be one half mile as measured from the exterior base of the antenna or antenna structure.
- J. **Detailed Site and Landscape Plan Required to be Approved.** A detailed Site Plan and Landscape Plan shall be submitted to the Plan Commission for review and recommendation to the Town Board pursuant to the Site Plan submittal requirements.
- K. **More than One Service Provider be Allowed to Use Antenna Facilities.** The applicant shall allow the sharing of the antenna support facilities with three or more other service providers through the use of a *Co-location Agreement*. The holder of a Conditional Use Permit for an antenna support facility shall not make access to the antenna support facility and site economically unfeasible. If additional user(s) demonstrate through an independent arbitrator or other pertinent means that the holder of a Conditional Use Permit for an antenna support facility and site has made access to such antenna support facility and site economically unfeasible, then the Conditional Use Permit for said facility shall become null and void.
- L. **Removal of Antenna Facilities Upon Abandonment.** A bond or irrevocable letter of credit shall be provided to the Town for use by the Town for the removal of the antenna facilities if the antenna facilities are abandoned or no longer in use. The property owner shall also sign an agreement and record, with the County Register of Deeds, a deed restriction to remove the antenna facilities within twelve months of the discontinuance of its use.
- M. **Lighting.** Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other applicable authority.
- N. **Color.** All towers shall be of a color that best allows it to blend into the surroundings. The use of grays, blues and greens may be appropriate; however, each case shall be evaluated on an individual basis.

Radio and Television Broadcast Studios are related to the following:

- A. Studios where video production or radio production take place for transmission to the general public.

SECTION 16.59

RECREATIONAL VEHICLE PARKING.

Approval of a Conditional Use Permit is required for this use. Any owner of domestic or recreational vehicles or private pleasure crafts may park or store such vehicles on their own private property subject to the following conditions:

- A. **Location and Appearance.** The recreational vehicle in the yard of the residential lot shall be kept in a clean and neat appearance and in usable condition at all times.
- B. **Prohibition of Vehicle as a Dwelling Unit.** No vehicle shall be lived in, have housekeeping maintained or have hookup to utilities while parked or stored on a residential lot unless a Permit is granted by the Town.

- C. Parking and Storage in Garage.** The vehicle may be parked or stored inside an enclosed structure, such as a garage, which conforms to the Zoning requirements of the particular district where such vehicle is located.
- D. Vehicle Registration and Licensing.** A vehicle that requires State of Wisconsin licensing shall have a current vehicle registration plate affixed to the vehicle at all times.
- E. Recreational Vehicles and or Private Pleasure Craft Ownership.** The recreational vehicles and or private pleasure crafts shall be owned by the resident of the premises upon which such recreational vehicles and or private pleasure crafts are parked.
- F. Parking and the Loading or Unloading of Recreational Vehicles.** A recreational vehicle or private pleasure craft may be parked anywhere on the residential lot for up to 24 hours for the purposes of loading or unloading the vehicle.
- G. Recreational Vehicle or Private Pleasure Craft Greater Than 20 Feet in Length.** Recreational vehicles and private pleasure crafts 20 feet or less in length and recreational vehicles of any length which are used and licensed as the primary means of transportation for the physically disabled may be parked or stored in any yard of a residential lot if it is not closer than 10 feet to any side or rear lot line.
- H. Recreational Vehicle or Private Pleasure Craft Greater Than 20 Feet in Length.**
 - 1. If a recreational vehicle or private pleasure craft is greater than 20 feet in length and cannot be parked in an enclosed structure, the vehicle shall be parked or stored in the rear yard if feasible or in the side yard if the rear yard is no feasible, and shall not be nearer than 10 feet to any side or rear lot line.
 - 2. Parking or storage of the recreational vehicle or private pleasure craft more than 20 feet in length is permitted in the front driveway if:
 - a. Enclosed parking is not possible due to the physical limitations of the existing lot or structure.
 - b. Space is not available in the side yard or there is not reasonable access to either the side or rear yard. A lot shall be deemed to have reasonable access to the rear yard if the terrain permits and access can be had without substantial damage to existing trees or other landscaping or to existing structures. A corner lot shall normally be deemed to have reasonable access to the rear yard.
 - c. It shall be parked or stored a minimum of seven feet plus the length of the recreational vehicle or private pleasure craft from the front property line and or street right-of-way line and a minimum of 10 feet from the side property line.
- I. Minimum Setback from Dwelling Unit.** To protect against fire hazards, the recreational vehicle or private pleasure craft shall be set back at least five feet from the primary dwelling unit and any accessory structures on the residential lot.
- J. Parking in Public Right-of-Way Prohibited.** No recreational vehicles or private pleasure crafts shall be parked or stored in the public rights-of-way.
- K. Percentage of Rear Yard Permitted to be Occupied by the Recreational Vehicle or Private Pleasure Craft.** The recreational vehicle or private pleasure craft with any accessory structures shall not occupy more than 50 percent of the rear yard.

**SECTION 16.60
RECREATIONAL SPORTS & FITNESS CENTERS**

A Conditional Use Permit is required for these uses. These uses relate to establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities such as swimming, skating, or racquet sports.

SECTION 16.61 RESTAURANTS – OUTDOOR SEATING OR ENTERTAINMENT

Where restaurants include outdoor dining and seating facilities, these facilities must be located, developed, and operated in compliance with the following standards:

- A. Applicability.** The standards of this Section apply to outdoor dining and seating located on private property and in the right-of-way. Outdoor dining and seating located within the public-right-of-way is subject to an encroachment permit issued by the Public Works Department prior to its establishment and operation.
- B. Enclosure.** Any awnings or umbrellas must be adequately secured and/or retractable.
- C. Pedestrian Pathway.** A four-foot pedestrian pathway must be maintained and unobstructed. If there is more than a four-foot-wide pathway provided, outdoor dining may be located outside of the required four feet.
- D. Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.
- E. Hours of Operation.** The hours of operation for outdoor dining are limited to the permitted hours of operation of the associated eating and drinking establishment.
- F. Noise.**
 - 1. Amplified music is prohibited outside the restaurant structure.
 - 2. All music must end by 11:00 p.m.
 - 3. Non-amplified music is permitted outside the restaurant, but during daylight hours only.
- G. Parking.** Where an outdoor dining and seating area occupies 200 square feet or less, additional parking spaces for the associated eating and drinking establishment are not required. Parking must be provided according to the required ratio, for any outdoor dining and seating area exceeding 200 square feet.

SECTION 16.62 RIDING ARENA

The following minimum standards shall be used.

- A.** Pre-application conference with the Plan Commission, a detailed site plan and a proposed outdoor lighting plan is required.
- B.** Required Landscape Plan. A proposed landscape plan that includes a bufferyard and/or a screening component that reduces or minimizes the impact of the arena/structure on neighboring properties shall be required and may be subject to modification based on input from the surrounding property owners.
- C.** Maximum Building Height for either an arena or an accessory structure - 28 feet.
- D.** Minimum building setback shall be 75 feet. The Plan Commission can increase the minimum setbacks at their discretion.

- E. No arena, building or combination of buildings shall exceed 8,500 square feet. A Conditional Use Permit is required for any building or combined buildings greater than 2,500 square feet.
- F. Sidewalls shall not exceed 16 feet in height, unless otherwise approved by the Plan Commission.

SECTION 16.63

ROADSIDE STANDS FOR THE SALE OF AGRICULTURAL PRODUCTS.

Approval of a Permit is required for this use.

The following specific standards shall be used in the A-1 and A-2 Districts:

- A. Approval of a Conditional Use or Permit is required.
- B. **Sales or Display on Public Lands Prohibited.** No sales or display activity shall be located on public land.
- C. **Access.** Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County and/or the Town of Saukville.
- D. **Use Location.** The use shall be located on a commercially productive farm.

SECTION 16.64

RURAL EVENT FACILITY

A. Purpose

Approval of a Conditional Use Permit is required for this use. The purpose of this section is twofold:

1. To allow limited non-agricultural activities by the property owner as a business venture in agricultural districts, subject to the application for and approval of a Conditional Use Permit. The intent is to foster entrepreneurial opportunities in the Town that promote the use and preservation of farms and farmland while maintaining the zoning districts' rural, agrarian landscape.
2. To allow the operation of Rural Event Facility in the A-1 and A-2 Agricultural District and B-1 Business District subject to the application for and approval of a conditional use permit and consistency with the proposed standards for Rural Event Facility.

B. Rural Event Facility.

1. All buildings to be used for business activities must meet all building codes for the intended use of the building.
2. Each building used for business activities must pass an inspection by the Town of Saukville Building Inspector prior to the first use of the building for business activities.

C. Rural Event Facility Uses. The non-agricultural activities are limited to the following: weddings, wedding receptions, private parties and corporate events.

1. A maximum of one weddings/wedding reception may be held within each seven-day period beginning Monday and ending Sunday.
2. No more than 15 weddings/wedding reception shall be conducted within a single calendar year.
3. No more than three private parties and corporate events shall be conducted within a single seven-day week.

4. No more than one private party and corporate event shall be conducted within a single day.
5. A private party or corporate event shall be limited to a total of 50 guests.
6. The Plan Commission reserves the right to limit the number of attendees that are allowed on the property during an event.

D. Event Hours.

1. Activities shall commence no earlier than 8:00 a.m. on the day of the event.
2. All events must end by 11:30 p.m.
3. Attendees must be off the premises by 12:00 a.m.

E. Alcohol Sales. The sale of alcohol is prohibited on the premises. Cash bars are prohibited and must be consistent with Wisconsin Law.

F. Parking.

1. The property owner must submit a parking plan to the Plan Commission for approval. The Commission approved parking plan could be as few as zero if the property if it is determined to be not to have sufficient space.
2. Overnight camping is prohibited.
3. Parking and/or land disturbance in wetland areas on the premises is prohibited.

G. Music.

1. Amplified music is prohibited outside the barn structure.
2. All music must end by 11:00 p.m.
3. Non-amplified music is permitted outside the barn, but during daylight hours only.

H. Rural Event-Related Temporary Structures.

1. Temporary outdoor structures such as trailers, tents, portable toilets, lighting and other similar items specific to an event are permitted.
2. All such temporary structures and items must be removed from the site by no more than 96 hours after the event has ended.
3. These temporary structures shall be setback a minimum of 50 feet from adjacent residential use.

I. Signage. All signage must meet the applicable Town of Saukville ordinances and have the proper permit.

J. Compliance with All Applicable Local, State, and Federal Regulations. The applicant shall certify that they will meet all applicable local, state, and federal regulations related to Rural Event Facility, including all applicable local and state fire safety and sanitation regulations.

SECTION 16.65

SG NON-METALLIC MINING OPERATIONS

When applying for a conditional use permit, the applicant shall meet the following standards and provide the following plans and information in addition to what is otherwise required for a Conditional Use Permit:

- A. Use Restricted.** Non-metallic mining operations shall include only the removal of sand and/or gravel from the earth by mechanical means. The quarrying of solid stone is prohibited as are any removal operations which propose to utilize blasting or ripping, and all on-site processing including, but not limited to, washing, sorting, crushing, screening, sizing, or dewatering.
- B. Conditional Use Permit Required.** Conditional Use Permits for non-metallic mining operations shall be in effect for such period of time and subject to those conditions set forth in that permit; provided, however, any such conditional use permit shall terminate upon failure of the permittee to comply with the Town Ordinance requiring annual Quarrying Permits.
- C. Application for a Conditional Use Permit for Non-Metallic Mining.** Applications for a conditional use permit for a non-metallic mining operation shall be submitted to the Town Clerk as set forth under Section 20.03. In addition, said application for a Conditional Use Permit shall be accompanied by a fee as set by the Town Board to defray the cost of notification, holding of public hearings, administrative processing and inspection of such applications; a detailed description of all aspects of the proposed operation; list of equipment, machinery and structures which may be used the source, quantity, and disposition of water to be used, if any; a legal description of the proposed site; a topographic map of the site and the area abutting the site, to the nearest public road right-of-way or a minimum distance of 300 feet on all sides of the site drawn at a minimum vertical contour interval of five feet and showing all existing and proposed private access roads, the depth of all existing and proposed excavations, and all pertinent natural features of the proposed site, including but not limited to streams, wetland, forested land; and a restoration plan.
- D. Referral and Public Hearing.** Application for Conditional Use Permits for non-metallic mining operations shall be referred to the Plan Commission for public hearing and the Commission shall report back to the Town Board with its recommendation within 60 days after the public hearing. The Plan Commission shall conduct such public hearing within 60 days after referral. The Plan Commission shall fix a reasonable time and place for the hearing and publish a Class Two notice thereof. In addition, written notice of the public hearing shall be delivered by first class mail or shall be hand delivered by courier to all owners of the property within one-half mile of the proposed non-metallic mining operation. Substantial compliance with the notice requirements of this Section shall be deemed sufficient.
- E. Town Board Action.** The Town Board shall, within 60 days after receipt of the recommendation from the Plan Commission issue or deny a Conditional Use Permit for the proposed non-metallic mining operation. The determination shall be based upon all relevant factors, including but not limited to those standards set forth under Section 20.03 as well as the following:
1. The effect of the proposed operation on existing roads and traffic movement in terms of adequacy, safety, and efficiency.
 2. The effect of the proposed operation on drainage and water supply; the possibility of soil erosion as a result of the proposed operation.
 3. The degree and effect of dust or noise as a result of the proposed operation;
 4. The practical possibility of restoration of the site.
 5. The effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area.
 6. Particular consideration for future residential use.

Town Board determination regarding the issuance or denial of a renewal of a conditional use permit shall be based particularly on the evaluation of the effect of the continuance of the use in relation to changing conditions in the area. Where renewal is denied, the reason for denial shall be presented to the applicant in writing.

F. Performance Standards.

1. Location.

- a. A non-metallic mining use shall take direct access via a road meeting the requirements of Section 16.F5 below.
- b. No non-metallic mining extraction operation shall be located in a wetland or 100-year recurrence interval floodplain.
- c. The exterior wall elevation of a non-metallic mining extraction use shall be at least four feet above the 100-year recurrence interval flood elevation.

2. Operations. Non-metallic mining removal operations shall meet all development and performance standards of this Chapter and all other applicable local; state, and federal regulations.

3. Minimum Required Setbacks.

- a. The excavation or extraction use wall shall not be located within 125 feet from any public street right-of-way.
- b. The setbacks listed in Table 16-2 are required from the periphery of the subject property to any disposal area, excavation, or extraction use wall, -or storage area on the subject property. Setback distance is dependent upon both the zoning and land use district designation of adjacent property as set forth in the Town of Saukville Comprehensive Plan (whichever designation-zoning or planned land use would impose the stricter requirement).
- c. No non-metallic mining operation shall be permitted if 30 or more residents reside within a 3/4 of a mile of the proposed site, such measurement to be made from the nearest property line point of the property occupied by the resident to the nearest property line point of the site of the proposed non-metallic mining operation.

Table 16-2 MINIMUM REQUIRED SETBACKS FROM ABUTTING ZONING AND PLANNED LAND USE DISTRICTS FOR NON-METALLIC MINING OPERATIONS	
Zoning and/or Planned Land Use District of Abutting Property	Minimum Required Setback from Zoning and/or Land Use District Boundary Line (whichever is greater)
Any private access road or building	1,000 feet
Any building <i>not</i> on-site and <i>not</i> owned by the non-metallic mining operation	1,000 feet
A-4, A-5, R-1, R-2, R-3, and R-4 Districts (<i>not</i> owned by the non-metallic mining operation)	1,000 feet
A-4, A-5, R-1, R-2 and R-3 Districts (owned by the non-metallic mining operation)	300 feet
B-1 District	300 feet
I-1 District	1,000 feet
P-1 District	1,000 feet
M-1 District	300 feet
A-1 and A-2 Districts	300 feet
FW, FF, GFP, SW, R-R, and GP Districts	75 feet

4. **Grading.** All disposal areas and excavations shall be graded in a way that provides an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
 - a. Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and when practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble such as concrete or other materials, provided such materials are composed of non-noxious, noncombustible solids.
 - b. Grading and backfilling shall be accomplished so that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or 33 degrees in angle, whichever is less. During grading and backfilling, the setback requirements in Table 17-2 may be reduced so that the top of the graded slope shall not be closer than 25 feet to any lot line, 75 feet to any street line, nor within 100 feet of any delineated environmental corridors or isolated natural areas or residential portion of a residential zoning or land use district boundary line.
 - c. When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven feet horizontal to one-foot vertical, beginning at least 50 feet from the edge of the water and maintained into the water to a depth of five feet.
 - d. Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
5. **Access.** Truck access to any disposal area or excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties and to ensure the quality of public roads. No extraction facility shall be allowed to take access through a residential street. Approved access streets and highways shall meet Town, County, or Wisconsin Department of Transportation specifications (whichever is applicable based upon the jurisdiction of the street or highway) for base and pavement or shall be improved by the operator to such specifications. There shall be a minimum of 500 feet of sight distance at the entrance to the facility.

G. Operational Requirement. The following operational requirements shall be met:

1. **Fencing. Berms. or Other Suitable Barrier Required.** Fencing, berms or other suitable barrier shall be erected and maintained around the site or around portions of the site where in the determination of the Plan Commission such fencing or barrier is necessary for the protection of the public and shall be of a type approved by the Plan Commission.
2. **Machinery and Equipment.** All machinery and equipment used in non-metallic mining operations shall be constructed, maintained and operated in such manner as to minimize dust, noise and vibration. Access and haulage roads on the site shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Board.
3. **Landscaping.** The planting of trees and shrubs and other appropriate landscaping shall be provided where deemed necessary by the Plan Commission to screen the operation so far as practical from the public right-of-way, and generally to minimize the damaging effect of the operation on the beauty and character of the . surrounding countryside. Such planting shall be started as soon as practical, but not later than one year after non-metallic mining operations have begun. The landscaping standards set forth under Section 11 are the minimum standards to be met.

4. **Hours of Operation.** Non-metallic mining operations shall not begin before 7:00 a.m., and shall not continue after 6:00 p.m., and no operations shall take place on Sundays or legal holidays.
5. **Damage to Town Roads.** The applicant shall route all vehicles in a manner that will not damage Town roads. The applicant shall provide to the Town a bond written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the Town Board in an amount sufficient to repair damages to the Town roads caused by vehicles using the non-metallic mining operation.

H. Plans Required.

1. **Plan of the General Area Required.** Plan of the general area (within a 600-foot radius of the site) shall be prepared at a scale of 1,000 feet to the inch or less, with a 10-foot contour interval or less, to show:
 - a. **Existing Data.**
 - i. Location of proposed site.
 - ii Land use pattern including all building locations and historical sites.
 - iii The width, weight loads, type of surfaces and traffic data for all public streets.
 - b. **Site and Geological Data.**
 - i Soil and geology with soil borings on a 500-foot grid.
 - ii Surface drainage patterns and. watercourses.
 - iii General groundwater movements and aquifer information.
 - iv Aquifer recharge data.
 - v Vegetation cover in the site and dominant species noted.
 - vi Climate, precipitation, predominant wind direction, and percentage of time.
 - c. **Proposed Operation of the Site.**
 - i Type of material to be removed.
 - ii Annual removal rate.
 - iii Method of extraction, excluding types of equipment and use of conveyors.
 - iv Supplementary processes, drying, grading, and mixing.
 - v Estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes.
 - vi Sediment erosion control plan meeting the requirements of this Chapter.
 - d. **Other required plans and data.**
2. **Plan of the Proposed Site.** Plan of proposed site at a scale of 100 feet to the inch or less, with a two-foot contour interval or less, to show:
 - a. **Basic Data.**
 - i Soils and geology, with soil borings on a 100-foot grid for storage facility areas.
 - ii Detailed site-specific surface drainage patterns.
 - iii Detailed groundwater movements and aquifer information.
 - iv Detailed site-specific vegetation, with dominant species noted.
 - b. **Proposed Usage.**
 - i Interior road pattern, its relation to operation yard and points of ingress and egress to local, State and County streets and highways.
 - ii Ultimate use and ownership of site after completion of operation.
3. **Plan of Operation Required.** A plan of operation is required showing:
 - a. Proposed tree and earthen berm screen locations as well as landscape plans.
 - b. Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
 - c. Method of disposition of excess water during operation.

- d. Machinery, type and noise levels.
- e. Safety measures and monitoring of complaints.
- f. Street, road and drive pattern.
- g. Final contours of area after extraction or disposal has been completed and prior to restoration.
- h. Estimated amount and description of aggregate and overburden to be removed.
- i. Source of water if used.
- j. Location for storage of aggregate and overburden.
- k. Sedimentation and erosion control plan. during operations.
- l. A plan for the continued maintenance of the Town roads used.

4. End Use Plan and Restoration Requirements.

- a. An end use plan for the rehabilitation of the site after the extraction operation is completed shall be submitted and must be approved by the Plan Commission. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline:
 - i. Post operation maintenance procedures.
 - ii. Legal responsibility for any environmental pollution that occurs even if after the facility is closed.
 - iii. Financial ability to clean up any possible pollution that occurs even if after the facility closed.
 - iv. Final contours of area after extraction or disposal has been completed and before restoration.
 - v. The owner or operator shall submit a plan for progressive restoration as the operation is being carried on.
- b. To ensure that the area of extraction operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, before the issuance of a Conditional Use Permit, submit to the Plan Commission a plan for such restoration in the form of the following:
 - i. An agreement with the Town of Saukville whereby the applicant contracts to restore the premises to the agreed condition and within a time satisfactory to the Town.
 - ii. A physical restoration plan showing the existing and proposed contours at two feet and at Ozaukee County Vertical Datum after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished.
 - iii. A bond, written by a licensed surety company, a certified check, letter of credit, or other financial guarantee in a form satisfactory to the Town Attorney and in an amount sufficient in the opinion of the Town Engineer or Plan Commission to secure the performance of the restoration agreement.
 - iv. If the applicant fails to fulfill the agreement, such bond, check, or other financial guarantee shall be deemed forfeited for enabling the Town of Saukville to perform the restoration.

- c. Restoration shall proceed when practicable and at the order and direction of the Town Engineer or Plan Commission. The required bond in such case may cover progressive stages of the restoration for periods of not less than two years.
 - i. At any stage during the restoration, the plan may be modified by mutual agreement between the Town of Saukville and the owner or operator.
 - ii. Where there is any, backfilling, the material used, or method of fill shall not be such as to create a health hazard or which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.
 - iii. Within one year after the cessation of the operation, all temporary structures (except fences) and equipment shall be removed; stockpiles, rubble heaps or other debris shall be removed or backfilled into excavation, to leave the premises in a neat and orderly condition and covered with a minimum of two feet of earth including four inches of topsoil.
 - iv. In any restoration procedure which takes place in non-metallic mining pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of three horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage or repose of the material involved.
 - v. In addition, all restoration shall be in conformance with the construction site erosion control requirements of this Chapter.
- d. **Planting.**
 - i. When planting is the final use to which the property is put all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A landscape planting plan shall be prepared for the entire finished property using various types of plant material that prevent soil erosion and provide vegetative cover.
 - ii. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

I. Inspections. The Plan Commission, or a committee appointed by the Plan Commission, may periodically conduct an inspection of non-metallic mining operations to ascertain whether or not the requirements of this Chapter and any previously agreed upon conditions are being met.

**SECTION 16.66
SCHOOLS AND INSTRUCTION, OTHER**

Approval of a Conditional Use Permit is required for these uses. These uses include alternative forms of education or instruction that are not of a traditional learning model typically found at a public elementary, secondary, or high school.

**SECTION 16.67
SECURITY SYSTEM**

Approval of a Conditional Use Permit is required for this use.

**SECTION 16.68
SELF-STORAGE FACILITIES**

Approval of a Conditional Use Permit is required for this use. These personal storage facilities shall be used only for the storage of materials or articles.

- A. Prohibited Activities** include:
 - 1. No living plants, animals, or persons may be kept in a personal storage unit.
 - 2. No retail sales, assembly, fabrication, processing, repair, or other commercial use may be conducted out of a personal storage unit.
 - 3. No services or sales shall be conducted from any storage unit.
 - 4. Garage sales and/or flea market type activities are prohibited.
 - 5. Facilities shall not be used for practice rooms, meeting rooms, or residences.
- B. No Hazardous Materials Storage.** No storage of hazardous materials is permitted. As part of the rental process, the facility manager must inform all tenants of conditions restricting storage of hazardous materials and use limitations of the storage units, including no habitation. These restrictions must be included in rental contracts and posted at a conspicuous location within the front of each rental unit.
- C. Open Storage.** Open storage, outside an enclosed building, is limited to vehicles and trailers with a valid registration which are screened from public view.
- D. Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 7:00 p.m. if the facility abuts a residential zone districts.
- E. Accessory Use** a self-storage facility may include a caretaker unit as an accessory use.

**SECTION 16.69
SEASONAL SALES**

Approval of a Conditional Use Permit following the following specific standards is required for this use.

- A. Access.** The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County and/or the Town of Saukville.
- B. Sales Prohibited on Public Land and Public Rights-of-Way.** No seasonal activities and/or seasonal outdoor sales uses shall be located on Town-owned land or public rights-of-way. All parking provided such uses shall be located off street.
- C. Location.** The use shall be restricted to a clearly defined area on the property as approved by the Town Board.

- D. No Seasonal Outdoor Sales Use Permitted Which is Not an Accessory to an Enclosed Building.** No seasonal activities and/or seasonal outdoor sales uses shall be permitted which is not an accessory to a permanent enclosed use.
- E. Considered as an Accessory Use.** The seasonal activities and/or seasonal outdoor sales use shall be considered an accessory use to the principal use of the property.
- F. Hazardous and Chemical Materials.** No hazardous and chemical materials that include explosives and blasting agents, flammable and combustible liquids, liquefied petroleum gas and chemicals (including fertilizers) shall be located outdoors.
- G. Visibility.** The location of seasonal activities and/or seasonal outdoor sales uses on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard or obscure the public view of a neighboring business.
- H. Trash and Debris.** All trash and debris shall be removed or contained daily.
- I. Written Consent Required.** Written consent from the owner or authorized agent or the property shall be provided.
- J. Signage.** All signage shall be according to the sign regulations set forth in the Town sign regulations. The following signs are hereby prohibited:
 1. Any sign or any part of a sign which is in motion by any means including fluttering or rotating or other signs set in motion by movement of the atmosphere.
 2. Inflatable advertising devices or signs.
 3. Changeable copy and portable trailer signs either fixed or moveable.
 4. Banners which are temporary signs or devices of paper, fabric, plastic or other flexible materials and are suspended by wires or poles to advertise a special event (except as may be permitted by the Town Board).
 5. Statues and stuffed animals.
 6. A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three consecutive hours which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
- K. Removal of Materials.** All materials shall be removed within twenty-four hours of the end of the operation.
- L. Limitation on Use of Drives or Required Off Street Parking Spaces.** No temporary seasonal activities and/or seasonal outdoor sales area shall occupy any drive and/or off-street parking space which is required by this Ordinance for the principal use of the property.
- M. Blocking of Ingress/Egress Routes Prohibited.** No temporary seasonal activities and/or seasonal outdoor sales area shall block any permanent vehicular and/or pedestrian ingress and egress route, or access aisle or drive including entrances and/or exits to a site or building.
- N. Setbacks.** No temporary seasonal activities and/or seasonal outdoor sales area may directly abut any residential zoning district.
- O. Fire Hazards.** All temporary seasonal activities and/or seasonal sales areas shall be maintained in such a manner so as to eliminate insofar as possible any fire hazard.
- P. Duration.** No business shall be issued more than two Certificates of Occupancy for a temporary seasonal outdoor sale(s) within any one calendar year. The duration of one or

both of the requests for the Certificate(s) of Occupancy for the temporary seasonal outdoor sales shall not exceed a total of sixty days within any one calendar year.

