

**TOWN OF BELGIUM ZONING ORDINANCE
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**ZONING ORDINANCE
FOR THE
TOWN OF BELGIUM**

SECTION 1.0 INTRODUCTION

1.1 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Belgium, Ozaukee County, Wisconsin, does ordain as follows:

1.2 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.

1.3 INTENT

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

1.4 ABROGATION AND GREATER RESTRICTIONS

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

1.5 INTERPRETATION

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

1.6 SEVERABILITY

If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.7 REPEAL

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

1.8 TITLE

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF BELGIUM, WISCONSIN".

SECTION 2.0 GENERAL PROVISIONS

2.1 JURISDICTION

The provisions of this Ordinance shall apply to all structures, land, water, and air within the Town of Belgium, Ozaukee County, Wisconsin.

2.2 COMPLIANCE

A. **No structure, land, or water** 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, except minor structures, and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

B. **The duty of the Zoning Administrator** shall be to investigate all complaints, give notice of violations, and to enforce the provisions of this Ordinance. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make zoning inspections.

2.3 BUILDING PERMIT

A. **Applications** for a building permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Administrator/Inspector and shall include the following where applicable:

B. **Names and addresses** of the applicant, owner of the site, architect, professional engineer, and contractor.

- C. **Description of the subject site** by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of structure or site; number of employees; and the zoning district within which the subject site lies.
- D. **Plat of survey** prepared by a registered land surveyor, or where deemed appropriate by the Zoning Administrator, a location sketch drawn to scale. The scale shall not be smaller than 1" = 40'. The plat or sketch shall show the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; and existing and proposed street, shore, side and rear yards. In addition, the plat or sketch shall show the location of any shorelands and floodplains which will necessitate that Ozaukee County Shoreland Zoning permits be secured.
- E. **A photocopy of any necessary shoreland** or floodplain zoning permits secured from the Ozaukee County Department of Environmental Health.
- F. **A photocopy of any necessary sanitary permits** secured from the Ozaukee County Department of Environmental Health.
- G. **Proposed water supply plan**, showing the location of any private well, if municipal water service is not available.
- H. **Additional information** as may be required by the Town Plan Commission or the Zoning Administrator. Prior to issuance of a Building Permit, plans for residential construction or additions on existing substandard lots may be reviewed by the Town Plan Commission to examine impact on neighboring properties with regards to building height, storm water runoff, and drainage plans.
- I. **Fee receipt** from the Town Treasurer.
- J. **A Building Permit shall be granted or denied** in writing by the Zoning Administrator within thirty (30) days. No building permit shall be issued prior to the applicant securing any necessary County Shoreland Zoning, Floodplain Zoning, and Sanitary permits. The Building Permit shall expire within six (6) months unless substantial work has commenced, and any permit issued in conflict of the provisions of this Ordinance shall be null and void. The applicant may apply for one (1) six (6) month extension if substantial work has not commenced.

2.4 OCCUPANCY PERMIT

- A. **No vacant land** that has been permitted to be developed; and no buildings or premises that has been permitted to be erected, altered, or moved, or create a change in use; and no nonconforming use that has been permitted to be renewed, changed, or extended in accordance with the provisions of this Ordinance shall be occupied or used until a Certificate of Occupancy Permit has been issued by the

Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance.

- B. **No land within the floodplain districts** shall be occupied or used, and no structure hereafter erected, altered, or moved within the floodplain districts shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in the Ordinance have been fully complied with. Such certification shall include the first floor elevation of any structure erected on the site.
- C. **Applications** for a Certificate of Occupancy Permit shall be made through the Zoning Administrator on forms provided by the Zoning Administrator.
- D. **Fee receipt** from the Town Treasurer shall be obtained in accordance with Section 10.0 of this Ordinance.

2.5 USE RESTRICTIONS

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

- A. **Principal uses** as specified in each district.
- B. **Accessory uses** and structures are permitted in any district but not until their principal structure is present or under construction with the exception of the Agricultural District where an accessory structure used solely for the permitted uses stated for the A-1 District may be allowed prior to the principle structure being in place. Residential accessory uses shall not involve the conduct of any business, trade, or industry.
- C. **Conditional uses** and their accessory uses are considered as special uses requiring review, public hearing, and approval as special uses required by the Town Plan Commission in accordance with Section 4.0.
- D. **Gas and electric utility uses** which have been issued a Certificate of Public Convenience and Necessity, pursuant to Section 196.491(3) of the Wisconsin Statutes, are exempt from the requirements of this Ordinance, and shall not be required to obtain a Building Permit.
- E. **Unclassified or unspecified uses** may be permitted by the Zoning Board of Appeals after the Town Plan Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
- F. **Temporary uses**, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Board of Appeals.

