

TOWN OF WAUPUN  
Fond du Lac County, Wisconsin

**ZONING ORDINANCE**

An Ordinance under the provisions of sec. 62.23 (7), Stats., to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Waupun, Fond du Lac County, Wisconsin, into districts of such number, shape, and areas as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Town Board of the Town of Waupun, Fond du Lac County Wisconsin, having been granted village powers pursuant to sec.60.10 (2) Stats., does ordain as follows:

ARTICLE I

Section 1.0     Interpretation and Purposes

- 1.1     The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals comfort, prosperity and general welfare of the Town of Waupun, Fond du Lac County, Wisconsin.
- 1.2     It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon

the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

## ARTICLE II

### Section 2.0 Districts

2.1 For the purposes of this ordinance, the Town of Waupun, Fond du Lac County, Wisconsin is hereby divided into 7 districts as follows:

1. Residential R-1 District
2. Residential R-2 District
3. Residential R-3 Single Family and Two-Family District With Public Sewer
4. Farmland Preservation District
5. General Agricultural District
6. Business District
7. Industrial District

2.2 The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Zoning Map for the Town of Waupun, Fond du Lac County, Wisconsin," which map is made a part of this ordinance and is on file in the office of the clerk of said township. All notations and references shown on the District Map are as much a part of this ordinance as though specifically described herein. Changes to the District Map must be made only as described in Section 17 of this ordinance.

2.21 The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map

indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.

- 2.22 The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

### ARTICLE III

#### Section 3.0 Glossary of Terms

- 3.1 General Terms. For the purposes of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.

#### 3.2 Definitions

- 3.21 Airport, Public - Any airport which complies with the definition contained in Section 114.002, Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.22 Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- 3.23 Automobile Wrecking Yard - Any premises on which two or more automotive vehicles, not in operating condition, are stored in the open.
- 3.24 Boarding House A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.
- 3.25 Boathouse - Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 3.26 Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a

building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

- 3.27 Building, Accessory - A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.28 Building, Height of - The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.29 Building Line - The minimum distance required by this ordinance between any building or structure and a road, or a side lot line.
- 3.30 Building, Main - A building constituting the principal use of a lot.
- 3.31 Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.32 Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- 3.33 Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
- 3.34 Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.
- 3.35 Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- 3.36 Family - (a) an individual; or (b) 2 or more persons related by blood, marriage, or adoption; or (c) maximum of 5 persons not so related; together with his or their domestic servants and gratuitous guests maintaining a common household in a dwelling unit or lodging unit.
- 3.37 Farm – all land that is under common ownership that is primarily devoted to agricultural use.
- 3.38 Farm Residence – any of the following structures that is located on a farm:

- 3.381 A single-family or duplex residence that is the only residential structure on the farm or is occupied by an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50% of his or her gross income on the farm. "Farm residence" also includes a migrant labor camp that is certified under Wis. Stats. sec. 103.92.
- 3.39 Frontage - All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- 3.40 Garage, Private - An accessory building or space for the storage of motor-driven vehicles.
- 3.41 Garage, Public - Any building or premises, other than a private, or a storage garage, where motordriven vehicles are equipped, repaired, serviced, hired, sold or stored.
- 3.42 Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- 3.43 Gross Income - The meaning given for Wisconsin adjusted gross income in sec. 71.01 (13), Stats.
- 3.44 Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no mechanical equipment is used other than such as is ordinarily used for domestic purposes, that no sign other than one unlighted name plate no more than 2 feet square is installed.
- 3.45 Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.46 Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.

- 3.47 Livestock – Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 3.48 Lodging House - A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.
- 3.49 Lot, Zoning Lot - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
- 3.50 Lot Corner - A lot located:
- 3.501 At the junction of and abutting 2 or more intersecting streets; or
  - 3.502 At the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
  - 3.503 At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
  - 3.504 At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
- 3.51 Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.52 Lot, Interior - A lot other than a corner lot.
- 3.53 Lot Width - The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street right-of-way) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points in the front shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty (60%) percent of the required lot width.

- 3.54 Manufactured Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
- 3.55 Manufactured Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- 3.56 Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- 3.57 Owner - The meaning given for owner in sec. 91.01(9), Stats., also including a partner in a partnership, a member in a limited liability company and a shareholder in a corporation.
- 3.58 Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.59 Professional Office The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the R-1, 2, or 3 Residential Districts, a professional office shall be incidental to the residential occupancy, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- 3.60 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 than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.

- 3.61 Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources.
- 3.62 Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.
- 3.63 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- 3.64 Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- 3.65 Special Use - A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
- 3.66 Stable - "Stable" shall have the same meaning as "garage," one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.67 Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
- 3.68 Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.69 Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.



- 3.70 Temporary Structure - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- 3.71 Structural Alteration - Any change in the bearing walls, columns,, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from 1 location or position to another.
- 3.72 Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.73 Yard - An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- 3.74 Yard, Front - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- 3.75 Yard, Rear - A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
- 3.76 Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

#### ARTICLE IV

#### Section 4.0 General Provisions, Except as otherwise provided:

- 4.1 The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the

regulations established herein for the district in which such land or building is located.