- Q. Electrical Wiring.** Electrical wiring, if required, shall be installed by a licensed electrical contractor and approved by the Town Building Inspector.
- R. Certificate(s) of Insurance Required.** No seasonal activities and/or seasonal outdoor sales use shall be permitted until the applicant therefore has placed on file with the Plan Commission or its designee a Certificate or Certificates of Insurance indicating that there is in effect adequate public liability insurance covering any damages arising out of the use or operation of any devices and facilities operated in connection with such seasonal outdoor sales use. The Town shall be held harmless by the applicant.
- S. Hours of Operation.** The sales shall be limited to between the hours of 7 AM and 9 PM.
- T. Other Requirements.** Any other requirements and/or conditions deemed appropriate by the Plan Commission or its designee.
- U. Food Preparation and/or Production.** An activity related to food preparation and/or production must meet all Federal, State, and Local regulations.

**SECTION 16.70
RESERVED FOR FUTURE USE**

**SECTION 16.71
RESERVED FOR FUTURE USE**

**SECTION 16.72
SEPTIC TANK AND RELATED SERVICES**

Approval of a Conditional Use Permit is required for this use.

**SECTION 16.73
SERVICES TO BUILDINGS AND DWELLINGS GROUP**

Approval of a Conditional Use Permit is required for this use.

**SECTION 16.74
RESERVED FOR FUTURE USE**

**SECTION 16.75
SMALL WIND ENERGY SYSTEMS**

Approval of a Conditional Use Permit is required for this use. A small wind energy system is defined as standing less than 170 feet. in total height and designed to produce no more than 100 kW of energy. Small Wind Energy Systems are limited to one system per parcel. When considering a conditional use permit the following minimum standards shall be used:

- A. Sound:** Audible sound emanating from a small wind energy system as measured at the property lines shall not exceed the Town Zoning noise standards.
- B. Finish:** Small wind energy systems shall remain the manufacturer's non-reflective, non-obtrusive color. No signs or other displays are allowed except for the reasonable identification of the manufacturer of the system if that identification is part of the original appearance of the system. Warning signs are not restricted by this regulation.

- C. **Lighting:** No artificial lighting of the system shall be allowed except to the extent required by the Federal Aviation Administration or other authority for the purpose of aviation safety.
- D. **Setbacks:** No wind energy system shall be erected closer than the total height of the system from the ground level to the top of the highest vane multiplied by a factor of 1.5 to the following: neighboring property lines, public roads and railroad rights-of-way or overhead utility lines.
- E. **Ground Clearance:** Small wind energy system blades shall be at least 15 feet above the grade at all times. Any guy lines supporting the tower shall be marked for visibility.
- F. **Access:** Access ladders shall start above 15 feet All electrical components shall be in a locked case. Fencing of the tower is permitted by not required. All warning signs should be kept legible.
- G. **Wiring and Power Lines:** All power lines must be buried to National Electric Code Standards. A plat showing the location of all buried wiring shall be provided to the Plan Commission or its designee to ensure a record is forward to Digger's Hotline.
- H. **Code Compliance:** A small wind energy system including the supporting tower shall comply with all applicable *Wisconsin Building Code* and *National Electrical Code Standards*.
- I. **Utility Notification:** Utility notification is required in all cases. The owner of a small wind energy system that connects to the electric utility shall comply with Public Service Commission of Wisconsin Rule #119 – *Rules for Interconnecting Distributed Generation Facilities*.
- J. **Proof of Liability Insurance:** A Certificate of Insurance showing liability coverage in the amount of one million dollars covering the small wind energy system shall be submitted to the Town annually. This insurance shall not lapse at any time.
- K. **Permit Requirements:** A Zoning permit and a building permit issued by the Town are required before construction begins.
- L. **Abandonment:** If the system is out of continuous operation for a period of six months it shall be considered abandoned and the permit allowing its use may be withdrawn. The property owner shall receive notice of abandonment from the Plan Commission or its designee and shall have 30 days to respond in writing to this notice stating the reasons why the permit should not be withdrawn. After 30 days have passed since the notice has been received by the property owner, the Plan Commission or its designee may begin action to withdraw the permit. Once the permit for the system has been withdrawn the property owner has 60 days to remove the system from the property.

SECTION 16.76

SOLAR COLLECTION/SOLAR ENERGY SYSTEMS.

Approval of a Conditional Use Permit is required for this use which includes solar collectors and solar energy systems. Application for a solar energy system shall address the criteria set forth in subsection A through C below.

- A. Serves to preserve or protect the public health or safety.
- B. Does not significantly increase the cost of the system or significantly decrease its efficiency.
- C. Allows for an alternative system of comparable cost and efficiency.

**SECTION 16.77
STABLES, PUBLIC**

Approval of a Conditional Use Permit is required for this use. Public stables shall meet the following requirements:

- A. Minimum Lot Area.** The minimum lot area shall be 35 acres.
- B. Required Setbacks.** The following minimum setbacks shall be provided:
 - 1. Front, rear and side yard setbacks shall be a minimum of 50 feet.
 - 2. All piles of feed or bedding shall be located at least 50 feet from any public street right-of-way or lot line of an adjacent nonresidential district and at least 50 feet from any lot line of an adjacent agricultural or residential district lot line in order to minimize odor and nuisance problems.
- C. Stable Location.** All points on the perimeter of any stable building or coral shall be at least 50 feet from the nearest lot line or right-of-way line of the parcel on which it is located.
- D. Plan of Operation Required.** The applicant shall submit a plan of operation for the Plan Commission's and Town Board's review and consideration as part of the Conditional Use Permit process.
- E. Maximum Number of Equine Allowed Per Public Stable or Public Stable Operation.** The maximum number of head of equine livestock allowed per public stable or public stable operation shall be determined by the Town Board upon recommendation of the Plan Commission.
- F. Manure Maintenance.** Manure shall:
 - 1. Be stored for removal and disposed of in accord with all applicable county, state and federal regulations. The Ozaukee County Sanitation & Health Ordinance, the Wisconsin Department of Natural Resources and the Department of Agriculture Trade and Consumer Protection have laws in place that regulate animal housing, manure storage and animal waste runoff.
 - 2. No manure piles shall be stored closer than 50 feet to any lot line.

**SECTION 16.78
STORAGE OF AGRICULTURAL EQUIPMENT**

Approval of a Conditional Use Permit is required for this use. The storage of agricultural equipment such as, but not limited to, tractors, trailers, fertilizer spreaders, wagons, planters and the like as an accessory permitted use in the A-1 and A-2 Districts shall be subject to the following requirements:

- A. Use of Equipment.** The equipment shall be used in association with the permitted use.
- B. Storage of Junk.** The storage of junk is prohibited.
- C. Motor Vehicle Sales Prohibited.** This provision shall not be used to permit the establishment of motor vehicle sales as a use within the A-1 and A-2 Districts.
- D. Inoperable Machinery Prohibited.** The accumulation of machinery, which is no longer operable in the sense for which it was manufactured, is prohibited.

SECTION 16.79

SWIMMING POOL (Private, Outdoor)

Approval of a Conditional Use Permit is required for this use and the following requirements shall be met for swimming pools located in residential districts.

A. Enclosure and Fencing.

1. Every person owning land upon which there is situated a swimming pool that contains twenty-four inches or more of water depth at any point, shall erect and maintain thereon an adequate enclosure surrounding the pool area.
2. Private swimming pools shall be enclosed with an enclosure or fence not less than four feet in height above the ground. Such enclosure or fencing shall be equipped with self-closing and self-latching gate(s) and shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be placed at least four feet from the ground. For above ground swimming pools, the pool side shall count towards the minimum required fence height.
3. Enclosures and fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the enclosure or fence.
4. Enclosures and fences shall be designed to withstand a horizontal concentrated load of 200 pounds applied on a one square foot area at any point of the enclosure or fence.
5. If a pool is higher than four feet and has a ladder, the ladder shall be able to be locked in an up position.

B. Location and Placement.

1. A private pool shall not occupy front or side yards, except for corner lots. Pools and their surrounding decking shall be permitted within one front yard, which functions as a side yard, provided the pool or decking is located no more than 10 feet into the required front yard as measured from the rear line or the front yard. However, in districts requiring side yards greater than 10 feet, this permitted intrusion shall be increased up to a distance equal to said required side yard.
2. For double frontage lots, pools and their surrounding decking shall be permitted within the front yard which functions as a rear yard, provided that the pool is screened from the rear street by a fence, wall or hedge.
3. No wall of a swimming pool shall be located less than the required yard setback.
4. No swimming pool shall be located within a horizontal distance of 10 feet from any overhead utility or electrical wiring.
5. No swimming pool shall be placed in any easements.
6. No swimming pool shall be placed closer than 12 feet from any principal structure

SECTION 16.80

RESERVED FOR FUTURE USE

SECTION 16.81

RESERVED FOR FUTURE USE

**SECTION 16.82
UTILITY, MAJOR**

Approval of a Conditional Use Permit is required for this use. Utility, Major includes any:

- A. Building or other structure used for water supply or wastewater treatment, or the production of steam, air conditioning, hot water or potable water for consumption by the general public.
- B. Electric substation and distribution facility with a nominal capacity exceeding 115KV.
- C. Water treatment and purification (WTP) facility or water pumping plant with a capacity of > 10 MGD.
- D. Sewage treatment plant.
- E. Transmission pipeline to transport products, such as crude oil, natural gas, refined petroleum products, or slurry.

**SECTION 16.83
UTILITY, MINOR**

Approval of a Conditional Use Permit is required for this use. Utility, Minor includes:

- A. Electrical power line, telephone or telegraph line, water pump station, sewage lift station, sewer or water pipe, or other pipe, conduit or accessory structure used to transport power, or transport material between two points, other than wireless communication service facilities.
- B. Electric substation and distribution facility with a nominal capacity of no more than 115KV.
- C. Gas and fuel lines for local natural gas distribution.
- D. Water pumping plant with a capacity of < 10 MGD.
- E. Water tank, septic tank, well, or water reservoir.

This use does not include a service garage or storage yard, either as a primary use or accessory to the utility.

**SECTION 16.84
WILDLIFE SANCTUARIES**

Approval of a Conditional Use Permit is required for this use. Wildlife Sanctuaries include facilities that are in possession of captive wildlife. These facilities must follow all Federal, State, and Local regulations, as certain laws regulate activities such as taking, transporting, selling, purchasing, introducing, stocking, releasing, hunting, exhibiting, propagating, and rehabilitating captive wild animals.

**SECTION 16.85
WINERIES & BREWERIES**

Approval of a Conditional Use Permit is required for these uses. Wineries & Breweries are related to establishments that commercially produce wine and/or beer and should be reviewed on a case by case basis.



Part 5

REQUIRED PLANS

SECTIONS

SECTION 17	SITE PLAN
SECTION 18	LANDSCAPE PLAN
SECTION 19	ARCHITECTURAL PLANS

SECTION 17 SITE PLAN

SECTION 17.01 GENERAL REQUIREMENTS

A. Site Plan Review Required

No person shall commence any use or erect any structure without first obtaining a Site Plan approval unless the use or structure is exempted from site plan approval. Table 17-1 below defines requirements and exemptions for Site Plan approval, depending on the type of use or structure.

Table 17-1

Type of Use or Structure	Review Required, or Exempt	Approval Required From
Single Family Dwelling	Exempt	Footnote 1
Principal use buildings and structures for agricultural, manufacturing or commercial uses	Review Required	Plan Commission
Accessory buildings and structures in any Zoning District which are 250 square feet or less	Exempt	Footnote 1
Accessory buildings and structures in any Zoning District which are between 250 square feet and 2500 square feet	Review Required	Zoning Administrator Only
Accessory buildings and structures in any Zoning District which are over 2500 square feet	Review Required	Plan Commission Footnote 2

- Footnote 1: When a building or structure is exempt from site plan review, the Plan Commission or its designee shall review the project for zoning compliance prior to the issuance of a Building Permit.
- Footnote 2: Accessory structures over 2500 square feet in the A-4 and A-5 Districts require a conditional use permit. The Plan Commission shall conduct the site plan review as part of the Conditional Use permitting process.

**SECTION 17.02
PRINCIPLES AND STANDARDS OF REVIEW**

- A. Site Plan Criteria for Site Plan Review.** The Plan Commission or its designee shall determine that all Site Plans meet the criteria below. At the discretion of the Plan Commission, individual criteria below may be waived for Site Plans where the Plan Commission deems the criterion to be not applicable.
- 1. Conformity of Use to Zoning District.** The proposed uses shall conform to the listed uses within the zoning district.
 - 2. Dimensional Requirements and Design Provisions.** The dimensional arrangement of buildings and structures shall conform to the development regulations of the zoning district.
 - 3. Site Intensity and Site Capacity Calculations.** The requirements of Section 28 shall be met. In this respect, the necessary worksheets for determining the maximum site intensity or development capacity of the site shall be submitted with the Site Plan for review and approval.
 - 4. Relation to Existing Proposed Streets and Highways.** There shall be a proper relationship between the existing and proposed streets and highways within the vicinity of the project to promote safety and convenience of pedestrian and vehicular traffic. For arterial streets and highways not under the jurisdiction of the Town of Saukville, the applicable highway authority must be contacted, and the needed permits must be acquired.
 - 5. Impacts on Surrounding Uses.** All structures shall be situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress and interior/exterior traffic flow, storm water drainage, erosion, grading, lighting and parking as specified by this Chapter or any other applicable codes or laws.
 - 6. Required Landscaping and Landscaping Buffer Yards.** Adverse effects of the proposed development and activities upon adjoining residents or owners shall be minimized by design and installation of landscape buffer yards to provide for appropriate screening, fencing or landscaping. Where required, a "Landscape Plan meeting the requirements set forth in Section 18 must also be submitted with the Site Plan for review and approval.
 - 7. Provision of Emergency Vehicle Accessibility.** The site and its improvements shall be readily accessible to emergency vehicles and the handicapped.
 - 8. Building Location.** No building shall be permitted to be sited in a way that would unnecessarily destroy or substantially damage the beauty of the area, adversely affect values incident to ownership of land in the area, or unnecessarily affect the beauty and general enjoyment of existing structures on adjoining properties.

9. **Building Separation.** The proposed structures shall be located to allow for adequate light and air, ease of access and entry for vehicles, occupants and pedestrians, and safety from fire, flood and other safety hazards.
10. **Location and Design of Loading Facilities.** No loading area or facility shall be permitted to be designed or sited in a way that would unnecessarily destroy or substantially damage the beauty of the area, adversely affect values incident to ownership of land in the area, or unnecessarily affect the beauty and general enjoyment of the existing structures on adjoining properties.
11. **Consistency with the Intent of the Town of Saukville Zoning Chapter.** The Site Plan shall be consistent with the intent and purposes or the Town of Saukville Zoning Chapter to promote the public health, safety and general welfare, to encourage the use of lands according to their character and adaptability, to avoid the overcrowding of population, to lessen congestion on public roads and streets, to reduce hazards to life and property, and to facilitate the implementation of the Town of Saukville Comprehensive Plan.
12. **Consistency with the Intent of the Town of Saukville Comprehensive Plan.** The Site Plan shall be consistent with the goals, objectives, policies and design criteria set forth in the Town-adopted Comprehensive Plan.
13. **Plan Commission Reserves the Right to Determine a Site “Unsuitable for Planned Use”.** The Plan Commission reserves the right to declare land or structures unsuitable for planned use during the Site Plan review process. The Plan Commission or its designee may request that the Plan Commission make a determination of suitability for planned use with respect to a Site Plan.

SECTION 17.03

APPLICATIONS FOR SITE PLAN REVIEW

All Site Plan applications and required submittal materials shall be submitted to the Town Clerk who shall transmit the information to the Plan Commission or its designee and/or Plan Commission for their review and decision. All Site Plan applications shall include the following:

- A. A Town-approved Site Plan Application Form** containing the following:
 1. Name of Project
 2. A brief narrative summarizing the project.
 3. Applicant name and address.
 4. Proposed use of new structures.
- B. Site Plan Drawings.** A set of drawings that define details of the project. Each drawing page shall be drawn to a known engineering scale and the drawing scale shall be indicated on each drawing page. Collectively, the drawing pages shall include all of the following:
 1. Name of Project
 2. Owner, Developer and/or Consultant Names and addresses.

3. Date of application submittal
4. Revision dates for each drawing page.
5. The size of the site in square feet or acres
6. A north arrow indication
7. Location of existing and proposed structures, including building dimensions, building height, setback lines and setback distances.
8. Architectural Plans and Elevations. Architectural floor plans, elevations, and other drawings illustrating the design, character, materials and dimensions of proposed structures.

C. Additional Attachments to the Site Plan. Each of the following may be a required submittal for the Site Plan, depending on the specifics of the project. The Plan Commission or its designee will determine which are required based on a preliminary description of the project and communicate these requirements to the applicant. When required, these items shall be submitted as attachments to the Site Plan Application form.

1. **Existing and Proposed Topography.** Existing and proposed topography shown at a contour interval of not more than two feet at National Geodetic Vertical Datum of 1929 (mean sea level), noted on the applicable site plan drawing(s). Plan Commission or its designee may also require a Grading Plan for proposed conditional uses.
2. **Soils Data.** The characteristics and types of soils related to contemplated specific uses noted on the Site Plan. Soil borings may be required by the Plan Commission or its designee.
3. **Parking, Loading, Ingress and Egress Plan.** The total number of off-street parking spaces, loading areas, drives, and vehicular ingress and egress locations to the site shall be shown on the applicable Site Plan drawing(s). If the proposed development abuts an existing or planned collector or arterial street or highway, as identified on the Town of Saukville Comprehensive Master Plan or component thereof, all driveway locations of all adjoining properties within 200 feet of the site shall be graphically indicated and dimensioned with distances and widths noted on the appropriate Site Plan drawing(s).
4. **Location, Type and Size of Signs.** The type, size and locations of all proposed signs shall be indicated on the appropriate Site Plan drawing(s).
5. **Existing and Proposed Street Names.** Existing and proposed street names shall be shown on the appropriate Site Plan drawing(s).
6. **Public Rights of Way, Reservations and Easements.** Existing and proposed public street rights-of-way, reservations, and/or easements shall be indicated on the appropriate Site Plan drawing(s).
7. **Proposed Storm Water Management Facilities.** Location of any proposed storm water management facilities, including detention/retention areas, shall be shown on the appropriate Site Plan drawing(s). Storm water calculations that justify the storm water detention/retention areas shall also be submitted.
8. **Landscape Plan.** When landscaping is required, a landscape plan shall be indicated on the appropriate Site Plan Drawings, and description of the landscape plan shall be included with the Site Plan as an attachment.

9. **Development Staging / Phasing.** A graphic outline of any planned development staging or phasing shall be included in the Site Plan as an attachment.
10. **Lighting Plan.** When required, a Lighting Plan which meets the lighting regulations set forth in Section 12 shall be included in the Site Plan as an attachment. The Lighting Plan shall indicate the location, type, and illumination level in foot candles of all outdoor lighting proposed on the site.
11. **Highway Access Permits from Jurisdictions other than the Town of Saukville.** Copies of any letters of review or permits granted by applicable Federal, State or County regulatory agencies having jurisdiction over highway access, if applicable, shall be included as attachments to the Site Plan.
12. **Additional Data Required by the Town.** The Plan Commission or its designee may require additional data in order to review the site plan. An example of such additional data is a detailed traffic impact study performed by a transportation engineer. When required, such additional data shall be submitted with the Site Plan as an attachment.

SECTION 17.04 SITE PLAN REVIEW AND FINDINGS

A. Plan Commission Consideration of Site Plan Applications

1. **Plan Commission Review of Site Plans.** The Plan Commission shall review the referred plans and render a decision within 60 days.
2. **Plan Commission Approval of Site Plans.** The Plan Commission shall not approve any Site Plans until it has determined that the application meets all pertinent Zoning Chapter and other applicable code requirements.
3. **Filing of Decision on Site Plan Review.** The decision shall be filed with the Plan Commission or its designee in the form of Plan Commission meeting minutes. The development of the site must be in conformity with the approved and filed Site Plan.
4. **Standards for Site Plan Denial.** The Plan Commission shall not deny or recommend denial of a Site Plan pursuant to this Chapter except based on specific findings associated with one or more of the following:
 - a. **Failure to Meet Principles and Standards of Review.** The proposed Site Plan fails to adequately meet specified principles and standards required by this Chapter, including Conditional Use Permit standards where applicable.
 - b. **Interference with Easements or Public Rights-of-Way.** The proposed Site Plan interferes with easements or public rights-of-way.
 - c. **Interference with Features.** The proposed Site Plan unreasonably destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural resources, topographical, or other physical features of the site.
 - d. **Adverse Traffic Impacts.** The proposed Site Plan creates undue traffic congestion, draws significant amounts of traffic through residential streets, creates hazards in the public streets, or the circulation elements of the proposed Site Plan unreasonably create hazards to safety on or off site which makes for disjointed or inefficient pedestrian or vehicular circulation paths on or off site. Adequate measures would not be taken to provide proper ingress, egress, or circulation.

- e. **Inadequate Buffer Yards or Screening.** The buffer yards or screening of this site does not provide adequate shielding for or from nearby uses.
 - f. **Lacking Amenity.** The proposed structures or landscaping is unreasonably lacking elements in relation to or is incompatible with nearby structures and uses.
 - g. **Lack of Adequate Open Space or Landscape Surface Ratio.** For Site Plans submitted in connection with an application for a Conditional Use Permit, the proposed Site Plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.
 - h. **Storm Water Drainage or Erosion Problems.** The proposed Site Plan creates unnecessary storm water drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned storm water drainage system serving the Town.
 - i. **Burdens on Utilities.** The proposed Site Plan places unwarranted or unreasonable burdens on specified utility systems servicing the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems servicing the Town.
 - j. **Inadequate Public Facilities.** The proposed Site Plan will not be served adequately by public facilities, streets, public utilities, police or fire protection, refuse disposal, public parks, libraries, schools, other public facilities or utilities or the applicant will not provide adequately for such facilities.
 - k. **Interference with Surrounding Development.** The proposed Site Plan will be constructed, arranged, or operated so as to unreasonably interfere with the use and development of neighboring property.
 - l. **Destruction of Significant Features.** The proposed Site Plan will result in the destruction, loss, or damage of any natural, scenic or historic feature of significant importance.
 - m. **Other Adverse Effects.** The proposed Site Plan otherwise adversely affects the public health, safety or general welfare.
5. **Effect of Site Plan Approval.** Approval of a Site Plan shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Town of Saukville.
 6. **Limitations on Site Plan Approval.** Subject to an extension of time that may be granted by the Plan Commission in six month increments but for not longer than one additional year, no Site Plan approval shall be valid for a period longer than one year unless a Building Permit is issued and construction begins within that period and is thereafter diligently pursued to completion.
 7. **Substantial Conformity with Approved Site Plan Required.** The development of the site shall be in substantial conformity with the Plan Commission-approved Site Plan.
 8. **Adjustments to a Site Plan During Development.** Any adjustments to the Site Plan during development require approval from the Plan Commission.

9. **Amendments to the Site Plan Following Completion of Development.** After a site is developed according to an approved Site Plan, the approved site plan may be amended, varied, or altered only with Plan Commission approval.
10. **Conditions May Be Placed on Site Plan Approval.**
 - a. The Plan Commission or Town Board may impose conditions and limitations on the approval of a proposed Site Plan based on the principles and standards of site plan review and other matters relating to the purposes and objectives of this Chapter upon the premises benefited by a site plan approval as being necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and service; however, such conditions shall not be used as a device to grant site plan approval for a use intended to be temporary in nature.
 - b. Such conditions and limitations imposed by the Plan Commission or Town Board as applicable shall be clearly and permanently set forth in the applicable minutes of the Plan Commission or Town Board meeting at which such approval was granted. The Plan Commission or Town Board as applicable may require that such conditions also be permanently marked on the approved Site Plan.
 - c. Violations of any such condition or limitation shall be a violation of this Chapter and shall constitute grounds for revocation of the Site Plan approval.

SECTION 17.05

SCHEDULES FOR COMPLETION AND FINANCIAL SURETIES

- A. **Schedules for Completion.** The Plan Commission may impose time schedules for the completion of buildings, improved off-street parking and loading areas, open space use, utilities, landscaping and natural resource features mitigation.
- B. **Financial Sureties.** The Plan Commission may require appropriate financial sureties as deemed necessary to guarantee that improvements including improved off-street parking and loading areas, open space areas, utilities, landscaping and natural resource features mitigation will be completed per the established schedule.

SECTION 17.06

SITE PLAN APPEAL

A. Appeal Process

1. **Ability to Appeal.** Any person or persons aggrieved by any decisions of the Plan Commission related to Site Plan review may appeal the decision to the Zoning Board of Appeals.
2. **Timeframe of Appeal.** Such appeal shall be filed with the Town Clerk within 30 days after filing of the Plan Commission's decision.

