

**CODE OF ORDINANCES
OF THE TOWN OF BRUSSELS,
DOOR COUNTY, WISCONSIN**

TITLE 10

**TOWN OF BRUSSELS ZONING
REGULATIONS**

**Published by Authority of the Board of Supervisors
Town of Brussels, Door County, Wisconsin**

**Prepared by
Bay-Lake Regional Planning Commission
211 North Broadway, Suite 211
Green Bay, Wisconsin 54303-2757**

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CODE OF ORDINANCES FOR THE TOWN OF BRUSSELS, DOOR COUNTY, WISCONSIN

TITLE 10 ZONING REGULATIONS

TOWN OF BRUSSELS
DOOR COUNTY, WISCONSIN

Adopted: August 13, 2002, by the Town of Brussels

Approved: August 27, 2002, by the Door County Board

Official Detailed Zoning Maps are on file in the Town of Brussels Clerk's Office.

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TABLE OF CONTENTS

CHAPTER 1 - TITLE; AUTHORITY; AND GENERAL PROVISIONS	1
1.01 Title	1
1.02 Authority	1
1.03 Contents.....	1
1.04 Purpose and Intent	1
1.05 Compliance.....	1
1.06 Force and Effect	2
1.07 Abrogation and Greater Restrictions	2
1.08 Interpretation and Application.....	2
1.09 Severability.....	2
1.10 Reserved.....	2
1.11 Vesting of Rights.....	2
1.12 Reserved.....	3
1.13 Commentary	3
1.14 Headings.....	3
CHAPTER 2 - ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS	5
2.01 Zoning Districts	5
2.02 Zoning Maps	5
2.03 Purpose and Intent of Zoning Districts	6
2.04 Types of Uses	8
2.05 Principal Uses.....	9
2.06 Accessory Uses.	20
2.07 Temporary Uses.	20
2.08 Uses Not Listed	21
2.09 STH 57 Highway Corridor Overlay District (HCO)	21
CHAPTER 3 - GENERAL REQUIREMENTS	27
3.01 Compliance.....	27
3.02 District Requirements.....	27
3.03 Density Requirements.	31
3.04 Lot Requirements.	31
3.05 Setbacks from roads.	32
3.06 Additional setbacks from roads for large buildings.	34
3.07 Setback from navigable water.	35
3.08 Height Requirements.....	35
3.09 Front, Rear, and Side Yards.	36
3.10 Landscape Buffers.....	36
3.11 Floor Area Requirements.	40
3.12 Accessory Structures.	40
3.13 Outdoor Storage of Junk Material.	43
3.14 Filling and Grading, Ponds.....	43
CHAPTER 4 - PARTICULAR USE REQUIREMENTS.....	45
4.01 Purpose.....	45
4.02 Applicability	45
4.03 Agricultural Uses Requirements.....	45
4.04 Commercial Uses Requirements.	46
4.05 Industrial Uses Requirements.....	53
4.06 Institutional Uses Requirements.....	64
4.07 Outdoor Recreational Uses Requirements.....	64
4.08 Residential Uses Requirements.	68
4.09 Miscellaneous Uses Requirements.	72
CHAPTER 5 - Natural Features Protection Requirements	76

5.01 Purpose.....	77
5.02 Applicability.....	77
5.03 Escarpment.....	77
5.04 Drumlins.....	79
5.05 Rockholes.....	79
5.06 Woodlands.....	81
5.07 Ridges and Swales Complexes.....	83
5.08 Reserved.....	84
5.09 Wetland Setbacks.....	84
CHAPTER 6 - Clustered Housing Development (<i>Reserved</i>)	85
CHAPTER 7 - PARKING, LOADING, AND ACCESS REQUIREMENTS.....	87
7.01 Purpose.....	87
7.02 Off-Street Parking Requirements.....	87
7.03 Parking Area Landscaping Requirements	93
7.04 Loading and Unloading Requirements	96
7.05 Access Requirements	98
CHAPTER 8 - SIGNS	101
8.01 Purpose.....	101
8.02 Applicability.....	101
8.03 General Sign Requirements	101
8.04 Specific Requirements for Particular Signs	103
8.05 Permits.....	108
8.06 Nonconforming Signs.....	108
8.07 Abandoned Signs.....	108
CHAPTER 9 - NONCONFORMING USES, STRUCTURES, LOTS	111
9.01 Previously Lawful Condition.....	111
9.02 Nonconforming uses.....	111
9.03 Nonconforming Structures	112
9.04 Nonconforming Lots.....	113
CHAPTER 10 - ADMINISTRATION	115
10.01 Town Plan Commission	115
10.02 Zoning Board of Appeals	116
10.03 Reserved.....	118
10.04 Zoning Administrator	118
CHAPTER 11 - PROCEDURES.....	121
11.01 Regular Zoning Permits.....	121
11.02 Sign Permits	123
11.03 Site Plan Review.....	125
11.04 Conditional Use Permits.....	127
11.05 Certificate of Compliance.....	131
11.06 Variance from the Requirements of this Ordinance.....	131
11.07 Appeals.....	133
11.08 AMENDMENTS.....	134
11.09 Public hearings	138
CHAPTER - 12 ENFORCEMENT	139
12.01 Violations	139
12.02 Prosecution	139
12.03 Penalties	140
12.04 After-the-Fact Conditional Use Applications and Variance Petitions.....	140
CHAPTER 13 - DEFINITIONS.....	143
13.01 Word Usage.....	143
13.02 Definitions.....	143

CHAPTER 1 - TITLE; AUTHORITY; AND GENERAL PROVISIONS

1.01 Title	1.08 Interpretation and Application
1.02 Authority	1.09 Severability
1.03 Contents	1.10 Reserved
1.04 Purpose and Intent	1.11 Vesting of Rights
1.05 Compliance	1.12 Reserved
1.06 Force and Effect	1.13 Commentary
1.07 Abrogation and Greater Restrictions	1.14 Headings

1.01 Title

This Ordinance shall be known, cited and referred to as: "THE TOWN OF BRUSSELS ZONING ORDINANCE, DOOR COUNTY, WISCONSIN", hereinafter referred to as "this Ordinance."

1.02 Authority

The Town Board of the Town of Brussels, pursuant to Sections 60.10 (2)(c), 60.10 (2) (h), 60.62, 61.35, and 62.23 of the Wisconsin Statutes and amendments thereto do ordain as follows:

1.03 Contents

This Ordinance consists of two distinct but inseparable and integrated parts: written text and zoning maps. The written text and zoning maps taken together constitute this Ordinance and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Ordinance.

1.04 Purpose and Intent

The purpose of this Ordinance is to promote and protect public health, safety, aesthetics, and other aspects of the general welfare:

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and water; regulate and restrict lot coverage, population distribution and density; and regulate and restrict the size and location of all structures so as: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate light, air, including access to sunlight for solar collectors and to wind for wind energy systems, and open space; to maintain the aesthetic appearances and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster more rational relationships between residential, business, commercial and recreational uses for the mutual benefit of all.

1.05 Compliance

(1) No land or water shall hereafter be used and no structure or part thereof shall hereafter be

used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this Ordinance.

(2) State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The Wisconsin Department of Transportation is exempt from the requirements of this Ordinance when s. 30.12(4), Wis. Stats., applies.

1.06 Force and Effect

This Ordinance shall be effective after a public hearing, enactment by the Town Board, approval by the Door County Board of Supervisors, and posting as provided by law.

1.07 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.

1.08 Interpretation and Application

The provisions of this Ordinance shall be construed to be minimum requirements. Further, interpretation and application of the provisions of this Ordinance shall take into account the purposes of this Ordinance and any adverse effects that an interpretation may have upon such purposes.

1.09 Severability

If any section, paragraph, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. 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 judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

1.10 Reserved

1.11 Vesting of Rights

No rights to any particular use or structure vest in any property owner simply because the use is permitted by this Ordinance. Such use may be prohibited by future amendment to this Ordinance. However, the approval and issuance of a permit shall vest in the property owner the right to use the property in the manner specifically approved by the permit, unless and until the permit expires. No amendment to this Ordinance which prohibits a particular use shall be applicable to any property developed under a previously issued permit, except to the extent that such use is rendered nonconforming.

1.12 Reserved

1.13 Commentary

Throughout this Ordinance, insertions prefaced "Commentary:" are included. They are intended to give information or to explain certain provisions in this Ordinance. They are not by themselves regulatory provisions and shall not be used thusly.

1.14 Headings

Headings are used throughout this Ordinance to assist users of this Ordinance. If a heading should conflict with the text in interpreting this Ordinance, the text shall control.

CHAPTER 2 - ZONING DISTRICTS AND ZONING MAPS; USE REGULATIONS

2.01 Zoning Districts.

2.02 Zoning Map.

2.03 Purpose and Intent of Zoning Districts

2.04 Types of Uses.

2.05 Principal Uses.

2.06 Accessory Uses.

2.07 Temporary Uses.

2.08 Uses Not Listed.

2.01 Zoning Districts

For the purpose of this Ordinance, the Town of Brussels is divided into the following zoning districts (with their respective symbols):

Wetland (W)	Commercial Center (CC)
General Agricultural (GA-2)	Mixed Use Commercial (MC)
Single Family Residential-20,000 (SF20)	Light Industrial (LI)
Rural Residential (RR)	Natural Area Overlay (NAO)
High Density Residential (HD)	STH 57 Highway Corridor Overlay (HCO)

2.02 Zoning Maps

(1) Zoning districts shall be bounded and defined as shown on the zoning map prepared for the town. The zoning map shall be entitled, “*Zoning Map of Town of Brussels*”.

(2) Interpretation of Zoning District Boundaries. The following rules shall be used to determine the precise location of zoning district boundaries shown on the *Zoning Map of Town of Brussels*:

(a) Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

(b) Boundaries shown as following or approximately following roads shall be construed as following the centerlines of such roads.

(c) Boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Door County Real Property Listing Tax Maps shall be construed as following such lines.

(d) Boundaries shown as following or approximately following the centerlines of streams, rivers, or other water courses shall be construed as following the centerline of such water courses; in the event of a natural change in the location of such water courses, the zoning district boundary shall be construed as moving with the centerline.

(e) Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in pars. (a) through (d), shall be construed to be parallel to such features and at such distances therefrom as are shown on the *Zoning Map of Town of Brussels*.

(f) Boundaries below the ordinary high water mark which coincide with riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall be construed as such riparian rights lines.

(g) Boundaries below the ordinary high water mark which do not coincide with riparian rights lines as determined by NR 326.07, Wis. Admin. Code, shall be construed as running perpendicular to the shoreline where the boundaries intersect with the shoreline.

2.03 Purpose and Intent of Zoning Districts

The following specifies the purpose and intent of each of the zoning districts established by this Ordinance.

(1) Wetland (W)

This district is intended to prevent the destruction and depletion of Town of Brussels's wetlands; to protect water courses and navigable waters and the public rights therein; to maintain the purity of water in lakes and streams and to prevent pollution thereof; and to protect spawning grounds, fish, and habitats for wild flora and fauna. Furthermore, this district is intended to prevent the changing of the natural character of wetlands. Lot sizes of at least 10 acres are required for new lots.

Commentary: Except as may be altered by zoning map amendment, the Wetland district boundaries coincide with the wetland boundaries shown on the most recent version of the Wisconsin Wetland Inventory maps for Door County that have been prepared by the Wisconsin Department of Natural Resources.

(2) General Agricultural (GA-2)

This district is intended to maintain agricultural lands which have historically demonstrated high agricultural productivity. It is also intended to accommodate certain nonagricultural uses which require spacious areas to operate or where natural resource exploitation occurs. Lands eligible for designation in this district shall generally include those designated as primary or secondary farmland preservation areas in the *Door County Farmland Preservation Plan-1982*. This district is also intended to provide farmland owners with additional management options by allowing limited residential development, but with residential density limits and other requirements set so as to maintain the rural characteristics of this district. Lot sizes of at least two (2) acres are required for new lots, with a gross density of 8 units per quarter-quarter section

(40 acres).

(3) Single Family Residential-20,000 (SF20).

This district is intended to provide for exclusive single family residential and planned residential development at fairly high densities. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer. Generally, these districts will be located in or near existing communities where smaller lots are the norm. The permitted uses are restricted in order to maintain the strictly residential character of these areas.

(4) Rural Residential (RR)

This district is intended to provide for single family and two family residential development on medium-sized lots. Lot sizes of at least 40,000 square feet are required for new lots. This district also permits manufactured home parks and home businesses. It is intended to provide additional development options to home owners by allowing certain businesses to be established in conjunction with residences. It will generally be located within the interior of the Town.

(5) High Density Residential (HD)

This district is intended to provide areas for a variety of residential uses, including multiple occupancy developments, manufactured home parks, and single family residential development at higher densities not to exceed four units per acre and that is consistent with the town of Brussels rural character. This district is intended to be located in areas with an existing mixture of residential types, certain regions which are served by public sewer, and other locations where high density residential developments are appropriate. This district is not intended to develop into centers of commercial activity and, thus, most commercial uses are not permitted. Lot sizes of at least *one acre* are required for new lots which are not served by public sewer.

(6) Commercial Center (CC)

This district is intended to provide centers for commercial and mixed use development and redevelopment. The district permits a wide variety of retail, service, and office uses and is intended to maintain the vitality of Town of Brussels's commercial centers. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer.

(7) Mixed Use Commercial (MC)

This district permits both residential and commercial uses and is designed to accommodate those areas of the Town of Brussels with an existing desirable mixture of uses, or where such a mixture of uses is wanted. Typically, this district will be located within or near existing communities, but it is also intended for outlying or smaller nodes of development. In addition, this district can be used as a transition between business centers and strictly residential areas. Lot sizes of at least 20,000 square feet are required for new lots which are not served by public sewer.

(8) Light Industrial (LI)

This district is intended to provide for manufacturing, warehousing, and other light industrial operations. It is also intended that this district be used for the location of trade or contractor establishments, commercial storage facilities, and similar businesses. Such uses should not be detrimental to the surrounding area or to the Town as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, degradation of groundwater, or other nuisance factors. Such uses may be subject to requirements which will reasonably ensure compatibility. This district can also be used for industrial or business parks. Lot sizes of at least 60,000 square feet are required for new lots.

(9) Natural Area District (NA)

This overlay district is intended to conserve the existing, mostly undeveloped natural areas of the town. The NA district may be used in upland areas adjacent to, or surrounded by, wetland areas, areas associated with the Niagara Escarpment and with the Brussels Hill or in other areas where the Town considers the natural features to be significant. To conserve these areas only very low density residential uses are permitted. Lot sizes of at least 20 acres are required for new lots.

(10) STH 57 Highway Corridor Overlay District (HCO)

This overlay district is intended to preserve the lands within the proposed highway corridor for the future expansion and realignment of a state highway; to provide the public with protection from the impacts of the new four-lane highway facility on existing and future land use development; to protect the aesthetic and visual character of land in the Town of Brussels adjacent to major and existing highway corridors; to protect property owners whose proposed uses of land may be disrupted by the construction of the highway; and, to ensure adequate, safe, and efficient access to the state highway as well as to the county and local roads that intersect with the state highway.

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force

2.04 Types of Uses

(1) Principal uses. These uses are sorted and assigned to specific zoning districts. (See s. 2.05, principal uses.) Such uses shall be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following three categories:

(a) Permitted uses. These uses are permitted by right, provided all requirements of this Ordinance are met.

(b) Permitted uses subject to the site plan review process. These uses are permitted by right,

provided all requirements of this Ordinance are met. However, the site design to accommodate the use shall be subject to the site plan review procedure described in s. 11.03, site plan review.

(c) Uses permitted as conditional uses. These uses are not permitted by right. Rather, their allowance is subject to the discretionary judgment of the Town Board, as described in s. 11.04, conditional use permits.

(2) Accessory uses. (See s. 2.06, accessory uses and Chpt. 13 Definitions.)

(3) Temporary uses. (See s. 2.07, temporary uses and Chpt. 13 Definitions.)

(4) Uses not listed. (See s. 2.08, uses not listed.)

2.05 Principal Uses

(1) Except as pertains to the Wetland district, the principal uses allowed in each zoning district shall be as shown in sub.(3), table of principal uses.

Commentary: *The listing of allowable uses in the Wetland district is handled differently in order to be consistent with Chapter NR 115, Wis. Admin. Code.*

(2) How to use the table of principal uses.

Table of principal uses (portion)

TYPE OF USE	ZONING DISTRICTS								
	W	NA	EA	GA--2	PA	CS	HL	ES	SF20
AGRICULTURAL USES									
Farm Markets (s. 4.03(3))			C	S		S	C		
General Agriculture (s. 4.03(1))		P	P	P	P	P	P	P	
Greenhouses			P	P	P ¹	P	P	P ¹	

Refer to listed section for requirements applicable to specified use.

The listing of principal uses for the Wetland district does not fit a table format. Refer to sub. (4).

Refer to footnote at end of table for special Provisions

Space without symbol means the use is not allowed

KEY:

P = Permitted uses.

S = Permitted uses subject to the site plan review procedure.

C = Uses permitted as conditional uses.

(3) Table of principal uses.

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
AGRICULTURAL USES									
Agricultural Visitation Facility (4.03(4))			C						
Farm Markets (s. 4.03(3))			S				P	P	
Agriculture (s. 4.03(1))			P						P
Factory Farm			C						
Greenhouses			P				S	S	
Roadside Stands (s. 4.03(2))			P						
Tree/Shrub Nurseries			P						
COMMERCIAL USES									
Adult Entertainment Business (s. 4.04 (16))								C	
Art Galleries			C				P	P	
Auto Repair (s. 4.04(5))			S				C	C	P
Auto Sales and Service Lot							S	S	
Banks							P ²	P ²	
Bed & Breakfast Establishments (s. 4.04(11))			P	C	P	P	P	P	
Boardinghouses (s. 4.04(12))			P		P	P	P	P	
Commercial Fishing Facilities			P				S	S	P
Commercial Trucking Establishments			C ³						S
Commercial Storage Facilities(s. 4.04(8))							C	C	P
Conference Facilities							S	S	
Day Care Centers (s. 4.04(14))							S	S	

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
COMMERCIAL USES (Continued)									
Family Day Care Homes (s. 4.04(13))			P	S	S	S	P	P	P
Farm Implement Sales/Service			S				C	C	P
Fertilizer Distribution Plants			C						C
Funeral Homes							S	S	
Gas Stations			C				C	C	C
Grain Mills			C				C	C	P
Home Businesses ((s. 4.04(10))			S		S				
Home Occupations (s. 4.04(9a))		P	P	P	P	P	P	P	
Home Offices ((s. 4.04(9))		P	P	P	P	P	P	P	P
Hotel and Motels (s.4.04 (15)).							S	S	
Indoor Recreation							P	S	
Kennels (s. 4.04(2))			P						
Laundromats and Laundry Service							P	P	P
Lumber/Building Supply Yards(s. 4.04(6))							S	C	S
Medical/Dental Clinics							P	P	
Model Homes (s. 4.04(4))				S	P	P	P	P	
Passenger Bus Terminals							S	S	
Personal Service Establishments							P	P	
Professional Offices/Studios							P	P	
Radio/TV Stations (s. 4.04(1))							P	P	
Recreational/Fishing Equipment Sales							P	P	

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
COMMERCIAL USES (Continued)									
Recreational Vehicle Sales/Service							S	S	
Restaurants or Taverns (s. 4.04(3))			C				P ²	P ²	
Retail Stores							P ⁶	P ⁶	
Trade or Contractor Establishments (s. 4.04(7))			C				C		S
Veterinarian Clinics			P				P	P	
Wineries/Breweries			S				C	C	P
INDUSTRIAL USES (s. 4.05(8))									
Asphalt/Concrete Plants			C ⁴						C
Bulk Storage of Fuel Products									C
Freight Terminals (s. 4.05(2))								C	P
Fruit/Vegetable/Cheese Processing Plants			C						S
Manufacturing, Assembly, Processing							C		S
Nonmetallic Mining (s. 4.05(3))			C						C
Resource Recovery Facilities (s. 4.05(6))			C						C
Salvage Yards (s. 4.05(4))			C						C
Sawmills/Planing Mills (s. 4.05(1))			P						P
Sewage Disposal/Treatment Plants			C				C	C	C
Slaughterhouses			C					C	C
Solid Waste Facilities (s. 4.05(5))			C						C
Temporary Concrete or Asphalt Batch Plants (s. 4.05(7))			C		C	C	C	C	C
Wholesale Establishments/Distributorships							C	C	P

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
INSTITUTIONAL USES									
Cemeteries			P	P	P	P	P	P	
Churches			P	S	S	S	P	P	
Community Living Arrangements Per Wis. Stats. 62.23 (7)&I)			S		S		S	S	
Fire/Police Stations			S		S		S	S	
Hospitals							S	C	
Institutional Residential			C			S	C	S	
Libraries/Museums							P	P	
Post Offices							P	P	
Public or Private Schools			S		S	S	S	S	
Public Highway Garages (s. 4.06(1))			S		C		S	S	P
Town Halls/Community Centers			P		P		P	P	
Travelers' Information Centers							P	P	

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
OUTDOOR RECREATIONAL USES									
Amusement Park								C	
Campgrounds/Trailer Camps (s. 4.07(2))			S						
Camping (s. 4.07(3))			P	P	P	P			
Commercial and Private Riding Stables (s. 4.07(4))			S						
Golf Courses			C						
Golf Driving Range			C						
Gun Clubs/Shooting Ranges			S						
Reserved (s. 4.07(6))			C						
Reserved (s. 4.07(5))							S	S	
Outdoor Theatre								C	
Parks (s. 4.07(1)) ⁹			P	P	P	P	P	P	P

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
OUTDOOR RECREATIONAL USES (Continued)									
Commercial and Private Riding Stables (s. 4.07(4))			P		P				
Public Boat Launching Facilities				S	S	S	S	S	
Retreat Centers (s. 4.07(7))			C						
Ski Resorts			C						
RESIDENTIAL USES									
Accessory Residences (s. 4.08(3)) ¹		P	P	P	P	P	P	P	P
Duplexes			P		P	P	P	P	
Reserved									
Reserved			P						
Manufactured Homes (s. 4.08(6))		C	C	C	C	C	C	C	C
Manufactured Home Parks (s. 4.08(5))					C	C			
Multiple Occupancy Developments (s.4.08(8))						C	C	C	
Clustered Housing Development (Ch. 6 Reserved)									
Single Family Residences		P	P	P	P	P	P	P	
Reserved									
MISCELLANEOUS USES									
Airports (s. 4.09(1))			C						
Airstrips and Landing Fields (s. 4.09(1))			S						

(3) Table of principal uses (continued).

Type of Use	Zoning Districts								
	W	NA	GA-2	SF20	RR	HD	CC	MC	LI
MISCELLANEOUS USES (Continued)									
Animal Shelters/Pounds (s. 4.09(3))			C				C	C	
Municipal/Commercial Parking Lots							S	S	S
Utility Facilities - Type A (s. 4.09(2))		P	P	P	P	P	P	P	P
Utility Facilities - Type B (s. 4.09(2))		C	C	C	C	C	C	C	C
Commercial Communication Towers, Antennas, Transmitters ≤ to 75' (s. 4.09(4))		C	C			C	C	C	C
Commercial Communication Towers, Antennas, Transmitters >75', but ≤ 200' (s. 4.09(4))		C	C	C	C	C	C	C	C
Noncommercial Communication Towers, Antennas, Transmitters ≤ 50' (s. 4.09(4))		P	P	P	P	P	P	P	P
Noncommercial Communication Towers, Antennas, Transmitters >50' (s. 4.09(4))		C	C	C	C	C	C	C	C
All Communication Towers, Antennas, Transmitters >200' (s. 4.09(4))			C						C
Wind Generation Farms			C						

KEY: P = Permitted uses.

S = Permitted uses subject to the site plan review procedure.

C = Uses permitted as conditional uses.

the lot exceeds 20,000 sq. ft. shall only be permitted as conditional uses.

FOOTNOTES:

1. Excluding manufactured homes.
2. Establishments with drive-through facilities shall be permitted only as provided in s. 11.03, site plan review.
3. Restricted to commercial trucking of farm products or to provide a farm service.
4. Asphalt/Concrete plants may be allowed as a conditional use in GA-2 districts where the proposed asphalt/concrete plant is located on the same property as an existing and legally operating nonmetallic mine operation.
5. Reserved

7. Reserved
8. Reserved

9. Privately owned parks which include active recreation shall only be permitted as a conditional use.

6. Establishments where the total floor area of all buildings which serve a retail use on

(4) Uses pertaining to the Wetland District.

(a) Uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, draining, flooding, dredging, ditching, tiling, or excavating:

1. Hiking, fishing, trapping, hunting, swimming and boating.
2. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds in a manner that is not injurious to the natural reproduction of such crops.
3. The pasturing of livestock.
4. The cultivation of agricultural crops.
5. The practice of silviculture, including the planting, thinning and harvesting of timber
6. The construction or maintenance of duck blinds and deer stands.

(b) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. Temporary water and stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
3. The maintenance and repair of existing agricultural drainage systems where permissible by s. 30.20, Wis. Stats., including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that the filling is permissible by Chapter 30, Wis. Stats., and that the dredged spoil is placed on existing spoil banks where possible.
4. The construction or maintenance of fences for pasturing livestock, including limited excavating and filling necessary for such construction or maintenance.
5. The construction or maintenance of piers, docks or walkways built on piling, including limited excavating and filling necessary for such construction and maintenance.

6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.

(c) Uses which require the issuance of a regular zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, subject to the following conditions:

- a. The road cannot, as a practical matter, be located outside the wetland.
- b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
- c. The road is designed and constructed with the minimum cross section to serve the intended use.
- d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction and maintenance of nonresidential buildings, subject to the following conditions:

- a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some use permitted in the Wetland district.
- b. The building cannot, as a practical matter, be located outside the wetland.
- c. Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
- d. Only limited filling or excavating necessary to provide structural support for the building shall be allowed.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, and public boat launching ramps and attendant access roads, subject to the following:

- a. Any private wildlife habitat areas shall be used exclusively for that purpose.
- b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in par.(c), subd.1.

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, and game preserves and private wildlife habitat areas is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing such services to their members and the construction or maintenance of railroad lines subject to the following standards:

a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.

b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.

(d) Prohibited uses. Any use not listed in sub. (4), pars. (a) - (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance.

2.06 Accessory Uses.

(1) Accessory uses are permitted in all zoning districts. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of s. 3.12, accessory structures.

(2)Reserved

2.07 Temporary Uses.

(1) Uses which are conducted for not more than 7 consecutive days nor more than 10 days in any one year period shall be known as temporary uses and may be conducted in any zoning district, except the Wetland district. Only those uses shown in s. 2.05(4), uses pertaining to the Wetland district, are allowed in the Wetland district. Uses which are conducted for more than 7 consecutive days or for more than 10 days in any one-year period shall be regarded as principal uses and regulated accordingly.

(2) Temporary uses shall not require a regular zoning permit.

(3) Temporary uses shall meet all setback and yard requirements of this Ordinance.

(4) Temporary uses shall not involve the construction or alteration of any permanent structure.

(5) The previous operation of a temporary use shall not be considered grounds for reestablishment of such use on either a permanent or temporary basis.

(6) Temporary uses shall not involve uses otherwise prohibited by this Ordinance or uses listed

in section 2.05 (3) which would require a conditional use permit.

2.08 Uses Not Listed

(1) Determination of use classification by the Plan Commission. The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Ordinance.

(2) Unclassified uses. A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:

(a) The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Ordinance for such similar uses.

(b) If the Plan Commission determines that the use is not similar to other uses for the applicable zoning district, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing. The applicant shall also be informed of their right under Section 11.08 of this Ordinance to petition for an amendment to the text of the ordinance which would classify and establish regulations for the proposed unclassified use.

