

Town of Holland, WI
Thursday, February 2, 2023

Chapter 330. Zoning

[HISTORY: Adopted by the Town Board of the Town of Holland 12-12-2016 by Ord. No. 5-2016.^[1]
Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. **85**.

Building construction — See Ch. **150**.

Comprehensive Master Plan — See Ch. **163**.

Land division — See Ch. **220**.

[1] *Editor's Note: This ordinance also repealed former Ch. 330, Zoning, adopted 12-13-2010 by Ord. No. 6-2010, as amended.*

Article I. Introduction

§ 330-1. Authority.

This chapter is adopted under the authority granted by §§ 60.61, 60.62, 61.35, and 62.23, Wis. Stats., and amendments thereto.

§ 330-2. Title.

This chapter shall be known as, referred to as, and cited as the "Zoning Ordinance for the Town of Holland, Sheboygan County, Wisconsin," and hereinafter referred to as "this chapter."

§ 330-3. Purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Holland.

§ 330-4. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and water within the Town of Holland and to:

- A. Stabilize and protect property values.
- B. Provide for the needs of agriculture, forestry, industry, and business in future growth.
- C. Regulate the use of land and further conservation of natural resources.
- D. Encourage the wise use, conservation, development, and protection of the Town of Holland's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.

- E. Preserve the natural beauty of the Town of Holland.
- F. Regulate population density and distribution to avoid urban sprawl.
- G. Facilitate the adequate provision of public facilities and utilities.
- H. Lessen congestion and promote the safety and efficiency of streets, highways, and other transportation systems.
- I. Provide adequate light, air, sanitation, drainage, and open space.
- J. Regulate the use of structures, lands, and waters.
- K. Regulate lot coverage, population density and distribution, and the location and size of structures.
- L. Prohibit uses or structures incompatible with the natural characteristics, existing development, or intended development within or adjacent to a zoning district.
- M. Secure safety from fire, pollution, contamination and other dangers.
- N. Implement the Town, county, watershed, and regional comprehensive plans or their components adopted by the Town of Holland.
- O. Provide for the administration and enforcement of this chapter, and provide penalties for violation of this chapter.

§ 330-5. 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, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 330-6. Interpretation.

In the interpretation of this chapter and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Holland and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 330-7. Severability; nonliability.

- A. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- C. The Town of Holland does not guarantee, warrant, or represent that only those areas delineated as floodlands, wetlands, or drainageways will be subject to periodic inundation, nor does the Town of Holland guarantee, warrant or represent that any soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

Article II. Word Usage and Definitions

§ 330-8. Word usage.

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

§ 330-9. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

A-1 REMNANT

Subsequent to the residential development, rezoning, and/or division of a property, the portion of said property that would remain undeveloped if the full residential density was attained. (For example, if a landowner split 20 acres off from a fifty-acre tract of A-1, leaving 30 acres of A-1, the A-1 remnant would be 10 acres.)

ACCESSORY USE

A building, structure, or improvement that is an integral part of, or incidental to, a principal building or structure on the same lot.

ACREAGE

For the purposes of calculating residential density and meeting minimum lot size requirements, the acreage of a parcel or lot shall be the acreage listed in the Sheboygan County tax parcel database on the date the landowner presents a certified survey to the Town for approval or applies for a building permit.

[Added 4-9-2018 by Ord. No. 2-2018]

AIRPORT, PUBLIC

Any airport that complies with the definition contained in § 114.002, Wis. Stats., or any airport that serves or offers to serve any common carriers engaged in air transport.

ALLEY

A special public right-of-way affording only secondary access to abutting properties and not intended for general traffic circulation.

ALTERNATIVE TOWER STRUCTURE

Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including, by way of illustration, but not limited to elevated tanks, electric transmission poles or towers, nonresidential buildings, clock towers, bell steeples, and silos. See "communications tower."

ANIMAL UNIT

One animal unit shall be defined in accordance with § NR 243, Wis. Adm. Code, except that the animal unit for an equine shall be 1,000 pounds in the A-5 Zoning District. If the animal is not listed in the above regulation, the Town Board shall determine the calculation for such animal.

[Amended 6-15-2020 by Ord. No. 8-2020]

ANTENNA

Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any

other form of wireless telecommunications signal, including radio, television, telephone, microwave, cellular, and PCS signals. See "antenna array."

ANTENNA ARRAY

A set of interconnected antennas installed on one tower by one telecommunications provider that receives and/or transmits one type of telecommunications signal.

AREA, NET DEVELOPABLE

Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12% or greater, and all lands having slopes of 20% or greater.

ARTERIAL STREET

See "street."

AUTOMOBILE SALVAGE YARD

Any premises on which two or more disassembled, inoperable, junked or wrecked motor vehicles are stored in the open. (See "junkyard.")

BASEMENT

A space having 1/2 or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet, which, if used for dwelling, office, or similar purposes, shall be counted as a story.

BOARDER

An individual other than a member of the family occupying the dwelling unit or part thereof, who, for a consideration, is furnished sleeping accommodations and may be furnished meals or other services as part of the consideration.

BOARDINGHOUSE

A dwelling or part thereof, other than a hotel or motel, in which the owner or operator provides lodging to more than three boarders.

BOATHOUSE, PRIVATE

A building designed exclusively for the sheltering of boats or related marine equipment, not below the ordinary high-water mark of a navigable body of water and not used for human habitation. (A boathouse with rooms above for lodging is defined as a "dwelling" and shall be treated as such in this chapter.)

BUILDABLE LOT AREA

The portion of a lot remaining after required yards have been provided.

BUILDING

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials of any kind or nature.

BUILDING COVERAGE

The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT

The vertical distance of a building measured from the average elevation of the finished grade along the front yard face of the structure to the highest point of the roof.

BUILDING LINE

A line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

BUILDING, PRINCIPAL

A building in which the principal use of the lot on which it is located is conducted.

BULKHEAD

A retaining wall created along a body of water behind which fill is placed.

BULKHEAD LINE

A geographic line along a reach of a navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to § 30.11, Wis. Stats., and which allows complete filling on the landward side except where such filling is prohibited by the floodway provisions of this chapter.

BUSINESS

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

CAR WASH

A structure containing facilities for washing vehicles using a chain conveyor or other method of moving the vehicles along and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

CARPORT

A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this chapter, a carport shall be considered to be the equivalent of a garage.

CELLAR

A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6 1/2 feet.

CLINIC

An establishment for the medical examination and treatment of patients, but where patients are not usually lodged overnight. For the purposes of this chapter, a doctor's or dentist's office in his own home, when it complies with the requirements of this chapter relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a dwelling or not, shall be considered a clinic.

CLUB

An association of persons organized for some common purpose and usually characterized by membership qualifications, payment of dues, regular meetings, and a constitution and bylaws, but not including groups organized primarily to render a service that is customarily carried on as a business (e.g., racquet clubs operated for profit).

CLUSTER DEVELOPMENT

A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for open space areas, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by open space areas.

CLUSTER GROUP

A group of single-family detached dwellings within a cluster development, surrounded by open space areas that comprise at least 60% of the gross tract area. The rear lot lines of the lots within the group shall define the outer boundary of a cluster group.

CO-LOCATION

Location of antennas or antenna arrays operated by more than one wireless communications service provider on a single tower or alternative tower structure.

COMMERCIAL FEED LOT

An animal confinement facility used or designed for the feeding or holding of 1,000 or more animal units for a period of 30 days or more.

COMMERCIAL KITCHEN

A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

[Added 5-19-2020 by Ord. No. 4-2020]

COMMON ELEMENTS

Land amenities, parts of buildings, central services and utilities, and any other facilities owned and used by all condominium unit owners and designated in the master deed as common elements.

COMMON FACILITIES

All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster group, including but not limited to buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that serve more than one unit, such as sewerage and water supply facilities.

COMMON OWNERSHIP

Ownership of land by the same individual, married couple, joint tenants, or tenants in common. For example, a parcel owned by John Smith is considered to be in common ownership with a parcel owned by John and Mary Smith, husband and wife. A parcel owned by John Smith is not considered to be in common ownership with a corporation, LLC, partnership, estate, or trust in which John Smith has an interest.

COMMUNICATIONS TOWER

Any structure that supports one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

COMMUNITY ASSOCIATION

A condominium association or homeowners' association.

COMMUNITY LIVING ARRANGEMENT

The following facilities licensed or operated or permitted under the authority of the Wisconsin Statutes: child welfare agencies under § 48.60, Wis. Stats.; group homes or foster homes under § 48.02(6) and (7), Wis. Stats.; and community-based residential facilities under § 50.01, Wis. Stats., but does not include day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with §§ 46.03(22), 59.69(15) and 62.23(7)(i), Wis. Stats., and amendments thereto.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/or physical assistance to the farm operation in exchange for shares of the harvest.

[Added 5-19-2020 by Ord. No. 4-2020]

COMPREHENSIVE PLAN

A comprehensive long-range plan intended to guide the growth and development of a community or region, and one that includes analysis, recommendations, and proposals for population, housing, economy, transportation, community facilities, and land use.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

An animal feeding unit as defined in Ch. NR 243, Wis. Adm. Code.

[Amended 6-15-2020 by Ord. No. 8-2020]

CONDITIONAL USE

A use of a special nature so as to make impractical its predetermination as a permitted use in a district.

CONDOMINIUM

A form of real property ownership under which a declaration of condominium has been recorded pursuant to Ch. 703, Wis. Stats. Typically, a building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONDOMINIUM ASSOCIATION

The community association that administers and maintains the common property and common elements of a condominium.

CONSERVATION EASEMENT

The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future addition or development.

CONSISTENT WITH AGRICULTURAL USE

Further or does not contradict any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; any other use that DATCP, by rule, identifies as an agricultural use.

CONTIGUOUS

Parcels that adjoin and are not divided by a public road. (Parcels are not contiguous if they meet only at a single point.)

DATCP

The Wisconsin Department of Agricultural, Trade and Consumer Protection.
[Amended 5-19-2020 by Ord. No. 4-2020]

DAY-CARE CENTER

An establishment providing care and supervision for four or more persons under the age of seven and licensed by the State of Wisconsin pursuant to § 48.65, Wis. Stats.

DEED RESTRICTION

A restriction upon the use of a property set forth in a deed.

DEVELOPMENT

The division of a parcel of land into two or more parcels or any man-made 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.

DWELLING

A building designed or used exclusively as a residence or sleeping place, but does not include boardinghouses, hotels, motels, tents or cabins.

DWELLING UNIT

One or more rooms designed, occupied, used, or intended to be occupied or used, as separate living quarters, with a food preparation area and sleeping and sanitary facilities provided within such room(s). Dwelling units include residential, tourist room house, seasonal employee housing and dormitory units.

[Amended 1-13-2020 by Ord. No. 1-2020; 6-15-2020 by Ord. No. 8-2020]

DWELLING, ATTACHED

A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, DETACHED

A dwelling that is not attached to any other dwelling by any means.

DWELLING, MULTIPLE-FAMILY

A dwelling designed for occupancy by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.^[1]

[Amended 1-13-2020 by Ord. No. 1-2020]

DWELLING, SEMIDETACHED

A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling is located on a separate lot.

DWELLING, SINGLE-FAMILY

A detached dwelling designed for or occupied exclusively by one family.

[Amended 1-13-2020 by Ord. No. 1-2020]

DWELLING, TOWNHOUSE

A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common, fire-resistant walls.

DWELLING, TRIPLEX

A dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.

DWELLING, TWO-FAMILY (DUPLEX)

A dwelling on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

[Amended 1-13-2020 by Ord. No. 1-2020]

EGG PRODUCTION, COMMERCIAL

An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.

ELDER-CARE FACILITY

A long-term residential care facility, such as a continuing care retirement community, community-based residential facility, residential care apartment complex, adult day service, or skilled nursing facility.

EMERGENCY SHELTER

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

FAA

Federal Aviation Administration.

FAMILY

One or more individuals occupying a dwelling unit and living as a single household unit.

FARM

All contiguous land under common ownership that is primarily devoted to agricultural use.

FARM ACREAGE

Size of a farm in acres.

FARM CONSOLIDATION

The combination of two or more farms to create a smaller number of farms.

FARM MARKET/ON-FARM MARKET/FARM DIRECT MARKETING

The sale of agricultural products or value-added agricultural products, at least 50% of which was produced on-site, directly to the consumer.

[Added 5-19-2020 by Ord. No. 4-2020]

FARM OPERATION, LARGE-SCALE

An operation that includes the cultivation or production of plants on 100 acres or more of land or the husbandry of 1,000 animal units or more, as defined in accordance with Ch. NR 243, Wis. Adm. Code.

[Amended 6-15-2020 by Ord. No. 8-2020]

FARM OPERATION, SMALL-SCALE

An operation that includes the cultivation or production of plants on 99 acres or less of land and the husbandry of 999 animal units or less, as defined in accordance with Ch. NR 243, Wis. Adm. Code.

[Amended 6-15-2020 by Ord. No. 8-2020]

FARM RESIDENCE

Any of the following structures that is located on a farm:

- A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (1) An owner or operator of the farm.
 - (2) A parent or child of an owner or operator of the farm.
 - (3) An individual who earns more than 50% of his or her gross income from the farm.
- B. A migrant labor camp that is certified under § 103.92, Wis. Stats.

FARMLAND PRESERVATION ZONING (FPZ) DISTRICT

An area consisting of lands zoned A-1 Prime Agricultural District, A-1-D Prime Agricultural District (maximum residential density reached), A-1-S Prime Agricultural District - Small-Scale, and/or A-PR Prime Agricultural Parcel Remnants District in the Town of Holland, Sheboygan County, Wisconsin.

FARMSTEAD

A group of existing buildings with accessory structures, such as barns, silos, storage sheds, cribs, and coops, used for agricultural purposes and which may or may not include a dwelling.

FCC

Federal Communications Commission.

FLAG LOT

A lot that conforms in all respects to area and dimensional requirements of the zoning district in which it is located, except that the only street frontage and access is limited to an access strip. This definition does not include the commonly used wedge-shaped lots located on the bulb of a cul-de-sac street.

FLOATING ZONE

An unmapped zoning district where all the district requirements are contained in this chapter and the district is fixed on the map only when an application for development, meeting the district requirements, is approved.

FLOOR AREA RATIO

The gross floor area of all buildings on a lot divided by the lot area.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA, NET

The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FOOD PREPARATION AREA

Any part of a building containing three or more of the following facilities:

[Added 4-10-2017 by Ord. No. 3-2017; amended 6-15-2020 by Ord. No. 8-2020; 2-8-2021 by Ord. No. 1-2021]

- A. Cooking, including stoves, ranges, ovens, cooktops, microwave ovens with a capacity of one cubic foot. or greater, or countertop appliances such as grills, hot plates, toaster ovens, roasters, and slow cookers, but excluding coffee makers, top-slot toasters, or microwave ovens with a capacity less than one cubic foot.
- B. Refrigeration with a capacity greater than 3.5 cubic feet.
- C. Sink with a bowl depth greater than four inches and any other bowl dimension greater than 13 inches.
- D. Storage with a capacity greater than 24 cubic feet intended or used for food, cookware, dishes, or related utensils.

FRONTAGE

That side of a lot abutting on a street; the front lot line.

FUR FARM

Any property comprising land or buildings, or both, used for the purpose of raising or harboring fur-bearing animals, including those defined in § 29.001(30), Wis. Stats., and also including chinchillas and other fur-bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

GARAGE, PRIVATE

An accessory building or accessory portion of a main building or use that is used primarily for the parking and storage of vehicles owned and operated by the residents or visitors of the principal use and which is not available to the general public.

GARAGE, PUBLIC

Any building or portion thereof, not accessory to a residential building or structure, used primarily for the parking and storage of vehicles and available to the general public.

GARAGE, REPAIR

Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

GOVERNING AUTHORITY

The Town Board of the Town of Holland or, in cases in which authority has been delegated by ordinance, the Town Plan Commission.

GRADE

The degree of rise or descent of a sloping surface.

GRADE, FINISHED

The final elevation of the ground surface after development.

GRADE, NATURAL

The elevation of the ground surface in its natural state, prior to any development.

GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

GROUND FLOOR

The first floor of a building other than a cellar or basement.

HOME OCCUPATION

Any occupation for gain or support conducted entirely within buildings by resident occupants that is customarily incidental to the principal use of the premises.

HOME PROFESSIONAL OFFICE

A home occupation consisting of the office of a practitioner of a recognized profession meeting the requirements of Article **VII** of this chapter.

HOMEOWNERS' ASSOCIATION

A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HOTEL

A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

HOUSEHOLD

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMPERMEABLE SURFACES

All surfaces that restrict or limit percolation of precipitation. This includes, but is not limited to, driveways, concrete or asphalt surfaces, and roofed structures.

JOINT EXTRATERRITORIAL ZONING COMMITTEE

Any zoning committee established in accordance with § 62.23(7a), Wis. Stats.

JUNKYARD

Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, or machinery or two or more disassembled, inoperable, junked or wrecked motor vehicles.

KENNEL

An establishment, in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

LAND DIVISION

The act of division that creates two lots or building sites. See also the definition for "major land division" and "minor land division."

LAND DIVISION, MAJOR

The act of division that creates three or more lots or building sites, inclusive of the original remnant parcel, by a division or by successive divisions of any part of the original property within a period of

five years.

LAND DIVISION, MINOR

The act of division that creates two lots or building sites, inclusive of the original remnant parcel, by a division of any part of the original parcel.

LANDSCAPE AND SUPPLY OPERATION

A lot or a portion of a lot used to sell, display and/or store (outdoors) materials and products associated with the service trade of a landscape business or contractor. The lot or a portion of a lot may also be used to store and maintain vehicles and equipment (i.e., tractors, snowplows, etc.) required in the service trade.

LIVESTOCK

Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

LOADING AREA

An off-street space or berth used for the loading or unloading of commercial vehicles.

LOT

An area of land having frontage on a public road or other officially approved means of access and sufficient in size to meet the lot width, frontage, area, and yard requirements of the district in which it is zoned. Such area of land shall not be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

[Amended 6-15-2020 by Ord. No. 8-2020]

LOT COVERAGE

That portion of the lot that is covered by buildings and structures.

LOT DEPTH

The distance measured from the front lot line to the rear lot line.

LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line.

LOT LINE, FRONT

The lot line separating a lot from a street right-of-way.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line or, in the case of triangular or other irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT WIDTH

The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOT, CORNER

A lot abutting two or more streets at their intersection or upon two parts of the same street forming an interior angle of 135° or less.

LOT, INTERIOR

A lot other than a corner lot.

LOT, REVERSE FRONTAGE

A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

LOT, SUBSTANDARD

An area of land having frontage on a public road or other officially approved means of access and having insufficient size to meet the lot width, frontage, area, yard, off-street parking area, or other open space provisions of the district in which it is zoned.

[Amended 6-15-2020 by Ord. No. 8-2020]

LOT, THROUGH

A lot which fronts upon two substantially parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

MANUFACTURED HOME

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. This term includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

MOBILE HOME

A single-family dwelling built on or before June 15, 1976, designed to be towed or transported and used as a residential dwelling, but does not include a manufactured home. "Mobile home" also means any coach, cabin, trailer, travel trailer, motor home, house car or other structure which is, or was originally constructed or designed to be, transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexations or appurtenances thereto.

MOTEL

A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter but which fails thereafter to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE

Any structure conforming in respect to use but not in respect to the frontage, width, height, area, yard, parking, loading, or distance requirements of this chapter.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision, or amendment of this chapter but which fails thereafter to conform to the present requirements of the zoning district.

NONFARM RESIDENCE

A single-family or multifamily residence other than a farm residence.

NONFARM RESIDENTIAL ACREAGE

The total number of acres of all parcels on which nonfarm residences are located.

OPEN SPACE

A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining such open space.

PARCEL

A "tax parcel" as identified in the current records of the Sheboygan County Treasurer's Office.

PARK, PUBLIC

A tract of land designated and used by the public for active and passive recreation.
[Amended 8-13-2018 by Ord. No. 6-2018]

PARKING LOT

An off-street, ground-level area, usually surfaced and improved, for the temporary storage of motor vehicles.

PARTY DRIVEWAY (also called "COMMON PASSAGEWAY")

A single way providing vehicular access to two adjoining properties.

PARTY WALL

A common, shared wall between two separate structures, buildings, or dwelling units.

PATIO (also called "TERRACE")

A level, landscaped and/or surfaced area directly adjacent to a principal building at or within three feet of the finished grade and not covered by a permanent roof.

PERMANENT

A period exceeding 60 days in a year.

PERMITTED USE

A use by right that is specifically authorized in a particular zoning district.

PERSON

An individual, group of individuals, partnership, firm, corporation, association, state, county, town, city, village, special district, or other government corporation, or any other legal entity.

PLANNED UNIT DEVELOPMENT

An area of land, controlled by a single owner, corporation, or any other legal entity, to be developed as a single entity for a number of buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot, and density requirements of this chapter.

POWER-GENERATING STRUCTURE

A wind turbine or methane-generating system derived from manure produced on the property intended for the generation of power.

PRACTICAL DIFFICULTY

A unique circumstance or condition relative to the owner's property that prevents the owner from enjoying the use of the property as others in the same zoning district are generally able to do.

PREEXISTING ANTENNA OR TOWER

Any antenna or tower constructed prior to November 8, 1982, or the effective dates of any amendments to this chapter affecting the requirements for an antenna or tower.

PRINCIPAL USE

The main or predominant use of property or structures as permitted on a lot by the regulations of the district in which it is located, as distinguished from a subordinate or accessory use.

PROFESSIONAL OFFICE

The office of a member of a recognized profession maintained for the conduct of that profession. (See "home professional office.")

PROHIBITED USE

A use that is not permitted in a zoning district.

QUALIFYING A-1 AND/OR A-1-S LAND

Twenty contiguous acres of A-1 and/or A-1-S land, under common ownership, with sufficient road frontage, that contains at least one site with sufficient area and soil formation for a residence and an on-site waste disposal system. Said area cannot be within a floodplain.

RECREATION FACILITY

A place, private, public, or commercial, designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE

A vehicle that includes a cabin for sleeping, eating and/or living accommodations and is commonly used for recreational travel and touring. Vehicles included in this category come in several forms but are not limited to those listed here: travel trailers, tent trailers and camping trailers, all of which must be towed by another vehicle; and truck campers, motor homes and camper vehicles or vehicles modified to function as a motor home or camper vehicle, all of which have a motor within the body of the vehicle and are self-propelled.

RESTRICTIVE COVENANT

See "deed restriction."

RETAIL SERVICES

Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, education, social services, museums, and galleries.

RETAIL TRADE

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIDING STABLE

An establishment where horses are boarded and cared for and where instruction in riding and showing is offered and where the general public may, for a fee, hire horses for riding.

ROADSIDE STAND

A small seasonal structure, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and used solely for the sale of farm products produced on the premises or adjoining premises.

ROOMING HOUSE

See "boardinghouse."

SEMI-TRAILER

A trailer without a front axle and with wheels only at the trailing end, designed to be pulled via a pivoting arrangement which also partially supports its weight. Semi-trailers not in road-operable condition are subject to the same requirements and restrictions as shipping containers.

[Added 10-18-2021 by Ord. No. 8-2021]

SEPARATION DISTANCE

The required dimensional distance between the outer boundary of a cluster group and another specified feature of development.

SERVICE STATION

Any building, structure, premises, or other place used or intended to be used for the retail dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a municipal garage used for the repair or storage of motor vehicles.

SETBACK

The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required, and it shall be measured to the nearest line of the building or other structure for which a setback is required.

SHIPPING CONTAINER

A standardized reusable steel box used for the storage and movement of materials and products within a freight transport system, which was specifically designed or used to store goods or merchandise during shipping or hauling by container upon ships, rail, or other types of transportation and are usually eight feet wide by eight feet, six inches high by either 20 feet or 40 feet in length.

[Added 10-18-2021 by Ord. No. 8-2021]

SHORELANDS

Those lands lying within the following distances: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds, and flowages and 300 feet from the ordinary high-water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

SIGHT TRIANGLE

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersections.

SIGN

Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

STORY

That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above, and including those basements used for the principal use.

STORY, HALF

A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

STREET

Any vehicular way which is an existing state, county, or local roadway, or is shown upon a plat or survey map approved pursuant to law, or is approved by other official action, and includes the land between the street right-of-way lines, whether improved or unimproved.

STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting fences, utility lines and appurtenances.
[Amended 5-19-2020 by Ord. No. 5-2020]

SUPER-MAJORITY VOTE OF APPROVAL

A vote of approval by at least four of the five members of the Town of Holland Board of Supervisors, except in those instances when, due to conflict of interest, one or more members abstains from voting; in such instances an approving vote of at least three of the four members voting, or three of the three members voting, is required.

TRACT

All contiguous land under a common ownership and within the same zoning district.

TRUCK FARMING

Farming that produces vegetables for sale commercially.

TURNING LANE

An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

UNNECESSARY HARDSHIP

For an area variance, unnecessary hardship results when compliance with this chapter would unreasonably prevent the owner from using the property for a permitted purpose or be unnecessarily burdensome.

U-PICK OPERATION

A fruit- or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.
[Added 5-19-2020 by Ord. No. 4-2020]

USE

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

UTILITIES

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

WHOLESALE TRADE

Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation or as may be specifically provided in this chapter. The street and rear yards extend the full width of the lot.

YARD, FRONT

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called "street yard." Corner lots shall have two such yards.

YARD, REAR

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the street yards on a corner lot.

YARD, SIDE

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

YARD, STREET

See "yard, front."

- [1] *Editor's Note: The former definition of "dwelling, quadruplex," which immediately followed this definition, was repealed 2-8-2021 by Ord. No. 1-2021.*

Article III. General Provisions

§ 330-10. Jurisdiction.

The provisions of this chapter shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Holland, Sheboygan County, Wisconsin.

§ 330-11. Compliance required.

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit or a site plan and plan of operation permit and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.

§ 330-12. Use regulations.