SECTION 18 LANDSCAPE PLAN

SECTION 18.01 LANDSCAPE PLAN REQUIREMENTS

A. Landscape Plans shall show the following:

1. **Proposed Name.** The proposed name of the development.
2. **Location.** The location of the proposed development.
3. **Names Addresses and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developers of the property and of the designer of the plan.
4. **Date.** Date of the Landscape Plan submittal and all applicable revision dates.
5. **Site Boundary.** The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
6. **Landscape Buffer Yard Easements and Natural Resource Mitigation Areas.** All proposed Landscape Buffer Yard Easements and/or areas of natural resource mitigation clearly delineated and dimensioned and graphically shown in relation to all proposed lot lines and lots upon which said Landscape Buffer Yard Easements or mitigation areas are located.
7. **Location, Extent, Type and Size of Existing Trees and Natural Resource Features.**
 - a. Location, extent, type (common name and scientific name for plant materials), and size of all existing trees and natural resource features in all areas of the proposed development designated as a Landscape Buffer Yard Easement and/or mitigation area.
 - b. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be properly delineated and so noted on the Landscape Plan.
8. **Location, Extent, Type and Size of Proposed Landscape Materials and Plantings.**
 - a. Location, extent, type (common name and scientific name for plant materials), and size of proposed landscaping and landscape plantings in all areas of the proposed development including areas designated as a Landscape Buffer Yard Easement and or for areas that are to serve as a landscaped entrance or other special landscaped features of the development.
 - b. A summary table affixed to the Landscape Plan shall be submitted indicating all types, numbers and sizes of all plant materials proposed to be used.
9. **Landscape Plant Material Specifications.**
 - a. All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zones 5 and 5a as defined by the US Department of Agriculture.

SECTION 19 ARCHITECTURAL PLANS

SECTION 19.01

ARCHITECTURAL PLANS REQUIREMENTS

Architectural Plans shall be submitted as determined by the Plan Commission or its designee for each individual application.

A. If required, Architectural Plans shall include the following:

1. **Floor Plans.**
2. **Elevations indicating color and materials.**

B. If required, Architectural Plans shall indicate the following:

1. **Owner/Developer.** Owner's and/or developer's name and address shall be noted.
2. **Architect/Engineer.** Architect's and/or engineer's name and address shall be noted.
3. **Date.** Date of submittal of plans and any applicable dates of revision shall be.
4. **Scale.** Scale shall be noted on each drawing.
5. **Building Type, Size and Location.** The type, size, dimension, and location of all structures shall be noted.
6. **Height.** The height of buildings shall be noted.
7. **Exterior Materials Samples Should be Provided.** Samples of exterior materials and their colors should be provided.
8. **Additional Information May be Required.** Additional information and data may be required by the Plan Commission or its designee.



Part 6

PROCEDURES AND ADMINISTRATION

SECTIONS

SECTION 20	ZONING PROCEDURES AND ADMINISTRATION
SECTION 21	ZONING CHAPTER TEXT AND MAP AMENDMENTS
SECTION 22	ZONING ADMINISTRATIVE FEES
SECTION 23	VIOLATIONS, PENALTIES, AND REMEDIES

SECTION 20 ZONING PROCEDURES AND ADMINISTRATION

SECTION 20.01 RESERVED FOR FUTURE USE

SECTION 20.02 APPLICATIONS FOR A ZONING PERMIT

A. Zoning Permit Requirements for Nonresidential Structures

1. **Application.** No vacant land or structure shall be occupied, used, altered, or relocated until a Zoning Permit has been received. An application for a Zoning Permit shall be filed with the Town Clerk. The Application shall include:
 - a. The name, address and phone number of the applicant or agent to be contacted regarding the application.
 - b. Description of the property by lot, block, and recorded subdivision, Certified Survey Map, Plat of Survey or by metes and bounds; the address of the subject site; type of structure; a word description of the existing and proposed operations or use of the structure or site; number of employees; the zoning district within which the subject site lies; and any other information pertinent to an adequate understanding of the intended use by the Town Engineer, Town Planner and Plan Commission (when a Site Plan is involved).
 - c. A Site Plan of the property in a form and indicating information and data as set forth under the requirements of Section 17.
2. **Review of Site Plan.** The Site Plan shall be reviewed by the Plan Commission and a formal decision must be made.
3. **Zoning Permit Application Consideration.** In considering the application, the Plan Commission or its designee shall take into account the basic intent of this Chapter to ensure attractive, efficient and appropriate development of land in the community and ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property values.
4. **Issuance of Zoning Permit.** If such use complies with the requirements of this Chapter and other additional measures as may be imposed pursuant to the requirements of this Chapter, the Plan Commission shall approve the Site Plan and the Plan Commission or its designee shall authorize the issuance of a Zoning Permit. Failure of the applicant to allow reasonable inspections of the property by the Plan Commission or its designee shall constitute grounds for revoking the Zoning Permit.

B. Zoning Permit Requirements for Residential Structures

1. **Application.** No vacant land or structure shall be occupied, used, altered, or relocated until a Zoning Permit has been received. An application for a Zoning Permit shall be filed with the Town Clerk. The Application shall include:
 - a. The name, address and phone number of the applicant or agent to be contacted regarding the application.
 - b. Description of the property by lot, block and recorded Subdivision, Certified Survey Map, or by metes and bounds; the address of the subject site; type of structure; a

word description of the existing and proposed operation or use of the structure or site; the Zoning District within which the subject site lies; and any other information pertinent to an adequate understanding of the intended use by the Plan Commission or its designee.

- c. The Plan Commission or its designee may require a Site Plan of the property in a form and indicating information and data as set forth under the requirements of Section 17.
1. **Zoning Permit Application Consideration.** In considering the application, the Plan Commission or its designee shall take into account the basic intent of this Chapter to ensure attractive, efficient and appropriate development of land in the community and ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property values.
2. **Issuance of Zoning Permit.** If such use complies with the requirements of this Chapter and other additional measures as may be imposed pursuant to the requirements of this Chapter, the Plan Commission or its designee shall authorize the issuance of a Zoning Permit. For the purposes of this Section, a Zoning Permit may be issued in the form of a Building Permit.

C. Zoning Permit Expiration

1. **Zoning Permit Expiration.** A Zoning Permit shall expire if within six months of the date of issuance of a Zoning Permit the proposed construction or preparation of land for use has not commenced or if the use has not occupied the structure or location. Upon the showing of valid cause by the applicant, the Plan Commission or its designee may grant an extension of such Zoning Permit for a period not to exceed six months.

D. Enforcement

1. **Enforcement.** Failure to comply with this Section relating to Zoning Permits may be enforced pursuant to Section 21 or any other provision of law including but not limited to revocation of the Zoning Permit, injunction or other civil suit. Failure of the applicant to allow reasonable inspections of the property by the Plan Commission or its designee shall constitute grounds for revoking the Zoning Permit.

SECTION 20.03 APPLICATIONS FOR CONDITIONAL USE PERMIT

A. Process

1. **Initiation of Conditional Uses.** Any person owning or having an interest in the subject property may file an application to use such land for one or more of the conditional uses provided for in this Chapter and in the Zoning District in which the land is situated.
2. **Application for Conditional Uses.** A Conditional Use Permit application for a conditional use, or for the expansion of an existing conditional use, shall be filed with the Town Clerk. The Conditional Use Permit Application shall include:
 - a. **Name and Address.** Name and address of the applicant.
 - b. **Plat of Survey Required.** If required by the Plan Commission or its designee or Town Staff, a Plat of Survey prepared by a Registered Land Surveyor showing the legal description, location, and boundary of the subject property.
 - c. **Site Plan Required.** A Site Plan indicating information, data and/or plans as set forth under the requirements of Section 17.

- d. **Statement Required that the Conditional Use Conforms to Chapter Standards.** A statement by the applicant showing that the proposed conditional use will conform to the standards set forth in Section 20 and other standards set forth in this Chapter which may also be applicable.
- e. **Additional Information as Required.** Plans, data, or other information as noted on the application form or application checklist, or as required by the Plan Commission or its designee or Town Staff.

3. Hearing on Conditional Use Applications

- a. **General.** All applications are due with required materials at least 45 days prior to each meeting. Upon receipt in proper form of the application and statement referred to above, the Clerk will send a copy of the application to each objecting and approving agency, as well as any applicable extraterritorial authority. The Plan Commission shall hold at least one Public Hearing. At least 11 days in advance of such Hearing, but not more than 30 days, notice of the time and place of such Hearing shall be published in a newspaper of general circulation in the Town of Saukville as a Class 2 Notice as required by the Wisconsin State Statutes. In addition to publication, notice shall also be given by USPS to property owners within one-half mile of the subject property. Notice shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of the subject property. Failure to give mailing notice to property owners of properties located in Town of Saukville in the affected area described above or to the municipal clerk of any municipality affected shall not invalidate any action by the Plan Commission taken on the special use application.

4. **General Standards for Approval of a Conditional Use Permit.** No Conditional Use Permit application shall be approved or conditionally approved, unless the Plan Commission finds, based on substantial evidence, that the following standards are fulfilled:

- a. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- b. The uses, values, and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.
- c. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
- d. The establishment of the conditional use will not impede the normal and orderly development and improvement of any surrounding property for uses permitted in the Zoning District.
- e. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- f. The conditional use shall conform to all applicable regulations of the district in which it is located.

- g. The conditional use does not violate shoreland or floodplain regulations governing the site.
 - h. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion, and runoff.
5. **Conditions.** The Plan Commission or Town Board may attach conditions to the Conditional Use Permit deemed necessary or appropriate in furthering the purposes of this Chapter and to protect the health, safety, and welfare of the residents, property owners, and business owners within the Town of Saukville. Such factors to be considered may include, but are not limited to, the following:
- a. Landscaping
 - b. Type of construction
 - c. Architectural design
 - d. Height
 - e. Sureties
 - f. Lighting
 - g. Fencing
 - h. Planting
 - i. Screening
 - j. Operational control
 - k. Period (hours) of operation
 - l. Improved traffic circulation
 - m. Highway access restrictions
 - n. Increased yards
 - o. Deed restrictions
 - p. Free and unlimited access to the project site during daylight hours to any Plan Commission member or designee to investigate the project's construction, operation, or maintenance.
 - q. Parking requirements
 - r. Erosion control
 - s. Stormwater management
 - t. Signage
 - u. Construction schedule
 - v. Efforts to avoid potential nuisance complaints associated with topics such as noise, odor, and unnecessary accumulation of items.
6. **Time Limitation and Review.** For certain Conditional Use Permits, as is currently required for a Firing Range/Archery Range use, the Plan Commission may impose a time limit on the Conditional Use Permit. The Plan Commission may also require annual or periodic review to ensure that conditions are being met.

7. **Authorization of Conditional Uses.** For each Conditional Use Permit application, the Plan Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The Town Board may grant or deny any Conditional Use Permit application based on review.
8. **Effect of Denial of a Conditional Use.** No application for a Conditional Use Permit which has been denied wholly or in part by the Plan Commission or Town Board shall be resubmitted for 30 days from the date of said order of denial.
9. **Revocation.** In any case where a Conditional Use Permit has not been implemented within one year after date of final approval, then without further action by the Plan Commission or the Town Board, the Conditional Use Permit authorization shall be null and void.
10. **Enforcement.** The following procedures regarding the enforcement of Conditional Use Permits are hereby established. In the event that one or more violations of a Conditional Use Permit are alleged, whether by citizen complaint or through observation or investigation by the Plan Commission or its designee or a Town Official, the following is the procedure to be followed:
 - a. The Plan Commission or its designee shall notify the Conditional Use Permit holder of the violation in writing and order corrective action to bring the use into compliance with the conditions noted on the Conditional Use Permit within not more than 30 days.
 - b. If the Conditional Use Permit holder contests the action of the Plan Commission or its designee and/or if the violation persists beyond the prescribed corrective period, the Plan Commission or its designee shall request that the Town Clerk place the matter in question on the agenda for a future Plan Commission Meeting giving consideration to the appropriate time frame for notice to the affected Conditional Use Permit holder. The Town Clerk shall give notice by certified mail and by regular first-class mail to the affected Conditional Use Permit holder of such Plan Commission meeting at which the alleged violations of the Conditional Use Permit will be discussed. The Town Clerk shall also give notice by first class mail to neighboring occupants of properties within one-half mile of the subject premises advising such occupants of the inquiry by the Plan Commission and inviting their attendance and observations with respect to whether or not such violations exist.
 - c. If the Plan Commission finds that there is not reasonable cause to believe that such violations of the Conditional Use Permit exist, the matter will be closed. If the Plan Commission finds that there is reasonable cause to believe that such violations of the Conditional Use Permit do exist, the Plan Commission may counsel the Conditional Use Permit holder clarifying precisely what level of adherence to the conditions of the Conditional Use Permit are required. The Plan Commission shall direct the Conditional Use Permit holder to bring all violations into compliance within 30 days. Such time may be extended upon application of the Conditional Use Permit holder, with the discretion of the Plan Commission.

- d. If the Conditional Use Permit holder contests the findings of the Plan Commission that there is reasonable cause to believe that such violations of the Conditional Use Permit exist and/or if the violation persists beyond the prescribed corrective period or any duly authorized extensive thereof, the Town Board shall commence proceedings to revoke the Conditional Use Permit. In such case, the Town Clerk shall give notice by certified mail and by regular first class mail to the affected Conditional Use Permit holder of such Town Board hearing at which the alleged violations of the Conditional Use Permit will be heard informing the Conditional Use Permit permittee that the proceedings may result in the revocation of the Conditional Use Permit. The Town Clerk shall also give notice by first class mail to neighboring occupants of properties within one-half mile of the subject premises advising such occupants of the inquiry by the Town Board and inviting their attendance and testimony with respect to whether such violations exist.
 - e. The hearing before the Town Board shall be conducted as a contested case hearing. The Conditional Use Permit holder may be represented by counsel. The Town shall be represented by the Plan Commission or its designee, who may have counsel assist him. Witnesses shall be sworn, and cross examination of witnesses shall be permitted. The Town Attorney shall assist and advise the Town Board during such hearing and will assume the role as hearing officer for the purpose of making evidentiary rulings and controlling the proceedings. The Town Board shall apply clear and convincing evidence standard to its findings and decisions which decision shall be rendered in writing filed with the Town Clerk and served upon the holder by certified mail within 10 days of the hearing.
11. **Violations.** Failure to comply with this Section relating to Zoning Permits may be enforced pursuant to Section 21 or any other provision of law including but not limited to revocation of the Conditional Use Permit, injunction or other civil suit. Failure of the applicant to allow reasonable inspections of the property by the Plan Commission or its designee shall constitute grounds for revoking the Conditional Use Permit.

**SECTION 20.04
RESERVED FOR FUTURE USE**

**SECTION 20.05
APPLICATIONS FOR CERTIFICATE OF OCCUPANCY**

A. Process

- 1. **When a Certificate of Occupancy is Required.** A Certificate of Occupancy to be issued by the Building Inspector shall be required for any of the following except for buildings incidental to agricultural operations and residences:
 - a. Occupancy and use of a building hereafter erected or enlarged.
 - b. Change in use of an existing building.
 - c. Any change in the use of a nonconforming use.

2. **No Occupancy Use or Change of Use Shall Take Place.** No such occupancy, use, or change of use shall take place until a Certificate of Occupancy therefore shall have been issued.
3. **Site Plan Approval Required for Certificate of Occupancy.**
 - a. If a Site Plan is required, no person shall commence any use or erect any structure or obtain a Building Permit without first obtaining the approval of a Site Plan by the Plan Commission as set forth in this Chapter and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown on the approved the Site Plan. The remodeling of the interior of existing structures is exempt from the requirements of this Section.
 - b. No Certificate of Occupancy shall be granted until all improvements shown on a Plan Commission-approved Site Plan and Landscape Plan have been implemented; provided, that upon a finding by the Building Inspector that certain improvements cannot be completed due to seasonal or other factors beyond the control of the developer and that temporary occupancy prior to the completion will involve no health or safety hazard, the Plan Commission or its designee may issue a temporary Certificate of Occupancy bearing an expiration date which shall allow reasonable time for completion, upon posting a cash bond to the Town Clerk in double the sum estimated by the Building Inspector to be needed to complete all required improvements conditioned on completion of all required improvements prior to the date of expiration of the temporary Certificate of Occupancy.
 - c. **Temporary Certificate of Occupancy.**
 - i. Acceptance of a temporary Certificate of Occupancy implies consent to utilize the bond money for completion of any required improvements not completed prior to the expiration date of the temporary Certificate of Occupancy and forfeiture of any portion not so applied. No action or inaction by the Town regarding any required improvements shall serve to extend the time of validity of any temporary Certificate of Occupancy.
 - ii. A temporary Certificate of Occupancy may, however, be extended in time by the Building Inspector and from time to time for good cause shown, and any such extension shall operate to extend, for the same period, the time for completion under the terms of the bond.
4. **Application for a Certificate of Occupancy.** Written application for a Certificate of Occupancy for the use of vacant land or for a change in a nonconforming use, as herein provided, shall be made to the Building Inspector.
5. **Issuance of a Certificate of Occupancy.** If the proposed use is in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued within seven days after the application for the same has been made.
6. **Form of Certificate of Occupancy and Permanent Record.** Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all provisions of this Chapter. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and a copy shall be forwarded, on request, to any person having proprietary or tenancy interests in the building or land affected.

7. **Certificate of Occupancy Not Required for Utility Uses Issued a Certificate of Public Convenience and Necessity.** No Certificate of Occupancy shall be required for utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to Section 196.491 of the Wisconsin Statutes as amended.
8. **Enforcement.** Failure to comply with this Section relating to the Certificate of Occupancy may be enforced pursuant to Section 21 or any other provision of law including but not limited to revocation of the Certificate of Occupancy, injunction or other civil suit. Failure of the applicant to allow reasonable inspections of the property by the Building Inspector shall constitute grounds for revoking the Certificate of Occupancy.

**SECTION 20.06
APPLICATIONS FOR SITE PLAN REVIEW – See Section 17**

**SECTION 20.07
RESERVED FOR FUTURE USE**

**SECTION 20.08
APPLICATIONS FOR ZONING APPEAL OR VARIANCE**

- A. **Applications for a Zoning Appeal shall include the following (also see the provisions set forth in Section 25).**
 1. **Name and Address.** Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 2. **Plat of Survey.** For an appeal or request that involves a specific property, the Plan Commission or its designee may require a Plat of Survey prepared by a Registered Land Surveyor showing all the information required under Section 20.02 for a Zoning Permit.
 3. **Questions to be Answered by the Applicant.** Items on the application to be provided in writing by the appellant or applicant shall include the following:
 - a. Indications of the section(s) of the Chapter being appealed or from which a variance is requested.
 - b. A statement regarding the appeal or variance requested, giving distances and dimensions where appropriate; or, for an appeal of decision of the Plan Commission or its designee or Building Inspector, the circumstances and appeal being requested.
 - c. A statement of the reasons for the request.
 - d. A statement of the exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district which cause the hardship. (Note: Economic hardship and self-imposed hardship are not grounds for the granting of a variance).
 - e. Date of any previous application for an appeal or variance and the disposition of the previous application, if any.

4. **Additional Information.** Additional information as required by the Plan Commission, Town Board, Town Engineer, Zoning Board of Appeals, Building Inspector or the application forms or checklists.

**SECTION 20.09
RESERVED FOR FUTURE USE**

**SECTION 20.10
RESERVED FOR FUTURE USE**

**SECTION 20.11
APPLICATIONS FOR ADVISORY DISCUSSION**

A. Applications for Advisory Discussion shall include the following:

1. **Information as Required.** Plans, data, or other information as noted on the application form or application checklist, or as required by the Plan Commission or its designee.

**SECTION 20.12
OTHER REQUIRED PERMITS**

A. Process

1. **Permits from Other Units of Government.** It is the responsibility of the applicant to secure all necessary permits required by any state, federal or local agencies.
2. **Sewage Holding Tank Permits and Temporary Sewage Holding Tank Permits.**

**SECTION 20.13
PETITION FOR ZONING CHAPTER ENFORCEMENT**

A. Intent. The intent of this section is to provide a practical means for routine enforcement of the Zoning Chapter when a person affected by or observing an alleged violation believes that there has been a violation of the Chapter and that corrective action is needed.

B. Petition. Any person who believes that there has been a violation of the Zoning Chapter may file a petition requesting that the Plan Commission enforce the Zoning Chapter. Such petition shall be filed in writing with the Town Clerk and contain the following information:

1. The name and address of the petitioner.
2. The name(s) and address(es) of the alleged violator(s).
3. A description of the alleged violation and any facts or evidence that would indicate probable cause that a violation has occurred.

C. Initial Assessment. When a petition is received, the Town Clerk shall notify the chairperson of the Plan Commission as soon as is practical. The Plan Commission chairperson shall either elect to assess the petition him/herself or assign another member of the Plan Commission to review the complaint. The assigned reviewer shall gather relevant facts, determine whether the petitioner will be granted a hearing, and notify the Plan Commission Chairperson and the Town Clerk within 30 days of the petition receipt date.

1. If the reviewer determines that the facts presented in the petition are insufficient to indicate probable cause that a zoning violation has occurred, the reviewer shall deny

the petition for a hearing and indicate the reasons to the Plan Commission Chairperson and Town Clerk. The Town Clerk shall reply to the petitioner in writing within 10 days of the reviewer's decision, indicating that the petition was denied and the grounds for denial.

2. If the reviewer determines that the facts presented in the petition may be sufficient to indicate probable cause that a zoning violation has occurred, the reviewer shall accept the petition for a hearing and notify the Plan Commission Chairperson and Town Clerk accordingly.

D. Scheduling the Hearing. Upon acceptance of a petition for hearing:

1. The Plan Commission chairperson shall determine a hearing date at a regularly scheduled Plan Commission meeting within 60 days of the acceptance of the petition and place the hearing on the Plan Commission agenda for that date.
2. The Town Clerk shall notify the petitioner and all alleged violators in writing that the
3. Plan Commission will be conducting a hearing regarding the complaint. Such notification shall include:
 - a. The date and time of the hearing.
 - b. The name and address of the petitioner and all alleged violator(s).
 - c. A description of the alleged violations.
 - d. The nature of the hearing, and the potential for the Plan Commission to make a ruling ordering the parties involved to take corrective action.
 - e. The rights of the petitioner and the alleged violators to appear and present facts at the hearing.

E. Hearing. At the scheduled date and time, the Plan Commission shall conduct a hearing to make a determination of probable cause on the alleged zoning violation(s). At the hearing, the Plan Commission shall:

1. Hear facts and review evidence presented by the petitioner and/or the alleged violator(s).
2. Ask relevant questions of the petitioner and the alleged violator(s) and hear their responses.
3. Consult the Town of Saukville Zoning Chapter for specifics of which Chapter provisions may have been violated.
4. By simple motion and vote, make a determination of probable cause whether any Chapter provisions have been violated, order the violator(s) and/or the petitioner to take corrective action, and specify the charges that will be filed by way of a citation if such orders are not complied with. In so doing, the Plan Commission shall make every attempt to determine a solution that is acceptable to all parties involved. The Plan Commission may specify a due date for compliance with any orders issued under this section.

F. Notification of Outcome. After the hearing is complete, the Town Clerk shall notify the petitioner and any persons for which there is probable cause to have violated the Chapter of the outcome of the Plan Commission hearing. Such notification shall include:

1. A summary of the determination of the Plan Commission.
2. Identification of the specific Chapter provisions for which there is probable cause of a violation, if any.
3. Specific orders for corrective actions to be taken, including the deadline dates for compliance, if any.

4. Penalties that will be levied if the orders for corrective action are not complied with and the violator is subsequently convicted in a court of law of having violated the Town of Saukville Zoning Chapter. Penalties for violations are set forth in Section 23.02.

G. Follow Up and Citation. On or after the deadline date for compliance with any orders issued by the Plan Commission, the reviewer of the original complaint shall inspect the property or properties involved to determine whether orders for corrective action have been complied with. If it is determined that the orders have not been complied with, the reviewer shall direct the Town Clerk to issue a citation. The Town Clerk shall work with the Town Attorney to initiate legal action to enforce this Chapter.

SECTION 21 ZONING CHAPTER TEXT AND MAP AMENDMENTS

SECTION 21.01 AUTHORITY

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires it, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Chapter. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

SECTION 21.02 PETITIONS

- A. Petitions for any change in the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned, or the regulations to be amended, shall list the reasons justifying the petition and shall specify the proposed use and shall include the following:
1. **Owner's Names and Addresses Required.** Name, address and telephone number of the petitioner for a zoning amendment and agent; and tax key numbers, names and addresses of all property owners of all properties lying within one-half mile of the area proposed to be rezoned.
 2. **Plot Plan Required.** Plot plan drawn to scale of one inch equals 100 feet (1" = 100') 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 one-half mile of the area proposed to be rezoned, or other drawing as directed by the Plan Commission or its designee.
 3. **Description of Requested Zoning District Boundary Change or Zoning Chapter Text Amendment Required.** The petitioner shall provide a complete legal description of the property for which a change in zoning is requested. For a proposed Chapter text amendment, the petitioner shall provide a copy of the text proposed to be changed and the new text being proposed by the petitioner.
 4. **General Description of Proposed Development Required.** A general description of the proposed development of the property is required.
 5. **Division or Platting of Land.** If the proposed development involves the division or platting of the land by certified survey map, subdivision plat or condominium plat, said petition for a change of zoning district boundaries shall be accompanied with a proposed certified survey map, preliminary plat or condominium plat, as applicable, which meets the requirements of the Town of Saukville Land Division Chapter.
 6. **Site Plan Required.** A Site Plan of the proposed development of the property meeting the requirements set forth under Section 17.
 7. **Landscape Plan Required.** A Landscape Plan meeting the requirements set forth under Section 18. Any required buffer yard easements shall be so noted on the Landscape Plan.
 8. **Site Intensity and Capacity Calculations Required.** Site Intensity and Capacity Calculations meeting the requirements set forth in Section 30 and in the prescribed format set forth in the Town's application form.
 9. **Architectural Plans Required.** Architectural Plans meeting the requirements set forth under Section 19.

10. **Additional Information May be Required.** Additional information may be required by the Plan Commission, or the Town Board.

**SECTION 21.03
REVIEWS AND RECOMMENDATIONS**

- A. After holding a Public Hearing as set forth in this Chapter, the Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, be modified or be denied. The recommendation shall be made in writing to the Town Board in the form of the minutes of the Plan Commission.

**SECTION 21.04
PUBLIC HEARINGS**

- A. **General.** All applications are due with required materials at least 45 days prior to each meeting. Upon receipt in proper form of the application and statement referred to above, the Clerk will send a copy of the application to each objecting and approving agency, as well as any applicable extraterritorial authority. The Plan Commission shall hold at least one Public Hearing. At least 11 days in advance of such Hearing, but not more than 30 days, notice of the time and place of such Hearing shall be published in a newspaper of general circulation in the Town of Saukville as a Class 2 Notice as required by the Wisconsin State Statutes. In addition to publication, notice shall also be given by USPS to property owners within one-half mile of the subject property. Notice shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of the subject property. Failure to give mailing notice to property owners of properties located in Town of Saukville in the affected area described above or to the municipal clerk of any municipality affected shall not invalidate any action by the Plan Commission taken on the special use application.