- 4.11 No alteration to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
- 4.12 Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the entire project.
- 4.13 Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar heating systems.
- 4.14 All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.
- 4.15 Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
  - 4.151 Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district

in which such building is to be located are each increased at least 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.

- 4.152 Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Waupun.
  - 4.153 Residences in the R-1, 2, and 3 Residential and Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.
  - 4.154 Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
  - 4.155 Buildings 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 be complied with.
  - 4.156 Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet to any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
  - 4.157 Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.
- 4.2 No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of buildings be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

- 4.3 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 a part of a yard or other open space required for another building.
- 4.4 Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot. In no case shall there be more than 1 main building on 1 lot.
- 4.5 Vision-corner clearance is required for all corner lots. On corner lots and on the right-of-way within the vision-corner clearance, it shall be unlawful to install, place, park or maintain any structures, vegetation, vehicles or any similar obstructions to a view between two and one half feet and eight feet above the grade of the intersection of street or road centerlines. Each vision-corner clearance shall be determined by measuring 80 feet along the centerlines of closest adjacent intersecting street or road surfaces, from the point of intersection of the same and connecting these points with a line. Allowable installations within the vision-corner clearance area include utility poles, street signs and trees that do not obstruct the two and one half to eight foot clear view area.
- 4.6 Nonconforming Uses.
- 4.61 The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this ordinance.
- 4.62 If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.

- 4.63 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.
- 4.7 Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.
- 4.8 In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- 4.9 All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.
- 4.10 Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- 4.11 Unclassified or unspecified uses may be permitted by the Town Board, provided that such uses are similar in character to the principal uses permitted in the District.
- 4.12 No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any

other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the Town. The Town Board, in applying the provisions of this section shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability.

- 4.13 In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made that will result in increasing any portion of the slope to a ratio greater than one and one-half horizontal to one vertical, with a distance of 20 feet from the property line, except within the written consent of the owner of the abutting property and with the approval of the Town Board; or that would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case may any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- 4.14 The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specials and other experts) to assist in the Town's review of a proposal or an application coming before the Town Board, the Plan Commission or the Board of Appeals. The Town may apply the charges for these services to the petitioner or applicant. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the application or petition, until such fees have been paid by the petitioner or applicant. The submittal of an application or petition

shall be construed as an agreement to pay for such professional review services applicable to the application or petition. Review fees that are charged to a petitioner or applicant, but which are not paid, may be levied by the Town as a special assessment against the subject property.

## ARTICLE V

### Section 5.0 Residential Districts:

#### R-1 Residential District:

The R-1 Residential District is intended to provide the area covered by this ordinance with low density residential district.

#### 5.1 Within the R-1 Residential District the following uses are permitted:

##### 5.11 One-family dwellings;

##### 5.12 Manufactured homes; manufactured home as defines in sec. 3.58 subject to the standards and regulations as set out in sec. 5.0 R-1 Residential District, together with the following additional standards and regulations:

- (a) Ground floor area. Minimum ground floor area shall be 800 square feet.
- (b) Manufactured home must be built on or after January 1, 1985, in compliance with either American National Standards Institute of Housing and Urban Development Coded as enforced by the Wisconsin Department of Industry, Labor and Human Relations.
- (c) Foundation base. A base of concrete, crushed rock at least six inches thick, concrete blocks or other properly engineered design which meets the standards of Housing and Urban Development Codes for the proper support of a manufactured home shall be installed.
- (d) Anchoring system. A system of straps, cables, turn buckles or chains which is used to secure a home to anchors and which complies with the standards of the Department of Housing and Urban Development for manufactured homes shall be installed.

- (e) Any manufactured home which has been previously occupied as a dwelling must have a current fair market value of not less than 60 per cent of its original list price.

5.13 Public parks, playgrounds;

5.14 Conversion of any existing building to a permitted use;

5.15 General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming.

5.2 Regulations and Standards: The following regulations and standards shall apply to all dwellings.

5.21 Occupancy.: Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.

5.22 Location: Dwellings shall be located so as to abut a public highway and lots shall have a minimum of 30 feet of frontage thereon.

5.23 Habitable Floor Area: The minimum habitable floor area per dwelling unit shall be 900 square feet.

5.24 Off-Street Parking Space: (1) each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located in the same lot or tract of land as the dwelling served: (2) such off-street parking space shall total at least 300 square feet for each space required: (3) not more than 1 such space within a private garage or private carport shall be rented or leased to a non-resident of the premises: (4) location: no such space shall be located less than 10 feet from any front lot line and shall be located not less than 5 feet from any side or rear lot line.

5.25 Dimensions of Building Sites:

5.251 Lots not served by Public Sanitary Sewer.

Minimum Area and Width for each family unit.

- (1) The minimum lot area for a one family unit shall be one acre exclusive of road R.O.W. and the minimum lot width 100 feet at the building line; on riparian lots, 75 feet at the water's edge.