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

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the uses set forth in this section shall be permitted in that district.
- B. Accessory uses.
[Amended 4-9-2018 by Ord. No. 2-2018; 1-13-2020 by Ord. No. 1-2020; 2-8-2021 by Ord. No. 1-2021; 7-12-2021 by Ord. No. 6-2021]
 - (1) Accessory uses shall in no case be used for purposes not allowed in the underlying zoning district or as may be authorized by a conditional use permit.
 - (2) Accessory uses associated with residences in all agricultural and residential districts. Accessory uses for residences are permitted in all agricultural districts (A-1, A-1-D, A-1-S, A-2, A-3, A-5, and A-T) and residential districts (R-1, R-2, R-4, R-5, and RCDO) subject to the following:
 - (a) Prior to the construction of an accessory building used for nonagricultural purposes, a dwelling shall be present or under construction.
 - (b) Accessory buildings shall not exceed two buildings used for nonagricultural purposes. The Town Plan Commission may consider granting approval for more than two accessory

buildings used for nonagricultural purposes under the provisions of Article **VI**, Conditional Uses.

- (c) The maximum aggregate footprint of all accessory buildings used for nonagricultural purposes shall not exceed the requirements in the following table. The Town Plan Commission may consider granting approval for the construction of a building(s) that exceed(s) the allowed maximum aggregate footprint under the provisions of Article **VI**, Conditional Uses.

Lot Size (acres)	Maximum Aggregate Footprint (square feet)
Less than 1	900
1 but less than 2	2,000
2 or greater	3% of the total lot area, provided that no individual accessory use exceeds 3,000 square feet

- (d) A small accessory building, which has a footprint not exceeding 160 square feet, may be exempted from the provisions of and calculations for § **330-12B(2)(a)**, **(b)** and **(c)** subject to the following:

[Amended 10-18-2021 by Ord. No. 8-2021]

- [1] The small accessory building has a footprint not exceeding 160 square feet; has a height not exceeding 12 feet; lacks a foundation other than a slab three inches thick or less; lacks propane or gas service; lacks heating or cooking devices that use propane, pellets, or similar fuels; lacks electrical service greater than a single fifteen-amp circuit; and

- [2] The maximum number of such exempted small accessory buildings shall not exceed the requirements in the following table. The Town Plan Commission may consider granting approval for small accessory buildings that exceed the allowed maximum number under the provisions of Article **VI**, Conditional Uses.

Lot Size (acres)	Maximum Number of Qualifying Small Accessory Buildings Exempted
Less than 1	1
1 but less than 2	2
2 or greater	3

- (e) Accessory uses shall not involve the conduct of any business, trade, or industry, except for home occupations as regulated in Article **VII**, Home Occupations. (Note: Per § 91.01(1)(d), Wis. Stats., home occupations are not allowed for nonfarm residences in the A-1, A-1-D, and A-1-S Districts.)

- (f) All accessory uses shall be constructed in such a manner that the exterior appearance is compatible with the principal structure. The determination of compatibility shall be at the discretion of the Town Plan Commission.

- (g) An accessory building shall not be used as a dwelling unit, and accordingly shall not contain more than two of the following: food preparation area, sleeping facilities, and sanitary facilities.

C. Conditional uses and their accessory uses as identified in § **330-12B** are considered as special uses in specified districts requiring review, public hearing, and approval by the Town Plan Commission in accordance with procedures and standards established in Article **VI** of this chapter. When a use is classified as a conditional use at the date of adoption of this chapter, it shall be considered a legal conditional use without further action of the Town Plan Commission. Changes to

or substitution of conditional uses shall be subject to review and approval by the Town Plan Commission in accordance with Article **VI** of this chapter.

- D. Uses not specified in this chapter and that are found by the Town Plan Commission to be similar in character to conditional uses permitted in the district may be permitted by the Town Plan Commission after review, public hearing, and approval in accordance with Article **VI** of this chapter.
- E. Temporary uses, such as field offices and shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Building Inspector after the tenure thereof has been approved by the Town Board.
- F. Recreational vehicles.
- (1) Intent. Section **330-12F(2)** through **(5)** of this chapter shall apply to any owner, occupant, or agent thereof whose purpose is to occupy a recreational vehicle within the jurisdiction of the Town of Holland for more than 14 days within a thirty-day time period.
[Amended 4-12-2021 by Ord. No. 3-2021]
 - (2) Permanent occupancy prohibited. No owner, occupant, or agent thereof shall use or occupy a recreational vehicle as a permanent place of residence or business.
 - (3) Temporary occupancy permit. Except as permitted within an approved private campground or recreational camp, any owner, occupant, or agent thereof desiring to use or occupy a recreational vehicle temporarily for residence or business purposes shall, prior to commencing such temporary use or occupancy, obtain a temporary occupancy permit from the Town Building Inspector. It shall be unlawful to occupy a recreational vehicle without a temporary occupancy permit. The Building Inspector shall provide the owner, occupant or agent thereof with an application form that shall contain such information as the Building Inspector determines is necessary, including type of recreational vehicle, location, management of waste disposal facilities and water facilities, and the intended length of use or occupancy. The Building Inspector may issue a temporary occupancy permit for a period not to exceed 60 days. The Building Inspector is granted the authority to approve one temporary occupancy permit renewal for an additional 60 days as may be deemed appropriate. A second temporary occupancy permit renewal shall be reviewed and approved by the Town Plan Commission as may be deemed appropriate. The owner, occupant, or agent thereof shall pay a permit fee to the Building Inspector as identified by the Town of Holland Fee Schedule.
 - (4) Parking on public property prohibited. An owner, occupant, or agent thereof shall only park a recreational vehicle on any Town road, street, alley, or other public property within the Town of Holland from sunrise to sunset.
 - (5) Parking on private property. The parking of one recreational vehicle, in the rear yard, on private property with an existing principal residence, is permitted if the location of the recreational vehicle does not create a nuisance to adjacent property owners.
- G. Movable storage enclosures.
[Added 10-18-2021 by Ord. No. 8-2021]
- (1) Exemptions.
 - (a) The regulations listed in this section shall not apply to movable storage enclosures, including shipping containers and semi-trailers, that are used solely:
 - [1] For on-site construction purposes and in conjunction with active building permits;
 - [2] During any period of declared emergency by federal, state, or local official action; or
 - [3] For temporary storage of business and personal property in the event of catastrophic loss of a business or residence.
 - (b) In these situations, the period a movable storage enclosure can remain on the property is set by the Town Board. After this period expires, the movable storage enclosure can be

repurposed if used as specified in this section; otherwise, it must be removed from the property within 30 days.

- (2) Denied uses. Movable storage enclosures, including shipping containers and semi-trailers, shall not be:
 - (a) Rented or used as mini-warehouses;
 - (b) Used for housing live animals, human occupation or human habitation; or
 - (c) Used for the storage of hazardous or flammable materials in excess of five gallons or 40 pounds.

- (3) Shipping containers. Repurposed shipping containers, including semi-trailers not in road-operable condition, are allowed as movable storage enclosures in all zoning districts except C-1 Resource Conservation District, P-1 Recreational Park District, and P-2 Public District. The Town Plan Commission may consider granting an exception to the following requirements under the provisions of Article VI, Conditional Uses.
 - (a) Shipping containers shall be deemed accessory buildings subject to all requirements of the Zoning Ordinance;
 - (b) Shipping containers shall meet the appropriate accessory building setback requirements for the zoning district in which they are located;
 - (c) Shipping containers require an administrative building permit;
 - (d) Shipping containers shall not exceed eight feet in width or 40 feet in length;
 - (e) Shipping containers shall not be stacked on each other or on any other structure or building; and
 - (f) The maximum number of shipping containers shall not exceed the requirements in the following table:

Lot Size (acres)	Maximum Number of Shipping Containers
Less than 1 1/2	0
1 1/2 but less than 3	1
3 but less than 5	2
5 or greater	4

§ 330-13. Land division regulations.

All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions as defined in Chapter 220, Land Division, Town of Holland, Wisconsin, and the Subdivision Ordinance, Sheboygan County, Wisconsin, shall conform in full with the provisions of those ordinances. No building permit shall be issued for any lot until such compliance is assured.

§ 330-14. Sanitary regulations.

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without full compliance with the Sanitary Ordinance, Sheboygan County, Wisconsin. No building permit shall be issued until any required installation of a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.

§ 330-15. Shoreland-floodplain regulations.

The Town recognizes that Sheboygan County has adopted a Shoreland-Floodplain Ordinance as required by Wisconsin Statutes. Accordingly, the Town Building Inspector shall refer to Sheboygan County all applicants seeking building permits for structures or uses proposed to be located or conducted within the shoreland or floodplain area subject to county regulations. If the Building Inspector determines that any Town building permit is required for such project, the permit shall not be issued until the county permit has been issued. In a situation where the Town and county regulations conflict, the more restrictive regulations shall apply.

§ 330-16. General site restrictions.

No land shall be used or structure erected when the land is held unsuitable for such use or structure by the Town Plan Commission by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and/or general welfare of the Town of Holland. The Town 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 not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Town Plan Commission may affirm, modify, or withdraw its determination of unsuitability. In addition:

- A. All lots shall abut or have access to a public street or officially approved private way. Where access is to be provided by a private way, said way shall have a minimum right-of-way or access easement of 50 feet in width and shall be continuous to a public street or approved private street.
- B. All principal structures shall be located on a lot; only one principal structure shall be located, erected, or moved onto a lot in a residential or agricultural district, except as permitted under planned unit development districts and provisions. The Town Plan Commission may permit more than one principal structure per lot in other districts where more than one such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Town Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements or require a minimum separation distance between principal structures.
- C. No building permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district may be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. All plantings for the purpose of landscaping and screening shall be set back from the defined property line of the subject property a distance equal to or greater than the radius of the canopy of the subject planting at full maturity. The Town Plan Commission and Town Board may place greater restrictions on the landscaping and screening setback requirements as may be deemed appropriate.

§ 330-17. Construction standards.

All residential dwellings constructed on site or manufactured homes shall meet the following minimum construction standards in addition to complying with all applicable codes:

- A. Building area. The total minimum floor area of a dwelling shall be 1,300 square feet.

- B. Building width. The minimum width of a dwelling shall be not less than 20 feet.
- C. Foundation. A residential dwelling shall be permanently attached to a permanent foundation meeting the requirements of the State Uniform Dwelling Code and approved by the Town Building Inspector. The foundation shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade. Manufactured homes shall have the running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.
- D. Living vs non-living space. If the total floor area of all living and non-living space of a dwelling exceeds 3,000 square feet, the total area of all non-living space shall not exceed the total area of all living space. Non-living space includes, but is not limited to, the square footage of all garage and storage areas, excluding the unfinished area of any basement. The Town Plan Commission may consider granting approval for the construction of a dwelling that exceeds the maximum non-living space under the provisions of Article VI, Conditional Uses.
[Added 1-13-2020 by Ord. No. 1-2020]

§ 330-18. Reduction or joint use.

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter or other applicable local, county, or state regulations. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used for any other structure or use.

§ 330-19. Development agreement and reimbursement of expenses.

To promote and enhance public safety and general welfare and to ensure that essential improvements are made, the Town may deem it necessary to require a development agreement and/or reimbursement of Town expenses incurred as a result of a proposed development.

- A. Development agreement. Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.
- B. Reimbursement of Town expenses. The Town Board may utilize the services of such professionals as it deems appropriate to advise and assist the Town Board and Town Plan Commission regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

Article IV. Zoning Districts

§ 330-20. Districts established.

For the purpose of this chapter, the Town of Holland, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts, namely:

A-1	Prime Agricultural District
A-1-D	Prime Agricultural District (maximum residential development reached)
A-1-S	Prime Agricultural District - Small-Scale
A-PR	Prime Agricultural Parcel Remnants District
A-2	Agricultural District - 5-Acre Density
A-3	Agricultural Transition District
A-5	Agricultural Transition District - Small-Scale
R-1	Single-Family Residence District
R-2	Multiple-Family Residence District (not to be used after May 1, 2006)
R-4	Rural Cluster Development District (not to be used after March 1, 2010)
R-5	Residential Estate District
RCDO	Rural Cluster Development Overlay District
C-1	Resource Conservation District
P-1	Recreational Park District
P-2	Public District
B-1	Business District
M-1	Manufacturing and Industrial District
M-3	Mineral Extraction District

§ 330-21. Zoning Map.

The boundaries of these districts are hereby established as shown on a map titled "Zoning Map for the Town of Holland, Sheboygan County, Wisconsin," which accompanies and is herewith made a part of this chapter.^[1] Boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the Zoning Map. All notations, references, and other information shown upon said Zoning Map shall be as much a part of this chapter as if the matter and things set forth by said map were fully described herein.

[1] *Editor's Note: The Zoning Map is maintained at the Sheboygan County Planning Department office.*

§ 330-21.5. Farmland Preservation Zoning (FPZ).

A. Purpose. Farmland Preservation Zoning in the Town of Holland includes the A-1, A-1-D, A-1-S, and A-PR Districts. The purposes of FPZ are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

B. Density.

- (1) Residential density under the Town's Farmland Preservation Zoning is one residence allowed for every 20 acres of contiguous A-1 land under common ownership. A landowner with 40

vacant, contiguous A-1 acres, for example, can manage the property in a variety of ways (see the "yield" table below), but there could not be more than two residences in any development scenario for the 40 acres. This is ensured by the proper use of the non developable A-PR designation for property remnants. (No need to track the number of land divisions over time on a base farm tract.)

- (2) To determine the allowable residential yield for a particular tract of A-1 land, start with the total A-1 acreage of the tract, divide by 20, and round down to the nearest whole number. For each existing residential footprint (a duplex/two-family counts as one footprint), subtract one from the allowable yield to determine the number of new residences that can be constructed. Whenever a new residence and/or a land division is proposed, all or part of any remaining land shall be simultaneously rezoned to A-PR to prevent exceeding the density in the future. (The landowner also has the option of voluntarily making the A-PR larger than required, if desired, to lower the density.)

[Amended 4-9-2018 by Ord. No. 2-2018]

Potential Residential Yield of Various A-1 Tracts

Size/Type of A-1 Tract	Example A	Example B	Example C
40 contiguous acres with an existing residence	If no land division, then the yield remains 1 residence	Divide into 1 15-acre A-1-S lot with the existing residence, and 1 vacant 25-acre lot, of which 20 acres is A-1 and 5 acres is A-PR. Could build 1 residence on the vacant A-1 land.	Divide into 1 20-acre A-1-D lot with the existing residence and 1 vacant 20-acre A-1 lot. Could build 1 residence on the vacant A-1 land.
Vacant, contiguous 40 acres	If no land division, then the yield could stay 0 residence or become 1 residence.	Divide into 1 vacant 10-acre A-1-S lot, and 1 vacant 30-acre lot of which 20 acres is A-1 and 10-acre is A-PR. Could build 1 residence on the A-1-S lot and 1 residence on the A-1 land.	Divide into 1 vacant 5-acre A-1-S lot, 1 vacant 10-acre A-1-S lot and 1 25-acre A-PR parcel. Could build 1 residence on each A-1-S lot.
Vacant, contiguous 88 acres	If no land division, then the yield could stay 0 residence or become 1 residence	Divide into 4 20-acre A-1-D lots with 4 new residences total and 1 8-acre A-PR parcel with 0 residences	Divide into 2 10-acre A-1-S lots, 1 40-acre A-1 lot, and 1 28-acre A-PR parcel. Could build 1 residence on each A-1-S lot and 1 residence on the A-1 lot after rezoning 20 acres to A-1-D; could build 1 more residence on the remaining A-1 land if it is divided by survey from the A-1-D land.

NOTES:

- 1. The table does not show all possible options.
- 2. Although one residence can be built on a vacant A-1-S lot, it's also possible that a lot can remain undeveloped. Regardless, once an A-1-S lot is created, one residence is

subtracted from the yield calculation.

3. Twenty acres of A-1 land becomes A-1-D when 1) a division creates an A-1 lot with an existing residence or 2) a conditional use permit is granted for a proposed residence on A-1 land.
 4. The date a residence was built, as well as farm or nonfarm status of a residence, is irrelevant to the calculation of yield.
- C. Reporting. By March 1 of each year, the Town shall report to DATCP and Sheboygan County the total acres rezoned out of the Town's Farmland Preservation Zoning during the preceding year and a map that clearly shows the location of those acres.

§ 330-22. A-1 Prime Agricultural District.

A. Purpose. The purposes of the A-1 District are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or are closely allied with the agricultural industry; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

B. Lands included. The A-1 District is generally intended to apply to lands in productive farm operations, including land historically exhibiting high crop yield or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; other lands which are integral parts of such farm operations; and lands used for the production of specialty crops, such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is the intent of this chapter to implement the goals and objectives of the Town of Holland Comprehensive Plan regarding the preservation of productive agricultural lands.

[Amended 5-19-2020 by Ord. No. 4-2020; 2-8-2021 by Ord. No. 1-2021; 4-12-2021 by Ord. No. 3-2021]

(1) Permitted uses. The following permitted uses are governed by § 91.44, Wis. Stats.:

(a) One single-family dwelling existing prior to January 1, 2014, regardless of occupancy. (Note: Any such dwelling damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt dwelling occupies the same general footprint or an alternate site that, in the judgment of the Plan Commission, does not impair agricultural uses to any greater degree than the original dwelling.)

(b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.

(c) Accessory uses, meaning any of the following land uses on a farm:

[1] A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T district.

[2] An activity or business operation that is an integral part of, or incidental to, an agricultural use.

[a] Such activities or operations include but are not limited to the following:

- [i] Commercial kitchens.
 - [ii] Community supported agriculture (CSA) operations.
 - [iii] Farm markets/on-farm markets/farm direct marketing.
 - [iv] Roadside stands, not to exceed one per tract.
 - [v] U-pick operations.
- [b] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.
- [3] A business, activity, or enterprise, whether or not associated with an agricultural use, that does not impair or limit current or future agricultural use and that meets the definition of a "home occupation" in § **330-9**. Such uses are regulated under and must meet the requirements of Article **VII**. Up to four full-time employees are allowed annually, unless Article **VII** specifies a lesser number, in which case the more restrictive shall apply.
- (d) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
- [1] Crop or forage production or storage.
 - [2] Keeping livestock:
 - [a] Animal units, as defined in § **330-9**, that are equal to or less than 1,000 animal units, on tracts equal to or greater than 20 acres in size.
 - [b] Animal units, as defined in § **330-9**, that are equal to one animal unit per one acre on tracts less than 20 acres in size.
 - [3] Beekeeping.
 - [4] Nursery, sod, or Christmas tree production.
 - [5] Horticultural crop production.
 - [6] Floriculture.
 - [7] Aquaculture.
 - [8] Fur farming.
 - [9] Forest management.
 - [10] Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (e) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (f) Undeveloped natural resource and open space areas.
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses. The following conditional uses are governed by § 91.46, Wis. Stats.:
- (a) One single-family dwelling built after January 1, 2014, that meets the standards below, as well as other applicable requirements in this chapter, including § **330-22E**, regarding "Rezoning of A-1 required when conditional use permit issued for a new residence." [Amended 11-8-2021 by Ord. No. 10-2021]

- [1] The location and size of the proposed residential lot and, for a new residence, the location of the residence on that residential lot, will not do any of the following:
 - [a] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence.
 - [b] Significantly impair or limit the current or future agricultural use of other protected farmland.
 - [2] The conditional use permit shall contain a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the residence is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - [3] The conditional use application shall include a color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use, along with a brief written statement describing how the proposed lot and/or residence will not do either of Subsection B(2)(a)[1][a] or [b] above.
 - [4] Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.
- (b) Residential clusters that qualify under § 91.46(3), Wis. Stats.
 - (c) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - [1] Keeping livestock:
 - [a] Animal units, as defined in § 330-9, that are greater than 1,000 animal units, on tracts equal to or greater than 20 acres in size.
 - [b] Animal units, as defined in § 330-9, that are greater than one animal unit per one acre on tracts less than 20 acres in size.
 - (d) Agriculture-related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, commercial-type facility for processing agricultural wastes, or veterinarian services that primarily service livestock.
 - (e) Transportation-related activities primarily serving the basic agricultural industry.
 - (f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wis. Stats.
 - [1] Airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
 - (g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wis. Stats., that qualify under § 91.46(5), Wis. Stats.
 - (h) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
 - (i) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295.
 - (j) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The

additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.

[Added 4-12-2021 by Ord. No. 4-2021]

C. Area, height and yard requirements.

(1) Lot (farm or nonfarm residence and agricultural uses).

- (a) Density: one dwelling unit per 20 gross acres.
- (b) Area: minimum twenty-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the twenty-acre minimum density.
- (c) Width: minimum 225 feet of road frontage on public road.
- (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

- (a) Residence (farm or nonfarm): maximum 35 feet.
- (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
- (c) Silos or vertical tanks: maximum 100 feet or equal to the distance from the nearest lot line, whichever is less.

(3) Yards.

(a) Residence (farm or nonfarm):

- [1] Rear: minimum 50 feet.
- [2] Side: minimum 20 feet.
- [3] Street: See Article **XV** of this chapter.

(b) Other structures:

- [1] Rear: minimum 50 feet.
- [2] Side:
 - [a] Minimum 20 feet if the structure is not to be used for the housing of animals.
 - [b] Minimum 50 feet if the structure is to be used for the housing of animals.
- [3] Street: See Article **XV** of this chapter.

D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

E. Rezoning of A-1 required when conditional use permit issued for a new residence.

(1) Immediately following the issuance of a conditional use permit for a new residence, 20 acres of the A-1 lot shall be rezoned to A-1-D.

- (a) A landowner may locate A-1-D on his/her property wherever the landowner wishes, as long as the residence is included within the A-1-D and meets all setbacks. The Town Plan Commission may require a plat of survey to accurately locate the district boundaries on the Town Zoning Map.

- (b) The landowner reserves the right to relocate the boundary of any A-1-D on the landowner's property at any time, subject to Subsection **E(1)(a)**, by filing an application with the Town Clerk and paying the filing fee specified in the Town of Holland Fee Schedule. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundary on the Town Zoning Map.

F. Rezoning from A-1 to A-1-S or A-PR.

- (1) A-1-S: Rezoning land from A-1 to A-1-S is allowed at any time, as long as all other requirements of this chapter are met and if sufficient acres of A-1 land are simultaneously rezoned to A-PR such that the total acreage rezoned to A-1-S and A-PR is at least 20 acres. [Amended 11-8-2021 by Ord. No. 10-2021]
- (2) A-PR: Rezoning land from A-1 to A-PR is allowed at any time, as long as all other requirements of this chapter are met.

G. Rezoning A-1 land out of Farmland Preservation Zoning (FPZ).

- (1) The Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

H. A-1 parcels less than 20 acres.

- (1) Any parcel zoned A-1 that is less than 20 acres may remain A-1 if it is part of an A-1 tract that is 20 acres or larger.
- (2) With the exception of Subsection **H(2)(a)** and **(b)** below, any parcel zoned A-1 that is less than 20 acres shall be rezoned to A-PR if said parcel ceases to be in common ownership with at least one contiguous A-1 parcel that together with said first parcel totals 20 acres or more.
 - (a) Such A-1 parcels that include a residence shall be rezoned to A-1-S.
 - (b) Such A-1 parcels that do not include a residence may be rezoned to A-1-S if sufficient acres of A-1 land elsewhere are simultaneously rezoned to A-PR such that the total acreage rezoned to A-1-S and A-PR is at least 20 acres [see § **330-22.8E(3)**]. [Amended 11-8-2021 by Ord. No. 10-2021]

§ 330-22.3. A-1-D Prime Agricultural District (maximum residential density reached).

- A. Purpose. The A-1-D District was created to simplify the Town's administration of this chapter by enabling easy identification of A-1 lands that have had a residence built on them since the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016. The A-1-D District is intended to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the

Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

- B. Lands included. The A-1-D District is for lands that were previously A-1 but have reached their residential density. Identical in all other aspects to A-1, the A-1-D District is generally intended to apply to lands in productive farm operations, including land historically exhibiting high crop yield or capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising, and grazing; other lands which are integral parts of such farm operations; and lands used for the production of specialty crops, such as cranberries, mint, sod, fruits, and vegetables. As a matter of policy, it is the intent of this chapter to implement the goals and objectives of the Town of Holland Comprehensive Plan regarding the preservation of productive agricultural lands. [Amended 5-19-2020 by Ord. No. 4-2020; 2-8-2021 by Ord. No. 1-2021; 4-12-2021 by Ord. No. 3-2021]

(1) Permitted uses. The following permitted uses are governed by § 91.44, Wis. Stats:

- (a) One single-family dwelling existing prior to January 1, 2014, regardless of occupancy. (Note: Any such dwelling damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt dwelling occupies the same general footprint or an alternate site that, in the judgment of the Plan Commission, does not impair agricultural uses to any greater degree than the original dwelling.)
- (b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
- (c) Accessory uses, meaning any of the following land uses on a farm:
- [1] A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T District.
- [2] An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- [a] Such activities or operations include but are not limited to the following:
- [i] Commercial kitchens.
- [ii] Community supported agriculture (CSA) operations.
- [iii] Farm markets/on-farm markets/farm direct marketing.
- [iv] Roadside stands, not to exceed one per tract.
- [v] U-pick operations.
- [b] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.
- [3] A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm and that meets the definition of a "home occupation" in § **330-9**. Such uses are regulated under and must meet the requirements of Article **VII**. Up to four full-time employees are allowed annually, unless Article **VII** specifies a lesser number, in which case the more restrictive shall apply.
- (d) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
- [1] Crop or forage production or storage.