**SECTION 21.05
TOWN BOARD'S ACTIONS**

Following such hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall take action on the passage of the proposed change or amendment. The Plan Commission's recommendation may be overruled by the majority vote of the full Town Board membership.

**SECTION 21.06
RESERVED FOR FUTURE USE**

**SECTION 21.07
RESERVED FOR FUTURE USE**

**SECTION 21.08
PROTEST**

In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a three-fourths (3/4) majority vote of the Town Board.

SECTION 22 ZONING ADMINISTRATIVE FEES

SECTION 22.01 ADMINISTRATIVE FEES

As a condition of the review of any application for any type of permit as required under the provisions of this Chapter, the applicant shall pay to the Town Treasurer of the Town of Saukville fees as required by the Town of Saukville Fee Schedule, and at the times specified by the Town of Saukville Fee Schedule, before being placed on a meeting agenda or being entitled to any approvals or permits. No application filed pursuant to this Chapter shall be considered complete unless and until all fees pursuant to this Chapter have been paid. Every approval granted and every permit issued pursuant to this Chapter, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to pay any such fee fully when due shall be grounds for the Town of Saukville to refuse to process or to continue to process an application and to deny or revoke any permit or approval sought or issued with respect to the land or development to which the unpaid fees relate.

SECTION 23 VIOLATIONS, PENALTIES, AND REMEDIES

SECTION 23.01 VIOLATIONS

- A. **Unlawful to Use or Improve Any Structure or Land or to Use Water or Air in Violation of Any Provisions of This Chapter.** It shall be unlawful to use or improve any structure or land or to use water or air in violation of any provisions of this Chapter. Divisions of land shall also follow all previously approved ordinances or resolutions by the Town of Saukville. In cases of violation, the Town Board, the Town Attorney, the Plan Commission, or any property owner who would be specifically damaged by such violation may begin appropriate action or proceeding to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- B. **Structure, Fill or Development Placed or Maintained Within Any Flood Plain or Flood Way Areas in Violation of this Chapter.** Every structure, fill, or development placed or maintained within any floodplain or floodway area in violation of this Chapter is hereby declared a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action of the State, County, the Town or any citizen thereof.
- C. **Actions and Proceedings to Enjoin Violations.** The Town of Saukville may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes or Wisconsin Administrative Code.

SECTION 23.02 PENALTIES AND REMEDIES

- A. **Double Fee.** A double fee shall be charged by the Plan Commission or its designee if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- B. **Remedial Action.** Whenever an order of the Plan Commission or its designee 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, the Plan Commission or its designee, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
- C. **Forfeiture and Imprisonment.** Any person, firm or corporation who violates or fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$100.00 or more than \$500.00 plus the costs of prosecution for each offense.
- D. **Separate Offense.** Each day a violation exists or continues shall constitute a separate offense.
- E. **Injunctive Relief.** In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms or corporations from acting in violation of the provision of this Chapter.



Part 7

COMMISSIONS AND BOARDS

SECTIONS

SECTION 24	PLAN COMMISSION
SECTION 25	ZONING BOARD OF APPEALS

SECTION 24 PLAN COMMISSION

SECTION 24.01 ESTABLISHMENT

There is hereby established a Plan Commission for the Town of Saukville, Wisconsin, according to the Wisconsin Statutes.

SECTION 24.02 MEMBERSHIP

The Plan Commission shall consist of seven (7) members. The members shall consist of the Town Chairman who shall be its presiding officer, a Town Supervisor elected for a term of two years by a two-thirds vote of the Town Board at a Town Board meeting in April of every other year, and four citizens appointed by the Town Chairman subject to confirmation by the Town Board for three year terms and one citizen member appointed by the Town Chairman subject to confirmation by the Town Board for a one year term.

- A. **Presiding Officer.** The presiding officer shall be the Town Chairman.
- B. **Secretary.** The Secretary shall be the Town Chairman.
- C. **Official Oaths.** The official oaths shall be taken by all members according to the Wisconsin Statutes within ten days of receiving notice of their appointments.
- D. **Terms.** Terms for the citizen members shall commence the first week in May, and each term shall be staggered, and each term shall be for a three-year period. Members of the Plan Commission shall service until their successors are duly appointed and qualified.
- E. **Recording Secretary.** The Town Clerk shall be the recording secretary.

SECTION 24.03 ORGANIZATION

The Plan Commission shall organize and adopt rules for its own government according to the provisions of this Chapter.

- A. **Meetings.** Meetings shall be held monthly (at a minimum) and at the call of the Town Chairman or a majority of the full Plan Commission and shall be open to the public.
- B. **Standing and Special Committees.** Standing and special committees may be appointed by the Chairman.
- C. **Quorum.** Quorum shall be four members and all actions shall require approval of a majority of the Plan Commission members present.
- D. **Minutes.** Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made. A copy of the minutes shall be filed with the Town Clerk as a public record.

SECTION 24.04 POWERS

The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote Town planning. Such powers shall include, but not be limited to, the following:

- A. Employment of Experts.** To employ experts and a Staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board.
- B. Reports and Recommendations.** To make reports and recommendations relating to the plan and development of the municipality to public officials, agencies, utilities, and other organizations and citizens.
- C. Public Improvement Programs.** To recommend public improvement programs and financing to the Town Board or Town Chairman.
- D. Request Available Information.** To request available information from any public official to be furnished within a reasonable time.
- E. Enter Upon Any Land.** The Plan Commission, its members, and employees may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.
- F. Violation.** Enforcement Investigations and Hearings. The Plan Commission may conduct investigations into alleged violations of this Chapter, hold informal hearings to determine whether there is probable cause that a violation or violations have occurred, order violators to take corrective action, and initiate enforcement actions under this Chapter.

SECTION 24.05 DUTIES

The Plan Commission shall have the following functions and duties:

- A. Make and Adopt a Comprehensive Plan.** To make and adopt a comprehensive Plan for the physical development of the municipality including any areas outside its boundaries according to Section 6223 of the Wisconsin Statutes.
- B. Make and Recommend an Official Map.** To make and recommend an Official Map to the Town Board according to Section 6223 of the Wisconsin Statutes.
- C. Prepare and Recommend a Zoning District Plan and Regulations:** To prepare and recommend a zoning district plan and regulations to the Town Board according to Section 6223 of the Wisconsin Statutes.
- D. Prepare and Recommend Land Division Regulations.** To prepare and recommend land division regulations to the Town Board according to Section 236.45 of the Wisconsin Statutes.
- E. Changes to the Comprehensive Plan.** To make any changes to the Comprehensive Plan they deem necessary or desirable and to recommend any changes or amendments to the Town Board that they deem necessary or desirable concerning the Official Map and Official Map Ordinance, Zoning and Land Division Ordinance, and other ordinances as deemed related.

- F. **Matters Referred to the Plan Commission.** To consider and report or recommend on all matters referred to them including, but not limited to, Conditional Use Permits.
- G. **Variances to the Land Division and Platting Provisions of this Chapter.** The granting of variances to the land division and platting related aspects of this Chapter (excluding dimensional zoning standards and requirements) shall be the sole charge of the Plan Commission
- H. **Hold Public Hearings and Informational Meetings.** To hold public hearings and informational meetings on matters referred to the Plan Commission.
- I. **Respond to Complaints of Alleged Zoning Chapter Violations.** The Plan Commission shall respond to all properly submitted complaints alleging violations of the Zoning Chapter. The Plan Commission may at its discretion conduct a hearing pursuant to a complaint and may initiate enforcement actions.

SECTION 24.06 REFERRALS

The Town Board or other public body or officer of the Town, having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

- A. **Public Buildings.** Location and architectural design of any public building.
- B. **Statues and Memorials.** Location of any statue or other memorial.
- C. **Streets, Alleys, or Other Public Way, Park, Playground. Airport, Parking Area. or other Memorial or Public Grounds.** Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.
- D. **Public Utilities.** Location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.
- E. **Public or Semi-Public Housing, Slum Clearance, Relief of Congestion. or Vacation Camps for Children.** Location, character, and extent, or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.
- F. **Annexations, Incorporations, or Consolidations.** All annexations, incorporations, or consolidations affecting the Town.
- G. **Division of Land.** All division of lands within the Town's extraterritorial platting jurisdiction.
- H. **Changes and Amendments** All proposed or requested changes and amendments to the Town's Comprehensive Plan, Official Map, Zoning Chapter, and Land Division Ordinances.

SECTION 24.07

ADDITIONAL POWERS AND DUTIES

The Plan Commission shall have all additional powers and duties granted or assigned by the Town Board or by Town ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to Plan Commissions and any amendments thereto are hereby granted or assigned to the Commission and such statutes are hereby adopted by reference.

SECTION 24.08

COMPENSATION

The members of the Plan Commission shall receive such compensation as the Town Board shall from time to time designate.

SECTION 24.09

FEES FOR SPECIAL PLAN COMMISSION MEETINGS OR HEARINGS

Whenever an applicant requests that there be a special meeting or a special hearing of the Plan Commission, the applicant shall pay with such request, the sum as set forth in the Town of Saukville "Fee Schedule."

SECTION 25 ZONING BOARD OF APPEALS

SECTION 25.01 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals in the Town of Saukville according to Section 6223 of the Wisconsin Statutes for hearing appeals and applications and granting variations and exceptions to the provisions of this Chapter in harmony with the purpose and intent of the Zoning Chapter.

SECTION 25.02 MEMBERSHIP

- A. The Zoning Board of Appeals shall consist of five members appointed by the Town Chairman and confirmed by the Town Board.
- B. **Terms.** Terms of the Zoning Board of Appeals shall be staggered three-year periods.
- C. **Chairman.** The Chairman of the Zoning Board of Appeals shall be designated by the Town Chairman.
- D. **Alternate Member.** An alternate member of the Zoning Board of Appeals may be appointed by the Town Chairman for a term of three years and shall act only when a regular member is absent or refused to vote because of conflict of interest.
- E. **Building Inspector.** The Building Inspector may attend, all meetings of the Zoning Board of Appeals for providing technical assistance when requested by the Zoning Board of Appeals.
- F. **Official Oaths.** Official Oaths shall be taken by all members of the Zoning Board of Appeals according to Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
- G. **Vacancies.** Vacancies of the Zoning Board of Appeals shall be filled for the unexpired term in the same manner as appointments for a full term.

SECTION 25.03 ORGANIZATION

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government according to the provisions of this Chapter.

- A. **Meetings.** Meetings of the Zoning Board of Appeals shall be held at the scheduled time and shall be open to the public.
- B. **Minutes.** Minutes of the proceedings of the Zoning Board of Appeals and a record of all actions shall be kept by the Secretary, showing the vote of each member upon every question, the reasons for the Zoning Board of Appeals' determination, and its findings of facts. These records shall be immediately filed in the office of the Zoning Board of Appeals and shall be a public record.
- C. **Recording Secretary.** The Recording Secretary shall be the Town Clerk.

SECTION 25.04 POWERS

The Zoning Board of Appeals shall have the following powers:

- A. Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Plan Commission or its designee or the Building Inspector.
- B. Variances and Minor Variances.** To hear and grant applications for variances (except variances relating to land divisions) pursuant to the provisions of Section 6223(3) of the Wisconsin Statutes as amended from time to time and to hear and grant applications for minor variances pursuant to this Division of this Chapter. Use variances are not permitted and shall not be granted.
- C. Interpretations.** To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- D. Substitutions.** To hear and grant 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 permits such a substitution, the use may not thereafter be changed without application.
- E. Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses if such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
- F. Permits.** The Zoning Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- G. Assistance.** The Zoning Board of Appeals may request assistance from other Town officers, departments, commissions, and boards.
- H. Oaths.** The Chairman of the Zoning Board of Appeals may administer oaths and compel the attendance of witnesses.
- I. Variances to the Land Division and Platting Provisions of this Chapter.** The granting of variances to the land division and platting related aspects of this Chapter shall be the sole charge of the Plan Commission.

SECTION 25.05 APPEALS AND APPLICATIONS

- A. General Application Requirements.** Appeals from the decision of the Plan Commission or its designee and the Building Inspector concerning the literal enforcement of this Chapter may be made by any person aggrieved, or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the Secretary of the Zoning Board of Appeals within 30 days after the date of written notice of the decision or order of the Plan Commission or its designee or Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected anytime and shall be filed with the Town. Such appeals and application shall include that information and data as required.

- B. Applications Relating to Floodplain.** Floodway, Shoreland, and Shoreland-Wetland Related Mapping Disputes. Mapping disputes related to floodplain, floodway, shoreland, and/or shoreland-wetland zoning district boundaries are subject to the regulations and procedures set forth in Chapter VII titled "Zoning" of the *Ozaukee County Code* as amended.

SECTION 25.06 VARIANCES

- A. Purpose.** The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes findings of fact according to the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter.
- B. Application and Notice of Hearing.**
- 1. Variance (except Minor Variances).** An application for a variance shall be filed in writing with the Town Clerk. The application shall contain such information as set forth in this Section. Before decisions in such petitions, the Zoning Board of Appeals shall hold a public hearing thereon pursuant to the requirements set forth under Section 25.08.
 - 2. Minor Variances.** Appeals from the decision of the Plan Commission or its designee and the Building Inspector concerning the literal enforcement of this Chapter regarding the accessory buildings of 250 square feet or less in area, decks and fences may be made by the owner of the structure or land to be affected. Such appeals may be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Plan Commission or its designee or Building Inspector, or if such decision or order of the Plan Commission or its designee or Building Inspector has been made before the effective date of this Chapter and no appeal has been taken therefrom, then 60 days from the effective date of this Chapter, whichever date occurs later. Applications for a minor variance may be made by the owner of the structure or land to be affected anytime and shall be filed with the Secretary. Before decisions on such petitions, the Zoning Board of Appeals shall hold a public hearing thereon pursuant to the requirements set forth in this Section.
- C. Findings and Factors.**
- 1. Variances (except Minor Variances).** No variance to the provisions of this Chapter (except as otherwise provided) shall be granted by the Zoning Board of Appeals unless it finds that if the variance is granted it would not be contrary to the public interest; a literal enforcement of the Chapter provisions would result in practical difficulties or unnecessary hardship due to special conditions; the spirit of the Chapter is preserved; public safety and welfare are secured, and substantial justice done. In reviewing the application and evidence relating to a variance the Zoning Board of Appeals shall consider the findings statements set forth in this Section.
 - 2. Minor Variances.** No minor variances to the provisions of this Chapter or the Building Code shall be granted by the Zoning Board of Appeals unless it finds by a preponderance of the evidence, considering the interests of the abutting and opposite

property owners and the public that there exist conditions under which a literal enforcement of the building codes and zoning regulations of this Chapter as to the subject structure would result in a substantial burden to the appellant or applicant and no material impact upon the community, so that the spirit and purpose of such regulations be observed and the safety, welfare and health of the public and the abutting and opposite property owners, be protected. In reviewing the application and evidence relating to a minor variance, the Zoning Board of Appeals shall consider the following factors and indicate its findings in the minutes of the proceedings:

- a. The change sought by the minor variation shall be consistent with the intent of the zoning regulations for the district in which the property is located;
- b. Minor variances shall not create substantial detriment to or materially impair adjacent property;
- c. The Zoning Board of Appeals may consider such other factors that appear relevant to the grant or denial of the minor variance.

SECTION 25.07 INTERPRETATIONS

General Appeals from interpretations rendered by the Plan Commission or its designee may be taken to the Zoning Board of Appeals:

- A. Standards for Use Interpretations.** The following standards shall govern both the Plan Commission or its designee and the Zoning Board of Appeals on appeals from the Plan Commission or its designee in issuing use interpretations:
1. No use interpretation shall be given with respect to the residential zoning districts.
 2. Any use defined in Section 25 shall be interpreted as therein defined.
 3. No use interpretation shall permit a use listed as a permitted use or a conditional use in any district to be established in any district in which such use is not so listed.
 4. No use interpretation shall permit any use in any district unless evidence shall be presented that shows that it will comply with each use limitation established for that particular district.
 5. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district. Such use shall be more similar to other uses in the zoning district than to uses permitted or specially permitted in a more restrictive district.
 6. If the proposed use is most similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned upon the issuance of a Conditional Use Permit for such use pursuant to Section 20.02 and Section 25.
 7. No use interpretation shall permit the establishment of any use that would be inconsistent with the district intent statement of the district in question.
 8. No interpretation shall have the effect of amending, abrogating, or waiving any other standard or requirement established by this Chapter.

- B. Effect of Favorable Use Interpretations.** No use interpretation finding a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the Town of Saukville including, but not limited to Zoning Permit, Conditional Use Permit, Building Permit, or any other required permit.
- C. Limitations on Favorable Use Interpretations.** Limitations on favorable use interpretations are as follows:
1. Subject to an extension of time granted by the Zoning Board of Appeals, no use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be valid for a period longer than six months from the date of issue unless a Building Permit is issued and construction is actually begun within the six month period and is thereafter diligently pursued to completion, or a Zoning Permit or Conditional Use Permit is obtained and a use commenced within that period.
 2. A use interpretation finding a particular use to be permitted or specially permitted in a particular district shall be deemed to authorize only the particular use for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 12 consecutive months or more.

SECTION 25.08 PUBLIC HEARINGS

- A. General.** The Zoning Board of Appeals shall hold a public hearing upon each variance giving notice of the date, time, place of such hearing, and the matter to be presented at the hearing by publication in the Town of a Class 2 Notice under Chapter 985 of the Wisconsin Statutes. Notice of the public hearing shall be given to the Plan Commission or its designee or Building Inspector and mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner, the clerk of any municipality within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands lying within one-half mile of lands included in the petition. The Town Clerk shall set the date for the public hearing(s). At the hearing the appellant or applicant may appear in person, by agent, or by attorney.
- B. Conduct of Public Hearing.** The Chairman of the Zoning Board of Appeals shall place all witnesses under oath. The Zoning Board of Appeals shall hear all relevant evidence presented for and against the application. The Chairman of the Zoning Board of Appeals may rule on exceptions to evidence and permit examination of witnesses.

SECTION 25.09 FINDINGS

- A.** No variance to the provisions of this Chapter shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
- B. 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 permit a use in any district that is not a stated permitted use; accessory use, or conditional use in that particular district.
- C. Exceptional Circumstances.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use 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 the Zoning Chapter should be changed.
- D. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.** No variance shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.
- E. 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.
- F. Absence of Detriment.** No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

SECTION 25.10 DECISION

Variations (except Minor Variations). The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Zoning Board of Appeals' decision to the appellant or applicant, Building Inspector, and Plan Commission. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to grant a variation.

- A. Conditions.** Conditions may be placed upon any Zoning Permit ordered or authorized by the Zoning Board of Appeals.
- B. Expiration of Variations, Substitutions, and Permits.** Variations, substitutions, or use permits granted by the Zoning Board of Appeals shall expire within six months unless substantial work has commenced pursuant to such grant.
- C. Minor Variations.** The Zoning Board of Appeals shall decide all minor variations within 30 days after the final hearing. The concurring vote of four members of the Zoning Board of Appeals shall be necessary to grant a minor variation. The Zoning Board of Appeals shall transmit a signed copy of the Zoning Board of Appeals' decision to the appellant or applicant, and Plan Commission or its designee and file a copy of same with the office of the Building Inspector for maintenance as a permanent record.

- D. Conditions.** Conditions may be placed upon any grant of a minor variance ordered or authorized by the Zoning Board of Appeals.
- E. Expiration of Minor Variance.** Any minor variances granted by the Zoning Board of Appeals shall expire within six months unless substantial work has commenced pursuant to such grant.
- F. Structural Repairs or Alterations.** Any grant of a minor variance by the Zoning Board of Appeals shall state that the total structural repairs or alterations to the subject structure shall not, from the date of the decision and during the structure's life, exceed 25 percent of the value of the structure and that no additions shall be made to the structure

SECTION 25.11

REVIEW BY COURT OF RECORD

The provisions of Wisconsin Statutes Section 6223(7)(e)(10) shall be followed by any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the Town.

SECTION 25.12

COMPENSATION

The members of the Zoning Board of Appeals shall receive such compensation as the Town Board shall from time to time designate.



Part 8

GENERAL TERMS

SECTIONS

- SECTION 26 GENERAL RULES OF INTERPRETATION**
- SECTION 27 LIST OF DEFINITIONS AND ABBREVIATIONS**
- SECTION 28 SITE INTENSITY AND OTHER MEASUREMENTS**

SECTION 26

GENERAL RULES OF INTERPRETATION

SECTION 26.01

PURPOSE

- A. This Section provides basic rules on how this Chapter is interpreted. The meaning and construction of words and phrases defined in this Section apply throughout this Chapter, except where the context clearly indicates a different meaning. In addition to the general statements in this Section, the reader should consult:
1. **Section 03.04**, which provides rules for interpreting the Zoning Map and boundary determinations;
 2. **Section 27**, which contains definitions of terms found throughout the Chapter; and

SECTION 26.02

GENERAL RULES OF INTERPRETATION

- A. This Chapter has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the Chapter also provides guidance on how specific terms are used.
- B. In the construction of this Chapter, the following rules shall be observed and applied, except where the context clearly indicates otherwise:
1. This Chapter shall be interpreted and applied as minimum requirements.
 2. This Chapter shall be liberally construed in favor of the Town of Saukville.
 3. This Chapter shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
- C. The terms or words used in this Chapter shall be interpreted as follows:

Singular and Plural. The singular number includes the plural, and the plural the singular.

Tense. The present tense includes the past and future tenses, and the future the present.

Shall and May. The words "shall," "must," and "will," are mandatory and not discretionary. The words "should" and "may" are permissive.

Gender. The masculine gender includes the feminine and neuter genders.

"Including" or "includes." is without limitation because of enumeration, unless otherwise provided.

Definitions. All definitions that refer to Wisconsin Statutes or the Wisconsin Administrative Code shall incorporate any revisions or amendments to the statutory language or regulations.

Defined Words and Terms. Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof. Any word appearing in parentheses between a word and its definition shall be construed in the same sense as that word.

Words Not Defined Herein. Any words not defined in Section 27 shall be presumed to have their customary dictionary definitions.

Words “this Chapter.” Shall mean this Zoning Chapter of the Town Code of the Township of Saukville, Ozaukee County, Wisconsin.

Ambiguity. If there is any ambiguity between the text of this Chapter and any caption or illustration, the text shall control.

SECTION 27 LIST OF DEFINITIONS AND ABBREVIATIONS

SECTION 27.01

DEFINITIONS

The definition of words with specific meaning in this Chapter are as follows:

Abandonment. The relinquishment, giving up or renunciation of an interest, claim, civil proceedings, appeal, privilege, possession, or right, especially with the intent of never again resuming or reasserting it.

Abutting. To share a common boundary including cases where two or more lots are separated by an easement or private alley, but not including cases where adjoining lots are separated by a publicly dedicated street or alley.

Access. A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.

Accessory Building. A detached building, not used as a dwelling unit but is incidental to that of the principal building and which is located on the same lot. "Accessory Building" does not mean farm building.

Accessory Uses. Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses shall not involve the conduct of any business, trade, or industry except as may be otherwise permitted by this Chapter as a home occupation or agricultural use. Accessory uses include incidental repairs; storage; parking facilities; gardening; the keeping of animals; servants, owners, itinerant agricultural laborers and watchman's temporary quarters, not for rent; decks; private swimming pools; and private emergency shelters.

Adjacent. Sharing all or part of a common lot line or boundary with another parcel of land, or a parcel of land that abuts another parcel of land.

ADT. Average daily traffic. The average total number of vehicles traversing a street on a typical day.

Agent, Authorized. A person or firm duly authorized by the property owner to submit applications and agree to conditions on his, her, their, or its behalf.

Agricultural Enterprise. Ancillary operations that support any listed permitted uses in an agricultural district to enhance the viability of that agricultural property.

Agritourism Activity. Agricultural-related activity on land zoned as agricultural that is consistent with and accessory to a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or pick-your-own activities and attractions.

Alley. A vehicular way usually of reduced width compared to a street, which affords a secondary means of access to the side or rear of an abutting property and is not intended for general traffic circulation.

Alteration, Structural. Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

Animal Hospital. A lot, building, structure, enclosure, or premises whereon or wherein three or more dogs, cats, or other domestic animals are kept or maintained and is operated by, or the treatment therein is under direct supervision of, a veterinarian licensed to practice by the State of Wisconsin. A facility rendering surgical and medical treatments to animals, having no limitation to overnight accommodations for such animals.

Animal Unit, Equivalent. A unit used for the purpose of determining the number of animals that are allowed to be kept on parcels of a given size. Each head of each type of animal specified in the Chapter has an equivalency in animal units. In determining the maximum number of animals allowed on a parcel, the sum of the animal units of the different animals involved is used.

Antenna. A device designed to receive or send broadcasts either as over the air signals from transmitters, including fixed television or radio signals, or microwave signals from earth orbiting communications satellites.

Antenna, Satellite. Any antenna designed to receive broadcasts relayed by signals from earth orbiting communications satellites.

Antique. An item, not including automobiles, more than 100 years old which has special value because of its excessive age, unique collectability, historical significance, handicraft, or aesthetic quality. For the purposes of this Chapter, an "antique store" where the majority of items sold meet this definition is classified as a retail goods establishment.

Appliance, Inoperable. Any stove, refrigerator, washer, dryer, water heater or other appliance which is no longer operable in the sense for which it was manufactured.

Applicant. Any person who applies for a permit or rezoning under this Chapter.

Aquaculture. Aquaculture conducted for the purpose of an income or livelihood. "Aquaculture" means the controlled cultivation of aquatic plants and animals, using "normal aquaculture activities" as defined in Wis. Stat. § 281.36.

Area, Buildable. (See definition of "Buildable Area.")

Area, Building. (See definition of "Building Area.")

Area, Common. (See definition of "Common Area.")

Area, Living. (See definition of "Living Area.")

Area, Rural. (See definition of "Rural Area.")

Area, Urban. (See definition of "Urban Area.")

Arterial Street. (See definition of "Street, Arterial.")

Assembly. When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping, or reshaping of any component parts.

Attached Structure. A structure having at least five lineal feet of wall serving as a common wall with the building to which it is attached.

Attic. That part of a building that is immediately below and wholly or partly within the roof framing.

Automated Teller Machine (ATM). Machine for dispensing currency and providing electronic transactions and services but not including the sale or provision of other products.