- (2) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Section H62.20 and/or H65, Wisconsin Administrative Code or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
- (3) The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to issuance of a building permit. No construction shall commence prior to issuance of these permits.

5.26 Height - Not to exceed 35 feet or 3 stories.

5.27 Side Yard

- (1) For buildings not over 12 stories in height, the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.
- (2) For buildings from 12 stories to 22 stories in height, the sum of the width of the required side yard shall not be less than 30 feet and no single yard shall be less than 12 feet.

5.28 Rear Yard - Minimum depth 25 feet. On riparian lots, rear yards shall comply with applicable county ordinances and state law.

5.29 Fences - In residential districts, the following regulations apply:

5.291 Two and a half feet maximum height within the vision-corner clearance triangle.

5.292 Six feet maximum height in all other locations.

5.293 Unlimited height for school fences.

5.294 Barbed wire fencing may not be used in residential districts.

5.295 Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back two feet from the property line. Building permits must be obtained from the town permit

issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

R-2 Residential District:

The R-2 Residential District is intended to provide the area covered by this ordinance with low density residential district.

5.3 Within the R-2 Residential District the following uses are permitted:

5.31 One-family dwellings;

5.32 Two-family dwellings;

5.33 Manufactured homes; manufactured home as defined in sec. 3.58 subject to the standards and regulations as set out in sec. 5.0 R-1 Residential District, together with the following additional standards and regulations:

(a) Ground floor area. Minimum ground floor area shall be 800 square feet.

(b) A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

(i) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

(ii) Is installed in accordance with the manufacturer's instructions;

(iii) Is properly connected to utilities; and

(iv) Meets other applicable standards of this ordinance.

5.34 Public parks, playgrounds;

- 5.35 Conversion of any existing building to a permitted use;
- 5.36 General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming.
- 5.4 Regulations and Standards: The following regulations and standards shall apply to all dwellings.
  - 5.41 Occupancy.: Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.
  - 5.42 Location: Dwellings shall be located so as to abut a public highway and lots shall have a minimum of 30 feet of frontage thereon.
  - 5.43 Habitable Floor Area: The minimum habitable floor area per dwelling unit shall be 900 square feet.
  - 5.44 Off-Street Parking Space: (1) each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located in the same lot or tract of land as the dwelling served: (2) such off-street parking space shall total at least 300 square feet for each space required: (3) not more than 1 such space within a private garage or private carport shall be rented or leased to a non-resident of the premises: (4) location: no such space shall be located less than 10 feet from any front lot line and shall be located not less than 5 feet from any side or rear lot line.
  - 5.45 Dimensions of Building Sites:
    - 5.451 Lots not served by Public Sanitary Sewer.

Minimum Area and Width for each family unit.

- (1) The minimum lot area for a one family unit shall be one acre exclusive of road R.O.W. and the minimum lot width 100 feet at the building line; on riparian lots, 75 feet at the water's edge. The minimum lot area for two family unit shall be 50,000 square feet and the minimum lot width 100 feet at the building line; on riparian lots, 75 feet at the water's edge.
- (2) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Section H82.20 and/or H85, Wisconsin Administrative Code or the Sanitary

Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.

- (3) The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to issuance of a building permit. No construction shall commence prior to issuance of these permits.

5.46 Height - Not to exceed 35 feet or 3 stories.

5.47 Side Yard

- (1) For buildings not over 12 stories in height, the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.
- (2) For buildings from 12 stories to 22 stories in height, the sum of the width of the required side yard shall not be less than 30 feet and no single yard shall be less than 12 feet.

5.48 Rear Yard - Minimum depth 25 feet. On riparian lots, rear yards shall comply with applicable county ordinances and state law.

5.49 Fences - In residential districts, the following regulations apply:

5.491 Two and a half feet maximum height within the vision-corner clearance triangle.

5.492 Six feet maximum height in all other locations.

5.493 Unlimited height for school fences.

5.494 Barbed wire fencing may not be used in residential districts.

5.495 Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back two feet from the property line. Building permits must be obtained from the town permit issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

R-3 Single Family and Two-Family Residential District With Public Sewer:

The R-3 Single Family and Two-Family Residential District With Public Sewer is intended to provide the opportunity for construction and maintenance of single-family and two-family detached dwelling units on public sewer and within reasonable distances of supporting service uses such as neighborhood parks, local commercial areas and elementary schools.

5.5 Within the R-3 Residential District the following uses are permitted:

5.51 One-family dwellings;

5.52 Two-family dwellings;

5.53 Manufactured homes; A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:

(i) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

(ii) Is installed in accordance with the manufacturer's instructions;

(iii) Is properly connected to utilities; and

(iv) Meets other applicable standards of this ordinance.