2.6 SITE RESTRICTIONS

- A. **All lots and parcels with a building** shall abut upon a public street, shall have a private driveway for access to the public street that is located no closer than ten (10) feet from the nearest property line, and shall have a minimum frontage of at least one hundred (100) feet, except existing lots on established private roads.
- B. **Driveways** in excess of eight hundred (800) feet in length must provide for a passing lane midway being twenty (20) feet overall width by one hundred (100) feet overall length.
- C. **All principal structures** shall be located on a lot or parcel; and only one principal structure shall be located, erected, or moved onto a lot.
- D. **Lots abutting more restrictive district boundaries** shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than one hundred (100) feet from the district boundary line so as to equal the average of the street yards required in both districts.
- E. **Street yards** and other required yards as set forth in each district shall be provided. The street yard shall be measured from the centerline of all public roads and, where private roads exist, from the center of all private road easements.
- F. **Drainage ways** shall be maintained. No building, fill material or other development may be placed in or adversely affect the channels of any river, stream, drainage way, or tributary thereto in the Town of Belgium.
- G. **Any site in excess of one (1) acre** proposed for any type of development except agricultural, residential, and platted lots shall be specifically reviewed by the Town Plan Commission as to the suitability of the site and demand for Town services.
- H. **Mobile homes and/or recreational vehicles** are not allowed for use in any type of habitation.

2.7 REDUCTION OR JOINT USE

- A. **No parcel, lot, yard, parking area, building area,** or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any parcel, lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- B. **Exempted are shared drives** for ingress and egress from public roads when approved by the Town.

2.8 DISTRICTS TO BE REZONED

- A. **Lands to be rezoned** into the R-1 Residential District or the P-1 District must be contiguous to the R-1 Districts.

SECTION 3.0 ZONING DISTRICTS

3.1 ESTABLISHMENT

For the purpose of this Ordinance, the Town of Belgium is hereby divided into the following zoning districts:

- R-1 Single-Family Residential District
- B-1 Commercial District
- M-1 Industrial District
- A-1 Agricultural District
- A-2 Agricultural District
- C-1 Conservancy Overlay District
- P-1 Park District

- A. **Boundaries** of these districts are hereby established as shown on a map entitled "Zoning Map for the Town of Belgium" and amended thereto which accompanies and is a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines; U. S. Public Land Survey lines; lot or property lines; soil mapping unit lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- B. **Vacation of public streets and alleys** shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

3.2 ZONING MAP

- A. **A certified copy of the Zoning Map** shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Town Chairman and the Town Clerk and shall be available to the public in the office of the Town Clerk.
- B. **Changes thereafter** to the districts shall not be effective until entered and attested on this certified copy.

3.3 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **Principal Use:** One-family dwellings
- B. **Conditional Use:** See Sections 4.3 and 4.4
- C. **Lot:**
 - Width 150 feet minimum
 - Area 1 1/2 acres minimum
- D. **Building:**
 - Area 1,200 square feet minimum living area (excluding basement area)
 - Height 35 feet maximum

- E. **Yard:**
 - Street 75 feet from the centerline minimum
 - Shore 75 feet minimum
 - Rear 50 feet minimum
 - Side 20 feet minimum for a one story
30 feet minimum for a two story

3.4 B-1 COMMERCIAL DISTRICT

A. Principal Uses:

1. **The following uses**, provided that they shall be retail establishments storing and selling only new merchandise: bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fruit stores, gift stores, grocery stores, hardware stores, hobby shops, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, and vegetable stores.
2. **Existing residences** shall comply with all the provisions of the R-1 Residential District.

B. Conditional Use: See Sections 4.3, 4.5 and 4.8

C. Lot:

- Width 150 feet minimum
- Area 1-1/2 acres minimum

D. Building: Height 35 feet maximum

E. Yard:

- Street 75 feet from centerline minimum
- Shore 75 feet minimum
- Rear 50 feet minimum
- Side 30 feet minimum

F. Plans and specifications are to be submitted to the Plan Commission.

G. To encourage a business environment that is compatible with the rural character of the Town, building permits for permitted uses in business districts shall not be issued without review and approval of the Town of Belgium Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

H. Any change in operation must be reviewed by the Plan Commission.

3.5 M-1 INDUSTRIAL DISTRICT

A. Principal Uses:

1. **Automotive body repairs**, upholstery, cleaning, pressing and dyeing establishments, commercial bakeries, distributors, farm machinery, food locker plants (except stockyards and slaughter houses), laboratories, machine shops, manufacture and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of machinery and equipment (except salvage or junk yards), trade and contractors, offices, warehousing, and wholesaling. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, except rendering plants, metals, paper, plaster, plastics, textiles, and wood. Manufacture, fabrication, processing, packaging, and packing of confections, cosmetics, electrical appliances, electronic devices, food (except cabbage, fish and fish products), meat and meat products, instruments, jewelry, pharmaceuticals, tobacco, and toiletries.
2. **All uses in the M-1 Industrial District** are to be limited scope, not involving any substantial degree of heavy trucking or other operational characteristics which would adversely affect surrounding areas. In conjunction with any use in the M-1 Industrial District, use and/or storage of explosives is prohibited.