Automobile Sales Lot, New. A zoning lot on which new cars, trailers, or trucks are displayed in the open for sale or trade.

Automobile Sales Lot, Used. A zoning lot on which used cars, trailers, or trucks are displayed in the open for sale or trade.

Attorney, Town. (See definition of "Town Attorney.")

Authorized Agent. (See definition of "Agent, Authorized.")

Automobile Parking Space. (See definition of "Parking Space, Automobile.")

Automobile Repair, Major. Engine rebuilding or substantial reconditioning of worn or damaged motor vehicles or trailers; collision service, including body frame or fender straightening or repair; and painting of vehicles.

Automobile Repair, Minor. Incidental repairs, replacement of parts, and motor service to automobiles but not including any operations specified under "Automobile Repair, Major."

Automobile Wrecking Yard. Any place where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, vehicles, or merchandise stored in the open. The open storage of any type of mechanical equipment from which parts can be salvaged shall be classified as salvaging.

Automotive Service Station. An establishment that primarily dispenses or retails automotive fuels and that has pumps and storage tanks. An Automotive Service Station may or may not be in combination with a Convenience Store or Food Mart. An Automotive Service Station may provide incidental services such as automotive repair, automotive oils, replacement parts and accessories, car wash, or food and beverage sales, but does not include major automobile repairs. Automobile service stations shall not include sales, rental, or storage of automobiles or trailers (new or used).

Average Daily Traffic. (See definition of "ADT.")

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached.

Balcony. A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building's interior, is not accessible from the ground, and is not enclosed by walls on more than two sides.

Bar or Tavern. A building or part of a building open to the public, where alcoholic beverages are sold at retail for consumption on the premises. The following are not considered a bar or tavern:

- A restaurant where alcoholic beverages are sold only at tables and only in conjunction with meals;
- A club, not open to the public, where alcoholic beverages are sold in conjunction with the operation of the club;
- Premises where alcoholic beverages are sold by established organizations in conjunction with the operation of a picnic, fair or other amusement enterprise.

Basement. That portion of a building beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

Base Setback Line. (See definition of "Setback Line, Base.")

Basin, Retention. A manmade or natural body of water of a depth of not less than three feet, designed to contain water at all times, the level of which will be increased from the flow into it of surface and subsurface water collected therein and released gradually into natural or manmade outlets.

Bed and Breakfast Inn. As defined in ATCP 73 of the State of Wisconsin Administrative Code. Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bedroom. Any room of a dwelling unit in excess of kitchens, bathrooms and one living room, which meets the standards for habitability according to the Uniform Dwelling Code, Wis. Admin. Code Chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code Ch. SPS 366.

Berm. A mound of earth, typically located within a bufferyard to shield, noise, lights, or other nuisances.

Board of Appeals, Zoning. (See definition of "Zoning Board of Appeals.")

Board, Town. (See definition of "Town Board.")

Boat. Every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water and a fishing raft.

Boathouse. Any structure designed for protecting or storing of boats used (accessory to) with a residence for noncommercial purposes and located on the same lot as the principal building and not for human habitation.

Bond, Surety. (See definition of "Surety Bond.")

Brewery. A facility for the manufacture of fermented malt beverages, as defined in Wis. Stat. § 125.02, and associated authorized activities, as described in Wis. Stat. § 125.29.

Buffer. An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Buffer, Shore. All of that land area located within 75 feet inland of the ordinary high-water mark of all ponds, streams, lakes, wetlands, and navigable waters and parallel to that ordinary high-water mark.

Bufferyard. An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, walls, and/or earthen berms, or other visual and/or sound barriers designed to limit continuously the view and/ or sound from the lot, site, or land use to adjacent lots, sites, or land uses. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the Site Plan, Landscape Plan; Certified Survey Map, Subdivision Plat, or Condominium Plat.

Buildable Area. The space remaining on a zoning lot after the minimum space requirements of this Chapter have been complied with. The buildable area excludes an area's preserved natural resource features and/or required landscape surface area (LSR) portions of the lot or parcel.

Building. A structure with a permanent location on the land, having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building, Accessory. (See definition of "Accessory Building" or "Structure.")

Building Area. (See definition of "Floor Area, Gross.")

Building Code. The Town of Saukville Building Code.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance or exit doors.

Building, Detached. Any building which is not physically connected to the dwelling.

Building Inspector. The Building Inspector of the Town of Saukville, Ozaukee County, Wisconsin.

Building, Nonconforming. (See definition of "Nonconforming Building.")

Building, Permanent. Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons; animals, or chattels. Any structures with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators,

coal bunkers, oil cracking towers, and other similar structures, are not considered as permanent buildings.

Building, Principal. A building in which the principal use of a lot is conducted. The principal building in all residential districts is the dwelling unit. The principal building in all non-residential districts is the largest building on the property.

Bulk. Term used to indicate the size, height, area, density, intensity, and location of structures.

Business. An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or in which merchandise is exhibited or sold, or where services are offered other than home occupations.

Caliper. A measurement of the diameter of a tree taken six inches from above the ground level for trees up to and including four-inch caliper sizes, and 12 inches above the ground level for larger sizes.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Canopy Tree. (See definition of "Tree, Canopy.")

Carport. An accessible and usable covered space enclosed on not more than three sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Car Wash. A building or portion thereof, where automobiles are washed with the use of a mechanical conveyor and blower or steam-cleaning device.

Caretaker Unit. These units are typically accessory to a self-storage facility for the purpose of security, on-site management, and maintenance.

Certificate of Occupancy. The permit required by this Chapter to occupy any building or structure where such occupancy complies with all provisions of this Chapter.

Certified Survey Map. A plat or map prepared for a minor land division as defined in the Town of Saukville Land Division Chapter and prepared and recorded as set forth in Section 236.34 of the Wisconsin Statutes.

Chairman, Town. (See definition of "Town Chairman.")

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Chart, Ringlemann. (See definition of "Ringlemann Chart.")

Class 2 Notice. Publication of a public hearing notice under the provisions of Chapter 985 of the Wisconsin Statutes in a newspaper of circulation in the affected areas. Publication is required on two consecutive weeks, the last at least seven days before the public hearing.

Clearance, Vision. (See definition of "Vision Clearance.") refer to section – where to locate

Clerk, Town. (See definition of "Town Clerk.")

Clinic. (See definition of "Medical Office.") Grafton (See definition of "Medical Health Center.")

Clinic, Veterinary. (See definition of "Animal Hospitals and Veterinary Clinic.")

Code, Building. (See definition of "Building Code.")

Code, Wisconsin Administrative. (See definition of "Wisconsin Administrative Code.")

Coffee Shop. Means a retail establishment that is distinguished from a fast food restaurant or snack shop and has more than 50 percent of its gross receipts from the sale of coffee, or other non-alcoholic beverages for consumption on the premises or for takeout.

Collector Street. (See definition of "Street, Collector.")

Commercial Vehicle. (See definition of "Vehicle, Commercial.")

Communications Tower. A structural framework or a pole, guyed or self-supporting used to support antennas. Guy wires, framework, or other stabilizing devices are considered part of the structure of the tower.

Community Supported Agriculture. An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation. This does not include a personal garden.

Community-Based Residential Facility. A place where five or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than three hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following: a religious order convent, a home or facilities for victims of domestic abuse and their children, a shelter facility and other exceptions set forth in Section 50.01 of the Wisconsin State Statutes.

Compatibility or Compatible: The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other without adverse effect. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics

include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character and context of existing development.

Completely Enclosed Building. (See definition of "Building, Completely Enclosed.")

Comprehensive Plan. A document or series of documents prepared by the Plan Commission and duly adopted by said Commission setting forth policies for the future development or redevelopment of the Town of Saukville pursuant to Chapter 62.23 of the Wisconsin Statutes.

Concentrated Animal Feeding Operation. An animal feedlot which serves more than 500 animal units. (See definitions of "Animal Unit" and "Feedlot, Animal.")

Concentration, Odor Threshold. (See definition of "Odor Threshold Concentration.")

Conditional Use. A use permitted by a special zoning certificate, called a "Conditional Use Permit," according to the provisions of this Chapter.

Condominium. Property subject to a condominium declaration as defined, regulated, and established under Chapter 703 of the Wisconsin State Statutes.

Community Living Arrangement. (Wis. Stat. § 59.69(15) Community Living Arrangement: A place where adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident (Wis. Stat. § 50.01 (1g)).

Coniferous. The coniferous order of angiosperms including trees and shrubs. These plants customarily bear naked seeds in cones.

Conservation Easement. (See definition of "Easement, Conservation.")

Construction. Any or all work or operations necessary or incidental to the erection, demolition, assembling, installing, or equipping of buildings, or any alterations and operations incidental thereto. The term "construction" shall include land clearing, grading, excavating, and filling and shall also mean the finished product of any such work or operations.

Construction, Start of. The excavation of or installation of foundation footings or grading other than for the installation of materials for road construction.

Contiguous. Abutting, or touching and having a boundary, or portion thereof, which is coterminous.

Contour. An imaginary line on the surface of the earth, connecting points of the same vertical elevation. A line drawn on a map connecting the points of the same vertical elevation.

Continuing Care Retirement Community. A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing and medical care. Residents may move from one level to

another as their needs change. Such facilities may offer a guarantee of lifetime care, including health care, which is secured by contracts that require a substantial entrance fee, as well as regular monthly maintenance fees. These types of facilities can also include a limited amount of health care as part of the standard fee or they may charge on a pay-for-service basis. Such facilities may offer rentals and ownership options. These facilities also include the life care community and campus concept

Contractor's Yard. An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, sundry items, and other goods commonly associated with the same; operated primarily for the convenience of the motoring public, walk-in shopper, or someone purchasing a few items; and having a gross floor area of less than 5,000 square feet.

Conventional Subdivision. (See definition of "Subdivision, Conventional.")

Corner Lot. (See definition of "Lot, Corner.")

Covenants, Protective. (See definition of "Protective Covenants.")

Coverage, Lot. (See definition of "Lot Coverage.")

Cul-de-Sac. A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

Culvert. A metal, wooden, plastic, or concrete conduit through which surface water can flow under or across land or roads.

Cut-Off. The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut-off) at a specific angle above the ground.

Cut-Off Angle. The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Cut-Off Type Luminaire. A luminaire with elements such as shields, reflectors, or refractor panels that direct and cut off the light at an angle that is less than 90 degrees.

Day Care Center. A facility licensed by the State Department of Health and Family Services, or any other government agency that assumes its authority and responsibility, in which qualified persons, other than a relative or guardian provide care and supervision for children, adolescents, or adults for less than 24 hours per day. Day Care Centers include nursery schools that are similarly licensed.

dB. The A-weighting scale of sound measurement as expressed in decibels.

DBH. (See definition of "Diameter at Breast Height.")

Decibel. A unit of measurement of the intensity (loudness) of sound. Sound level meters employed to measure the intensity of sound are calibrated in "decibels."

Deck. An unenclosed exterior structure that has no roof or sides but has a permeable floor which allows the infiltration of precipitation.

Dedication. The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

Density. The number of dwelling units per acre of land.

Density, Gross (GD). The quotient of the total number of dwelling units on a site divided by the base site area of a site.

Density, Net (ND). The quotient of the total number of dwelling units divided by the net buildable site area of a site. (Also see definition of "Site Area, Net Buildable.")

Depth, Lot. (See definition of "Lot Depth.")

Detached Building. (See definition of "Building, Detached.")

Detached Land. Any lands disconnected from or not being a part of incorporated areas of the Town of Saukville.

Detention Basin. (See definition of "Basin, Detention.")

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities that seeks City approvals for all or part of a development project.

Development. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

- A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
- A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
- Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
- Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
- Demolition of a structure; or
- Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
- Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

- Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
- Work by any public or quasi-public utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or

constructing on established rights-of-way sewers, mains, pipes, cables, utility runnels, power lines, towers, poles, tracks, or the like. (Exclusive of the activities requiring a Conditional Use Permit as per the requirements of this Chapter); or

- The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the temporary decoration of the exterior of the structure is affected; or
- The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
- A change in the ownership or form of ownership of any parcel or structure; or
- Work involving the landscaping of a detached dwelling; or
- Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planting areas.

Development Option. (See definition of "Option, Development.")

Development Plan. (See definition of "Plan, Development.")

Diameter at Breast Height (DBH). The diameter of the trunk of a tree (outside the bark) measured in inches at a point 4.5 feet above the ground level This point of measurement is used for established and mature trees.

Display, Outdoor. The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed within a building.

Disturbance, Land. Any manmade change of the land surface including removing vegetative cover, excavating, filling, and grading but not agricultural land uses such as planting, growing, cultivating, and harvesting crops; growing and tending gardens; or harvesting trees.

Division, Minor Land. (See definition of "Minor Land Division.")

Division of Land. Where the Chapter or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a Subdivision Plat, a Certified Survey Map, or Condominium Plat.

Drainageway. The land on either side of and within 50 feet of the centerline of any intermittent or perennial stream graphically shown on a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet; the US. Geological Survey (U.S.G.S.) 7.5-minute quadrangle topographic map of the area; or the large scale 1"=200' Ozaukee County topographic maps except areas designated as wetlands, shoreland wetlands, flood lands, floodways, or 100-year recurrence interval floodplains.

Drip Line. The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.

Drive-In and Drive Through (or "Drive Thru") Establishment or Facility. Any commercial retail, personal service, or service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person located within the principal structure including an establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while staying within a motor vehicle. Such establishments include, but are not limited to, those accessory to financial institutions, eating/drinking establishments retail sales, service, repair uses and dry-cleaning stores.

Driveway. A paved or unpaved area used for ingress or egress of vehicles allowing access from a public street or public alley to a lot or site, use, building, or other structure or facility.

Dwelling. Any building, the initial construction of which is commenced on or after the effective date of this code, which contains one or 2 dwelling units.

Dwelling Contractor. Any person, firm or corporation engaged in the business of performing erosion control or construction work such as framing, roofing, siding, insulating, masonry or window replacement work covered under this code and who takes out a building permit. "Dwelling Contractor" does not include the owner of an existing dwelling, an owner who will reside in a new dwelling or a person, firm or corporation engaging exclusively in electrical, plumbing, or heating, ventilating and air conditioning work.

Dwelling Unit. A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

Easement. The area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person, quasi-public entity (such as a homeowners' association), or part of the public.

Easement Conservation. A type of "Protective Covenant" the boundary lines of which are graphically depicted on the face of a Certified Survey Map, Preliminary Plat, Final Plat and/or Condominium Plat, or filed as a separate legal instrument used to conserve and preserve a natural resource feature protected under the provisions of this Chapter.

Electric Generating Facility. Electric generating equipment and associated facilities that, together, constitute a complete facility for the generation of electricity. "Electric generating equipment" means any of the following:

- An electric generator,
- A machine that drives an electric generator, including an engine, turbine, water wheel, or windmill,
- Equipment that converts a fuel or source of energy into energy that powers a machine that drives an electric generator, including a boiler, but not including a nuclear reactor.
- A fuel or photovoltaic cell. [Source: Wis. Stat. § 196.52]

Electromagnetic Fields. Fields that arise whenever electrons are moved through a conducting medium. They have two components, one electric, the other magnetic. These fields have regular periodicity, measured in hertz.

Elevation, High Groundwater. (See definition of "High Groundwater Elevation.")

Elevation, High Water. (See definition of "High Water Elevation.")

Emergency Shelter. (See definition of "Shelter, Emergency.")

Engineer, Town. (See definition of "Town Engineer.")

Equine Livestock. Donkey, hinny, horse, mule or pony.

Equivalent Animal Unit. (See definition of "Animal Unit, Equivalent.")

Erosion. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Essential Services. Services provided by public and private utilities. These services include public street rights-of-way, underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings over 1,000 square feet in area above the surrounding grade.

Facade. All of the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall areas that would be shown on the front elevation of the building.

Family. Two or more persons related by blood, marriage, or adoption, or a group of not more than two persons (excluding servants), who need not be related by blood, marriage, or adoption, living together and maintaining a common household, but not including sororities, fraternities, or other similar organizations. Where the family is related by blood, marriage, or adoption, said family may keep up to four foster children in their household and still be considered a single family.

Farm. An area used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and for the packing or storage of the products produced on the premises; as well as for the raising thereon of the usual farm poultry and farm animals such as horses and cattle.

Feedlot, Animal. A lot, parcel, or building or combination of contiguous lots, parcels, and/or buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area where manure may accumulate, or where the concentrations of animals is such that vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered animal feedlots, but pastures used for equine shall not be considered animal feedlots.

Fence. A structure that is a barrier or is used as a boundary or means of protection or confinement.

Fence, Solid. A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it.

Fields, Electromagnetic. (See definition of "Electromagnetic Fields.")

Final Plat. The final map, drawing or chart on which the Subdivider's or Condominium developer's (as applicable) plan of Subdivision is presented for approval under the requirements of Chapter 236 of the Wisconsin State Statutes as amended and the Town of Saukville Land Division Chapter as amended and which, if approved, will be submitted to the Ozaukee County Register of Deeds.

Flood. A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Floodlands. Those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The flood lands are all lands contained in the "regional flood" or 100-year recurrence interval flood.

Floodplain. Land subject to inundation by the 100-year recurrence interval flood.

Floodway. A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which provides the channel is that portion of the floodplain not suited for human habitation.

Floor Area, Ground. The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Foster Family Home. The primary domicile of a foster parent which is for four or fewer foster children which is licensed under Wis. Stat. §48.62 and amendments thereto.

Frequency. The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

Frontage. All the property fronting on one side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.

Frontage, Lot. (See definition of "Lot Frontage.")

Frontage, Street. (See definition of "Street, Frontage.")

Front Lot Line. (See definition of "Lot Line, Front.")

Front Yard. (See "Yard, Front.")

Gauss. A measure of magnetic flux density. It is used to compare relative strengths of magnetic fields.

Glare. The sensation produced by luminance within the visual field that is sufficiently greater than that to which the eyes are adapted.

Goods, Household. (See definition of "Household Goods.")

Grade, Street. The elevation of the established street in front of the building, measured at the center of such front Where no street grade has been established, the Town Engineer or Plan Commission shall establish such street grade or its equivalent for the purpose of this Chapter.

Gravel Pits. (See definition of "Sand and Gravel Pits.")

Greenhouse. An enclosed structure, permanent or portable, which is used primarily for the growth of plants.

Gross Acreage. (See definition of "Acreage, Gross.")

Gross Vehicle Weight. (See definition of "Vehicle Weight, Gross.")

Group, Dwelling. (See definition of "Dwelling Group.")

Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five to eight foster children.

Height, Building. (See definition of "Building Height.")

Height, Fence. The height of the fence shall be determined by measuring the vertical distance from the highest immediately adjoining grade to the top of each section of the fence.

Hertz. A unit that measures frequency in all physical systems that have wave pattern. Abbreviated Hz.

High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled given a multi-colored effect.

High Water Elevation (Surface Water). The average annual high-water level of a pond, stream, lake, flowage, or wetland, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

Home, Group Foster. (See definition of "Group Foster Home.")

Home Occupation. Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use that is clearly incidental to the use of the dwelling unit for residential purposes.

Homeowners' Association. A Wisconsin nonprofit membership corporation or entity which serves as an association of homeowners within a Subdivision, Certified Survey Map, or Condominium having shared common interest responsibilities with respect to the costs and upkeep of common private property of a Subdivision, Certified Survey Map, or Condominium. Such common property includes private recreation and open space areas within the Subdivision, Certified Survey Map, or Condominium. For the purposes of this Chapter, homeowners' associations include condominium associations.

Household Goods. Any sofa, bed, dresser, or any other household item intended for indoor use.

Housing, Assisted Living. (See definition of "Housing, Congregate (for the elderly).")

Housing, Congregate (for the elderly). Specially planned, designed, and managed multi-unit rental housing for the elderly with self-contained apartments. These retirement communities are typically designed to provide supportive environments for the elderly and to accommodate a relatively independent lifestyle for the elderly. A limited number of support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities, are usually

provided. A full range of services to the elderly is normally not provided in this type of elderly housing. This form of elderly housing also includes sheltered housing, enriched housing, and assisted living housing.

Illumination, Maximum Permitted. The maximum illumination measured in footcandles at the interior bufferyard line at ground level

Impact Noises: Noises whose peak values are more than six dBA higher than the values indicated on a sound level meter meeting the requirements of the American National Standards Institute (ANSI S1.4-1961) "American Standard Specification for General Purpose Sound Level Meters," and are of a short duration. Impact noises are generated by sources that do not operate more than one minute in any one-hour period.

Impact Vibrations. (See definition of "Vibrations, Impact.")

Impervious Surface. Impervious surfaces are those which do not absorb water. Impervious surfaces consist of all buildings, parking areas, driveways, packed stone, roads, sidewalks, and any areas of concrete or asphalt. For lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Improvement. Any manmade immovable item which becomes a part of, is placed upon, or is affixed to real estate.

Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, bicycle path, stormwater detention and retention basins, planting strip, or other utility and/or facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Improvement, Substantial Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

Any project for improvement of a structure. to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions, or

Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Inoperable Appliance. (See definition of "Appliance, Inoperable.")

Inspector. Inspector shall mean the Building Inspector, and/or other code or Chapter enforcement officer of the Town.

Inspector, Building. (See definition of "Building Inspector.")

Institution. Educational Public, parochial, charitable, or nonprofit junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with

or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Intensity Factor, Bufferyard. (See definition of "Bufferyard Intensity Factor.")

Interior Lot. (See definition of "Lot, Interior.")

Interior Lot Line. (See definition of "Lot Line, Interior.")

Interval, Contour. (See definition of "Contour Interval.")

Irrevocable Letter of Credit. An agreement guaranteeing payment for subdivision improvements or other improvements to land, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

Junk. Worn-out, cast-off, or discarded or abandoned article(s), material(s), vehicle(s), automobile(s), equipment, scrap, or machinery or parts thereof, or other waste that may or may not be used again in some form.

Kennel, Breeding. A facility or formal establishment for the propagation of animals.

Kennel, Boarding. A facility or establishment where animals are housed temporarily for a fee.

Kennel, Commercial. A kennel operation offering services to the general public in return for remuneration.

Kennel, Private. A kennel operated for private use, not offering services to the general public.

Lake. Any body of water two acres or larger as measured by the shoreline at its maximum condition rather than the permanent pool condition.

Land Disturbance. (See definition of "Disturbance, Land.")

Landowner. For the purposes of this Chapter, any person holding title to or having an interest in land

Landscape Bufferyard. (See definition for "Bufferyard.")

Landscape Surface Area. Surface area of land not covered by any building or impervious surface; pervious surface that is maintained as a natural area and left undisturbed or to support plant life.

Landscape Surface Ratio (LSR). The ratio derived by dividing the area of landscaped surface by the base site area.

Landscaping. Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.

Landscaping Services. A business that operates to construct, install, and maintain lawns, trees, yards, shrubs, gardens, patios, related grounds, and other outdoor areas owned by others. All proposed uses must submit a Site Plan that clearly identifies where all pieces of equipment will be stored on site.

Letter of Credit, Irrevocable. (See definition of "Irrevocable Letter of Credit.")

Living Area. That area of a dwelling unit measured from the outside of the exterior walls; including utility rooms, foyers, interior stairwells, hallways, closets, columns and walls and finished half-basements or finished portions of half-basements; but excluding basements and unfinished half-basements, or unfinished portions of half-basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating, or sleeping purposes. The unit of measurement of living area shall be in square feet.

Living Area, First Floor. That space used for living purposes which are not above any other space used for living purposes. The first floor living area shall never conform to the definitions of "Half Basement" or "Basement."

Loading and Unloading Space, Off-Street. An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading, or unloading of motor vehicles; tractors, and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than 10 feet in width, 35 feet in length, and 14 feet in height, exclusive of access aisles and maneuvering space.

Lot or Zoning Lot. For zoning purposes a lot or zoning lot is a piece of land, parcel, or combination of adjacent pieces of land or parcels all held in common ownership, each of which is identified on a plat of record or in a deed of record and of sufficient area and dimensions to meet zoning district standards for width, area, use, and coverage, and to provide such yards and open space set-asides as are required. In this Chapter, the terms "lot" and "zoning lot" have the same meaning and may be used interchangeably.

Lot Area. For existing lots of record located in the A-1, A-4, and A-5 Districts which abut a public street right-of-way existing on the date of the adoption of this Chapter, the area contained within the exterior, or peripheral, boundaries or lot lines of a lot including that portion of an abutting public street right-of-way as measured to the centerline of said abutting public street right-of-way.

For new lots created in the A-1, A-4, and A-5 Districts and which new lots abut a public street right-of-way existing on the date of the adoption of this Chapter, the area contained within the exterior, or peripheral, boundaries or lot lines of a lot including that portion of an abutting public street right-of-way as measured to the centerline of said abutting public street right-of-way.

For new lots created which do not abut a public street right-of-way existing on the date of the adoption of this Chapter, the area contained within the exterior, or peripheral, boundaries or lot lines of a lot excluding street and/or alley right-of-way.

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

Lot Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot Width. The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot, Double Frontage. (See definition of "Lot, Interior.")

Lot, Frontage. The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.

Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends to the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Lot Line, Front. The front property boundary line of a zoning lot.

Lot Line, Rear. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side. A lot line other than a front or rear lot line.

Lot of Record. An area of land designated as a lot on a plat of Subdivision or Certified Survey Map recorded or registered pursuant to statute existing at the time of the adoption of this Chapter.

Lot, Parking. (See definition of "Parking Lot.")

Lot, Through. A lot, other than a corner lot, with frontage on more than one street. Interior lots shall normally be deemed to have two front yards, two side yards and no rear yard. Interior lots shall not generally be permitted unless the lot abuts an arterial highway. Interior lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or another acceptable access buffering measure.

Lot Width The horizontal distance between the side lot lines measured at the front setback line.

Lot, Zoning. (See definition of "Zoning Lot.")

LSR. (See definition of "Landscape Surface Ratio.")

Luminaire. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Manufacturing. The making of anything by any agency or process.

Map, Official Zoning. (See definition of "Zoning Map.")

Mature Woodland. (See definition of "Woodland, Mature.")

Maximum Permitted Illumination. (See definition of "Illumination, Maximum Permitted.")

Medical Office. A facility used for offices of one or more physicians, dentists, clinical-psychologists, nurse practitioners, and similar medical professionals, for the examination and treatment of patients, in which one or more medical profession may be associated together or practicing independently of each other. Medical offices may include apothecaries, dental and medical laboratories, naprapathy, x-ray and/or other similar facilities and services, but do not include inpatient facilities devoted primarily to major surgical procedures or accommodations for the overnight stay of patients.

