

TOWN of HOLLAND ORDINANCES

Town Of Holland Zoning Ordinance

Table of Contents

Article	Article Title	Page	Article	Article Title	Page
I	Title and Authority	1	XXI	Recreational Vehicles	63
II	Intent, Purpose and Sever ability	2	XXII	Large and Small Wind Energy Facility	64
III	Definitions	3			
IV	General Provisions	10			
V.	Establishment of Zones	14			
VI	R-1 Residential	15			
VII	A-R Agriculture-Residential	17			
VIII	B-1 Community Business District	20			
IX	I-1 Limited Industrial District	25			
X	Mobile Home Parks	28			
XI	Sign Regulations	34			
XII	Off-Street Parking Requirements	37			
XIII	Interchange Access Control	41			
XIV	Artificial Lakes	42			
XV	Earth Excavation	44			
XVI	Non-Conforming Uses	47			
XVII	Administration and Enforcement	48			
XVIII	Telecommunication	57			
XIX	Hazardous Waste	60			
XX	Municipal Court	61			

Article I -Title and Authority

Title

This ordinance shall be known, cited and referred to as:
THE TOWN OF HOLLAND ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

Authority

The Town of Holland pursuant to Section 60.29(41),
60.18(12), 60.74, 61.35, 62.23, and 66.058 of the Wisconsin
Statutes, hereby enacts a zoning ordinance to read as follows:

Article II - Intent, Purpose and Severability

A. Intent

This ordinance is intended to promote the orderly development of the community in accordance with The Official Town Comprehensive Plan or any of the component parts thereof.

B. Purpose

The Zoning Ordinance of the Town of Holland, Brown County, Wisconsin, is adopted for the following Purposes: 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 standards of light, air 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 a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

C. Severability

If any section, 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 judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

Article III - Definitions

A. General

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.

The word “shall” is mandatory and not discretionary.

The word “may” is permissive.

The word “lot” shall include the words “piece”, “parcel” and “Plats”, the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

All “measured distances” shall be to the nearest “integral foot. If a fraction is one-half foot or less, the next “integral foot” below shall be taken.

Any words not herein defined shall be constructed as defined in other respective state, county and town codes.

B. Words Defined

Certain words and terms in this ordinance are to be interpreted as defined herein:

1: ACCESSORY USE OR BUILDING- a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.

2: AGRICULTURE - is the use of land for agricultural purpose, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

3. AIRPORT - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

4. ALLEY - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.

5. AUTO WRECKING YARD - any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.

6. BASEMENT - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

7. BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

8. BOARDING HOUSE - a building or premises other than a hotel where lodging and meals are furnished for compensation for four (4) or more persons not members of a family.

9. BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

10. BUILDING HEIGHT - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof; to the deck line of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.

11. CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

12. CLUB - an association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

13. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.

14. CORNER SIDE - a yard extending along a side lot line from front yard to rear yard when said side lot line is continuous with a street right of way line.

15. CONDITIONAL USE - uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.

16. DRIVE IN RESTAURANT - an establishment which provides no permanent interior seating, but allows window service and carry out counter service for food products to automobile customers.

17. DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.

18. DWELLING UNIT - one (1) or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

19. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one family.

20. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two (2) families.

21. DWELLING, MULTIPLE-FAMILY - a building used or designed as a residence for three (3) or more families including tenement houses, row houses, apartment houses and apartment hotels.

22. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

23. FAMILY - any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.

24. FARM - any parcel of land which is used for gain in the raising of agriculture products, livestock, poultry and dairy products.

25. FRONTAGE - the length of all the property fronting on one side of the street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street

26. FRONTAGE, ZONING LOT - the length of all the property of such zoning lot fronting on a street, measured between side lot lines.

27. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.

28. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

29. GARAGE, PRIVATE - an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried on.

30. GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

31. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous or crushed stone.

32 - HOME OCCUPATION - any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling , there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not the general practice of his profession. No accessory building shall be used for such home occupation.

33 - HOTEL - a building in which lodging , with or without meals , is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment

34 - INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

35 - JUNK (SALVAGE) YARD - an open area where waste or scrap material are bought , sold , exchanged , stored , baled , packed , disassembled , or handled , including , but not limited to : scrap iron and other metals , paper , rags , rubber tires , bottles , and automobiles .

36 - LODGING HOUSE - a residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms which accommodate persons who are not members of the keeper's family.

37 - LOT - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building together with the open spaces required by this ordinance and abutting on a public street .

38 - LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.

39 - LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

40 - LOT , CORNER - a lot located at the intersection of two (2) streets , the interior angle of such intersection not exceeding 135 degrees .

41 - LOT, Depth of - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

42 - LOT, INTERIOR - a lot other than a corner lot.

43 - LOT LINES AND AREA - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

44 - LOT, THROUGH _ interior lot having frontage on two (2) no intersection streets.

45 - LOT, WIDTH OF _ the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

46 - MOBILE HOME - any vehicle or structure which is , or was as originally constructed , designed to be transported by any motor vehicle upon a public highway and designed , equipped , used or intended to be used primarily for human habitation; including any addition, attachment, annexes, foundations and appurtenances thereto.

47 - MOBILE HOME PARK - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.

48 - MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

49 - MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

50 - NON-CONFORMING USE - any use of land , building , or structure , lawful at the time of the enactment of this ordinance , which dose not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located .

51 - PARKING SPACE - a graded and surfaced area of not less then two hundred square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

52 - PLANNED UNIT DEVELOPMENT - a tract of land which contains or will contain two (2) or more principal buildings , developed under single ownership or control , the development of which is unique and of a substantially different then that of surrounding areas . A planned development allows for flexibility not available under normal zoning district requirements.

53 - PROFESSIONAL OFFICE - the office of a doctor , practitioner , dentist , minister , architect , landscape architect , professional engineer , lawyer , author , musician , or other recognized profession . When established in a residential district , a professional office shell be incidental to the residential occupation ; the office shell not exceed one-half (½) the area of only one (1) floor of the residence and only one (1) resident person is employed .

54 - ROADSIDE STAND - a structure not permanently fixed to the ground that is readily removable in its entirety , covered or uncovered and not wholly enclosed , and used solely for the sale of farm products produced on the premises . No such roadside stand shall be more then 300 square feet in ground area and limited to 10 feet maximum height.

55 - SANITARY LANDFILL - disposal of refuse on land without creating a nuisance or hazard to public health or safety , by utilizing the principles of engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals .

56 - SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.

57 - SIGN - a name , identification , description , display , or illustration which is affixed to , or represented directly or indirectly upon , a building , structure , or piece of land , and which directs attention to an object , product , place , activity , person , institution , organization , or business . However, a "sign" shall not include any display of official court or public office notices nor shall it include the unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the content shall so indicate.

58 - SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

59 - SIGN , BUSINESS - a sign which directs attention to a business or profession conducted , or to a commodity , service or entertainment sold or offered , upon the premises where such sign is located or to which it is affixed.

60 - STOCKFARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

61 - STORY _ that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured , or if it used for business purposes , or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises .

62 - STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property , whether designated as a street , avenue , highway , road ,boulevard ,land ,throughway or however otherwise designated ,but dose not include driveways to buildings .

63 - STUCTIONE - anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

64 - STRUCTURAL ALTERATION _ any change , other then incidental repairs which would prolong the life of the supporting members of a building , such as the addition , removal ,or alteration of bearing walls , columns , beams , girders , or foundations .

65 - USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional", or "non-conforming".

66 - YARD - open space on the same lot with building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

67 -YARD FRONT - a yard extending along the full length of the front lot line between the side lot lines.

68 -YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.

69 -YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines.

ARTICLE IV - GENERAL PROVISIONS

A. JURISDICTION

The jurisdiction of this ordinance shall include all lands and waters within the Town of Holland.

B. EXISTING ORDINANCE

Restriction or requirements with respect to buildings or land or both which in other ordinances of the Town of Holland or are established by Federal , State and County Laws , and which are greater then those set forth herein shall take precedence over those herein . Otherwise the provisions of this ordinance shall apply.

C. BUILDING AND USES

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used only for purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.

2. All principal structures shall be located on a lot; and only one principal structure shall be located erected or moved onto a lot.

3. Permitted, Permitted Accessory Uses, and Conditional Uses are not limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation and approval by the Town Plan Commission.

4. Accessory buildings which are not a part of the main building shall not occupy more then 30 percent of the area of the required rear yard, shall not be more then 25 feet high and shall not be nearer then six (6) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less then 15 feet from the nearest alley line. The above height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of 5 acres. Farm accessory buildings shall not be closer then 75 feet to any lot line. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings.

5. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.

6. When a building containing a nonconforming use is damaged by fire , explosion , act of God , or the public enemy to the extent of more then 60 percent of its current local assessed value , it definitely shall not be restored except in conformity with the regulations of the district in which it is located . Total structural repairs or alterations in any nonconforming use shall not during its life exceed 60 percent of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary Ordinance.

8. Where the Town Zoning Administrator has issued a Building Permit pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Town Zoning Administrator.

9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plan on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XVII.

D. AREA REGULATIONS

1. Lot size shall comply with the required regulations of the established district.

2. No Building Permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. HEIGHT REGULATIONS

1. Except as otherwise provided in this ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.

2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

4. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

F. FRONT, SIDE AND REAR YARD REGULATIONS

1. No front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking or driveway. All open storage areas shall be properly landscaped.
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.
3. Building on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. FENCES, WALLS and HEDGES

1. A Fence , wall ,hedge or shrubbery may be erected , placed , maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding five (5) feet above the ground level . No fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls, or hedges shall be limited to eight (8) feet; unless the rear lot line abuts a side lot line on neighboring property in which case the height limitation shall be five (5) feet.
2. No fence, wall, hedge or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet.
3. In any district no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto; within 25 feet of the intersection of any street line or of street lines projected.

H. PARKING STANDARDS

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than 10 feet to any street line . No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall be less than 200 square feet exclusive of the space required for ingress and egress. Minimum width of parking space shall be 10 feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.

4. All off-street parking areas for more than 10 vehicles shall be graded and surfaced so as to be dust free and properly drained , and shall have the aisles and space clearly marked .