- [2] Keeping livestock:
 - [a] Animal units, as defined in § 330-9, that are equal to or less than 1,000 animal units, on tracts equal to or greater than 20 acres in size.
 - [b] Animal units, as defined in § 330-9, that are equal to one animal unit per one acre on tracts less than 20 acres in size.
 - [3] Beekeeping.
 - [4] Nursery, sod, or Christmas tree production.
 - [5] Horticultural crop production.
 - [6] Floriculture.
 - [7] Aquaculture.
 - [8] Fur farming.
 - [9] Forest management.
 - [10] Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (e) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (f) Undeveloped natural resource and open space areas.
- (2) Conditional uses. See Article VI of this chapter for application, review and approval procedures for conditional uses. The following conditional uses are governed by § 91.46, Wis. Stats:
- (a) One single-family dwelling built after January 1, 2014, that meets the standards below, as well as other applicable requirements in this chapter.
[Amended 11-8-2021 by Ord. No. 10-2021]
- [1] The location and size of the proposed residential lot and, for a new residence, the location of the residence on that residential lot, will not do any of the following:
 - [a] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence.
 - [b] Significantly impair or limit the current or future agricultural use of other protected farmland.
 - [2] The conditional use permit shall contain a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the residence is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - [3] The conditional use application shall include a color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use, along with a brief written statement describing how the proposed lot and/or residence will not do either of Subsection B(2)(a)[1][a] or [b] above.
 - [4] Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt

residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.

- (b) Residential clusters that qualify under § 91.46(3), Wis. Stats.
- (c) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - [1] Keeping livestock:
 - [a] Animal units, as defined in § 330-9, that are greater than 1,000 animal units, on tracts equal to or greater than 20 acres in size.
 - [b] Animal units, as defined in § 330-9, that are greater than one animal unit per one acre on tracts less than 20 acres in size.
- (d) Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, commercial-type facility for processing agricultural wastes, or veterinarian services that primarily service livestock.
- (e) Transportation-related activities primarily serving the basic agricultural industry.
- (f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wis. Stats.
 - [1] Airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
- (g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wis. Stats., that qualify under § 91.46(5), Wis. Stats.
- (h) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
- (i) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295.
- (j) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § 330-56.11 shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]

C. Area, height and yard requirements.

- (1) Lot (farm or nonfarm residence and agricultural uses).
 - (a) Density: one dwelling unit per 20 gross acres.
 - (b) Area: minimum twenty-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the twenty-acre minimum density.
 - (c) Width: minimum 225 feet of road frontage on public road.
 - (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
- (2) Building height.
 - (a) Residence (farm or nonfarm): maximum 35 feet.
 - (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

- (c) Silos or vertical tanks: maximum 100 feet or equal to the distance from the nearest lot line, whichever is less.
- (3) Yards.
- (a) Residence (farm or nonfarm):
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street: See Article **XV** of this chapter.
 - (b) Other structures:
 - [1] Rear: minimum 50 feet.
 - [2] Side:
 - [a] Minimum 20 feet if the structure is not to be used for the housing of animals.
 - [b] Minimum 50 feet if the structure is to be used for the housing of animals.
 - [3] Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.
- E. Delineating A-1-D land on a property.
- (1) A landowner may locate A-1-D on his/her property wherever the landowner wishes, as long as the residence is included within the A-1-D and meets all setbacks. The Town Plan Commission may require a plat of survey to accurately locate the district boundaries on the Town Zoning Map.
 - (2) The landowner reserves the right to relocate the boundary of any A-1-D, subject to Subsection **E(1)**, on the landowner's property at any time by filing an application and fee payment, as specified in the Town's Fee Schedule, for a rezoning with the Town Plan Commission Clerk. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundary on the Town Zoning Map.
- F. Rezoning from A-1-D to A-1-S or A-PR.
- (1) A-1-S: Rezoning land from A-1-D to A-1-S is only allowed if the part rezoned to A-1-S includes the residence, all other requirements of this chapter are met and if sufficient acres of A-1-D land are simultaneously rezoned to A-PR such that the total acreage rezoned to A-1-S and A-PR is at least 20 acres.
[Amended 11-8-2021 by Ord. No. 10-2021]
 - (2) A-PR: Rezoning land from A-1-D to A-PR is allowed at any time, as long as all other requirements of this chapter are met.
- G. Rezoning A-1-D land out of Farmland Preservation Zoning (FPZ).
- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.

- (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

§ 330-22.6. A-1-S Prime Agricultural District — Small-Scale.

- A. Purpose. The primary purposes of the A-1-S District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but are too small to be included within the A-1 District. The A-1-S District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.
- B. Lands included. Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, niche farming, organic farming, and similar agricultural-related farming activities.
 - (1) Permitted uses. The following permitted uses are governed by § 91.44, Wis. Stats:
 - (a) One single-family dwelling existing prior to January 1, 2014, regardless of occupancy. (Note: Any such dwelling damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt dwelling occupies the same general footprint or an alternate site that, in the judgment of the Plan Commission, does not impair agricultural uses to any greater degree than the original dwelling.)
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (c) Accessory uses, meaning any of the following land uses on a farm:
 - [1] A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T District.
[Amended 5-19-2020 by Ord. No. 4-2020]
 - [2] An activity or business operation that is an integral part of, or incidental to, an agricultural use.
[Amended 5-19-2020 by Ord. No. 4-2020]
 - [a] Such activities or operations include but are not limited to the following:
 - [i] Commercial kitchens.
 - [ii] Community supported agriculture (CSA) operations.
 - [iii] Farm markets/on-farm markets/farm direct marketing.
 - [iv] Roadside stands, not to exceed one per tract.
 - [v] U-pick operations.
 - [b] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.

- [3] A business, activity, or enterprise, whether or not associated with an agricultural use, that does not impair or limit current or future agricultural use, that is conducted by the owner or operator of a farm and that meets the definition of a "home occupation" in § 330-9. Such uses are regulated under and must meet the requirements of Article VII. Up to four full-time employees are allowed annually, unless Article VII specifies a lesser number, in which case the more restrictive shall apply.
- (d) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
- [1] Crop or forage production or storage.
- [2] Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- [3] Floriculture.
- [4] Horticultural crop production.
- [5] Keeping livestock:
- [a] Animal units, as defined in § 330-9, may not exceed one animal unit per one acre.
[Amended 4-9-2018 by Ord. No. 2-2018]
- [6] Nursery, sod, or Christmas tree production.
- (e) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (f) Undeveloped natural resource and open space areas.
- (2) Conditional uses. See Article VI for application, review and approval procedures for conditional uses. The following conditional uses are governed by § 91.46, Wis. Stats:
- (a) One single-family dwelling built after January 1, 2014, that meets the standards below, as well as other applicable requirements in this chapter.
[Amended 11-8-2021 by Ord. No. 10-2021]
- [1] The location and size of the proposed residential lot and, for a new residence, the location of the residence on that residential lot, will not do any of the following:
- [a] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence.
- [b] Significantly impair or limit the current or future agricultural use of other protected farmland.
- [2] The conditional use permit shall contain a condition requiring the applicant to acknowledge in writing, in a form acceptable to the Town Attorney, that the residence is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
- [3] The conditional use application shall include a color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use, along with a brief written statement describing how the proposed lot and/or residence will not do either of Subsection B(a)[1][a] or [b] above.

- [4] Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.
- (b) Residential clusters that qualify under § 91.46(3), Wis. Stats.
- (c) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
- [1] Aquaculture.
- [2] Beekeeping.
- [3] Forest management.
- [4] Fur farming.
- [5] Keeping livestock:
- [a] Animal units, as defined in § **330-9**, that are greater than one animal unit per one acre.
- (d) Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, commercial-type facility for processing agricultural wastes, or veterinarian services that primarily service livestock.
- (e) Transportation-related activities primarily serving the basic agricultural industry.
- (f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wis. Stats.
- (g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wis. Stats., that qualify under § 91.46(5), Wis. Stats.
- (h) Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats.
- (i) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295.
- (j) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- C. Area, height and yard requirements.
- (1) Lot.
- (a) Lot area: minimum three acres single lot or parcel of record as evidenced by a legal document, such as a deed or other legal conveyance or a certified survey map; maximum 19.99 acres.
- (b) Width: minimum 225 feet of road frontage on public road.
- (c) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
- (2) Building height.
- (a) Residence (farm or nonfarm): maximum 35 feet.

- (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
- (3) Yards.
- (a) Residence (farm or nonfarm).
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street: See Article **XV** of this chapter.
 - (b) Other structures.
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.
 - [3] Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.
- E. Development of A-1-S lots.
- (1) Only one residence is allowed on an A-1-S lot. No additional A-1-S lots may be created out of an existing A-1-S lot, unless at the same time 20 acres of qualifying A-1 and/or A-1-S land is rezoned to A-PR. The aforesaid 20 acres may be land owned by the owner of the A-1-S lot being divided or, by private agreement, land owned by another party within the Town of Holland. [See also § **330-22.8E(3)**.]
 - (2) To facilitate the preservation of continuous areas of protected farmland, the Town encourages the clustering of residences.
- F. Rezoning from A-1-S to A-PR.
- (1) A-PR: Rezoning land from A-1-S to A-PR is allowed at any time, as long as all other requirements of this chapter are met.
- G. Rezoning A-1-S land out of Farmland Preservation Zoning (FPZ).
- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with the Town of Holland Comprehensive Plan. [Amended 4-12-2021 by Ord. No. 3-2021]
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

§ 330-22.8. A-PR Prime Agricultural Parcel Remnants District.

- A. Purpose. To accommodate parcel remnants that remain worthy of farmland preservation. Lands in this district are not intended to be rezoned for development, except in rare cases. The A-PR District is intended to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.
[Amended 4-12-2021 by Ord. No. 3-2021]
- B. Lands included. Lands included are parcel remnants that remain worthy of farmland preservation. As a matter of policy, it is the intent of this chapter to implement the goals and objectives of the Town of Holland Comprehensive Plan regarding the preservation of productive agricultural lands.
[Amended 4-12-2021 by Ord. No. 3-2021]
- (1) Permitted uses.
- (a) All permitted uses listed in the A-1 Prime Agricultural District, except that no residences are allowed.
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
- (a) All conditional uses listed in the A-1 Prime Agricultural District, except that no residences are allowed.
- C. Area, height and yard requirements.
- (1) Lot.
- (a) Density: no dwelling units allowed.
- (b) Lot area: no minimum.
- (c) Width: 66 feet.
- (d) Coverage: No more than 50% of a lot shall be occupied by accessory buildings, patios, driveways, and other impermeable surfaces.
[Amended 4-12-2021 by Ord. No. 3-2021]
- (2) Building height: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
- (3) Yards.
- (a) Buildings.
- [1] Rear: minimum 50 feet.
- [2] Side: minimum 20 feet.
- [3] Street: See Article **XV** of this chapter.
- (b) Other structures.
- [1] Rear: minimum 50 feet.
- [2] Side: minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.

[3] Street: See Article **XV** of this chapter.

- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.
- E. Delineating A-PR land on a property.
- (1) A landowner may locate A-PR on his/her property wherever the landowner wishes, subject to the intent and restrictions of this chapter. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundaries on the Town Zoning Map. [Amended 4-12-2021 by Ord. No. 3-2021]
 - (2) Subject to the intent and restrictions of this chapter, the landowner reserves the right to relocate the boundary of any A-PR on the landowner's A-1, A-1-D and/or A-1-S property at any time by filing an application and fee payment, as specified in the Town's Fee Schedule, for rezoning with the Town Plan Commission Clerk. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundaries on the Town Zoning Map. [Amended 4-12-2021 by Ord. No. 3-2021]
 - (3) A landowner who wishes to exceed the allowable density of his/her tract may make a private agreement with the owner of qualifying A-1 and/or A-1-S land elsewhere in the Town of Holland to allocate the required amount of such land (20 acres per proposed residence) on said second owner's tract for rezoning to A-PR. If the rezonings are approved, the residential yields on each owner's tract shall be adjusted accordingly. (Note: Said second owner and the first landowner may be the same person.) [See also § **330-22.3E(1)**.]
- F. Rezoning A-PR land: super-majority vote of approval required.
- (1) A-PR land may not be rezoned to any other district unless the rezoning meets the minimum standards of the proposed district and is approved by a super-majority vote of the Town Board.
- G. Rezoning A-PR land out of Farmland Preservation Zoning (FPZ).
- (1) Per § 91.48(1), Wis. Stats., the Town may not rezone land out of FPZ unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:
 - (a) The rezoned land is better suited for a use not allowed in FPZ.
 - (b) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (c) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 - (e) The rezoning meets the requirements of Subsection **F(1)**.

§ 330-23. A-2 Agricultural District - 5-Acre Density.

- A. Purpose. The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are within the Farmland Preservation Area but are not included within the Farmland Preservation Zoning districts.
- B. Lands included. Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural-related farming activities.

[Amended 4-9-2018 by Ord. No. 2-2018]

(1) Permitted uses.

- (a) One single-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
[Amended 2-8-2021 by Ord. No. 1-2021]
- (b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
[Amended 2-8-2021 by Ord. No. 1-2021]
- (c) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T District.
[Amended 5-19-2020 by Ord. No. 4-2020]
- (d) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
[Amended 5-19-2020 by Ord. No. 4-2020]
 - [1] Such activities or operations include but are not limited to the following:
 - [a] Commercial kitchens.
 - [b] Community supported agriculture (CSA) operations.
 - [c] Farm markets/on-farm markets/farm direct marketing.
 - [d] Roadside stands, not to exceed one per tract.
 - [e] U-pick operations.
 - [2] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.
- (e) A business, activity, or enterprise, whether or not associated with an agricultural use, that does not impair or limit the current or future agricultural use, and that meets the definition of a home occupation in § **330-9**. Such uses are regulated under and must meet the requirements of Article **VII**. Up to four full-time employees are allowed annually, unless Article **VII** specifies a lesser number, in which case the more restrictive shall apply.
- (f) Crop or forage production.
- (g) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, may not exceed one animal unit per acre.
- (h) Nursery, sod, or Christmas tree production.
- (i) Horticultural crop production.
- (j) Floriculture.
- (k) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (l) Veterinarian services.
- (m) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

- (n) Undeveloped natural resource and open space area.
- (2) Conditional uses. See Article **VI** for application, review and approval procedures for conditional uses.
 - (a) One single-family dwelling built after December 12, 2016, that meets the standards below, as well as other applicable requirements in this chapter.
[Amended 11-8-2021 by Ord. No. 10-2021]
 - [1] The location and size of the proposed residential lot and, for a new residence, the location of the residence on that residential lot, will not do any of the following:
 - [a] Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or residence.
 - [b] Significantly impair or limit the current or future agricultural use of other protected farmland.
 - [2] The conditional use permit shall contain a condition requiring the applicant to acknowledge, in writing, in a form acceptable to the Town Attorney, that the residence is being constructed in an agricultural area and that the applicant will hold the Town harmless from any and all claims related to noise, odor or other inconveniences or problems arising from agricultural operations in the vicinity.
 - [3] The conditional use application shall include a color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use, along with a brief written statement describing how the proposed lot and/or residence will not do either of Subsection B(2)(a)[1][a] or [b] above.
 - [4] Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.
 - (b) Beekeeping.
 - (c) Aquaculture.
 - (d) Fur farming.
 - (e) Forest management.
 - (f) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, that are greater than one animal unit per acre.
 - (g) Airports, airstrips, heliports, and landing fields, provided that the site area is not less than 20 acres.
 - (h) Antennas and communications towers.
 - (i) Commercial egg production.
 - (j) Landscape and supply operations. Said request shall comply with the provisions of Article **VIII** of this chapter.
 - (k) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.

[Added 4-12-2021 by Ord. No. 4-2021]

C. Area, height and yard requirements.

(1) Lot.

- (a) Any A-2 lot existing as of the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016, shall be considered conforming with respect to minimum lot size and width. Any lots created after that date and zoned A-2 must meet the current chapter standards.

[Amended 4-9-2018 by Ord. No. 2-2018]

- (b) Lot area: minimum five-acre single lot or parcel of record as evidenced by a legal document, such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the five-acre minimum density.

[Amended 4-9-2018 by Ord. No. 2-2018]

- (c) Width: minimum 225 feet of road frontage on public road.

- (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

- (a) Farm residence: maximum 35 feet.

- (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

(3) Yards.

- (a) Farm residence.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet.

[3] Street: See Article **XV** of this chapter.

- (b) Other structures.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.

[3] Street: See Article **XV** of this chapter.

- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-24. A-3 Agricultural Transition District.

- A. Purpose. The primary purposes of the A-3 District are to provide for the orderly transition of agricultural land into other nonagricultural uses, if so desired by the landowner; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use policies; and provide periodic review to determine whether all or part of the land should be transferred to another zoning district.
- B. Lands included. The A-3 District is generally intended to apply to land located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural

or related open space uses.

- (1) Permitted uses.
 - [Amended 4-9-2018 by Ord. No. 2-2018]
 - (a) One single-family dwelling, regardless of construction date.
 - [Amended 2-8-2021 by Ord. No. 1-2021]
 - (b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
 - [Amended 2-8-2021 by Ord. No. 1-2021]
 - (c) Residences constructed within a rural residential cluster.
 - (d) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T District.
 - [Amended 5-19-2020 by Ord. No. 4-2020]
 - (e) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - [Amended 5-19-2020 by Ord. No. 4-2020]
 - [1] Such activities or operations include but are not limited to the following:
 - [a] Commercial kitchens.
 - [b] Community supported agriculture (CSA) operations.
 - [c] Farm markets/on-farm markets/farm direct marketing.
 - [d] Roadside stands, not to exceed one per tract.
 - [e] U-pick operations.
 - [2] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.
 - (f) A business, activity, or enterprise, whether or not associated with an agricultural use, that meets the definition of a home occupation in § **330-9**. Such uses are regulated under and must meet the requirements of Article **VII**.
 - (g) Crop or forage production.
 - (h) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, that are equal to one animal unit per one acre.
 - (i) Beekeeping.
 - (j) Nursery, sod, or Christmas tree production.
 - (k) Horticultural crop production.
 - (l) Floriculture.
 - (m) Aquaculture.
 - (n) Fur farming.
 - (o) Forest management.
 - (p) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

- (q) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (r) Undeveloped natural resource and open space areas.
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
- (a) Agriculture-related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - (b) Airstrips, heliports, and landing fields.
 - (c) Antennas and communications towers.
 - (d) Transportation-related activities primarily serving the basic agricultural industry.
 - (e) Veterinarian services.
 - (f) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, that are greater than one animal unit per one acre.
 - (g) Transportation, communications, pipeline, electric transmission, utility, or drainage uses.
 - (h) Governmental, institutional, religious, or nonprofit community uses.
 - (i) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Ch. 295.
 - (j) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- C. Area, height and yard requirements.
- (1) Lot (residence and agricultural uses).
 - (a) Density: one dwelling unit per 20 gross acres.
 - (b) Area: minimum twenty-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the twenty-acre minimum density.
 - (c) Width: minimum 225 feet of road frontage on a public road.
 - (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
 - (2) Building height.
 - (a) Residence: maximum 35 feet.
 - (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.
 - (3) Yards.

- (a) Residence.
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street: See Article **XV** of this chapter.
 - (b) Other structures.
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.
 - [3] Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-25. (Reserved)

§ 330-26. A-5 Agricultural Transition District - Small-Scale.

- A. Purpose. The primary purposes of the A-5 District are to provide for the orderly transition of small parcels of agricultural land into other nonagricultural uses, if so desired by the landowner; defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure that urban development is compatible with local land use policies; and provide periodic review to determine whether all or part of the land should be transferred to another zoning district.
- B. Lands included. The A-5 District is intended to apply to lands generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural-related activities.
[Amended 4-9-2018 by Ord. No. 2-2018]
 - (1) Permitted uses.
 - (a) One single-family dwelling, regardless of construction date.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (b) One two-family dwelling constructed prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (c) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. However, any building, structure, or improvement associated with an agritourism use and/or listed in § **330-26.4E** is only allowed in the A-T District.
[Amended 5-19-2020 by Ord. No. 4-2020]
 - (d) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
[Amended 5-19-2020 by Ord. No. 4-2020]
 - [1] Such activities or operations include but are not limited to the following:
 - [a] Commercial kitchens.
 - [b] Community supported agriculture (CSA) operations.

- [c] Farm markets/on-farm markets/farm direct marketing.
 - [d] Roadside stands, not to exceed one per tract.
 - [e] U-pick operations.
- [2] However, uses that meet the definition of agritourism as defined in this chapter and/or listed in § **330-26.4E** are only allowed in the A-T District.
- (e) A business, activity, or enterprise, whether or not associated with an agricultural use, that meets the definition of a "home occupation" in § **330-9**. Such uses are regulated under and must meet the requirements of Article **VII**.
 - (f) Crop or forage production.
 - (g) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, that are equal to one animal unit per one acre.
 - (h) Nursery, sod, or Christmas tree production.
 - (i) Floriculture.
 - (j) Horticultural crop production.
 - (k) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (l) Transportation, utility, communications, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - (m) Undeveloped natural resource and open space areas.
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
- (a) Beekeeping.
 - (b) Aquaculture.
 - (c) Fur farming.
 - (d) Forest management.
 - (e) Keeping livestock:
 - [1] Animal units, as defined in § **330-9**, that are greater than one animal unit per one acre.
 - (f) Agriculture-related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - (g) Antennas and communications towers.
 - (h) Transportation-related activities primarily serving the basic agricultural industry.
 - (i) Veterinarian services.
 - (j) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.

[Added 4-12-2021 by Ord. No. 4-2021]

C. Area, height and yard requirements.

(1) Lot.

- (a) Any A-5 lot existing as of the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016, shall be considered conforming with respect to minimum lot size and width. Any lots created after that date and zoned A-5 must meet the current chapter standards.

[Amended 4-9-2018 by Ord. No. 2-2018]

- (b) Lot area, based on single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map (separate, abutting legal lots or parcels may be combined to attain the minimum size):

[Amended 4-9-2018 by Ord. No. 2-2018; 4-12-2021 by Ord. No. 3-2021]

[1] Within the transitional area, as identified on the Town of Holland Transitional Area Map, minimum 1 1/2 acres.

[2] Outside the transitional area, as identified on the Town of Holland Transitional Area Map, minimum three acres.

- (c) Width: minimum 225 feet of road frontage on a public road.

- (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

- (a) Residence: maximum 35 feet.

- (b) Other structures: maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

(3) Yards.

- (a) Residence.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet.

[3] Street: See Article **XV** of this chapter.

- (b) Other structures.

[1] Rear: minimum 50 feet.

[2] Side: minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.

[3] Street: See Article **XV** of this chapter.

- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-26.4. A-T Agricultural Tourism District.

[Added 5-19-2020 by Ord. No. 4-2020]

A. Purpose.

- (1) The purpose of this district is to allow agritourism and farm-based entrepreneurial uses while maintaining the rural character, preserving farmland, and protecting the health, safety, and welfare of citizens. Further, this district was created to enable increased contributions to the local economy and tax base; to provide standard definitions related to agritourism and farm-based business operations; to provide a list of activities that are eligible for conditional use permit consideration; and to provide a clear understanding of the expectations for these uses for operators, landowners and residents, and local officials.
- (2) Although a purpose of the A-T District is preserving farmland, the district is not within the Town's Farmland Preservation Zoning (FPZ) and is therefore not subject to the standards of Ch. 91, Wis. Stats.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AGRICULTURAL PRODUCTS

Includes but is not limited to crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); aquaponics products; horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL PRODUCTS, VALUE-ADDED

The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging; and educational presentation, activities, and tours that relate to agriculture or agricultural products.

AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Wisconsin, and value-added agricultural products and on-site production.

(1) NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc. Such items are not allowed for retail sale within the A-T District.

AGRICULTURALLY RELATED STRUCTURES

Those structures that predominantly store or support agricultural products, uses, or equipment, such as barns, silos, coops, cribs, sheds, cellars, granaries, stables, mills, farmhouses, etc.

AGRITOURISM

The visiting of an agribusiness, horticultural, or agricultural operation for recreational or educational purposes related to the activities and/or products of the operation.

AGRITOURISM-RELATED ACTIVITIES

Those activities that predominantly use agricultural products, structures, or equipment, such as pony rides, horseback riding, petting zoos, fishing ponds, ornamental gardens, corn mazes, straw mountains, pumpkin patches/rolling, barn dances, sleigh/hay/wagon rides, campfires, and educational events, such as farming and food preserving classes, etc.

(1) NON-AGRITOURISM-RELATED ACTIVITIES

Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include small carnivals for children; musical, artistic, or similar performances; weddings; reunions; celebrations; meetings;

retreats, etc and must be held within an event barn, similar facility, or designated area for which a conditional use has been granted.

BED-AND-BREAKFAST BUSINESS

A building other than a hotel or motel in which accommodations, with or without meals, are offered to transient (maximum stay of 21 days) guests for compensation and in which there are no more than four sleeping rooms providing accommodations for no more than eight adults and four children total, with no cooking facilities in any guest room or common guest space. The building is also the residence of the owner, operator, or manager of the business.

BREWERY, MICRO-/NANO-/PICO-

The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 10,000 U.S. beer barrels (310,000 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

CABIN

A small cottage, lacking a basement and usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

CIDER MILL

The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue where apples are processed into cider, and that produces no more than 10,000 gallons of cider in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

DISTILLERY (MICRO-)

The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as "farm-to-flask" or "grain to glass." May include retail/wholesale of beverage and related products, as well as a tasting room.

EVENT BARN

A barn or barn-like building used for the hosting of agriculturally related and non-agriculturally related activities for compensation.

FARMER'S MARKET

A market (e.g., group of stalls and/or booths) where vendors sell agricultural products, value-added agricultural products, and agriculturally related products directly to consumers.

INTERIOR SPACE

Any building, or area within a building, that has a roof and is at least partially enclosed by side coverings of any type in which the square footage of the side coverings is greater than 66% of the total square footage of the sides.

[Added 4-12-2021 by Ord. No. 3-2021]

LODGE

A building other than a hotel or motel in which accommodations, with or without meals, are offered to transient (maximum stay 21 days) guests for compensation and in which there are no more than eight sleeping rooms providing accommodations for a total of no more than 16 adults and eight children, with no cooking facilities in any guest room or common guest space.