Meter. Sound Level (See definition of "Sound Level Meter.")

Minor Automobile Repair. (See definition of "Automobile Repair, Minor.")

Minor Land Division. Any division of land not defined as a 'Subdivision.' Minor land divisions include the division of land by the owner or Subdivider resulting in the creation of two, but not more than four, parcels of building sites, any one of which 35 acres or less in size; or the division of a block, lot or outlot within a recorded Subdivision Plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. Such minor land divisions shall be made by a Certified Survey Map.

Minor Street. (See definition of "Street, Minor.")

Minor Variance. (See definition of "Variance, Minor.")

Motor Vehicle. A vehicle, including a combination of two or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. Motor vehicles include, without limitation, a commercial motor vehicle or a motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails.

Navigable Stream. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes. (Also see the definition of "Navigable Water.")

Navigable Water. All-natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable 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. [*Muench v. Public Service Commission*, 261 Wis. 492 (1952) & *DeGayner and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)]. Rivers and streams are presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter.

Net Acreage. (See definition of "Acreage, Net.")

Net Buildable Site Area. (See definition of "Site Area, Net Buildable.")

Net Density. (See definition of "Density, Net (ND).")

NFAR. (See definition of "Floor Area Ratio, Net (NFAR).")

Noise. (See definition of "Impact Noises.")

Noises, Impact. (See definition of "Impact Noises.")

Nonconforming Building. Any building that does not conform to the regulations of this Chapter prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between structures on a single lot, or minimum required usable open space for the district in which such building is located.

Nonconforming Structure. (See definition of "Structure; Nonconforming.")

Nonconforming Use. Any building, structure, or land lawfully occupied by a use or lawfully established at the time of the adoption of this Chapter or amendments hereto, which does not conform after the effective date of this Chapter, or amendments hereto, with the use regulations of this Chapter. Said use shall be an active and actual use of the land and/or buildings which existed prior to the effective date of this Chapter.

Non-Metallic Mining Pits. The term non-metallic mining pit shall include the removal and extraction of sand or gravel deposits from the land for commercial purposes, regardless of whether or not such. Operation results in the creation of a depression in the ground.

Nonresidential Use. A building or portion thereof, and the site upon which it is located, not designed or used exclusively for residential occupancy. These uses specifically exclude one-family dwelling units and two-family dwelling units.

Notice, Class 2 (See definition of "Class 2 Notice.")

Noxious Matter. Material that is capable of causing injury to living organisms by chemical reaction or can cause detrimental effects upon the psychological, social, or economic well-being of human beings.

Number, Ringlemann. (See definition of "Ringlemann Number")

Nursery. A place where the primary activity is the growing of plants, flowers, trees, and shrubs for sale.

Obstruction. An obstacle, impediment, or hindrance.

Occupancy, Certificate of. (See definition of "Certificate of Occupancy.")

Octave Band. A means of dividing the range of sound frequencies into octaves to classify sound according to pitch.

Octave Band Filter. An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used with a sound level meter to take measurements in specific octave intervals (American Standard for Sound Level Meters, A.S.A No. 244.3-1944).

Office, Medical (See definition of "Medical Office.")

Official Map. That document as described by Chapter 62.23(6) of the Wisconsin Statutes as amended which shows the location of streets, highways, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities in the Town of Saukville.

Official Zoning Map. (See definition of "Zoning Map.")

Off-Street Loading, and Unloading Space. (See definition of "Loading and Unloading Space, Off-Street.")

Open Space. Any site, parcel, lot, area, or outlet of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space. Move most text to new section

Open Space, Common. Open space within or related to a development, neither individually owned nor dedicated for public use but typically owned by a property owners' association, which is designed and intended for the common use and/or enjoyment of the residents, of the development, and which is accessible and usable by all persons who occupy a principal use within the development.

Open Space, Deed Restricted. Deed restricted open space on platted "Lots" is not occupied by any principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. Deed restricted open space on platted "Outlots" is not occupied by nonrecreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "Outlots" is by a property owners' or homeowners' association. The maintenance of deed restricted open space on platted "Lots" is by the individual lot owner.

Open Space, Private. An open space area privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having legal title to the open space area.

Open Space, Public. An open space area conveyed or otherwise dedicated to the Town, a municipality, municipal or Town agency, public school district; state or county agency, or other public body for recreational or conservational uses. Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

Option, Development. Alternative development types within specific agricultural and residential zoning districts as set forth in this Chapter.

Ordinary High-Water Mark The point on the bank or shore of a navigable 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, a predominance of aquatic vegetation, or other easily recognized characteristics.

Outdoor Display. (See definition of. "Display, Outdoor.")

Outdoor Storage. (See definition of "Storage, Outdoor.")

Overlay Zoning District. (See definition of "District, Overlay.")

Owner. Includes the plural as well as the singular and may mean either a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having sufficient proprietary interest to seek development of land.

Parking Area, Private. An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Lot. A structure or premises used for the parking of vehicles, excluding parking areas accessory to detached single-family dwellings and two-family attached dwellings.

Park, Private. A non-commercial outdoor recreation park privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having legal title to the outdoor recreation park (as a noncommercial accessory use only when Included as a part of an approved subdivision).

Park, Public. An outdoor recreation park conveyed or otherwise dedicated to the Town, municipality, municipal or Town agency, public school district, state or county agency, or other public body for recreational or conservational uses.

Particulate Matter. For the purposes of determining air contaminations, particulate matter is any material other than water suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid capable of being airborne or gas borne. Dust is solid particulate matter capable of being airborne or gas borne.

Passive Recreation. (See definition of "Recreation, Passive.")

Pasture. An area of grass or other vegetative cover grown for grazing animals.

Pedestrian way. A public way intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

Permanent Building. (See definition of "Building, Permanent.")

Permitted Use. A use by right that is specifically authorized in a particular zoning district.

Permit, Zoning. (See definition of "Zoning Permit.")

Person. Any natural person, individual, firm, corporation, partnership, association, trust, body politic or corporate, or any other legal entity.

Personal Watercraft. A motorboat that uses an inboard motor powering a water jet pump or a caged propeller as its primary source of motive power and that is designed to be operated by a person standing on, kneeling on, or sitting astride the watercraft.

Pick-Your-Own Operation. An agricultural use wherein fruits or vegetables grown on-site are sold directly to consumers who pick the farm products themselves.

Pits, Gravel. (See definition of "Sand and Gravel Pits.")

Pits, Sand. (See definition of "Sand and Gravel Pits.")

Plan Commission. The Town of Saukville Plan Commission created by the Town Board pursuant to Section 62.23 of the Wisconsin Statutes.

Plan, Comprehensive. (See definition of "Comprehensive Plan.")

Plan, Development. The Ozaukee County Development Plan (including components thereof including park, recreation, open space, and transportation plans) text and all accompanying maps, charts, explanatory material adopted by Ozaukee County pursuant to Section 59.97 of the Wisconsin Statutes, and all amendments thereto.

Plat. The map, drawing, or chart on which the Subdivider's land division or Condominium Developer's condominium is presented to the Town of Saukville for approval.

Plat, Final. (See definition of "Final Plat.")

Plat, Preliminary. (See definition of "Preliminary Plat.")

Playfield. An active recreation space for children and adults. These areas frequently include lighted ballfields and athletic fields and are the sites of organized recreational activities.

Playground. An active recreation area serving school age children typically and provide playground and playfield equipment. Frequently these playgrounds are associated with a public elementary school or a neighborhood park. When associated with the latter, residents are typically afforded both passive and active outdoor opportunities. These areas generally accommodate ballfields, basketball backboards, open playfields, skating rinks in the winter, playground equipment, and tennis courts.

Pleasure Craft, Private. Canoes, motorboats, and sailboats for private use.

Pond. All bodies of water less than two acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

Pond, Water Quality. A manmade pond constructed to improve the water quality of an area use.

Porch. A roofed-over impervious structure projecting out from the waif or walls of a main structure and commonly open to the weather in part.

Power Generation Facility. An energy generating facility and any appurtenant facilities.

Preliminary Plat. A map showing the salient features of a proposed Subdivision submitted to an approving authority for purposes of preliminary consideration pursuant to the requirements of both Chapter 236 of the Wisconsin Statutes as amended and also the Town of Saukville Land Division Chapter.

Principal Building. (See definition of "Building, Principal.")

Principal Use. The main use of land or buildings as distinguished from a subordinate or accessory use.

Private Garage. (See definition of "Garage, Private.")

Private Kennel. (See definition of "Kennel, Private.")

Private Open Space. (See definition of "Open Space, Private.")

Private Park. (See definition of "Park, Private.")

Private Parking Area. (See definition of "Parking Area, Private.")

Private Pleasure Craft. (See definition of "Pleasure Craft, Private.")

Processing. When used in describing an industrial operation, the series of continuous actions that changes one or more raw materials into a finished product. The process may be chemical, special method, or mechanical.

Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Section 236.293 of the Wisconsin Statutes, which constitute a restriction on the use of all private or platted property within a minor land division (Certified Survey Map) or Subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.

Public Utility. (See definition of "Utility, Public.")

Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

Queuing Space. For this Chapter, queuing space is that on-site area required, as to the number of cars that must be accommodated, while awaiting ingress or egress to specified business or service establishments.

Rear Lot Line. (See definition of "Lot Line, Rear.") ref graphic

Rear Yard. (See definition of "Yard, Rear.")

Record, Lot of. (See definition of "Lot of Record.")

Recreation, Active. Recreational facilities oriented to competitive activities including, but not necessarily limited to, baseball, softball, soccer, football, tennis, basketball, playground or playfield, ice skating area, picnicking, and swimming.

Recreational Vehicle. Any motor vehicle, any travel trailer or trailer, camper, motor home, tent trailer or camping trailer, any motor home or camper box, any boat, hover craft, or other watercraft device, any motorcycle or off-road vehicle, all-terrain vehicles, go-carts, ultralights, gliders, any snowmobile or snowmobile trailer or any other device designed for any similar purpose.

Recreation, Passive. Recreational uses, areas, or activities oriented to noncompetitive activities that require no special equipment. Passive recreation areas are generally maintained by mowing. Bicycle riding, hiking, and birdwatching are examples of passive recreation activities.

Register of Deeds. Ozaukee County Register of Deeds.

Religious Institution. A place of religious worship and instruction. For purposes of this section, "religious worship" includes any "religious exercise" as defined by the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-5.

Repairs, Structural. (See definition of "Structural Repairs.")

Residence, Congregate. (See definition of "Congregate Residence.")

Residential Use. A building or portion thereof, and the site upon which it is located, designed or used exclusively for residential occupancy but not including hotels, motels, bed and breakfast inns or boarding or lodging houses.

Restaurant. Any land, building; or part thereof, other than a boarding house, where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, tearoom, and dining room; and including the serving of alcoholic beverages when served with and incidental to the serving of meals.

Resources, Natural. (See definition of "Natural Resources.")

Retention Basin. (See definition of "Basin, Retention.")

Ringelmann Chart. A chart described in the U. S. Bureau of Mines Information Circular 77, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

Ringelmann Number. The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

Roadside Stand. A farm building or structure used or intended to be used solely by the owner or tenant of the farm on which such building is located, for the sale of the farm products raised on said farm.

Roofline. The top or bottom edge of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

Runoff. The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.

Rural Area. Those areas of the Town of Saukville not within a delineated sanitary sewer service area in conformance with an adopted area wide water quality management plan.

Rural Development. (See definition of "Development, Rural.")

Rural Event Facility. Non-agricultural activities, limited to weddings, wedding receptions, private parties and corporate events, by the property owner as a business venture in agricultural areas, to foster entrepreneurial opportunities in the Town that promote the use and preservation of farms and farmland while maintaining the zoning districts' rural, agrarian landscape.

Satellite Antenna. (See definition of "Antenna, Satellite.")

Screening. A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, earthen berms, or densely planted vegetation.

Seat. Furniture upon which to sit, in the case of attached seating having a linear measurement not less than 22 inches across the surface used for sitting; intended for use in determining off-street parking requirements.

Secondary Access. (See definition of "Access, Secondary.")

Services, Essential. (See Essential Services.)

Setback. Those minimum streets, front, rear, and/or side yards required by this Chapter.

Setback Line, Base. The line from which all required setbacks are measured, also to be referred to as the ultimate street right of way line. If road right-of-way is not present, the base setback line will be a line 33' from the centerline of the pavement surface that runs parallel to the roadway.

Setback Line, Building. A line parallel to the lot or parcel boundary line or an abutting public street right-of-way line at a distance from it, regulated by the various yard requirements established under this Chapter. Ref measurement

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

Shore Buffer or Yard. (See definition of "Buffer, Shore.")

Shorelands. The area located within 1,000 feet of the ordinary highwater mark of a lake, pond or flowage; or 300 feet from a river or stream or to the landward side of a floodplain whichever distance is greater If the navigable water is a glacial pothole lake.

Short-Term Vacation Rental. A short-term rental refers to any rental of a dwelling unit/bedroom as a residential accommodation for less than 30 consecutive days.

Shrub. A woody, perennial plant differing from a perennial herb in its persistent and woody stem(s) and less definitely from a tree in its lower stature and/or the general absence of a well-defined main stem.

Side Lot Line. (See definition of "Lot Line, Side.")

Sidewalk. A paved path provided for pedestrian use and usually at the side of a road within a public street right-of-way but typically physically separated by distance from the road pavement.

Side Yard (See definition of "Yard, Side.")

Sight-Proof. Having a minimum visual opacity of 75 percent.

Silviculture. The theory and practice of controlling forest establishment, composition, structure and growth. Silvicultural practice consists of the various treatments that may be applied to forest stands to maintain and enhance their utility for any purpose.

Site Area, Base. (See Section 28.)

Site Area, Net Buildable. The entire land area within the boundaries of a site, less the area of all land required or proposed for public use, open space, or natural resource preservation or protection.

Slope. The degree of deviation of a surface from the horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise); as, for example, 2:1. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and a 45-degree slope being a 1:1 slope.

Slope, Steep. Three categories of steep slopes are defined herein for use in this Chapter. These categories are based upon the relative degree of the steepness of the slope as follows: 10 to 20 percent, 20 to 30 percent, and greater than 30 percent. No land area shall be considered a steep slope unless the steep slope area has at least a 10-foot vertical drop and has a minimum area of 5,000 square feet.

Smoke. Small gas borne particles other than water that form a visible plume in air.

Smoke Units. The number obtained by multiplying the smoke density in Ringelmann Numbers by the time of emission in minutes. For this chart, a Ringelmann Density reading is made at least once every minute during observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added to give the total number of "smoke units" observed during the total period under observation.

Soil Mapping Unit Lines. The boundaries of soils shown on the operational soil survey maps prepared by the United States Department of Agriculture, Soil Conservation Service for the Southeastern Wisconsin Regional Plan Commission published in the Soil Survey of Ozaukee and Waukesha Counties dated July 1971.

Solar Collector. A device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy. [Source: Wis. Stat. § 66.0403]

Solid Fence. (See definition of "Fence, Solid.")

Sound Level, Day-Night Average. (See definition of "Day-Night Average Sound Level.")

Sound Level Meter. An instrument standardized by the American Standards Association for measurement of intensity of sound

Space, Open. (See: definition of "Open Space.")

Space, Queuing. (See definition of "Queuing Space.")

Stable, Breeding, Boarding, Training. A use in which equines are kept primarily for breeding, boarding, training, riding events, and/or giving lessons, but in no event for rent or hire to the public.

Stable, Private. Any building that is on a lot on which a dwelling is located which is designed, arranged, used, or intended to be used for housing horses for the private use of occupants of the dwelling.

Stable, Public. A use or on which equines are kept for sale or hire to the public. Breeding, boarding, training, and/ or riding events of equines may also be conducted.

Standard, Natural Resource Protection. (See definition of "Natural Resource Protection Standard.")

Standard, Performance. (See definition of "Performance Standard.")

Start of Construction. (See definition of "Construction, Start of.")

Steady-State Vibrations. (See definition of "Vibrations, Steady-State.")

Steep Slope. (See definition of "Slope, Steep.")

Storage, Outdoor. The keeping of goods or materials, excluding junk, outside of a building, and which shall be considered as an accessory use, unless specifically indicated as a principal use under this Chapter.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Stream. A course of running water, either perennial or intermittent, flowing in a channel.

Stream, Navigable. (See definition of "Navigable Stream.")

Stream, Perennial. A stream that flows throughout most (that is greater than 50 percent) of the year.

Street. A public way, other than an alley, which affords a primary means of access to abutting property.

Street, Arterial. A federal-, state-, or county-marked route normally having four lanes for traffic and some form of median marker or may also be a Town-designated "arterial street" in the adopted Comprehensive Plan or component thereof; or on the Official Map parking may be banned. A street used, or intended to be used, primarily for fast or heavy through traffic providing

for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways and also standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall be designed to convey an average daily traffic (ADT) of 3,000 and greater.

Street, Collector. A street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers. Collector streets shall be designed to convey an average daily traffic (ADT) of between 500 and 3,000.

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

Street Grade. (See definition of "Grade, Street.")

Street Line. A line separating a lot, piece, or parcel of land from a street.

Street, Minor. A street used, or intended to be used, primarily for access to abutting properties. Residential minor streets designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than 500. Residential minor land access streets designed as permanent cul-de-sac streets shall be designed so that no section conveys an ADT greater than 250.

Streetscape. Those features of either the manmade or natural environments that abut, face, or are a part of a public street right-of-way including landscaping, street furniture, building facades, and utilities and facilities that are visible to the public such as fire hydrants, storm, sewer grates, sidewalk and street paving, etc.

Street Tree. (See definition of "Tree, Street.")

Street Yard. (See definition of "Yard, Street.")

Structural Alteration (for Nonconforming Structures): (See definition of "Alteration, Structural (for Nonconforming Structures).")

Structural Alterations. (See definition of "Structural Repairs.")

Structural Repairs. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders; any work that would convert an existing building or existing structure into new or substantially different building or structure; work that would affect the structural quality of a building or structure; and improvements that would contribute to the longevity or permanence of a building or structure.

Structure. Anything constructed or erected which requires location on the ground, including buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, retaining walls, equipment, fences, walls, etc. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

Structure, Nonconforming. Any structure or building that existed before the current zoning ordinance or chapter was enacted or amended, but does not conform with the use restrictions in the current ordinance or chapter.

Structure, Temporary. A trailer, mobile unit, or other structure intended to be placed on a lot, tract, or parcel for limited period of time.

Subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 35 acres each or less in area; or where the act of division creates five or more parcels or building sites of 35 acres each or less in area by successive division within a period of five years .

Subdivision, Conventional. A residential subdivision or certified survey map that does not provide a designated amount of open space.

Subdivision Chapter. (See definition "Land Division Chapter.")

Subgrade. The natural ground lying beneath the structural portion of a road.

Substantial Improvement. (See definition of "Improvement, Substantial.")

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

Swimming Pool. Any structure of solid materials so designed, either below or above the surface of the ground, as to hold water and to be used for the purposes of bathing or swimming in which the depth of the water stored therein or below ground level exceeds two feet in depth.

Tavern or Bar. A building where liquors are sold to be consumed on the premises, but not including restaurants, where the principal business is serving food.

Temporary Building. (See definition of "Building, Temporary.")

Temporary Structure. (See definition of "Structure, Temporary.")

Through Lot. (See definition of "Lot, Double Frontage.")

Tot Lot. A park or recreational area less than five acres in area equipped with children play equipment and play apparatus.

Tower, Communications. (See definition of "Communications Tower.")

Town Attorney. The Town Attorney of the Town of Saukville, Ozaukee County, Wisconsin.

Town Board. The Town Board of the Town of Saukville, Ozaukee County, Wisconsin.

Town Chairman. The Town Chairman of the Town of Saukville, Ozaukee County, Wisconsin.

Town Clerk. The Town Clerk of the Town of Saukville, Ozaukee County, Wisconsin. For application purposes, the term "Town Clerk" may include the Town Clerk's designee.

Town Code. The Code or Chapters of the Town of Saukville, Ozaukee County, Wisconsin.

Town Engineer. The Town Engineer of the Town of Saukville, Ozaukee County, Wisconsin.

Toxic and Noxious Matter. Any solid, liquid, or gaseous matter, including but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are inherently harmful and likely to destroy life or impair health, or capable of causing injury to the well-being of persons or damage to property.

Trailer. A vehicle without motor power used or adaptable for living, sleeping, hauling, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet Town Building Code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" shall include "camp car" and "house car." A permanent foundation shall not change its character.

Tree. Any self-supporting, woody plant with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

Tree, Canopy. A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. This type of tree is often called a shade tree.

Tree, Healthy. A tree which is not dead, diseased, or in a weakened state and which does not pose a safety hazard to buildings, pedestrians, and/or vehicles.

Tree, Street. A tree in a public place, along a street, special easement, or right-of-way adjoining a street

Tree, Understory. A tree whose leaves would occupy the lower level of a forest in a natural ecological situation.

Trip. A single or one-way vehicle movement to or from a property.

Two-Family Dwelling. (See definition of "Dwelling, Two-Family.")

Understory Tree. (See definition of "Tree, Understory.")

Unit, Dwelling. (See definition of "Dwelling Unit.")

Unit Lines. Soil Mapping. (See definition of "Soil Mapping Unit Lines.")

Units, Smoke. (See definition of "Smoke Units.")

Urban Area. A delimited sanitary sewer service area in conformance with an adopted area wide water quality management plan.

Urban Development. (See definition of "Development, Urban.")

Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

Use, Accessory. A use on the same lot with, and of a nature customarily subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.

Use, Conditional. A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.

Use, Incidental. A use that is affiliated with but subordinate to a principal use of land or structure.

Use, Nonconforming. A use of land, a dwelling, or a building that existing before the current zoning ordinance or chapter was enacted or amended, but does not conform with the use restrictions in the current ordinance or chapter.

Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.

Variance, Minor. A variance from the terms and provisions) of the Town Building Code and Zoning Chapter that may be granted only as to accessory buildings of 250 square feet or less in area, decks, and fences.

Vehicle, Commercial. Any vehicle more than 6,000 pounds empty weight.

Vehicle, Motor. (See definition of "Motor Vehicle.")

Vehicle, Recreational. (See definition of "Recreational Vehicle.")

Vehicle Weight, Gross. The weight of a motor vehicle plus the maximum load it is permitted to carry.

Vibration. Ground transmitted oscillations. The periodic displacement or oscillation of the earth.

Vibrations, Impact. Discrete impulses that do not exceed 60 per minute.

Vibrations, Steady-State. Vibrations that are continuous, or vibrations in discrete impulses more frequent than 60 per minute.

Vision Clearance. An unoccupied triangular space at the intersection of streets and highways.

Wall, Common. (See definition of "Wall, Party.")

Wall, Party. A wall containing no opening that extends from the elevation of a building footing or footings to the elevation of the outer surface of the roof or above, which separates contiguous buildings but is in joint use for each building.

Watercourse. A permanent or intermittent stream channel.

Watercraft, Personal. (See definition of "Personal Watercraft.")

Water Mark, Ordinary High. (See definition of "Ordinary High-Water Mark.")

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

Wetland, Shoreland. A wetland, as defined by this Chapter, which is within a shoreland area.

Width, Lot. (See definition of "Lot Width.")

Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin, Statutes, including subsequent amendments to those rules.

Woodland, Mature. An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50 percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50 percent of the area encompassed by the grove. Roadside, streamside, and shelterbelt strips of trees must have a crown width of at least 120 feet. Clearings within woodland areas shall be classified as woodlands if less than 120 feet in width. However, no trees grown for commercial purposes shall be considered a mature woodland.

Woodland, Young. An area or stand of trees whose total combined canopy covers an area of one-half acre or more and at least 50 percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches. Roadside, streamside, and shelterbelt strips of trees must have a crown width of at least 120 feet. Clearings within woodland areas shall be classified as woodlands if less than 120 feet in width. However, no trees grown for commercial purposes shall be considered a young woodland.

Yard. An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Chapter, which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines. That yard which is obviously the front due to the prevailing custom of the other buildings in the area or in the Town. Where such front yard is not obviously evident to the Plan Commission or its designee, the Plan Commission or its designee shall determine the front yard.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines. The depth of the rear yard shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure, excluding uncovered stairs and patios. On a corner lot, the rear yard shall be that yard directly opposite the front yard.

Yard, Shore. A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the 100-year recurrence interval floodplain or ordinary high-water mark of a pond, stream, lake, or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the 100-year recurrence interval floodplain or high-water line.

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard of the lot or parcel. The width of the side yard shall be the minimum horizontal distance between the side lot or parcel line and a line parallel thereto through the nearest roofed or enclosed portion of the principal structure, excluding uncovered stairs and patios.

Yard, Street. A yard extending the full width of a lot in that area of a lot located between a lot line abutting a street right-of-way and a building line. Corner lots shall have two such yards.

Yard, Truck Parking. (See definition of "Truck Parking Yard.")

Young Woodland. (See definition of "Woodland, Young.")

Zoning Board of Appeals. Reference to "Zoning Board of Appeals" shall refer to the Board of Zoning Appeals of the Town of Saukville, Ozaukee County, Wisconsin.

Zoning District. As defined by the Town of Saukville Zoning Chapter and its accompanying maps as amended.

Zoning Lot. A single tract of land located within a single block that (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

Zoning Map. The map or maps incorporated into this Chapter as a part hereof, designating and delineating boundaries of zoning districts.

Zoning Permit. The permit required by this Chapter before the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Chapter.

SECTION 29.02

ABBREVIATIONS AND SYMBOLS

The following abbreviations are used in this Chapter and are intended to have the following meanings:

ac	acre(s)
ADT	average daily traffic
BC	building coverage
DBH	diameter at breast height for a tree
DNR	Wisconsin Department of Natural Resources
D.U.	dwelling unit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft.	foot or feet
GD	gross density
Hz	hertz
ISR	impervious surface ratio
LSR	landscape surface ratio
Max.	maximum
Min.	minimum

OSR	Open Space Ratio
SEWRPC	Southeastern Wisconsin Regional Plan Commission
s.f.	square foot or square feet
sq. ft.	square feet
=	equal
<	less than
>	greater than
≤	less than or equal to
≥	greater than or equal to

SECTION 28 SITE INTENSITY AND OTHER MEASUREMENTS

SECTION 28.01

PURPOSE

This Chapter includes four tables and text describing how the Town calculates density and intensity related to proposed development projects. In addition, sections explain measurement.