5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunset when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.

6. Where a Building Permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amount required for the issuance of said Building Permit may be provided in lieu of any different amounts required by this ordinance.

7. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50 percent of any existing deficiency in parking or loading facilities.

8. None of the off-street parking facilities as required in this ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. OFF-STREET LOADING

1. In all districts, loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

ARTICLE V - ESTABLISHMENT OF ZONES

A. ZONE DISTRICT

For the purpose of this ordinance, the Town of Holland, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1 Residential
A-R Agricultural-Residential
B-1 Community Business
I-1 Limited Industrial

B. ZONING MAP

The location and boundaries of the districts established by this ordinance are set forth on the zoning map entitled "Zoning District Map Town of Holland, Brown County, Wisconsin", dated June 21, 1973, and are incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendment thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

C. ZONE BOUNDARIES

The Following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the center line of highways , streets , alleys , and pavements ; or right-of- way lines of railroads , toll roads , and expressways ; or section , division of section , tract and lot lines ; or such lines extended , unless otherwise indicated .

2. In areas not subdivided into lots and blocks , wherever a district is indicated as a strip adjacent to and paralleling a street or highway , the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway , and the length of frontage shall be in accordance with dimensions shown on the map from section , quarter section , or division lines , or center lines of streets and highways , or railroad right-of way , unless otherwise indicated .

3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing may extend the regulation for either portion of such lot.

D. EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any zone district : poles , towers, wires , cables , conduits , vaults , laterals , pipes , mains , valves , or any other similar distributing equipment for telephone or other communications ; and electric power , gas , water and sewer lines , provided that the installation shall conform to the Federal Communication and Federal Aviation Agency rules and regulations , and other authorities having jurisdiction . However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Residence District.

ARTICLE VI - R-1 RESIDENTIAL

The following regulations shall apply in R-1 Districts:

A. PERMITTED USES

1. Single-family dwellings
2. Two-family dwellings
3. Public, parochial and private, elementary, junior high and senior high schools
4. Parks, playgrounds, tennis courts and athletic fields
5. Public recreational and community center buildings and grounds
6. Transmission lines, substations, telephone and telegraph lines and public utility installments
7. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses

B. PERMITTED ACCESSORY USES

1. Private garages, carports and driveways
2. Home occupations
3. Tool houses, sheds and other similar buildings used for the storage of common supplies

C. CONDITIONAL USES

1. Multi-family dwellings
2. Mobile home parks
3. Planned unit development
4. Religious institutions in the form of convents, seminaries and monasteries
5. Cemeteries
6. Fire stations, police stations, post offices and other municipal facilities necessary for town operation

D. LOT REQUIREMENTS

1. Area - 10,000 Square feet Minimum
2. Zoning lot Frontage - 85 feet Minimum

E. HEIGHT REGULATIONS

1. All structures -35 feet maximum , except as provided by Article IV , Subsection E , Height Regulations

F. BUILDING SETBACKS

1. Front Yard

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

2. Side Yard

A. Principal structure - 1 story - 10 feet minimum each side; 2 story -15 feet minimum each side

B. Accessory Building - 10 feet minimum

3. Rear yard

A. Principal structure - 25 feet minimum

B. Accessory Building - 10 feet minimum

4. Corner Side

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

G. BUILDING SIZE

1. Minimum size of a dwelling shall be 750 square feet.

H. ACCESSORY BUILDING

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses

I. PARKING

Parking shall conform to the requirements as set forth in Article XII, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

ARTICLE VII - A-R AGRICULTURE-RESIDENTIAL

The following regulations shall apply in A-R Districts:

A. PERMITTED USES

1. Agriculture , dairying , floriculture , forestry , general farming , grazing , greenhouses , hatcheries , horticulture , livestock raising , nurseries , orchards , paddocks , pasturage , poultry raising , riding academies , and stables , truck farming , game farms , wildlife sanctuaries and game preserves.

2. Agricultural warehouses

3. Commercial feed lots and stock farms

4. Parks, recreational sites and golf courses

5. Single family dwellings

6. Dams, power plants, flowage areas, water reservoirs and farm ponds.

7. Transmission lines , substations , telephone , and telegraph lines , public utility installations , radio and television stations and towers , railroad right-of-way and passenger depots , not including switching , storage freight yards , or siding .

8. Micro-wave relay towers

B. PERMITTED ACCESSORY USES

1. Roadside stands provides the structure dose not cover more then 300 square feet in ground area and dose not exceed 10 feet in feigft.

2. Additional structures nessary for the continuance of the farming operation.

C. CONDITIONAL USES

1. Stockyards and fur farms.

2. Artificial lakes.

3. Colleges , universities , schools (elementary , junuor high and senior high) , Hospitals , sanitariums , churches and other religious institutions .

4. Airfields, airports and heliports.

5. Cemeteries

6. Quarries, sand and gravel pits.

7. Town sanitary land fills and town solid waste disposal sites.

8. Mobile home parks and dwellings in conjunction with an operating farm in conformance with article VII , Subsection K , Item 1 , to be used solely by resident owner or laborer actively engaged in the farming operation .

D. LOT REQUIREMENTS

Area - 2 acres minimum

Zoning lot frontage - 200 feet minimum

E. HEIGHT REGULATIONS

Farm Structures - 60 feet maximum *

Residential Dwellings - 35 feet maximum *

* except as provided by Article IV, Subsection E, Height Regulations

F. BUILDING SETBACKS

A. Front Yard

1. Principle Structure - 50 feet minimum from right-of-way

2. Accessory Buildings - 50 feet minimum from right-of-way

B. Side Yard

1. Principle Structure - 25 feet minimum

2. Accessory Buildings - 25 feet minimum

C. Rear Yard

1. Principle Structure - 25 feet minimum

2. Accessory Building - 25 feet minimum

D. Corner Side

1. Principle Structure Structure - 50 feet minimum from right-of-way

2. Accessory Buildings - 50 feet minimum from right-of-way

G. BUILDING SIZE

Minimum size of a residential dwelling shall be 825 square feet.

H. ACCESSORY BUILDINGS

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirement as set forth in Article XII, Off-Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

K. OTHER REQUIREMENTS

1. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of 40,000 square feet and 100 feet of lot frontage.

2. Other structures or buildings allowed within the A-R District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE VIII - B-1 COMMUNITY BUSINESS DISTRICT

The Following regulations shall apply in B-1 Districts:

A. PERMITTED USES

1. Antique Shops
2. Art Shops
3. Bakery - Retail
4. Banks and Financial Institutions
5. Barber Shops
6. Beauty Shops
7. Bicycle Sales, Rental and Repair Stores
8. Book and Stationery Stores
9. Buiness and Professional Use
10. Candy and Confectionery Stores
11. Carpet, Rug and Drapery Stores
12. Clinics - Doctor and Dentist Offices
13. Clothing and Dry Goods Stores
14. Recognized Fraternal and Nonprofit Clubs and Lodges
15. Drug Stores and Pharmacies
16. Electrical and Household Appliance Stores, including Radio and Telvision Sales
17. Florist Shops
18. Food Stores, Grocery Stores, and Meat Markets (retail sales only)
19. Hardware and Paint Stores
20. Jewelry Stores
21. Liquor and Package Goods Store
22. Post Offices

23. Music Stores including instrument sales and repairs
24. Office Supply Stores
25. Office Machine Sales Stores
26. Parking Lots and off street loading areas
27. Launderettes
28. Pet Shops
29. Printing Offices
30. Restaurants including the servicing of alcoholic beverages
31. Shoe Stores
32. Sporting Goods Store
33. Studios - photography, dance, design, and artist, illustrator
34. Taverns
35. Tailor Shops, Toy Shops, etc.
36. Variety Stores
37. Radio and Television Stations (excluding towers)
38. Dry cleaning Establishments
39. Furniture Stores

B. PERMITTED ACCESSORY USES

1. Uses incidental to and on same zoning lot as a principal use

C. CONDITIONAL USES

1. Agricultural Implement Dealers
2. Animal Hospitals and Veterinary Clinics
3. Automobile Service Stations and Garges
4. Bowling Alleys
5. Building Material and Product Sales

6. Business schools
7. Contractor or construction offices
8. Drive-In establishments
9. Dwelling and rooming units above the ground floor of a business establishment
10. Express offices and delivery stations
11. Commercial Greenhouses
12. Hotels and Motels
13. Model Homes and Garage displays
14. Monument Shops
15. Planned commercial unit development
16. Mobile home and trailer sales and rentals
17. Public utility and service uses
18. Shopping Centers
19. Stadiums, Auditoriums and Arenas
20. Theaters
21. Undertaking establishments and Funeral Parlors
22. Car washes
23. Used motor vehicle sales and services
24. Wholesale establishments

D. LOT REQUIREMENTS

With Public Swer: Area - 15,000 square feet minimum

Zoning Lot Frontage - 85 feet minimum

Without Public Sewer: Area - 40,000 square feet minimum

Zoning Lot Frontage - 100 feet minimum

E. HEIGHT REGULATIONS

All structures -35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations

F. BUILDING SETBACKS

1. Front Yard

A. Principle Structure - 30 feet minimum from right-of-way

B. Accessory Building - 30 feet minimum from right-of-way

2. Side Yard

A. Principle Structure - 10 feet minimum

B. Accessory Building - 10 feet minimum

3. Rear Yard

A. Principle Structure -15 feet minimum

B. Accessory Building -15 feet minimum

4. Coner Side

A. Principle Structure - 30 feet minimum from right-of-way

B. Accessory Building - 30 feet minimum from right-ofway

G. BUILDING SIZE

Dwelling units - Minimum of 725 square feet

H. ACCESSORY BUILDING

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

I. PARKING

Parking shall conform to the requirements as set forth in Article XII, Off Street Parking Requirements.

J. SIGNS

Signs shall be regulated as set forth in Article XI, Sign Regulations.