B. Conditional Uses: See Sections 4.3 and 4.7

C. **Lot:**

Width	200 feet minimum
Area	1 1/2 acres minimum

D. **Building:** Height 45 feet maximum

E. **Yard:**

Street	75 feet from centerline minimum
Shore	75 feet minimum
Rear	50 feet minimum
Side	30 feet minimum

F. **Plans and specifications** to be submitted to the Plan Commission to encourage an industrial use environment that is compatible to the rural character of the Town, building permits for permitted uses in industrial districts shall not be issued without review and approval of the Town of Belgium Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

G. **Any change in operation** must be reviewed by the Plan Commission.

3.6 A-1 AGRICULTURAL DISTRICT

A. Intent:

1. **The A-1 Agricultural District** is intended to maintain, enhance, and preserve agricultural lands historically utilized for crop production and raising of livestock. The district is further intent upon preventing the conversion of agricultural land to residential, commercial, and industrial uses. As such, it is hereby determined that the highest and best use of the land is Agricultural.
2. **Additionally**, recognizing that the Town is primarily agriculturally oriented, environmental conditions customarily associated with farming, including smells, noises, dust and mud of farming, are understood to be a normal part of such agricultural character.

B. Principal Uses:

1. **Apiculture, dairying**, floriculture, forestry, general farming, grazing, green houses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks pasturage, poultry raising, stables, truck farm, and viticulture. One (1) single-family farm dwelling is allowed on the parcel. Farm dwellings and accessory structures existing prior to 1985 and remaining after consolidation of farms into one farming operation may continue to be used for the use existing at the time of consolidation and shall have a minimum of one and one-half (1 1/2) acres.
2. **Farm dwellings** and accessory structures existing prior to 1985 may be separated, with same continued use, from the remaining portion of the farm with a minimum of one and one-half (1 1/2) acres of land by the farm owner, provided the farm maintains thirty-five (35) contiguous acres and the separated structure(s) meet A-1 setbacks. Dwellings existing at the time of the adoption of this Ordinance, not accessory to any farm operation are permitted but shall comply with all the provisions of the R-1 Residential District with the exception of the required acreage as specified above. Single-family dwellings on parcels substandard as to lot width or area recorded prior to the effective date of this Ordinance are permitted uses and shall comply with all the provisions of the R-1 Residential District insofar as practicable.

C. **Conditional Uses:** See Sections 4.3, 4.4 and 4.6

D. **Farm:**
Width 500 feet minimum
Area 35 contiguous acres minimum

E. **Structure:** Height 100 feet maximum

F. **Yards:**
Street 75 feet from the centerline minimum
Shore 75 feet minimum
Rear 50 feet minimum
Side 75 feet minimum

3.7 A-2 AGRICULTURAL DISTRICT

- A. **Intent and Principal Uses:** The primary purpose of the A-2 District is to maintain, preserve and enhance the agricultural land while allowing for conforming use of buildings that may have been deemed nonconforming in the A-1 District prior to the adoption of this amended Ordinance. .

- B. **Twenty-acre (20) parcels** in the A-1 district prior to 1985 are conforming. The Plan Commission will determine the intent of the land when purchased and make decisions of the intent on a case-by-case basis.

- C. **Conditional Uses:** See Section 4.6

- D. **Structure:** Height 100 feet maximum

- E. **Yards:**
 - Street 75 feet from the centerline minimum
 - Shore 75 feet minimum
 - Rear 50 feet minimum
 - Side 75 feet minimum

3.8 C-1 CONSERVANCY OVERLAY DISTRICT

- A. **Principal Uses:** Fishing, floodway, flood overflows, hunting, navigation, preservation of scenic, historic, and scientific areas, public fish hatcheries, soil and water conservation, sustained yield forestry, stream bank and lake shore protection, water retention, and wildlife preserves.

- B. **Structures:** None permitted except accessory to the principal or conditional uses.

- C. **Conditional Uses:** See Section 4.9

3.9 P-1 PARK DISTRICT

- A. **Principal Uses:** Public and private parks, arboretums, playgrounds, fishing, wading, swimming beaches, skating, sledding, skiing, sustained yield forestry, wildlife preserves soil and water conservation, water measurement and water control.

- B. **Conditional Uses:** See Sections 4.3 and 4.8

SECTION 4.0 CONDITIONAL USES

4.1 APPLICATION

- A. **Applications for conditional use permits** shall be made in duplicate to the Zoning Administrator on forms furnished by the administrator and shall include the following:

- B. **Names and addresses** of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record within 500 feet.
- C. **Description of the subject site** by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- D. **Plat of survey** prepared by a registered land surveyor, or where deemed appropriate by the Zoning Administrator, a location sketch drawn to scale. The scale shall not be smaller than 1" = 40'. The plat or sketch shall show all the information required for a building permit in Section 2.3 of this Ordinance.
- E. **A photocopy of any necessary shoreland or floodland zoning permits** secured from the Ozaukee County Department of Environmental Health.
- F. **A photocopy of any necessary sanitary permits** secured from the Ozaukee County Department of Environmental Health.
- G. **Proposed water supply plan**, showing the location of any private well, if municipal water service is not available.
- H. **Additional information** as may be required by the Town Plan Commission or the Zoning Administrator.
- I. **Fee receipt** from the Town Treasurer.
- J. **Issuance of a Conditional Use Permit** shall not exempt a permit applicant from obtaining the Building Permit required by Section 2.2 and 2.3 of this Ordinance.

