

TITLE 13

Zoning Ordinance

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Introduction

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Sec. 13-1-1 Purpose

It is the declared intent of this ordinance (hereinafter the "Ordinance") to make various amendments to the Town of Friendship Zoning Ordinance. This ordinance is adopted under the provisions of Chapters 60, 61 and 62 of the Wisconsin Statutes, as amended. All existing ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Sec. 13-1-2 Intent

This ordinance is adopted to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of general welfare; and more specifically, to fix reasonable standards to which buildings and structures shall conform, to regulate and restrict lot coverage and population density, to conserve the value of land and buildings, to guide the location and distribution of land uses, to promote safety and efficiency of streets and highways, to provide for adequate light, air, sanitation and drainage, to conserve natural resources, to provide safety from fire and other hazards, to define the powers and duties of administrative bodies, and to prescribe penalties for the violation of the provisions of this ordinance or any amendment thereto.

Sec. 13-1-3 Abrogation and Greater Restrictions

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.

Sec. 13-1-4 Validity and Conflicts

- (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.
- (2) All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Sec. 13-1-5 Force and Effect

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- (2) Interim zoning and land use ordinances heretofore adopted are hereby repealed on the date on which this ordinance becomes effective.

Title 13 ← Chapter 2

General Provisions

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Sec. 13-2-1 Jurisdiction

The provisions of this ordinance shall apply to the land, water, air, and all structures both above and below ground within the Town of Friendship, Fond du Lac County.

Sec. 13-2-2 Compliance

No structure, land, water, or air shall hereafter be used without full compliance with the provisions of this ordinance and all applicable local, state, county, and federal regulations.

Sec. 13-2-3 Permits

No building, structure or manufactured 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 county sanitary permit.

1. LAND USE PERMITS: All uses listed as permitted uses in the respective zoning districts require a land use permit.

- (a) Application: All applications for land use permits shall be made to the Building Inspector. Such applications 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

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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. 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.

- (b) In addition to all other plans required under this ordinance, an applicant for a land use permit must provide plans showing, to the satisfaction of the Building Inspector, that the proposed use, construction or alteration will not cause surface water to drain onto adjoining properties owned by someone other than the applicant. No land use permit may be issued unless the plans show that the use, construction or alteration will not cause an increase in surface water drainage onto such adjoining properties.
 - (c) No land use permit may be issued unless the proposed use, construction or alteration complies with all terms of this ordinance and all other applicable town and county ordinances.
 - (d) Exterior of building and of lot grading must be completed within twelve months of issued date of building permit.
2. **CONDITIONAL USE PERMITS.** All uses listed as conditional uses with the respective zoning districts require a conditional use permit. A "Conditional 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 conditional use permit 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 and property rights.
- (a) **Application:** All applications for conditional use permits shall be made to the Board of Appeals. The application shall, at a minimum, contain the information listed in Section 13-2-3 (1)(a) of this ordinance. The Board of Appeals may also require the applicant to submit a detailed site plan containing any applicable information listed in Section 13-17-2 (38) of this ordinance.
 - (b) **Standards for Authorizing Conditional Uses:** Conditional Use Permits may be authorized by the Board of Appeals in accordance with the procedure set forth in Chapter 14-2, provided:
 1. That it is reasonably necessary for the public convenience at that location.
 2. 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.
 3. That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.
 4. That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.
 5. Additional standards are established in the respective zoning districts shall apply to selected conditional uses.
3. **BUILDING PERMIT:** No vacant land shall be occupied or used, and no building or manufactured home hereafter erected, altered or moved shall be occupied until the building permit shall have been issued by the Building Inspector. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this ordinance.
- (a) **Temporary Building Permit:** Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary building permit for part of a dwelling.

- (b) Building Permit for Existing uses: Upon written request from the owner, the Permit Issuer shall issue a building permit 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.
- (c) Uniform dwelling code on new housing construction and for all additions over \$50,000.00.