K. OTHER REQUIREMENTS

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE IX - I-1 LIMITED INDUSTRIAL DISTRICT

A. PERMITTED USES

1. Automotive service stations and garages
2. Automotive body repairs, upholstery, and cleaning establishments
3. Brick and structural clay products manufacturing
4. Building materials sales and storage
5. Commercial bakeries
6. Commercial greenhouses
7. Contractors, architects, engineer offices, shops and yards
8. Cosmetic production
9. Dairy processing plants for cheese and milk
10. Electronic and scientific precision equipment
11. Feed and seed sales
12. Food processing establishments
13. Freight yards, terminals, and transshipment depots (motor trucks)
14. Fuel and ice sales
15. Glass products production and sales
16. Light machinery production and sales
17. Lodges and offices of labor organizations
18. Manufacturing and bottling of non-alcoholic beverages
19. Municipal facilities
20. Parking lots
21. Printing and publishing establishments
22. Public utility and service uses
23. Warehousing, storage, and distribution facilities

B. PERMITTED ACCESSORY USES

1. Uses incidental to and on the same zoning lot as the principal

C. CONDITIONAL USES

1. Air, motor, railroad, and water freight terminals
2. Auto wrecking yards
3. Paper products manufacturing
4. Parks and recreational
5. Petroleum products, storage, processing and sales
6. Planned industrial unit development
7. Plastic manufacturing
8. Sewage treatment plants
9. Stadiums, auditoriums and arenas open or enclosed
10. Woodworking and wood products
11. Other manufacturing, processing or storage uses as determined acceptable by the Town Zoning Administrator and the Town Planning Commission.

D. LOT REQUIRMENTS

1. With Public Sewer: Area - 40,000 square feet minimum
Zoning Lot Frontage -100 feet minimum
2. Without Public Sewer: Area - 40,000 square feet minimum
Zoning Lot Frontage - 100 feet minimum

E. HEIGHT REGULATIONS

Principal Structures - 60 feet maximum , except as provided by Article IV , Subsection E , Height Regulations .

F. BUILDING SETBACKS

1. Front Yard

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

2. Side Yard

A. Principal Structure - 10 feet minimum

B. Accessory Building - 10 feet minimum

3. Rear Yard

A. Principal Structure - 20 feet minimum

B. Accessory Building - 20 feet minimum

4. Corner Side

A. Principal Structure - 25 feet minimum from right-of-way

B. Accessory Building - 25 feet minimum from right-of-way

G. ACCESSORY BUILDINGS

All accessory buildings hereinafter constructed in the I-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

H. PARKING

Parking shall conform to requirements as set forth in Article XII, Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth in Article XI, Sign Regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the regulations of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE X - MOBILE HOME PARKS

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of Holland.

Mobile home parks shall be allowed as Concitional Uses in the R-1 Residential District only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of Holland

No mobile home park space shall be rented or leased for a period of less then 30 days.

A. DEFINITIONS

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on mobile home parks.

Mobile homes, mobile home parks and accessory use of a building shall apply as defined in Article III, Definitions.

1. Unit - one mobile home.
2. Dependent Unit -a mobile home lacking a bath or shower and toilet facilities.
3. Indepndent Unit - a mobile home that contains a kitchen, toilet facilities, bath or shower and fully equipped for living purposes.
4. Person - shall be construed to include an individual , partnership , firm , company , corporation , whether tenant , owner , lessee , licensee ,or other agent , heir of assign .
5. Space - a plot of land , whether leased , sold , rented , or transferred , which is intended for the location of one mobile home only .

B. Location Outside of Mobile Home Park

1. No person shall park or occupy a mobile home outside of an approved mobile home park except as provided for in Subsection C of this Article and except as provided by Article VII, Section C, Item B.
2. Emergency or temporary stopping or parking is permitted on any street , alley or highway for not longer then one hour subject to any other and futher prohibition imposed by the traffic and parking regulation or ordinance for that street, alley or highway.

C. Permit for Location Outside of Mobile Home Park

1. Upon a showing of a hardship and /or immediate necessity for use , the Town Zoning Administrator may issue special written permits allowing the location of a mobile home outside of a mobile home park for a period not to exceed 90 days for any one premises in any 12 month period . The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one mobile home shall be granted a permit to locate on any one premise outside a mobile home park. Any violation of this clause shall comply with the penalty as set forth in Article XVII, Administration and Enforcement of this ordinance.

2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of \$2.00 , and shall state the name and permanent addresses of the occupants of the mobile home , the license number of the mobile home and towing vehicle , place of last stay , intended purpose of stay at requested location , whether any occupant is employed in state ; The exact location of premises , and the owner's and / or occupants sanitary facilities , and the permission of the occupant of the dwelling house for their use ; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner . Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the mobile home and a statement of permission from the owner for their use.

3. All occupied mobile homes not located in a mobile home park shall be subject to the remaining regulations of this ordinance.

D. MOBILE HOME PARK LICENSE

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him a mobile home park within the Town of Holland without first securing a license from the Town Board. The license shall expire one year after issuance and must be renewed annually.

2. An annual fee of 100.00 shall be charged for the mobile home license or the renewal thereof.

3. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant , a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application) , and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises .

4. The applicant shall further comply with mobile home regulations as set forth in the Wisconsin Statutes Chapter 66.058 , and as amended by Chapters 336 and 495 , Laws of 1969 .

E. MOBILE HOME PARKS PLANE

1. Prior to the issuing of any license or permit for a mobile home park , the developer shall submit 3 copies of the Mobile Home Park Plan to the Town Plan Commission of Holland . The plan shall be approved in writing by the Town Plan Commission prior to the start of construction or development of the Park.

2. Each Mobile Home Park Plan submitted to the Town Plan Commission shall require the following information:

A. Exact area and extent of the proposed park accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of 1" to 200' minimum.

B. All roadways, driveways, and ingress and egress for the park.

C. Complete layout of storm, sanitary and water systems for the park.

D. Plan for electrical distribution and lighting facilities.

E. Method and plan of garbage removal.

F. Plans for providing adequate fire protection for the park.

3. All mobile home parks shall further comply with the sanitation and health regulations as set forth by the State Board of Health in Chapter 77 , Mobile Home Parks .

4. Electrical service to mobile home spaces shall conform to the regulations as set forth in Chapter E 391 of the Wisconsin State Electrical Code.

5. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets shall be furnished for drinking and domestic purposes.

6. All mobile homes shall be independent units.

F. DRIVEWAYS, ROADWAYS, and PARKING

1. All driveways, parking areas and walkways shall be hard surfaces.

2. Within the mobile home parks, a minimum roadway width of 30 feet shall be established.

3. The mobile home park shall have direct access to a state highway, county highway or town road. There shall be sufficient points of ingress and egress to provide proper traffic movement as determined by the Plan Commission.

4. There shall be one hard surfaced off street automobile parking space for each mobile home unit. Minimum dimension of the parking space shall be 10 feet by 20 feet in size.

G. SITE AND YARD REQUIREMENTS

The following regulations shall apply to all mobile home spaced that are sold, rented , leased or transferred in an approved mobile home park .

1. Mobile homes and Mobile Home Parks shall be a Conditional Use in residential District.
2. The minimum size of a mobile home park shall be 20 acres, 5 acers in sewerred area.
3. Space Size:

A. Unsewered Locations:

Each mobile home space - Area - 40,000 square feet minimum

Width - 100 feet minimum

B. Sewered locations:

Each mobile home space - Area - 5,000 square feet minimum

Width - 50 feet minimum

4. A concret or bituminous pad shall be constructed on each mobile home space. The minimum size of this pad shall be 10 feet side by 15 feet in lengh. The minimum thickness of the surfacing shall be four inches. The pad shall enclose all utility connections for the mobile home.

5. Each mobile home space shall provide a front yard setback of 10 feet and a rear yard setback of 20 feet. Side yards shall have a minimum setback of 5 feet each.

6. The yard setback shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a mobile home and / or its accessory buildings except for the following conditions:

A. Structures for utility outlets and garages serving more then one mobile home space may be located within the side or rear yard setback of a common lot lines.

B. The hitch used for pulling the mobile home may protrude into the front yard setback.

H. MONTHLY PARKING FEE AND ASSESSMENT

The Town of Holland shall have the authority to inpose a monthly parking fee on mobile homes within an approved mobile home park or outside of an approved park as provided for in Wisconsin State Statute 66.058 and as amened by Chapter 366 and 495 Laws of 1969 .

The monthly parking fee shall be based on the following regulations:

1. Ther is hereby imposed on each owner or operator of a mobile home park licensed herein a monthly parking permit fee on each occupied mobile home unit which shall have been parked in such mobile home

park at any time during the month. The monthly parking fee shall also apply to mobile home units located outside of an approved mobile home park. The amount of the monthly parking fee shall be determined by the Town Board of Holland and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.058 and as amended. No mobile home space shall be rented for a period of less than 30 days.

2. The local assessor shall determine the total fair market value of each occupied mobile home, minus the tax exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of Holland.

3. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1, assessment of general property.

4. Total annual parking permit fee shall be divided by 12 to determine monthly fee.

5. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.

6. Said monthly parking fee shall be collected by the owner or operator of the mobile home park and paid to the local taxing authority on or before the 10th day of the month following the month for which such parking permit is due.

7. No fee shall be imposed on a mobile home from another state, unless said unit has been placed within the Town of Holland for a 60 day period.

8. The Town of Holland may retain 10% of the monthly parking fee for administration costs.

9. The Town of Holland shall pay to the school district in which parking is located, within 20 days after the end of each month, such proportion of the remainder of the fees collected in the preceding month and the credit allowed under Section 77.63 as the ratio of the most recent property tax for school purposes bears to the Total tax levy for all purposes in the municipality.

I. MANAGEMENT

1. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A Copy of the park license and of this ordinance shall be kept in said office.

2. It is hereby made the duty of the attendant or person in charge, together with the licensee to:

A. Keep a register of all occupants, to be open at all times to inspection by state, federal and local officials, which shall show for all occupants of the mobile home park the following:

1. Names and addresses
2. Number and ages of all children
3. Number of public elementary school children

4. Number of public secondary school children
5. State of legal residence
6. Dates of entrance and departure
7. License numbers of all mobile homes and towing or other vehicles
8. State issuing such license
9. Purpose of stay in park
10. Place of last location and length of stay
11. Place of employment of each occupant

B. Maintain the park in a clean, orderly and sanitary condition at all times.

C. Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to his attention.