4.2 REVIEW AND APPROVAL

- A. **The Town Plan Commission shall review** the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
- B. **Conditions**, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, location, size and number of signs, hours of operation, improved traffic circulation, higher performance standards, deed restrictions, highway access restrictions, street dedication, certified survey maps, increased yards, or parking requirements, may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

- C. **Compliance** with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and the performance standards, shall be required of all conditional uses. Variance shall only be granted as provided in Section 8.0.
- D. **The Town Board**, upon recommendation of the Town Plan Commission, may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses after the review by the Town Plan Commission, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment and the value of the neighborhood or the community. Conditional uses are limited to those defined in Sections 3.0 and 4.0 of this Ordinance.
- E. **Notification** of each conditional use permit granted in the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).

4.3 PUBLIC AND SEMIPUBLIC USES

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- A. **Airports**, airstrips, and landing fields in the M-1 Industrial District and A-1 Agricultural District, provided the site area is not less than twenty (20) acres. Airports in the A-1 District shall be governmentally owned and operated, except that private landing fields may be permitted for farm-related operations, such as crop dusting.
- B. **Governmental and cultural uses**, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in the R-1 Residential District; B-1 Business District; M-1 Industrial District, and P-1 Park District.
- C. **Public passenger transportation** terminals, such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in the B-1 Business District and the M-1 Industrial District, provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
- D. **Public, parochial, and private elementary and secondary schools** and churches in the R-1 Residential District, B-1 Business District, and P-1 Park, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any lot line.
- E. **Colleges**, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions, cemeteries and crematories, in the A-1 Agricultural District and P-1 Park District, provided all principal structures and uses are not less than one hundred (100) feet from any lot line.

- F. **Utilities** in all districts provided all principal structures and uses are not less than one hundred (100) feet from any residential lot line. Communication structures are allowed in all districts except the R-1 Residential District.

4.4 RESIDENTIAL USES IN THE R-1 DISTRICT

The following residential uses shall be conditional uses and may be permitted as specified:

- A. **Cluster/Conservation Developments.** Such developments shall be mandated by the Town, with determination made on a case by case basis, when it is the decision of the Plan Commission that a conventional development of subdividable R-I land will adversely impact adjoining or nearby farming operations, other adjoining or nearby land uses, the overall rural character of the area, indigenous natural features and/or resources, environmentally sensitive areas, or scenic vistas and views. Such developments shall conform to all Town procedures and specifications as set forth in the Subdivision Ordinance of the Town of Belgium.
- B. **Club, fraternities, lodges, and meeting places** of a noncommercial nature in the R-1 Residential District provided all principal structures and uses are not less than one hundred (100) feet from any lot line.
- C. **Rest homes**, nursing homes, homes for the aged, clinics and children's nurseries in the R-1 Residential District provided all principal structures and uses are not less than one hundred (100) feet from any lot line.
- D. **Home occupations** and professional offices in the R-1 Residential District. Bed and breakfast establishments are allowable in the A-1, A-2, and R-1 Districts.
- E. **Non-typical pets**, and/or non-typical quantities of any type of animal, and housing of livestock in the R-1 Residential District.

4.5 COMMERCIAL USES IN THE B-1 DISTRICT

The following commercial uses shall be conditional uses and may be permitted as specified:

- A. **Appliance stores**, banks, clothing repair stores, crockery stores, coin operated laundries, department stores, drive-in establishments serving food and beverages, dry cleaning stores, financial institutions, furniture stores, hotels, motels, music stores, newspaper offices, press rooms, printing and publishing houses, radio and television broadcasting studios, saving and loan associations, and secondhand stores.
- B. **Vehicle sales** and service, washing and repair stations, garages, taxi stands, and public parking lots, in the B-1 business District provided all gas pumps are not less

than forty (40) feet from any side or rear lot line or from an existing or proposed street line.

4.6 AGRICULTURAL AND RELATED USES IN THE A-1 DISTRICT

- A. **Except where specifically permitted** as a principal use, the following agricultural and related uses shall be conditional uses and may be permitted as specified provided that they are consistent with the agricultural use. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance set forth in Sections of this Ordinance elsewhere and upon the particular land use problems related to development of the site or sites as proposed.
- B. **Livestock operations** exceeding six hundred (600) animal units on one (1) site; livestock sales barns; commercial feed lots; animal hospitals, shelters, kennels (provided the lot area is not less than five (5) acres and further provided that, if animals are to be housed outside there is a minimum building separation of one thousand (1,000) feet from the nearest residential structure existing at the issuance of a zoning permit); veterinarian services; commercial raising, propagation, boarding and training of animals and/or fowl; pay-to-hunt upland game operations; commercial egg production; and commercial roadside stands for agricultural products.
- C. **Manufacturing and/or processing/storage** of alcoholic beverages, charcoal, fertilizer, firewood, storage of fireworks, furs, grain, meat and methane digesters, seasonal vehicle storage when the storage is in a completely enclosed structure.