SECTION 28.02

DWELLING UNIT DENSITY

Dwelling unit density per acre is calculated using total area less all areas of public rights-of-way, public easements, floodplains, and areas with archaeological or cultural resources.

SECTION 28.03

SITE INTENSITY AND CAPACITY CALCULATIONS FOR RESIDENTIAL AND NONRESIDENTIAL USES

- A.** Recognition of Natural Resource Features. This Chapter recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Chapter.
- B.** When Site Intensity and Capacity Calculations Are Required. The site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the Town of Saukville including all new condominiums; all new residential developments including all Certified Survey Maps, Condominiums, and Subdivisions all nonresidential development; and as may be required elsewhere in this entrance.
- C.** Exclusions (When Site Intensity and Capacity Calculations Are *Not* Required). The site intensity and capacity calculations set forth in this Division shall *not* be required for the construction of single-family and two-family residential development located within existing platted subdivisions (with an approved final plat), certified survey maps, and condominiums existing at the time of the adoption of this Chapter.

SECTION 28.04

CALCULATION OF BASE SITE AREA.

The *base site area* shall be calculated as indicated in Table 28-1 for each parcel of land to be used or built upon in the Town of Saukville.

Table 28-1

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA FOR BOTH
RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on- site boundary survey of the property.	_____acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, and the rights-of-way of major utilities.	_____acres
STEP 3:	Subtract (-) land required to be dedicated for public parks.	_____acres
STEP 4:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	_____acres
STEP 5:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use , subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use , subtract (-) the land proposed for residential uses.	_____acres
STEP 6:	Equals "Base Site Area"	=_____acres

SECTION 28.05 LOT AREA MEASUREMENT

Unless otherwise specified, lot area shall be calculated using gross rather than net areas.

SECTION 28.06 LOT COVERAGE

Lot Coverage is the footprint of the house and any other structures, and usually includes other impermeable surfaces such as driveways walkways and patios. This is usually expressed as a percentage comparing the lot coverage to the lot size.

SECTION 28.07 LOT WIDTH AND DEPTH

- A. Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth line at the front setback line. Measuring lot widths for irregular shaped lots is as determined by the Plan Commission or its designee, with the intent of having the average width of the buildable portion of the lot be the lot width.
- B. Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

SECTION 28.08 CORNER AND THROUGH LOT FRONTAGE

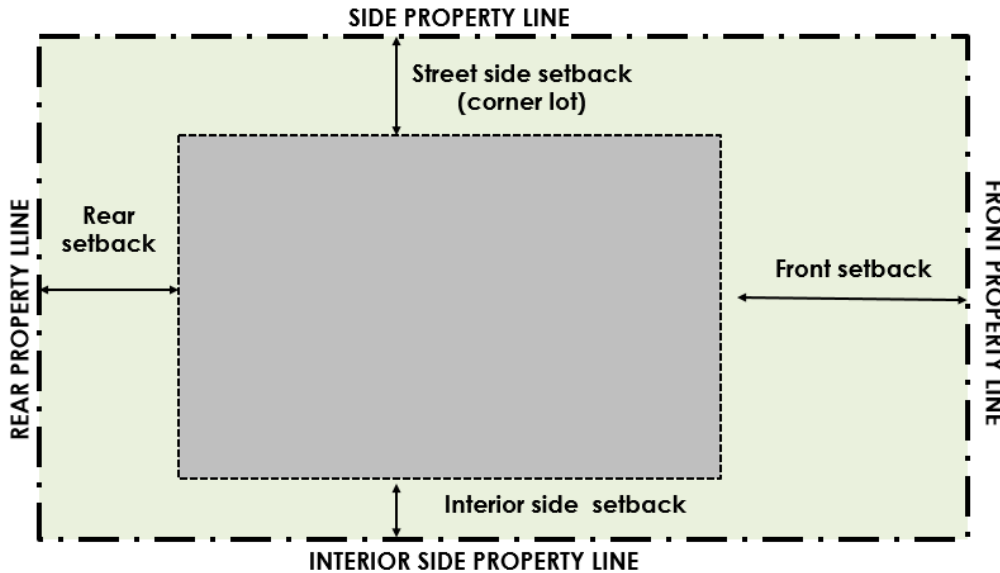
Corner Lot. The frontage of a corner lot is measured from whichever adjoining lot line to corner yields the shortest dimension. The location of the corner for purposes of the lot frontage measurement is the intersection of the two side lot lines or, if there is a rounded corner, the intersection of the two lot lines as projected and extended into the adjoining street.

Through Lot. The frontage is measured along the street from which the principal use is architecturally oriented and is the primary pedestrian access. For an undeveloped lot, the owner/applicant may irrevocably designate either street for purposes of lot frontage provided the proposed and/or future uses are architecturally oriented towards and take primary pedestrian access from the same designated street.

SECTION 28.09 RESERVED FOR FUTURE USE

SECTION 28.10 SETBACKS AND YARDS

The following standards apply to setbacks and yards within the applicable zoning districts where setbacks are established as indicated below. Generally, Every part of a required yard shall be open to the sky and unobstructed, except for permitted encroachments.



Front Setback. A front yard extends the full width of the lot and is measured between the street right-of-way to the nearest principal building. The street setback is a line contiguous to the nearest part of the main building (excluding permitted encroachments) from the street right-of-way.

Rear Setback. A rear yard extends the entire width of the lot and is measured from the rear lot line to the rear setback. The rear setback is a line contiguous to the nearest part of the main building (excluding permitted encroachments) from the rear lot line.

Side Setback

1. A side yard extends from the front yard to the rear yard and is measured from the side lot line to the side setback. The side setback is a line contiguous to the side wall of the main building.
2. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements apply to the accessory building.

Corner Lots. A corner lot is considered to have a front yard on each lot line abutting a street, and a side lot line abutting an interior lot.

**SECTION 28.11
MEASURING SETBACKS**

All setback distances shall be measured at right angles from the designated property line (e.g., front, interior side, street-side, rear) and the setback line shall be drawn parallel to the designated property line at the required setback distance, except as follows:

The rear yard setback on the street side of a double frontage lot is a line parallel to the rear property line abutting the street. However, if an access easement or street right-of-way line extends into or through a rear yard, the minimum rear yard setback distance shall be measured at right angles from the access easement or right-of-way line; and

Where the side lot lines converge to a point with two or three lines, the rear yard setback shall be measured from an imaginary line drawn parallel to the front property line from a distance of 10 feet from the point at which the lines converge.

**SECTION 28.12
MEASURING HEIGHT**

A. Measuring Building Height.

Building height is the vertical distance measured from the average elevation of the highest and lowest point where exterior walls touch the existing grade of the site prior to development to the topmost point of the roof, but not including allowed projections.

B. Measuring Height of Other Structures.

The height of other structures, such as a fence or exterior deck, is measured as the vertical distance from the existing grade immediately under the structure to the top of the structure unless special measurement provisions are provided.

**SECTION 28.13
MEASURING FLOOR AREA**

A. Gross Floor Area (Nonresidential)

For determining the floor area ratio of nonresidential property, the gross floor area of a building or buildings shall be the sum of the gross horizontal areas of the several floors of such nonresidential building or buildings--measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "gross floor area" shall include:

1. Basement space if at least ½ of the basement story height is above the established ground level but excluding mechanical equipment space;
2. Elevator shafts and stairwells at each floor;
3. Floor space used for mechanical equipment where the structural headroom exceeds 7.5 feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;
4. Attic floor space where the structural headroom exceeds 7.5 feet;
5. Interior balconies and mezzanines;
6. Enclosed porches, but not terraces and breezeways;
7. Accessory structures.

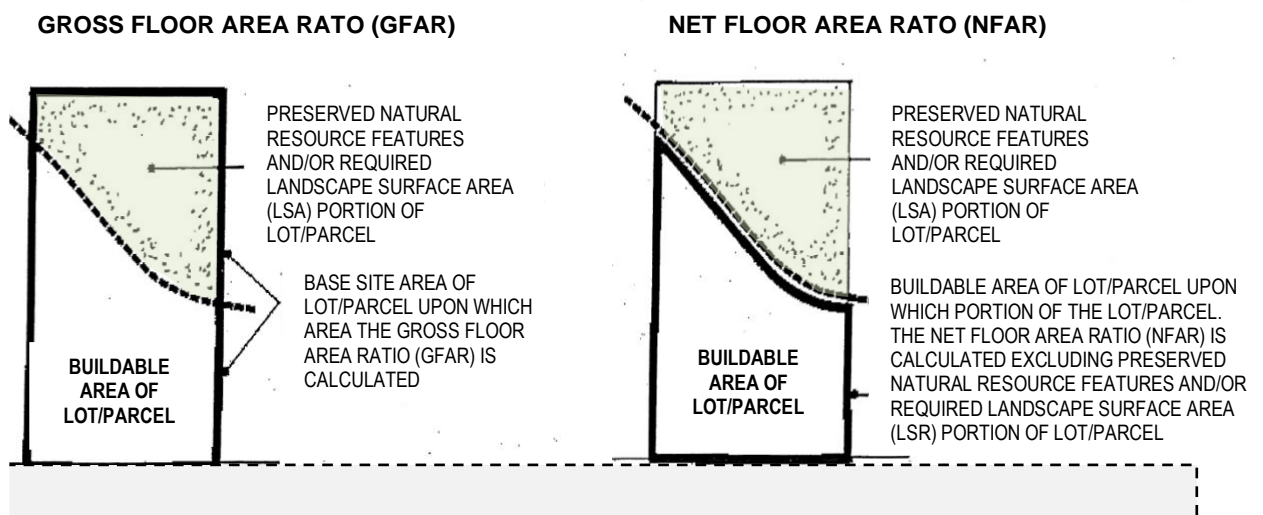
B. Gross Floor Area (Residential).

For determining the floor area of residential property, the gross floor area of a residential building or buildings shall be the sum of the gross horizontal areas of the several floors of such building or buildings--measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "gross floor area" shall include:

1. Basement space if at least ½ of the basement story height is above the established ground level but excluding mechanical equipment space;
2. Elevator shafts and stairwells at each floor;
3. Floor space used for mechanical equipment where the structural headroom exceeds 7.5 feet; except equipment, open or enclosed, located on the roof; i.e., bulkheads, water tanks, and cooling towers;

4. Attic floor space where the structural headroom exceeds 7.5 feet;
5. Interior balconies and mezzanines;
6. Enclosed porches, but not terraces and breezeways;
7. Accessory structures.
8. Gross floor area shall *not* include attached or detached garage space.

- C. Gross Floor Area** (*For Determining Requirements for Off-Street Parking and Off-Street Loading*). The floor area shall mean the sum of the gross horizontal areas of the several floors of the buildings or portion thereof, devoted to such use, including accessory storage areas within principal structures located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space, or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- D. Ground Floor Area. Ground.** The lot area covered by a principal building, measured at grade from the exterior faces of the exterior walls, but excluding open porches or terraces, garages, or carports.
- E. Gross Floor Area Ratio (GFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the base site area. Where the lot is part of a larger development and has no required bufferyard, that lot area may be used instead of the base site area to calculate the lot's development potential.
- F. Net Floor Area Ratio (NFAR).** An intensity measured as a ratio derived by dividing the total gross floor area of a building or structure by the net buildable site area.





ZONING CHAPTER

Part 9 ADOPTION

SECTIONS

SECTION 29

ADOPTION AND EFFECTIVE DATE

SECTION 29 ADOPTION AND EFFECTIVE DATE

29.01

PUBLIC HEARINGS

The Town of Saukville Town Board held public hearings on the proposed Zoning Chapter for the Town of Saukville pursuant to the requirements of Sections 60.62, 61.35, and 6223(7) of the Wisconsin Statutes on _____ __, 2021 and on _____ __,

SECTION 29.02

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommended to the Town Board the adoption of this Zoning Chapter at its Meeting held on _____ __, 2021.

SECTION 29.03

TOWN BOARD APPROVAL

The Board of the Town of Saukville concurred with the recommendations of the Plan Commission the adoption of this Zoning Chapter at its Meeting held on _____ __, 2021.

SECTION 29.04

EFFECTIVE DATE

This Chapter shall take effect upon passage and adoption by the Town Board on the filing of proof of posting or publication in the Office of the Town Clerk.



Town of Saukville Ordinance No. 2022- 01

**AN ORDINANCE AMENDING SECTION 24.02
OF THE ZONING CODE, TOWN OF SAUKVILLE, WISCONSIN,
ALLOWING FOR THE APPOINTMENT OF TWO ALTERNATE CITIZEN MEMBERS
TO THE PLAN COMMISSION**

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on February 24, 2022, and March 10, 2022; and

WHEREAS, a Public Hearing was held before the Town Board on March 15, 2022, regarding the proposed Amendment to the Town's Zoning Code; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

Section 1:

Sections 24.02 of the Town of Saukville Code of Ordinances is amended as provided below by adding the underlined language to allow for appointment of two alternate citizen members to the Plan Commission when any regular citizen member is absent or refuses to vote because of a conflict of interest:

SECTION 24.02 MEMBERSHIP

The Plan Commission shall consist of seven (7) members. The members shall consist of the Town Chairman who shall be its presiding officer, a Town Supervisor elected for a term of two years by a two-thirds vote of the Town Board at a Town Board meeting in April of every other year, and four citizens appointed by the Town Chairman subject to confirmation by the Town Board for three year terms and one citizen member appointed by the Town Chairman subject to confirmation by the Town Board for a one year term.

Two (2) alternate citizen members may be appointed and shall act only when a regular citizen member is absent or refuses to vote because of a conflict of interest.

- A. Presiding Officer.** The presiding officer shall be the Town Chairman.
- B. Secretary.** The Secretary shall be the Town Chairman.
- C. Official Oaths.** The official oaths shall be taken by all members according to the Wisconsin Statutes within ten days of receiving notice of their appointments.
- D. Terms.** Terms for the citizen members shall commence the first week in May, and each term shall be staggered, and each term shall be for a three-year period. Members of the Plan Commission shall service until their successors are duly appointed and qualified.
- E. Recording Secretary.** The Town Clerk shall be the recording secretary.

Section 2:

Except as hereinabove specifically modified and amended, the Zoning Code, Town of Saukville, Ozaukee County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 3:

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication.

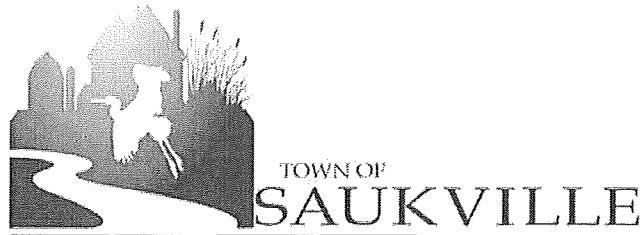
Adopted by the Town Board of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 15th day of March, 2022.

Kevin Kimmes, Town Chairman

Raquel L. Engelke, Town Clerk

Publication Date: _____, 2022

Posting Date: _____, 2022



Town of Saukville Ordinance No. 2022-02

AN ORDINANCE REGULATING WORK WITHIN THE TOWN RIGHT-OF-WAY

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Town be protected from any costs associated with the repair and/or reconstruction of Town right-of-way areas resulting from any construction located within the Town right-of-way.

WHEREAS, pursuant to the general police powers granted to the Town as set forth in Wis. STAT. Chs. 60, 66, and 82, and as authorized by Chs. 60 and 66 of the Wisconsin Statutes, the Town Board of Supervisors of the Town of Saukville agrees that an ordinance regulating work within the Town right of way be adopted; and

WHEREAS, a Notice of Public Hearing before the Town Board of Supervisors was duly published in the *Ozaukee Press* on March 31, 2022, and April 7, 2022; and

WHEREAS, a Public Hearing was held before the Town Board on April 19, 2022, regarding the proposed Ordinance; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that its Ordinances be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

I. Purpose

The purpose of this Ordinance is to protect the Town of Saukville from any costs associated with the repair and/or reconstruction of Town right-of-way areas resulting from any utility or underground construction located within the Town right-of-way. The applicant, contractor and/or his or her agents shall be jointly and severally responsible for any damage incurred during construction to:

- (A) Existing roadside drainage ditches;
- (B) Any existing underground utilities (electric, gas, telephone, cable); and
- (C) Existing vegetation – trees greater than 6” in diameter shall be replaced.

II. Fees

The Town of Saukville requires a nonrefundable permit fee in the amount established by the Town Board in a fee schedule which may, from time to time, be modified by Town Board resolution. Fees shall be related to costs involved in handling permit applications, conducting site inspections, and administering the requirements of this Ordinance.

III. Authority

This Ordinance is adopted pursuant to the general police powers granted to the Town as set forth under Wis. STAT. § 60.22, and as authorized under Ch. 60 and Ch. 66 of the Wisconsin Statutes.

IV. Interpretation

In its interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted to the Town of Saukville by the Wisconsin Statutes or any other rule, regulation, ordinance or permit previously adopted or issued pursuant to law. Where any terms or requirements of this Ordinance may be inconsistent or conflicting with any other chapter, statute, regulation, rule or permit, the more restrictive requirements or interpretation shall apply.

V. Policies and Indemnification

A. The entire cost of constructing and maintaining the utility shall be the obligation of the applicant.

B. The location of the utility within the road/highway right-of-way shall be as represented in the application submitted as a basis of this consent and permit. It shall be the responsibility of the applicant to determine the location of, and suitably protect from damage, any underground facilities already in place in the area influenced by the permitted work.

C. All poles used in the construction of overhead transmission lines shall be placed in a manner and location so as not to interfere with use of the road/highway by the public or use of adjoining land by the owners thereof.

D. No trees or shrubs shall be cut, trimmed or branches thereof cut or broken in the construction of maintenance of the utility without the consent of the owner of the tree.

E. Any brush, trash, waste, or rubbish resulting from the construction or maintenance shall be removed from the road/highway. Construction and maintenance operations shall be performed without closing any road/highway to traffic except as may be specifically authorized by the Town. All driveways shall remain open to vehicular traffic. Unless otherwise authorized, two-way traffic shall be maintained at all times. Proper barricades, signs, flags, lights and flagmen shall be provided and maintained at all locations where construction and maintenance work interferes with normal use of the road/highway.

F. Any excavations shall be backfilled with suitable granular material, placed in layers compacted mechanically to the density of the adjacent ground. Any subsequent settlement or heaving shall be repaired to the satisfaction of the Town.

G. Temporary sheeting and shoring shall be used as necessary to prevent soil caving in trenches and tunnels. Roadway surfaces, pavements, structures, vegetation or other highway facilities damaged shall be repaired or restored within thirty (30) days from the date that construction or maintenance work is begun in an area unless specific approval is granted by the Town for additional time to complete restoration.

H. Whenever any digging is done in the ditch, it must be restored to its original state; i.e., topsoil, reseeded and mulched, gravel shoulders, asphalt and/or erosion control fabric (if applicable) within 30 days.

I. The Applicant shall save and hold the Town, its supervisors, employees, agents, and all private and governmental contractors and subcontractors with the Town, harmless from and against all liability, damage, loss, expense, claims, demands and actions of any nature whatsoever (including any by Applicant itself) which arise out of or are connected with, or are claimed to arise out of or be connected with any of the work done by Applicant, or the construction or maintenance of facilities by the Applicant, pursuant to this permit or any other permit issued by the Town for locations of property, lines or facilities on highway right-of-way, (1) while the Applicant is performing its work, or (2) while any of the Applicant's property, equipment, or personnel, are in or about such place or the vicinity thereof, or (3) while any property constructed, placed or operated by or on behalf of Applicant remains on the Town property or right-of-way pursuant to this permit or any other permit issued by the Town for location of property, lines, facilities on highway right-of-way; including without limiting the generality of the foregoing, all liability, damages, loss, expense, claims, demands and actions on

account of personal injury, death or property loss to the Town, its officers, employees, agents, contractors, subcontractors or frequenters; to the Applicant, its employees, agents, contractors, subcontractors or frequenters; or to any persons, and whether based upon, or claimed to be based upon, statutory (including, without limiting the generality of the foregoing, worker's compensation), contractual, tort, or other liability of the Town, the Applicant, or any other persons, and whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the Town, its officers, employees, agents, contractors, subcontractors or frequenters; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions for damage to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the Town for location of property, lines or facilities on highway right-of-way in the past or present, or that are located on any highway or Town property of right-of-way with or without a permit issued by the Town, for any loss of data, information, or materials; for trade-mark, copyright or patent infringement; for unfair competition or infringement of any other so-called "intangible" property right; for defamation, false arrest, malicious prosecution or any other infringement of personal or property rights of any kind whatever. The Applicant shall, at its own expense, investigate all such claims and demands, attend to their settlement or other dispositions, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.

J. Upon completion of the work, written notice thereof shall be filed with the Town Clerk.

K. The Town reserves the right to stop any or all work if conditions are not compatible.


VI. Applicability

The requirements of this Ordinance shall apply to all persons within the Town of Saukville.

Adopted by the Town Board of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 19 day of April, 2022.



Kevin Kimmes, Town Chairman



Raquel L. Engelke, Town Clerk

Publication Date: April 28, 2022

Posting Date: April 20, 2022

ZONING MAP ADOPTION
AN ORDINANCE OF THE TOWN OF SAUKVILLE, OZAUKEE COUNTY, WISCONSIN
ORDINANCE NO. 2022-04

AN ORDINANCE ADOPTING THE TOWN OF SAUKVILLE ZONING MAP OF THE TOWN OF SAUKVILLE ZONING ORDINANCE TO ESTABLISH A CURRENT ZONING MAP.

The purpose of this ordinance is to establish a current and up to date zoning map for the Town of Saukville.

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

SECTION I:

ZONING MAP ADOPTED

The Zoning Map titled 2022 Zoning (Exhibit A) is hereby adopted as the Town of Saukville Official Zoning Map.

SECTION II:

This ordinance shall take effect and be in full force upon its passage and day after its publication.

Approved: _____ August 16, 2022
Kevin Kimmes, Town Chairman

This is to certify that the foregoing ordinance was adopted by the Town Board of the Town of Saukville, Wisconsin, at a meeting held on the 16 day of August, 2022.

Attested to: _____

Publication Date: _____



Town of Saukville Ordinance No. 2022- 06

**AN ORDINANCE AMENDING SECTION 16.79 and 27.01
OF THE ZONING CODE, TOWN OF SAUKVILLE, WISCONSIN,
ALLOWING SWIMMING POOLS AS A PERMITTED USE IN ALL RESIDENTIAL AND
AGRICULTURAL DISTRICTS AND AMENDING SWIMMING POOL REGULATIONS**

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Plan Commission was duly published in the *Ozaukee Press* on November 23, 2022, and November 30, 2022; and

WHEREAS, a Public Hearing was held before the Town Plan Commission on December 13, 2022, regarding the proposed Amendment to the Town's Zoning Code; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that the Zoning Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

Section 1:

Section 16.79 of the Town of Saukville Code of Ordinances is amended as provided below by removing the crossed-out language adding the underlined language allow swimming pools in all residential and agricultural districts where swimming pools are permitted and adding requirements for enclosures and fencing of swimming pools:

SECTION 16.79

SWIMMING POOL (Private, Outdoor)

~~Approval of a Conditional Use Permit is required for this use and~~ The following requirements shall be met for swimming pools, ~~located in residential districts.~~

A. Enclosure and Fencing.

1. ~~Except as provided in Sections 16.79(A.) (6.) and (7),~~ every person, ~~or lessee of~~ owning land upon which there is situated a swimming pool that contains twenty-four inches or more of water depth at any point, shall erect and maintain thereon an adequate enclosure surrounding the pool area.
2. ~~Except as provided in Sections 16.79(A.) (6.) and (7),~~ ~~private~~ swimming pools shall be enclosed with an enclosure or fence not less than four feet in height above the ground. Such enclosure or fencing shall be equipped with self-closing and self-latching gate(s) and shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be designed so as to make the swimming pool inaccessible to children. Latches to said gate(s) shall be placed at least four feet from the ground. For above ground swimming pools, the pool side shall count towards the minimum required fence height.
3. Enclosures and fences shall be constructed so as to prohibit the passage of a sphere larger than four inches in diameter through any opening or under the enclosure of fence.
4. Enclosures and fences shall be designed to withstand a horizontal concentrated load of 200 pounds applied on a one square foot area at any point of the enclosure or fence.
5. If a pool is higher than four feet and has a ladder, the ladder shall be able to be locked in an up position.
6. A fence or enclosure is not required around any above-ground swimming pool if the pool wall is at least forty-eight (48) inches in height, provided that ladders, steps, or other means of access to the pool are removed and/or designed to prevent access when the pool is unattended.
7. A fence or enclosure is not required around any swimming pool with an approved safety pool cover, as defined in Section 27.01, provided that safety pool cover is securely fastened in place, covering the entirety of the swimming pool, when the swimming pool is unattended.

B. Location and Placement.

1. A ~~private~~ pool shall not occupy front or side yards, except for corner lots. Pools and their surrounding decking shall be permitted within one front yard, which functions as a side yard, provided the pool or decking is located no more than 10 feet into the required front yard as measured from the rear line or the front yard. However, in districts requiring side yards greater than 10 feet, this permitted intrusion shall be increased up to a distance equal to said required side yard.

2. For double frontage lots, pools and their surrounding decking shall be permitted within the front yard which functions as a rear yard, provided that the pool is screened from the rear street by a fence, wall or hedge.
3. No wall of a swimming pool shall be located less than the required yard setback.
4. No swimming pool shall be located within a horizontal distance of 10 feet from any overhead utility or electrical wiring.
5. No swimming pool shall be placed in any easements.
6. No swimming pool shall be placed closer than 12 feet from any principal structure.

Section 2:

Section 27.01 of the Town of Saukville Code of Ordinances is amended to include a definition for Approved Safety Pool Cover as follows:

Section 27.01
DEFINITIONS

Approved Safety Pool Cover. An approved safety pool cover means a manual or power-operated safety pool cover that meets all of the most-recent ASTM International performance standards for pool covers, currently designated ASTM F1346-91 (2018).

Section 3:

Except as hereinabove specifically modified and amended, the Zoning Code, Town of Saukville, Ozaukee County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 4:

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication.

Adopted by the Town Plan Commission of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 20th day of December, 2022.