D. Report the health officer all cases of persons or animals affected or suspected of being affected with any communicable disease.

E. Maintain in convenient places, approved by the Holland Fire Inspector, hand fire extinguishers in the ratio of one for each eight mobile home spaces.

F. Collect the monthly parking permit fee provided for in section H of this Article. A book shall be kept showing the names of persons paying said service charged and the amount paid.

G. Submit with the monthly parking permit fee payment to the Town Treasurer , a monthly report showing the names of persons paying said fees , and the amount paid if less then for a full month . The report to also indicate departure time for current tenants, and arrival time for new tenants including departure time if occurring the same month.

J. PENALTY

Violation of Article X or section thereof shall result in a penalty imposed upon the violator as regulated in Article XVII, Administration and enforcement; Section M, Penalties.

ARTICLE XI - SIGN REGULATIONS

The following regulations shall apply to all signs herein after erected or established within the Town of Holland.

A. GENERAL

1. This section of the ordinance shall apply to all billboards, boards, fences or structures of any kind used for advertisements purposes, or upon which any advertisement is shown, painted or displayed, etc.

2. No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Zoning Administrator except signs in Section B of Article XI, which are exempt from the provisions of this ordinance.

B. SIGNS EXEMPT

All signs prohibited in the Residential and Agriculture- Residential Zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 square feet in area for any one farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer, and products being sold or produced.

2. Real Estate signs which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. In the residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed 12 square feet in the Agriculture-Residential Zone. Corner lots in Residential Zones shall be permitted two (2) signs.

3. Name, occupation, and warning signs not to exceed two (2) square feet located on the premises. Corner Lots shall be permitted two (2) such signs.

4. Bulletin boards or similar devices for churches and religious institutions shall not exceed 32 square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet; Religious signs may be erected off the immediate premises.

5. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a building.

6. Official signs such as traffic control, parking restrictions, information and notices.

7. Temporary sign or banners when authorized by the Town Plan Commission.

C. R-1 RESIDENTIAL DISTRICTS

In this district, all signs shall be of a non-flashing or non-illuminated type.

1. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
2. No sign shall project higher than one (1) story or eight (8) feet above the finished ground level, whichever is lower.
3. Non-Residential building use in a residential district shall have no sign larger than 12 square feet in area and displaying only the name and address of the building.
4. No sign shall project beyond the property line into the public way.
5. Signs shall be set back 10 feet from any yard in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

D. B-1 COMMUNITY BUSINESS DISTRICT

All signs hereafter established within the Community Business Zone Districts shall conform to the following regulations set forth.

1. All signs advertising or displaying business places shall be constructed on the said business premises only. Business signs constructed off the premises shall be permitted only upon written approval by the Town of Holland Plan Commission.
2. Illuminated and flashing signs shall be permitted only in the Community Business District.
3. Roof signs shall not exceed five (5) feet in height above the peak of the roof. The sign shall further comply with the height and yard requirements of the district. No roof sign shall exceed 100 square feet of area on all sides combined for any one premises.
4. Window signs shall be placed only on the inside of business buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed 500 square feet in area for any one (1) premises, and shall not exceed 20 feet in height above the average ground level.
6. Ground signs shall not exceed 20 feet in height above the average ground level; shall meet all yard requirements for the district and shall not exceed 200 square feet in area on all sides combined for any one (1) premises.

7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed 100 square feet in area for all sides combined on any one (1) premises; shall not extend more than 10 feet into any required yard; shall not exceed a height of 20 feet above the average ground level; and shall not be less than 10 feet above any pedestrian way, not less than 15 feet above a driveway.

8. One (1) pedestal - type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of 25 feet, shall be permitted per use in the Community Business District Zone. Such sign shall not exceed a total area of 50 square feet on a side.

9. No sign shall be permitted within 50 feet of any residence.

10. No sign shall be closer than 40 feet to the intersection of the right-of-way lines of any intersection road.

11. No sign shall extend into the public way.

12. Signs located within corner lots shall conform to yard setbacks.

13. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this ordinance.

E. I-1 LIMITED INDUSTRIAL DISTRICT

All signs hereafter established within the Limited Industrial Zone District shall conform to the following regulations set forth.

1. All types of flashing signs shall be prohibited in the Industrial Districts.

2. Illuminated signs shall be permitted within the district.

3. Pedestal-type signs shall be permitted with the conditions set forth in Article XI, Section D - Community Business Districts.

4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in article XI, Section D - Community Business District.

5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.

ARTICLE XII - OFF-STREET PARKING REQUIREMENTS

The following regulations shall apply to all zone districts within the Town of Holland.

A. GENERAL

1. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.
2. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provisions of the parking spaces under this ordinance shall conform to the requirements as set forth herein.

B. SIZE

1. Each required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles.
2. All angle parking shall conform to the requirements as set forth.

Angle (in Degrees)	Stall Depth *	Width of Aisles *
30	17	12
45	19	15
60	20	18
90	18	28

* IN FEET

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

C. PLANS

1. Except for residential uses, the design of parking lots and areas shall be subject to the approval of the Town Plan Commission in accordance with standards herein required.

D. PARKING STANDARDS

1. Single-Family Dwellings - 2 spaces for each dwelling unit.
2. Two-Family Dwellings - 1 ½ spaces for each dwelling unit.
3. Multi-Family Dwellings- 1 ½ spaces for each dwelling unit.
4. Motels - 1 space for each guest room plus 1 stall for each 3 employees.
5. Hotels - 1 space for each 2 guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms or nightclubs facilities in the hotel.

6. Lodging, rooming and Boarding Houses - 1 space for each 2 beds plus 1 stall for each 3 employees.
7. Churches and places of Worship -1 space for every five seats.
8. Hospitals - 1 space for each 2 hospital beds, plus 1 parking space for each 2 employees (other than staff doctors), plus 1 parking space for each doctor assigned to the staff.
9. Medical and Dental Clinics - 3 parking spaces shall be provided for each doctor.
10. Sanitariums, Rest Homes , Convalescent Homes , and Nursing Homes - 1 parking space for each 4 beds, plus 1 parking space for each 2 employees (other than staff doctors), plus 1 parking space for each doctor assigned to the staff.
11. Elementary Schools - 1 parking space for each employee.
12. Junior High Schools - 1 parking space for each employee.
13. Senior High Schools - 1 space for each employee, plus 1 space for each 10 students in the school.
14. Colleges & Universities - 1 space for each employee, plus 1 space for each 6 students.
15. Public Libraries, Art Galleries, Museums - 1 space for each 500 square feet of gross floor space.
16. Fraternities, Sororities & Dormitories - 1 space for each 3 residents, plus 1 space for the manager.
17. Restaurants - parking space equal to 50% capacity in persons, plus 1 space for each 3 employees.
18. Taverns - parking spaces equal in number to 60% of the capacity in persons.
19. Bowling Alleys - 6 parking spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.)
20. Swimming Pools & Skating Rinks - parking spaces equal in number to 30% of the design capacity shall be provided.
21. Amusement Establishments not listed and Amusement Parks - parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, to serve persons employed, as well as the visiting public.
22. Stadiums, Ball Parks and Outdoor Arenas - parking spaces shall be provided at the rate of 30% of the maximum capacity of persons using and /or observing activities at these facilities during a 24 hour period.
23. Golf Courses - 1 parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, Restaurants, and related uses shall require additional spaces).
24. Driving Ranges - 2 parking spaces shall be provided for each tee.

25. Private Clubs - 1 parking space shall be provided for each lodging room, plus parking spaces equal in number to 30% of the maximum capacity in persons of such clubs.

26. Recreational Buildings and Community Centers -- Non-Commercial - parking spaces equal in Number to 30% of the capacity in persons shall be provided.

27. Convents, Seminaries, Monasteries, nunneries, Rectories, Parsonages, Parish Houses, and Religious Retreats - 1 parking space shall be provided for each 2 employees, plus additional parking spaces equal in number to 5% of the maximum capacity of professional persons residing on the premises at any one time.

28. Riding Academies & Commercial Stables - 1 parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Zoning Committee, to serve the visiting public.

29. Shopping Centers - 8 parking spaces for each 100 square feet of gross floor area in the center.

30. Warehousing and Wholesaling Establishments - 1 parking space for each 2 employees.

31. Junk Yards, Salvage Yards and Auto Grave Yards - 1 space shall be provided for each 2 employees, plus one space for each 500 square feet of lot area.

32. Animal Hospitals & Kennels - 3 parking spaces shall be provided for each employee.

33. Airports & Commercial Heliports - 1 parking space for each 150 square feet, plus additional employee space shall be provided in the ratio of one space for each 2 employees working the same shift, based on the maximum number of employees working the same shift.

34. Automobile & Truck Service Stations - 1 parking space for each employee, based on the maximum number of employees working the same shift, as well as on additional space shall be furnished for each inside service bay.

35. Automobile Laundries - 1 space for each 2 employees, plus 1 space for manager, and in addition reservoir parking spaces equal to 5 times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greatest number possible of automobiles undergoing some phase of laundering and drying at the same time.

36. Building Material Sales - 1 space shall be provided for each 2 employees, plus additional space equal to 1 space for each 300 square feet of gross floor area in excess of 200 square feet.

37. Cartage & Express Facilities - 1 parking space shall be provided for each vehicle maintained on the premises, plus 1 space for each 2 employees.

38. Contractor or Construction Offices, Shops and Yards - 1 space shall be provided for each employee plus additional customer space shall be furnished at the rate of one additional space for each 5 employees.

39. Food Stores, Grocery Stores, Meat Markets, Bakeries, Delicatessens, Supermarkets, & Department Stores - 1 space shall be provided for each 150 square feet of gross floor area for the first 6,000 square feet, and one additional space shall be furnished for each 200 square feet of gross floor area in excess of 6,000 square feet.

40. Motor Vehicle Sales - 3 parking spaces shall be provided for each employee, plus additional spaces as deemed necessary to store those cars waiting to be serviced.

41. Offices, Business and Professionals - 1 parking space shall be provided for each 300 square feet of gross floor area.