2.09 STH 57 Highway Corridor Overlay District (HCO)

(1) Purpose

(a) The STH 57 Highway Corridor Overlay District is hereby established as a district which overlaps and overlays existing base zoning districts, the extent and boundaries of which are as indicated on the official zoning maps for the Town of Brussels. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force.

(2) Overlay Area Defined

(a) The STH 57 Highway Corridor Overlay District encompasses all lands within 1,000-feet of either side of the proposed future STH 57 right-of-way. Persons with property divided by the defined limits of the STH 57 Highway Corridor Overlay District are required to comply with the District's standards only for that segment of the property within the STH 57 Highway Corridor Overlay District.

(3) Permitted Uses

(a) The overlay district provisions apply to any base district set forth in this Ordinance that exists within the defined overlay district. In the instance of conflicting requirements,

the more restrictive of the conflicting requirements shall apply.

(b) There shall be no alteration of the existing condition of lands, uses, or structures within *the STH 57 Highway Corridor Overlay District* from the date of enactment of this Article henceforth, except as provided for by this Section or by other sections of this Article.

(c) These regulations are supplementary to the permitted uses and requirements for the appropriate underlying zoning district as contained in the Town of Brussels Zoning Ordinance.

(d) Uses prohibited in the underlying zoning district are also prohibited in the STH 57 Highway Corridor Overlay District.

(e) All uses proposed in *the STH 57 Highway Corridor Overlay District* shall be subject to site plan review procedures in s. 11.03 of the Town of Brussels Zoning Ordinance. The Site Plan Review function shall be undertaken by the Plan Commission.

(4) Standards

(a) Unless otherwise noted in this Section, the standards of the underlying base zoning district shall apply.

(5) Building Architecture

(a) The Plan Commission prior to the issuance of a building permit must approve all building locations.

(b) Structures within the corridor shall be designed with an "architectural character" that blends with the overall visual character of the rural context of its setting. This character can be stylized but should at a minimum have the following elements:

(c) Buildings shall have a minimum 2:1 roof slope when the building's ground coverage is less than 10,000 sq. ft.

(d) Buildings greater than 10,000 sq. ft. shall have architecturally detailed elements strategically integrated into the building's facades to add detail and break the visual impact of large wall areas.

(e) Building materials shall be compatible with the visual context and use customary in the Town of Brussels and Door County, to the greatest extent possible, materials such as brick, stone and wood. Composite wall panels, curtain wall systems, decorative masonry and architecturally detailed prefabricated concrete wall panels shall be permitted in industrial and commercial areas.

(f) Building colors shall be natural "earth tones", or subdued hues of blue, green or yellow. Building colors which sharply contrast with the natural colors of the landscape

context shall be prohibited

(g) One dominant material should be selected with its own natural integrity. Materials shall convey permanence, substance, timelessness, and restraint, with low maintenance.

(h) Any exterior building wall (front, side or rear) facing a road or STH 57 shall be constructed of one of the following materials:

1. Clay or masonry brick
2. Customized concrete masonry with striated, scored or broken faced brick type units (sealed) with color consistent with design theme.
3. Poured in place, tilt-up or pre-cast concrete. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.
4. Steel frame structures with architectural flat metal panels or glass curtain walls.
5. Natural stone.
6. Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings, and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry, or decorative stucco surfaces in combination with decorative fascia overhangs, trim, as detailed above.

(6) Landscaping

(a) All proposed development within the STH 57 Highway Corridor Overlay District shall require a landscape development plan. *Agricultural uses and single residential development on individual lots are excluded from this requirement.*

(b) Landscape development shall be consistent and blend with the adjoining landscape (i.e. meadow, prairie, windbreak, upland woods (woodlot), hedgerow, lowland woods, wetland, etc.).

(c) Building sites shall maintain a minimum of 25% of the lot area in open space that will be landscaped subject to s 3.10 and s.7.03 (2) of the Ordinance. Landscape development should reflect the native or agricultural character of the adjoining countryside.

(d) A 25 foot wide area adjacent to the public road right-of-way along the entire lot width shall be used for screening and landscaping.

(e) Complete vegetative clearing shall be allowed only in the areas required for access driveways. For driveways serving as both entrance and exit, a strip a maximum of 40 feet may be cleared. When separate entrance and exit driveways are used, a maximum of 20 feet may be cleared for each driveway.

(f) Existing shrubs and trees with a caliper of 2 ½ inches or greater shall be retained so that for every 100 feet of lot road frontage a minimum of 300 landscape points are earned. Landscape points shall be accumulated as outlined in s. 7.03(2)(b), parking area landscaping requirements, landscape points chart, and shall be in addition to landscape points required for screening parking areas.

(g) No more than 50% of the landscaping points required for any lot shall be earned through canopy trees unless said trees account for greater than 600 landscape points per 100 feet of lot road frontage.

(h) Where shrubs or trees with a caliper of 2 ½ inches or greater do not exist at a rate of 300 landscape points per 100 feet of lot road frontage, additional trees and shrubs shall be planted so that a minimum of 300 landscape points are earned as outlined in s. 7.02(b) for every 100 feet of road frontage.

(7) On-Site Utilities

(a) All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or road right-of-way to structures and to utilities supplying service between structures.

(8) Lighting

(a) All outdoor lighting shall be subject to s. 4.09 (5) of the Town of Brussels Zoning Ordinance.

(9) Drainage

(a) Storm water drainage should be directed into natural drainage channels and detention / retention ponds. Pond edges and drainage channels shall be protected from erosion by natural aquatic vegetation whenever possible. When storm water volumes and/or velocities indicate more substantial measures than planting are required to control erosion, limestone rip-rap may be used.

(10) Access

(a) No direct driveways access shall be permitted to STH 57 other than WisDOT approved access for county and local road intersections, agricultural operations and field access.

(b) Driveway access to lands adjoining county highways intersecting with STH 57 shall maintain a minimum separation distance of 1,000-feet from the nearest STH 57 highway right-of-way line. Driveway access to lands adjoining all other roads intersecting with

STH 57 shall maintain a minimum separation distance of 500' from the nearest STH 57 highway right-of-way line.

(c) All permitted driveway access to STH 57 and county and town roads intersecting with STH 57 shall be subject to and in accordance with the requirements of s.7.05 of the Ordinance.

(11) Parking

(a) Off street parking and loading areas shall be subject to and in accordance with s.7.02 of the Ordinance.

(b) Parking area landscaping requirements shall be subject to and in accordance with s. 7.03 of the Ordinance.

(c) Natural drainage systems for parking lots are encouraged. If drainage detention is required it shall be in a naturally configured pond, recreated wetland area or dry detention area.

(12) Loading and Unloading

(a) Loading and unloading requirements shall be subject to section 7.04 of the Ordinance.

(b) Service areas, loading docks, truck parking, outside storage and dumpster areas shall be screened from all viewing highways located within the District and any adjacent residential developments. Screening shall be accomplished with a minimum 8' high opaque screen. This screening may be accomplished by:

(c) Freestanding or attached wing walls or fences constructed of materials complimentary or the same as the primary construction materials found in the principal buildings.

(d) Earth berms and/or landscaping dense enough to create a year-round opaque screen. Plant material used for screening these service areas may be considered part of the general Site Landscaping & Open Space landscape requirement.

(13) Outdoor Display and Storage

(a) No outdoor display of products shall be allowed between the business location's principal or accessory building and STH 57. This restriction shall not apply to "farmer's markets" and other agricultural uses (i.e. livestock, crops, farm implements)

(b) No outdoor storage shall be allowed between the business location's principal or accessory building and all viewing highways. This restriction shall not apply to "farmer's markets" and other agricultural uses (i.e. livestock, crops, farm implements currently in use for agricultural production)

(14) Signs

(a) On-premise business identification signs (building mounted & free standing) shall be subject to s.8 of the Ordinance.

(b) Off premises advertising signs (temporary and permanent) shall not be permitted within the STH 57 Highway Corridor Overlay District.

(c) Standard WisDOT tourist information signs and business logo sign groupings (Specific Information Signs) as currently used along the State highway system shall be allowed within the right of way. Route designation signs such as the Lake Michigan Circle Tour, Rustic Road and Ethnic Trail signs shall also be allowed within the right of way.

(15) Viewsheds

(a) Scenic vistas and sight lines to other special views particularly related to creeks, public open space, conservancy areas, and large farms shall be maintained through careful building placement and landscape development.

(16) Lot requirements.

(a) Lot size shall be subject to and in accordance with s. 3.04 of the ordinance.

(17) Setbacks from roads.

(a) Building setbacks shall be subject to and in accordance with s. 3.05 and s. 3.06 of the ordinance.

CHAPTER 3 - GENERAL REQUIREMENTS

3.01 Compliance	3.08 Height Requirements
3.02 District Requirements	3.09 Front, Rear, and Side Yards
3.03 Density Requirements	3.10 Landscape Buffers
3.04 Lot Requirements	3.11 Floor Area Requirements
3.05 Setbacks from Roads	3.12 Accessory Structures
3.06 Additional Setbacks from Roads for Large Buildings	3.13 Outdoor Storage of Junk Material
3.07 Setback from Navigable Water	3.14 Filling and Grading
	3.15 Reserved

3.01 Compliance.

All development shall comply fully with the requirements of this Chapter.

3.02 District Requirements.

(1) Developments shall meet the minimum requirements for the applicable district shown in the table in sub. (3).

(2) How to use the table in sub. (3).

(Continued on next page)

(2) How to use the table in Sub. (3).

Table of district requirements (portion)

<u>ZONING DISTRICT</u> Development Type(s)	Min. Lot Area	Min. Lot Width, feet ⁶	Min. Site Area	Max. Residential Density, d.u./acre	Min. Preservation Open Space	Max. Imperv. Surface Ratio ¹	Yards				
							Side Prin- cipal, feet	Side Acces- sory, feet	Rear Prin- cipal, feet	Rear Acces- sory, feet	Front, feet
<u>WETLAND (W)</u> Development, per s. 2.05(4)	10 acres ⁸	300	n/a	n/a	n/a	7.5%	25	50	50	50	25
<u>NATURAL AREA (NA)</u> All Other Development Planned Residential Development	15 acres v	450 v	n/a 30 acres	n/a 0.15	n/a 80%	25% n/a	25 50 ²	20 50 ²	50 50 ²	50 50 ²	25 25
<u>EXCLUSIVE AGRICULTURE (EA)</u> All Development	35 acres	600	n/a	n/a	n/a	25%	50 ³	50 ³	50	50	25

Refers to the various types of developments permitted in each specific zoning district. If a development is not listed separately, refer to "All Other Development" for requirements.

Refers to the minimum size for an individual lot for each type of development.

Refers to the minimum width of a lot as measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

Refers to the minimum total land area needed to implement a Manufactured Home Park or Planned or Residential Development.

Refers to the percentage of the total site area that must be preserved as open space.

Determine the maximum of dwelling units permitted by multiplying the number listed by the total acreage of the site area.

Refers to the maximum proportion of a lot that may be covered with buildings, pavement, and other impervious surfaces.

Refers to the minimum allowable distance between any side lot line and a principal (or accessory) structure.

Refers to the minimum allowable distance between a rear lot line and a principal (or accessory) structure.

Refers to the minimum allowable distance between a front lot line and any building.

KEY: n/a - Not applicable. v - Variable depending upon site design and other details of the development.

(3) Table of District Requirements (continued).

<u>ZONING DISTRICT</u> Development Type	Minimum Lot Area	Min. Lot Width, feet ⁶	Min. Site Area	Max. Residen. Density, d.u./acre	Min. Preser. Open Space	Max. Imperv. Surface Ratio ¹	Yards				
							Side Prin- cipal, feet	Side Acces- sory, feet	Rear Prin- cipal, feet	Rear Acces- sory, feet	Front, feet
<u>WETLAND (W)</u> Development, per s. 2.05(4)	10 acres ⁸	300	n/a	n/a	n/a	7.5%	25	25	50	50	25
<u>NATURAL AREA (NA))</u>	20 acres	450	n/a	0.05	n/a	25%	25	25	50	50	25
<u>GENERAL AGRICULTURAL (GA-2)</u> Development	2 acres	250	n/a	see s.3.03 ⁹	N/a	25%	25 ³	25 ³	25	25	25
<u>SINGLE FAMILY RESIDENTIAL- 20,000 (SF20)</u> Development (unsewered) Development (with public sewer)	20,000 16,200	100 90	n/a n/a	n/a n/a	n/a n/a	45% 45%	10 10	5 5	25 25	10 10	25 25
<u>RURAL RESIDENTIAL (RR)</u> Development, generally Duplex Manufactured Home Park	40,000 60,000 4,500 ⁵	150 200 50 ⁵	n/a n/a 5 acres	n/a n/a 6.00	n/a n/a 25%	35% 35% n/a	20 20 40 ²	15 15 40 ²	25 25 40 ²	20 20 40 ²	25 25 25
<u>HIGH DENSITY RESIDENTIAL (HD)</u> Development (unsewered) Development (with public sewer) Manufactured Home Park Multiple Occupancy Development	20,000 16,200 4,500 ⁵ 1 Acre	100 90 50 ⁵ 150	n/a n/a 5 acres 1 Acre	n/a n/a 6.00 4.0	n/a n/a 25% 25%	45% 45% n/a 45%	10 10 40 ² 20	5 5 40 ² 15	20 20 40 ² 40	10 10 40 ² 10	25 25 25 25
<u>COMMERCIAL CENTER (CC)</u> Development (unsewered) Development (with public sewer) Multiple Occupancy Development	20,000 16,200 1 acre	100 90 150	n/a n/a 1 acre	n/a n/a 4.0	n/a n/a 25%	75% 75% 45%	10 10 20	5 5 15	20 20 40	10 10 10	25 25 25

<u>ZONING DISTRICT</u> Development Type	Min. Lot Area	Min. Lot Width, feet ⁶	Min. Site Area	Max. Residen. Density, d.u./acre	Min. Preser. Open Space	Max. Imperv. Surface Ratio ¹	Yards				
							Side Prin- cipal, feet	Side Acces- sory, feet	Rear Prin- cipal, feet	Rear Acces- sory, feet	Front, feet
<u>MIXED USE COMMERCIAL (MC)</u>											
Development (unsewered)	20,000	100	n/a	n/a	n/a	45%	10	5	20	10	25
Development (with public sewer)	16,200	90	n/a	n/a	n/a	45%	10	5	20	10	25
Multiple Occupancy Development	1 acre	150	1 acre	4.00	25%	45%	20	15	40	10	25
<u>LIGHT INDUSTRIAL (LI)</u>											
All Development	60,000	200	n/a	n/a	n/a	60%	20 ⁷	10 ⁷	20 ⁷	10 ⁷	25

KEY: n/a - Not applicable.

v - Variable depending upon the site design and other details of the development.

FOOTNOTES:

1. For lots existing as provided in s. 3.04(5), lots created prior to the effective date of this Ordinance, the maximum impervious surface ratio on the lot shall be as it existed on the effective date of this Ordinance or as required here, whichever is greater.

2. Refers to minimum yard requirements as measured from perimeter of site area devoted to development.

3. For lots existing as provided in s. 3.04(5), lots created prior to the effective date of this Ordinance, the minimum side yard requirements shall be 20% of the lot width or 25 feet, whichever is less.

4. Reserved

5. Refers to minimum area or minimum width requirements for individual manufactured home sites within a manufactured home park.

6. For lots created after the effective date of this Ordinance that front on navigable water, the length of the line between the points of intersection of the side lot lines with the ordinary high water mark shall not be less than the required minimum lot width for the district in which the lot is located.

7. For side and rear lot lines that coincide with the boundary of the Light Industrial district, such yard requirements shall be doubled.

8. This minimum lot area requirement shall include parcels which are quarter, quarter, quarter sections (1/64th of a section) as described within the original United States Government Survey, said parcels being 10 acres, or nearly so in area.

9. This maximum residential density shall be based on quarter-quarter sections (Government Forty) which are one-sixteenth of a section as shown on the original United States Government Survey, such areas being 40 acres, or nearly so, in size.

3.03 Density Requirements.

(1) Density requirements are set forth in the Table of District Requirements in Section 3.02 (3) and are further detailed for the GA-2 District in this section.

(2) In the General Agricultural District (GA-2), the maximum density of residential development of quarter-quarter sections (government forties) that have not been split prior to the effective date of this Ordinance, shall be 8 dwelling units per 40 acre, including dwelling units existing prior to the effective date of this Ordinance but excluding accessory residences permitted under s. 4.08 (3) and manufactured homes permitted under s. 4.08 (6).

(3) In the General Agricultural District (GA-2), the density of residential development of quarter-quarter sections (government forties) that have been split into two or more lots prior to the effective date of this Ordinance shall comply with the table in sub.(4). The maximum number of dwelling units, including any existing dwelling units, that may be established shall be based on the gross area of the parcel constituting the lot of record existing prior to the effective date of this Ordinance. The maximum number of dwelling units includes dwelling units existing prior to the effective date of this Ordinance but excludes accessory residences permitted under s. 4.08 (3) and manufactured homes permitted under s. 4.08 (6):

(4) Table of Density for GA-2 District

General Agricultural District (GA-2)- Sliding Scale for Residential Development			
Area of Lot of Record*		Maximum Number of	
		Dwelling Units	
18,000 sq. ft -	3.999 Acres		1
4.0-	10.999 Acres		2
11.0-	20.999 Acres		4
21.0-	30.999 Acres		6
31.0-	< Govt. Forty		8
* Created prior to the effective date of this ordinance. See Section 3.04 (5) .			

3.04 Lot Requirements.

(1) No lot shall hereafter be created which does not meet the minimum width and area requirements of this Ordinance. No lot shall be so reduced that it fails to meet any density or dimensional requirements of this Ordinance.

(2) Lot of record required. Every building hereafter erected, structurally altered, or relocated shall be placed on a lot of record.

(3) Access to road. No lot shall hereafter be created nor any building placed on a lot which does not have an access to a public road or a private road approved by the Town Board or recorded with the Door County Register of Deeds Office. The property owner shall be responsible for securing such access.

(4) Except for multiple occupancy developments, only one single family residence or one duplex shall be permitted on a lot. However additional single family residence or one duplex units shall be permitted provided that the minimum lot size, lot width, and yard requirements for the applicable district could be met for each such structure.

(5) Lots created prior to the effective date of this Ordinance. Lots which were created before the effective date of this Ordinance shall be considered building sites provided they meet the criteria established in both pars.(a) and (b):

(a) They are of record in at least one of the following forms to establish the lot's date of creation:

1. A recorded land subdivision or certified survey map on file in the Door County Register of Deeds Office showing the lot in its present form.
2. A lot of record by means of a deed or land contract on file in the Door County Register of Deeds Office and which predates the effective date of this Ordinance.
3. Reserved
4. A recorded condominium plat.

(b) Minimum lot requirements for lots created prior to the effective date of this Ordinance.

1. Lots located in the Single Family Residential-20,000, High Density Residential, Commercial Center, and Mixed Use Commercial districts may be used as building sites provided that the lot width is at least 50 feet and that the lot area is at least 7,500 square feet.
2. Lots located in Wetland, General Agricultural-2, Rural Residential, and Light Industrial districts may be used as building sites provided that the lot width is at least 90 feet and that the lot area is at least 18,000 square feet.(6) Lots which qualify as building sites as provided in sub. (5) may be enlarged through acquisition of adjacent property, but need not comply with the provisions of s. 3.02(3), Table of District requirements. Any such lots which have been enlarged through land acquisition or combining of separate parcels into a single legal description shall not be thereafter reduced or rearranged except in compliance with s. 3.02 (3), Table of District Requirements.

3.05 Setbacks from roads.

In addition to the yard requirement provisions of s.3.03, Table of District Requirements, the following shall apply, with the most restrictive being applicable.

- (1) State and federal roads. Except as provided in subs. (5) and (6), the required setback for all structures fronting on state and federal roads shall be 110 feet from the centerline of the road or 50 feet from the edge of the right-of-way, whichever is greater.

(2) County roads. Except as provided in subs. (5) and (6), the required setback for all structures fronting on county roads shall be 75 feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever is greater.

(3) Town roads. Except as provided in subs. (5) and (6), the required setback for all structures fronting on all town roads shall be 65 feet from the centerline of the road or 30 feet from the edge of the right-of-way, whichever is greater.

(4) Private roads. The required setback for all structures fronting on private roads or private road easements, except those serving 4 lots or less, shall be 30 feet. No setback shall be required from private roads or private road easements which serve 4 lots or less. If the width of the private road or private road easement is described by plat, survey, deed or similar document, the setback shall be measured from the edge of the described road or road easement. If the width of the private road or private road easement is not so described, then the setback shall be measured from the edge of the traveled roadway.

(5) Setbacks in the Commercial Center and Mixed Use Commercial districts. The required setback from roads in the Commercial Center and Mixed Use Commercial districts within areas designated "Development Core" in the Door County Development Plan shall be 25 feet from the right-of-way.

(6) Setback reduction. A setback of less than the required setback for the appropriate class of road shall be permitted in cases where the adjacent principal buildings are located closer to the road than the required setback.

(a) Where each side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setbacks of the adjacent principal buildings.

(b) Where one side of the proposed building location is occupied by an adjacent principal building located within 200 feet of the proposed building footprint, the required setback for the proposed building shall be the average of the setback of the adjacent principal building and the setback required for that particular road.

(7) How measured. Setbacks from roads shall be measured from the nearest portion of a structure.

(8) Exemptions. The following structures shall be permitted within the required setback of roads, provided that they do not violate any other provisions of this Ordinance:

(a) Structures which are not buildings and which are less than 6 inches above pre-construction grade.

(b) Public utility poles, lines, and related equipment without permanent foundations.

(c) Minor structures, as listed in s. 3.12(1)(a).

(d) Fences, provided they are not located within a public right-of-way.

(e) Signs, as provided in Chapter 8.

(f) Outdoor lighting installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or drive-in facilities, provided these items are not located within a public right-of-way and provided that they are not located in side yards.

(g) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.

(h) Overhanging eaves and gutters, provided they extend not more than 2 feet into the required setback and are not located within a public right-of-way.

(i) Unenclosed stoops which are not more than 18 square feet in area and unenclosed stairs which are not more than 4 feet in width, provided such items extend not more than 6 feet from the wall of the building and are not located within a public right-of-way.

3.06 Additional setbacks from roads for large buildings.

In order to reduce detrimental effects upon roadside scenery within the Town of Brussels, all nonresidential buildings, and additions thereto, constructed after the effective date of this Ordinance shall conform to the additional setback requirements of this section. These requirements shall apply to all districts, except the Commercial Center and Light Industrial districts, and are in addition to the required setbacks provided in s. 3.05, setbacks from roads.

(1) The requirements of this section shall not apply to residential buildings, including multiple occupancy developments.

(2) Additional setback schedule. The required additional setback from a road shall be determined by a building's total volume according to the following schedule:

<u>Total Volume(cubic feet)</u>	<u>Additional Setback Required (feet)</u>
0 - 50,000	0
50,001 - 60,000	25
60,001 - 90,000	75
90,001 - 120,000	125
120,001 - 180,000	175
180,001 - 250,000	225
250,001 - 400,000	275
400,001 - 600,000	325
> 600,000	375

(3) Clusters of buildings. For the purposes of this section, buildings which are less than 30 feet apart shall be considered as one building and the total of each building's volume shall be used to determine the additional setback of each building.

(4) Reduced setback by screening. The required setback may be reduced by vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements. The screening shall be placed to obscure the view of the building(s) from the road, except for a not greater than 30 foot wide opening that provides access to the site. This option will reduce the required setback by 50%, but cannot be used to reduce the total setback beyond the minimum required in s. 3.05, setback from roads.

(5) Exemptions. An exemption will be made for newly created buildings or additions that are associated by use with building(s) existing prior to the effective date of this Ordinance. However, to be exempted, the new building must be located within 150 feet of the existing building(s). Road setback requirements for these exemptions will be the minimum setback required in s. 3.05, setback from roads, or no closer to the road than the closest existing building, whichever is greater.

3.07 Setback from navigable water.

Commentary: *Within the shoreland area of the town of Brussels, the Door County Zoning Ordinance is in effect in addition to this Ordinance. Applicants for activities within the shoreland should consult with the Door County Planning Department for any activities proposed for the shoreland area.*

3.08 Height Requirements.

(1) Height limitation. Except as provided in subs.(2) and (3), no building, structure, or sign shall exceed 35 feet in height above the grade elevation. However, for lots of nonconforming width in SF20 and RR zoning districts, no building, structure, or sign shall exceed 26 feet in height above the grade elevation.

(2) Exemptions. The following shall be exempted from the height requirements of this section:

- (a) Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas, provided that such cupolas do not exceed 64 square feet in floor area, including

stairwells, are not higher than 8 feet above the adjacent roof ridge, and contain no living quarters.

(b) Agricultural structures such as silos, barns, and grain storage buildings.

(c) Special structures such as elevator penthouses, grain elevators, observation towers in parks, communication towers, electrical poles and towers, and smoke stacks.

(d) Wind generators, provided such structures shall not exceed in height their distance from the nearest lot line.

(3) Public or semi-public facilities such as schools, churches, monuments, libraries, governmental offices and stations, may be erected to a height of 60 feet provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds 35 feet in height.

3.09 Front, Rear, and Side Yards.

Except as dictated by s.3.05, setbacks from roads, and s.3.07, setback from navigable water, the following shall apply to front, rear, and side yards:

(1) How measured. The yard distances shall be measured from the nearest portion of the structure, except that the first 2 feet of an overhanging eave of buildings shall not be included where the yard requirement exceeds 5 feet.

(2) Exemptions. The following structures are permitted in front, rear, and side yards provided they do not violate any other provision of this Ordinance:

(a) Public utility poles, lines, and related equipment without permanent foundations.

(b) Fences, provided they are not located within public rights-of-way.

(c) Structures which are not buildings and which are less than 6 inches above preconstruction grade.

(d) Minor structures, as listed in s. 3.12(1)(a).

(3) Applicability to functional appurtenances. Any functional appurtenances to a principal building, such as decks, stairways, and balconies, which are attached to or located within 3 feet of the principal building shall comply with the yard requirements for principal structures.

3.10 Landscape Buffers.

(1) Purpose.

These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupiers of adjacent properties, such as glare of lights, dust, litter, and visual appearance. With vegetative screening, such adverse impacts will be lessened.

(2) Applicability

The landscape buffer requirements shall only apply to proposed uses and expansions of existing uses which 1) adjoin lots located in the districts specified in par. (a) and which 2) carry a higher use impact rating than existing uses on adjoining lots. The absence of either situation shall nullify the requirement for a landscape buffer. (a) The landscape buffer requirement applies where a use is proposed to be located on a lot which adjoins, along a side or rear lot line, a lot which is located in either the Single Family Residential-20,000, Rural Residential, or High Density Residential districts.

Commentary: *Landscape buffers are not required where an adjoining lot is in the Commercial Center or Mixed Use Commercial districts because the use of landscape buffers in a commercial setting might upset the integration of stores, shops, offices, and other activities, and would, therefore, be inappropriate.*

Landscape buffers are not required when an adjoining lot is located in the Wetland district because the minimum lot sizes and setback requirements are great enough to separate use activities and thereby overcome adverse impacts between adjoining uses.

(b) With reference to sub. 1., when the proposed use carries a higher use impact rating than does the existing use on an adjoining lot, a landscape buffer shall be required, but not otherwise. If the proposed use is not listed in sub. 1., no landscape buffer shall be required. If the existing use on an adjoining lot is not listed in sub. 1., no landscape buffer shall be required.