Kevin Kimmes, Town Chairman

Raquel L. Engelke, Town Clerk

Publication Date: _____, 2022

Posting Date: _____, 2022



Town of Saukville Ordinance No. 2023- 01

**AN ORDINANCE AMENDING SECTIONS 1.0206, 1.0309, 1.0401, 1.0501, 1.0706,
1.0902, 1.1101,
OF THE LAND DIVISION CODE, TOWN OF SAUKVILLE, WISCONSIN,
ALLOWING PLAN COMMISSION TO REQUIRE CERTAIN ITEMS TO BE
SUBMITTED WHEN A LAND DIVISION IS PROPOSED**

WHEREAS, it is deemed to be in the best interest of the Town of Saukville that the Land Division Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth; and

WHEREAS, a Notice of Public Hearing before the Town Plan Commission was duly published in the *Ozaukee Press* on April 19, 2023, and April 26, 2023; and

WHEREAS, a Public Hearing was held before the Town Plan Commission on May 9, 2023, regarding the proposed Amendment to the Town's Land Division Code; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Town of Saukville that the Land Division Code of the Town of Saukville be further modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Town Board of the Town of Saukville does hereby ordain as follows:

Section 1:

Section 1.0206 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.0206 LAND SUITABILITY. No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Plan Commission 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 either current Town residents or the future residents of the proposed Subdivision, Certified Survey Map, Condominium or of the Town. ~~In addition~~ To assist in making that determination, the Plan Commission may require any of the following prior to approval:

- A. Lot Area and Elevation of the 100Yer Recurrence Interval Floodplain. No lot served by public sanitary sewer facilities shall have less than 50 percent of its required lot area below an elevation at least two feet above the elevation of the 100-year recurrence interval floodplain.
- B. Lots One Acre or Less in Area Served by On-Site Sanitary Sewage System. No lot one acre or less in area served by an on-site sanitary sewage disposal system shall include flood lands.
- C. Lots More Than One Acre in Area Served by an On-Site Sanitary Sewage System. All lots more than one acre in area served by an on-site sanitary sewage disposal system 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, or where such data is not available, five feet above the maximum flood of record.
- D. Steep Slopes. Each lot shall have a continuous area of at least 3,000 square feet which has ground slopes not exceeding fifteen percent.
- E. Must Meet On-Site Sewage Disposal System Requirements. Each lot or dwelling unit shall be capable of meeting the requirements of the Chapter Comm 83 titled "*Private Sewage Systems*" of the Wisconsin Administrative Code, Chapter Comm 85 titled "*Subdivisions Not Served by Public Sewers*" of the Wisconsin Administrative Code, and Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code regarding the construction of an on-site sewage disposal systems. The Subdivision Plat, Certified Survey Map or Condominium shall be approved in conformance with Chapters 83 and 85 of the Wisconsin Administrative Code, Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code and any other applicable agency regarding the construction of an on-site sewage disposal systems, by the Ozaukee County Director of Environmental Health before any lots or dwelling units are sold. In addition:
 - 1. Soil tests shall be taken on each lot prior to the sale of said lot and must be approved by the Ozaukee County Director of Environmental Health pursuant to the requirements of Chapters Comm 83 and 85 of the Wisconsin Administrative Code and Chapter IX titled "*Sanitation and Health*" of the Ozaukee County Code regarding the construction of an on-site sewage disposal systems.
 - 2. Soil boring and percolation tests shall be made by or under the direction and control of a Wisconsin Department of Commerce certified soil tester:

- a. The person supervising the tests shall certify as to the correctness of procedure and results.
 - b. Blank forms supplied by the Ozaukee County Director of Environmental Health shall be used for reporting results and providing certification.
3. Sufficient borings shall be made by the Subdivider or Condominium Developer (as applicable) in each Subdivision, Certified Survey Map, or Condominium to portray adequately the character of the soil, ground water levels, and depths to bedrock.
- a. The borings shall be distributed as uniformly as possible and their locations shall be shown on a Subdivision, Certified Survey Map or Condominium plat.
 - b. At least one test per two acres shall be made initially.
 - c. When borings show marked variation in soil, depth to water or depth to bedrock, at least one boring per acre of area shall be made.
 - d. All borings shall extend to a depth of five feet unless bedrock is at a lesser depth.
 - e. Where deep absorption systems are proposed bore holes shall extend three feet below the expected depth of the absorption system.
- F. Plan Commission Determination of Unsuitability of Land. The Plan Commission, in applying the provisions of this section shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable to residential use and afford the Subdivider or Condominium Developer (as applicable) an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

Section 2:

Section 1.0309 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.0309 MINOR LAND DIVISION BY CERTIFIED SURVEY MAP

- A. When Required. Any land division, regardless of the size of the parcel(s) being created, shall be accomplished only by a Certified Survey Map approved in accord with the following procedures. The Certified Survey Map shall include all contiguous parcels of land which are under the same ownership. The only land divisions exempt from this requirement are those listed in Section 1.0201 A through E.
- B. Filing of a Certified Survey Map and Plan Commission Review and Recommendation. The Subdivider shall prepare the Certified Survey Map in accordance with Division 1.0900 of this Ordinance.
 - 1. The Subdivider shall file at least **20-11** copies of the Certified Survey Map, "Natural Resource Protection Plan" (**if required**, see Division 1.0400), "Landscape Plan" for any landscape easement areas (if required, see Division 1.0500, and the application with the Town Clerk (or other Town Board authorized agent) at least 15 days **(or less if a**

- shorter time period is allowed by the Town Chairman) prior to the meeting of the Plan Commission at which action is desired.
2. The Town Clerk (or other Town Board authorized agent) shall, within two working days after filing, transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
 3. The Town Clerk (or other Town Board authorized agent) shall, within two normal work days after filing, transmit the Certified Survey Map, Natural Resource Protection Plan, Landscape Plan, and required supplemental documents, and application as follows:
 - a. Ten Eight copies to the Plan Commission.
 - b. Three copies to the Town Board.
 - c. One copy on file with the Town Clerk.
 - d. Copies-Email copies as needed to affected Town Commissions and Town Departments.
 - e. Copies-Email copies to each school board with jurisdiction if development is proposed.
 - f. Four-Email copies to Ozaukee County.
 - g. Additional copies as may be requested by the approving authorities and objecting agencies.
 4. The recommendations of all approving authorities shall be transmitted to the Plan Commission within 20 days from the date the map is filed with the Town Clerk (or other Town Board authorized agent).
 5. The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Ordinance and all other ordinances, rules, regulations, adopted regional, County or Town development or comprehensive plans or adopted plan components which affect it.
 6. The Plan Commission shall within 40 days from the date of filing of the Certified Survey Map recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board.
- D. Town Board Approval. Where a Certified Survey Map has been transmitted by the Plan Commission to the Town Board, the Town Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within 60 days from the date of filing of the map unless the time is extended by agreement with the Subdivider.
1. If the map is approved, the Town Board shall cause the Town Clerk (or other Town Board authorized agent) to so certify on the face of the original map and return the map to the Subdivider.
 2. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
- E. Natural Resource Protection Plan Required. For properties proposed to be divided by Certified Survey Map, and that contain natural resource features as described in this Ordinance, if required, a "Natural Resource Protection Plan," as described in Division

1.0400, shall be submitted for review by the Town Zoning Administrator and Plan Commission.

- F. Deed Restrictions and Conservation Easements. For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved under this Ordinance, the Plan Commission may require that deed restrictions and/or conservation easements to be filed with the Certified Survey Map.
- G. Recordation.
 - 1. All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
 - 2. The Subdivider shall record the map with the Ozaukee County Register of Deeds within 30 days of its last approval.
- H. Copies. The Subdivider shall file at least ~~30 copies~~ one digital and one paper copy of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the Town Clerk (or other Town Board authorized agent) for distribution to the Plan Commission, various Town departments, and other affected agencies for their files as set forth under Section 1.0309(B).

Section 3:

Section 1.0400 of the Town of Saukville Code of Ordinances is amended to read as follows:

DIVISION 1.0400 NATURAL RESOURCE PROTECTION PLAN

SECTION 1.0401 NATURAL RESOURCE PROTECTION PLAN REQUIREMENTS. If natural resource features defined and described in Divisions 1.1100 and 1.1500 of this Ordinance are present on the property for which a Certified Survey Map, Subdivision Plat, or Condominium is requested, ~~20 full size copies~~ a digital copy of a "Natural Resource Protection Plan" drawn to the same scale as the Certified Survey Map, Preliminary Plat, or Condominium submission shall be submitted with the Certified Survey Map, Preliminary Plat, or Condominium, if required by the Plan Commission. If required, the "Natural Resource Protection Plan: shall be prepared in a readable digital format on tracing cloth, reproducible drafting film or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- A. Proposed Name. The proposed name of the Certified Survey Map, Subdivision Plat or Condominium.
- B. Location. The location of the proposed Certified Survey Map, Subdivision Plat or Condominium.
- C. Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer. The names, addresses, and telephone numbers of the owners, Subdividers, lessee and/or Developers) of the property and of the designer of the plan.
- D. Site Boundary. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- E. Lot Lines, Right-of-Way Lines, and Easements. The location of all proposed lot lines, right-of-way lines, and easements. In the case of condominiums, closing and non-over-lapping artificial lot lines shall be placed around the site of each proposed principal building of the

Condominium to demonstrate that the spirit of the dimensional requirements of this Section is satisfied.

- F. Existing Streets. The location, ownership, widths, and names (if available) of all existing and previously platted streets, rights-of-way, parks and other public or open spaces located within or adjacent to the subject property.
- G. Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
- H. Location and Extent of Existing Natural Resource Features. The location and extent of any existing natural resource features defined and described in Divisions 1.1100 and 1.1500 of this Ordinance. Each individual resource area on the site shall be graphically and numerically shown on the “*Natural Resource Protection Plan*.”
- I. Disturbed and Preserved Natural Resource Features. Graphic and numeric illustration shown on the “*Natural Resource Protection Plan*” of those existing natural resource features that will be disturbed and those that will be preserved. The illustration shall show the area (in square feet or acres) of each existing resource and those areas of resources that re to be preserved. Numeric data may be shown in tabular form with labeled reference to specific areas designated on the “*Natural Resource Protection Plan*.”
- J. Method of Natural Resource Preservation. Graphic illustration and notes relating to how those natural resource features, which are to be preserved in perpetuity, will actually be preserved (conservation easements, deed restrictions, protective covenants, etc.) on the “*Natural Resource Protection Plan*.”
- K. Scale, North Arrow, Contours. A drawing legend containing the scale appropriate to the size of the Certified Survey Map, Subdivision Plat, or Condominium, the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two foot contour intervals.
- L. Maximum Sheet Size of “*Natural Resource Protection Plan*.” The “*Natural Resource Protection Plan*” shall not exceed a maximum sheet size as required for the Certified Survey Map, Subdivision Plat or Condominium whichever is applicable.

Section 4:

Section 1.0500 of the Town of Saukville Code of Ordinances is amended to read as follows:

DIVISION 1.0500 LANDSCAPE PLAN

SECTION 1.0501 GENERAL. If “*Landscape Buffer yard Easements*” or areas of natural resource mitigation are delineated on the Certified Survey Map, Preliminary Plat or Condominium or are otherwise required by the Plan Commission, a landscape plan for those areas shall be prepared, **if required by the Plan Commission. Twenty full size copies A digital copy of** a “*Landscape Plan*” drawn to the same scale as the Certified Survey Map, Preliminary Plat or Condominium submission shall be submitted with the **Certified Survey Map,** Preliminary Plat or Condominium. **If required,** the “*Landscape Plan*” shall be prepared **in a readable digital format on tracing cloth, reproducible drafting film or paper of good quality at a map scale as appropriate** and shall show correctly the following information:

- A. Proposed Name. The proposed name of the Certified Survey Map, Subdivision Plat or Condominium.
- B. Location. The location of the proposed Certified Survey Map, Subdivision Plat or Condominium.
- C. Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer. The names, addresses, and telephone numbers of the owners, Subdividers, lessee and/or Developer(s) of the property and of the designer of the plan.
- D. Site Boundary. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- E. Landscape Buffer yard Easements and Natural Resource Mitigation Areas. All proposed "*Landscape Buffer yard Easements*" and/or areas of natural resource mitigation shall be clearly delineated and dimensioned on the Landscape Plan and shall be graphically shown in relation to all proposed lot lines and lots upon which said "*Landscape Buffer yard Easements*" or mitigation areas are located.
- F. Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a "*Landscape Buffer yard Easement*" and/or mitigation area. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the "*Landscape Plan*."
- G. Location, Extent, Type, and Sizes of Landscape Materials and Plantings. Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a "*Landscape Buffer yard Easement*" or for areas which are to serve as landscaped entrances or other special landscaped features of the Subdivision, Certified Survey Map or Condominium shall be indicated on the "*Landscape Plan*."
- H. Landscape Plant Material Specifications. All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zones 5 or 5a and shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc. and sponsored by the American Association of Nurserymen, Inc. Botanical plant names shall be in accordance with the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature. The landscape contractor shall be guided in professional and ethical matters by the "*Arborculture Code*" as adopted by the International Society of Arborculture.
- I. Natural Resource Features Mitigation Plan Required. If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the "*Landscape Plan*."
- J. Maintenance. Areas of a Subdivision, Certified Survey Map, or Condominium designated as landscape easement areas shall be maintained and kept free of all debris, rubbish, and weeds by the property owner or homeowner's association (whichever is applicable).

Section 5:

Section 1.0706 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.0706 NATURAL RESOURCE ~~PROTECITON~~ PROTECTION PLAN REQUIRED. For properties proposed to be divided by a ~~Certified Survey Map or~~ Subdivision Plat or developed as a Condominium, and that contain natural resource features as described in Divisions 1.1100 and 1.1500 of this Ordinance, a “*Natural Resource Protection Plan*,” as described in Division 1.0400 shall be submitted for review by the Town Zoning Administrator and Plan Commission. (This section falls under the Preliminary Plat section and should not reference a Certified Survey Map.)

Section 6:

Section 1.0902 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.0902 ADDITIONAL INFORMATION. The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.36 of the Wisconsin Statutes and Section 1.0901 above, the following, **if required by the Plan Commission:**

- A. **Physical Features.** Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being divided as determined by the Plan Commission.
- B. **Setback or Building Lines.** Setbacks or building lines required by the Town Plan Commission or Town Zoning Ordinance.
- C. **Utility and Drainage Easements.** Utility and/or drainage easements.
- D. **Reserved Lands.** All lands reserved for future acquisition.
- E. **Special Restrictions.** Special restrictions required by the Plan Commission relating to conservation easements, access control along public ways, delineation of flood plain and wetland limits, natural resource mitigation areas, or to the provision of “*Landscape Buffer yard Easements.*”
- F. **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
- G. **Floodplain Limits and Contours.** Floodplain limits and the contour lines lying a vertical distance of two feet above the elevation of the 100year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- H. **Date, Scale and North Arrow.** Date of the Certified Survey Map, graphic scale, and north arrow.
- I. **Owner, Subdivider, Land Surveyor.** Name and address of the owner, Subdivider, and land surveyor.

- J. Area Contiguous to Certified Survey Map. Entire area contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- K. Parcel and/or Lot Size. The dimensions and size (in square feet or acres), of each parcel or lot created by the Certified Survey Map including outlots.
- L. Existing Zoning. The Certified Survey Map shall indicate on its face the current zoning of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
- M. Soil Types. Soil types and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- N. Location of Soil Tests. Location of soil tests where required by Chapters Comm 83 and 85 of the Wisconsin Administrative Code and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with Chapters Comm 83 and 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil adsorption waste disposal systems are to be installed.
 - a. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater.
 - b. The results of such tests shall be submitted along with the Certified Survey Map.
- O. Deed, Restrictions, and/or Conservation Easements. Deed restrictions and/or conservation easements as required by this Ordinance shall be filed with the Certified Survey Map.
- P. Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements. The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements shall be directly related to the "*Natural Resource Protection Plan*."
- Q. Landscape Plan. As required by Division 1.0500 of this Ordinance.
- R. Location Sketch. A small location sketch indicating where the Certified Survey Map is located.
- S. Additional Information. Any additional information required by the Town Zoning Administrator, Plan Commission, Town Planner, Town Engineer or Town Board.

Section 7:

Section 1.1101 of the Town of Saukville Code of Ordinances is amended to read as follows:

SECTION 1.1101 NATURAL RESOURCE PROTECTION

- A. Natural Resource Protection Standards. All new Certified Survey Maps, Subdivision Plats, or Condominiums created in the Town of Saukville shall comply with the natural resource protection standards set forth in Table 4, **if required by the Plan Commission**. All the natural resources required to be protected under this Division shall remain undisturbed and in a

natural state except those natural resources where mitigation is permitted and such mitigation is in strict accord with those requirements set forth in this Division of the Ordinance.

B. Natural Resource Features Determination.

1. Steep Slopes. The definition of steep slopes, as applied to this Division, appears in Division 1.1500 of this Ordinance. Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
- b. Large scale 1" = 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5 –minute topographic quadrangle maps.

The area of steep slopes (in square feet or acres) shall be measured and graphically delineated on a topographic drawing and on the "Natural Resource Protection Plan." Such steep slope drawing shall graphically indicate those steep slope areas, by slope type, of the property pursuant to the "steep slope" definition set forth in Division 1.1500 of this Ordinance.

Table 4

NATURAL RESOURCE PROTECTION STANDARDS

NATURAL RESOURCE FEATURE	ZONING DISTRICT TYPE					
	Agricultural		Residential		Non-Residential	
	Protection Standard	Mitigation Standard	Protection Standard	Mitigation Standard	Protection Standard	Mitigation Standard
Steep Slopes:						
10-19%	0%	NA	0%	0%	0%	No
20-30%	65%	No	65%	65%	65%	No
+30%	90%	No	90%	90%	90%	No
Woodlands & Forests(a):						
Mature	70%	No	70%	No	70%	No
Young	50%	No	50%	No	50%	No
Lakes & Ponds (a)	100% (a)	No	100% (a)	No	100% (a)	No
Streams	100%	No	100%	No	100%	No
Shore Buffer (a)	100% (a)	No	100% (a)	No	100% (a)	No
Floodplains/ Floodplains (a)	100% (a)	No	100% (a)	No	100% (a)	No

Drainageways	30%	Yes	30%	Yes	30%	Yes
Wetlands & Shoreland Wetlands (a)	100% (a)	No	100% (a)	No	100% (a)	No

(a) As regulated by Chapter VII titled "Zoning" of the Ozaukee County Code as amended.
N/A = Not Applicable.

2. Woodlands and Forests.

a. The definition of woodlands and forest (mature and young), as applied to this Division, appears in Division 1.1500 of this Ordinance. The determination of woodland and forest boundaries shall be based on the following sources:

- 1) 1" = 400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) or from Ozaukee County (most recent date only).
- 2) A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist or botanist with a professional degree in one of those fields of endeavor.

b. All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the woodlands and forests as defined in this Ordinance shall be accurately measured as follows:

- 1) Each woodland and forest area shall include the tree trunk and the area located within the drip line or tree canopy.
- 2) The area of woodlands and forests (mature and young) in square feet or acres, shall be accurately measured and graphically delineated on the "Natural Resource Protection Plan." Such "Natural Resource Protection Plan" drawing shall indicate all woodland and forest areas of the property. IN cases where the drip line or canopy areas overlap, the areas of overlap shall only be counted once for area calculations. In cases where drip line or canopy areas overlap property lines the property line(s) are to be used as the boundary for the woodland or forest area, with only that portion of the drop line area located on the subject property counted toward the woodland or forest area.
- 3) The location, size and species of all healthy trees having a diameter of eight inches or greater D8H that are located in woodland and forest areas within 25 feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the "Natural Resource Protection Plan" or submitted as a separate drawing.
- 4) For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat or Condominium only the outline of woodland and forest areas set forth in Division 1.1eas indicating whether they are mature or young woodlands is required.

3. Lakes and Ponds. Lakes and ponds, as defined in Division 1.1500 of this Ordinance, are to be determined through the use of the definitions of "Lake" and "Pond" as set forth in

Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of lakes and ponds (in square feet or acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

4. Streams. Streams, as defined in Division 1.1500 of this Ordinance, are to be determined through the use of the definitions of "Channel" and "Stream" as set forth in Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of streams (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

5. Shore Buffers. Shore buffers, as defined in Division 1.1500 of this Ordinance, are to be determined as the land within 75 feet of the ordinary high water mark of all navigable waters and parallel to that ordinary high-water mark. Navigable waters are to be determined through the use of the definition of "Navigable Water" set forth in Division 1.1500 of this Ordinance and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:

- a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
- b. Large scale 1" – 200' Ozaukee County topographic maps.
- c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

6. Floodplain/Floodlands. The definition of floodplain and floodlands appears in Division 1.1500 of this Ordinance. The 100-year recurrence interval floodplain and floodways shall be determined as depicted on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)" with the effective date of March 18, 1991 as amended. Where a conflict exists between the floodland limits as shown on the Federal Emergency Management Agency's (FEMA) "Firm: Flood Insurance Rate Map(s)"

and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the published Flood Insurance Study-Ozaukee County, Wisconsin (Unincorporated Areas) prepared by the Federal Emergency Management Agency (FEMA), dated March 18, 1991 shall be used.

7. Drainageways. Drainageways, as defined in Division 1.1500 of this Ordinance, are to be determined as the land on either side of and within 50 feet of the centerline of any intermittent or perennial stream graphically shown on those maps cited below, except for areas designated as wetlands, shoreland wetlands, floodlands, floodways, or 100-year recurrence interval floodplains. Drainageways are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Plan Commission, the succeeding source shall be used:
 - a. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval or not less than two feet.
 - b. Large scale 1" – 200' Ozaukee County topographic maps.
 - c. U.S.G.S. 7.5-minute topographic quadrangle maps.

The area of drainageways (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

8. Wetlands (including Shoreland Wetlands). Wetlands and shoreland wetlands are defined in Division 1.1500 of this Ordinance. Wetland areas shall be determined by reference to the following sources in the order show below. If the first source is considered inaccurate or inappropriate as determined by the Plan Commission, the second technique may be used:
 - a. Wetland inventory maps prepared for the Town of Saukville as part of the "Wisconsin Wetland Inventory" prepared by the Wisconsin Department of Natural Resources as amended.
 - b. Field survey of plant material by a botanist with a professional degree in either botany or biology.

The area of wetlands and/or shoreland wetlands (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan."

- C. Natural Resources Measurement. All land area within a proposed Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Ordinance shall be accurately measured, **if required by the Plan Commission**. The total square feet and acreage of each natural resource feature shall be multiplied by its respective "Natural Resource Protection Standard" as set forth in Table 4 "Natural Resource Protection Standards" of this Ordinance to determine the amount of each natural resource feature to be protected by a conservation easement. If two or more natural resource features are present on the same area of land, only the most restrictive natural resource protection standard shall be used. *(For example, if floodlands and woodlands and forest occupy the same space on a site, the natural resource protection standard would be 100% for this area representing the higher of the two standards.)* Those areas to be demolished due to improvements or site grading or

disturbed through the application of permitted mitigation techniques shall also be measured and so noted but shall not be counted as a natural resource area to be preserved.

Section 8:

Except as hereinabove specifically modified and amended, the Land Division Code, Town of Saukville, Ozaukee County, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

Section 9:

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication.

Adopted by the Town Board of the Town of Saukville, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 16th day of May, 2023.

Kevin Kimmes, Town Chairman

Raquel L. Engelke, Town Clerk

Publication Date: _____, 2023

Posting Date: _____, 2023

ORDINANCE DESIGNATING TOWN CLERK TO ISSUE OPERATORS' LICENSES

Ordinance No. 2023-02

1. **AUTHORITY:** Pursuant to § 125.17(1), Wis. Stat., the Town of Saukville, Ozaukee County, is authorized to designate a municipal official to issue operators' licenses.
2. **MUNICIPAL OFFICIAL AUTHORIZED TO ISSUE:** An operator's license may be issued to an applicant by the Town Clerk upon written application, subject to the provisions of this ordinance.
3. **ELIGIBILITY:** The Town Clerk may issue an operator's license to a person who has submitted a complete operator's license application, paid the requisite fee for such license, and meets the qualifications for a license as set forth under § 125.04(5), Wis. Stat.
4. **STANDARD:** An operator's license shall not be granted if the applicant has provided false information on his/her application; or if the applicant, pursuant to §§ 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record substantially related to the alcohol licensing activity.
5. **DENIALS:** If an applicant is denied an operator's license, the Town Clerk shall provide a written explanation of the reason(s) for denial to the applicant. § 125.12(3m), Wis. Stat. If a license is denied due to a criminal conviction that substantially relates to the licensing activity, the applicant shall be allowed to show evidence of rehabilitation and fitness to engage in the licensed activity pursuant to § 111.335(4)(c), Wis. Stat. Applicants who are able to show sufficient evidence under § 111.335(4)(d), Wis. Stat. shall be issued an operator's license.
6. **SUSPENSIONS, REVOCATIONS AND NONRENEWALS:** The Town Clerk may not suspend, revoke, or non-renew an operator's license. Such actions may be taken by the governing body after the necessary procedures outlined under § 125.12 Wis. Stat. have been followed.

Adopted this _____ day of _____, 2023.

By the Town Board of the Town of _____.

Town Chairperson

Attested by:

Town Clerk

[This ordinance must be posted or published within 30 days of adoption pursuant to § 60.80, Wis. Stat. and chapter 985, Wis. Stat.]

**TOWN OF SAUKVILLE
ORDINANCE 2023-03
REQUIRING PAYMENT FOR PROFESSIONAL SERVICES
RELATING TO PLANNING AND ZONING MATTERS**

Recitals and Statement of Purpose

1. Persons and entities who seek to develop lands, structures, or waters within the Town, or to divide, rezone, or otherwise alter existing lands, structures, or waters have their matters reviewed by one or more professionals retained by the Town, including but not limited to planners, engineers, and attorneys.
2. The cost of such professional review is properly borne by the applicant seeking development, rezoning, land division, or other similar matter, and not by the Town.

THEREFORE, the Town Board of the Town of Saukville do ordain as follows:

1. All persons proposing to develop, divide, rezone, or alter lands, structures or waters located within the Town of Saukville, which development, division, rezoning, or alteration requires approval by the Town, its boards, commissions, officers, agents, employees or representatives, shall pay such reasonable and necessary charges for professional planning, engineering, legal and related services associated with the review, administration, investigation and processing of such proposal, at such hourly rates as may be from time to time established by the persons providing such services. Such charges shall be in addition to any other filing, permit, publication or meeting fees, charges or costs otherwise payable by the applicant in connection with such proposal.
2. Should any portion of this Ordinance be deemed invalid, unenforceable, or unconstitutional, such shall not affect the remainder of this Ordinance.
3. This Ordinance shall be effective the day after its publication or posting.

Passed and adopted by the Town Board of the Town of Saukville on _____, 2023.

Kevin Kimmes, Town Board Chairperson

ATTEST:

Raquel Engelke, Town Clerk