MEADERY

The manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 1,000 U.S. beer barrels (31,000 gallons) of mead in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

RENT-A-TREE OPERATION

An orchard that sells in advance the potential yield of a specific tree(s) to an individual(s) or group who harvests the fruit of their tree(s) at the end of the growing season. The orchard operators are typically responsible for the care of the trees, such as pruning and watering.

RURAL CHARACTER

Rural character consists of a pleasant, quiet landscape of open spaces, natural areas, farms, wildlife, historic features, and small-scale development with low densities and traffic levels, unobtrusive signage, and limited lighting.

SEASONAL

A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

SEASONAL SIGN

A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

TENT

A portable shelter made of canvas, cloth or similar material, supported by one or more poles, and stretched tight by cords or loops attached to stakes driven into the ground, lacking a basement, for the temporary (maximum stay of 21 days) occupancy by guests. Tents may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

WINERY, BOUTIQUE

The retail and/or manufacturing premises of an alcohol beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 cases (23,780 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

YURT

A small, typically circular tent of skins, felt, or similar material stretched over a framework of poles, lacking a basement, for the temporary (maximum stay of 21 days) occupancy by guests. Yurts may contain a food preparation area and bath but may not exceed 600 square feet of floor space.

C. Permitted uses.

[Amended 4-12-2021 by Ord. No. 3-2021]

(1) All permitted uses listed in the A-2 Agricultural District.

D. General requirements. The following requirements shall apply to all conditional uses listed in Subsection E. If additional requirements are listed for a particular use in Subsection E, the requirements listed in Subsection E shall also apply and will take precedence if there is any conflict between the two. The requirements listed in this subsection are the recommended standards and will be followed unless the applicant provides a plan of operation that shows an alternative standard would be adequate to protect the public health, safety, and welfare, and, further, preserve the general solitude and rural character of the Town. Such plan of operation must be approved by both the Plan Commission and Town Board prior to the final submittal of a conditional use permit application or any amendment to a conditional use permit.

(1) Federal, state, county approvals. Where any use and/or structure requires a license, permit, or other approvals from any entity other than the Town of Holland all such approval(s) shall be obtained prior to issuance of a conditional use permit.

(2) Road restrictions.

(a) All vehicles related to an agritourism use shall comply with applicable road weight restrictions on public roads and with any road association requirements for private roads.

- (b) Guest access to any agritourism use shall be via public road or a private road with at least two driving lanes, a surfaced roadway of at least 16 feet in width and shoulders at least one foot in width on each side.
- (3) Lot size. If part of a lot is sold, and the remaining lot is less than the minimum required size for a particular conditional use(s), such conditional use(s) shall no longer be allowed, and the conditional use permit shall automatically be revoked.
- (4) Number of conditional use permits per site. In addition to any conditional use permit required of the property owner, a separate conditional use permit will be required for each use or group of uses that is operated by someone other than the property owner.
- (5) Hours. Unless stated otherwise in Subsection **E**, the hours that conditional uses in the A-T District are open to the public are limited to 8:00 a.m. to 7:00 p.m.
- (6) Structures. All structures intended for a use listed in Subsection **E** shall be included on the site plan and shall meet the following criteria:
[Amended 4-12-2021 by Ord. No. 3-2021]
 - (a) The conditional uses listed in Subsection **E** that use interior space shall only use interior space housed in the following:
 - [1] Agriculturally related buildings and/or expansions completed prior to May 19, 2020.
 - [2] Buildings and/or expansions completed after May 19, 2020, on lots with existing agriculturally related buildings, if said buildings and/or expansions support a use listed in the A-T District, and if the total square footage of said new buildings and/or expansions does not exceed 25% of the square footage of the existing agriculturally related buildings on the lot as of May 19, 2020, or 4,000 square feet, whichever is less; unless additional square footage is explicitly granted by the conditional use permit after both the Plan Commission and Town Board approve the plan of operation as provided for in the general requirements paragraph of § **330-26.4D**.
 - [3] On a lot without preexisting agriculturally related buildings, new buildings that are needed to support a use listed in the A-T District, if the total square footage of said buildings does not exceed 2,000 square feet, unless additional square footage is explicitly granted by the conditional use permit after both the Plan Commission and Town Board approve the plan of operation as provided for in the general requirements paragraph of § **330-26.4D**.
 - (b) The conditional uses listed in Subsection **E** that use an area of a building not considered interior space shall only use such areas of the following:
 - [1] Agriculturally related buildings and/or expansions completed prior to May 19, 2020.
 - [2] New buildings that are needed to support a use listed in the A-T District, if the total square footage of said buildings does not exceed 2,000 square feet, unless additional square footage is explicitly granted by the conditional use permit after both the Plan Commission and Town Board approve the plan of operation as provided for in the general requirements paragraph of § **330-26.4D**.
 - (c) The exterior and interior style, design, and decor of any new or renovated structure shall be consistent with the Town's rural character.
 - (d) The building plans for any new or renovated structure must be reviewed and found to be consistent with the requirements of this chapter by the Plan Commission prior to submitting a request for a building permit.
 - (e) The location and operation of any new or expanded structure within the Farmland Preservation Area shall avoid interfering with normal agricultural practices on- and off-site or converting prime agricultural lands to a nonagricultural use.

- (7) Parking. All structures, uses, and activities dependent on vehicular access shall meet the following criteria:
- (a) Safe vehicular access and customer parking shall be provided on-site or on an adjacent property on the same side of the public road if a formal agreement is reached between the applicant and the adjacent landowner.
 - (b) Parking shall be designed in such a way that vehicles do not need to back off of or onto a public road.
 - (c) Parking areas that are accessed by driveways or lanes inside the property are recommended. Entries and exits to parking areas that directly access a public roadway shall require a driveway permit from the Town of Holland or Sheboygan County, whichever applies.
 - (d) Parking areas shall be defined by cut grass or other visible marking.
 - (e) Parked vehicles shall be located outside of public right-of-ways and at a minimum distance of 15 feet from the road pavement edge abutting the property.
 - (f) Parked vehicles shall be located at least 20 feet from the side and rear property lines.
 - (g) Landscaping or fences shall be used to minimize vehicle headlights from projecting onto neighboring properties not of common ownership.
 - (h) Conditional use applicants shall include a parking plan, drawn to scale, with their application materials that shows the following:
 - [1] Extent of parking areas and vehicle capacity.
 - [2] Estimate of the peak number of vehicles for normal business operations.
 - [3] A plan for overflow parking for events expected to exceed the normal peak number of vehicles.
 - [4] Parking sign locations, sizes, and type of construction.
 - [5] Parking lot runoff controls considering local conditions.
 - [6] Landscaping, screening, or fencing to buffer neighboring properties and roadways.
- (8) Signs.
- (a) All signs related to this district shall conform with the applicable standards listed in Article **XII**, Signs, of this chapter.
 - (b) Property boundaries shall be clearly marked to avoid guests trespassing on neighboring properties.
- (9) Lighting.
- (a) Any exterior lighting installed that is related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.
 - (b) Any exterior lighting that is on during nonoperating hours shall automatically be regulated by either on/off or level one/level two lighting to minimize light pollution during nonoperating hours.
 - (c) Conditional use applicants shall include an exterior lighting plan, drawn to scale, with their application materials.
- (10) Fires.
- (a) Fires shall be confined to designated fire pits.

- (b) Fire pits shall be no more than three feet in diameter.
 - (c) The ground surface surrounding fire pits shall be covered by noncombustible materials for a minimum distance of five feet.
 - (d) No more than two fire pits shall be allowed per five acres of tract acreage.
 - (e) Conditional use applicants shall include a fire pit plan, drawn to scale, with their application materials. The fire pit plan requires the review and approval of the appropriate local fire inspector prior to issuance of the conditional use permit. The fire pit plan must show the following:
 - [1] Location of fire pits, which must be at least 50 feet from property boundaries.
 - [2] Locations of buildings and other structures.
 - [3] Property boundaries.
 - (f) Fires shall have flames no more than three feet in height.
 - (g) Fire shall be attended at all times unless completely extinguished.
 - (h) Property management shall confirm all fires and coals have been extinguished before midnight on each day that fires occur.
 - (i) Ashes and coals shall be disposed of safely after completely cool.
 - (j) Fire extinguishing devices and materials shall be located within 50 feet of each fire pit.
 - (k) A notice of fire restrictions shall be posted near each fire pit.
 - (l) Fire restrictions issued by the Wisconsin DNR shall be monitored and fires shall be prohibited when local fire danger levels are rated "very high" or "extreme." See dnr.wi.gov/topic/ForestFire/restrictions.html.
- (11) Alcohol beverages. All agritourism uses that manufacture or sell alcohol beverages shall require the proper permits and licenses.
- (a) The manufacture of alcohol beverages requires the appropriate alcohol beverage permits from the Wisconsin Department of Revenue per Ch. 125, Wis. Stats.
 - (b) The sale of alcohol beverages requires the appropriate licenses from the Town of Holland per Town Code Chapter **200**.
- (12) Noise.
[Added 4-12-2021 by Ord. No. 3-2021]
- (a) Noise from event activities that is audible beyond the property boundaries shall not exceed 20 dbA over background noise on nonactivity days at the same location and time of day, as measured by a certified sound testing technician.
 - (b) If needed to verify compliance, the Town Board may hire a certified sound testing technician and schedule sound level tests. Thereafter and upon Town Board direction, the agritourism business owner shall reimburse the Town for any actual costs incurred due to such sound level tests regardless of the outcome.
- E. Conditional uses. See Article **VI**, Conditional Uses, for application, review and approval procedures for conditional uses. All uses listed in this section require a conditional use permit prior to applying for a building permit and/or starting operations. All conditional use permits shall go with the property, provided there is no interruption in the use for more than 365 consecutive days. The owner of the property is required to notify the Plan Commission of any change in ownership within 30 days of such change. The conditional use permit shall require a review by the Plan Commission at the time of the ownership transfer to assess the need for any changes to the conditional use permit. A land

covenant as required by § **330-54** shall also be provided in conjunction with the issuance of the conditional use permit. The requirements listed in this subsection are the recommended standards and will be followed unless the applicant provides a plan of operation that shows an alternative standard would be adequate to protect the public health, safety, and welfare, and, further, preserve the general solitude and rural character of the Town. Such plan of operation must be approved by both the Plan Commission and Town Board prior to the final submittal of a conditional use permit application or any amendment to a conditional use permit.

- (1) Agritourism related activities not specifically listed in Subsection **E(2)** through **(16)** below, as well as non-agritourism-related activities held outside an event barn.
 - (a) Attendance is based on the acreage of the tract.

Tract Acreage	Attendance Allowed at One Time
5 acres to less than 7 acres	100 persons
7 acres to less than 10 acres	150 persons
10 acres to less than 15 acres	200 persons
15 acres or more	250 persons

- (b) Event hours are limited to 7:00 a.m. to 8:00 p.m. Monday through Thursday, 10:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 8:00 p.m. Sunday.
 - (c) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.
 - (d) The frequency of events that include activities using sound amplification that is audible beyond the property boundaries shall be limited to one Friday or Saturday evening every other weekend.
 - (e) (Reserved)^[1]
 - [1] *Editor's Note: Former Subsection E(1)(e), regarding permissible noise level from event activities, was repealed 4-12-2021 by Ord. No. 3-2021.*
 - (f) Minimum tract size is five acres.
 - (g) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.
- (2) Bed-and-breakfast businesses.
 - (a) The only meal served shall be breakfast, and food service shall be limited to overnight guests. There shall be no cooking facilities in any guest room or common guest space.
 - (b) Up to four sleeping rooms and provide accommodations for up to eight adults and four children.
 - (c) Maximum stay of 21 days.
 - (d) Hours of operation: unlimited.
- (3) Breweries, micro-/nano-/pico-.
 - (a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.
- (4) Cabins, tents, yurts.
 - (a) Number of units allowed:

Tract Acreage	Number of Units Allowed
5 acres to less than 10 acres	2 units
10 acres to less than 15 acres	4 units
15 acres or more	6 units

- (b) Maximum unit size is 600 square feet, with no basement allowed.
 - (c) Sleeping capacity for each unit not to exceed one person per 100 square feet. Plans detailing the sleeping areas and capacity shall accompany the conditional use application.
 - (d) Maximum stay of 21 days.
 - (e) Hours of operation: unlimited.
 - (f) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.
- (5) Cafes, delicatessens, diners, eateries, bakeries.
- (a) At least 50% of the menu items must be derived from ingredients grown, raised, or produced within Wisconsin.
 - (b) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.
- (6) Cider mills.
- (a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.
- (7) Distilleries, micro-
- (a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.
- (8) Event barns.
- (a) Attendance is based on the acreage of the tract where the structure is located or the maximum allowed capacity of the structure per the state building code, whichever is less.

Tract Acreage	Attendance Allowed at One Time
7 acres to less than 10 acres	150 persons
10 acres to less than 15 acres	200 persons
15 acres or more	250 persons

- (b) Event hours are limited to 7:00 a.m. to 8:00 p.m. Monday through Thursday, 10:00 a.m. to 11:00 p.m. Friday and Saturday, and 10:00 a.m. to 8:00 p.m. Sunday.
- (c) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.
- (d) The frequency of events that include activities using sound amplification that is audible beyond the property boundaries shall be limited to one Friday or Saturday evening every other weekend.
- (e) (Reserved).^[2]

[2] *Editor's Note: Former Subsection E(8)(e), regarding permissible noise level from event activities, was repealed 4-12-2021 by Ord. No. 3-2021.*

- (f) Existing barns may be renovated for this use, but the footprint shall not be expanded. No barns built after May 19, 2020 may be used for this purpose.
 - (g) Minimum setback for an event barn is 100 feet from any adjacent landowner's property line.
 - (h) Minimum tract size is seven acres.
 - (i) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.
- (9) Farmer's markets.
- (a) Such markets shall be limited to two days within a single week.
 - (b) Dates, times, durations, and descriptions of upcoming markets shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.
 - (c) Markets are limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday and 9:00 a.m. to 3:00 p.m. Sunday.
 - (d) Each stall and/or booth is limited in size to 144 square feet of ground floor space.
 - (e) Minimum setback for any stall or booth is 100 feet from any adjacent landowner's property line.
 - (f) Minimum tract size is 10 acres.
- (10) Livestock shows, livestock handling shows.
- (a) Shows shall be limited to three days within a single week.
 - (b) Dates, times, durations, and descriptions of upcoming shows shall be provided in a timely and convenient manner to nearby residents and Town officials when requested. An up-to-date website is recommended.
 - (c) Shows are limited to 8:00 a.m. to 7:00 p.m. Monday through Thursday, 8:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday.
 - (d) Capacity is limited to 250 persons at any one time.
 - (e) Minimum setback is 100 feet from any adjacent landowner's property line.
 - (f) Minimum tract size is 10 acres.
- (11) Lodges.
- (a) Up to eight sleeping rooms and provide accommodations for up to 16 adults and eight children.
 - (b) Maximum stay of 21 days.
 - (c) Minimum tract size is 10 acres.
 - (d) Hours of operation: unlimited.
 - (e) The owner/operator/manager shall be on-site or available by phone and able to respond in a timely manner to any issues that arise.
- (12) Meaderies.
- (a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

(13) Museums.

- (a) At least 50% of the exhibits must be related to agriculture, horticulture, or agribusiness.

(14) Nature trails.

- (a) Hours of operation: sunrise to sunset.

(15) Rent-a-tree operations.

(16) Wineries, boutique.

- (a) Maximum interior visitor capacity is 50 persons at any one time or the maximum allowed capacity of the structure per the state building code, whichever is less.

F. Animal units (see definition in § **330-9**). One animal unit per acre. Landowners wishing to exceed this limit must apply for a conditional use permit from the Town. Approval of said permit will consider the potential impact of the increase in animal units to the surrounding properties, among other factors.

G. Area, height, and yard requirements.

(1) Lot and/or A-T area.

- (a) A-T area: Unless specified as a requirement of a particular conditional use in Subsection **E**, minimum five acres of a single lot or parcel of record as evidenced by a legal document, such as a deed or other legal conveyance, survey map prepared by a licensed land surveyor, or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the five-acre minimum density. (Note: An entire property does not necessarily need to be zoned A-T; only the part that encompasses the agritourism use is required to be zoned A-T.)

(b) Lot width: Minimum 225 feet of road frontage on public road.

(c) Lot coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

(a) Farm residence: Maximum 35 feet.

(b) Other structures: Maximum 70 feet or equal to the distance from the nearest lot line, whichever is less.

(3) Yards, unless the land zoned A-T is only a portion of a larger legal parcel, in which case the yards requirements of the entire legal parcel pertains.

(a) Farm residence.

[1] Rear: Minimum 50 feet.

[2] Side: Minimum 20 feet.

[3] Street: See Article **XV**, Highway Setback Lines, of this chapter.

(b) Other structures.

[1] Rear: Minimum 50 feet.

[2] Side: Minimum 20 feet if the structure is not to be used for the housing of animals; minimum 50 feet if the structure is to be used for the housing of animals.

[3] Street: See Article **XV**, Highway Setback Lines, of this chapter.

H. Reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-27. R-1 Single-Family Residence District.

- A. Purpose. This district is intended to provide for single-family dwellings east of Interstate 43 and in areas designated for potential growth, such as adjacent to the Villages of Oostburg and Cedar Grove.
- B. Lands included. Only properties east of Interstate 43 or in areas designated for potential growth in the Town of Holland Comprehensive Plan, such as adjacent to the Village of Oostburg or Cedar Grove or other unincorporated residential areas, may become R-1; however, any other lots zoned R-1 prior to the farmland preservation recertification and subsequent amendment of this chapter on December 12, 2016, are allowed to remain R-1.
- (1) Permitted uses.
- (a) Home occupation as defined in § **330-9**. Said request shall comply with the provisions of Article **VII** of this chapter.
- (b) One single-family dwelling.
[Amended 2-8-2021 by Ord. No. 1-2021]
- (c) Public park, playground, and recreation areas of less than two acres without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
- (a) Guest apartment, in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, shall be comprised only of a bedroom, bathroom and sitting area, shall not include areas for food preparation or eating, and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Amended 4-10-2017 by Ord. No. 3-2017]
- (b) No conditional use permit for an accessory apartment may be issued after April 10, 2017. A preexisting accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Added 4-10-2017 by Ord. No. 3-2017]
- C. Area, height and yard requirements.
- (1) Lot.
- (a) Area [also see Subsection **C(4)** below]: minimum of 10,000 square feet for lots served by municipal sanitary sewers or other county- and state-approved off-site cluster or common sewage disposal system and 20,000 square feet for lots served by on-site sewage disposal systems for single-family dwellings, except where county or state regulations require more.
- (b) Width: minimum of 66 feet for sewered lots and 100 feet for unsewered lots.
- (c) Coverage: No more than 50% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
- (2) Building height.
- (a) Residence: maximum 35 feet.
- (b) Other structures: maximum 35 feet.

(3) Yards.

(a) Dwelling.

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.
- [3] Street: See Article **XV** of this chapter.

(b) Other structures.

- [1] Rear: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
- [2] Side: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
- [3] Street: See Article **XV** of this chapter.

(4) Density. In the R-1 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-28. R-2 Multiple-Family Residence District.

A. Purpose. The purpose of the R-2 District is to identify areas suitable for two-family and multiple-family residential development, in accordance with the Town of Holland Comprehensive Plan. No property within the Town may be rezoned to R-2 Multiple-Family Residence District after May 1, 2006, except a property that has been determined by the Town Board, based on evidence provided by the property owner, to be improved by or occupied as a two-family dwelling or multiple-family dwelling on May 1, 2006.

B. Lands included.

(1) Permitted uses.

- (a) All uses allowed as permitted uses in the R-1 District.
- (b) One two-family dwelling.
[Amended 1-13-2020 by Ord. No. 1-2020; 2-8-2021 by Ord. No. 1-2021]

(2) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.

- (a) Guest apartment, in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, shall be comprised only of a bedroom, bathroom and sitting area, shall not include areas for food preparation or eating, and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Amended 4-10-2017 by Ord. No. 3-2017]
- (b) Elder-care facilities, clinics and day-care centers, provided that all principal structures and uses are not less than 50 feet from any lot line.
- (c) Fraternities, sororities, lodges, and meeting structures of a noncommercial nature, provided that all principal structures and uses are not less than 25 feet from any lot line.
- (d) Multiple-family dwellings.

- (e) Senior citizen housing.
- (f) No conditional use permit for an accessory apartment may be issued after April 10, 2017. A preexisting accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Added 4-10-2017 by Ord. No. 3-2017]

C. Area, height and yard requirements.

(1) Lot.

- (a) Area [also see Subsection **C(4)** below]: minimum of 20,000 square feet for lots served by municipal sanitary sewers or other county- and state-approved off-site cluster or common sewage disposal system and 60,000 square feet for lots served by individual on-site sewage disposal systems for two-family dwellings, plus 5,000 square feet of unoccupied land for each additional dwelling unit, except where county or state regulations require more.
- (b) Width: minimum of 100 feet for sewered lots and 150 feet for unsewered lots.
- (c) Coverage: No more than 50% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.

(2) Building height.

- (a) Dwelling: maximum 35 feet.
- (b) Other structures: maximum 35 feet.

(3) Yards.

(a) Dwelling.

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.
- [3] Street: See Article **XV** of this chapter.

(b) Other structures.

- [1] Rear: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
- [2] Side: minimum 10 feet or 1/2 the height of the structure, whichever is greater.
- [3] Street: See Article **XV** of this chapter.

(4) Density. In the R-2 District, for projects involving condominium or other such common ownership under which no new lots are created, the overall density that would have been required for dwelling units using individual lots shall be maintained. Therefore, the total number of dwelling units allowed shall be determined by dividing the net residential acreage of the project by the minimum lot sizes set for the district.

D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-29. R-4 Rural Cluster Development District.

A. Purpose. The purpose of the R-4 District is to preserve rural landscape character, sensitive natural areas, farmland, and other large areas of open land while permitting residential development at low,

rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

- (1) Maintain and protect the Town of Holland's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridgetops, steep slopes, and critical species habitat by setting them aside from development.
- (2) Preserve scenic views and minimize views of new development from existing streets.
- (3) Provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
- (4) Increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, and the amount of paving required for residential development, where possible.
- (5) Create groups of dwellings with direct visual and physical access to open space areas.
- (6) Permit active and passive recreational use of open space areas by residents of developments within this district or by the public.
- (7) Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
- (8) Allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
- (9) Permit various means for owning open space areas and for protecting them from development in perpetuity.
- (10) Create an attitude of stewardship or caring for the land within open space areas by requiring a land management or stewardship plan for the open space areas.
- (11) Implement the objectives of the Town of Holland Comprehensive Plan or elements thereof.
[Amended 4-12-2021 by Ord. No. 3-2021]

B. Lands included.

- (1) Residential uses in cluster developments.
 - (a) Permitted uses.
 - [1] Home occupation as defined in § **330-9**. Said request shall comply with the provisions of Article **VII** of this chapter.
 - [2] One single-family dwelling.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (b) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
 - [1] Guest apartment, in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, shall be comprised only of a bedroom, bathroom and sitting area, shall not include areas for food preparation or eating, and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Amended 4-10-2017 by Ord. No. 3-2017]
 - [2] One two-family dwelling.

[Amended 2-8-2021 by Ord. No. 1-2021]

- [3] No conditional use permit for an accessory apartment may be issued after April 10, 2017. A preexisting accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling and shall comply with the off-street parking requirements of Article **XI** of this chapter.

[Added 4-10-2017 by Ord. No. 3-2017]

(2) Open space uses in cluster developments.

(a) Permitted uses.

[1] Keeping livestock:

- [a] Animal units, as defined in § **330-9**, that are equal to one animal unit per one acre.

[2] Easements for access, drainage, sewer and water lines, or other public purposes.

[3] Conservation of natural features in their existing state.

[4] Parking areas where necessary to serve active recreation facilities.

[5] Public park, playground, and recreation areas of less than two acres without buildings or structures.

[Amended 8-13-2018 by Ord. No. 6-2018]

[6] Stormwater management facilities for the proposed development, including detention and retention basins.

[7] Wildlife sanctuary, forest preserve, nature center, trails, picnic areas, and similar uses.

[8] Water supply and sanitary facilities for individual lots, groups of lots, or the entire development.

(b) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.

[1] Keeping livestock:

- [a] Animal units, as defined in § **330-9**, that are greater than one animal unit per one acre.

[2] Agricultural activities are allowed not less than 50 feet from any residential lot line. Agricultural activities include:

- [a] The cultivation, harvesting, and sale of crops.

- [b] The raising and sale of livestock or fowl with associated pasture.

- [c] The boarding of horses with associated pasture.

- [d] Orchards, nurseries, greenhouses, and related horticultural uses.

- [e] Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.

[3] Community center.

[4] Golf courses and country clubs.

[5] Utilities, except antennas and communications towers, provided that such uses are not less than 100 feet from any residential lot line.

- (c) Prohibited uses. The following uses and activities are prohibited in open space areas in cluster developments:
- [1] The use of nonrecreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and associated farm vehicles are permitted, as needed.
 - [2] The use of recreational vehicles except as used for agricultural activities within open spaces and maintenance and operation of open spaces.
 - [3] The cutting of healthy trees; regrading; topsoil removal; and altering, diverting or modifying watercourses or bodies, except in compliance with an approved land stewardship maintenance and operation plan, as described in Subsection **G(2)(a)**.
 - [4] Commercial feed lots.
- C. Review procedures. To aid the Town of Holland in determining whether the applicant has accomplished the intent and objectives as described in Subsection **A** and has met the design standards for cluster groups and open space areas as described in Subsections **E** and **F**, the application shall comply with the requirements of Article **V** or Article **VI** of this chapter, in addition to submitting plat data required by Chapter **220**, Land Division, Town of Holland, and the Sheboygan County Subdivision Ordinance.
- D. Density and dimensional standards.
- (1) Maximum density: based on underlying zoning district. (NOTE: Existing dwelling units that will remain on the site shall be included in the maximum density calculation.)
 - (2) Minimum lot area: 20,000 square feet. (NOTE: For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be large enough to accommodate all structures and livestock within the building envelope.)
 - (3) Maximum lot area: two acres.
 - (4) Minimum lot width:
 - (a) Road frontage: 125 feet.
 - (b) Cul-de-sac frontage: 50 feet.
 - (5) Minimum front yard setback: 50 feet.
 - (6) Minimum corner yard setback: 20 feet.
 - (7) Minimum rear yard setback:
 - (a) Principal building: 50 feet.
 - (b) Accessory building: 10 feet. (NOTE: Accessory structures shall not be permitted within the front yard.)
 - (8) Minimum side yard setback:
 - (a) Principal building: 20 feet.
 - (b) Accessory building: 10 feet. (NOTE: Accessory structures shall not be permitted within the front yard.)
 - (9) Maximum height:
 - (a) Principal structure: 35 feet.
 - (b) Accessory structure: 18 feet.