1. Use impact rating chart.

Low Use Impact Rating	
Art Galleries	Model Homes
Banks	Parks
Bed and Breakfast Establishments	Personal Service Establishments
Boarding Houses	Post Offices
Cemeteries	Professional Offices & Studios
Churches	Public & Private Schools
Duplexes	Radio & Television Stations
Family Day Care Homes	Recreational/Fishing Equipment Sales
Funeral Homes	Retail Stores < 10,000 sq. ft. of floor area
Home Occupations	Retreat Centers
Institutional Residential	Single Family Residences
Laundromats	Town Halls/Community Centers
Libraries/Museums	Utility Facilities <1000 square feet
Manufactured Homes	

Medium Use Impact Rating

Animal Shelters and Pounds
Automobile Sales and Service Lots
Auto Repair
Breweries/Wineries
Campgrounds/Trailer Camps
Commercial Fishing Facilities
Commercial Storage Facilities
Conference Facilities
Day Care Centers
Farm Implement Sales/Service
Farm Markets
Ferry Terminals
Fire/Police Stations
Fruit/Veg./Cheese Processing Plants
Gas Stations
Grain Mills
Greenhouses
Home Businesses
Hospitals
Indoor Recreation

Institutional Recreation Camps
Kennels
Lumber & Building Supply Yards
Manufactured Home Parks
Marinas/Excursion Boating/Charter
Fishing
Medical/Dental Clinics
Multiple Occupancy Developments
Outdoor Theaters
Passenger Bus Terminals
Public Boat Launching Ramps
Recreational Vehicle Sales & Service
Resource Recovery Facilities
Restaurants/Taverns
Retail Stores > 10,000 sq. ft. of
floor area
Trade or Contractors Establishments
Traveler's Information Centers
Utility Facilities \$ 1000 square feet
Veterinary Clinics
Wholesale Establishments

High Use Impact Rating

Amusement Parks
Asphalt/Concrete Plants
Bulk Storage of Fuel Products
Commercial Trucking Establishments
Fertilizer Distribution Plants
Freight Terminals
Gun Clubs/Shooting Ranges
Laundry Service Establishments
Manufacturing, Assembly, Processing
Nonmetallic Mining
Public Highway Garages
Salvage Yards

Public Highway Garages
Salvage Yards
Sawmills/Planing Mills
Sewage Disposal/Treatment Plants
Slaughterhouses
Solid Waste Facilities

2. Landscape buffer exemptions.

- a. Landscape buffers shall not be required when the principal buildings and outdoor storage areas associated with the proposed use are located at least 300 feet from the principal structures on the adjoining lots.
- b. Landscape buffers shall not be required if the adjoining lot is vacant.

(3) General Requirements.

- (a) Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal buildings on affected adjoining lots.
- (b) Landscape buffers may be located in an area devoted to meeting minimum side or rear yard requirements.
- (c) Landscape buffers, when required, shall be established on a lot at the time of the lot's development, or at the time the use of the lot is changed to a use having a higher use impact rating than the previous use. If the new use has an equal or lesser use impact rating than the previous use, no landscape buffer shall be required. The landscape buffer shall be established prior to operation of the new use or expanded part of the use, unless a bond, certificate of deposit, cash, or other form of financial assurance acceptable to the Zoning Administrator is submitted to the Town. Such financial assurance shall cover the estimated cost of installing the landscape buffer and shall be returned to the applicant upon proper installation of the landscape buffer by the applicant. If the landscape buffer materials are not properly installed within 9 months of commencement of operation of the use, the financial assurance shall be used for installation of the landscape buffer by the Town.
- (d) Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.
- (e) Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.
- (f) Existing woody plants which meet the requirements listed in sub. (4) may be used to meet the landscape buffer requirements.

(4) Landscape buffer tree requirements.

Landscape buffers, at the time of establishment, shall meet the following:

- (a) Number of trees. There shall be at least 10 evergreen trees per 100 linear feet of landscape buffer.

(b) Height. The required trees shall be at least 2 feet in height at the time of establishment of the landscape buffer.

(c) Tree placement. The trees may be staggered provided that the centers of the trees are not greater than 15 feet apart, and provided there is at least one tree within each 10 foot horizontal segment of the landscape buffer.

(d) Mature height. The required trees shall be capable of attaining heights of at least 15 feet.

(e) Tree materials. Tree species to be located in landscape buffers shall be suitable for survival in Door County's climate and soil conditions found at the site.

Commentary: *To select suitable trees, applicants are urged to consult with foresters, landscape architects, or arboriculturists, or, to refer to the publication, A Guide To Selecting Landscape Plants for Wisconsin, by E. R. Hasselkus, available from University of Wisconsin-Extension, Cooperative Extension Service.*

(5) Mature landscape buffers.

(a) The required trees, at maturity, shall be at least 15 feet in height.

(b) Maintenance. Mature landscape buffers shall be maintained so as to retain the required spacing and height characteristics. However, trees may be thinned provided an opaque screening is still maintained.

3.11 Floor Area Requirements.

(1) Except as specified in subs.(2) and (3), for dwelling units in all districts the minimum floor area shall be 750 square feet for units with 2 bedrooms or less, and 1,000 square feet for units with 3 bedrooms or more.

(2) For attached accessory residences in the Commercial Center, General Agricultural, and Mixed Use Commercial districts, the minimum floor area shall be 500 square feet for units with 2 bedrooms or less, and 750 square feet for units with 3 bedrooms or more.

(3) Manufactured homes in manufactured home parks shall be subject to the floor area requirements of s. 4.08(5), manufactured home parks.

3.12 Accessory Structures.

Accessory structures are permitted subject to the following:

(1) Permit required. Accessory structures shall require a regular zoning permit except:

(a) Minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing

dogs which are licensed as the personal pets of the residents of the property), treehouses, noncommercial fuel storage tanks and pumps, clothes line poles, lawn ornaments, flag poles, mailboxes, garbage containers, ice fishing shanties, school bus waiting shelters, and farm livestock hutches.

(b) Fences.

(2) Living quarters prohibited. Accessory structures shall not contain living quarters, except that accessory structures used for farm operations that contain living quarters are allowed in the General Agriculture District. In the General Agriculture District, there shall be no more than one such set of living quarters per farm operation, and the use thereof shall be limited to the farm operator, parent or child of the farm operator, or employee of the farm operator. This set of living quarters may be in addition to a permitted single family residence located on the same parcel and shall not included in the maximum density calculation for the General Agriculture District (see s. 3.03).

(3) Accessory structures shall be located on the same lot as the principal use to which it is accessory.

(4) Accessory structures shall not be permitted until its associated principal structure is present or under construction, except that one accessory building may be permitted prior to the erection of a principal structure, provided the following requirements are met:

(a) The floor area of the accessory building shall not exceed 120 square feet.

(b) The total height of the accessory building shall not exceed 8 feet 6 inches as measured from the grade elevation to the highest point on the roof.

(c) The accessory building shall be constructed of wood.

(d) There shall be no windows, skylights, patio doors, or other glazing in the building.

(e) Not more than one entrance door, not to exceed 6 feet in width, shall be permitted.

(f) The building shall comply with all setback and yard requirements for accessory structures.

(g) There shall be no water service, sanitary waste disposal, or electricity connected to the accessory building.

(5) Items prohibited as accessory structures. Such items as, but not limited to, boats, truck bodies, manufactured homes, mobile homes, semi-trailer trucks, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures.

(6) Additional requirements in the SF20 and HD districts. Buildings which are accessory to

single family residences and duplexes in the Single Family Residential-20,000 and High Density Residential districts shall comply with the following requirements:

(a) No more than 2 accessory buildings shall be permitted on a lot in these districts. The combined total floor area of such accessory buildings shall not exceed the area of the building footprint of the principal building on the lot.

(b) The maximum height of an accessory building shall be determined by either of the following methods:

1. General method. No accessory building shall have a height greater than 16 feet above grade elevation.

2. Alternate method. Accessory buildings may exceed 16 feet above grade elevation provided the following requirements are met:

a. The height of an accessory building shall not exceed the height of the principal building to which it is accessory.

b. Roof pitch. The pitch of the largest roof element of an accessory building shall be at least a 4-unit vertical to 12-unit horizontal pitch. Additionally, the roof pitch of the largest roof element of an accessory building shall not be steeper than 1 unit in 12 units more than the pitch of the largest roof element of the principal building and no flatter than 3 units in 12 units less than the pitch of the largest roof element of the principal building.

c. Outside stairway. There shall be no more than one outside stairway to the upper floor of an accessory building.

d. Exterior door. A single exterior door not to exceed 36 inches in width and 80 inches in height shall be allowed in the upper floor of an accessory building. Glazing not to exceed four (4)-square feet may be included as part of the exterior door.

e. There shall be no windows or skylights in the walls or roof of the upper stories, nor above the top plate of the wall, of an accessory building, except that one window may be installed at the gable end opposite of an upper floor exterior entrance door, said window not to exceed 4 square feet with its lower sill to be at least 24 inches above the floor, but no more than 46 inches above the floor.

f. Reserved

g. Reserved

h. Side wall height. The height of the highest side wall of an accessory structure shall not exceed the height of the highest side wall of the principal building.

(c) Except for buildings which are accessory to public parks and recreation areas, churches, schools, historic sites, and public museums, there shall be no sanitary waste disposal connections to an accessory building, nor shall water be supplied to an accessory building other than for outside faucets.

3.13 Outdoor Storage of Junk Material.

(1) In the Single Family Residential-20,000, Rural Residential, High Density Residential, General Agricultural, Commercial Center, Mixed Use Commercial, Wetland, and Light Industrial districts, all outdoor storage of junk material shall comply with the following:

(a) Such outdoor storage of junk material shall be located no closer to the front lot line than the furthest portion of the principal building.

(b) The junk material shall be located such that all setback and yard requirements for accessory structures for the applicable district are met.

(c) Such outdoor storage of junk material shall not exceed one inoperable vehicle nor 150 square feet of area, nor ten-feet in height.

(2) In General Agricultural, district, junk material and idle, but inoperable farm equipment may be stored outdoors, provided that the storage of junk material and idle but inoperable farm equipment shall not exceed 1,000 square feet nor exceed 1 inoperable vehicle.

(3) The provisions of subs.(1) and (2) shall not apply to legally licensed salvage yards, sanitary landfills, or other waste disposal or storage activities for which a valid license from the State of Wisconsin and/or other municipality is required and has been issued.

3.14 Filling and Grading, Ponds.

Filling, grading, lagooning, dredging, excavating, and ditching, and construction of ponds, may be authorized under this section in any zoning district, except the Wetland district, subject to the following:

(1) Navigable water protection. A regular zoning permit shall be required for any filling, grading, lagooning, dredging, ditching, or excavating of any area within 300 feet horizontal distance of navigable water if:

(a) The filling, grading, lagooning, dredging, ditching, or excavating exceeds 2,000 square feet on slopes of less than 12 percent, or

(b) The filling, grading, lagooning, dredging, ditching, or excavating exceeds 1,000 square feet on slopes of 12 to 20 percent, or

(c) The filling, grading, lagooning, dredging, ditching, or excavating is on slopes of 20

percent or more.

(2) Land disturbance. A regular zoning permit shall be required for any land disturbance of a site in excess of 10,000 square feet or in excess of 1,000 cubic yards of earth material by means of filling, grading, or excavating. This section shall not apply to planting, growing, cultivating and harvesting agricultural crops, nor to installation of public utilities or sanitary waste disposal systems or construction of public roads and walkways.

(3) Permit. If a regular zoning permit is required by subs. (1) or (2) for the filling, grading, lagooning, dredging, ditching, excavating, or land disturbance, the permit shall be granted only upon finding that the proposed activity would not result in detriment to navigable water by reason of erosion, sedimentation, or impairment of fish and aquatic life nor alter any wetland, and would be designed and constructed in accordance with standards contained in the *United States Department of Agriculture/ Soil Conservation Service/ Wisconsin Section IV Technical Guide*.

(4) Permit Expiration

Regular zoning permits for ponds shall expire within 60 days of issuance by the Town. The zoning administrator may extend such permit if the applicant has commenced substantial work on the pond.

Commentary: Filling and grading in the Wetland district may only be authorized under s.2.05(4), uses pertaining to the wetland District. Any time that material is removed from the site, the project will require a permit under s.4.05 (3) of this ordinance.

CHAPTER 4 - PARTICULAR USE REQUIREMENTS

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|-------------------------------------|--|
| 4.01 Purpose | 4.06 Institutional Uses Requirements. |
| 4.02 Applicability | 4.07 Outdoor Recreational Uses Requirements. |
| 4.03 Agricultural Uses Requirements | 4.08 Residential Uses Requirements. |
| 4.04 Commercial Uses Requirements | 4.09 Miscellaneous Uses Requirements. |
| 4.05 Industrial Uses Requirements | |

4.01 Purpose.

The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

4.02 Applicability

In addition to complying with other regulations established in this Ordinance, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this Ordinance for the zoning districts, but only to the extent that they conflict with such requirements.

4.03 Agricultural Uses Requirements.

(1) Agriculture.

(a) Any agricultural use involving animals shall provide sufficient shelter and open space to meet or exceed any standards set by the United States Department of Agriculture and/or the Wisconsin Department of Natural Resources. Any use of a property involving horses shall comply with the requirements of s. 4.07(4), Commercial and private riding stables.

(b) Barnyards, feed lots, and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water and shall be located at least 200 feet from any lot line

(c) Reserved.

(2) Roadside stands.

(a) Such use shall only involve the sale of farm products produced on the premises.

(b) Except for temporary structures not exceeding 160 square feet of floor area, all structures associated with roadside stands shall meet all setbacks and other provisions of this Ordinance. Temporary roadside stands which do not exceed 160 square feet of floor area are exempt from s. 3.05, setbacks from roads, but shall not be placed in public right-of-ways.

(c) Only one roadside stand shall be permitted on a lot.

(3) Farm markets.

(a) Such use shall principally involve the sale of farm and garden products, but other types of merchandise may be sold, provided such merchandise occupies not more than 30 percent of the indoor and outdoor display area of the farm market.

(b) At least one off-street parking space shall be provided for each 200 square feet of indoor and outdoor display area.

(4) Agricultural visitation facilities.

(a) If the agricultural visitation facility involves animals, the requirements of s. 4.03(1)(a) shall be applicable.

(b) Off-street parking requirements and standards of Chapter 7 of this Ordinance shall be applicable.

4.04 Commercial Uses Requirements.

(1) Radio and television stations.

Towers and antennas located on the same lot as radio and television stations shall meet the requirements in s. 4.09(4), communication towers, antennas, transmitters.

(2) Kennels.

(a) All dogs shall be housed indoors during the hours from 9:00 p.m. to 6:00 a.m.

(b) Minimum side and rear yards for all structures associated with kennels shall be 200 feet.

(c) Except as exempted here, all kennels shall be screened from public roads by vegetative screening as described in s. 3.10(4), landscape buffer tree requirements. Structures located at least 200 feet from the centerline of public roads are exempt from the screening requirement.

(d) There shall be no more than 2 adult dogs in any single enclosure unit.

(3) Restaurants and taverns.

(a) Unenclosed seating areas shall comply with the side yard and rear yard requirements for principal buildings.

(b) Screening. All unenclosed seating areas shall be screened from adjacent residential properties by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(c) Lighting. Lighting fixtures intended to illuminate unenclosed seating areas shall be placed no higher than 14 feet above the ground and shall be directed and/or hooded such that no light shall cast upon adjacent properties nor upon public roads.

(4) Model homes.

(a) A model home may be used as a sales office, but shall not include a workshop or construction shop.

(b) Outside storage is prohibited.

(c) No more than one on-premise sign shall be permitted. Such sign shall not exceed 4 square feet in sign face area and shall not be illuminated. No pennants, banners, flags, or similar devices shall be allowed.

(d) The regular zoning permit for a model home shall expire after 3 years. Renewals shall only be authorized as conditional uses.

(5) Auto repair.

(a) The rebuilding or assembly of automobiles, engines, or transmissions on a factory production basis and/or the disassembly of automobiles on a factory production basis shall not be permitted.

(b) All repair, painting, parts storage, and body work activities shall take place within a building.

(c) All damaged or non-operable parts shall be stored indoors or in storage containers.

(6) Lumber and building supply yards.

Such uses shall be screened from public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(7) Trade or contractors establishments.

Except in the Light Industrial district, all outside storage areas and parking of trucks and machinery used in conjunction with the establishment shall be screened from all adjacent properties and public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(8) Commercial storage facilities.

(a) Except in the Light Industrial district, all buildings shall be located a minimum of 50 feet from all lot lines. In the Light Industrial district, the yard requirements listed in s. 3.02(3),

Table of District Requirements, shall apply.

(b) Use. Commercial storage facilities shall not be used as workshops or retail shops.

(c) Outside storage. Outside storage shall be prohibited.

(d) Screening. Such facilities shall be screened from public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(e) Reserved

(9) Home offices/studios.

The use of a dwelling unit or accessory structure for a home office/studio shall be clearly secondary to the residential use of the property and shall not change the property's residential character. The following shall apply:

(a) Home offices/studios shall not require a zoning permit.

(b) A maximum of two home offices/studios shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home office/studio business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed by the business but shall not work on the premises.

(d) Home offices/studios may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home offices/studios, whether located within the dwelling unit and/or in an accessory building, shall be no more than 25% of the floor area of the dwelling unit.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, nor any other activity requiring visits by members of the public.

(f) Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.

(g) Such use shall not involve any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home office/studio.

(h) Any on-site vehicles bearing business insignia or trailers used in conjunction with the home office/studio shall be stored indoors.

- (i) No parking in addition to that required for the dwelling unit shall be required.
- (j) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home office/studio shall not exceed two per week.
- (k) No off-premise nor on-premise advertising signs shall be permitted.
- (l) Sanitary facilities shall be provided per county and state sanitary code requirements.
- (m) Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

(9a) Home occupations.

The use of a dwelling unit or accessory structure for a home occupation shall be clearly secondary to the residential use of the property and shall not change the property's residential. The following shall apply:

- (a) Home occupations shall require a regular zoning permit.
- (b) A maximum of two home occupations shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.
- (c) The home occupation shall be conducted by resident(s) of the dwelling unit on the property. Other persons may be employed by the business but no more than one non-resident shall work on the premises.
- (d) Home occupations may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home occupations, whether located within the dwelling unit and/or an accessory building, shall be no more than 25% of the floor area of the dwelling unit.
- (e) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced by the home occupation.
- (f) Such use shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
- (g) Such use shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation, nor any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home occupation.

(h) A maximum of one on-site vehicle bearing business insignia and one trailer used in conjunction with the home occupation may be stored outdoors, provided that the vehicle and/or trailer are screened from rights-of-way and neighboring properties.

(i) In addition to parking required for the dwelling unit, one off-street parking space shall be provided for each 150 square feet of floor area used for the home occupation.

(j) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with the home occupation shall not exceed five per week.

(k) A maximum of one on-premise advertising sign, not to be illuminated and not to exceed four (4)-square feet in area, shall be permitted for a home occupation. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.

(l) Sanitary facilities shall be provided per county and state sanitary code requirements.

(m) Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

(10) Home businesses.

The following shall apply.

(a) Home businesses shall require permits as indicated in s. 2.05(3) table of principal uses.

(b) A maximum of two home businesses shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.

(c) The home business shall be conducted by resident(s) of the dwelling unit. Other persons may be employed in this business as well, working on- or off-site.

(d) If located within a dwelling unit, home businesses shall occupy no more than 60 percent of the floor area of the dwelling unit. If located in accessory buildings, home businesses shall not occupy an area greater than 100 percent of the floor area of the dwelling unit, except that home businesses may occupy an entire accessory building that existed prior to the effective date of this ordinance.

(e) Such use shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced by the home business.

(f) Such use shall not involve any outdoor display of any articles offered for sale or produced on the premises in conjunction with the home business. Outdoor storage of

products, materials, equipment, or machinery used in conjunction with the home business shall be permitted if the outdoor storage areas are provided with the fencing or vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements, so that such storage is not visible from public rights-of-way nor neighboring properties.

(g) Vehicles bearing business insignia and trailers used in conjunction with the home business may be stored on-site, provided that no more than one of each is visible from public rights-of-way and surrounding properties.

(h) Off-street parking shall be provided in accordance with the requirements in Chapter 7, parking, loading, and access requirements.

(i) A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 12 square feet in area, shall be permitted for a home business. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.

(j) Sanitary facilities shall be provided per county and state sanitary code requirement.

(k) Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

(11) Bed and breakfast establishments.

(a) Except in the Single Family Residential-20,000 district, there shall be no more than 4 rooms available for rent to transient guests. In the Single Family Residential-20,000 district, there shall be no more than 2 such rooms.

(b) Bed and breakfast establishments shall comply with the parking requirements of s. 7.02, off-street parking requirements.

(c) All bed and breakfast establishments with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.

(d) All lot size and other dimensional requirements for single family residences shall be met.

(e) No more than one on-premise sign shall be permitted. Except in the Single Family Residential-20,000 district, such sign shall not exceed 9 square feet in sign face area. In the Single Family Residential-20,000 district, such sign shall not exceed 4 square feet in sign face area.

(f) In the Single Family Residential-20,000 district, at the time of zoning permit application, the building proposed to house the bed and breakfast establishment shall be at least 10 years old, as dated from original construction.

(12) Boardinghouses.

- (a) There shall be one off-street parking space per sleeping room provided.
- (b) There shall be no more than 4 sleeping rooms provided for boarding.
- (c) All boardinghouses with sleeping rooms above the ground floor shall provide an outside fire escape or escape balcony from an area accessible to the occupants of the upper floor(s) and appropriate exit signs.
- (d) All lot size and other dimensional requirements for single family residences shall be met.
- (e) No more than one sign shall be permitted. Such sign shall not exceed 4 square feet in sign face area.

(13) Family day care homes.

- (a) Pick up and drop off areas shall not be located within any public right-of-way.
- (b) Family day care homes shall provide at least 100 square feet of outdoor play area per child.
- (c) Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.
- (d) Family day care homes shall be permitted no more than one sign. Such sign shall not exceed 4 square feet in sign face area and shall not be illuminated.

(14) Day care centers.

- (a) Pick up and drop off areas shall not be located within any public right-of-way.
- (b) Day care centers shall provide at least 100 square feet of outdoor play area per child.
- (c) Outdoor play areas shall be enclosed by a wall or fence and shall be separated from vehicular circulation and parking areas.

(15) Hotels and Motels.

- (a) Cannot not exceed 10 rental units per acre.
- (b) Must comply with HFS 195 of the Wisconsin Administrative Code.
- (c) Other

(16) Adult Entertainment Business

(a) No adult entertainment business shall be located:

1. Within a residential zoning district
2. Within 1320 feet of an existing adult entertainment business.
3. Within 1320 feet of any residential area.
4. Within 1320 feet of any pre-existing school, church, or day care center.
5. Within 1320 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
6. Within 1320 feet of a public park
7. Within 1320 feet of a property or Historic District listed in the State Register of Historic Places or in the National Register of Historic Places.

(b) For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of the above listed uses.

(c) No portable signs, window displays , or temporary signs shall be permitted on the premises.

4.05 Industrial Uses Requirements.

(1) Saw and plane mills.

(a) Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.

(b) No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.

(c) Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

(2) Freight Terminals.

Such uses shall be screened from the public roads by a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(3) Nonmetallic Mining

The following requirements shall apply:

(a) Application. In addition to the application requirements of s. 11.04, conditional use permits, all applications for a proposed nonmetallic mining operation shall include the following information, except that the Town Board may waive portions of the specified information upon finding that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application:

1. Site plan. A site plan, drawn at a scale which produces a clearly legible drawing, which shall include the following:

a. North point, scale, and date.

b. Property boundaries of the operator's owned and/or leased land.

c. Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage and processing areas, and areas where nonmetallic mining refuse is to be deposited.

d. Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.

e. Location of all structures within 300 feet of the mining site.

f. Location and direction of flow of all watercourses on or within 300 feet of the mining site.

g. Bench marks.

h. A topographic map, with a minimum contour interval of 5 feet, of the proposed mining site and the area within 300 feet of the mining site. The contour lines shall be referenced to one of the bench marks shown on the site plan.

i. Areas to be used for sedimentation ponds, if any.

j. Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.

- k. Typical cross section of the site showing the water table.
 - l. Location of known karst features (fissures, cracks, sink holes etc.).
 - m. The location of public and private wells within 1,000 feet of the mining site.
 - n. The applicant shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of a default by the applicant. The form and type of such surety shall be approved by the Town attorney.
 - o. A buffer area of at least 25 feet in width and ten feet in height, screening the area of operation from public view.
 - p. A statement signed by the property owner that the property owner shall assume responsibility for financial assurance as provided in par. (d).
2. Operation plan. An operation plan which shall include description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the site.

The operation plan shall also include the following:

- a. The approximate date of commencement of the operation.
- b. Type of mining, processing, and transportation equipment to be used.
- c. Estimated type of materials to be extracted.
- d. Primary travel routes to be used to transport material to processing plants or markets.
- e. Operational measures to be taken to minimize noise, dust, air contaminants, and vibrations.
- f. Operational measures to be taken to prevent groundwater and surface water degradation.
- g. If excavations below the water table are to occur, operational measures to be taken to prevent entry of contaminants into the groundwater.
- h. Operational measures to be taken to stabilize topsoil and other material stockpiles.
- i. Time periods for equipment operation at the site.
- j. Proposed phasing of mining or quarrying operations showing dimensions and depth of mining and quarrying activities for each phase.

k.If explosives are to be used, a copy of the Blaster's Explosive Use Plan for review.

3. Reclamation plan. A reclamation plan, which shall include:

- a. A description of the proposed reclamation, including methods and procedures to be used.
- b. A plan indicating the final grade of the mining site, including final slope angles, benching, terracing, and other structural slope stabilization measures, if applicable.
- c. Location and description of anticipated final water features and methods planned to prevent stagnation and pollution, if applicable.
- d. The area and extent of each phase of the reclamation, if the reclamation of the site is to be accomplished in phases.
- e. The method of disposing of any structures, roads, and other facilities used in the mining operation upon cessation of the mining activity.
- f. The estimated cost of reclamation for the project, or for each phase of the project, if applicable.
- g. To the extent practicable, a proposed timetable for the commencement, duration, and completion of reclamation activities.
- h. A report from the Wisconsin Department of Natural Resources (WDNR) which addresses the adequacy of the proposed operational measures to prevent groundwater and surface water degradation.

4. Lease(s). If the mining site is leased to the operator, a signed copy of the lease(s) which authorizes the operator to enter upon the lessor's land for the purpose of nonmetallic mining. The expiration date of the lease shall clearly be indicated thereon.

5. Additional information. By written request, the Town Plan Commission or Town Board may require submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area.

(b) General requirements.

1. All nonmetallic mining operations shall comply with all Wisconsin State Statutes and Wisconsin Administrative Code provisions regulating erosion control measures and water drainage and discharge from the mining site.

2. The nonmetallic mining operation shall be located at least 300 feet from all exterior lot lines and at least 300 feet from public right-of-ways. This provision shall apply to uses accessory to the nonmetallic mining operation such as parking and loading and stockpiles of materials.
3. No nonmetallic mining operation shall be conducted less than 1,000 feet from a dwelling unit other than that of the owner or operator. This provision shall apply to uses accessory to the nonmetallic mining operation such as parking and loading and stockpiles of materials.
4. Hours of operation. Unless otherwise approved by the Town Board, the operation of rock crushing equipment shall not take place before 7:00 a.m. nor after 7:00 p.m.
5. Limits of operation. Projects shall be limited to approved dimensions.
6. Dumping prohibited. The owner and/or operator of a nonmetallic mining operation shall not place junk material into or outside of the nonmetallic mining site. Nor shall they allow junk material to accumulate as a result of dumping by others.
7. Site Fencing. There shall be a gate and fence to prevent anyone from entering the quarry site when the quarry is being worked. Fencing or other suitable barrier shall be erected and maintained by the owner or operator around the site or around portions of the site where, in the determination of the Town Board, such fencing or barrier is necessary for the protection of the public, and such fencing or suitable barrier shall be of a type approved by the Town Board.
8. No Quarrying or Mining Within 1,000 feet of a Residence or Business. No quarrying or mining shall be done closer than 1,000 feet to an existing residence or business.
9. Dust, Noise and Vibration to be Controlled. All machinery and equipment used in the quarrying or mining operation shall be constructed, maintained, and operated in such a manner as to minimize dust, noise and vibration. Access and hauling roads on site shall be maintained in a dust free condition by surfacing or treatment as directed by the Town Board.
10. Processing of Materials. Crushing, washing, refining or other processing other than the initial removal of the material may be permitted as an accessory use only as specifically authorized under the terms of the permit.
11. Related Manufacturing. The manufacturing of concrete building blocks or other similar products, the production or manufacture of lime products, the production of red-mix concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted under a quarry permit except as specifically approved by the Town Board.

