

- (3) There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
 - (4) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effect upon the owners and occupants of the adjacent and surrounding properties by providing for adequate design of the ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, parking, and other standards set forth in this chapter.
 - (5) Natural features of the landscape are retained where they can enhance the development of the site or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, or where they assist in preserving the general safety, health, welfare, and appearance of the Town.
 - (6) Adverse effects of the proposed development and activities upon adjoining and surrounding properties are mitigated by appropriate screening, fencing, or landscaping.
 - (7) Land, buildings, and structures are readily accessible to emergency vehicles and handicapped persons.
 - (8) The site plan is consistent with the public goals, objectives, principles, standards, and policies set forth in the Town's adopted Land Use Plan or components thereof.
 - (9) The site plan is consistent with the intent and purpose to promote the public health, safety and general welfare, to encourage the use of the land in accordance with its character and adaptability, to avoid the overcrowding of population, to lessen congestion on public roads and streets, to reduce hazards to life and property, and to facilitate existing Town plans.
- C. The duty of the Building Inspector shall be to interpret and administer this chapter. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private land(s) or water(s) to make a zoning inspection. The Building Inspector shall further:
- (1) Issue, after on-site inspection, all permits required by this chapter.
 - (2) Maintain records of all permits issued.
 - (3) Investigate all complaints under this chapter.
 - (4) Give notice of violations of this chapter to the Plan Commission and Town Board.
 - (5) Issue orders to comply with this chapter.
 - (6) Assist the Town Attorney in the prosecution of violators of this chapter.

§ 340-144. General approval and review process.

This is a general description of the zoning process used for building permits, sign permits, zoning district changes and changes to this chapter, subdivisions plats, certified survey maps, and conditional use permits.³⁶

- A. Preapplication. It is recommended that, prior the filing of an application for action under this chapter, the applicant consult with the Plan Commission and/or its planning staff in order to obtain their advice and assistance. This consultation is neither mandatory nor binding but is intended to inform the applicant of the purpose and objectives of these regulations, the Land Use Plan, Land Use Plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the applicant in planning his development. In so doing, both the applicant and Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the applicant will gain a better understanding of the subsequently required procedures.
- B. Application. The applicant should get the appropriate forms from the Town Clerk and file the application and required information with Town Clerk. The **14** copies of the application have to be filed with the Town Clerk 28 days prior to the meeting when it will be considered. The application will be scheduled to be reviewed at the next reasonably available meeting of the Plan Commission.'
- C. Presentation at Plan Commission meeting. Applicants are encouraged to be present and explain their project at the meeting at which their application is scheduled for consideration. The applicant may appear in person or by agent.
- D. Consideration. The Town Plan Commission will consider the information that has been presented to determine if the project conforms to the Town ordinances and promotes compatible development and stability of property values, fosters the attractiveness and functional utility of the Town as a place to live and work, preserves the character and quality of the built environment, maintains the integrity of those areas which have a discernible natural or historical character, and protects certain public investments.
- E. Additional project information. The Plan Commission may request information about the project such as existing and proposed uses and structures; neighboring uses; site plans and architectural plans for proposed structures; circulation issues such as driveway locations, highway access and parking; utility information such as drainage, sewerage, water system, and site lighting; and compliance with Ozaukee County ordinances.
- F. Additional impact information. The Plan Commission may also request information about the impact of the project on the community, such as increased traffic on public streets, increased school capacity, soil limitation, sewage disposal, stormwater disposal, sediment control, fire protection requirements, architectural character, visual impact from public areas, and emission of smoke, noise, dust, dirt, light, vibrations, and odorous or noxious gases.

36. Editor's Note: For procedures and time frames for review of subdivision plats and certified survey maps see Art. XI.

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

G. **Modifications.** The Plan Commission may suggest modifications that are necessary to fulfill the purpose and intent of this chapter. Modifications may include, but are not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, and emissions control.

H. **Plan Commission action.** The Commission may take several actions:

- (1) Recommend approval to the Town Board.
- (2) Table the action for further consideration.
- (3) Deny.
- (4) Recommend approval with conditions.

I. **Notification.** The Plan Commission shall review the application(s) and approve or deny, in writing, the application within 31 days of first consideration of the action before the Plan Commission, unless the time is extended by written agreement with the applicant. Time schedules for subdivisions will be as provided in Article XI.

J. **Recommendations.** The Plan Commission shall recommend to the Town Board for review and approval all applications requiring Town Board action. These applications may include but are not be limited to:

- (1) Subdivision plats.
- (2) Certified survey maps.
- (3) Changes and modifications to this chapter.