- (c) Agricultural structure: 60 feet.
- (10) Minimum open space: 60% of gross land acres.
- E. Design standards for cluster groups.
 - (1) The following standards shall apply to all cluster groups:
 - (a) All dwelling units shall be grouped into cluster groups.
 - (b) A subdivision plat may contain one or more cluster groups.
 - (c) Cluster groups shall be defined and separated by open space areas in order to provide direct access to open space areas and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.
 - (d) All lots in a cluster group shall abut open space areas for a minimum of 50 feet. Open space areas across a street shall qualify for this requirement.
 - (2) In locating cluster groups, disturbance to woodlands, hedgerows, individual mature trees, and prime farmland soils (when the objective is to preserve productive agricultural use) shall be minimized.
- F. Design standards for open space areas. On all tracts developed under the cluster development regulations, at least 60% of the gross land area shall be set aside as protected open space. This open space shall meet the following standards:
 - (1) For the purposes of this section, "gross land area" includes all lands within the tract, except existing street, railway, and utility rights-of-way.
 - (2) Open space areas shall comply with the following design standards:
 - (a) The location of open space areas shall be consistent with the objectives of the Town of Holland Comprehensive Plan.
 - (b) All open space areas should be part of a larger continuous and integrated open space system.
 - (c) Open space areas shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character; in compliance with the intent of this chapter, primary and secondary environmental corridors and isolated natural areas as identified by the Regional Plan Commission are of particular significance for protection.
 - (d) Natural features shall generally be maintained in their natural condition but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection **G(2)(a)**. Permitted modifications may include:
 - [1] Woodland management.
 - [2] Reforestation.
 - [3] Meadow management.
 - [4] Wetlands management.
 - [5] Stream bank protection.
 - [6] Buffer area landscaping.
 - (e) Wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12%, lowland environmental corridors, and upland primary environmental corridors should be contained

in open spaces.

- (f) Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Holland Comprehensive Plan.
 - (g) To preserve scenic views, ridgetops and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridgetops or hilltops.
 - (h) The boundaries of open space areas shall be marked by natural features whenever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
 - (i) Trails in open space areas located within 50 feet of homes in cluster groups shall be identified by identification markers, plantings, fences, or other landscape features.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas that are not used for agricultural purposes, in accordance with the following:
- (a) At least one access point per cluster group shall be provided, having a width of at least 50 feet.
 - (b) Access to open space areas used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of open space areas:
- (a) Private lot areas.
 - (b) Street and highway rights-of-way, public or private.
 - (c) Railway and utility rights-of-way.
- G. Ownership and maintenance of common facilities and open space areas. To ensure adequate planning for ownership, operation, and maintenance of open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:
 - (a) Homeowners' association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners' association, subject to the provisions set forth herein. The homeowners' association shall be governed according to the following:
 - [1] The applicant shall provide to the Town of Holland a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
 - [2] The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
 - [3] Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
 - [4] The organization shall be responsible for maintenance and insurance of common facilities.

- [5] The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
 - [6] The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
 - [7] The applicant for any tract proposed to contain common facilities shall arrange with the Town of Holland Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
 - [8] Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town of Holland at least 30 days prior to such event.
- (b) Condominium. Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town of Holland Attorney and shall be in conformance with Ch. 703, Wis. Stats., as amended. All open space areas and other common facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium, and membership shall be mandatory.
- (c) Dedication of conservation easements to the Town of Holland or other public agency. The Town of Holland or other public agency acceptable to the Town of Holland may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
- [1] There is no cost of easement acquisition to the Town of Holland, other than costs incidental to the transfer of ownership, such as title insurance.
 - [2] A satisfactory maintenance agreement shall be reached between the owner and the Town of Holland.
 - [3] Lands under a Town of Holland easement may or may not be accessible to the residents of the Town of Holland.
- (d) Transfer of ownership or easements to a private conservation organization. With approval of the Town of Holland, an owner may dedicate or transfer easements of any portion of the common facilities to a private, nonprofit conservation organization, provided that:
- [1] The organization is acceptable to the Town of Holland and is a bona fide conservation organization.
 - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - [3] A maintenance plan and program acceptable to the Town of Holland is established in accordance with Subsection **G(2)**.
- (e) Ownership retained by the original landowner. Ownership of open space areas and facilities may be retained by the original landowner, provided that:
- [1] The Town of Holland and residents of the development shall hold conservation easements on the land, protecting it from any further development.
 - [2] Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

- (f) Other methods acceptable to the Town Plan Commission.
- (2) Maintenance and operation of common facilities.
- (a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Plan Commission prior to land division approval. Such plan shall define ownership; establish necessary regular and periodic operation and maintenance responsibilities; estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis. The plan shall include a narrative, based on the site analysis required in Subsection C, describing existing conditions, including all natural, cultural, historic, and scenic elements in the landscape, and objectives for each open space area, including:
 - [1] The proposed end state for the area and the measures proposed for achieving the end state.
 - [2] Proposed restoration measures, including:
 - [a] Measures for correcting increasingly destructive conditions, such as erosion; and
 - [b] Measures for restoring historic features.
 - [3] A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, and clearing and cleanup.
 - (b) In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Holland may serve written notice upon such organization and upon the residents and owners of the uses relating thereto setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The Town of Holland may enter the premises and take corrective action.
 - (c) The costs of corrective action by the Town of Holland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Holland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
- (3) Leasing of open space areas. Open space areas may be leased to another person or other entity for use, operation, and maintenance, provided that:
- (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (b) The open space areas to be leased shall be maintained for the purposes set forth in this chapter.
 - (c) The operation of such leased open space areas may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.

- (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Plan Commission.
 - (e) Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town of Holland.
- (4) Conservation. Open space areas shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Plan Commission and duly recorded in the office of the County Register of Deeds.
- H. Sanitary and water supply facilities.
- (1) Sanitary facilities.
 - (a) Sanitary facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Alternate septic fields are required for lots under 1.5 acres. Acceptable systems may consist of the following:
 - [1] Private, individual on-site systems serving a single lot, consisting of:
 - [a] Conventional systems.
 - [b] Mound systems.
 - [c] Holding tanks.
 - [2] Public community systems consisting of:
 - [a] Dispersed community systems serving two or more dwellings, but not the entire development.
 - [b] Centralized community systems serving the entire development.
 - [3] Public municipal systems serving all or parts of the entire development.
 - (b) Open space areas may be used for some or all of the elements of any of the systems listed above.
 - (c) All sanitary facilities shall be consistent with the requirements of the Sheboygan County Subdivision and Sanitary Ordinances.
 - (d) All public community sanitary facilities shall be owned, operated, and maintained by a general or special purpose unit of government.
 - (2) Water supply facilities.
 - (a) Water supply facilities may consist of any of the following systems, provided that they meet the requirements of the Wisconsin Department of Natural Resources and Chs. NR 811 and NR 812, Wis. Adm. Code:
 - [1] Private individual wells.
 - [2] Private community wells.
 - [3] Public water supply system.
 - (b) All water supply facilities shall be consistent with the requirements of the Sheboygan County Subdivision Ordinance.

- (c) All water supply facilities, other than private individual wells or shared private wells (i.e., cluster systems), shall be owned, operated, and maintained by a general or special-purpose unit of government.
- I. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-30. R-5 Residential Estate District.

- A. Purpose. The purpose of the R-5 District is to provide for single-family dwellings in the residential subdivision area, where high density is inappropriate or undesired, and in a manner consistent with the Town of Holland Comprehensive Plan.
- B. Lands included.
 - (1) Permitted uses.
 - (a) Home occupation as defined in § **330-9**. Said request shall comply with the provisions of Article **VII** of this chapter.
 - (b) Public park, playground, and recreation areas of less than two acres without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (c) One single-family dwelling.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (2) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
 - (a) Guest apartment, in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, shall be comprised only of a bedroom, bathroom and sitting area, shall not include areas for food preparation or eating, and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Amended 4-10-2017 by Ord. No. 3-2017]
 - (b) No conditional use permit for an accessory apartment may be issued after April 10, 2017. A preexisting accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Added 4-10-2017 by Ord. No. 3-2017]
- C. Area, height and yard requirements.
 - (1) Lot.
 - (a) Density: one dwelling unit per three gross acres.
 - (b) Lot area: minimum one-and-one-half-acre single lot or parcel of record as evidenced by a legal document such as a deed or other legal conveyance or a certified survey map. Separate, abutting legal lots or parcels may be combined to attain the three-acre minimum.
 - (c) Width: minimum of 225 feet of frontage on public road.
 - (d) Coverage: No more than 30% of a lot shall be occupied by a residential building, accessory buildings, patios, driveways, and other impermeable surfaces.
 - (2) Building height.

- (a) Dwelling: maximum 35 feet.
 - (b) Other structures: maximum 35 feet.
- (3) Yards.
- (a) Dwelling.
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street: See Article **XV** of this chapter.
 - (b) Other structures.
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-31. Rural Cluster Development Overlay (RCDO) District.

- A. Purpose. The purpose of the RCDO District is to preserve rural landscape character, sensitive natural areas, farmland, and other large areas of open land while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
- (1) Maintain and protect the Town of Holland's rural character by preserving important landscape elements, including those areas containing such unique and environmentally sensitive natural features as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridgetops, steep slopes, and critical species habitat by setting them aside from development.
 - (2) Preserve scenic views and minimize views of new development from existing streets.
 - (3) Provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
 - (4) Increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements, and the amount of paving required for residential development, where possible.
 - (5) Create groups of dwellings with direct visual and physical access to open space areas.
 - (6) Permit active and passive recreational use of open space areas by residents of developments within this district or by the public.
 - (7) Reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.
 - (8) Allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.

- (9) Permit various means for owning open space areas and for protecting them from development in perpetuity.
- (10) Create an attitude of stewardship or caring for the land within open space areas by requiring a land management or stewardship plan for the open space areas.
- (11) Implement the objectives of the Town of Holland Comprehensive Plan or elements thereof.
[Amended 4-12-2021 by Ord. No. 3-2021]

B. Intent and applicability.

- (1) The RCDO is an overlay zoning district.
- (2) The RCDO is only applicable to the A-2, A-5, or R-5 Zoning District.
 - (a) All minor land divisions within the A-2, A-5, or R-5 Zoning District may comply with the provisions of this district.
 - (b) All major land divisions within the A-2, A-5, or R-5 Zoning District shall comply with the provisions of this district.
- (3) Requirements for calculating the density of a single lot or parcel of record within the RCDO District is governed by the regulations of the underlying zoning district (A-2, A-5, or R-5). All other requirements (i.e., lot area, lot width, lot setbacks, building height, etc.) are governed by the regulations of the RCDO District, henceforth.

C. Lands included.

- (1) Residential uses in cluster developments.
 - (a) Permitted uses.
 - [1] Home occupation as defined in § **330-9**. Said request shall comply with the provisions of Article **VII** of this chapter.
 - [2] One single-family dwelling.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - (b) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
 - [1] Guest apartment, in the principal dwelling, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling, shall be comprised only of a bedroom, bathroom and sitting area, shall not include areas for food preparation or eating, and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Amended 4-10-2017 by Ord. No. 3-2017]
 - [2] One two-family dwelling.
[Amended 2-8-2021 by Ord. No. 1-2021]
 - [3] No conditional use permit for an accessory apartment may be issued after April 10, 2017. A preexisting accessory apartment, in the principal dwelling or preexisting accessory building, but shall be limited to owner-occupied homes, shall occupy no more than 25% of the principal dwelling and shall comply with the off-street parking requirements of Article **XI** of this chapter.
[Added 4-10-2017 by Ord. No. 3-2017]
- (2) Open space uses in cluster developments.
 - (a) Permitted uses.
 - [1] Keeping livestock:

- [a] Animal units, as defined in § **330-9**, that are equal to one animal unit per one acre.
 - [2] Easements for access, drainage, sewer and water lines, or other public purposes.
 - [3] Conservation of natural features in their existing state.
 - [4] Parking areas where necessary to serve active recreation facilities.
 - [5] Public park, playground, and recreation areas of less than two acres without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - [6] Stormwater management facilities for the proposed development, including detention and retention basins.
 - [7] Wildlife sanctuary, forest preserve, nature center, trails, picnic areas, and similar uses.
 - [8] Water supply and sanitary facilities for individual lots, groups of lots, or the entire development.
- (b) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
- [1] Keeping livestock:
 - [a] Animal units, as defined in § **330-9**, that are greater than one animal unit per one acre.
 - [2] Agricultural activities are allowed only in underlying A-2 and A-5 Zoning Districts, provided that such uses are not less than 50 feet from any residential lot line. Agricultural activities include:
 - [a] The cultivation, harvesting, and sale of crops.
 - [b] The raising and sale of livestock or fowl with associated pasture.
 - [c] The boarding of horses with associated pasture.
 - [d] Orchards, nurseries, greenhouses, and related horticultural uses.
 - [e] Agricultural structures, such as barns, silos, storage sheds, cribs, coops, and stables.
 - [3] Community center.
 - [4] Golf courses and country clubs.
 - [5] Utilities, except antennas and communications towers, provided that such uses are not less than 100 feet from any residential lot line.
- (c) Prohibited uses. The following uses and activities are prohibited in open space areas in cluster developments.
- [1] The use of nonrecreational motor vehicles except on public streets and parking areas. Maintenance, law enforcement, emergency, and associated farm vehicles are permitted, as needed.
 - [2] The use of recreational vehicles except as used for agricultural activities within open spaces and maintenance and operation of open spaces.
 - [3] The cutting of healthy trees; regrading; topsoil removal; and altering, diverting or modifying watercourses or bodies, except in compliance with an approved land stewardship maintenance and operation plan, as described in Subsection **H(2)(a)**.

[4] Commercial feed lots.

- D. Review procedures. To aid the Town of Holland in determining whether the applicant has accomplished the intent and objectives as described in Subsection **A** and has met the design standards for cluster groups and open space areas as described in Subsections **F** and **G**, the application shall comply with the requirements of Article **V** or Article **VI** of this chapter, in addition to submitting plat data required by Chapter **220**, Land Division, Town of Holland, and the Sheboygan County Subdivision Ordinance.
- E. Density and dimensional standards.
- (1) Provisions for calculating the density of a single lot or parcel of record within the RCDO are governed by the regulations of the underlying zoning district (A-2, A-5, or R-5).
 - (2) In order to calculate the maximum number of residential units for the RCDO, the petitioner must first prepare a yield plan. The yield plan shall be a realistic and reasonable depiction of the maximum number of residential units that could be created within the regulations of the underlying zoning district (A-2, A-5, or R-5). The Town and/or Town staff shall review the yield plan layout as per any conceptual land division.
 - (3) The maximum number of residential units calculated in the yield plan shall comply with the following standards:
 - (a) Maximum density: based on underlying zoning district. (Note: Existing dwelling units that will remain on the site shall be included in the maximum density calculation.)
 - (b) Minimum lot area: 20,000 square feet. (Note: For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be large enough to accommodate all structures and livestock within the building envelope.)
 - (c) Maximum lot area: two acres.
 - (d) Minimum lot width:
 - [1] Road frontage: 125 feet.
 - [2] Cul-de-sac frontage: 50 feet.
 - (e) Minimum front yard setback: 50 feet.
 - (f) Minimum corner yard setback: 20 feet.
 - (g) Minimum rear yard setback:
 - [1] Principal building: 50 feet.
 - [2] Accessory building: 10 feet. (Note: Accessory structures shall not be permitted within the front yard.)
 - (h) Minimum side yard setback:
 - [1] Principal building: 20 feet.
 - [2] Accessory building: 10 feet. (Note: Accessory structures shall not be permitted within the front yard.)
 - (i) Maximum height:
 - [1] Principal structure: 35 feet.
 - [2] Accessory structure: 18 feet.
 - [3] Agricultural structure: 60 feet.

(j) Minimum open space: 60% of gross land acres.

(4) Density calculation examples.

(a) Density calculation Example No. 1: forty-acre parcel with an A-2 underlying zoning district designation.

[1] Step 1: calculate density.

$$40 \text{ acres}/\text{A-2 allowable density (1 dwelling unit/5 acres)} = 8 \text{ dwelling units}$$

[2] Step 2: Calculate open space.

$$40 \text{ acres} * 60\% \text{ required open space} = 24 \text{ acres of open space}$$

[3] Step 3: Calculate lot size.

$$40\text{-acre parcel} - 24 \text{ acres of open space} = 16 \text{ developable acres}$$

$$16 \text{ developable acres}/8 \text{ dwelling units} = 2\text{-acre average lot size}$$

[4] Summary: A 40-acre parcel with an A-2 underlying zoning district designation yields 8 dwelling units with a 2-acre average lot size on 16 developable acres with 24 acres of open space using the regulations of the RCDO Zoning District.

(b) Density calculation Example No. 2: forty-acre parcel with an A-5 or R-5 underlying zoning district designation.

[1] Step 1: Calculate density.

$$40 \text{ acres}/\text{A-5 or R-5 allowable density (1 dwelling unit/3 acres)} = 13 \text{ dwelling units}$$

[2] Step 2: Calculate open space.

$$40 \text{ acres} * 60\% \text{ required open space} = 24 \text{ acres of open space}$$

[3] Step 3: Calculate lot size.

$$40\text{-acre parcel} - 24 \text{ acres of open space} = 16 \text{ developable acres}$$

$$16 \text{ developable acres}/13 \text{ dwelling units} = 1.2\text{-acre average lot size}$$

[4] Summary: A forty-acre parcel with an A-5 or R-5 underlying zoning district designation yields 13 dwelling units with a 1.2-acre average lot size on 16 developable acres with 24 acres of open space using the provisions of the RCDO Zoning District.

F. Design standards for cluster groups.

(1) The following standards shall apply to all cluster groups:

(a) All dwelling units shall be grouped into cluster groups.

(b) A subdivision plat may contain one or more cluster groups.

(c) Cluster groups shall be defined and separated by open space areas in order to provide direct access to open space areas and privacy to individual lot or yard areas. Streets may separate cluster groups if the street right-of-way is designed as a boulevard.

(d) All lots in a cluster group shall abut open space areas for a minimum of 50 feet. Open space areas across a street shall qualify for this requirement.

- (2) In locating cluster groups, disturbance to woodlands, hedgerows, individual mature trees, and prime farmland soils (when the objective is to preserve productive agricultural use) shall be minimized.

G. Design standards for open space areas. On all tracts developed under the cluster development regulations, at least 60% of the gross land area shall be set aside as protected open space. This open space shall meet the following standards:

- (1) For the purposes of this section, "gross land area" includes all lands within the tract, except existing street, railway, and utility rights-of-way.
- (2) Open space areas shall comply with the following design standards:
 - (a) The location of open space areas shall be consistent with the objectives of the Town of Holland Comprehensive Plan.
 - (b) All open space areas should be part of a larger continuous and integrated open space system.
 - (c) Open space areas shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character; in compliance with the intent of this chapter, primary and secondary environmental corridors and isolated natural areas as identified by the Regional Plan Commission are of particular significance for protection.
 - (d) Natural features shall generally be maintained in their natural condition but may be modified to improve their appearance or restore their overall condition and natural processes, as recommended by professionals in the area being modified and in compliance with an approved land stewardship plan, as described in Subsection **H(2)(a)**. Permitted modifications may include:
 - [1] Woodland management.
 - [2] Reforestation.
 - [3] Meadow management.
 - [4] Wetlands management.
 - [5] Stream bank protection.
 - [6] Buffer area landscaping.
 - (e) Wetlands, floodplains, unique wildlife habitat areas, steep slopes over 12%, lowland environmental corridors, and upland primary environmental corridors should be contained in open spaces.
 - (f) Maximize common boundaries with existing or future open space on adjacent tracts, as shown in the Town of Holland Comprehensive Plan.
 - (g) To preserve scenic views, ridgetops and hilltops should be contained within open space areas wherever possible. Trees should not be removed from ridgetops or hilltops.
 - (h) The boundaries of open space areas shall be marked by natural features whenever possible, such as hedgerows, edges of woodlands, streams, or individual large trees.
 - (i) Trails in open space areas located within 50 feet of homes in cluster groups shall be identified by identification markers, plantings, fences, or other landscape features.
- (3) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas that are not used for agricultural purposes, in accordance with the following:

- (a) At least one access point per cluster group shall be provided, having a width of at least 50 feet.
 - (b) Access to open space areas used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.
- (4) The following areas shall not be included in the calculation of open space areas:
- (a) Private lot areas.
 - (b) Street and highway rights-of-way, public or private.
 - (c) Railway and utility rights-of-way.
- H. Ownership and maintenance of common facilities and open space areas. To ensure adequate planning for ownership, operation, and maintenance of open space, recreation facilities, stormwater management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:
- (1) Ownership. The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following to be approved on an individual basis by the Town Plan Commission:
- (a) Homeowners' association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners' association, subject to the provisions set forth herein. The homeowners' association shall be governed according to the following:
 - [1] The applicant shall provide to the Town of Holland a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
 - [2] The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
 - [3] Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
 - [4] The organization shall be responsible for maintenance and insurance of common facilities.
 - [5] The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
 - [6] The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
 - [7] The applicant for any tract proposed to contain common facilities shall arrange with the Town of Holland Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
 - [8] Written notice of any proposed transfer of common facilities by the homeowners' association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town of Holland at least 30 days prior to such event.

- (b) Condominium. Common facilities shall be controlled through the use of condominium agreements. The requirements of such agreements shall be approved by the Town of Holland Attorney and shall be in conformance with Ch. 703, Wis. Stats., as amended. All open space areas and other common facilities shall be held as common elements by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium, and membership shall be mandatory.
 - (c) Dedication of conservation easements to the Town of Holland or other public agency. The Town of Holland or other public agency acceptable to the Town of Holland may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
 - [1] There is no cost of easement acquisition to the Town of Holland, other than costs incidental to the transfer of ownership, such as title insurance.
 - [2] A satisfactory maintenance agreement shall be reached between the owner and the Town of Holland.
 - [3] Lands under a Town of Holland easement may or may not be accessible to the residents of the Town of Holland.
 - (d) Transfer of ownership or easements to a private conservation organization. With approval of the Town of Holland, an owner may dedicate or transfer easements of any portion of the common facilities to a private, nonprofit conservation organization, provided that:
 - [1] The organization is acceptable to the Town of Holland and is a bona fide conservation organization.
 - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - [3] A maintenance plan and program acceptable to the Town of Holland is established in accordance with Subsection **H(2)**.
 - (e) Ownership retained by the original landowner. Ownership of open space areas and facilities may be retained by the original landowner, provided that:
 - [1] The Town of Holland and residents of the development shall hold conservation easements on the land, protecting it from any further development.
 - [2] Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
 - (f) Other methods acceptable to the Town Plan Commission.
- (2) Maintenance and operation of common facilities.
- (a) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Plan Commission prior to land division approval. Such plan shall define ownership; establish necessary regular and periodic operation and maintenance responsibilities; estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis. The plan shall include a narrative, based on the site analysis required in Subsection **D**, describing existing conditions, including all natural, cultural, historic, and scenic elements in the landscape, and objectives for each open space area, including:
 - [1] The proposed end state for the area and the measures proposed for achieving the end state.

- [2] Proposed restoration measures, including:
 - [a] Measures for correcting increasingly destructive conditions, such as erosion; and
 - [b] Measures for restoring historic features.
 - [3] A maintenance and operations plan identifying operations needed for maintaining the stability of the resources, including mowing schedules, weed control, planting schedules, and clearing and cleanup.
- (b) In the event that the organization established to own and maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Town of Holland may serve written notice upon such organization and upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited and any permits may be revoked or suspended. The Town of Holland may enter the premises and take corrective action.
 - (c) The costs of corrective action by the Town of Holland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Holland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
- (3) Leasing of open space areas. Open space areas may be leased to another person or other entity for use, operation, and maintenance, provided that:
 - (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (b) The open space areas to be leased shall be maintained for the purposes set forth in this chapter.
 - (c) The operation of such leased open space areas may be for the benefit of the residents of the development only or may be open to the public, if so determined by the residents.
 - (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Plan Commission.
 - (e) Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town of Holland.
 - (4) Conservation. Open space areas shall be restricted in perpetuity from further subdivision or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Plan Commission and duly recorded in the office of the County Register of Deeds.
- I. Sanitary and water supply facilities.
 - (1) Sanitary facilities.
 - (a) Sanitary facilities for cluster development may consist of any system meeting the requirements of the Wisconsin Department of Commerce for private sanitary systems and the Wisconsin Department of Natural Resources for public sanitary systems. Alternate

septic fields are required for lots under 1.5 acres. Acceptable systems may consist of the following:

[1] Private individual on-site systems serving a single lot, consisting of:

[a] Conventional systems.

[b] Mound systems.

[c] Holding tanks.

[2] Public community systems consisting of:

[a] Dispersed community systems serving two or more dwellings, but not the entire development.

[b] Centralized community systems serving the entire development.

[3] Public municipal systems serving all or parts of the entire development.

(b) Open space areas may be used for some or all of the elements of any of the systems listed above.

(c) All sanitary facilities shall be consistent with the requirements of the Sheboygan County Subdivision and Sanitary Ordinances.