Sec.13-2-4 Fees

1. LAND USE PERMITS. A fee in an amount determined by the Town Board is required to be paid by the applicant for a land use permit, or for a building permit where no land use permit was required. The fee shall be paid to the Town Treasurer.
2. CONDITIONAL USE PERMITS, VARIANCES, AND APPEALS: A fee in an amount determined by the Town Board is required to be paid by the applicant for each application for a conditional use permit, variance, or appeal to the Board of Appeals. Such fee shall be paid to the Town Treasurer and receipt therefore filed with the application. This fee shall not be required of any town officers acting in his or her official capacity.
3. AMENDMENTS: A fee in the amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance. Such fee shall be paid to the Town treasurer and receipt therefore 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 Board.

Sec. 13-2-5 Use Regulations

The use and height of building 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.

1. MINIMUM FLOOR AREA FOR RESIDENTIAL STRUCTURES: The minimum habitable floor area of residential structures at the first floor elevation shall be 24 foot wide and a minimum of 960 square feet.
2. FOUNDATION REQUIREMENTS FOR RESIDENTIAL STRUCTURES: All residential structures shall be securely anchored to a permanent footed foundation or concrete pad.
3. ACCESSORY STRUCTURES AND USES: Accessory structures and uses clearly incidental to permitted uses shall be permitted subject to the requirements of this section and other requirements as may be hereinafter designated for the zoning district in which they are located. Accessory structures and uses shall be compatible with the principle use unless otherwise approved by the Town board.
4. SWIMMING POOLS: Swimming pools shall be permitted in any district within the town, provided however that where the water level exceeds one foot in depth, no swimming pool shall hereafter be constructed, enlarged, or altered, except in accordance with the following provisions:
 - (a) Permanent pools shall maintain a minimum side and rear yard clearance of 20 feet from adjoining properties. No land use permit for the construction, alteration or enlargement of any pool shall be issued by the Permit Issuer unless the same be accompanied by plans showing the location of the pool and adequate provisions for drainage.
 - (b) Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or surrounding area extending 10 feet horizontally from the pool edge, or diving structure, observation stands, towers or platforms. Underground wiring must be at least five feet horizontally from the pool edge and all wiring must comply with chapter 680 of the State Electrical Code.

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5. PONDS: Ponds shall be permitted in any district within the said town, provided, however, that no pond shall hereinafter be constructed, enlarged or altered, except in accordance with the following provisions:
- (a) Ponds shall maintain a minimum side yard and rear yard clearance of 50 feet from adjoining properties and shall be at least 110 feet from the center of any highway. Sides of all ponds are to be tapered from the edges to increase in depth at a rate of no more than two (2) feet in depth for each three feet distance from the edges of the pond until such pond attains a depth of 6 feet; thereafter, tapering shall not be required. Where necessary to keep ground water and fill from going on adjoining property, a permanent wall constructed of concrete or masonry shall be installed. No land use permit for the construction, alteration or enlargement of any pond shall be issued by the Permit Issuer, unless the same be accompanied by plans showing the location of the pond and the exact location and adequate provisions for drainage.
 - (b) Service drop conductors and any other open overhead wiring shall not be installed above The pond or surrounding area extending 10 feet horizontally from the pond edge, or diving structure, observation stands, towers or platforms. Underground wiring must be at least five feet horizontally from the pool edge and all wiring must comply with chapter 680 of the State Electrical Code.