12. Washing. The washing of sand and gravel shall be prohibited unless the Town Board finds that adequate provision has been made for the disposal of the wash water, the source of the water is of adequate capacity and the quantity of water required will not seriously affect the water supply for other uses in the area.

13. Quarry Floor. The floor of the quarry should be as level as possible. If the quarry fills with water and the operator has to have the water pumped out, he shall first obtain permission from the Town Board to work out the best possible solution, as to where to pump the water.

14. Operator to Repair Road Damage. During the operation of a mine or quarry if excess damage is done to the road in front of the site, the repairs or replacement shall be done and the cost borne by the operator and owner of the quarry.

15. Compliance with reclamation. The operator shall comply with progressive reclamation plans, if any, and final reclamation plans for the site.

(c) Reclamation requirements. The following requirements shall be adhered to, except that alternative reclamation measures may be permitted provided that, at the time of application, the Town Board is satisfied that such measures meet the intent of these reclamation standards and provided that the site, when fully reclaimed, will not be a threat to the public health, safety or other aspects of the general welfare:

1. Slopes. Except for stone faces at stone quarries, no slope shall exceed a 3 feet horizontal to 1 foot vertical incline. This angle of repose shall extend vertically 6 feet below the lowest seasonal groundwater level.

2. At stone quarries, a berm or fence shall be placed at the top of stone faces to warn of the precipice.

3. Topsoil storage. If topsoil is to be saved for future application, it shall be stockpiled in accordance with the operation plan approved by the Town Board.

4. Application of topsoil to resloped excavation areas or filled areas.

a. All resloped excavation areas or filled areas shall be covered with at least 3 inches of topsoil.

b. Prior to seeding, fertilizer shall be applied pursuant to Wisconsin Department of Transportation publication, *Standard Specifications for Road and Bridge Construction*, 1989 Edition, Section 629.

c. Prior to seeding, but after fertilizer has been applied, the entire portion of the site which is to be seeded shall be worked using ordinary tillage methods or similarly cultivated to a minimum depth of 3 inches.

5. Seeding, revegetation, and stabilization.

a. Seeding shall be done in accordance with Wisconsin Department of Transportation publication, *Standard Specifications for Road and Bridge Construction*, 1989 Edition, Section 630, entitled, "Seeding", except that seeding rates listed in Subsection 630.3.3.4.2. shall be doubled.

b. Alternative seeding mixtures may be approved subject to evidence being provided showing that the proposed mix will be sufficient to deter erosion on the site.

c. Planting of woody vegetation may be accepted in combination with other stabilization techniques. If the applicant wishes to use only woody vegetation on part or all of a reclamation project, a complete documented explanation of measures to be used to deter erosion shall be submitted with the reclamation plan. Tree and shrub species to be used shall be adapted to the climate of this area.

d. Sodding, when required for drainageways, ditch checks, highly erodible areas of a site as shown on the reclamation plan, or as required by the Town Plan Commission to deter or correct a problem on the site, shall be installed pursuant to Wisconsin Department of Transportation publication, *Standard Specifications for Road and Bridge Construction*, Section 631 entitled, "Sodding".

e. Riprap, when required for drainageways, ditch outlets, culvert ends, or bridge openings as shown on the reclamation plan, or as required by the Town Plan Commission to deter or correct a problem on the site shall be installed according to Wisconsin Department of Transportation publication, *Standard Specifications for Road and Bridge Construction*, Section 606, entitled, "Riprap".

f. Mulch shall be applied to all seeded areas pursuant to Wisconsin Department of Transportation publication, *Standard Specifications for Road and Bridge Construction*, Section 627, entitled "Mulching", unless documentation is provided proving that mulch is not needed to accomplish stabilization. Additional nitrogen shall be applied in quantities sufficient to offset the nitrogen demand of mulch decomposition.

g. Use of silt fences, sediment basins, filter rock weirs, and other structures and methods which require ongoing maintenance will generally not be accepted for long-term reclamation. The intent of final reclamation is to leave the site in a maintenance-free and stable condition.

6. Commencement and compliance of reclamation.

a. Unless the reclamation plan approved by the Town Board sets forth a different timetable, reclamation activities shall be conducted by the operator concurrently with the mining operation, and in any event shall be initiated at the earliest possible

time after cessation of the mining activity.

b. All nonmetallic mining refuse and structures and related facilities shall be removed or otherwise disposed of within 1 year of cessation of the mining activity.

c. The mining site shall be reclaimed by the operator pursuant to the reclamation plan within one year of cessation of the mining activity, or within the time set forth in the operator's reclamation plan approved by the Town Board.

(d) Financial assurance.

1. Except for nonmetallic mining by governmental units and except as provided in subd. 3., a bond shall be required to ensure compliance with the approved reclamation plan. The Town Board shall determine the required bonding level of the project based upon the estimated cost of fulfilling the reclamation plan. Following approval of the permit and as a condition of the permit, but prior to commencing the project, the operator shall file with the Town the required bond conditioned on faithful performance in conformance with the approved reclamation plan. Upon notification by the Town of bonding approval and conformance with permit conditions, the operator may commence project and reclamation operations.

2. Bond requirements.

a. Bonds shall be issued by a surety company licensed to do business in Wisconsin. At the option of the operator, a performance bond or a forfeiture bond may be filed. Surety companies may have the opportunity to complete the reclamation plan in lieu of a cash payment to the Town.

b. Each bond shall provide that the bond not be canceled by the surety company, except upon not less than 90 days written notice to the Town. Not less than 30 days prior to the expiration of the 90 day notice of cancellation, the operator must deliver to the Town a replacement bond, in the absence of which all nonmetallic mining shall cease.

c. The bond shall be payable to "Town of Brussels."

d. The estimated cost of reclamation of each project shall be determined by the Town Plan Commission on the basis of relevant factors including, but not limited to, topography of the site, project methods being employed, depth of project operations, and from data provided in the operation and reclamation plans.

e. If a phased reclamation plan is approved, the required bond in such case may cover progressive phases of the reclamation.

3. Security deposits. In lieu of a bond, and upon written approval of the Town Plan

Commission, an operator may deposit with the Town cash, certificates of deposit, governmental securities or other security acceptable to the Town Plan Commission.

4. Financial assurance release. The Town shall release the operator's bond or deposit if it finds, after inspection of the project site, that the operator has fully carried out and completed reclamation of the project site in accordance with the operation and reclamation plan and has otherwise complied with permit requirements.

(e) Permit requirements.

1. Renewal of permit. Conditional use permits for nonmetallic mining shall be effective for 5 years, unless a lesser time period is specified by the Town Plan Commission. Renewals of permits shall be issued as follows:

a. Applications for permit renewal must be submitted at least 60 days prior to the expiration date of the existing permit. Such applications shall comply with the requirements of par.(a), but need not include any items shown on previously submitted applications. Renewal applications may merely indicate no change in such items. Any changes from prior applications shall be shown on applications for permit renewal.

b. No permit renewal shall be granted unless the project is in compliance with the terms of the existing permit, including the reclamation plan approved by the Town Plan Commission.

c. Permit renewals may be conditioned upon correction of any unanticipated environmental impacts which occur during the original or renewal permits.

d. No public hearing shall be required to be held with respect to a renewal application, unless the application provides for an enlargement of the previous approved mining site or otherwise provides for an alteration or change in the method of operations or reclamation previously approved which might adversely affect the use or enjoyment of nearby properties.

e. Renewal permits shall be issued for another 5 years.

2. Transfer of permit. When one operator succeeds to the interest of another at an uncompleted site, the first operator shall be released of the responsibilities imposed by the permit, but only if:

a. The operation is in compliance with the requirements of this section and the permit for the operation.

b. The new operator assumes the responsibility of the former operator to complete the reclamation of the entire mining site by a written, signed and notarized document

and provides financial assurance for such reclamation.

3. Mining site enlargement. Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.

4. Failure to open and operate. Failure of an operator to take substantial steps to open and operate in a mining site within one year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future mining activity.

5. Abandonment of nonmetallic mining operations. If abandonment of nonmetallic mining operations occurs, new mining operations shall not be permitted, except upon permit issuance as prescribed by this section.

(4) Salvage yards.

(a) Salvage materials shall not be located within 600 feet of public roads and all establishments of this kind shall have minimum side and rear yards of 100 feet.

(b) Salvage material shall not be located in a wetland or floodplain.

(c) Salvage materials shall be enclosed by a suitable fence or vegetative screen, so that the materials are not visible from other property in the vicinity of the salvage yard, nor from a public road, nor from navigable water. The fence or vegetative screen shall be a minimum of 8 feet in height and shall be properly maintained to satisfy the obscuring objective.

(d) Salvage materials shall not be piled higher than the height of the fence or vegetative screen.

(e) For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.

(f) At the site, appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease, or other contaminants. At a minimum, there shall be 5 feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Town Plan Commission may require a liner and bonds for removal of contaminated topsoil.

(5) Solid waste facilities.

(a) Screening. Such facilities which are visible from public roads shall be screened by a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements.

(b) Sureties. In order to cover the cost of road maintenance and repair, the Town Plan Commission may require that a bond, letter of credit, or other financial guarantee satisfactory to the Town Plan Commission be submitted by the owner or operator. The

amount shall be specified by the Town Plan Commission and shall be used to cover the cost of repairing roads which deteriorate due to traffic generated by the facility.

(6) Resource recovery facilities.

Such facilities which are visible from public roads shall be screened by a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements.

(7) Temporary asphalt or concrete batch plants.

(a) Such facilities shall be erected only in conjunction with transportation improvements in Door County.

(b) Application. In addition to the application requirements established in s. 11.04, conditional use permit, the following information shall be submitted with the application:

1. Plans for controlling erosion of stockpiled material used in manufacturing concrete or asphalt.

2. Restoration plans for the site which describe or illustrate measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.

(c) Conditional use permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work.

(d) Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of completion of the project.

(8) Asphalt or concrete batch plants

(a) Concrete or asphalt batch plants shall be allowed as a conditional use in the Light industrial (LI) or in General Agricultural-2 (GA-2) districts provided that, in the General Agricultural-2 (GA-2) district, the asphalt or concrete batch plant operation is associated with and is located on the same site as a lawful nonmetallic mining operation.

(a) Application. In addition to the application requirements established in Section 11.04, the asphalt or concrete batch plant shall comply with the requirements of Section 4.05 (7)(b).

(b) The application shall include a reclamation plan for the site which describes or illustrates the measures taken to restore the site to a condition of practical usefulness and reasonable physical attractiveness. The restoration plan shall describe methods for establishing vegetative cover on all exposed soil.

(c) Conditional use permits granted for asphalt or concrete batch plants shall be only for the period of the lawful operation of the nonmetallic mining site.

4.06 Institutional Uses Requirements.

(1) Public highway garages.

Such uses shall be screened from public roads by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

4.07 Outdoor Recreational Uses Requirements.

(1) Parks.

(a) Parks owned and/or managed by units of government.

Facilities for active recreation as defined in Section 13.02 shall be located a minimum of 75 feet from lot lines when the abutting property contains a single family residence or, if vacant, is located in a zoning district where single family residences are permitted.

(b) Parks which are privately owned.

1. Facilities for active recreation shall be on tracts the larger of either:

a. 450 feet wide and 4.5 acres in area, or

b. The minimum lot width and area for new lots in the zoning district as required by Section 3.02(3)Table of district requirements.

2. Facilities for active recreation shall be located a minimum of 150 feet from lot lines when the abutting property contains a single family residence or, if vacant, is located in a zoning district where single family residences are permitted.

(2) Campgrounds and trailer camps.

(a) Each recreational vehicle, trailer, or camp site shall be plainly marked and surfaced with gravel, asphalt, or other material to free the site of mud.

(b) The maximum number of recreational vehicle, trailer, or camp sites shall be 15 per acre.

(c) The minimum size of a recreational vehicle park, trailer park or campground shall be 5 acres.

(d) The minimum dimensions of a recreational vehicle, trailer, or camp site shall be 25 feet wide by 40 feet long.

(e) Each recreational vehicle, trailer, or camp site shall be separated from other recreational vehicle, trailer, or camp sites by at least 15 feet.

(f) There shall be 2 off-street parking spaces for each recreational vehicle, trailer, or camp site.

(g) All recreational vehicle, trailer, or camp sites shall meet the required setbacks from roads and from the ordinary high water mark and shall be located at least 50 feet from all exterior lot lines.

(h) Each recreational vehicle park, trailer park, or campground shall be screened by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements, along all lot lines. Such requirement may be waived by the Town Plan Commission, upon referral and recommendation by the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved.

(i) Seasonal campsites shall be allowed subject to the following:

(1) No more than one wheeled camping unit or one shelter unit shall be allowed on any individual campsite. In addition to these facilities, a tent may be erected to serve as an auxiliary shelter, but shall not be erected for a period of more than 14 consecutive days.

(2) A seasonal camping unit shall not exceed 400 square feet in floor area nor 8 feet 6 inches in width when in the in-transit position.

(3) A seasonal camping unit shall not be occupied for more than 4 months in a calendar year, although a camping unit may remain on an individual campsite for an entire calendar year. The wheels and tires shall remain in an in-transit position.

(4) No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms or awnings shall be allowed.

(5) A wooden deck may be provided adjacent to a camping unit subject to the following:

a. The deck shall not exceed 256 square feet in area.

b. The deck may be enclosed by open railings, but shall not have built-in benches or tables.

c. The deck shall not have a permanent foundation in the ground.

6. A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.

7. One storage shed shall be allowed per campsite. Said shed shall not exceed 80 square

feet in floor area.

8. Any camping unit located on a campsite as of the effective date of this Ordinance, which fails to meet the dimensional provisions of subd. 2. shall be allowed to remain on the individual campsite, but shall not be added onto, extended or structurally altered. Sheds, decks, roof structures, lean-tos, porches, or other structures located on a campsite as of effective date of this Ordinance , which fail to meet the provisions of subd. 4., 5., 6., or 7., shall be allowed to remain on the individual campsite until January 1, 2003, but shall not be added onto, extended, or structurally altered.

(j) A shelter unit may be located on an individual campsite provided it is designed only to protect occupants from the elements and does not have a permanent water supply, a sewage system, electricity, or heating and cooking facilities. A shelter unit shall not exceed 300 square feet in total floor area and shall not be rented to a camping party for a term exceeding 30 consecutive days.

(k) One dwelling unit to be occupied by the owner and not more than one additional dwelling unit to be occupied by the manager shall be allowed in a campground.

(3) Camping.

(a) Camping shall be permitted in approved campgrounds without issuance of a regular zoning permit.

(b) Camping on a lot by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a regular zoning permit, subject to the following:

1. Such camping shall be allowed in all zoning districts, except Wetland, Commercial Center, Mixed Use Commercial and Light Industrial districts.

2. Sanitary waste disposal shall be provided by either:

- a. Connection to approved on-site waste disposal system.

- b. Self-contained holding tank with disposal at an approved sanitary dump station.

- c. A portable toilet with disposal at an approved sanitary dump station.

3. Side and rear yard requirements for the camping unit shall be as required for principal structures in s. 3.02(3), Table of district requirements.

4. The camping unit shall meet the setback requirements of s. 3.05, Setback from roads, and s. 3.07, Setback from navigable water.

5. Camping shall not exceed 15 consecutive days nor more than 30 days in any calendar year.

6. Not more than one camping unit shall be permitted on a lot.

7. Except as provided in subd. 8., the camping unit shall be removed from the property after each camping stay.

8. Outdoor storage.

a. If a principal building is located on the lot, one camping unit may be stored outdoors. The stored camping unit shall meet all required setbacks and yards for accessory structures. The stored camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.

b. The storage of a camping unit on a vacant lot shall be prohibited.

(c) Camping on a lot during construction of a single family dwelling unit shall be allowed, subject to the following:

1. A regular zoning permit for a single family residence has been secured and a slab, crawlspace, or foundation for the single family dwelling unit has been installed.

2. A regular zoning permit which authorizes such camping has been secured.

3. An approved on-site waste disposal system, designed to accommodate the single family residence, has been installed on the property prior to the placement, erection, and/or use of the camping unit to serve as a means of sanitary waste disposal for the users of the camping unit.

4. The camping activity shall cease upon the completion of the single family dwelling unit on the property.

5. Renewal permits shall only be issued when substantial progress toward completion of the single family dwelling unit is demonstrated during the previous year.

(4) Commercial and private riding stables.

Any use of a property involving the keeping of horses shall comply with the requirements of this section.

(a) Minimum lot size for riding stables shall be 5 acres for commercial riding stables and 2 acres for private riding stables.

(b) There shall be at least 20,000 square feet of open space provided on the lot for each horse kept on the lot.

(c) All stables shall be located at least 100 feet from the ordinary high water mark of navigable water and shall be located such that manure will not drain into navigable water.

(d) All stables shall be located at least 200 feet from a dwelling unit other than that of the owner or operator of the establishment.

(5) Reserved

(6) Reserved

(7) Retreat Centers.

(a) Minimum lot size shall be 20 acres.

(b) Maximum capacity shall be 3 persons per acre or 75 persons, whichever is less. Such capacity shall be determined by the number of sleeping spaces provided, number of dining spaces provided, and/or other appropriate means of determination.

4.08 Residential Uses Requirements.

(1) Single family residences separated from farm parcels. (Reserved)

(2) Farm related family residences (Reserved)

(3) Accessory residences.

(a) There shall be no more than one accessory residence on a lot.

(b) In all districts, the accessory residence may be an attached or detached dwelling unit. The accessory residence may not be attached to an other dwelling unit.

(c) The setbacks and minimum yards for such dwelling unit shall be the required setbacks and minimum yards for principal structures rather than accessory structures.

(d) Such dwelling unit shall meet all other provisions of this Ordinance, including parking, minimum floor area, and impervious surface ratio.

(4) Reserved

(5) Manufactured home parks.

(a) Internal streets shall have a minimum right-of-way width of at least 24 feet.

(b) Internal streets and parking areas shall be surfaced with a dust-free material.

(c) There shall be at least 2 parking spaces for each manufactured home site.

(d) The minimum distance between manufactured home units, including all appurtenances, shall be 20 feet.

(e) The minimum setback from an internal street shall be 22 feet from the traveled centerline or 10 feet from the edge of the right-of-way, whichever is greater, for all manufactured homes, including all appurtenances, and accessory structures.

(f) No sales office or other business or commercial use shall be located within a manufactured home park. Laundries, washrooms, recreation rooms, maintenance equipment storage, and one management office are permitted.

(g) Each manufactured home park shall be screened, except for permitted entrances and exits, by means of a vegetative screen, as described in s. 3.10(4), landscape buffer tree requirements, at the perimeter of the manufactured home park.

Commentary: The requirement may be waived by the Town Plan Commission, upon referral and recommendation of the Zoning Administrator, if existing woody vegetation is such that the screening objective is or will be achieved. In addition, there shall be a yard with a minimum width of 40 feet around the perimeter of the manufactured home park.

(h) Manufactured homes in manufactured home parks shall contain at least 550 square feet of floor area.

(i) No manufactured home site shall be rented for a period of less than 30 days.

(j) Deck(s) shall be permitted on each manufactured home site. The total size of the deck(s) shall not exceed 25 percent of the floor area of the manufactured home. Deck(s) shall comply with the setback and yard requirements for manufactured homes in approved manufactured home parks.

(k) The total floor area of additions such as screen porches, lean-tos, or other extensions attached to a manufactured home shall not exceed 5 percent of the floor area of the manufactured home. Any additions constructed in conformance with this provision shall comply with the setback and yard requirements for manufactured homes in an approved manufactured home park.

(l) One accessory structure shall be permitted for each manufactured home site and shall not exceed 120 square feet in floor area.

(m) All manufactured homes shall meet the construction standards of the U.S. Department of Housing and Urban Development Manufactured Housing Code.

(n) No permit shall be required to move a manufactured home onto a manufactured home site or interchange a manufactured home for another manufactured home on a manufactured home site in a manufactured home park that has been approved in accord with all applicable provisions of this Ordinance. The number of manufactured homes in an approved manufactured home park shall not exceed the number of manufactured home sites illustrated on site plans approved as part of the approval of the manufactured home park or the approval of an expansion of the manufactured home park.

(o) All manufactured home sites shall take access only to an internal street.

(p) The number of manufactured homes in a nonconforming manufactured home park shall not exceed the number of sites existing on the effective date of this Ordinance, unless expansion has been authorized through a conditional use permit.

(6) Manufactured Homes

Manufactured homes located outside of a manufactured home park are not permitted except by a conditional use permit and are for a limited period of time for the uses as outlined in sub.(a) and (b).

(a) Manufactured homes used as residences for farm employees, parents, and/or adult children of farm operators shall comply with the following and are permitted only in the General Agricultural District as conditional use. The intent of allowing such manufactured homes is to help preserve the agricultural base of the Town.

1. Such manufactured home shall provide housing for farm employees who assist farm operators engaged in agricultural activities or for parents and/or adult children of farm operators.
2. The manufactured home shall not be placed on a separate lot.
3. The manufactured home shall meet the minimum floor area requirements and all setback and yard requirements of this Ordinance.

4. When the manufactured home is no longer occupied by said farm employees, parents, or adult children, the manufactured home shall be removed from the farm operator's property.
 5. The manufactured home shall be connected to a code complying wastewater disposal system.
 6. The number of such manufactured homes shall not exceed one manufactured home per 80 acres of land owned by said farm operator.
 7. All portions of such manufactured home shall be located within 300 feet of the dwelling unit of said farm operator.
 8. Manufactured homes shall be a minimum of 14 feet wide.
 9. The Town Board may impose conditions per Section 11.04 of this Ordinance, including those requirements that apply to manufactured homes that are considered single family residences or single family dwelling units.
- (b) Manufactured homes for non-farm related use shall comply with the following and shall be permitted for a limited period of time and only in the case such as an emergency or as temporary living quarters while the occupants principal residence is being constructed, reconstructed or rehabilitated.
1. Only owner-occupiers of a single family dwelling unit are permitted to install a temporary accessory unit. There shall be no more than one temporary accessory unit on a lot.
 2. The temporary accessory unit shall be removed upon cessation of occupancy of the individual(s) for whom the temporary accessory unit was intended.
 3. The temporary accessory unit shall meet all setback and yard requirements for principal structures.
 4. Off-street parking for the temporary accessory unit shall be provided.
 5. Manufactured homes shall be a minimum of 14 feet wide and shall meet the minimum required floor area for dwelling units in s. 3.11, floor area requirements.
 6. The Town Board may impose conditions per Section 11.04 of this Ordinance, including those requirements that apply to manufactured homes that are considered single family residences or single family dwelling units.

(7) Reserved.

(8) Physical Requirements Applying to Single and Two Family Residential Dwellings.

Commentary: *This section applies to manufactured homes considered single family residences and single family dwelling units as defined in Chapter 13.*

(a) Minimum Size: The total minimum living area of a dwelling shall meet the requirements of section 3.11, Floor area requirements, of this Ordinance

(b) Siding Material: Dwellings shall have exterior siding material that is residential in appearance and consists of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

(c) Roof: The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run, and covered with material that is residential in appearance, including but not limited to, wood, asphalt, composition or fiberglass shingles but excluding corrugated aluminum, and corrugated fiberglass. The roof shall have a minimum 8-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.

4.09 Miscellaneous Uses Requirements.

(1) Airports, airstrips, and landing fields.

(a) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration, Department of Transportation, for the class of airport proposed.

(b) One off-street parking space shall be required for every tie-down space or plane space within hangars.

(2) Utility facilities.

(a) No zoning permit shall be required for any installation that is at or below grade elevation, nor for electrical poles, towers, and wires.

(b) Those structures which are 4 feet or less above grade elevation need not meet setback requirements nor need they be placed on conforming lots.

(c) Electrical substations shall be enclosed by a chain link fence at least 10 feet high. Such

structures shall additionally be located at least 75 feet from a dwelling unit.

(3) Animal shelters and pounds.

(a) All animal shelters and pounds located in the Commercial Center districts shall house all animals indoors. No outdoor housing shall be permitted.

(b) All structures associated with animal shelters and pounds located in the Commercial Center districts shall be at least 50 feet from all side and rear lot lines.

(c) All structures associated with animal shelters and pounds located in the General Agricultural district shall be at least 200 feet from all side and rear lot lines.

(d) All animal shelters and pounds located in the General Agricultural district shall be located on lots containing at least 10 acres.

(e) All animal shelters and pounds with outdoor housing of animals shall be screened from all adjacent properties and public roads by means of a vegetative screening, as described in s. 3.10(4), landscape buffer tree requirements.

(f) There shall be at least one housing unit for every 2 adult dogs housed by animal shelters and pounds. Further, there shall be no more than 2 adult dogs housed in any single enclosure unit.

(g) The Town Board in granting a conditional use permit, may impose additional conditions based on Wisconsin Federated Humane Society standards.

(4) Communication towers, antennas, transmitters.

(a) Reserved.

(b) The required road and navigable water setbacks shall be met by all towers and antennas.

(c) All towers and antennas shall be located such that all yard requirements for accessory structures for the applicable district shall be met.

Commentary: In addition to other restrictions and conditions, the town board may impose greater setback requirements as part of the conditional use permit.

(d) Towers and antennas exceeding 200 feet in height shall be subject to the following:

1. Lot area. The minimum lot area shall be determined by use of the guyed tower land requirements chart and diagrams at the end of this subsection, or the minimum lot area requirement for the applicable zoning district, whichever is greater.

2. Security. The base of towers or antennas at the point of entry into the earth shall be enclosed within security fencing. Any security lighting shall utilize fixtures whose hood, lens or combination thereof allows no direct beams of light to spill onto adjoining properties or to be cast skyward.

3. Access. The service drive providing access to the facility shall be the minimum necessary to provide maneuverability for service or emergency vehicles.

Commentary: The reason for the service drive design limitation is to discourage trespassing.

4. Lighting. Standards for lighting structures as set forth in Federal Aviation Administration Advisory Circular AC70/7460, *Obstruction Marking and Lighting*, shall be followed, except that strobe lights shall not be used during hours of darkness.

(5) Lighting

a) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Board of Supervisors

(b) Fixtures shall be equipped with or be capable of being back-fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

(c) All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, i.e., disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, i.e., nuisance glare.

(d) Floodlights and spotlights shall be installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway.

(e) Externally illuminated billboards shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11 p.m. and dawn.

(f) Fixtures used for architectural lighting, i.e., facade, fountain, feature and landscape light, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11 p.m. and dawn.

(g) Lighting standards in parking areas shall be placed a minimum of five (5) feet outside paved area, or on concrete pedestals at least thirty (30) inches above the pavement, or

suitably protected by approved means.

(6) Dog Kennels and similar uses

Any structure for housing, feeding or sheltering of animals not regulated by s. 4.03 (1) or by s.4.04 (2), shall be located not less than 50 feet from any lot line.