5.54 Public parks, playgrounds;

5.55 Conversion of any existing building to a permitted use;

5.56 General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming.

5.6 Regulations and Standards: The following regulations and standards shall apply to all dwellings.

- 5.61 Occupancy.: Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.
- 5.62 Location: Dwellings shall be located so as to abut a public highway and lots shall have a minimum of 30 feet of frontage thereon.
- 5.63 Habitable Floor Area: The minimum habitable floor area per dwelling unit shall be 900 square feet.
- 5.64 Off-Street Parking Space: (1) each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located in the same lot or tract of land as the dwelling served: (2) such off-street parking space shall total at least 300 square feet for each space required: (3) not more than 1 such space within a private garage or private carport shall be rented or leased to a non-resident of the premises: (4) location: no such space shall be located less than 10 feet from any front lot line and shall be located not less than 5 feet from any side or rear lot line.
- 5.65 Dimensions of Building Sites:

5.651 Lots not served by Public Sanitary Sewer.

Minimum Area and Width for each family unit.

- (1) The minimum lot area for one family units shall be 21,780 square feet and the minimum lot width 80 feet at the building line; on riparian lots, 75 feet at the water's edge. For a two family unit, the minimum lot size shall be 60,000 square feet.
- (2) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Section H82.20 and/or H85, Wisconsin Administrative Code or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
- (3) The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to issuance of a

building permit. No construction shall commence prior to issuance of these permits.

5.66 Height - Not to exceed 35 feet or 3 stories.

5.67 Side Yard

(1) For buildings not over 12 stories in height, the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.

(2) For buildings from 12 stories to 22 stories in height, the sum of the width of the required side yard shall not be less than 30 feet and no single yard shall be less than 12 feet.

5.68 Rear Yard - Minimum depth 25 feet. On riparian lots, rear yards shall comply with applicable county ordinances and state law.

5.69 Fences - In residential districts, the following regulations apply:

5.691 Two and a half feet maximum height within the vision-corner clearance triangle.

5.692 Six feet maximum height in all other locations.

5.693 Unlimited height for school fences.

5.694 Barbed wire fencing may not be used in residential districts.

5.695 Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back two feet from the property line. Building permits must be obtained from the town permit issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

## ARTICLE VI

Section 6.0 Farmland Preservation District (FP)

6.1 Purpose. The purpose of this District is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses, and minimizing public

service and facility costs normally associated with non-agricultural development. This District is intended to comply with the standards contained in Chapter 91 of the Wisconsin Statutes to permit eligible landowners to receive tax credits and includes lands identified for agricultural preservation in the Fond du Lac County Farmland Preservation Plan.

6.2 Permitted Uses.

6.21 Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:

6.211 Crop or forage production.

6.212 Keeping livestock, subject to the Town's Ordinance Regulating Livestock Operations.

6.213 Beekeeping.

6.214 Nursery, sod, or Christmas tree production.

6.215 Floriculture.

6.216 Aquaculture.

6.217 Forest management.

6.218 Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

6.22 Accessory Uses:

6.221 A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use including, but not limited to:

6.2211 A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

6.2212 A facility used to keep livestock on the farm.

6.2213 A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.



- 6.2214 A facility used to store or process inputs primarily for agricultural uses on the farm.
- 6.2215 A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
- 6.222 An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
- 6.223 One farm residence per lot.
- 6.224 A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings, structures, or improvements other than those described in sections 6.221 and 6.223, that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- 6.23 Undeveloped natural resource and open space areas.
- 6.24 A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- 6.25 Residences, regardless of occupancy, existing as of January 1, 2014.
- 6.26 Agricultural equipment dealerships.
- 6.27 Facilities providing agricultural supplies.
- 6.28 Facilities for storing or processing agricultural product, other than rendering plants.
- 6.3 Special Uses
  - 6.31 A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
  - 6.32 Rendering plants

- 6.33 Facilities for processing agricultural wastes.
- 6.34 Transportation, communication, pipeline, electric transmission, utility or drainage uses, if all of the following apply:
  - 6.341 The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 6.342 The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 6.343 The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
  - 6.344 The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 6.345 Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- 6.35 Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
  - 6.351 The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 6.352 The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 6.353 The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - 6.354 The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 6.355 Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

6.36 Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter 11 of Chapter 295, Wisconsin Statutes.

6.4 Dimensional Requirements.

6.41 Minimum Lot Size: One (1) acre for all permitted uses; minimum lot size for conditional uses shall be as specified in the applicable condition use permit.

6.42 Minimum Side Yard Setback: 25 feet, except that structures housing livestock shall be setback 100 feet from the side yard.

6.43 Minimum Rear Yard Setback: 25 feet, except that structures housing livestock shall be setback 100 feet from the rear yard.

6.5 Rezoning Land Out of the Farmland Preservation District.

6.51 The Town may rezone land out of the farmland preservation district if the Town finds all of the following, after a public hearing:

6.511 The land is better suited for a use not allowed in the farmland preservation district.

6.512 The rezoning is consistent with any applicable comprehensive plan.

6.513 The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.

6.514 The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6.52 By March 1 of each year, the Town will provide DATCP a report of the number of acres that the Town rezoned out of the farmland preservation district during the previous year along with a map that clearly shows the location of those acres. The Town will also submit a copy of the report and map to Fond du Lac County by March 1 of each year.