Sec. 13-2-6 Nonconforming Uses

1. CONTINUED USE: The existing lawful use of a building or premises at the time of 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, subject to the limitations enumerated in subsections (a-h) of this section.
- (a) Any structure or use which constitutes a nuisance shall not be permitted to continue as a non conforming use.
 - (b) Only that portion of an existing structure, land or water area occupied or actively engaged in lawful nonconforming use prior to the effective date of this ordinance may be continued. Such use or structure shall not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or to meet the requirements of this ordinance.
 - (c) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Such use shall not thereafter be changed to a less restricted use.
 - (d) If a nonconforming use of a building 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.
 - (e) If a nonconforming use or structure is damaged to an extent greater than fifty percent of its assessed value, it shall not be restored except in conformance with the provisions of this ordinance.
 - (f) Nonconforming manufactured homes shall not be moved, relocated or placed unless in conformity with this ordinance.
 - (g) Nothing contained herein shall require any change in the plans, construction, size or designated use of any building or part thereof where construction commenced prior to the effective date of this ordinance.
 - (h) This section shall not be construed as prohibiting the necessary maintenance or repairs of buildings, utilities or property.

Sec. 13-2-7 Area Regulations

1. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.
2. No lot area shall be so reduced that yards and open spaces are smaller than is required by this ordinance, nor shall the density of population be increased in any manor except in conformity with the area regulations hereby established for the district in which a building or premises is located.
3. **SUBSTANDARD LOTS**
 - (a) A substandard lot not served by public sanitary sewer which is at least 10,000 square feet in area, and is at least 65 feet in width at the building line and the water's edge, may be used as a building site for a single family dwelling upon issuance of a zoning permit if it meets the following requirements:
 1. Such use is permitted in the zoning district.
 2. The lot is of record in the County Register of Deeds office prior to September 9, 1962, the effective date of the original Town Zoning Ordinance or any amendments thereto.
 3. The lot is in separate ownership from abutting lands as of September 9, 1962. If abutting land and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance.
 4. All dimensional requirements of this ordinance (including side yard and setback requirements) are complied with insofar as practical.
 - (b) A substandard lot served by public sanitary sewer which is at least 7,500 square feet in area, and is at least 50 feet in width at the building line and the water's edge, may be used as a building site for a single family dwelling upon issuance of a zoning permit if it meets the requirements of Section 13-2-7(3)(a)(1-4) of this ordinance.
 - (c) Other Substandard Lots: A building permit for the improvement of a lot having lesser dimensions than those stated in this ordinance shall be issued only after the granting of a variance by the Board of Appeals in writing wherein the conditions are stated.
 - (d) Any nonfarm residence in the Farmland Preservation District must have been issued a conditional use permit in accordance with Wis. Stat. § 91.46(2)(c).

Sec. 13-2-8 Yard Regulations and Exceptions

1. 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.
2. Accessory buildings which are not a part of the main building shall not exceed 1200 square feet or occupy more than 30% of the area of the required rear yard. Accessory buildings shall not be nearer than 5 feet to any lot line nor exceed 10 foot side walls nor exceed 16 feet in total height. Where an accessory building is part of the main building or is substantially attached hereto, the side yard and rear yard regulations applicable to the main building shall be applied to the necessary building. This section does not apply in the A-1 or A-T Districts.
3. No alterations 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. Where a housing project consisting of a group of two or more buildings containing four 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 whole plat.

5. Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projection of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar heating systems.

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6. 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.
7. Rear yard requirements may be waived for through lots, provided an equivalent open space is maintained on the lot and that the highway setback requirements for both streets are complied with.
8. 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.
9. When a lot abuts on two or more streets or alleys having different established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher established grade.

Sec. 13-2-9 Height Regulations and Exceptions/Towers

1. Heights of the following structures may exceed ordinance limits for the district in which they are located, subject to the limitations contained herein:
 - (a) Churches, schools, hospitals, sanitariums 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 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 the building is to be located.
 - (b) Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, televisions 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 Friendship.
 - (c) Wireless telecommunications towers and antennas may be installed, erected maintained pursuant to the provisions of this section.
 - (d) Residences in the 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.
2. Purpose. The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for the use of providing personal wireless services, and the legitimate interest of the Town in regulating locate zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and Innovative camouflaging techniques; consider the public health and a safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
3. Definitions As used in this ordinance, the following terms shall have meanings set fourth herein:
 - (a) **Alternative Tower Structure:** Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
 - (b) **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

- (c) **Backhaul Network:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- (d) **Collocation:** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
- (e) **FAA:** Federal Aviation Administration.
- (f) **FCC:** Federal Communications Commission.
- (g) **Height:** When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
- (h) **Preexisting Towers/Antennas:** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.
- (i) **Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Applicability.