K. **Town Board review and approval.** The Town Board shall review the application and approve or deny, in writing, the application within 60 days of first consideration of the action before the Town Board, unless the time is extended by written agreement with the applicant.

§ 340-145. Industrial/commercial building permits.

A. **Permit required.** An industrial/commercial building permit is required in the following zoning districts: B-1 Business District, BP-1 Business Park District, M-1 Industrial District, and P-1 Park and Recreation District. No vacant land shall be developed or used and no building shall be erected or structurally altered, relocated, or used until a building permit has been issued by the Building Inspector.

B. **Application.** Application for a building permit shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town and shall include the following, where applicable:

- (1) Name(s) and address(es) of the applicant, owner of the site, architect, professional engineer, or contractor.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Two plats of survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than one inch equals 40 feet showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards and also 10 copies of a plat or sketch 11 inches by 17 inches for Plan Commission review. In addition, the Building Inspector or the Plan Commission may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the United States Soil Conservation Service; wetlands; and county zoning districts.
- (4) Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Ozaukee County Environmental Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- (5) Proposed water supply plan, if municipal water service is not available. This plan shall be in accordance with Ch. NR 812, Wis. Adm. Code, and shall be approved by the Town Engineer or Plan Commission. A separate well shall be required for each principal structure.
- (6) Detailed plans and specifications.
- (7) Additional information as may be required by the Town Plan Commission, Town Engineer, and Building, Health or Plumbing Inspector.

C. Review and approval. The Plan Commission shall review the application for the building permit for its completeness and conformance with this chapter. The building permit shall be granted or denied in writing by the Town Building Inspector within 60 days of the first consideration. The permit shall be good for one year and may be extended upon application and personal appearance, with plans for completion, before the Town Plan Commission.

340-146. Residential building permits.

A. Permit required. In all zoning districts no residential building shall be erected or structurally altered, relocated, or used until a building permit has been issued by the Building Inspector.

B. Application. Application for a building permit shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town and shall include the following, where applicable:

- (1) Name(s) and address(es) of the applicant, owner of the site, architect, professional engineer, or contractor.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor or, if approved by the Town Building Inspector, a sketch at a scale of no less than one inch equals 40 feet showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. In addition, the Building Inspector or the Plan Commission may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the United States Soil Conservation Service; wetlands; and county zoning districts.
- (4) Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Ozaukee County Environmental Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.
- (5) Proposed water supply plan, if municipal water service is not available. This plan shall be in accordance with Ch. NR 812, Wis. Adm. Code, and shall be approved by the Town Engineer or Plan Commission. A separate well shall be required for each principal structure.
- (6) Detailed plans and specifications.
- (7) Additional information as may be required by the Town Plan Commission, Town Engineer, and Building, Health or Plumbing Inspector.

C. Review and approval. The Building Inspector shall review the application for the building permit for its completeness and conformance with this chapter. The building permit shall be granted or denied in writing by the Building Inspector within 60 days. The permit shall be good for one year and may be extended upon application and personal appearance, with plans for completion, before the Town Plan Commission.

§ 340-147. Certificate of compliance.

A. Required. No agricultural buildings and supplemental structures not used for human habitation in agricultural districts shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after having secured a

certificate of compliance. Such certificate shall show that the building or premises or part thereof is in compliance with the applicable setback, yard, height and other requirements of this chapter. These agricultural buildings and structures may include but not be limited to barns, crop storage, farm equipment storage and animal shelters.

- B. Application. Application for a certificate of compliance shall be made in duplicate to the Building Inspector. Application will be made on forms furnished by the Town and shall include the following, where applicable:
- (1) Name(s) and address(es) of the applicant, owner of the site, architect, professional engineer, or contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; and existing and proposed operation or use of the structure.
- C. Review and approval. The Building Inspector shall review the application for its completeness and conformance with this chapter and visit the site. The certificate shall be granted or denied in writing by the Building Inspector within 60 days.³⁸

§ 340-148. Occupancy permit.