## ARTICLE VII

Section 7.0 General Agricultural District (G-A)

7.1 Purpose: The purposes of the G-A district are to: (1) provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion; (2) defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost; (3) ensure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur: (a) a minimum of every five years; (b) upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district; or (c) upon extension of public services, such as sewer and water, necessary to serve urban development.

7.2 Permitted Uses: Same as Section 6.2 Farmland Preservation District (FP).

7.3 Special Uses: Same as Section 6.3 Farmland Preservation District (FP).

7.4 Minimum Lot, Height and Yard Requirements: Same as Section 6.4 Farmland Preservation District (FP).

## ARTICLE VIII

### Section 8.0 Business District

8.1 Permitted Uses: The Business District is intended to provide space for those retail, business, service business and office uses serving the area. Within the Business District the following uses are permitted:

- (1) Any use permitted in R-1, 2 or 3 Residential Districts.
- (2) Retail stores and shops.
- (3) Banks, post office, medical or dental clinics; business or professional offices.

- (4) Service-type businesses, such as barbershops, beauty parlors, laundromats, music, dancing, art or photography studios, servicing or repair of home appliances or farm equipment and similar uses.
- (5) Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; new or used vehicle sales or repair shops; but not including the storage of wrecked vehicles or wrecked farm equipment.
- (6) Hotels, motels, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.
- (7) Clubs, lodges, public meeting halls, theaters, bowling alleys, similar places of assembly or recreation.
- (8) Blacksmith shops, machine shops, welding shops, sheet metal shops.
- (9) Farm implement sales.
- (10) Feed mills.
- (11) (a) Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 350 square feet in area (on double faced signs, only 1 side shall be counted in determining square footage); such signs shall be set back from the highway right-of-way line 1 foot for each additional 10 square feet in excess of 100 square feet, and shall provide a minimum of 6 feet of visual clearance above ground level; such signs if illuminated, shall not blink or be mechanically activated in whole or in part; and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.  
  
 (b) Directional signs are those indicating the location of a business offering goods or services conducted on premises located within the town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 250 square feet in area.

8.2 Regulations and Standards:

- 8.21 All residence uses shall comply with regulations and standards provided for R-1, 2, or 3 Residential District, Section 5.2.

- 8.22 Height of Buildings: Not to exceed 60 feet.
- 8.23 Side Yard. As established for R-1, 2 or 3 Residential District, Section 5.27.
- 8.24 Setback. As established for R-1, 2 or 3 Residential District.
- 8.25 Rear Yard. As established for R-1, 2 or 3 Residential District, Section 5.28.
- 8.26 Minimum Lot Size. Three gross acres per 100 employees, including parking, for retail and service; Two gross acres per 100 employees, including parking, for office uses; provided, however, that no lot in this District shall be less than the minimum lot size as established for the R-3 Single Family and Two-Family Residential District.
- 8.27 When an apartment or residence is a part of the business structure, then there shall be sufficient residential square footage to qualify the same under the requirement for residences in the R-1, 2 or 3 Residential District. This same provision shall apply to multiple family residence, boarding houses and lodging houses.
- 8.28 Off-Street Parking Space: Off-street parking spaces shall be provided as follows:
  - 8.281 1 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
  - 8.282 1 off-street parking space per person, normally employed on the lot or tract of land.
  - 8.283 1 off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

## ARTICLE IX

### Section 9.0 I-Industrial District

- 9.1 Permitted Uses. In the I-Industrial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for 1 or more of the following uses:

- (1) Any use permitted in the Business District, but not including religious, educational and institutional uses or residential uses other than the dwelling of a watchman or caretaker employed on the premises, the residence of a farmer engaged in general farming on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting processing or manufacture of food and food products.
- (2) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- (3) General farming.
- (4) Knitting mills and the manufacture of products from finished fabrics.
- (5) Laboratories.
- (6) Manufacture of goods from leather, but not tanning of hides, or manufacture of leather.
- (7) Manufacturing of products not otherwise prohibited.
- (8) Printing and publishing.
- (9) Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas.
- (10) Repair, service and assembly of motor-propelled or non-motor-propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles; blacksmithing, tin-smithing and welding shops.
- (11) Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
- (12) Wholesale businesses.
- (13) Advertising and announcement signs as defined in Section 8.1(11).

Any other uses similar in character to or customarily established in connection with the foregoing.

## 9.2 Regulations and Standards

- 9.21 Minimum Lot Size - Nine gross acres per 100 employees, including parking, for retail and service; Two gross acres per 100 employees, including parking, for office uses.
- 9.22 Maximum Coverage - The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 50%.
- 9.23 Required Yards and Open Spaces - on every lot in the I-Industrial District yards shall be required as follows:

A front yard on each lot line abutting a street, a side and a rear yard, except in the case where 3 sides of a lot abut a street, there shall be required in addition to 3 front yards, a side yard.