- (a) **New Towers and Antennas:** All new towers or antennas in the Township shall be subject to these regulations, except as provided in Subsections 4(b) and 4(c).
- (b) **Amateur Radio Station Operators/Receive Only Antennas:** This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (c) **Preexisting Towers or Antennas:** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Subsection 6(b).

5. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector. The following shall be required as part of the application submittal:

- (a) A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Building Inspector to be necessary to assess compliance with this ordinance.
- (b) The setback distance between the proposed tower and the nearest residential unit platted residentially zoned properties and unit platted residentially zoned properties.
- (c) The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
- (d) Landscape plan showing specific plant materials.
- (e) Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.
- (f) Description of compliance with Chapter 4, Fences.

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6. General Requirements In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

- (a) Building Codes: Safety Standards. to ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (b) State or Federal Requirements. All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (c) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varied heights.
- (d) Height. Antenna height shall not be restricted, provided such device is installed and maintained in accord with applicable state or local building codes, and in compliance with current standards of the FFA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
- (e) Setbacks. A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
- (f) Separation Between Land Uses. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified herein. The minimum separation distance shall be 200 feet or 300% of the height of the tower, whichever is greater.
- (g) Aesthetics. Towers shall maintain galvanized steel finish, or subject to any applicable standards of the FAA, be painted as a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
- (i) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

- (j) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (k) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived- existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (l) Appurtenant Equipment and Buildings. Antennas mounted on structures or rooftops:
The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.
Antennas mounted on utility poles, light poles or towers: The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

7. Permitted Uses.

- (a) Antennas or Towers On Existing Structures: An antenna or tower may be situated on the roof of a residential, commercial, industrial, professional, or institutional structure may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.
- (b) Antennas On Existing Towers: The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that
 - (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole;
 - (2) An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location, but the relocation may only occur one time per communication tower;
 - (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and
 - (4) The on-site relocation of a tower which comes within the separation distances to residentially zoned lands shall only be permitted when approved by the town.
- (c) Cable Microcell Network: The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

8. Special Uses. The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by special use permit and only in non-residential zoning districts. An application for a special use permit shall be subject to the procedures and requirements of Sections 11.0. In addition, a special use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance. A tower or antenna may

only be constructed in the Farmland Preservation District if it meets the requirements of Section 13-8-2 4 or Section 13-8-3 2 of this Ordinance.

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9. Removal of Abandoned Antennas and Towers. An antenna or tower that is not operation for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

10. Nonconforming Uses.

- (a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

11. Wireless Telecommunications Towers and Antennas.

- (a) Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

New Tower Type	Existing Tower Type			
	Lattice	Guyed	Monopole 75ft in Height or Greater	Monopole Less than 75ft in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole 75ft in Height or Greater	1500	1500	1500	750
Monopole Less than 75ft in	750	750	750	750

- (b) Tower Height: The following criteria shall apply in determining the maximum height of a tower:

1. For a single user, up to 90 feet.
2. For two users, up to 120 feet.
3. For three or more users, up to 195 feet.

- (c) Availability of Suitable Existing Towers, Other Structures or Alternative Technology.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- 1.No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- 2.Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- 3.Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fee's, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

Sec. 13-2-10 Parking and Loading Area Requirements

In addition to the parking and loading area standards established for the respective zoning districts, the following requirements shall apply:

1. 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.
2. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space a minimum of 180 square feet in area for every five seats provided.