- A. Occupancy permit required. No new building, no existing building which has been remodeled to more than 50% of its value, and no existing building which has been relocated, altered or developed for dwelling, commercial, industrial, storage, or other nonagricultural or nonconservancy purpose shall be occupied or used, and no nonconforming use shall be renewed, changed or extended, until an occupancy permit has been issued by the Building Inspector. Such a permit shall show that prior to occupancy the premises or building or part thereof was in compliance with this chapter and all applicable conditions, regulations, and laws.
- B. Application. An occupancy permit shall be applied for from **the** Building Inspector at the time of substantial completion and prior to occupancy of any land and/or building. Application will be made on forms furnished by the Town and shall include:
- (1) A statement by the applicant as to the intended use or the premises and building.
 - (2) An accurate map of the property, in duplicate, drawn to reasonable scale and properly dimensioned showing boundaries of the property, location and center line of abutting streets.
- C. Review. Where the proposed use involves human occupancy and connections are not made to municipal water and sewer systems, satisfactory evidence of a safe and adequate water supply and sewage disposal service is to be provided and shown on the map.
- D. Approval. Within 10 days after the notification of the completion, the Building Inspector shall make an inspection of the premises and if the building and the intended use thereof

38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and the proposed use of the premises comply with this chapter shall issue a occupancy permit.

- E. Expiration. If within 12 months of the date of application an occupancy permit has not been issued, any building permit related to the building shall lapse and the Building Inspector shall make immediate investigation to ascertain that no use or occupancy has in fact commenced without proper authority. Upon showing of valid cause, the Building Inspector may grant an extension of such permit for a period not to exceed six months.
- F. Temporary occupancy permit. Pending the issuance of a regular permit, a temporary permit for nonresidential use may be issued for a period not exceeding six months during completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of the occupants. A temporary permit shall be voided if the building fails to such a degree as to render it unsafe for the occupancy proposed.

§ 340-149. Other required permits.

It is the responsibility of the applicant to secure all other necessary permits required by local, county, state or federal authorities.

§ 340-150. Fees.

All persons, firms or corporations performing work which by this chapter requires the review of plans, appearance at a public hearing, or issuance of a permit shall pay a fee for such permit to the Town Clerk to help defray the cost of administration, investigation, review, advertising, and processing of permits, subdivisions, and variances. **All fees shall** be established by separate resolution of the Town Board and amended from time to time as deemed appropriate.

- A. The zoning fee schedule shall be available from the Town Clerk.
- B. No permits shall be granted or issued until all fees required under this chapter have been paid.

§ 340-151. Double fee.

The Town Building Inspector shall charge a double fee if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

§ 340-152. Enforcement. [Amended 3-3-1997 by Ord. No. 97-1]

- A. Failure to comply with the zoning permit requirements of this chapter may result in revocation of the permit and any other provision of the law, including but not limited to injunction or other civil suit. Any permit issued in conflict with the provisions of this chapter shall be null and void.

- B. When it appears to the Town Plan Commission, either by observation or by citizen complaint, that a permitted conditional use apparently is being or has been violated, the Plan Commission may convene a public hearing, as set forth in Article XIV, giving notice to the holder of the conditional use permit and advising the permit holder of the purpose of the hearing, which may be to modify, revoke, or reaffirm the conditional use permit then in effect. Following the public hearing, the Plan Commission may take action to modify, revoke, or reaffirm the conditional use permit then in effect. The Plan Commission may direct the Town Clerk and/or Town Building Inspector to take any necessary action to modify or revoke the conditions, restrictions, covenants or other pertinent documents concerning the conditional use.

ARTICLE XIV Public Hearings

§ 340-153. Notice of public hearing.

Notice of any public hearing which the Town Board, Town Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter and § 62.23(7)(d) and (e), Wis. Stats., shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing.

- A. Content of public notice. Such notice shall state the time and place of the public hearing and the purpose for which the hearing is held and shall include, in the case of map change, a description of the area involved and, in the case of text changes, a description of the proposed change, in sufficient detail for general public identification. Reference shall be made to the fact that detailed descriptions are available for public inspection at the Town Clerk's office.
- B. Publication of notice. Notice shall be published in a newspaper of general circulation at least once each week for two consecutive weeks, and the hearing shall not be held until at least seven days following the last publication.
- C. Notice to adjoining municipality. The Town Clerk shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any lands included in the petition.
- D. Notice to adjoining landowner and parties of interest: The Town Clerk shall also give at least 10 days' prior written notice to the owners of all lands lying within 500 feet of any land included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.³⁹
- E. Notice to parties interested in the matter. The Town Clerk shall also give at least 10 days' prior written notice to the parties that have shown interest in the matter and have given the Town Clerk a contact address. Failure to give notice to parties of interest shall not invalidate the action taken by one of the aforementioned bodies.

³⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).