4.7 INDUSTRIAL USES IN THE M-1 DISTRICT

The following industrial uses shall be conditional and may be permitted as specified:

- A. **Recycling stations**, disposal areas/transfer sites, and sewage disposal plants providing that all principle structures and uses are not less than one thousand (1,000) feet from any residential district, and except within areas subject to flooding.
- B. **General warehousing** and indoor storage; excluded are freight yards and transportation terminals, outdoor vehicle storage yards, wrecking, junk, demolition, or scrap yards.

4.8 RECREATIONAL USES

The following public and private recreational facilities shall be conditional uses and may be permitted as specified:

- A. **Archery ranges**, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools, and zoological and botanical gardens in the P-1 Park

District provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.

- B. **Commercial recreational facilities**, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, racetracks, rifle ranges, Turkish baths, skating rinks, and theaters are conditional uses and may be permitted in the B-1 Business District

4.9 WETLAND CONSERVANCY USES

The following conservancy uses shall be conditional uses and may be permitted in the C-1 Conservancy Overlay District provided that such uses shall not involve dumping; filling; cultivation; mineral, soil, or peat removal; or any other use that would disturb the natural fauna, flora, watercourses, alter regimen, or topography: drainageways; public water measurement and water control facilities; grazing; orchards; truck farming; and wildcrop harvesting.

SECTION 5.0 MODIFICATIONS

5.1 HEIGHT

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

- A. **Architectural projections**, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, shall not exceed in height their distance from the nearest lot line but shall not exceed fifty (50) feet.
- B. **Special structures**, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- C. **Essential services**, such as utilities, water towers, electric power lines, and communication transmission lines, are exempt from the height limitations of this Ordinance.
- D. **Communication structures**, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height their distance from the nearest lot line.
- E. **Agricultural structures**, such as barns, silos, tanks, and agricultural windmills, shall not exceed in height their distance from the nearest lot line.
- F. **Public or semipublic facilities**, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirements.

5.2 YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. **Uncovered stairs**, landings and fire escapes may project into any yard; but no such projection shall exceed six (6) feet and shall not be closer than twenty (20) feet to any lot line.
- B. **Architectural projections**, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed three (3) feet.
- C. **Residential fences** are permitted on the property lines in residential districts but shall not in any case exceed the height of six (6) feet in the side and rear yard, shall not exceed a height of four (4) feet in the street yard, and shall not be closer than one (1) foot to any road right-of-way. The finished side of the fence shall face out. The grade change plus the height of the fence shall not exceed six (6) feet. Barbwire fencing is prohibited.
- D. **Security fences** are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- E. **Fences of any kind** are not allowed in the land below the Wisconsin Department of Natural Resources established Ordinary High Water Mark.
- F. **Accessory uses** and detached accessory structures are permitted in the street yard of lots abutting a lake provided that such use or structure shall be not closer than ten (10) feet to the principal structure; shall not exceed fifteen (15) feet in height; shall not occupy more than ten (10) percent of the street yard area; shall not be closer than ten (10) feet to the side lot line; and shall not be closer than fifteen (15) feet from the right-of-way nor forty (40) feet from the centerline of a public or private road, whichever is greater.
- G. **Accessory uses** in the R-1, residential district, and detached accessory structures are permitted in the rear yard provided they shall not be closer than ten (10) feet to the principal structure; shall not exceed fifteen (15) feet in height, shall not occupy more than ten (10) percent of the rear yard area; shall not be closer than twenty-five (25) feet to the rear lot line and shall not be closer than ten (10) feet to the side lot line.
- H. **Off-street parking** and vehicle display areas are permitted in all yards of the B-1 Commercial District, but shall not be closer than twenty-five (25) feet to any public right-of-way or side lot line.

- I. **Essential services**, utilities, electric power, and communication transmission lines are exempt from the yard requirements of this Ordinance.

5.3 ENERGY CONSERVATION SYSTEMS

- A. **Energy conservation** devices such as Wind Energy Conversion System (commonly referred to as “wind mills”) systems are permitted in any district except the R-1 District. Solar energy collectors are permitted in any district.
- B. **Wind energy conversion** systems shall comply with all applicable state and federal laws. Such systems are exempt from the height requirements of this Ordinance, however, no such system shall be located closer to a lot line than a distance equal to its height.
- C. **Solar energy collectors** shall comply with all applicable state and federal laws. Solar collectors shall comply with all the height and yard requirements of this Ordinance. The applicant, or his agent, shall certify to the Zoning Administrator that roof-mounted collectors do not exceed the load limits of the structure they are being placed upon.

5.4 AVERAGE STREET YARDS

The required street yard may be reduced or increased in the R-1 Residential District and the B-1 Commercial District to the average of the existing street yards of the abutting structures on each side, but in no case less than forty (40) feet from the centerline.