42. Public Utility and service Uses - 1 parking space for each 300 square feet of gross floor area in excess of 400 square feet or 1 space for each 2 employees, whichever provides the greater amount.

43. Radio, Television Stations, & Studios - 1 space shall be provided for each 2 employees, plus 1 space for each 300 square feet of gross floor area in excess of 6,000 square feet.

44. Post Offices - 1 space shall be provided for each 2 employees, plus 1 space for each 200 square feet of gross floor area in excess of 3,000 square feet.

45. Undertaking Establishments - 1 parking space shall be provided for each 4 seats provided in each chapel or parlor.

ARTICLE XIII - INTERCHANGE ACCESS CONTROL

The regulations as set forth shall apply to present and future highways of freeways, expressways or limited access status. It shall promote the traffic safety, increase traffic efficiency and improve the appearance aesthetically of interchange areas.

A. DEFINITIONS

For the purpose of this article and ordinance, the following words are herein defined.

1. Expressway - Freeway - a highway or roadway having designated control points of access.
2. Interchange Highway - a highway or roadway of state, county or town status and not having controlled points of access.

B. GENERAL

1. All present and future highways having limited access control shall be indicated as lying within an Interchange Access Control Area.
2. Frontage roads shall be required for access to and development of property abutting highways of expressway or freeway status.

C. LIMITATION OF ACCESS

1. There shall be no access points within 500 feet of the most remote end or taper of any existing or proposed entrance or exit ramp or an interchange or controlled access highway.
2. Frontage roads of not less than 66 feet right-of-way shall be provided across the entire width or length of any lot that abuts on a controlled access highway.
3. Frontage road access shall be onto an adjoining state, county, or town roads intersecting the access controlled highway.

D. SETBACKS

1. Minimum setback for buildings and structures along expressways, freeways, or limited access highways shall be 150 feet from the highway right-of-way.
2. Buildings and structures shall be set back at least 80 feet from the point of intersection between the controlled access highway and the state, county, or town road intersecting said highway.
3. Building shall be set back 35 feet from all frontage road rights-of-way except where more stringent requirements are applicable.

ARTICLE XIV - ARTIFICIAL LAKES

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Holland.

A. LOCATION

1. Artificial lakes shall be allowed as Conditional Uses in the Agriculture-Residential Zones.

B. PERMIT

1. The property owner, developer or his assigned agent shall make application for an Excavation Permit to the Town Zoning Committee prior to construction.

2. The Town Zoning Committee shall review and approve the site plan before issuing the Excavation Permit.

C. SITE PLANS

1. A map drawn at a minimum scale of 1 inch = 200 feet showing the proposed lake size and the adjoining property within 500 feet of the site.

2. Layout of proposed residential lots and other buildings if applicable.

3. The type of sanitary facilities to be installed if residential development is to take place.

4. Source of water supply for residential dwellings and water level maintenance in the lake.

5. Surface drainage sources and topography.

6. Proposed Roadways.

D. LAKE SIZE

1. Any artificially constructed lake 2 acres or Larger in area shall adhere to the conditions of this ordinance.

2. The center of the lake shall be excavated deep enough to maintain a water depth of 10 feet.

E. OTHER REQUIREMENTS

1. The constructed lake shall meet the requirements of the Brown County Water Laws Codes.

2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.

3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.

4. The ground water table in the surrounding area and adjacent to the lake shall be protected.
5. State Permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health requirements shall be met insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Holland.

ARTICLE XV - EARTH EXCAVATION

The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Holland.

A. GENERAL

1. All new sand pits, gravel pits and stone quarries shall come under the jurisdiction of this ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site.

B. EXEMPTIONS

The following uses shall be exempt from the provisions of this ordinance:

1. Excavation and removal of less than 100 cubic yards over a period of one year from any single parcel of land.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

C. PERMIT

1. Application for a permit to excavate or remove earth material shall be made to the Holland Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Holland.
2. The application shall contain the required information as specified in Section D, Article XV, of this ordinance, prior to the issuance of an Excavation Permit.
3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year from date of issuance.
4. Upon expiration of the permit, the Town Planning Commission shall inspect the site before reissuing the permit. If the regulations have been complied with, the permit shall be reissued.

D. SITE PLANS

The following information shall be required on a site plan prior to issuing an Excavation Permit.

1. A map showing the location of the premises and the adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than 1 inch to 200 feet.
2. Contour intervals of the proposed site at intervals of 20 feet when available.

3. Existing and proposed drainage patterns of the site.
4. Propose regarding and revegetation of the site after completion of excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and location of temporary or permanent buildings to be erected on the site.
7. Approximate amount of earth material to be excavated or removed at the site.
8. Approximate number of trucks and other types of machinery to be used at the site.
9. Designated hours of operation.

E. TRUCKS AND MACHINERY

1. No fixed machinery shall be erected or maintained within 200 feet of any property or street line.
2. Trucks access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. MATERIAL HANDLING

1. No excavation shall take place within 50 feet of any property line or street line if below the established grade of street.
2. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.

G. EXCAVATION SITES

1. The excavation of earth materials shall be allowed as Conditional Uses in the Agriculture Zones.

H. OTHER REQUIREMENTS

1. At all stages of operations proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendations of the Town Plan Commission.
3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal - vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four (4) inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

4. If the excavation site shall fall within a county Floodplain, Shore land or Conservancy Zone District, the regulation as set forth in the Shore land - Floodplain Protection Ordinance for Brown County shall apply.

5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.

6. Any violation of this Article shall be subject to the regulations of the Penalty Clause in Article XVII, Administration and Enforcement of this Ordinance.

7. A performance Bond of \$1000 per acre shall be required of the excavator.

ARTICLE XVI - NON-CONFORMING USES

The purpose and intent of this article is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to continue.

A. GENERAL

Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this ordinance subject to the regulations which follow.

1. If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the building, structure, land or other use shall thereafter conform to the provisions of this ordinance.
2. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to the extent of more than 60 percent of its current local assessed value, it shall not be restored except as to comply with the use provisions of this ordinance.
3. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.
4. Repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
5. No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.
6. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Plan Commission.

ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT

This section of the ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this ordinance.

A. GENERAL

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.

2. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variances, appeals, amendments, conditional uses, fees and penalties.

B. ZONING ADMINISTRATOR

The Town of Holland Zoning Administrator shall have the following duties:

1. Issue all building permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.
3. Issue all rezoning certificates and make and maintain records thereof.
4. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
5. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
6. Forward to the Town of Holland Plan Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator.
7. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
8. Maintain permanent and current records of this ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
9. Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.

C. ZONING BOARD of APPEALS

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.

1. JURISDICTION

The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

A. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this ordinance.

B. Hear and pass upon the application for variance from the term provided in this ordinance in the manner prescribed by and subject to the standards established herein.

C. Hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

2. MEETINGS and RULES

A. All members of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.

B. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.

C. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Holland.

D. the Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

E. the Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other Official actions.

F. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.

G. the Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as deemed necessary.

3. DECISIONS

All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance shall be by the concurring vote of four members of the board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

4. BOARD MEMBERSHIP

A. the Zoning Board of Appeals shall consist of five (5) members appointed by the Holland Town Chairman and subject to confirmation by the Holland Town Board.

B. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.

C. The members shall be removed by the Town Board for cause upon written charges.

D. Vacancies shall be filled for the unexpired term of members. The Town Chairman Shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Holland.

D. TOWN PLAN COMMISSION

The Town Plan Commission shall be the authorizing planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

1. JURISDICTION

The Holland Town Plan Commission shall carry out the following duties under this ordinance.

A. Review all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses.

B. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusions and recommendations to the Holland Town Board.

C. Hear and decide matters upon which it is required to pass under this ordinance.

2. MEETINGS

A. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.

B. the Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or fail to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

3. DECISIONS

All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. MEMBERSHIP

A. the Town Plan Commission shall consist of seven (7) members as provided by Section 62.23 of the Wisconsin State Statutes.

B. Commission membership shall consist of the Town Chairman, who shall be its presiding officer, one (1) town board member and five (5) citizens.

C. the Town Plan Commission members shall be removable by the Town Board of Holland for cause upon written charges.

D. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Holland.

E. BUILDING PERMIT

1. No building or addition thereto, constructed after the effective date of this ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this ordinance.

2. Application for said building permit shall be made in writing to the Holland Town Zoning Administrator by the land owner or his authorized agent.

3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well.

4. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XVII Section G, Plats.

5. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.

F. OCCUPANCY CERTIFICATES

1. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the building permit was based.

2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Zoning Administrator is notified in writing that the premises or building are ready for occupancy.

3. All occupancy permits shall be issued by the Holland Zoning Administrator.

G. PLATS

1. All applications for building permits for business and industrial uses shall be accompanied by the following:

A. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of 1 inch to 100 feet showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer”, the piece of parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.

B. A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.

C. Said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

H. VARIANCES

1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

2. STANDARDS FOR VARIANCES

Variances may be granted by the Board of Appeals only when:

A. Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

B. Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.

C. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

D. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

E. Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

3. AUTHORIZED VARIANCES

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

I. APPEALS

1. SCOPE OF APPEALS

A. An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.

B. Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the grounds thereof.

C. the Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. FINDINGS ON APPEALS

A. An appeal shall terminate all further proceedings on action unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of records or notice from the Town Plan Commission on due cause.

B. the Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Holland.

C. the Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.

D. The zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that in its opinion, ought to be done- and to that end, shall have all the powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

J. AMENDMENTS

1. AUTHORITY

The Holland Town Board may, from time to time in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent purpose of said changes as per Article II of this ordinance.

2. INITIAION

Amendments may be proposed by any governmental body, interested person or organization.

3. APPLICATION

An application for an Amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

4. HEARING NOTICE

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published and provided in the state law on planning and zoning and applicable to the Town of Holland.

5. FINDINGS AND RECOMMENDATIONS

A. the Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.

B. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses or property within the general area of the property in question.
2. Zoning classification of property within the general area of the property in question.
3. Suitability of the property in question to the uses permitted under the existing zoning classification.
4. 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.

5. The plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification then that requested by the applicant.

6. 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.