- 9.231 Front Yard - Depth where a lot abuts a highway or street shall be 60 feet from the right-of-way.

If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-ofway.

- 9.232 Side Yard - Width shall be 10 feet or greater, no accessory building shall project into the required side yard space.
- 9.233 Rear Yard - Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.

Where a lot abuts a lot in a R-1, 2, or 3 Residential District there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to the R-1, 2 or 3 Residential District is a public street, the front yard in the I-Industrial District shall be suitable landscaped.

- 9.24 Any permitted use shall be so constructed and operated as to create no nuisance with respect noise, vibration, emission of smoke or particulate matter, glare and heat or as to create fire or explosive hazards.
- 9.25 Off-Street Parking Space - Off-street parking shall be provided as follows:



- 9.251 1 off-street parking space per person normally employed on the lot or tract of land.
- 9.252 1 off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- 9.26 Signs - Signs are permitted as an accessory use to the principal use of the premises.
  - 9.261 The gross area of signs per establishment shall not exceed 2 times the lineal feet of frontage of the zoning lot on which such signs are located.
  - 9.262 No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure.
- 9.27 On lots not served by public sewer, sufficient lot area shall be provided so that the requirements of Fond du Lac County Sanitary code and all provisions of the Administrative Code relating to the use and occupancy of the building are complied with.

ARTICLE X

*RESERVED FOR FUTURE USE*

ARTICLE XI

Section 11.0 Highway Setback Lines

- 11.01 In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Waupun, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided.
- 11.02 Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village, nor on the side within another town where the highway is located on a town boundary.

11.1 Classes of Highways and Center Lines - Highways are classified and the position of the center line shall be determined as follows:

11.11 Class 1 Highways.

- (1) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.
- (2) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
- (3) Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.
- (4) Private roads. The center line is at the mid-point between the edges of the road surface.

11.12 Class 2 Highways

- (1) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- (2) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

11.13 Class 3 Highways. State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States Highways. The center line is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

- 11.2 Structures Prohibited Within Setback Lines: No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.
- 11.3 Structures Permitted Within Setback Lines: The following kinds of structures may be placed between the setback line and the highway:
- 11.31 Open fences.
  - 11.32 Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
  - 11.33 Underground structures not capable of being used as foundations for future prohibited overground structures.
  - 11.34 Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.
  - 11.35 This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or

permitted to grow so that the view across the sectors at the intersections shall be obstructed.

11.4 Setback Distances: Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in Paragraph 11.1 of this section, shall be as provided by the following paragraphs of this subsection, respectively.

11.41 Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.

11.42 In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

11.43 Along Highways Generally. The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:

11.431 Class 1 highway, 100 feet, except in platted subdivision where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.

11.432 Class 2 and Class 3 highways, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.

11.433 Exceptions: Where buildings, structures or uses are to be erected or established between buildings existing at the time of this adoption of this ordinance which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use shall be the average of the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The

Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

- 11.44 At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.
- 11.45 At Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- 11.46 At Highway Intersections with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
- 11.47 At Railroad Grade Crossings. At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

## ARTICLE XII

### Section 12.0 Special Uses

- 12.1 A "Special Use", is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Special Use as a flexible means of permitting

certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights. Special Use standards for the Exclusive Agricultural and General Agricultural Districts are detailed in Sections 6 and 7 of this ordinance.

12.2 Authorizing Special Use Permits: Special Use Permits may be authorized by the Board of Appeals in accordance with the procedure set forth in Section 13.35 when it appears.

12.21 That it is reasonably necessary for the public convenience at that location.

12.22 That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.

12.23 That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

12.24 That in the case of an existing nonconforming use, will make such use more compatible with its surroundings.

12.25 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

12.26 That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the District.

12.27 That the proposed use complies with the requirements of the Critical Overlay Area District in which it is located.

12.28 That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

12.3 Schedule of Special Uses. Special uses which may be authorized by the Board are as follows:

12.31 Multiple Family Dwelling in the R-1, 2 or 3 Residential District shall be subject to the standards and regulations as set out in Article V, R-1, 2, or 3 Residential District, the following paragraphs: 5.21, 5.22, 5.251, 5.26 and 5.28 together with the following additional standards and regulations.

- A. Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 700 square feet; for each 2-bedroom unit, 800 square feet; for each 3-bedroom unit, 1,000 square feet - exclusive of common use hallways.
- B. Off-Street Parking Space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 10 feet from any front lot line and not less than 5 feet from any side or rear lot line: 1.5 spaces for each 1-bedroom unit; 1.5 spaces for each 2-bedroom unit and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
  - (1) Parking areas shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may re-enter the public highway in a forward direction.
- C. Dimensions of Building sites.
  - (1) Minimum area and width for a 3family unit shall be a minimum of 90,000 square feet with a minimum lot width of 200 feet.
  - (2) For more than a 3-family unit, 90,000 square feet plus 30,000 square feet per family unit in excess of 3 with a minimum lot width of 250 feet.
  - (3) Side Yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 40 feet; no single side yard shall be less than 40% of the required total. A twounit building would require total side yard width of 30 feet, approximately 15 feet on each side.
- D. Site Improvements

- (1) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard serviced driveway.
- (2) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic values of the area and to protect adjacent property.
- (3) Such fencing as may be necessary for the safety of the occupants and the public generally.