5.5 CORNER LOTS

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

5.6 SHORELAND LOTS

Shoreland lots shall provide a street yard on the street abutting the lot, a shore yard on the watercourse abutting the lot, and two (2) side yards. Shoreland lots do not normally have a rear yard.

SECTION 6.0 SIGNS

6.1 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 Section 6.2 and without being in conformity with the provisions of this Ordinance. The sign shall also meet all the structural requirements of the Town Building Codes.

6.2 SIGNS PERMITTED WITHOUT A SIGN PERMIT

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

- A. **Agricultural signs** pertaining to the products or services of the agricultural premises not to exceed thirty-two (32) square feet in area for any one farm.
- B. **Real estate signs** not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- C. **Name, occupation, and warning signs** not to exceed eight (8) square feet located on the premises and to be removed upon completion of work.
- D. **Bulletin boards** for public, charitable, or religious institutions not to exceed thirty-two (32) square feet in area located on the premises.
- E. **Memorial signs**, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.
- F. **Official signs**, such as traffic control, parking restrictions, information, and notices.
- G. **Temporary signs** and banners not to exceed four (4) square feet.

6.3 SIGNS PERMITTED WITH A SIGN PERMIT

Signs are permitted in all Business and Industrial Districts subject to the following restrictions:

- A. **Wall signs** placed against the exterior walls of business buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premise, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- B. **Projecting signs** fastened to, suspended from, or supported by structures on premises developed for business building shall not exceed one hundred (100) square feet in area for any one premises, shall not extend more than six (6) feet into any required yard, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than ten (10) feet above any pedestrian way, nor fifteen (15) feet above a driveway.
- C. **Pole signs** shall not exceed twelve (12) feet in height above the mean centerline street grade, shall meet all the yard requirements for the district in which it is located, and shall not exceed thirty two (32) square feet on all sides for any one premises.
- D. **Billboard signs** are not allowed.
- E. **Window signs** shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

F. **Combinations** of any of the above signs shall meet all the requirements for the individual signs.

6.4 FACING

No sign except those permitted in Section 6.2 shall be permitted to face a Residential or Park District within one hundred (100) feet of such district boundary.

6.5 TRAFFIC

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

6.6 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, number or location does not conform to the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 7.0 shall apply.

SECTION 7.0 NONCONFORMING USES, STRUCTURES, AND LOTS

7.1 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance except that:

- A. **Only that portion of the structure, land, or water** in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order, or so as to comply with the other provisions of this Ordinance.
- B. **Total lifetime structural repairs** or alterations to a nonconforming structure shall not exceed 50 percent of the town's current assessed value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- C. **Substitutions** of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.

7.2 ABOLISHMENT AND REPLACEMENT

- A. **If a nonconforming use is discontinued** or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
- B. **When a nonconforming structure is damaged** by fire, explosion, flood, or other calamity, to the extent of more than 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

7.3 EXISTING NONCONFORMING STRUCTURES

- A. **The use of a nonconforming structure** lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along arterial streets and highways, or the yard, height, parking, access, and lot area provisions of this Ordinance. Additions and enlargements to existing nonconforming structures are permitted and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, and access provisions of this Ordinance.
- B. **Structures which encroach upon setback** and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered provided that they do not create a greater degree of encroachment. The provision of this section with respect to additions or enlargements are applicable only if the lot or parcel conform with the existing sanitary code requirements or is serviced by a public sanitary sewer.
- C. **Existing nonconforming structures** which are damaged by fire, explosion, flood, or other calamity may be reconstructed and in so far as practicable shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, and access provisions of this Ordinance. The provisions of this section with respect to reconstruction are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by public sanitary sewer.

7.4 CHANGES AND SUBSTITUTIONS

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

7.5 EXISTING VACANT SUBSTANDARD LOTS

- A. **In the R-1 Residential District**, a single-family detached dwelling and its accessory structures may be erected on any vacant legal lot of record in the County Register of Deeds Office before the effective date or amendment of this Ordinance. Such lot

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 the full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- B. **Lot:**
 - Width 60 feet minimum
 - Area 9,000 square feet minimum

- C. **Building:**
 - Area 1,200 square feet living area (excluding basement area)

- D. **Yard:**
 - Street 75 feet from centerline minimum
 - Shore 75 feet minimum
 - Rear 50 feet minimum
 - Side 10 feet for a one-story house minimum
15 feet for a two-story house minimum

- E. **Accessory Structure:** 4 feet for a side or rear lot line minimum

7.6 SUBSTANDARD PARCELS IN THE AGRICULTURAL DISTRICT

- A. **A legal substandard parcel** in the A-1 Agricultural District must have been recorded in the County Register of Deeds prior to 1985. The proposed use must be in accordance with Section 3.6 and must be reviewed by the Plan Commission. The Town Board shall approve all plans for substandard parcels.

- B. **Variations** may be permitted only as specified in Section 8.0.

SECTION 8.0 ZONING BOARD OF APPEALS

8.1 ESTABLISHMENT

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

8.2 ZONING BOARD OF APPEALS

- A. **The Zoning Board of Appeals** shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board. Terms shall be for staggered three-year periods. The Chairman shall be designated by the Town Chairman.