Insert Illustration 1: Guyed Towers

Guyed Towers

Guyed Tower Land Requirements
at 80% Guying*

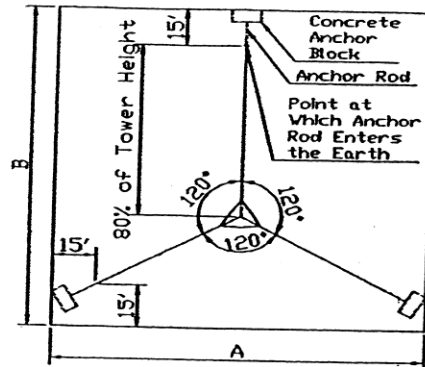
Tower Height	Acres	Layout 1		Layout 2	
		A	B	Acres	C
200'	1.92	310'	270'	2.81	350'
210'	2.13	325'	285'	3.14	370'
220'	2.31	340'	295'	3.40	385'
230'	2.50	350'	310'	3.57	400'
240'	2.68	365'	320'	3.95	415'
250'	2.88	380'	330'	4.24	430'
260'	3.13	395'	345'	4.65	450'
270'	3.34	410'	355'	4.96	465'
280'	3.57	420'	370'	5.29	480'
290'	3.80	435'	380'	5.63	495'
300'	4.03	450'	390'	5.97	510'
310'	4.33	465'	405'	6.45	530'
320'	4.53	475'	415'	6.82	545'
330'	4.84	490'	430'	7.20	560'
340'	5.10	505'	440'	7.59	575'
350'	5.37	520'	450'	8.00	590'
360'	5.71	535'	465'	8.54	610'
370'	5.94	545'	475'	8.97	625'
380'	6.30	560'	490'	9.40	640'
390'	6.60	575'	500'	9.85	655'
400'	6.91	590'	510'	10.31	670'
410'	7.23	600'	525'	10.93	690'
420'	7.55	615'	535'	11.41	705'
430'	7.96	630'	550'	11.90	720'
440'	8.29	645'	560'	12.40	735'
450'	8.54	660'	570'	12.91	750'
460'	9.00	670'	585'	13.81	770'
470'	9.38	685'	595'	14.15	785'
480'	9.80	700'	610'	14.69	800'
490'	10.18	715'	620'	15.25	815'
500'	10.49	725'	630'	15.81	830'

*The distance between the tower and outer guy anchor equals 80% of the lower height. Other ratios to 60% can usually be accommodated.

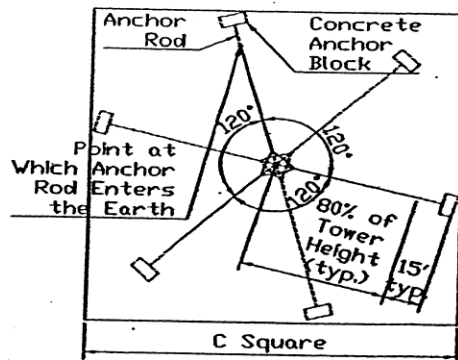
General Notes:

1. Space allowance has been made for concrete anchors as shown on layouts.
2. Information in table is based on outer anchors being located 80% of tower height from base and oriented 120° apart.
3. All information is based on level ground site conditions.
4. Height of tower = H (ft)
 $A(f) = ((H \times 0.80) \cos 30^\circ) \times 2 + 30$
 $B(f) = ((H \times 0.80) \times (1 + \sin 30^\circ)) + 30$
 $C(f) = ((H \times 0.80) + 15) \times 2$

Guyed Tower Land Requirements



Layout 1
Minimum area of land required. This area will not always permit orienting tower in the best position for antenna path direction.



Layout 2
The minimum area of land required to permit orienting the tower in any position for optimizing antenna path direction.

CHAPTER 5 - Natural Features Protection Requirements

5.01 Purpose.	5.05 Dunes.	5.09 Reserved.
5.02 Applicability.	5.06 Rockholes.	5.10 Wetland setbacks.
5.03 Escarpments.	5.07 Woodlands.	
5.04 Drumlins.	5.08 Ridges and swales complexes.	

5.01 Purpose

These requirements are intended to preserve interesting geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of Town of Brussels, and protect wild flora and fauna.

5.02 Applicability

These requirements shall be in effect in all zoning districts. They shall be applied independently of other applicable requirements of this Ordinance. Wherever other requirements of this Ordinance conflict with requirements of this chapter, the most stringent requirement shall govern.

Commentary: *Certain other natural features, not included in here, are subject to regulation. Presence of those natural features on property can significantly affect the way that that property may be used or developed. The reader is advised to consult the following references for pertinent regulations:*

<u>Natural Feature</u>	<u>Regulatory Reference</u>
Bodies of Water	Chapters 30, 31, 88, and 144, Wis. Stats.
Wetlands	This Ordinance, s. 2.05(4)

5.03 Escarpment

(1) Purpose.

The purposes of these regulations are to:

- (a) Promote safe conditions by preventing placement of roads on highly inclined surfaces.
- (b) Preserve escarpments as landmark features, such as the Brussels Hill, that contribute to the scenic diversity, rural character, and attractiveness of the town.

(2) Determination

The location of escarpments subject to the requirements of this section shall be determined by reference to a map entitled "*General Plan Design Town of Brussels*" on file in the office of the Clerk.

Commentary: Generally, the escarpment protection areas include lengthy slopes of 20% and greater and the areas associated with the crest of the escarpment.

(3) Requirements.

(a) No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.

(b) The clearing of trees located within escarpment protection areas shall be permitted for:

1. Building footprints.

2. Sites for wastewater disposal systems.

3. Driveways.

4. The area on a lot extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings.

(c) In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that:

1. No more than 30 percent of this area on the lot shall be cleared.

2. The clearing of the 30 percent described above shall not result in strips of cleared openings of more than 30 feet in any 100-foot wide strip nor create a cleared opening strip greater than 30 feet wide.

3. In the remaining 70 percent of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings, and other structures.

(d) In the area on a lot lying more than 100 feet from the exterior walls of principal buildings, and for lots which contain no principal buildings, selective clearing shall be permitted provided that within escarpment protection areas there shall be no cleared area greater than 5,000 square feet, and provided that the shade of the remaining trees over 15 feet in height covers at least 70% of the wooded land surface of the lot.

(e) Pruning of trees is permitted, except that trees shall not be pruned completely clear of branches above a height equal to one half the height of the trees.

(f) In addition, the woodlands located within escarpment protection areas shall also be subject to the requirements of s. 5.07, Woodlands.

5.04 Drumlins

(1) Purpose.

The purpose of these regulations is to protect the historical value and intactness of drumlins as unique land forms directly shaped by glaciers. Their existence demonstrates that the Door Peninsula shares a continuity with the glacial features in the remainder of Wisconsin and they contribute to the special aggregate landscape of Town of Brussels .

(2) Applicability

Drumlins which are at least 25 feet in height and at least 150 feet in length are subject to the requirements in this section.

(3) Determination.

The location of drumlins shall be determined by reference to a map entitled "*Door County Natural Features Map*" on file in the office of the Door County Planning Department.

(4) Requirements.

(a) Drumlins shall not be mined, or in any other way removed, in part or in total, except for customary excavation necessary to construct foundations for permitted buildings or for utilities which serve permitted buildings.

(b) For any lot, the total area of the building footprints of all buildings placed on a drumlin shall not exceed 10% of the surface area of that portion of a drumlin located on the lot.

5.05 Rockholes.

(1) Purpose.

Rockholes provide easy opportunity for contaminated surface water to enter Town of Brussels 's groundwater system. Since Town of Brussels 's people rely on groundwater for drinking water, human health and public welfare will be benefited by minimizing opportunity for entry of contaminated surface water into rockholes. The purpose of these regulations is to reduce entry of contaminant-bearing surface water into rockholes.

(2) Applicability

Each of the following shall be subject to the requirements of sub. (4):

(a) Rockholes where the rockhole opening is one square foot or greater in size.

b) Rockholes where the area bounded by the associated rockhole depression is 100 square feet or greater in size.

c) Rockhole channels where the rockhole channel cross-sectional area is 3 square feet or greater in size.

(3) Determination.

Rockholes, particularly rockhole openings, can appear suddenly at the ground surface or disappear. Because rockholes are not necessarily permanent features on the ground surface, the location of rockholes on a lot shall be determined by the lot owner at time of zoning permit application or by a Zoning Administrator at time of lot inspection while processing the zoning permit application.

Commentary: Some rockhole openings and rockhole depressions receive sufficient surface water to cause formation of an eroded channel in the ground to form. This section places regulations upon those channels of the size specified in sub. (2), par.(c).

(4) Requirements.

The requirements of either par. (a) or (b) shall be met.

(a) The following items shall not be placed within 75 feet of rockhole openings, rockhole depressions, or rockhole channels:

1. Buildings.
2. Surface water discharge pipes or channels that drain into a rockhole opening, rockhole depression, or rockhole channel.
3. Petroleum products storage facilities.
4. Wastewater treatment and disposal systems.
5. Livestock manure storage facilities.
6. Parking lots.
7. Livestock barnyards and feedlots.
8. Fertilizer distribution plants.
9. Sanitary landfills.
10. Animal shelters.
11. Kennels.
12. Salvage yards.

(b) Alternative protection plan. It is recognized that, in some instances, there may be other

methods of groundwater protection regarding rockholes such as drainage diversion, berming, filling the rockhole, etc. A landowner may devise and submit an alternative protection plan for the prevention of groundwater contamination through rockholes. Such plan must be approved by the Door County Soil and Water Conservation Department and shall specify the measures to be undertaken. If approved, the applicant shall adhere to the requirements of the alternative protection plan rather than the requirements of par.(a).

5.06 Woodlands

(1) Purpose.

The woodlands of Town of Brussels significantly contribute to the county's scenic attractiveness and provide to people recreational opportunities. They provide habitat for numerous species of plant and animal life. The purpose of these regulations is to perpetuate the existence of the woodlands.

(2) Applicability

Woodland areas possessing both of the following characteristics on the effective date of this Ordinance shall be subject to the requirements of sub.(4):

(a) The woodland area must be 5 acres or more in size, and

(b) The shade of trees over 15 feet in height must cover at least 70% of the land surface of the woodland area.

(3) Determination.

The location of regulated woodland areas shall be determined by using aerial photographs taken at or near the effective date of this Ordinance coupled with a field survey, if necessary.

(4) Requirements.

(a) Woodland clearing. The proportion of total woodland area on a lot that may be cleared shall not exceed that shown below:

Zoning Districts	Proportion of Total Woodland Area That May Be Cleared
W,NA, GA	20%
SF20, RR, HD	40%
MC, RC, LI	70 %

(b) Cleared areas which are 10,000 square feet or greater shall be included in the calculation of the percent of woodland area that is cleared. Cleared areas which are less than 10,000 square feet shall not be included in the calculation of the percent of woodland area that is cleared provided that the noncleared area on the lot still meets the characteristic listed in sub. (2), par.(b).

(5) Woodland management.

Woodlands that have been left remaining in compliance with sub. (4), par. (a) may be used or managed as follows:

(a) Selective cutting is permitted, provided that after cutting, the woodland area on a lot still meets the characteristics shown in sub. (2), par. (b), and provided that the selective cutting does not result in a cleared area greater than 10,000 square feet.

(b) Clearcutting is permitted subject to the following requirements:

1. Clearcutting is allowed only in areas where 40% or more of all the trees in the area are either aspen, white birch, or white cedar trees over 10 inches in caliper.
2. No area of clearcutting shall exceed 10 acres in size.
3. Clearcutting on contiguous land under any one ownership shall not exceed the greater of 10 acres or 25% of the area referenced in subd. 1. in a 10-year period.
4. A clear-cut area shall not be converted or developed for another use, but shall be allowed to regenerate woodland cover naturally.

Commentary: The purpose of the clearcutting provisions is to aid in the propagation of those tree species which are benefited by periodic clearcutting in order to regenerate.

(c) Salvage cutting of trees severely damaged by storms, ice, fire, insects, fungi, or disease is permitted. An area of salvage cutting may not be converted or developed for another use, but shall be allowed to regenerate woodland cover naturally or by replanting.

(d) Other woodland management techniques designed to enhance or protect the woodlands are permitted upon written approval of a qualified forester as a sound forestry practice as defined in NR 46.02 or NR 46.15, Wis. Admin. Code.

(6) Woodlands that are located in escarpment protection areas are also subject to provisions contained in s. 5.03., escarpments; woodlands that are located in shorelands are also subject to the shoreland vegetation protection provisions listed in s. 5.09, shoreland vegetation.

5.07 Ridges and Swales Complexes.

(1) Purpose.

The purpose of these regulations is to recognize and protect landforms that owe their existence to the dynamic forces of water acting upon the land during various periods of rising and falling lake levels. The events that produced these landforms apparently occurred during approximately the last 4,000 years. These geologic features and the wild plant and animal life supported on them are of significant scientific interest. The ridges and swales complexes also contribute to the special aggregate landscape of Town of Brussels .

(2) Determination.

The location of ridges and swales complexes shall be determined by reference to a map entitled "*Door County Natural Features Map*" on file in the office of the Door County Planning Department.

(3) Requirements.

(a) Buildings and structures shall be placed, to the greatest practical extent, on the uppermost ground surfaces of ridges.

(b) No buildings and structures, except roads constructed in accordance with par.(e), shall be placed in swales.

(c) The ridges ground surfaces shall not be reshaped by excavation, except for customary excavation necessary to construct roads and foundations of buildings and structures; by grading; or by filling, except for customary backfilling around foundation walls of buildings and structures, construction of roads in accordance with par.(e), and construction of parking areas.

(d) The swales ground surfaces shall not be reshaped by excavating, grading, or filling, except as necessary for road construction in accordance with par.(e).

(e) Road construction in ridges and swales complexes shall occur in accordance with the following:

1. Roads shall be placed, to the greatest practical extent, on the uppermost ground surfaces of the ridges.
2. Roads shall not be placed in swales, except for that portion which is the minimum necessary to continue a road from one ridge to the adjacent ridge. The road portion in the swale shall be constructed so as to allow free and continuous movement of surface water through the road by means of culverts and/or bridges.
3. The road shall be constructed with the minimum cross-sectional area necessary to serve the intended use.
4. Road construction activities shall be carried out in the immediate area of the road only.

5.08 Reserved

5.09 Wetland Setbacks.

- (1) Requirements of this section shall apply to all zoning districts.
- (2) All buildings and structures, unless specifically permitted within Wetland zoning districts per s. 2.05(4), shall be set back from wetlands, as defined in s. 13.02, a minimum of 35 feet.
- (3) All wetland boundaries shall be determined in consultation with the Door County Planning Department.

Commentary: Applicants should consult with the Door County Planning Department to determine if the wetland is under the jurisdiction of the Door County Zoning Ordinance.

CHAPTER 6 - Clustered Housing Development (*Reserved*)

CHAPTER 7 - PARKING, LOADING, AND ACCESS REQUIREMENTS

- 7.01 Purpose
- 7.02 Off-Street Parking Requirements
- 7.03 Parking Area Landscaping Requirements
- 7.04 Loading and Unloading Requirements
- 7.05 Access Requirements

7.01 Purpose.

These provisions are intended to reduce traffic congestion on public streets by requiring adequate off-street parking and loading areas for each land use. These provisions provide landscaping requirements to improve the appearance of parking lots and to reduce the nuisance of glare. These provisions are also intended to promote traffic safety by ensuring proper access to roads.

7.02 Off-Street Parking Requirements.

- (1) Required number of off-street parking spaces. The minimum number of off-street automobile parking spaces to be provided shall be in accordance with the following schedule. In cases where garages are provided, the number of required spaces shall be reduced by the number of parking spaces within the garages.

<u>USE</u>	<u>OFF-STREET PARKING REQUIREMENT</u>
Residential	2 spaces per dwelling unit.
Multiple Occupancy Development	1.5 spaces per dwelling unit.
Auditorium/Theater	1 space per 3 seats.
Church/Funeral Home	1 space per 4 seats.
Restaurant/Tavern	1 space per 100 square feet of primary floor area or space per 3 seats, whichever is greater.
Boarding House	1 space per bedroom or sleeping room.
Bed and Breakfast Establishment	2 spaces plus 1 space per rental room.
Medical/Dental Clinic or Office	5 spaces per doctor/dentist.
Public Boat Launching Ramp	5 spaces per launching lane (each space 10 feet wide x 40 feet long).
Office Uses	space per 250 square feet of primary floor area.
Retail Stores and Personal Services Establishments	1 space per 200 square feet of primary floor area.
Manufacturing/Trade or Contractor Establishments	2 spaces plus 1 space per employee during peak shifts.
Warehouse/Commercial Storage	1 space per 1,000 square feet of primary floor area
Marinas	0.6 of 1 space per boat slip.
Commercial Riding Stables	1 space per 3 horses.
Model Homes	4 spaces per model home.

(a) If the parking requirements for particular uses described in Chapter 4, particular uses requirements, are different from those shown here, the most restrictive requirements shall apply.

(b) Commercial establishments with drive-through facilities shall, in addition to providing the required off-street parking spaces, maintain an off-street queuing capacity of 4 vehicles per service lane. Such queuing capacity shall be designed so that vehicles queuing in the

drive-through lane do not interfere with street traffic flow.

(c) Computation. When the computation of the minimum number of parking spaces results in a fractional product, the product shall be rounded up to the next whole number.

(d) Uses not enumerated. In the case of uses not specifically listed in sub.(1), the minimum number of parking spaces shall be determined by the Plan Commission, upon referral and recommendation of the Zoning Administrator, based upon requirements for similar uses.

(e) Multiple uses on a lot. Where more than one use is located on a lot, the required number of parking spaces shall be determined by the sum of the minimum total number of parking spaces for each individual use. However, the Plan Commission, upon referral and recommendation by the Zoning Administrator, may allow a reduction of parking facilities if:

1. The peaks of demand for individual uses do not coincide, or

2. The same parking space can simultaneously serve both uses.

(2) Application to existing uses. Uses existing on the effective date of this Ordinance which do not have the required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless parking spaces equal to the parking requirement for the expansion are provided as part of the expansion.

(3) Application to change of use. Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces equal to the difference in required parking spaces between the existing use and the proposed use.

(4) Location. Except for Commercial, Industrial, and Institutional Uses, as listed in s. 2.05(3), table of principal uses, all required off-street parking shall be provided on the same lot as the use it serves or on an adjoining lot under the same ownership as the lot containing the use it serves. For Commercial, Industrial, and Institutional Uses, parking may be provided off-premise, however:

- (a) The off-premise property shall be under the same ownership as the lot containing the Commercial, Industrial, or Institutional Use; or the off-premise property to serve as the required parking lot shall be leased for such purpose for 20 years or more.

- (b) Each of the parking spaces shall be within 500 feet of the structure housing the use that the parking spaces are intended to serve.

- (c) The off-premise parking area shall be located in a Commercial Center, Mixed Use Commercial, or Light Industrial district.

- (d) A separate regular zoning permit shall be obtained for the off-premise parking area.

(5) Abandonment. No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or

driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

(6) Design requirements.

(a) Surfacing. The required off-street parking area shall be surfaced with gravel, paving, or other material to free the parking area of mud and pitched to prevent ponding. However, the surfaced parking area may be reduced to not less than 75% of the required parking area upon approval of the Plan Commission, after referral and recommendation by the Zoning Administrator and subject to demonstration by the applicant that the required parking area is excessive. The total required parking area shall, however, remain available for parking purposes as needed.

(b) Size. Off-street parking spaces shall be at least 9 feet in width and at least 18 feet in length. Parking spaces designed to accommodate parallel parking shall be at least 22 feet in length. Parking spaces shall have a vertical clearance of at least 7 feet.

(c) Setback.

1. Off-street parking areas shall be located at least the following distances from public right-of-ways:

<u>Zoning District</u>	<u>Setback from ROW</u>
GA-2, LI	15 feet
SF20, RR, HD	10 feet
CC, MC	5 feet

2. Off-street parking areas shall be located at least 5 feet from all other lot lines in all zoning districts.

(d) Access. All parking areas shall be provided with an entrance and exit or shall be provided with a turnaround at the end opposite the entrance.

(e) Horizontal widths for parking rows, aisles, and modules (row plus aisle) shall be provided at widths no less than listed in the following table:

	<u>One-way Parallel</u>	Parking Space Angle, in degrees			
	---feet--	<u>30</u>	<u>45</u>	<u>60</u>	<u>90</u>
		-----feet-----			
Single row of parking	9	17	19	20	18
<u>Driving aisle</u>	<u>12</u>	<u>12</u>	<u>13</u>	<u>18</u>	<u>24</u>
Minimum width of module (row + aisle)	21	29	32	38	42
Two rows of parking	18	34	38	40	36
<u>Driving aisle</u>	<u>12</u>	<u>12</u>	<u>13</u>	<u>18</u>	<u>24</u>
Minimum width of module (row + aisle)	30	46	51	58	60

Commentary: The illustrations on the following pages depict the parking arrangements described in the table.

Illustration 2: Off-Street Parking Arrangements

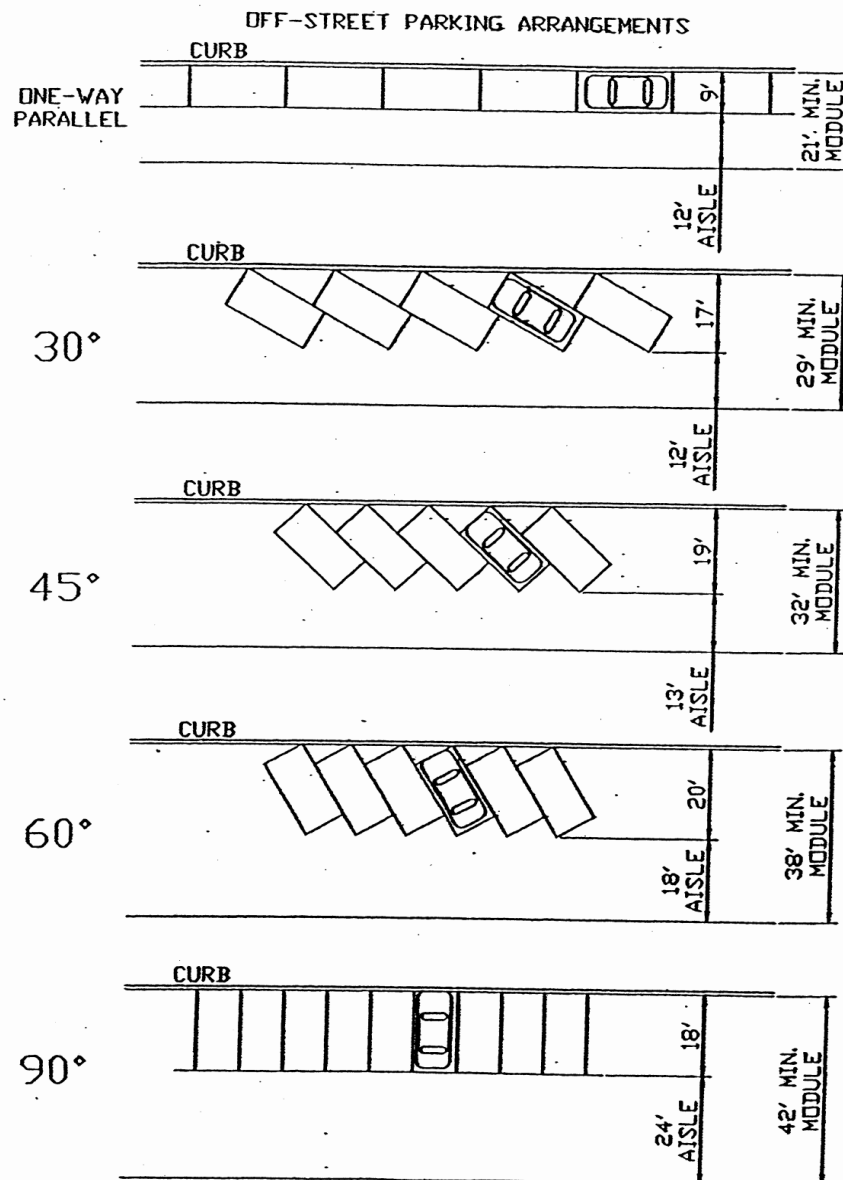
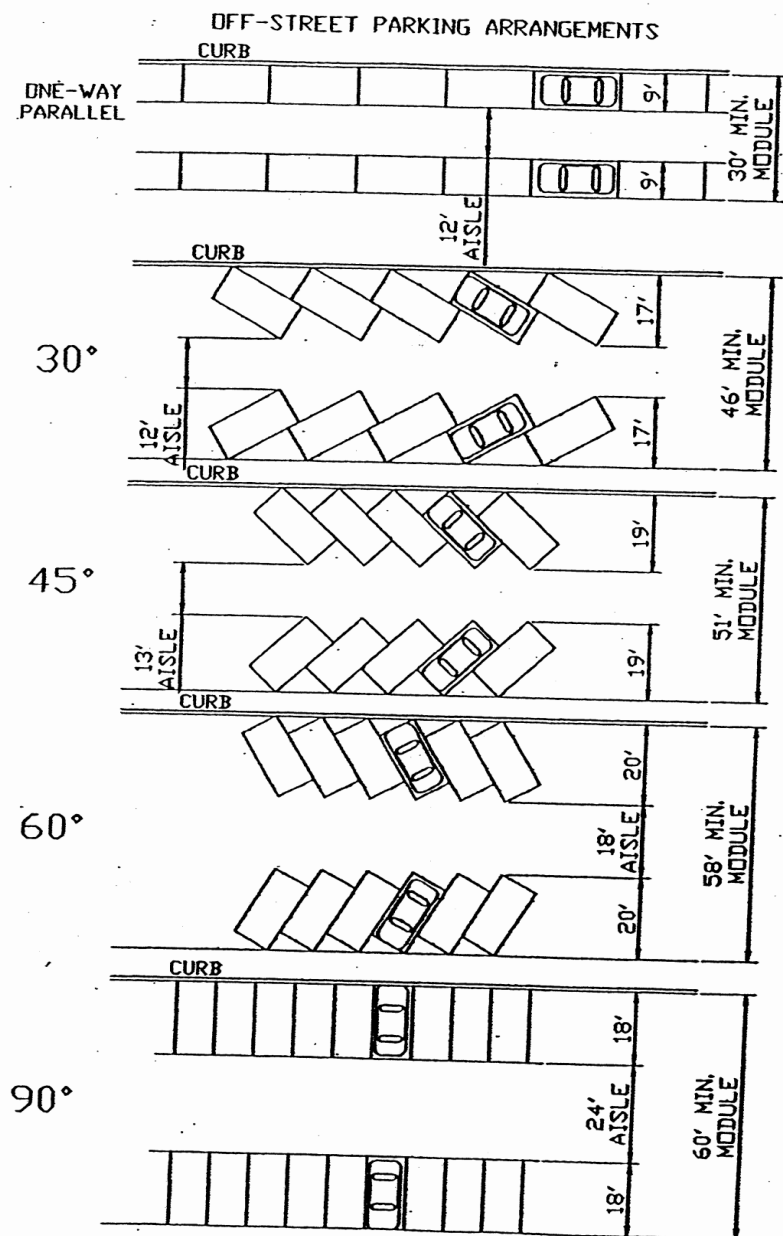


Illustration 3: Off-Street Parking Arrangements



(f) Lighting. Lighting established for the purpose of illuminating off-street parking areas shall utilize lighting fixtures whose hood, lens, or combination thereof allow no direct beams of light from the fixture to be seen from off the property or to be cast skyward.

(g) Maintenance. All parking areas shall be properly maintained by the owner or lessee of the property.

(h) Handicapped parking. All off-street parking areas shall provide parking spaces for use by motor vehicles which transport physically disabled persons, in accordance with ILHR 52, Wis. Admin. Code, or the following minimum requirements, whichever are more restrictive:

1. Two percent of the total number of spaces shall be provided for use by physically disabled persons in parking areas containing one to 1,000 spaces, with a minimum of one space.
2. In addition to the number of spaces required in subd.1., one percent of all spaces over 1,000 shall be provided for physically disabled parking.
3. The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet in width and 18 feet in length.
4. Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows such persons to enter and leave the parking area without assistance.