6. TOWN BOARD ACTION

A. the Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.

B. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this ordinance, be 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 there from ,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 or amendments shall not become effective except by the favorable vote the full Town Board membership.

C. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board it shall be deemed to have been denied.

K. CONDITION USES

1. PURPOSE

To Place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.

2. INITIATION

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. APPLICATION

The application for a conditional use shall be filed with the Holland Town Plan Commission on a form so prescribed by the Town of Holland. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. HEARING ON APPLICATION

Upon receipt in proper form of the written recommendation referred to in Section K-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. AUTHORIZATION

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 quarantines that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the Holland Town Board, it shall be deemed to have been denied.

6. STANDARDS

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, Purpose and Sever ability.

7. CONDITIONS AND GUARANTEES

Before issuing a conditional use permit, the Town Plan Commission may recommend and the Town Board shall stipulate, such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section K-6 above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

L. FEES

Any application for an Amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of \$25.00. The fee for variances and appeals shall be \$10.00. All fees shall be paid to the Town Treasure.

M. PENALTIES

Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this ordinance by any person., firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use.

The Zoning Administrator shall report all such violations to the town attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less then \$10.00 nor more then \$200.00 together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail untill payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of Holland from maintaining any appropriate action to prevent or remove a violation of this section.

ARTICLE XVIII - TELECOMMUNICATIONS

1 .Personal Communications Service

A. Conditional Use

No structure shall be built and no antenna shall be erected or placed, and no such structure or antenna shall be used, as a facility for or in conjunction with the transmission and receipt of telecommunications, radio frequencies, television and/or visual images, microwaves, or similar electromagnetic waves, unless the same shall first have been approved as a conditional use under Section 11.26. A conditional use allowed under this section shall be effective for ten (10) years, or for such shorter of time as prescribed by the grant for the antenna use; but may be renewed for periods not to exceed ten (10) years each, upon petition submitted under Section 11.26.

B. Application

This section shall apply to all zoning districts in the Town. This section shall not apply to:

1. Property owned or leased by the Town of Holland if a license or lease authorizing such structure or antenna has been granted by the Town Board.

2. Any tower or antenna which is less than seventy (70) feet in height and:

A. that is owned and operated by a federally licensed amateur radio station operator; or

B. that is used exclusively for receive only antennas.

C. General Provisions

1. All structures shall comply with all other applicable provisions of the building, electrical and plumbing ordinances of this code; except that the height of antennas may exceed the limitations set forth in a section of the zoning ordinance other than this section 11.27.

2. In the event that less than the whole of a lot or parcel is leased for such structure or antenna, the whole of the lot or parcel shall determine whether or not the location and site of the structure or antenna meets setback and other zoning requirements and restrictions.

3. A structure or antenna may be considered either a principal or accessory use. A different existing use, or an existing structure, on the same lot shall not preclude the installation of a structure or antenna for Personal Communication Service. Any structure which is constructed and any antenna which is installed, in accordance with the provision of this ordinance shall not be deemed to constitute an extension or expansion of a non conforming use.

4. All structures and antennas must meet or exceed applicable current standards and regulations of the Federal Aviation Administration ("FAA"), the Federal Communications Commission (: FCC), the Electronic Industries Association, and any other agency or body of the federal government or of this state;

and in the event of differences in such standards or regulations the most stringent and restrictive shall be applicable. If such standards or regulations are changed, such structures and antennas shall be brought into compliance with such revisions within six (6) months of the effective date of the revisions, and a failure to do so shall be cause for revocation of the conditional use under Sec 11.26 E c.

5. In the event of the revocation of the conditional use granted under this section, the structure or antenna erected pursuant thereto shall be removed from the date of revocation; and in the event that the structure or antenna is not removed within such a period of time, the Town may remove it and charge the Cost of the same to the owner of the property upon which it was located.

6. The petition for a conditional use permit shall include the following, and such other information and documentation requested by the Town Board:

A. Height, size and location and site of the structure and antenna.

B. Screening, fencing and landscaping.

C. Setbacks.

D. Design, general appearance and compatibility with existing neighborhood use and appearance.

E. Proposed driveway and sidewalk, and external ladders and steps.

F. Requirements for sewer, water, electricity and other utilities, and proposed locations for meters and controls.

G. Lighting and safety measures.

H. Specific information about the location (including distance from the proposed site), height and design of each antenna within an area, the perimeter of which is one-quarter mile outside of the boundaries of the own.

7. No on-site signage or other identification shall be permitted for any conditional use granted under this section.

8. No new permit shall be granted for construction of a telecommunications tower unless evidence is first presented by an engineer licensed by this State that:

A. No existing towers or structures meeting petitioner's engineering requirements are located within the geographical area.

B. Existing towers or structures within the geographical area are not of sufficient height to meet petitioner's engineering requirements, or do not have sufficient structure strength for the proposed antenna and related equipment.

C. No electromagnetic interference would be caused by an existing antenna on an existing tower or structure, or would be caused to such antenna, if petitioner's antenna was added to such tower or structure.

9. No telecommunication tower shall be buildt, maintained or operated in a residential district.

10. No antenna or other structure shall be built, maintained or operated on or upon any structure which is non-conforming to the requirements of the zone in which it located.

(Add to definitions)

PERSONAL COMMUNICATIONS SERVICE

A provider or personal wireless service facilities as now defined in section 704 of the Telecommunications Act of 1996, 47 U.S.C 332, and as the same may be amended from time to time.

PERSONAL WIRELESS FACILITIES

Transmitters, antenna structures and other types of installations used to provide personal wireless services.

PERSONAL WIRELESS SERVICE

A commercial or for-profit provider of personal wireless services, including but not limited to personal communications service, cellular radiotelephone service, and paging, which are available to all or a substantial portion of the public to access or receive calls from the public switched telephone network. It includes services which are not licensed by the Federal Communications Commission, and common carrier wireless exchange access services. It dose not include the providing video programming signals from the direct broadcast satellites, multichannel multiple distribution (wireless cable) providers and television broadcast stations.

Adopted April 7, 1997

ARTICLE XIX - HAZARDOUS WASTE

1. An ordinance prohibiting the spreading of whey, waste products, or other materials hazardous or harmful to land, water or health in the Town of Holland, Brown County, Wisconsin.

The Town Board of the Town of Holland does ordain as follows:

Section 1: No person shall, from the date of this ordinance, dump or spread on any public property or private property within the Town of Holland any whey, waste products, or any other materials which are, or which could become with the passage of time, harmful to the health and welfare of the inhabitants of the Town of Holland.

Section 2: No Person shall be permitted any use of property, substances or things within the Town of Holland which emits or cause any foul, offensive, noisome, noxious or disagreeable orders, gases, effluvia or stenches which are extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of person within the Town.

A. This shall also include the land spreading of contaminated petroleum materials.

Section 3: Any person in violation of this ordinance shall be fined \$1000.00 for initial violation and \$300.00 per day for each day the violation continues until abated.

Section 4: This ordinance shall become effective upon its passage and publication according to law.

Adopted July 7, 1997

ARTICLE XX - MUNICIPAL COURT

AN ORDINANCE TO CREATE SECTION 7306 OF THE MUNICIPAL CODE OF THE TOWN OF HOLLAND TO CREAT A JOINT MUNICIPAL COURT; PER 66.0301 OF THE WISCONSIN STATUTES.

THE TOWN BOARD OF THE TOWN OF HOLLAND, DO ORDAIN AS FOLLOWS:

SECTION 1:

1: Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is herby created and established a Joint Municipal Court to be designated "Brown County Joint Municipal Court" said court to become operative on August 1,2006. Operations of the Brown County Joint Municipal Court shall be governed by an agreement entered into by the Member Municipalities.

2: Municipal Judge

Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in 757.01(1), Wis. Stats., and a bond. The Judge shall not act until the oath and bond have been filed as required by 10.01(4)(C) Wis. Stats., and the requirement of 755.03(2) have been complied with.

Salary: The salary of the Municipal Judge shall be fixed by the Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by 755.03, Wis. Stats., and filed pursuant to 19.01(4) (c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to 66.0301 Wis. Stats.

3: Elections (Amended June 2,2008)

Term: The Municipal Judge shall be elected at large in the spring election in odd -numbered years for a term of four (4) years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Wis. Stats. 8.10 and selection at a primary election if such is held as provided in 8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

4: Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after August 1, 2006 as provided in Article VII, 14 of the Wisconsin Constitution, 755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to this agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of 938.17 (2) (cm), Wis. Stats.

5: Municipal Court

Hours: The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

Employees: The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Town Boards of the municipalities that are parties to the agreement.

6: Collection of Forfeitures and costs

The Municipal judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and cost shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

7: Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under 800.12 Wis. Stats. And may impose a forfeiture therefore not to exceed Fifty dollars (50.00) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

8: Abolition

The Municipal Court hereby established shall not be abolished while the 755.01 (4) agreement is in effect.

Section 2:

All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

Section 3:

This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

ARTICLE XXI - RECREATIONAL VEHICLES

1: Purpose

The purpose of this Ordinance is to limit the use of recreational vehicles

2: Definition of Recreational Vehicles

A: Four Wheelers

B: Snowmobiles

A. Four Wheelers

1: Motorized four-wheel vehicles will not be allowed on the portion of the Fox River Trail, which lies in the Town of Holland.

2: Motorized four-wheel vehicles will be allowed on town roads if they have both a DNR license or a farm permit.

B. Snowmobiles

1: Snowmobiles will be permitted on the Fox River Trail when conditions permit.

Adopted May 3, 2004

ARTICLE XXII - LARGE AND SMALL WIND ENERGY FACILITY

A: Wind Energy Facilities:

The following shall apply to all wind facilities as defined in Section C of this ordinance hereinafter constructed or developed within the Town of Holland.

B: Purpose:

The purpose of the Wind Energy Facility Ordinance is to provide a regulatory scheme for the construction and operation of wind energy systems in the Town of Holland, subject to reasonable restrictions, which will preserve the public health and safety. This ordinance will distinguish between a large wind energy system and a small energy system.

C: Definitions:

1. **Commission:** The Town of Holland Planning Commission.

2. **Decommissioning:** The process of use termination and removal of all or part of a large wind energy facility by the owner or assigns of the large wind energy facility.