12.32 In the G-A or I-Industrial Districts:

- (1) Automobile wrecking yard or junk yard, in the Industrial District only.
- (2) Sanitary landfill.
- (3) Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable there-from, such as the emission or effluence of noxious or odorous wastes or by-products.
- (4) Charitable institutions.
- (5) In the Industrial District only, mineral extraction operations, including washing, crushing, quarrying, borrow pits, or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:
  - a. An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary @to determine the



nature of the operation and the effect on the surrounding area.

- b. The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site, however, the proposed re-use of the site for a dumping grounds shall have the concurrence of the Town Board.
- c. Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residential district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
- d. The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted through appeal, or additional conditions may be required. The Board of Appeals aa@ the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan

may be approved, approved conditionally, or rejected.

- e. No permit shall be granted for a period of time exceeding 4 years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
  - f. A filing fee of \$50 shall be required for each initial application, and a filing fee of \$20 for each renewal application.
  - g. All existing mineral extraction operations lawfully operated and existing shall be considered nonconforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.
- 6. Mineral extraction operations may be authorized as a special use provided that the mineral extraction operation shall take place for less than two years, and the land shall be restored to agricultural production within another two years.
  - 7. Micro-wave radio relay structures and mechanical appurtenances.
  - 8. Penal and correctional institutions.
  - 9. Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a R-1, 2 or 3 Residential District not used for the same purpose.
  - 10. Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
  - 11. Public boat liveries and marinas, public beaches and bathhouses, public parks, golf grounds, picnic areas and swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing; provided, however, that no permit shall be

issued until plans for sanitary facilities shall have been approved as adequate by the County Sanitarian.

12. Municipal sewage disposal plants, subject to the provision that they shall be located not less than one thousand (1000) feet from the nearest dwelling, shall be properly and adequately screened and buffered from the highway and adjacent property, and shall be so constructed and operated that there shall be no offensive odors or noise, and that there is adequate provision for the effluent and for the disposal of all sludge and residues, and that the area shall be completely enclosed with an adequate chain link type of fencing in addition to shrubbery screening; and that the foregoing provisions and all the provisions required by state law or Administrative Code are maintained during the operation thereof.
13. Topsoil removal.
14. Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration buildings.

### ARTICLE XIII

Section 13.0 Zoning Board of Appeals. Under the provisions of Section 62.23 (7) (e) Wisconsin Statutes, there is hereby established a Board of Appeals.

13.1 Organization of Board of Appeals. The Board of Appeals shall consist of 5 members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years. The members of the Board shall serve at such compensation to be fixed by resolution. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

13.2 Members of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the

call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. 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 keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

13.3 Power of the Board of Appeals. The Board of Appeals shall have the following powers:

- 13.31 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.
- a. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer of the town affected by an decision of the Building Inspector. Such appeal shall be taken within 20 days of filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the board all the papers constituting the record upon which the appeals action was taken.
  - b. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 1 notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- 13.32 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

- 13.33 To interpret the provisions of this ordinance where the street layout on the ground differs from Official Zoning Map.
- 13.34 To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. A variance for the purpose of this ordinance shall not be granted unless:
- A. A written application for a variance is submitted demonstrating:
    - 1. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
    - 2. That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
    - 3. That the special conditions and circumstances do not result from the actions of the applicant.
    - 4. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
    - 5. No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
    - 6. The application is in proper form and a fee as specified in Section 15.2 has been paid. The Board shall hold a public hearing on such matter in accordance with the provisions of Section 13.31 (b). Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board if it grants the application for variance.

### 13.35 Grant a Special Use.

- (a) An application for one of the Special Uses of Land specified in Section 12.3 shall be made by filing a written application or petition to the Board. Such applications shall:
  - (1) State the name and address of applicant and owner.
  - (2) State the location of property for which the Special Use Permit is sought.
  - (3) State the specific Special Use desired.
  - (4) State the facts sufficient and demonstrate that the conditions prescribed in Section 12.2 exists and support such statement with any plans and/or data as are required by the Board.
- (b) If the application for a Special Use Permit is in proper form and a fee as determined by Section 15.2 has been paid, the Board shall hold a public hearing on such matter and give notice as provided in Section 13.31(b). Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board if it grants the application for Special Use.
- (c) Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the district map; such power and authority being reserved to the Town Board.
- (d) No Special Use Permit shall be issued unless the Board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.
- (e) The Board shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously-approved special uses. Such authority shall be in addition to the enforcement authority of the Town to order the removal or discontinuance of any unauthorized alterations of an approved special use, and the elimination, removal, or

discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Ordinance. Upon written complaint by a citizen or Town official, the Town Board shall initially determine whether the complaint indicates a reasonable probability that the subject special use is in violation of either one or more of the standards contained in this Ordinance, a condition of approval imposed by the Board of Appeals, or other requirements imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify in person or represented by an agent or an attorney. The Board of Appeals may, in order to bring the subject's special use into compliance with the standards contained in this Ordinance or the conditions previously imposed by the Board of Appeals, modify existing conditions upon such use and impose additional reasonable conditions upon the special use. If no reasonable modification of the special use permit can be made in order to assure compliance, the Board of Appeals may revoke the special use permit and direct the Building Inspector to seek elimination of the use. Special use permits issued under this article are personal to the applicant and may not be transferred or assigned by the applicant without the Board of Appeals' prior written consent.

#### 13.4 Exercise of Power:

13.41 In exercising the above mentioned powers such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

13.42 The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

### ARTICLE XIV

#### Section 14.0 Enforcement

- 14.1 It shall be the duty of the Building Inspector to enforce the provisions of this ordinance.
- 14.2 No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefor shall have been applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision, Shoreland Zoning, and Flood Plain Zoning Ordinances, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- 14.3 a) All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.
- 14.4 All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- 14.5 Certificate of Compliance.



- 14.51 No vacant land shall be occupied or used, and not building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector: Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this ordinance.
- 14.52 Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a dwelling.
- 14.53 Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

## ARTICLE XV

### Section 15.0 Fees

- 15.1 Building Permit - A fee in an amount determined by the Town Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer. A building permit must be obtained prior to any construction or building site preparation.
- 15.2 A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefor filed with the application. This fee shall not be required of any township officer acting in his official capacity.
- 15.3 A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to

the Town Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town Zoning Committee.

## ARTICLE XVI

### Section 16.0 Violations and Penalties

- 16.1 Any building, structure or mobile home hereafter erected, enlarged, structurally altered, or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building structure, or mobile home or use. The Building Inspector shall promptly report all such violations to the Town Board, which shall instruct the attorney for the town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.
- 16.2 At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.
- 16.3 In addition to any other penalty imposed by this Ordinance for a violation, the cost of abating a violation shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses

incurred by the Town to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by certified mail, return receipt, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Town Clerk shall enter such charges onto the tax roll as a special tax as provided by sec. 66.615(5) of the Wisconsin Statutes.

## ARTICLE XVII

### Section 17.0 Creation of a Plan Commission

- 17.1 Whenever the public necessity, convenience, health, safety, or general welfare require, the Town Board may, by ordinance, change the District boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto in accordance with the Wisconsin Statutes. Such change or amendment shall be subject to the review and recommendation of the Town Planning Commission.
- 17.2 A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board, or by the Town Planning Commission.
- 17.3 Petitions for any change to the District boundaries or amendments to the regulations shall be filed with the Town Clerk, who shall refer them to the Town Planning Commission. A report of all petitions referred shall be made to the Town Board at its next scheduled meeting. Such petitions shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

A map drawn to scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned; and

The names and addresses of all property owners lying within 200 feet of the proposed area to be rezoned; and

Such additional information that may be required by the Town Planning Commission or the Town Board.

- 17.4 The petition for amendment shall be accompanied by a fee in the amount of \$100. The petitioner is responsible for the payment of publication costs, hearing costs and other out-of-pocket disbursements incurred by the Town in excess of the \$100 fee. An amendment shall not take effect until the Town has been fully reimbursed for the costs of the proceedings.
- 17.5 The Town Planning Commission shall hold a public hearing upon each petition. Notice of the time and place of such hearing shall be given by a Class II notice in the Town's official newspaper. As soon as possible after the public hearing the Town Planning Commission shall act on the petition either approving, modifying or disapproving the same. The recommendation shall be made in writing to the Town Board.
- 17.6 After careful consideration of the Town Planning Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
- 17.7 If a protest against the amendment is duly signed and acknowledged by the owners of 20% or more, either of the areas of the 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 owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land,

such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.

- 17.8 In the event of a protest against an amendment to the text of the regulations of this Zoning Ordinance is duly signed and acknowledged by 20% of the number of persons casting ballots in the last general election, the vote of the full Town Board membership is necessary to adopt such amendment.

#### ARTICLE XVIII

##### Section 18.0 Validity and Conflicts

- 18.1 Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 18.2 All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

#### ARTICLE XIX

##### Section 19.0 Effective Date and Repeal of Interim Ordinance

- 19.1 This ordinance shall be in force from and after its passage, approval, publication and recording according to law.
- 19.2 Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this ordinance becomes effective.

Passed and Adopted:

TOWN OF WAUPUN

\_\_\_\_\_  
Town Chairman

Attest:

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Town Clerk

Amended:

May 13, 1996

September 9, 1996

June 14, 1999