(7) Parking of Business-Related Vehicles. In the Single Family Residential-20,000 and High Density Residential districts, not more than one vehicle which bears business insignia and/or one trailer used in a business or trade shall be parked on a lot overnight. This provision shall not apply to permitted commercial uses nor to nonconforming uses, provided such parking of business-related vehicles does not violate any other provision of this Ordinance.

7.03 Parking Area Landscaping Requirements

(1) Applicability. These requirements shall apply to all parking spaces created after the effective date of this Ordinance, except for parking spaces located in parking areas which accommodate fewer than 6 vehicles, and except for parking spaces located in multi-level parking structures.

(2) Minimum landscaping requirements.

(a) Canopy trees and tree islands shall be required as follows:

1. One canopy tree with a caliper of least 2 inches shall be required for every 12 parking spaces. Fractions shall be rounded to the nearest whole number (e.g. 0-5 spaces = no trees, 6-17 spaces = 1 tree, 18-29 spaces = 2 trees, etc.).

2. All required canopy trees must be located in tree islands or within 10 feet of the perimeter of the parking area surface.
 3. Parking spaces must be broken by a tree island at the rate of one island for each linear row of 12 spaces for single row configurations or one for every 24 spaces for double row configuration.
 4. All tree islands must have a minimum width of 4 feet.
 5. Existing trees may be counted toward the canopy tree requirements, provided they meet the requirements for size, placement, and type.
- (b) Other landscaping materials shall be required so as to accumulate 15 landscape points per parking space. Landscape points shall be accumulated according to the following:

LANDSCAPE POINTS

<u>Landscape Element</u>	<u>Minimum Planted Size</u>	<u>Points</u>
Canopy Trees	2 in. caliper or 1.5 in. caliper for multi-stem trees	50 pts.
Evergreen Trees	4 feet high	30 pts.
Low Ornamental Trees	5 feet high and balled and burlapped stock	20 pts.
Tall Shrubs	2.5 feet high	9 pts.
Medium Shrubs	18 inches high	6 pts.
Low Shrubs	15 inches high	3 pts.

The publication, *A Guide to Selecting Landscape Plants for Wisconsin*, by E. R. Hasselkus, UW-Extension publication A2865, shall be used to determine which plants are "low-ornamental trees" and "tall/medium/low shrubs."

1. To qualify for points the landscape elements must be located in the following areas:
 - a. Within landscaped islands in the interior of the parking area.
 - b. Within 10 feet of the perimeter of the parking area.
 - c. Along public right-of-ways that are adjacent to the parking area.
 2. Landscaping which primarily serves the aesthetic enhancement of the building or related open areas shall not qualify for points.
 3. Canopy trees as required by par.(a) shall also qualify for points.
- (c) Screening near residential uses. A screening barrier (for the purpose of reducing glare)

shall be required in the following situations:

1. When the parking area is located within 30 feet of an adjoining lot containing a principal residential use.
2. When the parking area is located within 30 feet of an adjoining vacant lot that is located in the Single Family Residential-20,000, Rural Residential, or High Density Residential districts.
3. The minimum height of the barrier shall be 3.5 feet above the surface of the parking area. The barrier may consist of wood or masonry fencing, walls, berms, or planted materials. If planted materials are used, they must be of suitable size and density to accomplish the screening objective within 3 years of planting.

(d) All required landscape and/or barrier materials shall be established prior to utilization of the parking spaces, unless a bond, certificate of deposit, cash, or other form of financial assurance acceptable to the Zoning Administrator is submitted to the Town. Such financial assurance shall cover the estimated cost of installing the landscape and/or barrier materials and shall be returned to the applicant upon proper installation by the applicant. If the landscape and/or barrier materials are not properly installed within 9 months of commencement of operation of the use, the financial assurance shall be used for installation of the landscape and/or barrier materials by the Town. Once established, all landscape and/or barrier materials shall be properly maintained by the owner or lessee of the parking area.

- (3) Two or more parking areas interconnected by on-site vehicular circulation shall be treated as one lot for the purposes of this section. Unconnected parking areas serving the same use shall be treated as one lot unless they are separated by 30 feet or more.

Commentary: The following 2 sketches illustrate application of this section.

Illustration 4: Sample Area Parking Plan – Typical Lot

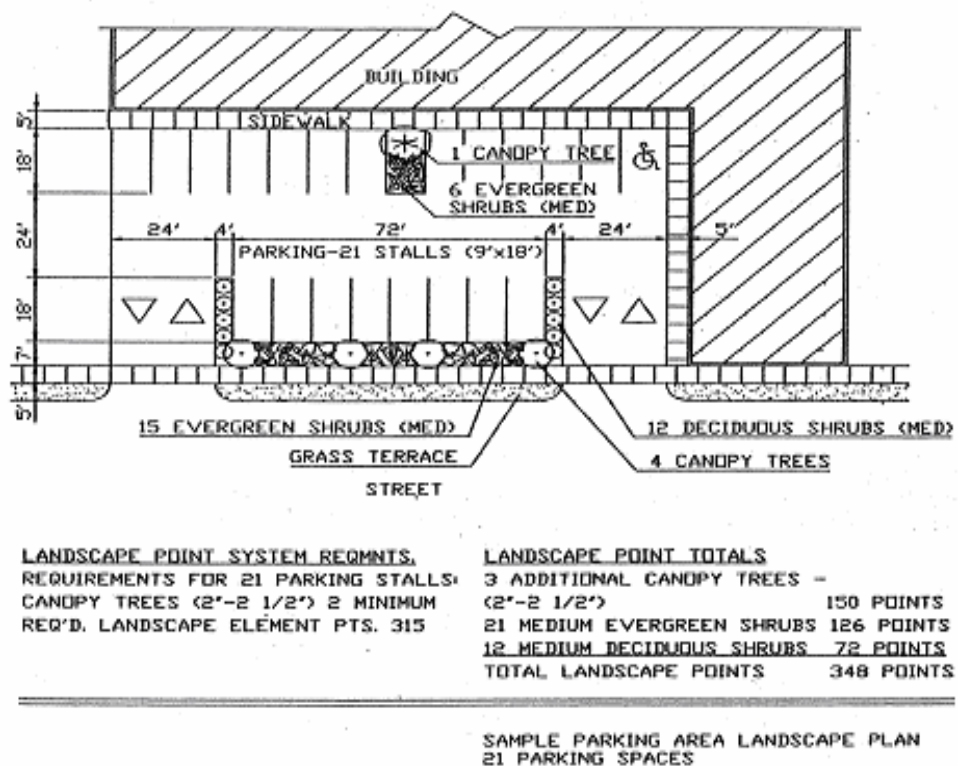
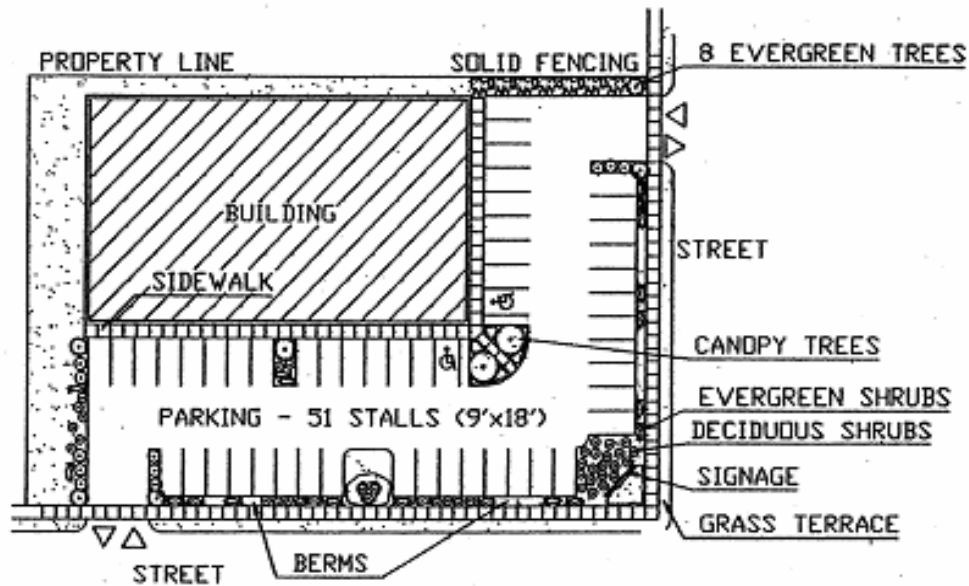


Illustration 5: Sample Parking Area Landscape Plan – Corner Lot



LANDSCAPE POINT SYSTEM REQMNTS.

REQUIREMENTS FOR 51 PARKING STALLS:

CANOPY TREES 4 MINIMUM

REQ'D. LANDSCAPE POINTS, 765

LANDSCAPE POINT TOTALS

8 EVERGREEN TREES

(30 PTS. EA.) 240

5 ADDITIONAL CANOPY TREES

(50 PTS. EA.) 250

50 EVERGREEN SHRUBS

(3 PTS. EA.) 150

32 DECIDUOUS SHRUBS (MED.)

(6 PTS. EA.) 192

TOTAL LANDSCAPE POINTS 832

SAMPLE PARKING AREA LANDSCAPE PLAN
CORNER LOT - 51 PARKING SPACES

7.04 Loading and Unloading Requirements

- (1) Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.
- (2) The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

7.05 Access Requirements

- (1) Every use shall have access to a public or private road. However, property owners have the responsibility of securing the access.
- (2) For all uses, except Agricultural Uses as listed in s. 2.05(3), table of principal uses, no more than 2 driveways per lot shall be permitted.
- (3) For all uses, except Agricultural Uses as listed in s. 2.05(3), table of principal uses, access shall not be taken to a state highway if access to a town, county, or public or private frontage road is available.
- (4) Access spacing on state highways.
 - (a) Except for access driveways from farm fields, access driveways to state highways shall be separated according to the following schedule:

Speed Limit at at Driveway Location (Miles per Hour, MPH)	Minimum Separation (Feet)
25	100
30	125
35	150
40	185
45	230
50 and 50+	275

Measurements are from driveway midpoints.

- (b) Lots existing prior to the effective date of this Ordinance which cannot meet the spacing requirement of par.(a) shall be permitted one access driveway.
- (5) Driveway width.
 - (a) For all single family residential and duplex residential uses, access driveways shall be at least 15 feet wide and not more than 24 feet wide.

(b) Access driveways for all other uses, except Agricultural Uses, as listed in s. 2.05(3), table of principal uses, shall be at least 20 feet wide and not more than 35 feet wide. Such drives may be reduced to 10 feet wide if they are enter-only or exit-only drives.

(6) Setback. All access driveways shall be placed such that the driveway edge nearest to a neighbor's lot line is at least 5 feet from the neighbor's lot line, unless driveways are shared by adjoining property owners.

(7) All access driveways, except those to farm fields, shall be surfaced with gravel or paved and pitched to prevent ponding.

(8) Location.

(a) Access drives shall be located opposite median crossovers, where present.

(b) At road intersections, the midpoint of access driveways shall be located at least 100 feet from the point of intersection of the road edges. For lots existing prior to the effective date of this Ordinance which cannot meet this provision, one access driveway shall be permitted.

CHAPTER 8 - SIGNS

- | | |
|--|--------------------------|
| 8.01 Purpose. | 8.05 Permits |
| 8.02 Applicability. | 8.07 Nonconforming Signs |
| 8.03 General Sign Requirements. | 8.07 Abandoned Signs |
| 8.04 Specific Requirements for Particular Signs. | |

8.01 Purpose

The purpose of these requirements is to ensure that the outstanding visual resources of the Town are protected and that traffic safety is enhanced by setting requirements for the size, number, placement, and lighting of signs.

8.02 Applicability.

- (1) Signs restricted. Unless exempted under sub. (2), no sign shall hereafter be located, erected, structurally altered, moved, or reconstructed, except as permitted by this chapter.
- (2) Signs exempted. The following shall be exempt from the requirements of this chapter:
 - (a) Memorial signs and tablets displayed on public property or in cemeteries.
 - (b) Official traffic and parking signs, and informational, legal or directional notices erected by federal, state, or local units of government.
 - (c) Guidance signs authorized by the Wisconsin Department of Transportation under Trans. 200.03, Wis. Admin. Code.
 - (d) Official government entity flags,
 - (e) Outdoor murals or other outdoor artwork, determined by the Plan Commission, upon referral and recommendation of the Zoning Administrator, not to be signs.

8.03 General Sign Requirements

The following requirements shall apply to all permitted signs, unless exempted in s. 8.02(2):

- (1) No undulating, swinging, rotating, or otherwise moving sign shall be permitted.
- (2) Except for flashing or fluttering time and/or temperature sign messages, no flashing, fluttering, or otherwise animated sign messages shall be permitted.
- (3) No sign shall obstruct clear visibility of traffic along any public road or intersection of roads or driveways.

(4) No signs, except signs erected by a unit of government, shall project over or be located within any public right-of-way.

(5) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public roads.

(6) Signs shall not be located or maintained in such a way that prevents free ingress or egress from any floor, window, or fire escape; and no sign shall be attached to a fire escape.

(7) Any spotlights used to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads or properties.

(8) No sign shall be placed on or over the roof of any building.

(9) No sign shall be painted or mounted on rocks or other natural features, except that nameplates and/or addresses for residences and "No Hunting," "No Trespassing," "No Dumping," and signs of a similar nature may be affixed to trees.

(10) No sign shall contain obscene or derogatory language, symbols, or pictures.

(11) Wall signs.

(a) Size. The sign face area of a wall sign shall not exceed 15 percent of the area of the side of the building to which it is attached. If more than one sign is present, the combined sign face area shall not exceed 15 percent of the area of the side of the building to which they are attached.

(b) Number. The number of wall signs shall not exceed two signs per property.

(c) Design. Wall signs shall not extend more than 6 inches from the building's wall surface, nor beyond the end of the wall.

(12) Window signs. The sign face area of window signs shall not exceed 20 percent of the glass area of the window.

(13) Projecting signs.

(a) Size. The sign face area of a projecting sign shall not exceed 24 square feet.

(b) The sign shall not extend more than 5 feet from the wall to which it is attached.

(c) The bottom of such sign shall be at least 7 feet above the grade directly below the sign.

(d) The top of such sign shall not extend above the building's roof.

(14) Freestanding signs.

(a) Size. The maximum size of freestanding signs shall be as follows:

1. Directional signs shall not exceed 3 square feet in sign face area.
2. Nameplates and/or addresses for residences; "No Hunting," "No Trespassing," "No Dumping," and signs of a similar nature; "Open/Closed" signs; "Vacancy/No Vacancy" signs; temporary on-premise real estate signs; and operational signs designating entrances, exits, service areas, parking areas, restrooms, and other functional operations of a building or premises shall not exceed 4 square feet in sign face area.
3. On-premise signs: On-premise signs which are not listed in subd. 2. shall not exceed 32 square feet in sign face area.
4. Size Off-premise signs: Off-premise signs, except for directional signs, shall not exceed 32 square feet.

(b) Setback:

Such signs shall be located at least 5 feet from all side lot lines. However, in no case shall actual sign height exceed the actual sign setback from any adjacent lot that is zoned or used for residential purposes.

(15) Awning signs.

- (a) The bottom of such sign shall be at least 7 feet above the grade directly below the sign.
- (b) The message of such signs shall consist of not more than one line of copy.
- (c) Such signs shall not extend more than 5 feet from the wall to which the awning is attached.

16. Vehicle Signs. See portable signs in s. 8.04 (8).

17. Sign Height; See section 3.08 of this ordinance.

8.04 Specific Requirements for Particular Signs

In addition to the requirements of s. 8.03, general sign requirements, the following requirements shall be met for each specified sign. There shall be no specific requirements for particular signs that are not listed in this section, but such signs shall comply with the requirements of s. 8.03, general sign requirements.

(1) Election campaign signs shall be subject to the following:

(a) Such signs located on residential property, as defined in s. 12.04, Wis. Stats., shall not be erected or displayed prior to the election campaign period, as defined in s. 12.04, Wis. Stats., and shall be removed within 7 days after the election.

(b) Such signs located on property other than residential property, as defined in s. 12.04, Wis. Stats., shall meet the following:

1. The signs shall not be placed on public property.
2. The signs shall not exceed 24 square feet in sign face area.
3. The signs shall not be erected or displayed earlier than 60 days prior to the election to which they pertain.
4. The signs shall be removed within 7 days after the election.
5. The sign shall not be illuminated.

(2) Temporary real estate signs, advertising the sale, rent, or lease of the property on which the sign is placed, shall be subject to the following:

- (a) Such signs shall be located at least 15 feet from a lot line.
- (b) Such signs shall not be illuminated.
- (c) Such signs shall be removed within 10 days of the sale, rent, or lease of the property.
- (d) The number of such signs shall be limited to one along each road that abuts the property.

(3) Temporary on-site construction signs, promoting a building under construction and/or the contractor(s) for such building, shall be subject to the following:

- (a) Only one construction sign shall be allowed per construction project.
- (b) No such sign shall exceed 32 square feet in sign face area.
- (c) No such sign shall be erected prior to beginning of construction.
- (d) All such signs shall be removed within one week after completion of construction and prior to occupancy.
- (e) Construction signs which are freestanding signs shall be located at least 15 feet from any public right-of-way.

(4) Temporary new development signs. Signs promoting a new subdivision, apartment complex, and other new developments shall not exceed 32 square feet in sign face area and shall

be located on the premises of the new development. The sign permit for such signs shall expire after 2 years.

(5) On-premise residential neighborhood signs shall be freestanding signs only, shall be limited to identifying the name of a neighborhood area such as a subdivision or housing development, shall not exceed 32 square feet in sign face area and shall be placed only at the entrance to the neighborhood area.

(6) Advertising signs.

(a) Off-premise. Advertising signs which are off-premise signs shall meet the following:

1. Number limited. No more than 2 such signs shall be permitted for each business establishment, commodity, or product.
2. Sign spacing for freestanding and projecting signs. This spacing requirement shall only apply to advertising signs which are freestanding or projecting signs. In all districts, an off-premise advertising sign shall be located no closer to any advertising sign than a distance equal to one-half of the required minimum lot width for new lots in the zoning district in which the sign is located.

(b) On-premise. Advertising signs which are on-premise signs shall meet the following:

1. Number limited for freestanding and projecting signs. In the General Agricultural district, the maximum number of on-premise advertising signs which are freestanding or projecting signs shall be a total of 3 such signs per business.
2. Sign spacing for freestanding and projecting signs. This spacing requirement shall only apply to advertising signs which are freestanding or projecting signs. In the, Single Family Residential-20,000, Rural Residential, High Density Residential, Commercial Center, Mixed Use Commercial, and Light Industrial districts, no on-premise advertising sign shall be located closer to any advertising sign than a distance equal to one-half of the required minimum lot width for new lots in the zoning district in which the sign is located. In all other zoning districts, there shall be no spacing requirements for on-premise advertising signs.

(7) Directional signs. Directional signs shall be subject to the following:

- (a) Such signs may be in addition to, or in lieu of, off-premise advertising signs erected in accordance with sub.(6).
- (b) Directional signs are permitted where a change in travel direction is required as shown in the following illustration, examples 1 and 3. A directional sign which indicates that a use is straight ahead is permitted only where the person seeking the use might normally follow a main travel route (compare the following illustration, examples 2 and 4).

(c) Unless limitation is waived, no more than 4 such signs shall be permitted for each use. If multiple travel routes to a particular use are logical, the Plan Commission, upon referral and recommendation of the Zoning Administrator, may waive this limitation and authorize the number of such signs deemed necessary.

(d) Directional signs shall only contain information identifying the name of an establishment, the distance to the establishment, and a directional arrow. No other information shall be identified on the sign.

(e) Such signs shall only be permitted in proximity of road intersections, but shall not obstruct clear visibility of traffic along any public road or intersection of roads.

(8) Portable Signs:

Portable signs shall be subject to the following:

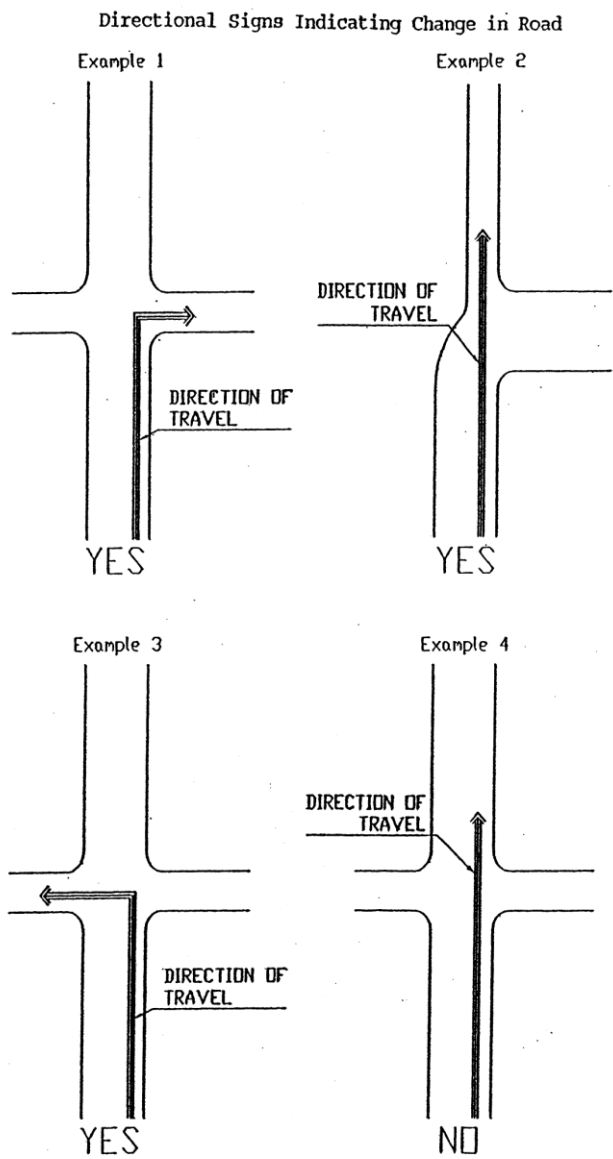
(a) Districts Permitted: Portable signs are permitted only in the GA-2 district.

(b) Number limited: Only one portable sign permit shall be issued to the same business holder on the same lot in any calendar year.

(c) Term: A portable sign permit shall allow the use of a portable sign for a specified maximum period of 30 days.

(d) Size: A portable sign shall not exceed 32 square feet in sign face area.

Illustration 6: Directional Signs Indicating Change in Road



8.05 Permits

(1) The following signs shall require a sign permit as provided in s. 11.02, sign permits:

(a) Directional signs.

(b) Election campaign signs which exceed 4 square feet in sign face area and which are not located on residential property, as defined in s. 12.04, Wis. Stats.

(c) On-premise signs which are any of the following:

1. Advertising signs which are freestanding or projecting signs.

2. Residential neighborhood signs.

3. Temporary new development signs.

(d) All off-premise signs, except temporary civic event signs which promote events of community significance.

(2) All other signs not listed in sub. (1) shall not require a sign permit, but shall comply with the other requirements of this chapter.

(3) The changing or altering of the sign face area shall require a sign permit, unless the sign is exempted from the permit requirement as provided in sub.(2). The changing of text or logos or the repainting and routine maintenance of signs shall not be deemed changes or alterations requiring a sign permit.

8.06 Nonconforming Signs.

(1) Except as specified in sub. (2), nonconforming signs may continue, but structural alterations or repairs to the sign or support structure are prohibited, unless the sign is brought into conformity with this Ordinance.

(2) Signs that are nonconforming because they are in a public right-of-way; are flashing, fluttering, or moving signs; contain obscene language, symbols, or pictures; or which remain beyond a time limit specified by this chapter or by the sign permit shall be removed or brought into compliance. If such sign is not removed or brought into compliance, the owner or lessee of the property upon which the sign is located shall be

subject to prosecution and penalties as provided in chapter 12, enforcement.

8.07 Abandoned Signs

(1) Abandoned signs shall be removed by the owner or lessee of the property upon which the

sign is located, unless the sign's message is changed in compliance with this Ordinance. Such removal or change of message shall be completed within 1 year of the date upon which it becomes an abandoned sign.

(2) If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 60 days written notice to remove said sign or change its message in compliance with this Ordinance. Upon failure to comply with this notice, the owner or lessee of the property upon which the sign is located shall be subject to prosecution and penalties as provided in chapter 12, enforcement.

CHAPTER 9 - NONCONFORMING USES, STRUCTURES, LOTS

9.01 Previously Lawful Condition

9.02 Nonconforming Uses

9.03 Nonconforming Structures

9.04 Nonconforming Lots

9.01 Previously Lawful Condition.

Within the districts established and mapped by this Ordinance, or amendments thereto, there may exist uses of lands or buildings, structures, or lots, which were lawful before this Ordinance, or amendments thereto, became effective, but which do not conform to the regulations herein. As set forth in s. 62.23(7)(h), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this chapter.

9.02 Nonconforming uses.

(1) Nonconforming use of land.

- (a) For all nonstructural uses of land, except nonmetallic mining operations, expansions shall be authorized only by a conditional use permit.
- (b) Expansion of a nonconforming nonmetallic mining operation shall be permitted up to the lot lines existing on the effective date of this Ordinance or 20 acres in area, whichever is less, except that greater expansion may be authorized by a conditional use permit.

(2) Nonconforming use of buildings or other structures.

The following shall apply to all buildings or structures which house a nonconforming use:

- (a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a regular zoning permit.
- (b) Expansion of a nonconforming use via new buildings or structures or via additions to an existing building or structure which houses a nonconforming use may be authorized only by a conditional use permit. Such new structures or additions shall only be placed within the boundaries of the lot as it existed at the time the use became nonconforming and shall comply with all applicable setbacks and other dimensional requirements of this Ordinance, unless variances are granted as provided in s. 11.06, variance from the requirements of this Ordinance.
- (c) If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage, or other disaster, such structure may be restored and the nonconforming use may be restored therein upon issuance of a regular zoning permit. Such

restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in par. (b). If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of 9.03, nonconforming structures, shall also apply.

(3) Change of use.

A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

(4) Discontinuance.

Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure, or land shall conform to the regulations of the district in which it is located.

9.03 Nonconforming Structures

(1) Alterations and additions.

(a) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this Ordinance, except that such alterations or repairs need not comply with the setback or yard provisions of this Ordinance, provided they do not result in an increase in floor area nor change the footprint of the structure.

(b) Additions to or extensions of nonconforming structures are permitted provided that such additions or extensions comply with all the provisions of this Ordinance.

(2) Repairs and restoration.

(a) A nonconforming structure that is damaged or destroyed by fire, explosion, flooding, storm damage, or similar calamity, may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the nonconforming portion of the structure occurs fully within the footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure. Said repair or restoration in the latter case shall only be authorized when a relevant zoning permit for the repair or restoration is issued; the razing and clearing of the whole or damaged portion of the nonconforming structure occurs within six months of the damage to the nonconforming structure and the structure is replaced or repaired within twelve months from the date of the damage to the nonconforming structure.

(b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

(3) Nonconforming signs.

All nonconforming signs shall be subject to the provisions contained in s. 8.06, nonconforming signs.

9.04 Nonconforming Lots.

(1) Existing lots of record which do not contain sufficient area and/or width to meet the criteria in s. 3.04(5)(b), minimum lot requirements for lots created prior to the effective date of this Ordinance, shall be considered nonconforming lots. If a nonconforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel, unless the parcel is redivided to conform to the dimensional requirements for new lots in the applicable zoning district.

(2) A nonconforming lot may be used for any use permitted within the zoning district in which the lot is located, but shall not be a building site, unless a variance is granted as provided in s. 11.06, variance from the requirements of this Ordinance.