3. **Good Utility Practice:** Good Utility Practice means any of the practices, methods and acts with respect to the safe operation of a Large Wind Energy Facility engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind turbines during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.

4. **Inhabited Structures:** A permanent building existing prior to the condition use application used for human or animal habitation.

5. **Karst Feature:** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.

6. **Landowner:** The person who owns the property on which a wind energy system is located.

7. **MET Tower:** A meteorological tower used for the measurement of wind speed.

8. **Total Height:** When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.

9. **Non-Participating Property:** Real property that has no wind energy system.

10. **Owner:** The person or entity who develops, operates or owns a wind system, whether an individual, proprietorship, corporation, association, partnership, limited liability entity or any other legal entity. For purposes

of this ordinance Owner also includes the applicant.

11. **Shadow Flicker:** Moving shadows caused by the rotation of the turbine blades in front of the sun.

12. **Town:** Town of Holland, Brown County, Wisconsin.

13. **Use Termination:** The point in time at which a large wind energy facility owner provides notice to the Town of Holland that the Large wind energy facility or individual wind turbines are no longer used to produce electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

14. **Wind Energy Facility, Large:** An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

15. **Wind Energy System, Large:** A wind energy system of (1) one wind tower and turbine that has a nameplate capacity of more than one hundred (100) kilowatts and a total height of more than one hundred seventy (170) feet and less than five hundred (500) feet and is used to generate energy for commercial sale.

16. **Wind Energy System, Small:** A wind energy system of one (1) wind tower and turbine that is used to generate electricity with a total height of 170 feet or less and has a name plate capacity of 100 kilowatts or less.

17. **Wind Turbine:** A wind energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer.

D. Regulatory Framework.

1. Zoning

a. Large wind energy facilities may only be constructed in areas zoned Agriculture with an approved conditional use and building permit from the Town of Holland.

b. Small wind energy systems may be constructed in areas zoned Estate Residential, Agriculture, Business, or Industrial with an approved conditional use and building permit from the Town of Holland.

2. An applicant for a large wind energy facility may request, at applicant's expense, a pre-application public meeting with the Town Board and Planning Commission, at which no official Town action shall be taken. A pre-application public meeting may be held in order for the applicant to:

a. Inform Town residents of the project and provide answers to Town residents with questions.

b. Provide informational displays of the areas of the Town that meet the requirements of the Town ordinance and are likely locations for a wind turbine tower.

c. Town residents not able to attend the meeting shall have the option to provide written comments or questions to the applicants and/or Town.

d. In no instance shall this meeting take the place of a formal public hearing for the conditional use permit.

3. Application for a conditional use permit for a large or small wind facility shall be submitted to the Zoning Administrator with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed large wind energy facility.

c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), state and local building codes. The FAA will issue a signed statement when the precise location has been determined. Building permits will not be issued prior to receiving all signed statements, but a conditional use permit may be granted.

d. The applicant shall also provide copies of the Proof of a Certificate of Authority from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Assessment, if applicable.

e. A description of the number and kind of wind energy system(s) to be installed.

f. A description of the large or small wind energy system(s) height and design, including a cross section, elevation, and diagram of how the wind energy system will be anchored to the ground.

g. A site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2 foot contours for the subject site and 100 feet beyond the subject site, karst features, support facilities, access, proposed landscaping or fencing.

h. Photo exhibits visualizing the proposed wind energy system.

i. A statement from the applicant that all wind energy system(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

j. A copy of the Memorandum of the lease, or recorded document, with the landowner if the applicant does not own the land for then proposed large wind energy facility(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the conditional use permit, if approved. If the applicant does not have a signed lease with the landowner, but the landowner has given the applicant written permission to include their parcels in the applicant's request for a conditional use permit, the Town may grant a conditional use permit to land not leased by the applicant.

k. A statement indicating what hazardous materials will be used and stored on the site, and how those materials will be stored.

l. A statement indicating how the wind energy facility will be lit, if applicable.

4. A site grading, erosion control and storm water drainage plan will be submitted to the Zoning Administrator prior to issuing a building permit. At the Town's discretion, these plans may be reviewed by the Town's engineering firm. The cost of this review will be the responsibility of the Owner of the large wind energy facility.

5. The applicant shall acquire all other permits, including driveway/culvert permits and permits for work done

in right-of-ways prior to construction.

6. Wind energy systems may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine at Town Board discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.

7. An applicant may submit one conditional use permit application for an entire large or small wind energy facility project located in the Town of Holland, provided that a detailed map identifying parcel locations for all proposed wind turbines are provided to the Town of Holland at the time a conditional use application is submitted.

8. No grading, filling, or construction may begin until the Town of Holland Zoning Administrator issues a building permit. A separate building permit is required for each wind turbine to be constructed.

9. A certificate of insurance with a minimum of \$2,000,000 liability coverage per incidence, per occurrence shall be required. Each renewal period will require a copy of certificate of insurance be provided to the Town of Holland. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the conditional use permit. The insurance afforded to the Town as an additional insured shall be primary insurance and not excess over, or contributing with, any insurance purchased or maintained by the Town.

10. The Town of Holland shall require an irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, held in trust in favor of the Town of Holland to recover the cost associated with removal of a use terminated wind generator and appurtenant facilities. The amount of the irrevocable letter of credit, bond, cash escrow, and/or personal guarantee, shall be negotiated by the Town of Holland prior to conditional use permit approval and shall remain in effect until released by the Town. The Holland Town Board will determine which method will be allowed.

11. A wind energy facility authorized by conditional use permit shall be started within twenty -four (24) months of conditional use permit issuance and completed within thirty-six (36) months of conditional use permit issuance, or in accordance with a timetable approved by the Town Board. Upon request of an applicant, and for good cause, the Town Board may grant an extension of time.

12. The applicant shall submit a copy of all "as built plans" including structural engineering and electrical plans for all towers following construction to the Town to use for removal of large wind energy facility, if large wind energy facility owner or its assigns fail to meet the requirements of this Ordinance.

13. The Town may require additional conditions to ensure safety and proper land use fit to the surrounding area.

14. The Town of Holland will review any conditional use permits granted every five years to ensure that all conditions of the permit are being followed.

15. The conditional use permit issued to the Owner is not assignable (except as collateral to obtain financing) or transferable to any other person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town, which consent is not to be unreasonably withheld. In addition to any other requirement imposed by the Town with regard to a proposed assignment, the assignee must submit an affidavit demonstrating its agreement to assume all of the Owner's rights, duties and obligations under the conditional use permit, including, without limitation, the financial security provisions.

E. Applicability

The requirements of this Ordinance shall apply to all large and small wind energy facilities proposed after the effective date of this Ordinance. Wind energy facilities for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this ordinance; provided, however, that any such pre-existing wind energy facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this Ordinance.

F. General Requirements for Wind Energy Facilities.

1. Principal or Accessory Use.

a. Wind energy systems may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a large wind energy facility or a part of such facility on such lot. Large wind energy facilities constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. A building permit, issued by the Town of Holland Zoning Administrator shall be required for each individual wind turbine prior to construction of said turbine.

2. Design and Installation.

a. Wind turbines shall be painted a non-reflective, non-obtrusive, such as gray, white, or off-white. Wind energy systems may be considered either principal or accessory.

b. At large wind energy facility sites, the design of the building and related structures shall, to the extent possible, use materials, color, textures, screening, and landscaping that will blend the large wind energy facility to the natural setting and existing environment.

c. Owner is responsible for property maintaining all landscaping, including grass cutting.

d. Wind energy Facilities shall not be artificially lighted, except to the extent required by the FAA.

e. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the large wind energy facility.

f. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Shall regulation shall not be considered a sufficient braking system for overspeed protection.

g. To the extent applicable, all the large wind energy facilities shall comply with all applicable building codes and standards. To ensure the integrity of the wind turbines, the owner shall maintain the wind turbines in compliance with Good Utility Practice for wind turbines. If, upon inspection by and advice to such effect from a qualified expert in Good Utility Practice, the Town reasonably concludes that any of the wind turbines fail to comply with Good Utility Practice or constitute a danger to persons or property, then upon notice being provided to the Owner, the Owner shall have 30 days to bring the non-compliant wind turbines into compliance with such

standards, or if the 30 days is insufficient time to cure the non-compliance, the Owner will present a plan to the Town describing the reason for the delay and the timeframe for the cure to be put in place.

h. Electrical controls, control wiring, and power lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

i. All electrical components of the wind energy facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

j. At the discretion of the Town, the Town may hire an Electrical Engineering Consultant to oversee the installation of the turbines. The cost of the Electrical Engineer will be the responsibility of the owner of the large wind energy facility.

k. The owner of a wind energy facility shall defend, indemnify, and hold harmless the Town of Holland and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind energy facility without limitation, whether said liability is premised on contract or tort.

l. The owner of the wind energy facility (applicant) shall reimburse the Town and/or County for any and all repairs and reconstruction to the public roads, culverts, and natural drainage ways resulting directly from the construction of the large wind energy facility. A qualified independent third party, agreed to by the Town and/or County and applicant, and paid for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the large wind energy facility and again upon notification of completion of the large wind energy facility project is complete. Any road damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense. The Town of Holland may require a bond or cash escrow, held in trust in favor of the Town of Holland to recover the cost associated with the repair of roadways damaged by the construction of any turbines.

m. Where large wind energy facility construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to property drain the site to the satisfaction of the landowner.

n. Any recorded access easement across private lands to a wind energy facility shall in addition to naming the wind energy facility owner as having access to the easement shall also name the Town of Holland as having access to the easement for purposes of inspection or decommission.

o. The owner of a large wind energy facility shall reimburse the Town of Holland for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. The Town shall submit copies of all related Town paid invoices to the large wind energy facility owner for repayment to the Town.

p. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve (12) months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be removed in accord with the removal provisions of this ordinance.

q. The large wind energy facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. This information will be supplied to the Town Clerk.

r. No blasting shall occur in connection with the construction of the facility unless the applicant has provided prior notification to the property owner, any abutting property owners, property owners within 1,500 feet of the blasting site, and the Town Board. All blasting shall be done in accordance with all applicable laws and regulations.

s. At the discretion of the Town, the Town may consult with the Land Conservation Office of Brown County to review site plans prior to construction to ensure the least amount of impact on farm fields and sensitive areas. The large wind energy facility owner will be responsible for all costs associated with this.

t. At the discretion of the Town, the Town may have Brown County Land Conservation and/or the DNR review site plans so sensitive areas can be identified. The wind energy facility operator will be responsible for any costs.