- B. **An alternate member** may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

- C. **The Secretary** shall be the Town Clerk.
- D. **The Zoning Administrator** shall attend all meetings for the purpose of providing technical assistance when requested by the Zoning Board of Appeals.
- E. **Official oaths** shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- F. **Vacancies** shall be filled for the unexpired term in the same manner as appointments for a full term.

8.3 ORGANIZATION

- A. **The Zoning Board of Appeals** shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
- B. **Meetings** shall be held at the call of the Chairman and shall be open to the public.
- C. **Minutes** of the proceedings and a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination and its finding of facts. These records shall be immediately filed in the office of the Town Clerk and shall be a public record.
- D. **The Concurring Vote** of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

8.4 POWERS

- A. **The Zoning Board of Appeals** shall have the following powers:
- B. **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
- C. **Variances.** To hear and grant appeals 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 Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- D. **Interpretations.** To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Plan Commission has made a review and recommendation.
- E. **Substitutions.** To hear and decide applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Town Plan Commission has made a review and

recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

- F. **Unclassified uses.** To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the District and the Town Plan Commission has made a review and recommendation.
- G. **Temporary uses.** To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Town Plan Commission has made review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Zoning Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of the Ordinance shall be required.
- H. **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- I. **Assistance.** The Board may request assistance from other Town officers, departments, commissions, and boards.
- J. **Oaths.** The Chairman may administer oaths and compel the attendance of witnesses.

8.5 APPEALS AND APPLICATIONS

- A. **Appeals** from the decision of the Zoning Administrator concerning the literal enforcement of the Ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:
 - B. **Name and address of the appellant** or applicant and all abutting and opposite property owners of record, and owners within five hundred (500) feet.
 - C. **Plat or survey** prepared by a registered land surveyor, or where deemed appropriate by the Zoning Administrator, a location sketch drawn to scale. The plat of survey or sketch shall show all the information required for a Building Permit in Section 2.3 of this Ordinance.
 - D. **Additional information** required by the Town Plan Commission, Zoning Board of Appeals, or Zoning Administrator.
 - E. **Fee receipt** from the Town Treasurer.

8.6 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator, and the Town Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

8.7 FINDINGS

- A. **No variance** to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
- B. **Preservation of Intent.** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall 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.
- C. **Exceptional circumstances.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended uses that do not apply generally to other properties of uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- D. **Economic hardship** and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- E. **Preservation of property rights.** The Variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- F. **Absence of detriment.** No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

8.8 DECISION

- A. **The Zoning Board of Appeals** shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.
- B. **Conditions** may be placed upon any Building Permit ordered or authorized by the Board.

- C. **Variances**, substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such a grant.
- D. **Issuance of a Variance**, Substitution, or Use Permit shall not exempt a permit applicant from obtaining the building permit required by Sections 2.2 and 2.3 of this Ordinance.

8.9 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Zoning 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 thirty (30) days after the filing of the decision in the office of the Town Clerk.

SECTION 9.0 CHANGES AND AMENDMENTS

9.1 AUTHORITY

- A. **Whenever the public necessity**, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.
- B. **Such change** or amendment shall require the review and recommendation of the Town Plan Commission.

9.2 INITIATION

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

9.3 PETITIONS

- A. **Petitions** for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
- B. **Plot plan** drawn to a scale of 1" = 100' showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within five hundred (500) feet of the area proposed to be rezoned.
- C. **Owners' names and addresses** of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
- D. **Additional information** required by the Plan Commission or Town Board.

E. **Fee receipt** from the Town Treasurer.

9.4 **RECOMMENDATIONS**

The Town Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. All residential rezoning requests must be contiguous to similarly zoned districts. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.

9.5 **HEARINGS**

The Town Board shall, after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, hold a public hearing upon each recommendation, listing the time, place and the changes or amendments proposed. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

9.6 **FINDINGS REQUIRED BEFORE REZONING A-1 AGRICULTURAL DISTRICT LANDS**

A. **No land shall be removed** from the A-1 Agricultural District unless the Town Board shall find that:

- (1) **Adequate public facilities** to accommodate development either exist or will be provided with a reasonable time;
- (2) **Provision of public facilities** to accommodate development will not place an unreasonable burden on the ability of local units of government to provide them; and
- (3) **The land proposed for rezoning is suitable** for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

B. **A notification** of all land rezoned from or into the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).

9.7 **TOWN BOARD'S ACTION**

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

9.8 PROTEST

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty (20) percent or more of either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

SECTION 10.0 FEES AND PENALTIES

10.1 FEES

All persons, firms, or corporations performing work in the Town of Belgium for which this Ordinance requires the application for a permit; or performing work for which a zoning amendment or appeal or variance is required, shall pay a fee in accordance with the schedule of fees as established by the Town Board to help defray the cost of administration, investigation, advertising, and processing of permit applications, appeals, variance applications, and rezoning petitions.

10.2 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board of Supervisors, the Zoning Administrator, the Town Plan Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

10.3 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 or more than \$10,000 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Failure to obtain a building permit before commencement of construction shall result in a double permit fee.