CHAPTER 10 - ADMINISTRATION

- 10.01 Town Plan Commission
- 10.02 Zoning Board of Appeals
- 10.03 Reserved
- 10.04 Zoning Administrator

10.01 Town Plan Commission

(1) The Town Plan Commission, created by the Town Board of Supervisors, shall be the designated town zoning agency pursuant to s. 62.23, Wis. Stats.

(2) The Town Plan Commission may adopt its own rules of procedure governing its meetings, but shall follow the procedural requirements set forth in Section 62.23, Wis. Stats., as may be applicable to the exercise of its duties and powers as a town plan commission and shall be subject to the requirements of all other Wisconsin Statutes applicable to governmental bodies.”

(3) Duties and powers. In administering this Ordinance, the duties and powers of the Town Plan Commission shall be as follows:

(a) Supervise the administration of this Ordinance.

(b) Exercise those duties and powers specified in s. 62.23, Wis. Stats.

(c) Hold public hearings as required by this Ordinance, by Wisconsin Statutes, or by its own motions.

(d) Submit recommendations to the Town Board of Supervisors for or against proposed zoning text and map amendments.

(e) Review and make recommendations on applications for conditional use permits, and recommend any conditions for such permits to the Town Board.

(4) Financial sureties.

(a) The Town Plan Commission may require that a performance bond or letter of credit be provided for the benefit of the Town and filed with the Town so as to ensure compliance with the terms of this Ordinance or required permit.

(b) Failure to provide or maintain such bond or letter of credit shall invalidate any permit.

10.02 Zoning Board of Appeals

(1) Establishment

There is hereby established, in accordance with Wis. Stats. s. 62.23 7 (e), a Board of Appeals for the Town of Brussels for the purpose of hearing appeals and making determinations regarding the issuance of variances to the provisions of this Zoning ordinance.

(2) Membership

(a) The Board of Appeals shall consist of five (5) members appointed by the Town Chairperson and confirmed by the Town Board.

1. Terms shall be for staggered three-year periods, except that of those first appointed, one (1) shall for one (1) year, two (2) for two (2) years and two (2) for three (3) years.
2. Chairperson shall be designated by the Town Chairperson.
3. Conflict of interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself/herself from any meeting or hearing at which said matter is under consideration.
4. Alternate Members. The Town Chairperson may appoint, for staggered terms, two (2) alternative members. Annually the Town chairperson shall designate one alternate members as 1st alternate and the other the 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when the member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more member of the board.
5. No more than one town board supervisor member may be a member of the Board of Appeals.
6. Secretary shall be appointed by the Board of Appeals.
7. Zoning Administrator shall attend all meetings for the purpose of providing technical assistance.
8. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) Organization

(a). The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

1. Meetings shall be held at the call of the Chairperson and at such times as the board may determine and shall be open to the public.
2. 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, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its findings of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
3. The concurring vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; or make an interpretation;
4. In any action involving a historic property, as defined in Wisconsin Statutes s.44.31(3), the Board shall consider any suggested alternatives or recommended decision submitted by the Town Plan Commission.

(4) Powers

(a) The Board of Appeals shall have the following powers:

1. Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Plan Commission or Building/Zoning Administrator in the enforcement of codes, regulations or ordinances under their jurisdiction.
2. 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 the Ordinance shall be observed and the public safety, welfare, and justice secured. An unnecessary hardship does not include a self-imposed hardship. Use variances shall not be granted, the intent being that such variances shall not have the effect of permitting in any district a use that is prohibited in that district.
3. Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.
4. Decisions. The Board may reverse, affirm wholly or partly, modify the requirement, decision or determinations appealed from, and may direct the issuance of a permit.
5. Assistance. The Board may request assistance from other town and county officials, departments, commissions and boards.

6. Oaths. The Chairperson may administer oaths and may compel the attendance of witnesses.

10.03 Reserved

10.04 Zoning Administrator

The Zoning Administrator shall possess the following duties and powers:

- (1) Administer and enforce this Ordinance as the authorized representative of the Town Plan Commission.
- (2) Provide to the public the necessary permit application forms and variance and appeals forms. Assist the public in preparing permit applications and variance and appeal petitions.
- (3) Conduct all necessary on-site inspections and investigations of structures, lands, and waters to certify compliance with this Ordinance.
- (4) Issue or deny regular zoning permits and sign permits.
- (5) Suspend or revoke zoning permits and sign permits and/or issue cease and desist orders upon noncompliance with the terms of the permit and/or this Ordinance.
- (6) Issue, deny, or revoke certificates of compliance.
- (7) Investigate alleged zoning violations and give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises.
- (8) Report uncorrected violations to the Town Attorney and assist the Town Attorney in initiating enforcement proceedings.
- (9) Gain entry to premises, buildings, and structures during reasonable hours for the purpose of investigating applications for permit and for the purpose of determining compliance with this Ordinance or with any issued permit. If entry is refused after presentation of proper identification, a special inspection warrant may be procured in accordance with s. 66.122, Wis. Stats.
- (10) Record all permits issued, inspections made, work approved, and all other official actions.
- (11) Assist in giving all legal notices required by State Statutes or this Ordinance.
- (12) Recommend to the Plan Commission any amendments necessary to make the operation of this Ordinance more effective.
- (13) When necessary, provide technical and clerical assistance during hearings conducted by the Board of Appeals or the Town Plan Commission.

(14) Make referrals and recommendations to the Plan Commission and the Town Board in accordance with this Ordinance.

CHAPTER 11 - PROCEDURES

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| 11.01 Regular Zoning Permits | 11.06 Variance From the Requirements of This Ordinance |
| 11.02 Sign Permits | 11.07 Appeals |
| 11.03 Site Plan Review | 11.08 Amendments |
| 11.04 Conditional Use Permits | 11.09 Public Hearings |
| 11.05 Certificate of Compliance | |

11.01 Regular Zoning Permits.

(1) Applicability.

Unless specifically exempted below or elsewhere in this Ordinance, regular zoning permits, certifying that any use, structure, or site complies with the provisions of this Ordinance, shall be required in the following instances:

(a) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof or use of land or for activities as may be required by this Ordinance, except:

1. Signs.

Commentary: However, many types of signs require a sign permit. Refer to s. 8.05, Permits.

2. Structures which are less than six inches in height above preconstruction grade elevation.

3. Stoops which are 18 square feet or less in area.

4. Stairways which extend less than 6 feet away from a building and which do not exceed 4 feet in width.

(b) Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses.

(c) Filling or grading of land if required by s. 3.14, filling and grading.

(2) Applications.

(a) An application for a regular zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Town of Brussels Plan Commission and shall include the following information:

1. Name and address of the property owner.

2. Signature of the property owner or agent.
 3. Tax parcel number, deed, legal description or other identifier of the subject property.
 4. Statement concerning the proposed structure or use of the site.
 5. An accurate site plan, drawn at a scale which produces a clearly legible drawing, showing the following:
 - a. Boundaries, dimensions, and area of the subject site.
 - b. The spatial relationship of the subject site to abutting public roads and rights-of-way, private roads, easements, and navigable waters.
 - c. The location and dimensions of any existing or proposed structures or additions and their relationship to abutting public roads and rights-of-way, private roads, property lines, existing and proposed wells and sanitary waste disposal systems, and the ordinary high water mark of navigable waters.
 - d. Location of proposed or existing road access points, parking and loading areas, and driveways.
 - e. A graphic outline of any development staging.
 6. Building plans including all floor plans and at least 2 elevation views, illustrating the design and character of the proposed structures. Building plans shall include all exterior materials and colors. All buildings shall comply with Section 11.03 (4) of this Ordinance.

(Commentary Section 11.03 (4) sets forth design principles for building and structures.)
 7. Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Ordinance.
 8. Water supply and sewage disposal. Satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.
- (b) Fee. All permit applications shall be accompanied by a fee established by the Town of Brussels Board of Supervisors.
- (c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Town of Brussels have been paid in full.

(3) Permit issuance or denial.

Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this Ordinance, a regular zoning permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application for a use or structure not in conformity with the provisions of this Ordinance shall be denied a regular zoning permit and the reasons for denial shall be stated. No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.

(4) Expiration.

(a) Regular zoning permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this Ordinance.

(b) Except as sub.(5) applies, regular zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a zoning permit shall be considered a violation of this Ordinance.

(5) Renewal.

If construction has commenced prior to the expiration of a regular zoning permit, but is not completed prior to such expiration, a 12 month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Town Plan Commission of same and the Town Plan Commission may call a public hearing on the matter and may impose a completion schedule. For purposes of this Ordinance, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and subfloors are in place and finished and the sanitary waste disposal system has been installed.

(6) Termination.

If a use or structure does not comply with the issued regular zoning permit or this Ordinance, the permit shall be terminated by the Zoning Administrator. If a use permitted by a regular zoning permit ceases for a period of more than 18 months, the regular zoning permit shall terminate, and all future activity shall require a new zoning permit.

11.02 Sign Permits

(1) Applicability. This section only applies to those signs requiring a sign permit as specified in s. 8.05, permit requirements, that are erected, moved, structurally altered, or reconstructed.

(2) Applications.

(a) All applications for sign permits shall be made to the Zoning Administrator on forms furnished by the Town of Brussels Plan Commission and shall include the following:

1. Name, address, and signature of the applicant.
2. Name, address, and signature of the property owner of the site for the proposed sign, if different from the applicant.
3. Type, description, and dimensions of the proposed sign.
4. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
5. A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
 - a. The spatial relationship of the proposed sign to abutting public roads and rights-of-way, private roads, and navigable water.
 - b. The spatial relationship of the proposed sign to existing structures and adjacent freestanding or projecting signs.

(b) Fee. All sign permit applications shall be accompanied by a fee established by the Town Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Town of Brussels have been paid in full.

(3) Permit issuance or denial. Applications for sign permits shall be reviewed by the Zoning Administrator for compliance with the requirements of this Ordinance. If compliance is found, the sign permit shall be issued. If compliance is not found, the sign permit shall be denied and the reasons for denial stated.

(4) Expiration. All sign permits shall expire 12 months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a sign permit, unless a new sign permit is obtained.

(5) Termination. If a sign does not comply with the issued sign permit or this Ordinance, the sign permit shall be terminated by the Zoning Administrator.

11.03 Site Plan Review.

(1) Applicability.

This section applies to all uses which are subject to the site plan review procedure per s. 2.05(3).

(2) Purpose and Intent

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a zoning permit for uses subject to the site plan review procedure without first obtaining the approval of the Plan Commission of a site plan as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord with the official map, any applicable subdivision ordinance and applicable comprehensive plan of the town of Brussels and other applicable codes and ordinances of the town of Brussels.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

(3) Applications

Applications to establish a use or to increase the scale or intensity of an existing use requiring a site plan review shall follow the application procedures for a regular zoning permit, as provided in s. 11.01(2), and shall be accompanied by a fee established by the Town Board of Supervisors. If the application complies with the provisions of this Ordinance, the Zoning Administrator shall refer the application to the Plan Commission to initiate the site plan review process.

(4) Principles

To implement and define criteria for the purposes set forth in Section 11.03 (2), the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

(a) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.

(b) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

(c) No building shall be permitted where any exposed facade is not constructed or faced

with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

(d) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

(e) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.

(f) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

(5) Review and Findings

(a) The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

(b) To facilitate making the findings the Plan Commission shall consider the following topics:

1. Will the proposed project manage vehicular traffic in the area in a safe manner?
2. Will the proposed project manage pedestrian traffic in the area in a safe manner?
3. Will the proposed project create an unsightly view?
4. Will the proposed project create a noise nuisance for the neighboring properties?
5. Will the proposed project create objectionable lighting glare or spillover onto the neighboring properties?
6. Will the proposed project create water runoff problems?

7. Will the proposed project create an odor nuisance for the neighboring properties?
8. Will the proposed project obstruct views to historic, scenic, or cultural landmarks, or to features which define the neighborhood's character?
9. Will the proposed project negatively impact the natural character of the area due to the removal of natural vegetation or by altering the topography?
10. Will the proposed project contribute to visual harmony with buildings and structures in the neighborhood, particularly as related to scale and design?

(6) Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to Chapter 12 of this Ordinance.

11.04 Conditional Use Permits.

(1) Applicability.

A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to, or the expansion or intensification of, a nonconforming use. Expansion of a use permitted as a conditional use shall also require a conditional use permit, except that the minor expansion of a building housing a use permitted as a conditional use which would not increase the scale or intensity of that use shall only require a regular zoning permit.

(2) Application.

(a) An application for a conditional use permit shall be submitted to the Zoning Administrator upon forms furnished by the Town of Brussels Plan Commission. The application shall contain the following information:

1. All the information required for a regular zoning permit listed in s. 11.01(2)(a), and a completed conditional use permit form addendum.
2. Upon written request by the Zoning Administrator, such additional information as may be required by the Zoning Administrator so that the Town Plan Commission can determine whether or not the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to public health, public

safety, or the character of the surrounding area. The written request shall contain an explanation of why the additional information is needed.

3. Water supply and sewage disposal. Where the proposed use involves human occupancy, satisfactory evidence that a safe and adequate supply of water and approved sewage disposal facilities will be provided, in accordance with the requirements of the Door County Sanitary Ordinance, shall be submitted.

(b) Fee. All conditional use permit applications shall be accompanied by a fee established by the Town Board of Supervisors.

(c) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by Town of Brussels have been paid in full.

(d) For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

(3) Public hearing.

A public hearing shall be held by the Town Board after a public notice has been given as provided in s. 11.09(1), notice for public hearings and after having received recommendations on the conditional use permit from the Plan Commission. At the public hearing, any party may appear in person or by agent or attorney.

(4) Determination.

Following review, investigation, and public hearing, and recommendation from the Plan Commission the Town Board shall render a decision in writing.

(a) If the application is approved, such decision shall include an accurate and complete description of the use as permitted, including all the conditions attached thereto.

(b) If the application is denied, the reasons for denial shall be stated.

(5) Basis of approval.

(a) The Town Board shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Ordinance. In approving conditional uses, the Town Board also shall determine that the proposed use at the proposed location will not be contrary to the public interest and will not be detrimental or injurious to the public health, public safety, or character of the surrounding area.

(b) To aid in the review of the proposed project against the above criteria, the Town Board shall evaluate the following specific criteria as applicable, but shall not be limited thereto:

1. Whether the proposed project will adversely affect property values in the area.
2. Whether the proposed use is similar to other uses in the area.
3. Whether the proposed project is consistent with the Door County Development Plan or any officially adopted town plan.
4. Provision of an approved sanitary waste disposal system.
5. Provision for a potable water supply.
6. Provisions for solid waste disposal.
7. Whether the proposed use creates noise, odor, or dust.
8. Provision of safe vehicular and pedestrian access.
9. Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
10. Adequacy of emergency services and their ability to service the site.
11. Provision for proper surface water drainage.
12. Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
13. Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
14. Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or altering of the topography.

(c) The applicant's failure to satisfy the criteria listed in par. (b) or any other applicable requirement in this Ordinance may be deemed grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(6) Conditions and restrictions.

The Town Board may, in approving an application for a conditional use permit, impose such restrictions and conditions that it determines are required to prevent or minimize adverse effects from the proposed use or development on other properties in the neighborhood and on the

general health, safety, and welfare of the Town. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting, fencing, location, size and number of signs, water supply and waste disposal systems., higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Town Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance. Such conditions may include financial sureties.

(7) Expiration.

All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.

(8) Notification.

(a) Reserved

(b) Reserved

(9) Termination.

If an established conditional use does not continue in conformity with the permit or this Ordinance, the conditional use permit shall be terminated by action of the Town Plan Commission. If an established use permitted as a conditional use ceases for a period of more than 18 months, the conditional use permit shall terminate, and all future activity shall require a new conditional use permit.

(10) Resubmission

A conditional use permit application that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Town Board, provided that the applicant submits a written report identifying how the new application differs materially from the previous application or identifying substantial new evidence that will be offered, and provided that the Town Board votes, by simple majority, that the changes or new evidence would be of such significance that the Board might consider changing the previous decision.

11.05 Certificate of Compliance.

No land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied until a certificate of compliance is issued by the Zoning Administrator documenting that the use, building or structure conforms with the provisions of this Ordinance.

11.06 Variance from the Requirements of this Ordinance.

(1) Petition.

A petition for a variance shall be filed by the property owner, or the owner's agent, using forms furnished by the Town of Brussels Plan Commission. Such petition shall include the following:

- (a) Name and address of the property owner and petitioner (if different).
- (b) Signature of petitioner.
- (c) Location of property involved in the petition.
- (d) Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
- (e) Sections(s) of this Ordinance from which a variance is requested.
- (f) Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building, structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.
- (g) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
- (h) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
- (i) Fee. A petition for a variance shall be accompanied by a fee established by the Town Board of Supervisors.

(2) Processing.

- (a) Public hearing. The Board of Appeals shall hold a public hearing in accordance with s. 62.23(7)(e)6., Wis. Stats., and after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing, any party may appear in person or by agent or by attorney.
- (b) Decision. Within a reasonable time, the Board of Appeals shall render a decision to

either grant or deny the request for variance.

1. A variance granted shall be the minimum to permit a use of the property and may contain conditions or guarantees attached thereto by the Board of Appeals.
2. A variance denied shall be accompanied by the reasons for denial.

(3) Standards for variance.

The Board of Appeals shall consider the following standards for granting a variance. The burden of proof at all times remains with the applicant to establish that the proposed variance meets the following standards:

- (a) **Unnecessary hardship:** That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that parcel which are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required, and without a variance there is no reasonable use of the property.
- (b) **Unique condition:** That the conditions described in par. (a) are unique, exceptional, extraordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting a variance.
- (c) **Conditions not self-created:** That the condition creating the hardship or difficulty was not caused by the petitioner nor by any person still having an interest in the property.
- (d) **Public interest:** That in granting the variance there will not be a substantial detriment to neighboring property and the grant of variance will not be contrary to the purpose of this Ordinance and the public interest.
- (e) **Effect on uses:** No variance shall have the effect of allowing in any district a use not permitted in that district.

(4) Reserved:

(5) Resubmission.

A variance petition that has been heard and decided shall not be eligible to be resubmitted during the 6 months following the decision. The 6 month period may be waived by the Board of Appeals provided that the petitioner submits a written report identifying how the new petition differs materially from the previous petition or identifying substantial new evidence that will be offered and provided that the Board of Appeals votes by simple majority that the changes or new evidence would be of such significance that the Board might consider changing

the previous decision.

(6) Road projects.

When a structure becomes a nonconforming structure as to setback from a road, because the road was widened or relocated by the county, a town, or the Wisconsin Department of Transportation, such structure shall not require a variance and shall not be considered a nonconforming structure in regards to setback from a road or highway. However, no such structure shall thereafter be enlarged or rebuilt in such a manner that it will be closer to the right-of-way of the road.

(7) Repairs and restoration.

A structure that was authorized by a variance that is damaged or destroyed by fire, explosion, flooding, storm damage, or similar calamity may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the structure conforms fully to the structure authorized by the variance.

11.07 Appeals

(1) General provisions.

(a) Where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, or Town Plan Commission, an appeal may be taken to the Board of Appeals by any person aggrieved, or by any officer, department, board, or bureau of the municipality affected.

(b) Such appeals shall be filed with the Plan Commission within 30 days after the date of written notice of the decision or order of the Zoning Administrator, or Town Plan Commission.

(c) Stays: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken shall certify to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

(2) Processing an appeal.

(a) Petitions for appeals shall include:

1. Name, address, and signature of the appellant.

2. Location of property affected by the appeal.
 3. The decision being appealed and the grounds claimed for the appeal. The burden of proof at all times remains with the appellant.
 4. Such additional information as may be required by the Board of Appeals.
- (b) Fee. An appeal shall be accompanied by a fee established by the Town Board of Supervisors.
- (c) The Town of Brussels Plan Commission shall forthwith transmit to the Board of Appeals the appeal and all the documents constituting the record upon which the action appealed from was taken.
- (d) Public hearing. The Board of Appeals shall hold a public hearing in accordance with s. 62.23(7)(e)6., Wis tats., and after a public notice has been given as provided in s. 11.09(1), notice for public hearings. At the hearing any party may appear in person or by agent or attorney.
- (e) Decision. The Board of Appeals decision of the appeal shall be rendered in writing within 30 days after the public hearing. Such decision shall:
1. State the specific facts which are the basis for the Board's decision.
 2. Either, reverse or affirm, or wholly or partly, or modify the order, requirement, decision or determination appealed from. The Board may also dismiss the appeal for lack of jurisdiction.
- Commentary: An appeal decision made by the Board of Appeals may be further appealed to a court of law.

(3) Reserved.

11.08 AMENDMENTS

(1) Authority

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board of Brussels may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto.

(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 affected by the change.

(3) Petition

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

- (a) Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
- (b) Existing and proposed zoning district or text amendment.
- (c) Proposed use (a statement of the type, extent, area, etc., of any development project).
- (d) Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
- (e) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- (f) Legal description of property to be rezoned.
- (g) Plot plan or survey plat drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing uses and buildings of all properties within two hundred (200) feet of the area proposed to be rezoned.
- (h) Additional information as may be requested by the Brussels Plan Commission.
- (i) Fee receipt in the amount established by the Town Board.

(4) Plan Commission Recommendation

The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend to the Town Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Town Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a. Existing uses or property within the general area of the property in question.

- b. Zoning classification of property within the general area of the property in question.
- c. Suitability of the property in question to the uses permitted under the existing zoning classification.
- d. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- e. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
- f. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- g. That the effective date of the change to district boundary is reasonable given the timing of the proposed use.

(5) Rezoning of wetland.

A wetland, or a portion of a wetland, in a Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (a) Storm or flood water storage capacity.
- (b) Maintenance of dry season stream flow, discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
- (c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.
- (d) Shoreline protection against soil erosion.
- (e) Fish spawning, breeding, nursery, or feeding grounds.
- (f) Wildlife habitat.
- (g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

(6) Reserved

(7) Reserved.

(8) Reserved.

(9) Resubmission.

A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the 6 months following final action by the Town of Brussels Board of Supervisors. The 6 month period may be waived by the Town Plan Commission provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered and provided that the Town Plan Commission votes by simple majority that the changes or new evidence would be of such significance that the Town of Brussels Board of Supervisors might consider changing the previous decision.

(10) Public Hearing

The Town Board shall hold a public hearing upon each proposed amendment after public notice has been given as provided for in s.11.09.

(11) Town Board's Action

Following such hearing and after careful consideration of the Town Plan Commission's written report and recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. The Town Plan Commission's recommendations may be only overruled by a unanimous vote of the full Town Board membership.

(12) Protest

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 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.

(13) County Board Approval

Per s. 97-98 Wis Stats. s 60.62, no amendment may be adopted unless approved by the Door County Board. Therefore the adoption of any amendment to this ordinance shall be conditioned on the approval of the amendment by the County Board.

(14) Effective Date

The amending ordinance shall become effective immediately after adoption by the Town Board, approval by the Door County Board of Supervisors, and publication or posting as provided by law.

11.09 Public hearings

(1) Public hearing notice.

When public hearings are required by this Ordinance or by Wisconsin Statutes notice of such public hearings shall be given as required by the applicable sections of 62.23, Wis. Stats.

(2) Public hearing procedures.

The Town Plan Commission or Board of Appeals may adopt any formal or informal public hearing procedures.

CHAPTER - 12 ENFORCEMENT

- 12.01 Violations
- 12.02 Prosecution
- 12.03 Penalties
- 12.04 After-the-Fact Conditional Use Applications and Variance Petitions

12.01 Violations

- (1) It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land, or sign in violation of the provisions of this Ordinance, or amendments or supplements thereto, lawfully adopted by the Town Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Appeals or Town Plan Commission.
- (2) Each and every day of violation as described in sub.(1) may be deemed a separate offense and violation.
- (3) Any person, firm, association, or corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance and the penalties set forth in Section 12.03 of this ordinance.

12.02 Prosecution

- (1) Civil proceedings. Pursuant to s. 66.0114, Wis. Stats., an action for violation of this Ordinance shall be a civil action.
- (2) Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:
 - (a) The nature of the violation.
 - (b) Reserved
 - (c) That the violator shall be subject to:
 1. Civil action to remove or otherwise eliminate the violation, and/or
 2. Penalties, upon conviction, as set forth in s. 12.03, penalties.
- (4) Injunction. Compliance with this Ordinance may also be enforced by an action for injunction at the suit of Town of Brussels or the owner or owners of real estate within the zoning district affected by such violation.

(5) Penalty. Those actions commenced on behalf of Town of Brussels may, in addition, seek a forfeiture or penalty as outlined herein.

12.03 Penalties

Any person, firm, association, or corporation or representative agent who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for each violation including costs, disbursement and attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

12.04 After-the-Fact Conditional Use Applications and Variance Petitions.

(1) After-the-fact conditional use situations. If a building or structure or premises is used to establish a use, which by this Ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.

(a) Procedure.

1. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in s. 11.04(2), application.
2. Upon submittal of a complete application, the application shall be processed as provided in s. 11.04, conditional use permits.

(b) During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.

(2) After-the-fact variance situations. If a building or structure is constructed in violation of any dimensional requirement of this Ordinance, or if a lot is created in violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance, except that the responsible party shall not be eligible for such correction if a summons and complaint regarding the violation has been filed by the Town of Brussels prior to submittal of the variance petition.

(a) Procedure.

1. Upon notification of the violation, the responsible party may submit a written request to the Board of Appeals asking that the Board of Appeals consider a variance petition regarding the violation.
2. As soon as can be conveniently scheduled, the Board of Appeals shall decide whether or not to consider such variance petition. In deliberating on the issue, the Board of

Appeals shall consider a recommendation which the Zoning Administrator shall provide.

3. If the Board of Appeals refuses to accept the request, appropriate enforcement actions shall be applied.

4. If the Board of Appeals accepts the request, the responsible party may submit a variance petition as provided in s. 11.06(1), petition, and the petition shall be processed as provided in s. 11.06, variance from the requirements of this Ordinance.

(b) During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized act.

CHAPTER 13 - DEFINITIONS

13.01 Word Usage

13.02 Definitions

13.01 Word Usage.

In the interpretation of this Ordinance, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (3) The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- (4) The word "shall" is mandatory.
- (5) The word "may" is permissive.

13.02 Definitions

When used in this Ordinance, the following terms shall have the meanings herein assigned to them. Words used in this Ordinance, but not defined herein, shall carry the meanings as defined in Webster's Unabridged Third International Dictionary, or a dictionary based on it.

Abandonment of Nonmetallic Mining Operations: The cessation of nonmetallic mining operations for more than 365 consecutive days where the cessation is not specifically set forth in an operator's application, operation or reclamation plan or permit, or is not specifically approved by the Town Plan Commission upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

Accessory Building: See Building, Accessory.

Accessory Residence: A dwelling unit that is accessory to a nonresidential use on the same lot, is the only dwelling unit on the lot, and provides living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use, except that in the General Agricultural District an accessory residence may be in addition to a single family residence on the same lot.

Accessory Structure: See Structure, Accessory.

Accessory Use: See Use, Accessory.

Active Recreation: Recreational uses, areas, and activities oriented toward potential competition

or involving special equipment, including, but not limited to, playgrounds, sports fields and courts, swimming pools, skating rinks, and golf courses.

Adult Entertainment Business:

a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.

b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.

c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

Agricultural Visitation Facility: Uses including but not limited to: agricultural animal petting zoos or educational displays; living history museums; rural history museums; and demonstrations or displays of past or current farming, logging, sawmilling, or stone crushing techniques and/or equipment.

Agriculture: Uses including but not limited to: the keeping, raising, or propagation of farm livestock, game, or exotic animals; apiculture; dairying; forage crop production; forest crop production; grain production; grazing; orchards; specialty crop production, such as maple syrup, mint, and willow; viticulture; and truck farming.

Amusement Park: A commercially operated facility with various devices for entertainment which are located primarily outdoors, including miniature golf.