G. Setbacks.

1. Inhabited Structures.

a. Each large wind turbine shall be set back from the nearest inhabited structure a distance of no less than the greater of two (2) times its total height or one thousand (1,000) feet.

i. The Holland Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback. In no instance shall the setback be decreased to less than 1.1 times the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.

2. Each small wind energy system must be setback the height of the tower plus twenty (20) feet from any inhabited structure, property line, public road, or communication and/or electrical lines. A minimum of one (1) acre per wind energy system is required.

3. Property Lines.

a. Each wind turbine shall be setback from the nearest property line 1.1 times its total height.

i. The Holland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. This waiver shall be signed by the impacted owner(s) and recorded with the property with the Brown County Register of Deeds.

4. Public Roads.

a. Each wind turbine shall be set back from the nearest public road right-of-way a distance no less than 1.1 times its total height.

i. The Holland Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest.

5. Communication and Utility Lines.

a. Owner of a wind energy facility must meet all utility company setbacks and/or easements. Owner of wind facility is responsible for contacting the appropriate utility to determine location of all above and underground utility lines including, but not limited to, electricity, natural gas, petroleum, propane, cable, television, and fiber optic.

- b. Utility line and/or easement locations shall be provided to the Town of Holland for verification.

H. Karst Features and Ground Water.

1. The Town of Holland recognizes how susceptible our ground water supply is to contamination due to karst

features located in the Town. At the request of the Town, the owner/operator of the Large Wind Energy Facility may be required to run water tests on wells where wind turbine will be located, both prior and after construction of the turbine. The owner of the large wind energy facility will be financially responsible for any costs associated with the testing of wells. The Town Board will determine how large the test area needs to be based on factors such as where bedrock is located. The owner/operator of the large wind energy facility will be financially responsible for any contamination to wells, which tested acceptable prior to construction but are not acceptable after construction. The Town Board will determine the time period when the testing will take place.

I. Noise and Vibration.

1. Audible noise due to large wind energy facility operations shall not exceed 50 dBA for ten percent of the time over a continuous 24 hour period, when measured at any inhabited structure existing on the date of approval of a large wind energy facility building permit.

- a. If audible noise exceeds 50 dBA for ten percent of the time over a continuous 24-hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver is obtained from affected property owners.

- b. The Town of Holland reserves the right to review the repair plan and evaluate its effectiveness.

2. Wind Energy Facilities shall not create an audible steady, pure tone such as a whine, screech, hum, or vibration.

3. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior or potentially affected inhabited structures. Ambient noise level measurement techniques shall employ all practical means of reducing the affect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise level measurement location.

4. Any noise level emanating from a wind facility falling between two whole decibels shall be the higher of the two.

5. The applicant or wind turbine facility owner shall pay for reasonable noise monitoring or measurements, with need determined by the Town in response to demonstrable problems.

6. In the event the noise level resulting from the Wind Facility exceeds the criteria listed above, a waiver to said levels may be granted by the Town provided the following has been accomplished.

- a. Written consent from the affected property owners has been obtained stating that they are aware of the

large wind energy facility and noise limitations imposed by this ordinance, and that consent is granted to allow levels to exceed the maximum limits otherwise allowed; and,

b. A permanent noise impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advise all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

J. Minimum Ground Clearance.

1. The blade tip of any large wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

2. The blade tip of any small wind turbine shall, at its lowest point, have ground clearance of no less than thirty (30) feet.

I. Signal Interference.

1. The applicant shall mitigate any interference with electromagnetic communications, such as, but not limited to, radio, telephone, or television signals, including any public agency radio systems, caused by any large wind energy facility. (If the applicant is a public utility, s PSC 113.0707 also applies.)

J. Shadow Flicker.

1. The wind facility owner/operator shall make reasonable efforts to minimize or mitigate shadow flicker to any inhabited structure on non-participating landowner's property.

K. Ice Shedding.

1. The wind energy facility owner/operator shall ensure that ice from the wind turbine blades does not impact any non-participating landowner's property.

L. Avian Risk.

1. The wind energy facility owner/operator shall make reasonable efforts to minimize avian mortality from the operation of a large wind energy facility. The Town of Holland may require an avian risk study prior to issuance of a conditional use permit for a large wind energy facility. The owner/operator of the large wind energy facility may submit an Avian Risk study from another community in the State as long as the avian operations are similar and the study was not completed more than five (5) years prior to the conditional use permit request. The Owner is responsible for the cost of the study.

M. Waste Management.

1. All solid waste, whether generated from supplies, equipment, parts, packaging, or operating or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.

2. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

N. Safety.

1. All electrical wires and lines connecting each turbine to the next turbine shall be installed underground. The wires and lines running from the last turbine in a string to any substation connecting to the electric utility shall also be run underground, unless the Town determines that overhead lines would best serve the intent of the ordinance.
2. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level and must be located inside of the tower.
3. All access doors to wind turbine towers and electrical equipment shall be locked when unattended.
4. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and large wind energy facility entrances.
5. The large wind energy facility site and all structures shall have an annual inspection report of structural stability, at the cost of the large wind energy facility owner/operator, with a report filed with the Holland Town Clerk.
6. The owner/operator of the large wind energy facility shall coordinate with the Wisconsin Public Service Commission (PSC) to test for stray voltage before, during and after construction if requested by the Holland Town Board.
7. All Substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.
8. The owner/operator of the large wind energy facility shall post and maintain at each facility a 24 hour a day manned telephone number in case of an emergency.
9. The owner/operator of the large wind energy facility shall provide qualified personnel to conduct training sessions to emergency responders whenever requested by the Town Board.
10. The owner/operator of the large wind energy facility shall provide a company representative to accompany the local Fire Department Inspector during site visits. The owner/operator of the large wind energy facility shall comply with all applicable laws regarding those inspections.
11. The owner/operator of the large wind energy facility shall be responsible for the total cost of any incident(s) that occur on or at their facilities and/or properties.

O. Removal.

1. All Wind generators and appurtenances shall be removed from the site within seven (7) months or 210 days of use termination notice to the Town Board of Holland by the owner of the facility or its assigns.
 - a. Upon request of the owner or assigns of the large wind energy facility, and for good cause, the Holland Town Board may grant a reasonable extension of time.
2. The site shall be stabilized, graded, and cleaned of any debris by the owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.

3. Any foundation shall be removed to a minimum depth of eight (8) feet below grade, or to the level of the bedrock if less than eight (8) feet below grade, by the owner of the facility or its assigns.

a. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Brown County Register of Deeds.

4. Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner wants to keep the access road. The Town of Holland will not be assumed to take ownership of any access road unless through official action of the Town Board.

5. Removal shall conform to the contract between property owner and the owner/operator of the large wind energy facility, in addition to the requirements set forth in this ordinance.

P. Forfeiture.

1. Any wind generation facility, turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure.

2. Any wind generation facility that does not meet the requirements of this ordinance, including, but not limited to those dealing with noise or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby becoming the facility an unlawful structure.

3. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the Town Attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.

4. Any person, firm, corporation, agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less than \$1,000 and not more than \$5,000 per offense together with the cost of prosecution, and in default of payment of such forfeiture and cost shall be imprisoned in the County jail until payment of said forfeiture and costs of prosecution are made. Confinement to the County jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

5. This section shall not preclude the Town of Holland from maintaining any appropriate action to prevent or remove a violation of this section.

Q. Review.

1. Nothing in this ordinance shall be construed as limited an aggrieved person's right to a certiorari Review in Circuit Court as permitted by Wisconsin Law.

R. Severability.

1. The sections, paragraphs, sentences, clauses, articles and phrases of this ordinance are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining portions of this ordinance.

S. Fees.

1. Owners shall reimburse the Town's actual reasonable fees and costs incurred in the preparation, negotiation, administration and enforcement of the conditional use permit, including, without limitation, the Town's attorneys' fees, engineering consultant fees, meeting/hearing fees and the costs of public notices. The preceding fees are payable within 30 days of invoice. Unpaid invoices shall bear interest at a rate of 1% per month until paid. The Town may recover all reasonable cost of collection, including attorney's fees.

T. Impact Fees.

1. The Town of Holland retains the right to negotiate an Impact Fee on wind turbines with the owner/operator of a large energy facility.

U. Tax Hold Harmless.

1. The parties acknowledge that the shared revenue payments payable to the Town under current state law may be revised or revoked by future legislatures. If the shared revenue payments payable to the Town are eliminated or reduced, the Owner will pay to the Town an amount not less than the amount payable at the time of the issuance of the conditional use permit. The Owner's obligation to make such payments shall cease if the State adopts or implement a new mechanism to replace the shared revenue payments, to the extent that the new payment mechanism produces revenue not less than the revenue payable under the predecessor program.

The Parties further acknowledge that the shared revenue payments are paid to the Town Directly by the State of Wisconsin, not the Owner. Regardless, the Owner agrees to supplement the Town's annual shared revenue payments actually received by an amount equal to the annual percentage change of the Consumer Price Index means the U.S. Department of Labor, Bureau of Statistics, Consumer Price Index for the United States, All Urban Consumers, all Items, Unadjusted Index.

V. Defense of Land Use Decision.

1. In addition to the indemnification described above, the Owner shall reimburse the Town its reasonable attorney's fees incurred in defending any legal actions brought by third parties challenging the legality or enforceability of the conditional use permit. If the Town seeks reimbursement, it shall notify the Owner in writing promptly upon discovering any claim entitling it to a land use defense reimbursement, but in no event later than 60 days after receiving written notice of any action, lawsuit, proceeding investigation or other claim against it which may give rise to a claim for a land use defense reimbursement.

W. Time is of the Essence.

1. Time is of the essence in the performance of the requirements of the conditional permit.