(d) All public community sanitary facilities shall be owned, operated, and maintained by a general or special-purpose unit of government.

(2) Water supply facilities.

(a) Water supply facilities may consist of any of the following systems, provided that they meet the requirements of the Wisconsin Department of Natural Resources and Chs. NR 811 and NR 812, Wis. Adm. Code:

[1] Private individual wells.

[2] Private community wells.

[3] Public water supply system.

(b) All water supply facilities shall be consistent with the requirements of the Sheboygan County Subdivision Ordinance.

(c) All water supply facilities, other than private individual wells or shared private wells (i.e., cluster systems), shall be owned, operated, and maintained by a general or special-purpose unit of government.

J. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-32. C-1 Resource Conservation District.

A. Purpose. The primary purpose of the C-1 District is to preserve, protect, and enhance significant woodlands, areas of distinctive or highly erodible topography, ground and surface waters, wetlands, and other natural resource characteristics that contribute to the environmental quality of the Town of Holland. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality, prevent flood damage, protect fish and wildlife habitat, prohibit the location of structures on soils which are generally not suitable for such use, protect natural watersheds, and protect the water-based recreation and open space resources of the Town of Holland. This district recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land/water interface.

- B. Lands included. The C-1 District may include 1) upland areas identified as environmental corridors by the Bay-Lake Regional Planning Commission, 2) areas delineated as floodplain and/or wetlands on the Shoreland Zoning Map, Sheboygan County, Wisconsin, as described in the Shoreland-Floodplain Ordinance, Sheboygan County, Wisconsin, as well as 3) those shoreland and wetland areas identified as being of local concern.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses. The following uses are permitted in the C-1 District, provided that such uses are conducted in accordance with sound conservation practices and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography:
- (a) Dugout ponds and level ditches.
 - (b) Flood overflow and movement of water.
 - (c) Forestry and game management.
 - (d) Hiking trails.
 - (e) Hunting, fishing, wildlife preserves and other historic/scientific areas.
 - (f) Navigation.
 - (g) Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops.
 - (h) Public park, playground, and recreation areas of less than two acres without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (i) Wild crop harvesting, including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds.
- (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses. The following uses may be conditionally permitted, except that issuance of a conditional use shoreland zoning permit (pursuant to the Shoreland-Floodplain Ordinance, Sheboygan County, Wisconsin) and/or Department of Natural Resources permits (pursuant to §§ 30.11, 30.12, 30.19, 30.195, and 31.05, Wis. Stats.) may also be required:
- (a) Cranberry bogs.
 - (b) Lookout decks and towers.
 - (c) Piers and docks.
 - (d) Public emergency shelters.
 - (e) Public restrooms and sanitary facilities.
 - (f) Removal of peat or topsoil.
 - (g) Special crop farming.
- C. Area, height and yard requirements: none. No building or structure is permitted except as provided under Subsection **B(1)** and **(2)** above.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-33. P-1 Recreational Park District.

- A. Purpose. The purpose of the P-1 District is to provide for areas where the recreational needs of residents can be met without undue disturbance of natural resources and adjacent uses.
- B. Lands included.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses.
 - (a) Public park, playground, and recreation areas without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (b) Public picnic grounds.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (c) Outdoor ice-skating rinks.
 - (2) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
 - (a) Amusement activities, such as arcades, fairgrounds, roller-skating rinks, go-cart tracks, racetracks and recreation centers.
 - (b) Archery ranges, golf driving ranges, firearm ranges, athletic fields or courts, and indoor skating rinks.
 - (c) Boat rentals and boat access sites.
 - (d) Golf courses and country clubs.
 - (e) Gymnasiums and athletic clubs.
 - (f) Hunting and fishing clubs.
 - (g) Public park, playground, and recreation areas with buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (h) Private campgrounds and recreational camps.
 - (i) Public emergency shelters.
 - (j) Private park, playground and recreation areas.
[Added 8-13-2018 by Ord. No. 6-2018]
 - (k) Private picnic grounds.
[Added 8-13-2018 by Ord. No. 6-2018]
- C. Area, height and yard requirements.
- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Article **XI** of this chapter, sewer and water systems, and all required yards.
 - (2) Building height: maximum 35 feet.
 - (3) Yards.
 - (a) Rear: minimum 50 feet.
 - (b) Side: minimum 50 feet.
 - (c) Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-34. P-2 Public District.

- A. Purpose. The purpose of the P-2 District is to provide suitable areas for semipublic uses owned by nonprofit organizations, as well as to accommodate lands and facilities owned by the Town, Sheboygan County and state and federal agencies.
- B. Lands included.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses.
 - (a) Government halls and structures.
 - (b) Nonprofit organization offices.
 - (c) Public rights-of-way pursuant to applicable regulations governed by the Town, Sheboygan County and state and federal agencies.
 - (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
 - (a) Antennas and communications towers.
 - (b) Cemeteries.
 - (c) Churches and similar places of worship.
 - (d) Community centers.
 - (e) Fire stations.
 - (f) Hospitals and nursing homes.
 - (g) Libraries.
 - (h) Municipal solid waste processing and disposal, and wastewater treatment plants and facilities, provided that all principal structures and excavations are not less than 500 feet from any residential district.
 - (i) Museums.
 - (j) Police stations.
 - (k) Public emergency shelters.
 - (l) Public, parochial and private schools, provided that the lot area is not less than five acres and all principal structures and uses are not less than 50 feet from any lot line.
 - (m) Utilities, except antennas and communications towers, provided that all principal structures and uses are not less than 50 feet from any residential lot line.
 - (n) Waste disposal sites.
 - (o) Wastewater treatment plants.
 - (p) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- C. Area, height and yard requirements.

- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Article **XI** of this chapter, sewer and water systems, and all required yards.
 - (2) Building height: maximum 35 feet.
 - (3) Yards.
 - (a) Rear: minimum 25 feet.
 - (b) Side: minimum 25 feet.
 - (c) Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-35. B-1 Business District.

- A. Purpose. The purpose of the B-1 District is to provide for the proper location and regulation of commercial, retail, professional, and service operations that are not detrimental to the immediate surrounding area or to the Town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to lighting, noise, dust, traffic, physical appearance, etc.) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.
- B. Lands included.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses.
 - (a) Business and professional offices.
 - (b) Public park, playground, and recreation areas of less than two acres without buildings or structures.
[Amended 8-13-2018 by Ord. No. 6-2018]
 - (2) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
 - (a) Auto body shops.
 - (b) Clubs.
 - (c) Day-care facilities.
 - (d) Financial institutions.
 - (e) Fueling stations and repair garages.
 - (f) Hotels and motels.
 - (g) Land excavation and earthmoving.
 - (h) Landscape and supply operations.
 - (i) Medical and dental clinics.
 - (j) Personal and professional service establishments that perform services on the premises.
 - (k) Repair facilities.
 - (l) Restaurants and taverns.

- (m) Retail stores and shops.
- (n) Storage yards.
- (o) Transportation-related activities.
- (p) Warehouse and indoor storage.
- (q) Indoor agricultural uses, meaning any of the following activities conducted within an enclosed structure for the purpose of producing an income or livelihood:
[Added 2-8-2021 by Ord. No. 1-2021]
 - [1] Aeroponics.
 - [2] Aquaculture.
 - [3] Crop or forage production or storage.
 - [4] Horticulture.
 - [5] Hydroponics.
 - [6] Floriculture.
 - [7] Vertical farming.
- (r) Real estate office.
[Added 2-8-2021 by Ord. No. 1-2021]
- (s) Rental operations of aircraft, athletic equipment, clothing, construction and demolition equipment, home furnishings, home and yard maintenance equipment, medical equipment, party supplies, recreational equipment, trailers, vehicles, and watercraft.
[Added 2-8-2021 by Ord. No. 1-2021]
- (t) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- (u) Building trades construction, renovation and repair services.
[Added 11-8-2021 by Ord. No. 10-2021]

C. Area, height and yard requirements.

- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Article **XI** of this chapter, all required yards, and all private or public utilities.
- (2) Building height: maximum 35 feet.
- (3) Yards.
 - (a) Rear: minimum 30 feet.
 - (b) Side: minimum 15 feet.
 - (c) Street: See Article **XV** of this chapter.

D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-36. M-1 Manufacturing and Industrial District.

- A. Purpose. The purpose of the M-1 District is to provide for the proper location and regulation of manufacturing, assembly, and industrial operations that are not detrimental to the immediate surrounding area or to the Town as a whole. The intent of these regulations is to minimize potential adverse effects (including but not limited to smoke, odor, noise, dust, flash, traffic, physical appearance, etc.) of these uses. It is therefore intended that such uses will be reasonably compatible with the surrounding uses in the area.
- B. Lands included.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses.
- (a) Cabinet shops.
 - (b) Canning factories.
 - (c) Machine shops.
- (2) Conditional uses. See Article **VI** of this chapter for application, review, and approval procedures for conditional uses.
- (a) Food-processing plants.
 - (b) Foundries.
 - (c) Lumberyards and building supply yards.
 - (d) Manufacturing, assembly, fabrication and processing facilities.
 - (e) Printing and publishing facilities.
 - (f) Storage yards.
 - (g) Tool and die shops.
 - (h) Warehouses and indoor storage.
 - (i) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- C. Area, height and yard requirements.
- (1) Lot area, minimum: sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by Article **XI** of this chapter, all required yards, and all private or public utilities.
- (2) Building height: maximum 45 feet.
- (3) Yards.
- (a) Rear: minimum 30 feet, except 50 feet when abutting a residential district.
 - (b) Side: minimum 15 feet, except 50 feet when abutting a residential district.
 - (c) Street: See Article **XV** of this chapter.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

§ 330-37. M-3 Mineral Extraction District.

- A. Purpose. The purpose of the M-3 District is to permit resource extraction operations as long-term transitional uses. The intent of these regulations is to minimize potential adverse effects (including but not limited to noise, dust, flash, vibration, traffic and physical appearance) of these uses on surrounding lands while operations are active and, to the maximum extent practicable, restore the site after operations have ceased.
- B. Lands included.
- (1) Permitted uses. See Article **V** of this chapter for application, review and approval procedures for permitted uses.
 - (a) Processing of topsoil.
 - (b) The washing, refining or processing of rock, slate, gravel, sand or minerals.
 - (2) Conditional uses. See Article **VI** of this chapter for application, review and approval procedures for conditional uses.
 - (a) Aggregate or ready-mixed plant.
 - (b) Clay, ceramic and refractor mineral mining.
 - (c) Crushed and broken stone quarrying.
 - (d) Mixing of asphalt.
 - (e) Municipal solid waste processing and disposal, provided that all principal structures and excavations are not less than 500 feet from any residential district.
 - (f) Nonmetallic mining services.
 - (g) Sand and gravel quarrying.
 - (h) Solar energy systems with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which convert solar energy into electrical energy. The additional standard conditions and application requirements for a solar energy system conditional use permit as set forth in § **330-56.11** shall apply.
[Added 4-12-2021 by Ord. No. 4-2021]
- C. Regulations. All uses listed are subject to the following regulations and such other requirements as the Town Board deems appropriate to protect the health, safety and general welfare:
- (1) A plat of survey shall be submitted showing topographic data (minimum contour interval of five feet) and existing and proposed excavations.
 - (2) An operations plan shall be submitted, including a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
 - (3) After obtaining a preliminary conditional use permit from the Town, the applicant shall obtain a nonmetallic reclamation permit from the Sheboygan County Land and Water Conservation Department. (Sureties will be required to enable Sheboygan County to carry out the restoration plan in the event of default by the applicant.) The applicant shall submit the reclamation permit to the Town for review, after which the Town may add to the preliminary conditional use permit if necessary and issue a final conditional use permit.
 - (4) All excavations shall be at least 200 feet from the right-of-way of any public or private street or property line. All accessories, such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line.
- D. Development agreement and reimbursement of expenses. See § **330-19** of this chapter for possible requirements.

Article V. Site Plan and Plan of Operation

§ 330-38. Purpose; action by Town Plan Commission.

- A. The Town Plan Commission shall issue a site plan and plan of operation permit for permitted uses after review, provided that such permitted uses and structures are in accordance with the regulations of the applicable zoning district and the Town of Holland Comprehensive Plan and promote compatible development and stability of property values, prevent impairment or depreciation of property values, and foster the attractiveness and functional utility of the community as a place to live and work.
[Amended 4-12-2021 by Ord. No. 3-2021]
- B. ^[1]The provisions of §§ **330-39** through **330-45** of this chapter regulate low-impact development, which is characterized as development of residential and small-scale farm operation related uses that demonstrate limited adverse impacts on surrounding lands, waters, natural and cultural resources, and public facilities and utilities as determined by the Town Plan Commission.
[1] Editor's Note: Former Subsection B, regarding granting or denying of permits with 45 days, was repealed 6-15-2020 by Ord. No. 8-2020. This ordinance also renumbered former Subsections C and D as Subsections B and C, respectively.
- C. The Town Plan Commission reserves the right to waive or modify any of the provisions required under §§ **330-39** through **330-46** of this chapter based on individual circumstances. The Town Plan Commission shall provide such guidance to the Clerk of the Plan Commission.

§ 330-39. Review required.

The Town Plan Commission may approve the site plan and plan of operations only after determining that:

- A. The proposed use(s) conform(s) to the uses allowed in the applicable zoning district.
[Amended 4-12-2021 by Ord. No. 3-2021]
- B. The dimensional arrangement of buildings and structures conforms to the required density, area, height and yard requirements of the applicable zoning district.
- C. The proposed use(s) conform(s) to all use and design provisions and requirements (if any) as found in the applicable zoning district and this chapter for the specified use(s).
- D. The relationship between the existing and proposed streets within the vicinity of the project assures the safety and convenience of pedestrian and vehicular traffic.
- E. The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. This is done by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.
- F. Natural features of the landscape are retained where they can enhance the development on the site or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- G. Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this chapter.
- H. Lands, buildings, and structures are readily accessible to emergency vehicles and the handicapped (when applicable).

- I. The site plan and plan of operation is consistent with the intent and purpose of the applicable zoning district and this chapter.
- J. The site plan and plan of operation is consistent with the public goals, objectives, and principles as set forth in the Town of Holland Comprehensive Plan and its components.
[Amended 4-12-2021 by Ord. No. 3-2021]

§ 330-40. Application submittal requirements.

[Amended 6-15-2020 by Ord. No. 8-2020]

The following is a description of the plans, documents, and written submittals required for review of all applications for site plan and plan of operation permits by the Town Plan Commission. An application shall not be considered complete until one full-size hard copy and one electronic copy, in PDF format, of all such plans, documents, and written submittals required for the review of the application are included accompanied by the application fee, as identified in the Town of Holland Fee Schedule, established by the Town Board. During the Plan Commission review of the documents submitted, the Plan Commission shall determine if the application is complete.

- A. All applicable requirements of the Sheboygan County Code of Ordinances shall be met.
- B. Location map and property owner names and addresses. A map of the subject property showing all lands for which the use is proposed and all other lands within 300 feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties and show any other jurisdiction(s) that maintain(s) control over the property. The location map shall be at a scale that is appropriate to the request. A map showing the subject property and illustrating its relationship to the nearest street intersection is required at a size that is appropriate for the size and nature of the request. The applicant shall provide the names and addresses of the owners of all properties within 300 feet of the boundaries of the subject property.
- C. Plan of operation. Description of the intended use shall include, but not be limited to, the following:
 - (1) Zoning: existing zoning district(s) and proposed zoning district(s) if different.
 - (2) The future land use designation for the subject property as depicted by the land use map in the Town of Holland Comprehensive Plan.
[Amended 4-12-2021 by Ord. No. 3-2021]
 - (3) Current uses present on the subject property.
 - (4) Proposed uses for the subject property.
 - (5) Proposed development: the amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio.
 - (6) Operations: the operational considerations relating to the number of employees, hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
 - (7) Operational considerations: relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this chapter, including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.
 - (8) Building material: the exterior building and fencing materials.
 - (9) Expansion: any possible future expansion and related implications.

(10) Other information: any other information pertinent to adequate understanding by the Town Plan Commission of the intended use and its relation to nearby properties.

D. Site plan.

- (1) A title block that indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, and planner) for the project.
- (2) The date of the original plan and the latest date of revision to the plan.
- (3) A North arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
- (4) A legal description of the subject property.
- (5) Acreage of individual lots or parcels.
- (6) Property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- (7) Existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- (8) Required building setback lines.
- (9) Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
- (10) The location and dimension of all access points onto public streets.
- (11) The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus the number required by this chapter.
- (12) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- (13) The location of all outdoor storage areas and screening devices.
- (14) The location, type, height, size and lighting of all signage on the subject property and conforming to other sections of this chapter.
- (15) The location, height, design/type, illumination power and orientation of exterior lighting on the subject property.
- (16) The location and type of any permanently protected green space areas.
- (17) The location of existing and proposed drainage facilities.
- (18) In the legend, data for the subject property:
 - (a) Lot area.
 - (b) Floor area.
 - (c) Floor area ratio.
 - (d) Impervious surface area.
 - (e) Impervious surface ratio to site.
 - (f) Building height.

§ 330-41. Inspection of subject premises or use.

Upon reasonable notice and at any reasonable time, all site plan and plan of operation permits are subject to review by the Town officials and staff to determine whether the subject property or use is in accord with the terms of the site plan and plan of operation permit.

§ 330-42. Amendment of permit.

If any holder of a site plan and plan of operation permit wishes to change, modify, alter, and/or amend any aspect of the terms of said permit, the holder shall apply for such change, modification, alteration, and/or amendment through the procedure of application for site plan and plan of operation permits detailed herein.

§ 330-43. Termination of permit.

- A. A site plan and plan of operation permit will terminate when, after notice and public hearing, the Town determines any of the following:
 - (1) The site plan and plan of operation has not continued in conformity with the conditions of the permit.
 - (2) A change in character of the single lot or parcel of record governed by the site plan and plan of operation itself has caused such use to be no longer compatible with surrounding uses.
 - (3) The site plan and plan of operation has been abandoned in any manner or discontinued in use for 12 months or longer.
- B. Upon such determination, the owner of the premises shall be required to bring all lands and buildings into conformity with the regulations of the district within 90 days from the determination by the Town Plan Commission.
- C. The process for terminating a site plan and plan of operation permit shall generally follow the procedures for granting a site plan and plan of operation permit as set forth in this chapter.

§ 330-44. Professional fees and charges.

Costs incurred by the Town in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of site plan and plan of operation applications and the preparation of conditions to be imposed on such uses shall be charged to and paid by the applicant.

§ 330-45. Recording.

A site plan and plan of operation permit approved by the Town shall not be considered to be in effect until the applicant has provided the Town with the appropriate documentation to enable a land covenant that incorporates said permit to be recorded with the Sheboygan County Register of Deeds.

§ 330-46. Additional plans, documents and written submittals for high-impact development.

In addition to complying with the provisions of §§ **330-39** through **330-45** of this chapter, compliance with the following provisions is required for high-impact development, which is characterized as development of residential, large-scale farm operation, commercial, and industrial related uses that demonstrate adverse impacts on surrounding lands, waters, natural and cultural resources, and public facilities and utilities as determined by the Town Plan Commission.

- A. Detailed landscape plan. A detailed landscape plan must be submitted, at the same scale as the site plan, showing the location of all required buffer yards and landscaping areas, and existing and proposed landscape point fencing and berm options for complying with said requirements. The landscaping plan shall include, but not be limited to, the following:
- (1) The individual plant locations, species, and size shall be shown.
 - (2) Screening, such as fencing types and earth berms, shall be shown by size and height.
 - (3) A narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding. Such narrative shall define ownership, establish necessary regular and periodic operation and maintenance responsibilities, estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.
- B. Grading plan. A detailed grading plan must be submitted, at the same scale as the site plan, showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. The grading plan shall include, but not be limited to, the following:
- (1) Existing and proposed contours at two-foot contours.
 - (2) Existing and proposed spot elevations at corners of structures and significant changes in grade.
 - (3) Flow lines of all drainageways.
- C. Elevation drawings. Two-dimensional elevation views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings or structures.
- D. Storm/surface water and erosion control plans.
- (1) Vicinity map showing watershed boundary and physical features.
 - (2) Soils information.
 - (a) A soil map of the area from the soil survey of Sheboygan County.
 - (b) Location of soils with moderate to very severe limitations for residential uses as indicated in the soil survey (i.e., subject to occasional flooding, temporary high-water table, etc.).
 - (c) Design alternatives to overcome the soil limitations.
 - (3) Hydrologic information.
 - (a) Calculate total area of watershed and subwatershed in acres (including off-site areas).
 - (b) Soil types and hydrologic soil groups.
 - (c) Average slope of the land within the watershed.
 - (d) Runoff flow rate.
 - (e) All calculations required by the Sheboygan County Storm Water Ordinance.
 - (4) Proposed waterways, drainage easements, and road ditches.
 - (a) Design discharge in cubic feet per second (cfs).
 - (b) Profiles and typical cross sections for all easements, waterways, and road ditches.

- (c) Size, location, and capacity of culverts.
- (d) Design velocity in cubic feet per second (cfs).

Article VI. Conditional Uses

§ 330-47. Purpose; action by Town Plan Commission.

- A. The Town Plan Commission may issue a conditional use permit for conditional uses, provided that such conditional uses and structures are in accordance with the regulations of the applicable zoning district and the Town of Holland Comprehensive Plan, and promote compatible development and stability of property values, prevent impairment or depreciation of property values, and foster the attractiveness and functional utility of the community as a place to live and work.
[Amended 4-12-2021 by Ord. No. 3-2021]
- B. After receipt of an application, which includes plans, documents, and written submittals required for the review of the application, and the required data and fees, the Plan Commission shall schedule a public hearing and publish a Class 2 notice thereof under Ch. 985, Wis. Stats.
[Amended 6-15-2020 by Ord. No. 8-2020]
- C. The Town Plan Commission reserves the right to waive or modify any of the provisions required under §§ **330-48** through **330-49** of this chapter based on individual circumstances. The Town Plan Commission shall provide such guidance to the Clerk of the Plan Commission.

§ 330-48. Review required.

[Amended 5-19-2020 by Ord. No. 3-2020]

- A. The Plan Commission may approve said conditional use only after determining that:
 - (1) The proposed use(s) conform(s) to the uses allowed in the applicable zoning district.
[Amended 4-12-2021 by Ord. No. 3-2021]
 - (2) The dimensional arrangement of buildings and structures conform to the required density, area, height and yard requirements of the applicable zoning district.
 - (3) The proposed use(s) conform(s) to all use and design provisions and requirements (if any) as found in the applicable zoning district and this chapter for the specified use(s).
 - (4) The relationship between the existing and proposed streets within the vicinity of the project is compatible in order to assure the safety and convenience of pedestrian and vehicular traffic.
 - (5) The proposed buildings, structures, and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties. This is done by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this chapter or any other codes or laws.
 - (6) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
 - (7) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, or landscaping, as provided or required in this chapter.

- (8) Lands, buildings, and structures are readily accessible to emergency vehicles and the handicapped (when applicable).
 - (9) The conditional use is consistent with the intent and purpose of the applicable zoning district and this chapter.
 - (10) The conditional use is consistent with the public goals, objectives, and principles as set forth in the Town of Holland Comprehensive Plan and its components thereof.
[Amended 4-12-2021 by Ord. No. 3-2021]
- B. The Plan Commission's decision shall be based on substantial evidence. In this article substantial evidence means facts and information, other than merely personal preferences or speculation, directly related to the requirements and conditions the applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.
- C. If the applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the Plan Commission, the Plan Commission shall grant the conditional use permit.
- D. The following standard conditions shall apply to every conditional use permit:
- (1) The permit shall be subject to amendment and termination in accordance with this chapter, and the permittee shall notify the Plan Commission in writing prior to sale or expansion of any permitted business or sale of the premises so that the Plan Commission may determine whether a permit amendment is required;
 - (2) Operation of the use permitted shall be in strict conformity to the application and any and all plans and supporting documents submitted therewith and the terms of the permit, and the permittee shall notify the Plan Commission in writing prior to any deviation from submitted plans so that the Plan Commission may determine whether a permit and/or plan amendment is required;
 - (3) The permittee and its agents and assigns shall comply with the requirements and provisions of all Town ordinances, state statutes and all other applicable regulations of any kind;
 - (4) The permittee shall not allow the operation of the conditional use to adversely affect the surrounding properties and shall not conduct or allow any activity on the premises that creates problems related to lighting and glare visible beyond the property lines, excessive noise, dust, odor, traffic, stormwater, or physical appearance;
 - (5) The permittee and any other property owners shall file a signed and notarized land covenant, as required by § **330-54** of the Town Code, with the Clerk of the Plan Commission within three months of the date of issuance of the conditional use permit;
 - (6) The permittee shall allow Town representatives to enter upon and inspect the premises at any reasonable time to verify compliance with the terms of the conditional use permit and all other Town ordinances, state statutes and applicable regulations;
 - (7) The permittee shall timely pay all taxes (including real estate and personal property taxes), permit fees, professional fees and any other amounts owed to the Town, and if the permittee fails to pay any of such taxes, fees or amounts the permit shall be subject to review and termination.
- E. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission.
- F. Any condition imposed must be related to the purpose of this chapter, must be based on substantial evidence, must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer and renewal. The applicant must demonstrate that

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

- G. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of the order of denial, except on grounds of new evidence or proof of change of factors found valid by the Plan Commission.
- H. Once issued, the conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed and regardless of ownership of the subject property, unless the Plan Commission includes a condition pertaining to the permit's duration, transfer or renewal.

§ 330-49. Application submittal requirements.

[Amended 6-15-2020 by Ord. No. 8-2020]

The following is a description of the plans, documents, and written submittals required for review of all applications for conditional use permits by the Town Plan Commission. An application shall not be considered complete until one full-size hard copy and one electronic copy, in PDF format, of all such plans, documents, and written submittals required for the review of the application are included accompanied by the application fee, as identified in the Town of Holland Fee Schedule, established by the Town Board. During the Plan Commission review of the documents submitted, the Plan Commission shall determine if the application is complete.