Animal Feeding Operation: A feedlot or facility where animals have been or will be fed, confined, maintained, or stabled for more than total of 45 consecutive days or more in any 12-month period. Two or more animal feeding operations under common ownership are deemed to be a single animal feeding operation if they are adjacent to each other or if they use a common area or system for the disposal of waste.

Animal Shelter: A facility for the care and shelter of homeless, stray, or abused animals.

Art: The conscious use of skill, taste, and creative imagination in the production of objects whose primary or sole value is intended to be aesthetic. Art is distinct from other forms of production by its application of a personal, unanalyzable creative power, not merely expertness in workmanship.

Art Gallery: An institution or business exhibiting or dealing in works of art.

Auto Sales and Service Lots: Any establishment where more than 3 automobiles are displayed for

sale at any time, or where more than 3 automobiles are sold in any calendar year.

Bed and Breakfast Establishments: Any place of lodging that provides 4 or fewer rooms for rent to transient guests, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Boardinghouse: A place in which lodging, with or without meals, is offered for compensation to non-transient guests, that provides 4 or less rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

Boathouse: An accessory building which is accessible by boats from navigable water, is designed, constructed, and used solely for the purpose of storing or protecting boats and other water-related recreational materials, and is used in conjunction with a residence.

Building: An enclosed structure built, maintained, or intended to be used for the protection, shelter, or enclosure of persons, animals, or property and which is affixed to the ground.

Building, Accessory: A building which is:

1. Subordinate to and serves a principal structure or a principal use.
2. Located on the same lot as the principal structure or use served.
3. Customarily incidental to the principal structure or use.

A building that is attached to a principal building either by a common wall or by an enclosed structure which serves as an aboveground passageway shall be considered to be a part of the principal building.

Building Façade, Street Facing: That side of the rectangle encompassing the building, drawn parallel to the center of the road and located closest to the road, excluding portions of the building more than 50 feet from the line in question.

Building, Principal: A building which houses a principal use of a lot.

Building Site: A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

Building Zone: The horizontal plane within a lot bounded by all applicable setbacks.

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above the ground.

Camp Site: A segment of a campground which is designated for camping by a camping party.

Campground: Any parcel or tract of land owned by a person, the state or a local government unit

which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the parcel or tract of land is represented as a campground.

Camping: The use of a temporary shelter for sleeping purposes. Examples of shelters used for camping include tents, trailers, motor homes, recreational vehicles, tarpaulins, bed rolls, and sleeping bags.

Camping Party: Any individual or camping family or a group consisting of not more than 6 persons who are 7 years of age or older provided that such individual, family, or group is engaging in camping.

Camping Unit: Any single temporary shelter, except sleeping bags, bed rolls, and hammocks, used for camping by a camping party.

Canopy Tree: A deciduous tree that would occupy the upper canopy of a woodland in a completely natural situation. These trees are often referred to as shade trees.

Cemetery: Land used for the burial of dead humans, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Certificate of Compliance: An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this Ordinance and the regular zoning permit, sign permit, or conditional use permit issued for that use or structure.

Change of Use: Conversion of a principal use of a lot from one use category, as listed in s. 2.05(3), table of principal uses, to another use category.

Clearcutting: A woodland management technique in which all or most of the trees in a particular woodland area are cut for the purpose of aiding in the regeneration and perpetuation of the woodland.

Clearing: The act of removing trees from any part of a woodland for the purpose of building development or creation of nonwooded areas.

Commercial Communication Towers, Antennas, and Transmitters: Any facilities or equipment used, or designed to be used, for receiving or sending communication signals, except for such facilities which are used solely for private, recreational use.

Commercial Fishing Facilities: A commercial establishment and its associated equipment dedicated to the catching and processing of fish for use as human food.

Commercial Riding Stable: See Riding Stable, Commercial.

Community Living Arrangements: A facility defined as such in s.46.03(22), Wis. Stats.

Conditional Use: A use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case-by-case basis subject to the conditional use permit procedure.

Conditional Use Permit: A permit, issued by the Town Plan Commission, stating that a use permitted as a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provision of this Ordinance.

Contractors Establishment: See Trade or Contractors Establishment.

Day Care Center: A facility, licensed by the Wisconsin Department of Health and Social Services, which provides supervision and care and/or instruction for 4 or more children under the age of 7 for periods of less than 24 hours per day and operates on a regular basis.

Deck: An unenclosed, unroofed exterior platform structure, with or without railings, which is elevated above preconstruction grade, is typically of wood construction, either attached to a building or freestanding.

Department of Natural Resources: The Wisconsin Department of Natural Resources.

Driveway: A means of access to or from a property, site, or use; or a means of circulation within a parking area.

Drumlin: An elongate or oval hill composed partially or entirely of glacial drift.

Dune: A mound, hill, or ridge of sand piled by wind.

Duplex: Two attached dwelling units on a single lot regardless of the form of ownership of the units.

Dwelling Unit: A building or portion thereof which provides or is intended to provide living quarters exclusively for one family.

Dwelling Unit, Single Family: A free-standing building which provides or is intended to provide living quarters exclusively for one family, except dwelling units that meet the definition of manufactured home.

Effective Date of This Ordinance: The date that this Ordinance takes effect on a given parcel of land as provided in s. 1.06, force and effect, or the date that an amendment to this Ordinance becomes effective.

Enclosed Structure: A structure consisting of a solid roof, a permanent foundation, a floor, and solid walls extending from the floor to the roof. Solid doors, windows, or other glazing are allowed in the wall segments. Open breezeways or screen walls do not qualify as enclosed structures.

Escape Balcony: A horizontal platform affixed to the exterior wall of a structure which is readily accessible from an upper story door or window and which serves as a place from which rescue can be achieved in the event of fire or similar hazard with the structure.

Escarpment: A steep slope, or series of cliffs or steep slopes, which faces in one general direction, breaks the continuity of the land by separating two comparatively level or more gently sloping surfaces, and is produced by erosion or by faulting.

Factory Farm: Means a animal feeding operation which feeds, confines, maintains or stables 500 animal units or more of Dairy Cattle; 100 or more animal units of Beef Cattle, Swine, Sheep, Horses, Ducks, Chickens, Turkeys; or 100 or more combined animal units as listed in *Table 2 Number of Animal Types Equivalent to 1000 Animal Units and Animal Equivalency Factor* in Chapter NR 243.11, Wisconsin Administrative Code.

Family: A person or group of persons living together as a single housekeeping unit.

Family, Camping: A parent or parents with their dependent children and not more than 2 guests. This definition to be used for camping related purposes only.

Family Day Care Home: A dwelling unit where supervision and care and/or instruction for not more than 8 children under the age of 7 is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Health and Social Services.

Farm Livestock Hutches: Structures that do not exceed 40 square feet in floor area nor 5 feet in height above the grade elevation, and used for keeping of farm livestock.

Farm Market: A use or structure(s) which principally involves the retail sale of farm and garden products, regardless of whether such products were produced on the premises.

Farm Related Residence: A dwelling unit to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, or is a parent or child of the operator of the farm.

Fence: A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

Ferry Terminal: Either end of a passenger and/or freight ferry line with dock facilities, management offices, storage sheds, maneuvering yards, and stations for processing passengers and/or freight.

Floodplain: The land which has been or may be hereafter covered by flood water during a regional

flood, including the floodway and the flood fringe as defined in Chapter NR 116, Wisconsin Administrative Code. Floodplains are designated as A zones on the Flood Insurance Rate Maps for Door County.

Floor Area: The sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building, except that the floor area of a dwelling does not include space not useable for living quarters, such as attics, unfinished basement rooms, garages, breezeways, and unenclosed porches or terraces. (See also Primary Floor Area)

Footprint, Building: A single horizontal plane bounded by the exterior walls of a building.

Funeral Homes: An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

Garage: An accessory structure (except for public highway garages) primarily intended for and used for the enclosed storage or shelter of motor vehicles.

Grade Elevation: The average elevation around the base of a building or a structure where such building or structure meets the surface of the ground.

Government Forty: Quarter-quarter sections which are one-sixteenth of a section as shown on the original United States Government Survey, such areas being 40 acres, or nearly so, in size.

Greenhouse: A structure used for commercial floriculture and/or horticulture.

Historic Building: A building which is one of the following: (1) listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin; (2) included in a district which is listed on, or nominated by the state historical society for listing on, the National Register for Historic Places in Wisconsin, and which has been determined by the state historical society to contribute to the historic significance of the district; (3) listed on a certified municipal register of historic property; or (4) included in a district which is listed on a certified municipal register of historic property, and which has been determined by the municipality to contribute to the historic significance of the district.

Home Business: A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(10) of this ordinance. Examples of businesses that may be permitted as home businesses include trade or contractors establishments (such as plumbing, heating and air conditioning, excavating, carpentry and woodworking, liquid waste hauling, painting, electrical, and well-drilling), veterinary offices, kennels, and automotive and farm implement repair shops.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9a) of this ordinance. Examples of businesses that may be permitted as home occupations include barber/beauty shops, canning, tailoring, upholstering, picture framing, and professional home offices.

Home Office/Studio: Home office/studio. A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence and in a manner that meets the requirements of section 4.04(9) of this ordinance. Examples of businesses that may be permitted as home offices/studios include any business where transactions with customers are conducted entirely by telephone, facsimile machine, and computer; or any business where the home serves only as the office or storage space and all services or work is performed off-site.

Hotel or Motel: Means a place where sleeping accommodations are offered for pay to transients in 5 or more rooms, and all related rooms, buildings and areas, including any such facility regulated by Chapter HFS 195 of the Wisconsin Administrative Code.

Impervious Surface: Surfaces which do not absorb precipitation including buildings, structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, or packed stone.

Impervious Surface Ratio: A measure of the intensity of use of a parcel of land determined by dividing the total area of all impervious surfaces within the site by the total area of the site.

Inoperative Vehicle: Any motor vehicle which lacks a current registration or is not capable of travel under its own power in its existing mechanical condition, or lacks 2 or more wheels, or any other component part, which renders the vehicle illegal for use on highways.

Institutional Recreation Camp: An area containing one or more permanent buildings used periodically for the accommodation of members of associations or groups for recreational purposes.

Institutional Residential: Convents, monasteries, sheltered care facilities, nursing homes, and protective living facilities where the residents live in an institutional environment. The residents may be members of an institution, or would have institutional care, or would be treated by staff.

Junk Material: Any inoperable motor vehicles, used tires, machinery, appliances, products, or

merchandise with parts missing or scrap metals or other trash, solid waste, refuse or scrap materials that are damaged or deteriorated.

Kennel: Any establishment wherein or whereon 8 or more dogs over the age of 5 months are kept for breeding, sale, or sporting purposes, or where boarding care is provided for compensation.

Land Disturbance: Any filling, grading, dredging, excavating or similar activity which alters the surface of a site for the purposes of preparing a site for development, creating ponds, or altering the topography of a site. Activities which meet the definition of nonmetallic mining or solid waste facility shall not be considered as a land disturbance.

Landing: A horizontal platform, the purpose of which is to provide a turn or resting place in a stairway.

Livestock: Any bovine: sheep: goat: pig; elk or other deer raised in captivity; llama; alpaca; or domestic fowl, including game fowl raised in captivity.

Living Quarters: A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes. Living quarters also include those finished portions of a building in which normal residential activities occur.

Lot: A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this Ordinance.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: A line bounding a lot which divides one lot from another lot or from a street or road.

Lot Line, Front: The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: Any lot, the description of which is properly recorded with the Door County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Width: The shortest distance between side lot lines, measured through the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

Manufactured Home: A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for sleeping, eating, and living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances, and which is certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426. Site built additions to a manufactured home, such as a basement, crawl spaces or room additions must meet the requirements of the Wisconsin Uniform Dwelling Code.

Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 22 feet in width throughout, exclusive of porches (enclosed or unenclosed)garages, decks, and other similar structural additions; meet minimum floor area requirements of this Ordinance; have a length to width ratio of not more than 2.5 to one (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span); and which are placed upon an enclosed permanent foundation in accordance with subchapters III, IV, and V of the Chapter Comm 21, Wis. Admin. Code; and which once placed on site, contain no axles, wheels, hitch, or any other device facilitating its mobility are considered single family residences or single family dwelling units.

Manufactured Home Park: Any plot or plots of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two manufactured homes on a year-round basis and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park and its facilities. Manufactured home parks shall not include automobile or manufactured home sale lots on which unoccupied manufactured homes are parked for the purposes of inspection and sale.

Marina: A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats, sale of supplies or fuel, or provision of food, beverages, and entertainment at on-shore facilities. If the docking of boats and provision of services thereto is purely incidental to other uses or activities, it shall not be considered a marina, nor shall docks or piers which are accessory to a dwelling unit be considered a marina, provided no boat related services are rendered.

Mining Site Enlargement: Any horizontal increase beyond dimensions of the original application

for the project site.

Model Home: A single family dwelling unit which is used as a model for inspection by prospective home buyers and is unoccupied as a residence, but is intended for eventual use as a single family residence and which may or may not contain a home sales office.

Multiple Occupancy Development: A development on a single lot wherein a building is provided with 3 or more occupancy units, or wherein 2 or more detached buildings are provided with 2 or more occupancy units, regardless of the characteristics of the user(s) of the occupancy units and regardless of the ownership of the building(s) or of the occupancy units. Developments with multiple single family residences or duplexes which meet the requirements of s. 3.04(4) shall not be considered to be multiple occupancy developments.

Natural Feature: A geologic formation, vegetative area, or other feature of the landscape which is protected by regulations in this Ordinance.

Navigable Water: Lake Michigan, Green Bay, all natural inland lakes, all streams, ponds, sloughs, flowages and other waters within Town of Brussels which are navigable under the laws of the State of Wisconsin. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench vs. Public Service Commission, 26 Wis. 492 (1952) and DeGaynor and Co., Inc., vs. Department of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

Nonconforming Lot: A lot which, in its most recent configuration, does not contain sufficient area and/or width to meet the criteria of s. 3.02(3), table of district requirements, or s. 3.04(5), lots created prior to the effective date of this Ordinance.

Nonconforming Sign: Any sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by this Ordinance.

Nonconforming Structure: Any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the requirements imposed by the individual sections of this Ordinance that pertain to the size, height, location, setback, and similar characteristics of structures.

Nonconforming Use: Any use of structures, land, or water which was lawfully established at the time of the effective date of this Ordinance or subsequent amendments thereto, which does not fully comply with the use requirements imposed by this Ordinance.

Nonresidential Use: Any use other than those uses listed under RESIDENTIAL USES in s. 2.05(3), table of principal uses.

Nonmetallic Mining/Nonmetallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete.

Nonmetallic mining does not include the following activities:

- (a) Excavations or grading by a person solely for domestic use at his or her residence.
- (b) Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- (c) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for the foundation of structures provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings, and the exterior of the foundation walls.
- (e) Minor land disturbances such as installation of utilities, walks and driveways, sanitary waste disposal systems, or fuel storage tanks.
- (f) Any mining operation, the reclamation of which is required in a permit obtained under ss. 144.80 to 144.94, Wis. Stats.
- (g) Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under ss. 144.435 to 144.445 or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., provided, however, that section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.
- (h) Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under ss. 30.19, 30.195 and 30.20, Wis. Stats.

Nonmetallic Mining Refuse: Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable byproducts resulting directly from or displaced by the nonmetallic mining operation.

Nonmetallic Mining Site: The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulageways.

Occupancy Unit: A room, or interconnected rooms, consisting of living quarters physically separated from any other unit in the same building. The unit may include facilities for cooking, eating, and other facilities convenient to human living.

Open Fence: A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

Open Space: Area on a lot that is open to the sky, contains no structures, parking, driveways, or other impervious surfaces, and contains no nonmetallic mining uses. (See also Preserved Open Space.)

Ordinary High Water Mark: The landwardmost line along the bank of the shore of navigable water up to which the presence and action of surface water is so continuous as to leave a distinct mark on the bank. Such distinct mark may be the result of erosion, cobble deposition, water staining, destruction of terrestrial vegetation, total or virtual absence of terrestrial vegetation, and/or other easily recognized characteristics.

Park: An area of land kept for purposes of active recreation, relaxation, leisure, or ornament, and/or kept in its natural state.

Personal Service Establishment: A use which is any of the following: clothing and shoe repair or rental shops, barber/beauty shops, portrait/photography studios, home appliance or electronics repair shops, tanning salons, travel agencies, fitness centers, or related uses.

Planned Residential Development: An area of land, controlled by a developer, to be developed as a single entity for more than one dwelling unit, the plan for which does not necessarily comply with the various dimensional and locational requirements for the zoning districts in which it is located, but in which each dwelling unit is located on its own lot.

Pound: An enclosure for stray, unlicensed, or unwanted animals operated pursuant to s. 174.046, Wis. Stats. Pound services include the collection, care, and disposing of animals.

Preserved Open Space: Open space which has been permanently preserved in conjunction with a planned residential development or manufactured home park.

Primary Floor Area: The floor area of a building for purposes of determining required parking ratios for certain uses, such area to include only that portion of the total floor area devoted to customer service, sales and office space and not to include warehouses, utility, hallways and other accessory space, except as they generate parking demand.

Principal Building: See Building, Principal.

Principal Structure: See Structure, Principal.

Principal Use: See Use, Principal.

Private Riding Stable: See Riding Stable, Private.

Processing Plant: A food manufacturing facility which starts with raw foodstuffs to produce more satisfactory or desirable food products.

Professional Home Office: A portion of a dwelling unit of a doctor of medicine, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician, real estate broker, professional photographer, insurance agent, and related professionals used to conduct their profession.

Public Boat Launching Facilities: Facilities which provide access to navigable water for boats and other recreational craft, available to the general public, with or without support services, whether owned or operated by a governmental entity or not.

Reader Board: A blank sign, either permanently mounted or on a portable stand, allowing letters to be affixed to its face so that messages may be changed by manual replacement of the letters.

Rear Lot Line: See Lot Line, Rear.

Rear Yard: See Yard, Rear.

Reclamation: The rehabilitation of a nonmetallic mining site, including, but not necessarily limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

Recreation Camp: See Institutional Recreation Camp.

Residence: The use of premises for the act or fact of dwelling.

Residence, Single Family: The use of premises for the act or fact of dwelling in a single family dwelling unit.

Residential Use: Any listed under RESIDENTIAL USES in s. 2.05(3), table of principal uses.

Resource Recovery Facility: See solid waste facility

Retreat Center: An establishment providing a place for a period of withdrawal for prayer, meditation, study, and/or instruction. Such establishments shall be distinguished from public and

private schools by their emphasis on holistic experiences that typically include on-site lodging and meal preparation.

Ridges: See Ridges and Swales Complex.

Ridges and Swales Complex: A landform consisting of a series of elongated mounds of fine sand (the ridges) separated by a series of elongated depressions (the swales). The ridges are usually dry. The alternating ridges and swales form a concentric pattern which closely parallels a nearby shoreline. The depressions are usually wet, appearing as water-filled sloughs or moist sedge meadows, or populated with moisture-loving trees and shrubs.

Ridges and swales complexes are distinguishable from dune formations by (1) the presence of the wet elongated depressions separating the drier, sandy elongated mounds and (2) a clearly evident concentric pattern on the ground resulting from the alternating ridges and swales arrangement.

Riding Stable, Commercial: Any establishment where horses are kept for commercial riding or recreation.

Riding Stable, Private: Any establishment where horses are kept for private riding or recreation.

Roadside Stand: A use or structure involving only the display and sale of agricultural products which are produced exclusively on the premises.

Rockhole: Any depression or opening in the ground surface through which gathered surface water enters bedrock and eventually joins groundwater. These features are also locally known as sinkholes.

Rockhole Channel: A linear depression in the ground surface through which water flows, intermittently or continuously, into a rockhole depression or rockhole opening.

Rockhole Channel Cross-Sectional Area: The amount of surface of a two-dimensional vertical plane within a rockhole channel positioned perpendicular to the centerline of the rockhole channel. The uppermost extent of the plane shall be a line extending between 2 associated rockhole channel edges.

Rockhole Channel Edge: The uppermost continuous mark on the ground surface resulting from an abrupt change in the slope of the ground surface caused by removal of soil particles by water moving toward and discharging into a rockhole depression or rockhole opening.

Rockhole Depression: A depression in the ground surface through which gathered surface water enters the underlying bedrock and eventually joins groundwater.

Rockhole Opening: An opening in the uppermost surface of bedrock through which gathered surface water enters the bedrock and eventually joins groundwater.

Salvage Yard: Any land or structure where waste or scrap materials including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, glass, and inoperable vehicles or appliances, are either bought, sold, exchanged, baled, packed, disassembled, or hauled for compensation.

Setback: The minimum horizontal distance from the centerline of a road, or from the edge of the right-of-way of a road, or from the ordinary high water mark to a structure or use.

Shorelands: Those lands which are located within 1000 feet of the ordinary high water mark of a navigable lake, pond, or flowage; or within 300 feet of the ordinary high water mark of a navigable river or stream, or to the landward side of the floodplain of the river or stream, whichever distance is greater.

Shrubbery: Woody vegetation which is less than a height of 15 feet and is generally incapable of attaining such height.

Side Yard: See Yard, Side.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

Sign, Abandoned: A sign which advertises a use that has ceased, or relates to an individual, firm, or association, profession, business, commodity, or product that no longer exists, or relates to an activity or purpose that is no longer applicable.

Sign, Advertising: A sign used to arouse a desire to buy a commodity or product or to patronize a business or to identify a business.

Sign, Awning: A sign which is constructed into, drawn on, or otherwise affixed onto an awning.

Sign, Directional: An off-premise sign not greater than 3 square feet in sign face area intended solely for the purpose of directing people to an establishment that is not located on a state highway. Such signs which exceed 3 square feet in sign face area shall be considered advertising signs.

Sign Face Area: The entire surface area of a sign display face upon which copy could be placed; or, if no background or frame, the total area of the smallest rectangle or rectangles, which can encompass all words, letters, figures, emblems, and any other element of the sign's message. When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign face area.

Sign, Freestanding: Signs which have their own base of support from the ground and are not attached to a building.

Sign, Off-Premise: A sign which is not located on the lot on which the individual, firm,

association, profession, business, commodity, or product promoted on the sign is located.

Sign, On-Premise: A sign located on the same lot on which the individual, firm, association, corporation, profession, business, commodity or product promoted on the sign is located.

Sign Permit: A permit, issued by the Zoning Administrator, stating that a sign may be established, located, or altered subject to any conditions placed on the authorization and the provisions of this Ordinance.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting: A sign, generally oriented perpendicular to the face of a building wall, which is attached to a building and which extends more than 6 inches from a building wall, typically having two viewable sides.

Sign, Wall: A sign painted on a building wall and all other signs, oriented parallel to the face of a building wall, which are attached to a building wall and where no part of the structure of the sign extends more than 6 inches out from a wall as measured near the points of attachment to the building, nor above the roof of the building, nor beyond the end of a wall.

Single Family Dwelling Unit: See Dwelling Unit, Single Family.

Single Family Residence: See Residence, Single Family.

Site Area: The total area devoted to a planned residential development or of a manufactured home park development.

Site Plan Review: A procedure whereby anticipated negative effects of a use or development are ideally mitigated prior to its establishment through negotiation in order to ensure that the use or development is compatible with surrounding uses.

Slope: The relationship of the change in vertical distance to the change in horizontal distance, expressed as a percentage.

Solid Waste Facility: A facility or land for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, incinerators, land disposal sites, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. Solid waste facility does not include a salvage yard.

Stoop: A platform or entrance stair at a door to a building.

Story: That part of a building included between the surface of a floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.

Structural Alterations: Any change in the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing walls, columns, sills, and rafters, or any change in the dimensions or configuration of the roof or exterior walls.

Structural Repairs: Any repairs of the supporting members of the exterior portions of a building or structure, such as foundations, load-bearing wall columns, sills, and rafters.

Structure: Anything constructed, erected, or manufactured, the use of which requires a more or less permanent location on or in the ground.

Structure, Accessory: A building or other structure which is customary, incidental, and subordinate to a permitted principal use of a lot and located on the same lot as the principal use, and does not meet the definition of a principal structure.

Structure, Permanent: A structure placed on or in the ground or attached to another structure in a fixed position, and intended to remain in place for a period of more than 9 months.

Structure, Principal: A building or other structure which houses a principal use of a lot, including any functional appurtenances, such as decks, stairways, and balconies, which are attached to, or located within 3 feet of, said building or structure.

Swale: See Ridges And Swales Complex.

Temporary Accessory Unit: A temporary dwelling unit installed on the same lot as a single family residence and used to provide independent, but supervised, housing for disabled or infirm dependent(s).

Temporary Use: See Use, Temporary.

Topsoil: Soil material (normally the A horizon and upper part of the B horizon of a soil profile) which is acceptable for respreading on the surface of regraded areas to provide a medium which sustains a dense plant growth capable of preventing wind and water erosion of the topsoil and other materials beneath.

Trade or Contractors Establishment: Uses such as plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

Trailer: A portable structure built on a chassis which can be towed by an appropriate motor vehicle

and is designated to be used as a temporary dwelling for travel, recreation, or vacation use, and which does not fall into the definition of a manufactured home.

Trailer Camp: Any privately or publicly owned parcel or tract of land designed, maintained, intended, or used for the purpose of supplying accommodations for use by trailers or recreational vehicles on a temporary basis, open to the public and designated as a trailer camp area.

Transient: A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business.

Tree: Woody vegetation that is, or is capable of attaining, a height of at least 15 feet.

Tree Island: A landscaped area, located within a parking lot or parking area, which contains at least one canopy tree.

Unincorporated Area: All lands and waters located within Door County which are located outside the municipal boundaries of a village or city.

Use: The purpose or activity for which a parcel of land, or structure(s) thereon, is designed, arranged, intended, occupied, or maintained.

Use, Accessory: A use subordinate to and customarily incidental to a permitted principal use of a lot and located on the same lot as the principal use.

Use, Principal: The basic use of a lot or structure, or one of the basic uses of a lot or structure where more than one basic use exists on a lot. Principal uses are those listed as such in s. 2.05(3), table of principal uses.

Use, Temporary: A use which is conducted for not more than 7 consecutive days nor more than 10 days in any one year period.

Utility Facilities - Type A: Any structure or equipment, except for communication towers, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is 1,000 square feet or less.

Utility Facilities - Type B: Any structure or equipment, except for communication towers, used or designed for the production, transmission, delivery, or furnishing of heat, light, water, power, sewer services, or telecommunications either directly or indirectly to or for the public, where the land area bounded by the location of such structure or equipment is more than 1,000 square feet.

Variance: An authorization, granted by the Board of Appeals, to depart from the literal requirements of this Ordinance.

Walkway: An unenclosed, unroofed exterior platform structure, with or without railings, not

exceeding 48 inches wide.

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

Woodland: Land covered with trees, not including orchard or nursery trees.

Woodland Area: Any area that was a woodland on the effective date of this Ordinance.

Yard: A required area on a lot, unoccupied by buildings and open to the sky, extending along a lot line to a specified depth or width.

Yard, Front: A yard extending along an entire front lot line from the front lot line to the depth or width specified in the yard requirements for the applicable district.

Yard, Rear: A yard extending along an entire rear lot line from the rear lot line to the depth or width as specified in the yard requirements for the applicable district.

Yard, Side: A yard extending along an entire side lot line from the side lot line to the depth or width specified in the yard requirements for the applicable district.

Commentary: It should be noted that on portions of lots side yards coincide with front yards and rear yards. This does not affect application of the provisions of this Ordinance, however.

Zoning Administrator: An authorized representative of the Town Plan Commission appointed by the Town of Brussels for the purpose of carrying out the terms of this Ordinance.

Zoning Map: The series of maps showing the location and boundaries of the zoning districts established by this Ordinance.

Zoning Permit, Regular: A permit, issued by the Zoning Administrator, stating that a use or a structure, except a sign or use permitted as a conditional use, may be established, expanded, or enlarged subject to any conditions placed on the permit and the provisions of this Ordinance.