SECTION 11.0 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

Accessory Use or Structure

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure. Accessory uses include incidental repairs; storage inside an enclosed structure; parking facilities; gardening; private swimming pools; and private emergency shelters.

Basement

That portion of any structure located partly below the average adjoining lot grades.

Berm

A man-made, formed earth mound of definite height, width, and length used for obscuring purposes.

Building

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

Building Area

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

Building Height

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

Cluster/Conservation Design Development

A form of residential development that concentrates building or lots, and their supporting infrastructure on a portion of the site found to be most favorable for construction, while preserving the remaining land for common open space, uses of agriculture or wildlife habitat, open vistas and views, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size.

Conditional Uses

Uses which may be permitted provided that they can be controlled with certain conditions imposed by the Town Board on recommendations of the Plan Commission.

Contiguous

Adjoining or abutting areas of land, specified for the purposes of this ordinance as follows: Parcels in the A-1/A-2 zoning districts are contiguous in their respective districts across street/road rights-of-way (indifferent to ownership of said right of way). Lots in the B-1, M-1, and R-1 zoning districts are not contiguous in their respective districts across street/road rights-of-way. When such lots are separated from the A-1 zoning district by a public road, they are not considered to be adjoining, abutting, or contiguous to the A-1 land.

Corner Lot

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

District, Basic

A part in parts of the Town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

District, Overlay

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Driveway

That portion of a lot, parcel or property intended to be used for delineated access, paved or unpaved, from the abutting public street. Included in this definition are the Town's existing private roads.

Dwelling

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

Emergency Shelter

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

Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service or the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family

Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

Freeway

An expressway with full control of access and with fully grade separated intersections.

Frontage

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

Home Occupations

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

Interchange

A grade separated intersection with one or more turning lanes for travel between intersection legs.

Loading Area

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot

An area of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such area of land shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purpose of this Ordinance. The term "lot" will be used in all district regulations other than the A-1 and A-2 districts.

Lot Lines and Area

The peripheral boundaries of a parcel of land including the street right-of-way and the total area lying within such boundaries.

Lot Width

The width of a parcel of land measured at the rear of the specified street yard (or at the setback line).

Machine Shops

Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair, and overhaul shops.

Minor Structures

Any movable accessory erection or construction, not to exceed 100 square feet in area, such as bird houses, tool houses, pet houses, play equipment, arbors; walls and fences under four (4) feet in height; and name, occupation, and warning signs less than two (2) square feet in area. In R-1, Residential District, minor structures must be four (4) feet from lot line and a maximum of two (2) storage sheds are allowed in the rear yard.

Motel

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

Nonconforming Lots

Any lot lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments pertaining to structure.

Nonconforming Parcel

Any parcel lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments pertaining to structure.

Nonconforming Structure

Any structure lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments pertaining to structure.

Nonconforming Use

Any land or water lawfully used or occupied at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance or amendments thereto pertaining to uses.

Parcel

A land ownership upon which one or more rural structures, including farm residences, are placed together with the required open spaces. The term parcel is used in the A-1 and A-2 district regulations, unlike the term "lot", as defined elsewhere in this Ordinance.

Parties in Interest

Includes all abutting property owners, all property owners within five hundred (500) feet, and all property owners of opposite frontage.

Principal Use

The main or primary use of a property or structure as permitted on such lot or parcel by the regulations of the district in which it is located.

Professional Home Offices

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.

Rear Yard

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 street yard or one of the street yards on a corner lot.

Shoreland Lot

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

Shore Yard

A yard extending across the full width of the lot, the depth of width of the lot, the depth of which is the minimum horizontal distance between the highwater mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of the principal structure.

Side Yard

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

Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product being sold or produced on the premises and which is visible from any public street or highway.

Street Yard

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

Street

A public right-of-way provided primary access to properties.

Structures

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, manure storage facilities, machinery, and equipment.

Structural Alterations

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

Utilities

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

Yard

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

SECTION 12.0 ADOPTION AND EFFECTIVE DATE

12.1 VILLAGE POWERS

The electors of the Town of Belgium, Ozaukee County, Wisconsin, authorized the Town Board to exercise all powers relating to villages and conferred on villages by Chapter 61 of the Wisconsin Statutes at an Annual Meeting held on April 14, 1961.

12.2 PUBLIC HEARING

The Town Plan Commission and the Town Board held a joint public hearing on this proposed Zoning Ordinance on November 1, 2010.

12.3 PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Town of Belgium recommended the adoption of this Zoning Ordinance at a meeting held on September 15, 2010.

12.4 TOWN BOARD APPROVAL

The Town Board concurred with the recommendations of the Plan Commission and proceeded to adopt the Zoning Ordinance by a unanimous vote at a meeting held on November 1, 2010.

12.5 EFFECTIVE DATE

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

Date of Posting or Publication: November 5, 2010

Effective Date: November 5, 2010

/S/ Francis Kleckner
Town Board Chairman

Attest:

/S/ Ginger Murphy
Town Clerk