- A. All applicable requirements of the Sheboygan County Code of Ordinances shall be met.
- B. Location map and property owner names and addresses. A map of the subject property showing all lands for which the use is proposed and all other lands within 300 feet of the boundaries of the subject property. The location map shall clearly indicate the current zoning of the subject property and adjacent properties and show any other jurisdiction(s) that maintain(s) control over the property. The location map shall be at a scale that is appropriate to the request. A map showing the subject property and illustrating its relationship to the nearest street intersection is required at a size that is appropriate for the size and nature of the request. The applicant shall provide the names and addresses of the owners the size and nature of the request. The applicant shall provide the names and addresses of the owners of all properties within 300 feet of the boundaries of the subject property.
- C. Plan of operation. Description of the intended use shall include, but not be limited to, the following:
 - (1) Zoning: existing zoning district(s) and proposed zoning district(s) if different.
 - (2) The future land use designation for the subject property as depicted by the land use map in the Town of Holland Comprehensive Plan.
[Amended 4-12-2021 by Ord. No. 3-2021]
 - (3) Current uses present on the subject property.
 - (4) Proposed uses for the subject property.
 - (5) Proposed development: the amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density floor area ratio, impervious surface area ratio, and landscape surface area ratio.
 - (6) Operations: the operational considerations relating to number of employees, hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
 - (7) Operational considerations: relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in this chapter, including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor,

electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

- (8) Building material: the exterior building and fencing materials.
- (9) Expansion: any possible future expansion and related implications.
- (10) Other information: any other information pertinent to adequate understanding by the Town Plan Commission of the intended use and its relation to nearby properties.

D. Site plan.

- (1) A title block that indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, and planner) for the project.
- (2) The date of the original plan and the latest date of revision to the plan.
- (3) A North arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet.
- (4) A legal description of the subject property.
- (5) Acreage of individual lots or parcels.
- (6) Property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
- (7) Existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
- (8) Required building setback lines.
- (9) Existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
- (10) The location and dimension of all access points onto public streets.
- (11) The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus the number required by this chapter.
- (12) The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
- (13) The location of all outdoor storage areas and screening devices.
- (14) The location, type, height, size and lighting of all signage on the subject property and conforming to other sections of this chapter.
- (15) The location, height, design/type, illumination power and orientation of exterior lighting on the subject property.
- (16) The location and type of any permanently protected green space areas.
- (17) The location of existing and proposed drainage facilities.
- (18) In the legend, data for the subject property:
 - (a) Lot area.
 - (b) Floor area.
 - (c) Floor area ratio.
 - (d) Impervious surface area.

- (e) Impervious surface ratio to site.
 - (f) Building height.
- E. Detailed landscape plan: A detailed landscape plan must be submitted, at the same scale as the site plan, showing the location of all required buffer yards and landscaping areas, and existing and proposed landscape point fencing and berm options for complying with said requirements. The landscaping plan shall include, but not be limited to, the following:
- (1) The individual plant locations, species, and size shall be shown.
 - (2) Screening, such as fencing types and earth berms, shall be shown by size and height.
 - (3) A narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding. Such narrative shall define ownership, establish necessary regular and periodic operation and maintenance responsibilities, estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis.
- F. Grading plan. A detailed grading plan must be submitted, at the same scale as the site plan, showing existing and proposed grades, including retaining walls and related devices, and erosion control measures. The grading plan shall include, but not be limited to, the following:
- (1) Existing and proposed contours at two-foot contours.
 - (2) Existing and proposed spot elevations at corners of structures and significant changes in grade.
 - (3) Flow lines of all drainageways.
- G. Elevation drawings. Two-dimensional elevation views of proposed buildings, structures, or proposed remodeling of existing buildings showing finished exterior treatment shall be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photo of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings or structures.
- H. Storm/surface water and erosion control plans.
- (1) Vicinity map showing watershed boundary and physical features.
 - (2) Soils information.
 - (a) A soil map of the area from the soil survey of Sheboygan County.
 - (b) Location of soils with moderate to very severe limitations for residential uses as indicated in the soil survey (i.e., subject to occasional flooding, temporary high-water table, etc.).
 - (c) Design alternatives to overcome the soil limitations.
 - (3) Hydrologic information.
 - (a) Calculate total area of watershed and subwatershed in acres (including off-site areas).
 - (b) Soil types and hydrologic soil groups.
 - (c) Average slope of the land within the watershed.
 - (d) Runoff flow rate.
 - (e) All calculations required by the Sheboygan County Storm Water Ordinance.
 - (4) Proposed waterways, drainage easements, and road ditches.

- (a) Design discharge in cubic feet per second (cfs).
- (b) Profiles and typical cross sections for all easements, waterways, and road ditches.
- (c) Size, location, and capacity of culverts.
- (d) Design velocity in cubic feet per second (cfs).

§ 330-50. Inspection of subject premises or use.

Upon reasonable notice and at any reasonable time, all conditional use permits are subject to review by the Town officials and staff to determine whether the subject property or use is in accord with the terms of the conditional use permit.

§ 330-51. Amendment of permit.

If any holder of a conditional use permit wishes to change, modify, alter, and/or amend any aspect of the terms of said permit, the holder shall apply for such change, modification, alteration, and/or amendment through the procedure of application for conditional use permits detailed herein.

§ 330-52. Termination of permit.

- A. A conditional use permit will terminate when, after notice and public hearing, the Town determines any of the following:
 - (1) The conditional use has not continued in conformity with the conditions of the permit.
 - (2) A change in character of the single lot or parcel of record governed by the conditional use itself has caused such use to be no longer compatible with surrounding uses.
 - (3) The conditional use has been abandoned in any manner or discontinued in use for 12 months or longer.
- B. Upon such determination, the owner of the premises shall be required to bring all lands and buildings into conformity with the regulations of the district within 90 days from the determination by the Town Plan Commission.
- C. The process for terminating a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in this chapter.
- D. A conditional use permit will terminate when the permit holder requests in writing or consents in writing that the permit be terminated, the permit holder waives in writing the requirement of a public hearing, and the Town Plan Commission agrees to terminate the conditional use permit.
[Added 2-8-2021 by Ord. No. 1-2021]

§ 330-53. Professional fees and charges.

Costs incurred by the Town in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of conditional use applications and the preparation of conditions to be imposed on such uses shall be charged to and paid by the applicant.

§ 330-54. Recording.

A conditional use permit approved by the Town shall not be considered to be in effect until the applicant has provided the Town with the appropriate documentation to enable a land covenant that incorporates said permit to be recorded with the Sheboygan County Register of Deeds.

Article VII. Home Occupations

§ 330-55. Standards.

No home occupation shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the district in which it is located and the following standards:

- A. No retail sales (except articles produced by those employed by the home occupation) shall be displayed or sold on the premises.
- B. No alteration of the principal building shall be made that changes the character thereof as a dwelling.
- C. There shall be no outdoor storage of equipment or materials used in the home occupation.
- D. The use does not impact or limit the current or future agricultural use of the farm or of other protected farmland.
- E. No signs shall be permitted other than those permitted by the applicable regulations in Article **XII** of this chapter.
- F. Unless a conditional use permit is obtained according to the provisions set forth in Article **VI**, home occupations shall:
 - (1) Be limited to the employment of no more than one full-time employee other than the resident occupants in the applicable zoning districts and no more than four full-time employees annually in the A-1, A-1-D, and A-1-S Zoning Districts.
 - (2) Generate no more than 10 automobile trips per day, including any nonresident employee, client, or customer. A "trip" includes those originating from or destined for the home occupation.
 - (3) Involve no more than 25% of the floor area of the principal building or utilize any accessory buildings or structures.
 - (4) Not involve the generation of excessive noise or odors.
 - (5) Include no more than one commercial vehicle parked or stored on the subject property if the subject property abuts a collector or arterial street and the commercial vehicle does adversely impact adjacent properties as determined by the Town Plan Commission.

Article VIII. Landscape and Supply Operations

§ 330-56. Standards.

No landscape and supply operation (including the principal building, accessory buildings, associated services, and outside storage and displays), with or without a conditional use permit at the time of adoption of this chapter, shall hereafter be established, altered, or enlarged unless it complies with all of the standards applicable to the zoning district in which it is located and the following standards:

- A. The minimum lot area shall include sufficient area for the landscape and supply operation, off-street parking and loading as required by Article **XI** of this chapter, all required yards, and all private or public utilities. The minimum lot area shall not be less than one acre. The Town Plan Commission is

granted the authority to require the applicant to increase the proposed minimum lot area based on the character of the landscape and supply operation, the subject lot, and the surrounding area.

- B. No such use shall be allowed on any parcel, except as may front directly upon and have access to a collector street that can accommodate the heavy equipment.
- C. A planting screen typically 10 feet high in initial height shall be provided between any abutting property line and the proposed use. This requirement shall replace the required off-street parking area screening as required in Article **XI** of this chapter. The Town Plan Commission may increase or decrease the planting screen requirements as may be deemed appropriate.
- D. In determining whether or not the proposed use should be approved, the Town Plan Commission shall make a determination that the proposed use is compatible with adjacent land uses. If it is determined that the proposed use would in any way be incompatible, adversely affect, or constitute a nuisance to adjacent land uses, the proposed use shall not be approved.

Article VIIIA. Special Uses

[Added 4-12-2021 by Ord. No. 4-2021]

§ 330-56.11. Solar energy systems.

No solar energy system (SES) with a generation capability greater than 30 kW (kilowatts) and less than 100 MW (megawatts), which converts solar energy into electrical energy, shall hereafter be established, altered, or enlarged without a conditional use permit issued in accordance with the procedures and standards established in Article **VI** of this chapter.

- A. In addition to the standard conditional use permit conditions set forth in § **330-48D**, the following standard conditions shall apply to an SES conditional use permit unless less restrictive requirements are specifically granted by the Plan Commission in the conditional use permit:
 - (1) Setbacks. Any portion of the SES shall not encroach within 20 feet of any property line, nonnavigable waterway ordinary high-water mark, or road right-of-way. The project design shall be such that aboveground project components (excluding fences and access roads) shall not be closer than 200 feet to any nonparticipating landowner residential structure.
 - (2) Height restrictions. Ground-mounted components of the SES shall not exceed 15 feet in height as measured at the apex when any tracker is at its maximum tilt in early morning or late evening.
 - (3) Glare. The SES shall be positioned so that glare does not create unsafe conditions or nuisances for neighboring property owners.
 - (4) Sound. The SES project's inverters, substations, motors and other noise-emitting equipment collectively shall not exceed the Public Service Commission-mandated maximum nighttime sound level that is applicable to a 100 MW system or larger at the walls of the noise-sensitive receptor, which shall include as a minimum the residence on any nonparticipating property. To ensure noise level estimates associated with facility design are conservative, a 5 dBA tonal penalty shall be included in the preconstruction or any post-construction sound analysis.
 - (5) Construction hours. Hours of construction will be between 7:00 a.m. and 7:00 p.m., Monday through Saturday, and between 10:00 a.m. and 7 p.m. on Sunday.
 - (6) Installer. All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person or entity qualified to perform such work.
 - (7) Foundation. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

- (8) Screening. An SES shall be appropriately buffered and screened from public view.
 - (9) Town roads. The construction, operation, and decommissioning of an SES shall not adversely impact Town roads.
 - (10) Code compliance. An SES shall comply with all applicable local, state and federal regulatory codes, including the State of Wisconsin electrical codes and the National Electrical Code.
 - (11) Power and communication lines. Power and communication lines running between banks of ground-mounted solar panels, to nearby electrical substations, or interconnections with or between structures, shall be buried underground.
 - (12) Orderly development. Upon issuance of a conditional use permit, the permit holder shall notify the Wisconsin Public Service Commission.
 - (13) Decommissioning. When decommissioning of an SES is required, all equipment shall be totally removed and properly recycled or disposed for all components that are above ground and below the ground surface. A bond, letter of credit, or an escrow account is required for all SES with a name plate rating of 1 MW or greater to ensure proper decommissioning.
- B. In addition to the application submittal requirements of § **330-49**, the application for an SES conditional use permit shall include the following:
- (1) Solar system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities with regard to connecting to their systems.
 - (2) Site layout, including the location of property lines, structures, SES and the total extent of system movements, and interconnection points with the electrical grid.
 - (3) Installers' qualifications and signatures certifying that the SES will be installed in compliance with all Town ordinances and all other applicable codes.
 - (4) Surrounding property uses.
 - (5) Percentage of land coverage by the SES when panels are in the position that has the greatest horizontal area.
 - (6) A decommissioning plan, which shall outline the anticipated means and cost of removing the SES at the end of its useful life. Decommissioning of an SES must occur in the event the SES is not in use for 12 consecutive months. Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to minimize erosion. The decommissioning methods shall be established and costs estimates shall be made by a competent party, such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party found by the Town of Holland to have suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the SES. The Town Plan Commission shall review the decommissioning plan and request changes that may be needed to comply with the conditional use permit or to protect the safety and welfare of the community and Town properties. The plan shall provide that decommissioning will begin within 180 days from the end of the SES useful life or in the event the SES is not in use for 12 consecutive months. Decommissioning shall be completed within nine months from the start of decommissioning actions.

Article IX. Modifications and Special Exceptions

[1] *Editor's Note: The title of Article IX was amended 12-12-2016 by Ord. No. 6-2016.*

§ 330-57. Yards.

The Town Building Inspector, in reviewing building permits, may grant modifications to the yard requirements stipulated elsewhere in this chapter as follows:

- A. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed six feet and not closer than 10 feet to any lot line.
- B. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projections shall not exceed three feet.
- C. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six feet, shall not exceed a height of four feet in the street yard, and shall not be closer than one foot to any existing public right-of-way.
- D. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- E. Essential services, utilities, electric power, and communications transmission lines are exempt from the height, yard, and distance requirements of this chapter.
- F. This section does not apply to antennas and communications towers.

§ 330-57.1. Special exceptions.

[Added 12-12-2016 by Ord. No. 6-2016]

- A. Purpose. The Plan Commission may hear an application for a special exception from those requirements of this chapter described in Subsection **E**, below, and may grant a special exception permit if the Plan Commission finds that such special exception is in harmony with the general purpose and intent of this chapter, is in accordance with the specific requirements of this section, and meets all of the criteria set forth in Subsection **D**, below.
- B. Application. An applicant shall provide the Plan Commission Clerk with a complete application containing all of the following:
 - (1) A map of the subject property showing all lands for which the special exception is proposed and all other lands within 200 feet of the boundaries of the subject property. The map shall contain all lot dimensions of the subject property, a graphic scale, and a North arrow.
 - (2) A written description of the proposed special exception describing the specific requirements of the special exception proposed for the subject property.
 - (3) A site plan of the subject property as proposed for development.
 - (4) Written justification for the requested special exception consisting of the reasons why the applicant believes the proposed special exception is appropriate.
- C. Notice, public hearing and decision. The Plan Commission shall, after publishing a Class 2 notice under Ch. 985, Wis. Stats., hold a public hearing upon each application for special exception, listing the time, place and special exception proposed. Following the hearing the Plan Commission shall vote on the proposed special exception and state in writing the grounds for granting or refusing the special exception permit.
- D. Criteria. Pursuant to Subsection **A**, a special exception may be granted only upon a finding, by not fewer than four members of the Plan Commission, that:
 - (1) Compliance with the requirement will:

- (a) Be unreasonably burdensome to the applicant; or
 - (b) Unreasonably and negatively impact upon the applicant's proposed use of the property.
- (2) The special exception, including any conditions imposed under Subsection **F**, will:
- (a) Be consistent with the existing character of the neighborhood;
 - (b) Not negatively undermine the ability to apply or enforce the requirement with respect to other property; and
 - (c) Be in harmony with the general purpose and intent of the section prescribing the requirement.
- E. Permitted special exceptions. Special exceptions may be granted only with respect to the following requirements of this chapter:
- (1) The yard requirements in § **330-27C**. In no event, however, shall a setback or yard requirement be reduced to less than the following:
- (a) Side yard, dwelling: 10 feet.
 - (b) Side yard, accessory building: five feet.
 - (c) Rear yard, dwelling: 15 feet.
 - (d) Rear yard, accessory building: five feet.
- F. Conditions. The Plan Commission, in considering and granting an application for a special exception permit, may condition the granting of a special exception on the compliance by the applicant with other conditions, including, but not limited to, landscaping, site plan changes, deed restrictions, and any other requirements necessary to fulfill the purpose and intent of this chapter. The applicant shall also comply with all applicable state statutes and rules.
- G. Factors. In making its determination under Subsection **A**, the Plan Commission may consider factors such as characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks; existing and future use of property; useful life of improvements at issue; disability of an occupant; aesthetics; degree of noncompliance with the requirement from which a special exception is sought; proximity to and character of surrounding properties; zoning of the area in which property is located and neighboring areas; and the purpose and intent of the Zoning Code subsection imposing the requirement.
- H. Revocation. Where the conditions of a special exception permit are violated or the related use is discontinued for 12 months or longer, the special exception permit shall be subject to review and possible revocation by the Plan Commission.
- I. Recording. A special exception approved by the Town shall not be considered to be in effect until the applicant has provided the Town with the appropriate documentation to enable a land covenant that incorporates said permit to be recorded with the Sheboygan County Register of Deeds.
[Added 11-8-2021 by Ord. No. 10-2021]

Article X. Nonconforming Uses, Structures and Lots

§ 330-58. Existing nonconforming uses.

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however:

- A. Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this chapter.
- B. Total lifetime structural repairs or alterations shall not exceed 50% of the Town's equalized value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- D. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.
- E. When a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

§ 330-59. Existing nonconforming structures.

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however:

- A. Additions and enlargements to, or the moving of, existing nonconforming structures are permitted and shall conform to all established building setback lines and the yard, height, parking, loading, and access provisions of this chapter. Existing nonconforming structures and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment. The provisions of this subsection with respect to additions or enlargements are applicable only if the lot or parcel conforms to the requirements of the County Sanitary Ordinance or is serviced by a public sanitary sewer.
- B. Existing nonconforming structures that are damaged or destroyed by fire, explosion, flood, or other calamity may be reconstructed within their original footprint and insofar as is practical shall conform to all established building setback lines and the yard, height, parking, loading, and access provisions of this chapter. The provisions of this subsection with respect to reconstruction are applicable only if the lot or parcel conforms to the requirements of the County Sanitary Ordinance or is serviced by public sanitary sewer. A nonconforming structure or any structure with a nonconforming use which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.
- C. The repair, maintenance, renovation, rebuilding or remodeling of a nonconforming structure or any part thereof within its existing footprint is permitted in accordance with the provisions of § 60.61 (5e) (b), Wis. Stats.

[Added 8-13-2018 by Ord. No. 5-2018]

§ 330-60. Changes and substitutions.

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

§ 330-61. Existing vacant nonconforming lots.

In any residential or agricultural district not certified under Chapter 91 of Wisconsin Statutes, a one-family detached dwelling and its accessory structures may be created on any vacant legal lot or parcel of record in the County Register of Deeds office before November 8, 1982 (the date of the Town of Holland's original Zoning Ordinance). Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. If the substandard lot is in separate ownership, all district requirements shall be complied with insofar as practical.

§ 330-61.1. Lots impacted by public right-of-way purchases.

[Added 4-9-2018 by Ord. No. 2-2018]

Any lot that would become nonconforming due to lacking sufficient acreage to meet the minimum lot size requirement for its particular zoning district shall remain a conforming lot in that district if the cause of said lack is due to a public right-of-way purchase by the State of Wisconsin, Sheboygan County, or the Town of Holland.

Article XI. Off-Street Parking and Loading

§ 330-62. Parking requirements.

- A. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking spaces based upon anticipated parking demand as follows, or as may hereafter be designated for specific uses or situations:

[Amended 5-19-2020 by Ord. No. 4-2020]

Use	Number of Spaces
Single-family dwellings	2.0 per dwelling unit
Two-family dwellings	2.0 per dwelling unit
Multiple-family dwellings	1.5 per dwelling unit
Elementary and middle schools	2.0 for each classroom or auditorium requirement, whichever is greater
Junior and senior high schools	1.0 for each 3 students or auditorium requirement, whichever is greater
Colleges, universities and vocational schools	1.0 for each 3 students or other adults at maximum capacity
Agritourism	See § 330-26.4, A-T Agricultural Tourism District
Automobile service stations	4.0 plus 1.0 for each employee actively at work
Bowling alleys	5.0 for each alley
Churches, auditoriums, theaters, community centers and other places of public assembly	1.0 for each 5 seats
Commercial indoor recreation (other than theaters)	1.0 for each 50 square feet of primary floor area
Commercial lodging (hotels, motels, tourist homes, etc.)	1.0 for each guest room plus 1.0 for each 3 employees
Commercial office buildings and business, governmental and professional offices	1.0 for each 300 square feet of primary floor area

Use	Number of Spaces
Funeral homes	1.0 for each 4 seats plus 1.0 for each funeral vehicle maintained on the premises
Hospitals	1.0 for each 2 beds plus 1.0 for each 3 employees
Industrial uses (including laboratories and warehouses)	1.0 for each 2 employees
Landscape and supply operations	1.0 for each 150 square feet of primary floor area plus 1.0 for each 2 employees plus 1.0 for each vehicle, tractor and trailer stored on the premises
Medical and dental clinics	4.0 for each practitioner on the staff
Nursing homes and elder care facilities	1.0 for each 6 beds plus 1.0 for each 3 employees
Planned shopping centers	1.0 for each 50 square feet of primary floor area
Restaurants, taverns, clubs, lodges, etc.	1.0 for each 50 square feet of primary floor area
Retail stores	1.0 for each 150 square feet of primary floor area

B. In addition to those specific uses listed above, the following shall apply:

- (1) Uses not listed. For uses not listed, the provision for a use that is similar shall apply.
- (2) Combinations of uses. Combinations of any of the above uses shall provide the total of the number of spaces required for each individual use.
- (3) Lighting. Lighting provided in any parking area shall be hooded or beamed so as not to create undesirable glare or interference on any adjacent residential property or public roadways.
- (4) Screening. Any off-street parking area, other than that provided for a dwelling, which abuts or faces a residential district shall provide a planting screen, landscaped fence, or landscaped berm at least four feet high along the side abutting or fronting on a residential district.
- (5) Offset. In any off-street parking area, other than that provided for a dwelling, which abuts a residential district, no vehicle shall be allowed to park closer than 10 feet to the abutting residential lot line.
- (6) Setback. In any off-street parking area, no vehicle shall be allowed to park closer than five feet to the street line.
- (7) Application to existing uses. The off-street parking provisions shall not be required for legally existing uses as of the date of this chapter but shall be required for any expansion of such use by the addition of new primary floor area or other expansion of the building or use generating new parking demand.
- (8) Employee parking. Parking spaces required for employees shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

§ 330-63. Loading requirements.

- A. In any agricultural, commercial, or industrial district, adequate off-street loading and unloading areas shall be provided (in addition to required off-street parking) and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.
- B. The size or number of such loading spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Town Plan Commission upon submittal of a site plan and plan of operation application.

Article XII. Signs

§ 330-64. Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit except those signs excepted in § 330-65 of this chapter below and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of any building codes.

§ 330-65. Signs permitted in all districts without permit.

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

- A. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
- B. Agricultural signs pertaining to the production or sale of agricultural products on a farm which shall not exceed 30 square feet in area for any one farm.
- C. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. Name, home occupation, and warning signs not to exceed eight square feet located on the premises and not closer than 50 feet between signs.
- E. Bulletin boards of public, charitable, or religious institutions located on the premises.
- F. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- G. Official signs, such as traffic control, parking restrictions, information, and notices.
- H. Temporary signs or banners, such as at construction sites or special sales, when authorized by the Building Inspector.
- I. Directory signs indicating the direction and distance to a specific cottage, dwelling, or recreation facility not to exceed five square feet in display area.

§ 330-66. Signs permitted in nonagricultural and nonresidential districts.

The following signs are permitted in the business and industrial districts and are subject to the following regulations:

- A. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height.
- B. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises, shall not extend more than six feet in any required yard, shall not be less than 10 feet from all lot lines, shall not exceed a height of 20 feet, and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or an alley.

- C. Ground signs limited to one sign for each individual business premises which advertise the business name, services offered, or products sold on the premises shall not exceed 20 feet in height, shall meet all yard requirements for the district in which it is located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. In addition to the above regulations, ground signs which advertise a business name, services offered, or products sold at a location other than the premises on which the sign is located shall conform to the setback requirements of Article **XV** of this chapter.
- D. A roof sign shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
- E. Window signs shall be placed only on the inside of commercial buildings.
- F. Combinations of any of the above signs shall meet all the requirements for the individual sign.

§ 330-67. Location limited.

No sign except those permitted in § **330-65** of this chapter above shall be allowed to face a residential, conservation, or park district within 500 feet of such district boundary.

§ 330-68. Prohibitions.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be placed or be lighted in such a way as to cause glare or impair driver visibility upon public ways.

§ 330-69. Existing signs.

A sign lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of Article **X** of this chapter shall apply.

§ 330-70. General restrictions.

- A. Illumination. Where reflecting, radiating, or other illumination of signs is permitted:
 - (1) Light shall not be projected toward or onto property located in residential districts or onto public streets.
 - (2) Such illumination shall be indirect and the source of light shall not be exposed when located in a residential district.
- B. Conditions. Landscaping, architectural design, type of construction, sureties, continued maintenance, lighting, fencing, planting screens, operational control, hours of operation, traffic safety restrictions, increased yards, and other factors may be reviewed and required by the Town Plan Commission and Building Inspector before issuance of the building permit upon finding that they are necessary to fulfill the purpose and intent of this chapter.

Article XIII. Communications Towers and Antennas

§ 330-71. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

ALTERNATIVE MOBILE SERVICE SUPPORT STRUCTURE

Man-made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including, by way of illustration, but not limited to, elevated tanks, electric transmission poles or towers, nonresidential buildings, clock towers, bell steeples, and silos.

