ORDINANCE # 04-21

ORDINANCE REPEALING AND RECREATING §§ 270-30 AND 270-31, AND AMENDING § 270-111 OF THE CODE OF THE VILLAGE OF BELGIUM, OZAUKEE COUNTY, WISCONSIN

BE IT ORDAINED by the Village Board of the Village of Belgium, Ozaukee County, Wisconsin, that the following sections of the Code of the Village of Belgium are hereby repealed and recreated, or amended as follows:

I. § 270-30 is repealed and recreated to read as follows:

§ 270-30. Hearing on permit application.

The Village Plan Commission shall hold a public hearing on each application giving public notice by publication of a Class 2 Notice under Chapter 985, Wis. Stats., indicating the time, place and purpose of such hearing. The Plan Commission may subsequently issue the conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application.

II. § 270-31 is repealed and recreated to read as follows:

§ 270-31. Review and approval; amendments

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and proposed operation.

A. The Plan Commission's decision shall be based on substantial evidence. In this Article substantial evidence means facts and information, other than merely personal preferences or speculation, directly related to the requirements and conditions the applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

B. If the applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or those imposed by the Plan Commission, the Plan Commission shall grant the conditional use permit.

C. The following standard conditions shall apply to every conditional use permit:

(1) The permit shall become effective upon execution by the property owner of an acceptance of the permit conditions in such form acceptable to the Village as to constitute an effective covenant running with the land;

(2) Operation of the use permitted shall be in strict conformity to the application and any and all plans and supporting documents submitted therewith and the

terms of the permit;

(3) The permittee and its agents and assigns shall comply with the requirements and provisions of all Village ordinances and state statutes and regulations and all other applicable regulations of any kind.

D. Conditions, such as landscaping, architectural design, type of construction, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

E. Any condition imposed must be related to the purpose of this chapter, must be based on substantial evidence, must be reasonable and, to the extent practicable, measurable, and may include conditions such as the permit's duration, transfer and renewal. The applicant must demonstrate that the application and all requirements and conditions established by the Plan Commission relating to the conditional use permit are or shall be satisfied, both of which must be supported by substantial evidence. The Plan Commission's decision to approve or deny a permit must be supported by substantial evidence.

F. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in Article **XII** of this chapter.

G. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of the order of denial, except on grounds of new evidence or proof of change of factors found valid by the Plan Commission.

H. Once issued, the conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed and regardless of ownership of the subject property, unless the Plan Commission includes a condition pertaining to the permit's duration, transfer or renewal.

I. Changes subsequent to the initial issuance of a conditional use permit that would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered an amendment. The process for amending a conditional use permit shall generally follow the procedures for granting a permit as set forth herein.

J. Should a permit applicant, or the applicant's heirs or assigns fail to comply with the conditions of the permit issued by the Plan Commission or should the use or characteristics of the use be changed without prior approval by the Plan Commission, the conditional use permit may be revoked. The process for revoking a conditional use permit shall generally follow the procedures for granting a permit as set forth herein.

K. All conditional use permits shall be granted or denied within 60 days after application, unless the time is extended by mutual consent of the applicant and

the Village Plan Commission.

L. Appeals from the decision of the Plan Commission shall be to the Circuit Court pursuant to § 62.23(7)(de), Wis. Stats.

III. § 270-111 is amended to read as follows:

§ 270-111. Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of said opposite land, such changes or amendments shall not become effective except by a majority vote of all the members of the Village Board.

This Ordinance shall become effective upon passage and posting.

Passed and adopted this 12th day of April, 2021.

Peter Anzia

Peter Anzia
Village President

ATTEST:

Julie A Lesar

Julie Lesar
Village Clerk

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
:
COUNTY OF OZAUKEE)

Julie Lesar, being duly sworn, on oath, deposes and says:

1. That she is duly appointed and acting as the Clerk/Deputy Treasurer for the Village of Belgium, Ozaukee County, Wisconsin.

2. That on the 14th day of April, 2021 pursuant to Section 61.50 of the Wisconsin State Statutes duly posted:

Ordinance No. 03-21, 04-21, and 05-21 of the Code of the Village of Belgium, Ozaukee County, Wisconsin.

Aforementioned notice was posted at the following posting locations:

Belgium Village Hall
Belgium Post Office
Port Washington State Bank
Belgium Plaza

all being public places within said Village. The ordinance may also be viewed in the following website:
https://www.ecode360.com/documents/pub/BE2004/Legislation

Dated this 14th day of April 2021.

Julie Lesar

Julie Lesar
Clerk/Deputy Treasurer

Subscribed and sworn before me this 14th day of April, 2020.

NOTARY PUBLIC
VICKIE L. BOEHNLEIN
STATE OF WISCONSIN

Notary Public, Ozaukee County, Wisconsin

My Commission Expires: 7/9/2022

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