ANTENNA

Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

APPLICATION

An application for a permit under this article to engage in an activity specified in § **330-79A(1)** or **B(2)** or a Class 2 co-location.

BUILDING PERMIT

A permit issued by the Town that authorizes an applicant to conduct construction activity that is consistent with the Town's Building Code.

CLASS 1 CO-LOCATION

The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

CLASS 2 CO-LOCATION

The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

CO-LOCATION

Class 1 or Class 2 co-location, or both.

DISTRIBUTED ANTENNA SYSTEM

A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

EQUIPMENT COMPOUND

An area surrounding or adjacent to the base of an existing support structure within which are located mobile service facilities.

EXISTING STRUCTURE

A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Town.

FALL ZONE

The area over which a mobile support structure is designed to collapse.

MOBILE SERVICE

Has the meaning given in 47 U.S.C. § 153(33).

MOBILE SERVICE FACILITY

The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

MOBILE SERVICE PROVIDER

A person who provides mobile service.

MOBILE SERVICE SUPPORT STRUCTURE

A freestanding structure, such as a tower, that is designed to support a mobile service facility.

PERMIT

A permit, other than a building permit, or approval issued by the Town which authorizes any of the following activities by an applicant:

- A. A Class 1 co-location.
- B. A Class 2 co-location.
- C. The construction of a mobile service support structure.

PUBLIC UTILITY

Has the meaning given in § 196.01(5), Wis. Stats.

SEARCH RING

A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.

SUBSTANTIAL MODIFICATION

The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

- A. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- B. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- C. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
- D. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

SUPPORT STRUCTURE

An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

UTILITY POLE

A structure owned or operated by an alternative telecommunications utility, as defined in § 196.01(1d), Wis. Stats.; public utility, as defined in § 196.01(5), Wis. Stats.; telecommunications utility, as defined in § 196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Ch. 185, Wis. Stats., and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in § 182.017(1g)(cq), Wis. Stats.; for video service, as defined in § 66.0420(2)(y), Wis. Stats.; for electricity; or to provide light.

§ 330-72. Applicability.

This article applies to all mobile service facilities and support structures as defined in § 330-71 of this chapter, except for:

- A. Any device that does not exceed 35 feet in height or such other height limitation that may apply to the zoning classification in which the device will be located.
- B. Any device not exceeding 70 feet in height for reception of telecommunications signals or owned and operated pursuant to a license granted by the FCC.
- C. Any device attached to a farm or business structure for its own internal radio communications that does not exceed 10 feet above the height limitation for that structure.
- D. Preexisting towers and antennas.

§ 330-73. Purpose.

The purpose of this article is to accommodate the needs of businesses and residents while protecting the public health, safety, and general welfare of the community and to:

- A. Protect safety by such methods as providing setback restrictions;
- B. Promote aesthetics by minimizing the number of mobile service support structures in the Town, encouraging such structures to be located and configured in ways that minimize their adverse visual impact, and encouraging the utilization of alternative service support structures rather than freestanding mobile service support structures whenever feasible; and
- C. Encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

§ 330-74. Principal or accessory use.

Except for those specified in § 330-72 of this chapter, all mobile service facilities and support structures require a permit issued in accordance with this article. A different existing use or an existing structure on the same lot shall not preclude the installation of a mobile service facility or support structure on such lot. For purposes of determining whether the installation of a mobile service facility or support structure complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the mobile service facilities or support structures may be located on leased parcels within such lots. Mobile service support structures that are constructed and mobile service facilities that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

§ 330-75. Aesthetics and lighting.

- A. If a mobile service support structure is not subject to FAA regulations, the Town prefers such structures to either have a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
- B. At a mobile service support structure site, the Town encourages the design and construction of the buildings and related structures to use materials, colors, textures, screening, and landscaping that will blend the mobile service facilities to the natural setting and preexisting improvements.
- C. If a mobile service facility is installed on an alternative service support structure, the Town prefers the mobile service facility and supporting electrical and mechanical equipment to be of natural colors that are identical to, or closely compatible with, the colors of the alternative service support structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- D. Mobile service support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting

and alternatives and shall approve the design that would cause the least disturbance to surrounding areas.

- E. Mobile service facilities and support structures shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the structure or facility, it shall be posted no more than six feet above the ground on a placard no larger than 1 1/2 square feet or as required by the FCC.

§ 330-76. Federal and state requirements.

All mobile service facilities and support structures must meet or exceed standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate such facilities and structures.

§ 330-77. Building codes and safety standards.

The owner of a mobile service support structure shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes and the applicable standards for mobile service support structures that are published by the administrative agency of the State of Wisconsin with jurisdiction.

§ 330-78. Setbacks.

All alternative service support structures, and mobile service facilities and support structures, shall be set back from residential dwellings one foot for each foot of overall structure height, including antennas.

§ 330-79. Permit application procedure.

Applications for permits shall be made in accordance with the following:

- A. New construction or substantial modification of facilities and support structures.
- (1) Subject to the provisions and limitations of this section, the Town shall regulate the following activities:
 - (a) The siting and construction of a new mobile service support structure and facilities.
 - (b) With regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities.
 - (2) The application for an activity described under Subsection **A(1)** shall be in writing and shall contain all of the following information:
 - (a) The name and business address of, and the contact individual for, the applicant.
 - (b) The location of the proposed or affected support structure.
 - (c) The location of the proposed mobile service facility.
 - (d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

- (e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) If an applicant submits an application for a permit to engage in an activity described under Subsection **A(1)** which contains all of the information required under Subsection **A(2)**, the Town shall consider the application complete. If the Town does not believe the application is complete, the Town shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (4) Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the ninety-day period:
 - (a) Review the application to determine whether it complies with all applicable aspects of the Town's Building Code and, subject to the limitations in this article, the Town's Zoning Ordinance.
 - (b) Make a final decision whether to approve or disapprove the application.
 - (c) Notify the applicant, in writing, of its final decision.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (5) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection **A(2)(f)**.
 - (6) A party who is aggrieved by the final decision of the Town under Subsection **A(4)(b)** may bring an action in Sheboygan County Circuit Court.
 - (7) If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in § **330-78** of this chapter, § **330-78** does not apply in such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
 - (8) The Town may regulate the activities described under Subsection **A(1)** only as provided in this section.
- B. Co-location on existing support structures.
- (1) Class 2 co-location.
 - (a) A Class 2 co-location is a permitted use under §§ 59.69, 60.61, and 62.23, Wis. Stats.
 - (b) The Town may regulate a Class 2 co-location only as provided in this section.

- (c) A Class 2 co-location is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (2) If an applicant submits to the Town an application for a permit to engage in a Class 2 co-location, the application shall contain all of the information required under Subsection **A(2)(a)** to **(c)**, in which case the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant, in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (3) Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the forty-five-day period:
 - (a) Make a final decision whether to approve or disapprove the application.
 - (b) Notify the applicant, in writing, of its final decision.
 - (c) If the application is approved, issue the applicant the relevant permit.
 - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (4) A party who is aggrieved by the final decision of the Town under Subsection **B(3)(a)** may bring an action in Sheboygan County Circuit Court.

§ 330-80. Removal of facilities no longer in operation or abandoned; site restoration.

- A. The recipient of a permit for a mobile service facility or support structure under this article shall notify the Town Clerk within 90 days of the permanent cessation of operations of the facility or structure. The owner of a mobile service support structure shall be responsible for its removal and the restoration of the site to a condition acceptable to the Town Board within nine months following the date the Town Clerk receives notice the structure is no longer in operation. The owner of a mobile service facility shall be responsible for its removal within three months following the date the Town Clerk receives notice the facility is no longer in operation.
 - (1) Site restoration shall include removal of any subsurface structure or foundation, including concrete, used to support a mobile service support structure down to five feet below the ground surface. The owner of said structure shall provide a signed and notarized document in recordable form to the Town of Holland stating the existence, description, and precise location of any subsurface structure remaining.
- B. If no notice is received for a facility that has not been in operation for a continuous period of 12 months, the facility shall be considered abandoned.
 - (1) A surety bond or letter of credit or other surety, as determined by the Town Board, shall be provided by the applicant prior to the issuance of a building permit to cover the costs of complete removal of an abandoned facility, along with landscape remediation, landscaping, and removal of any on-site hazardous materials, if necessary. The Town of Holland shall be named as obligee in the bond and must approve the bonding company. The Town may require an increase in the bond amount after five-year intervals to reflect increases in the consumer price index; however, at no time shall the bond amount exceed \$20,000. The applicant shall provide any increased bond within 60 days after the Town's request.

§ 330-81. Special charges and assessments.

Pursuant to the Town's police power and pursuant to authority granted by §§ 66.0627 and 66.0703, Wis. Stats., any costs incurred by the governing authority in ensuring compliance with the application and any permit or with any other requirement of this article shall be billed to the permit holder and to the current title holder of the land, if different from the permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special charge or special assessment for the parcel(s) upon which the mobile service facility and/or support structure is located.

Article XIV. Performance Standards

§ 330-82. Purpose; compliance required.

This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

§ 330-83. Air pollution.

No person or activity shall reduce air quality or emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to contribute to exceeding county, state, or federal air pollution standards.

§ 330-84. Water quality protection.

No person or activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials into any water, public sewer, public highway, or drainage ditch of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances, including but not limited to floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life, or overload the existing municipal utilities. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to contribute to exceeding county, state, or federal water pollution standards.

§ 330-85. Solid or liquid wastes.

No activity shall be permitted that violates county, state, or federal solid or liquid waste regulations.

§ 330-86. Fire and explosive hazard.

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall comply with existing county, state, and federal regulations.

§ 330-87. Glare and heat.

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located, except activities in an industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Article XV. Highway Setback Lines

§ 330-88. Purpose and applicability.

In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be established in the Town of Holland, outside the limits of incorporated cities and villages, along all public highways, at the intersections of highways with highways and highways with railways as hereafter provided. If a highway in the future is located on a Town boundary, this article is not intended to be effective on the side within the city or village, nor on the side within another county where the highway is located on a county boundary.

§ 330-89. Definitions.

As used in this article and for its purposes, the following words have the meanings indicated:

CENTER LINE

A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

JUNCTION

The point upon which two highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way, meet.

SETBACK LINES

Lines established along highways at specified distances from the center line, which buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback line" means between the setback line and the highway.

SURVEYS (also PLANS)

Surveys and plans as referred to hereinafter shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out with such plans.

TO PLACE

The locating of a building or structure in a particular situation, whether by original construction or erection or by moving a building or structure to the particular site.

TRAFFIC LANE

A strip of roadway intended to accommodate a single line of moving vehicles.

§ 330-90. Classes of highways; determination of center lines.

Highways are classified and the position of the center line shall be determined as follows:

- A. Class A highways: state and federal highways that have been improved according to the surveys and plans of the State Highway Commission or plans accepted by the County Board. The center line is the center of the pavement or surfacing or, if there is none, the center of the graded roadbed, or the center of the directional separator if the highway is to be paved as a double-divided road.
- B. Class B highways. For county highways that have not been improved according to engineering surveys or plans accepted by the County Board or its agent, the County Highway Committee, the center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof. For county highways that have been improved according to engineering surveys and plans accepted by the County Board or its agent, the County Highway Committee, the

center line is the center of the surfacing or pavement or, if there is none, the center of the graded roadbed.

- C. Class C highways. For Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board, the center line is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof. For Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board, the center line is at the center of the surfacing or pavement or, if there is none, the center of the graded roadbed. For roads and streets in platted subdivisions not otherwise classified, the center line is at the midpoint between the right-of-way lines as shown on the recorded plat.

§ 330-91. Structures permitted within setback lines.

- A. No new building, new sign, or other new structure or part thereof shall be placed between the setback lines established by this chapter and the highway except as provided by this chapter, and no building, sign, or structure or part thereof existing within such setback lines on the effective date of this chapter shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm, or other catastrophe to the extent of 50% or more of its last equalized value, except that an existing building, sign or structure which is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored in accordance with the provisions of § 62.23(7)(hc), Wis. Stats.
- B. The following kinds of structures may be placed between the setback line and the highway:
- (1) Temporary signs not over 20 square feet.
 - (2) Communications and power transmission poles and lines may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided that the owner shall file with the Town of Holland an agreement in writing to the effect that the owner shall remove all new construction, additions, and replacements erected after the adoption of this chapter at his expense when necessary for the improvement of the highway.
 - (3) Underground structures not capable of being used as foundations for future prohibited aboveground structures.
 - (4) Access or service highways constructed according to plans as approved by the County Highway Committee. In giving such approval, the County Highway Committee shall give due consideration to highway safety and maximum sight distances.
 - (5) New signs, other than in Subsection **B(1)** above, where authorized as a conditional use under the provisions of Article **VI** of this chapter.
 - (6) Solar energy panels located no nearer to the highway right-of-way than the maximum height of the structure, except those solar energy panels located at highway intersections where the setback is as established in § **330-92F**.
[Added 5-19-2020 by Ord. No. 5-2020]
- C. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the clear sight triangle, as provided by § **330-92** of this chapter below, shall be obstructed.

§ 330-92. Setback distances.

- A. Except as otherwise provided, the distance from the center line to the setback line applicable to the various classifications of highways as defined in this article is provided by the following subsections

of this section.

- B. Whenever a highway is improved to a classification requiring a greater setback distance than that required by this chapter prior to such improvement, the setback distance shall be that applicable to the later classification.
- C. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- D. Along highways generally, the setback distances from the center line, at any point, for the respective classes of highways shall be as follows:
 - (1) Class A highways, setback distance: 100 feet.
 - (2) Class B highways, setback distance: 75 feet.
 - (3) Class C highways, setback distance: 60 feet, except in platted subdivisions, where the setback distance shall be 30 feet from the right-of-way lines, as shown on the recorded plat.
- E. Provided, however, that in no case shall the distance of the setback line outside of and from the nearest point on the boundary line of the highway be less than the following: Class A highways, 75 feet; Class B highways, 67 feet; and Class C highways, 42 feet, except that where structures are to be erected between buildings existing at the time of the adoption of this chapter which are located not more than 250 feet apart and having setback lines less than are established by this article, the Board of Appeals may vary this regulation, provided that the Board of Appeals shall establish such conditions as will hold the Town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided, further, that no such variation will permit a setback less than the average setback of the adjacent buildings.
- F. Clear sight triangle established. The clear sight triangle is a triangle formed by the right-of-way lines of two intersecting roadways or railways and a third straight line. The third straight line shall connect with said right-of-way lines at points as follows:
 - (1) At ordinary intersection. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class B highways or Class A highways, there shall be setback lines at points located 50 feet from the intersections of the projections of the setback lines along the highways.
 - (2) At railroad grade crossings. At railroad grade crossings there shall be setback lines at points located 100 feet from the intersections of the projections of the setback lines along the highways and the railway right-of-way line.

Article XVI. Board of Appeals

§ 330-93. Establishment.

There is hereby established a Board of Appeals for the Town of Holland for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

§ 330-94. Membership; terms of office; officers.

- A. The Board of Appeals shall consist of five members recommended by the Town Chairman and confirmed by the Town Board.
- B. Terms shall be for staggered three-year periods.
- C. The Chairman of the Board of Appeals shall be designated by the Town Chairman.

- D. The Town Chairman shall recommend, and the Town Board shall confirm, a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
- E. The Secretary of the Board of Appeals shall be appointed by the Town Board. The office of the Board of Appeals shall be the Town Clerk's office.
[Amended 10-18-2021 by Ord. No. 8-2021]
- F. The Building Inspector shall attend meetings when requested by the Chairman of the Board of Appeals for the purpose of providing technical assistance.
[Amended 10-18-2021 by Ord. No. 8-2021]
- G. Official oaths administered by the Town Clerk shall be taken by all members in accordance with § 19.01, Wis. Stats., within 14 days of receiving notice of their appointment.
[Amended 10-18-2021 by Ord. No. 8-2021]
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

§ 330-95. Organization and procedures.

- A. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this article.
- B. Meetings shall be held at the call of the Chairman of the Board of Appeals, posted in accordance with the Wisconsin Open Meetings Law,^[1] and shall be open to the public.
[1] *Editor's Note: See §§ 19.81 to 19.98, Wis. Stats.*
- C. A quorum of the Board of Appeals shall consist of four members or alternates.
[Amended 10-18-2021 by Ord. No. 8-2021]
- D. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be filed in the office of the Board of Appeals and shall be a public record.
- E. The concurring vote of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official; to grant a variance; or to make an interpretation.
[Amended 10-18-2021 by Ord. No. 8-2021]

§ 330-96. Powers and duties.

- A. The Board of Appeals shall have the following powers:
 - (1) Errors: to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector.
 - (2) Variances: to hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that a practical difficulty or unnecessary hardship exists and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.

- (3) Substitutions: to hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Town Plan Commission has made a review and recommendation. Whenever the Board of Appeals permits such a substitution, the use may not thereafter be changed without application.
 - (4) Interpretations: to hear and decide applications for interpretations of the zoning regulations and interpretations of the location of the boundaries of the zoning districts, after the Town Plan Commission has made a review and recommendation.
- B. Permits. The Board of Appeals may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issuance of a building permit.
 - C. Oaths. The Chairman of the Board of Appeals may administer oaths and compel the attendance of witnesses.

§ 330-97. Appeals and applications.

Appeals of the decision of the Building Inspector or any administrative official concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department or board of the Town. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or administrative official. Applications may be made by the owner of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale, showing all information required for a building permit.
- C. Additional information required by the Board of Appeals, the Town Plan Commission, or the Building Inspector.
- D. Fee as identified in the Town of Holland Fee Schedule.
[Added 2-8-2021 by Ord. No. 1-2021]

§ 330-98. Hearings.

The Board of Appeals shall fix a reasonable time and place for the hearing, shall publish a Class 2 notice thereof and shall give due notice to the parties in interest, the Building Inspector and the Town Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

§ 330-99. Variances.

- A. Authorized variances. Variances from the regulations of this chapter shall be granted by the Board of Appeals only in accordance with the standards set out in Subsection **B** below and may be granted only in the following instances and in no other:
 - (1) To vary the applicable lot size requirements, including lot area, lot width, and density requirements.
 - (2) To vary the applicable building bulk limitations, including height, lot coverage, floor area ratio, and yard requirements.
 - (3) To vary the applicable off-street parking and off-street loading requirements.

- (4) To vary the applicable sign regulations.
 - (5) To vary the regulations and restrictions applicable to nonconformities.
- B. Standards for variances. The Board of Appeals may not grant a variance to the provisions of this chapter unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
- (1) Preservation of intent. No variance may 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 may have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 - (2) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to a 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 this chapter should be changed.
 - (3) Economic hardship and self-imposed hardship are not grounds for variance. No variance may be granted solely on the basis of economic gain or loss. Self-imposed hardships may not be considered as grounds for the granting of a variance.
 - (4) Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and vicinity.
 - (5) Absence of detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

§ 330-100. Decision; conditions; expiration of variance or permit.

[Amended 10-18-2021 by Ord. No. 8-2021]

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant. The minutes of all Board of Appeals meetings shall be provided to the Town Board, the Town Plan Commission and the Town Building Inspector.

- A. The Board of Appeals may place conditions upon any building permit ordered or authorized. The Board may also impose such conditions, safeguards, and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards set out in this article to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of this chapter.
- B. Variances, substitutions or permits granted by the Board of Appeals shall expire within six months unless substantial work has been commenced pursuant to such grant, unless an extension is expressly granted by the Board of Appeals at the applicant's request in advance of the expiration.

§ 330-101. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

Article XVII. Changes and Amendments

§ 330-102. Authority.

[Amended 5-19-2020 by Ord. No. 4-2020]

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter in accordance with the provisions of the Wisconsin Statutes. Ordinance revisions related to farmland preservation may need to be certified by DATCP to allow landowners within certain agricultural districts to qualify for farmland preservation tax credits.

§ 330-103. Initiation.

A change to the zoning district or amendment to this chapter may be initiated by the Town Board or the Town Plan Commission or by a petition of one or more of the owners, lessees, or holders of a contract to purchase property within the area proposed to be changed.

§ 330-104. Petition.

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

- A. Petitioner's name(s), address, phone number, and interest in property.
- B. Name(s), address(es), and phone number(s) of the owner(s) of all properties within the area proposed to be rezoned.
- C. Signatures of all petitioners and owners.
- D. Existing and proposed zoning district.
- E. Proposed use (a statement of the type, extent, area, etc., of any development project).
- F. Location map and owners' names and addresses of all properties lying within 300 feet of the area proposed to be rezoned.
[Amended 6-15-2020 by Ord. No. 8-2020]
- G. Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- H. Legal description of property to be rezoned.
- I. Plot plan or survey plat of the property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings on adjacent properties, all drawn to scale).
- J. Additional information required by the Town Plan Commission or Town Board.
- K. Fee receipt from the Town Clerk, Treasurer, or Building Inspector in the amount established by the Town Board.

§ 330-105. (Reserved)

§ 330-106. Review and recommendation by Plan Commission.

The Town Plan Commission shall review all proposed changes and amendments and shall recommend in writing to the Town Board that the petition be granted as requested, modified, or denied.

§ 330-107. Hearing.

- A. The Town Board shall, after publishing a Class 2 notice under Ch. 985, Wis. Stats., hold a public hearing upon each petition, listing the time, the place, and the changes or amendments proposed. The Town Board shall also give at least 10 days' prior written notice to the Clerk of any municipality having extraterritorial jurisdiction of any land to be affected by the proposed change or amendment.
- B. The Town Board may delegate to the Town Plan Commission the responsibility to hold public hearings as required under this section.

§ 330-108. Board action.

Following such hearing and after consideration of the Town Plan Commission recommendations, the Town Board shall vote on the proposed changes or amendments.

§ 330-109. Protest.

[Amended 5-19-2020 by Ord. No. 3-2020]

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% or more either of the areas of land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of said opposite land, such changes or amendments shall not become effective except by a majority vote of all the members of the Town Board.

Article XVIII. Administration and Enforcement

§ 330-110. Duties of Building Inspector.

The Building Inspector, or his duly designated and acting deputy, shall administer, supervise, and enforce the provisions of this chapter and issue all permits required by this chapter. The Building Inspector shall further:

- A. Maintain records of all permits issued, inspections made, and work approved.
- B. Inspect structures, lands, and waters as often as necessary to reasonably assure compliance with this chapter.
- C. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters; give notice of all violations of this chapter to the owner, resident agent, or occupant of the premises; and report uncorrected violations to the Town Board Supervisor who is a member of the Town Plan Commission.
- D. Assist the Town Attorney in the prosecution of violations of this chapter.

§ 330-111. Powers of Building Inspector.

The Building Inspector shall have all the powers necessary to enforce the provisions of this chapter, without limitation by reason of enumeration, including the following:

- A. Issue building permits upon application for the erection or use of a structure, land, or water where such erection or use complies with all the provisions of this chapter.

- B. Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of his/her identification, he/she may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats., except in cases of emergency, when he/she shall have the right of immediate entry.
- C. Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.
- D. Recommend to the Town Plan Commission any additional use regulations as he/she shall deem necessary.

§ 330-112. Building permit.

- A. Applications for a building permit shall be made to the Building Inspector on forms furnished by the Inspector and shall include the following where pertinent and necessary for proper review:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, surveyor, and contractor, if applicable.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale (not less than 1:40 scale) and approved by the Building Inspector showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, floodplain/floodway, and shoreland boundaries; and existing and proposed street, side, and rear yards.
 - (4) Additional information as may be required by the Town Plan Commission or the Building Inspector.
- B. A building permit as required in Chapter **150**, Building Construction, shall be granted or denied in writing by the Building Inspector within 30 days of receipt of a complete application. For new residences, a complete application may need to include the approval of the Town Plan Commission. The applicant shall post such building permit in a conspicuous place at the site. The permit shall expire within nine months unless substantial work is commenced or within three years after the issuance of the permit if the structure for which the permit is issued is not substantially completed. If the permit expires, the applicant shall reapply for a building permit before commencing or resuming work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.
[Amended 2-13-2017 by Ord. No. 1-2017]

§ 330-113. Fees and costs.

All persons performing work that by this chapter requires the issuance of a permit, or making an application or petition under this chapter, or requesting a special meeting, shall pay a fee to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits, applications, petitions and meetings. The fees shall be as set by the Town Board by resolution, including those fees required in Chapter **150**, Building Construction. In addition to any other fees, the Town shall also charge such persons for the actual cost of professional fees incurred by the Town in investigating and processing permits, applications and petitions and for the actual cost of publication fees incurred by the Town for notices required to be published under this chapter.

§ 330-114. Double fee.

A double fee may be charged by the Building Inspector 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.

§ 330-115. Remedial action.

Whenever an order of the Building Inspector 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, Building Inspector, 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.

§ 330-116. Prohibited acts.

It shall be unlawful to improve, develop, or use any structure or to improve, develop or use any land, water, or air in violation of any of the provisions of this chapter. In case of any violation, the Building Inspector, the Town Board, the Town Plan Commission, or any owner of property within the district affected who may be specifically damaged by such violation may institute the appropriate action or proceedings to enjoin a violation of this chapter or cause a structure to be vacated or removed.

§ 330-117. Violations and penalties.

Any person who fails to comply with the provisions of this chapter or any order of the Building Inspector issued in accordance with this chapter, or resists enforcement, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

Article XIX. Adoption

§ 330-118. Plan Commission recommendations.

The Town Plan Commission of the Town of Holland recommended the adoption of this chapter at a meeting held on December 5, 2016.

§ 330-119. Public hearings.

Pursuant to and in accordance with the laws of the State of Wisconsin, the Town Board authorized and the Town Plan Commission held a public hearing on this chapter on December 5, 2016.

§ 330-120. Town Board approval.

The Town Board of the Town of Holland concurred with the recommendation of the Town Plan Commission and adopted this chapter at a meeting held on December 12, 2016, by Ordinance No. 5-2016.