Sec. 13-2-11 Reimbursement of Town Fees and Costs

The applicant for a rezoning, a variance or a conditional use permit is responsible to reimburse the Town for its reasonable attorneys' fees, engineering fees, and other consultant fees incurred by the Town as follows:

1. To review petitions or applications submitted under this ordinance;
2. To administer the terms of any permit issued under this ordinance; or
3. To enforce the terms of this ordinance.

Approvals for rezoning, variances or conditional use permits shall not take effect until and unless the Town has been reimbursed in full. The reimbursements required by this subsection are in addition to publication costs and hearing fees.

Title 13 ← Chapter 3

Zoning Districts and Maps

13-3-1	Zoning Districts
13-3-2	Zoning Maps

Sec. 13-3-1 Zoning Districts

For the purpose of this ordinance, the Town of Friendship is hereby divided into the following districts:

Residential District

Manufactured Home District

Farmland Preservation District

General Agriculture District

Commercial District

Industrial District

Sec. 13-3-2 Zoning Maps

The boundaries of the aforesaid districts are hereby established as shown on the map entitled “Zoning Map for the Town of Friendship, Fond du Lac County, Wisconsin”. This map, together with all explanatory matter and regulations thereon is made a part of this ordinance and is on file in the office of the town clerk.

1. The district boundaries, unless otherwise indicated, re 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, 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 constructed to be the district boundary line.
2. The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

Title 13 ← Chapter 4

Fences

13-4-1	Fences Defined
13-4-2	Fences- In residential zoned districts
13-4-3	Setback for Residential Fences
13-4-4	Fences in Commercial-Recreational, Office and Manufacturing Districts

Sec. 13-4-1 Fences Defined. For the purpose of this Section

Fence- An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

Boundary Fence- A fence placed on the property lines of adjacent properties.

Protective Fence- A fence constructed to enclose a hazard to the public health, safety and welfare.

Architectural or Aesthetic Fence- A fence constructed to enhance the appearance of the structure or the landscape.

Hedge- A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

Picket Fence- A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

Residential Fence Permit Required- No person shall erect a fence in the town within on a residential zoned property without first obtaining a fence permit from the Permit Issuer. The applicant shall provide the permit issuer with accurate design information for the proposed fence, be for permit will be issued. Permits may only be issued for proposed fence complying with this Section.

Sec. 13-4-2 Fences. In Residential Zoned Districts.

The following regulations apply. Fences will be permitted on or within the property line. On or within the side and rear yard the height shall not exceed six (6) feet. In the street yard, the fence shall be an open type (50% or less opaque) and shall not exceed two and one half (2 1/2) feet in height, and shall be no closer than two (2) feet to a road R.O.W.

Sec. 13-4-3 Setback for residential Fences.

1. Fences in or adjacent to a residential property may be constructed on lot lines if all affected parties agree in writing. However, if the affected parties do not agree in writing, the fence must be constructed with a minimum of a two (2) foot setback.
2. Fences may be constructed parallel to lot lines but shall not extend into the front setback area as extended to the side lot lines.
3. Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
4. Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
5. All fences shall be maintained and kept safe and in state of good repair, by the owner of fence, and the finished side or decorative side of a fence shall face adjoining property.

Fences

13-4-4

Sec. 13-4-4 Fences in Commercial-Recreational, Office and Manufacturing Districts

A development plan, will include architectural drawings and sketches illustrating the design of any fence proposed for the site. plan review process.

Non-residential districts:

Six (6) feet maximum height when used to screen permitted parking areas required by this Ordinance.

Ten (10) feet maximum height when used to screen permitted open storage areas.

Title 13 ← Chapter 5

Residential District

13-5-1	Permitted Uses
13-5-2	Conditional Uses
13-5-3	Regulations and Standards

The Residential District is designed to provide a suitable environment for family life by protecting the residential character from incompatible uses, and by permitting under certain conditions appropriate neighborhood facilities and institutions. The R-District is further intended to preserve openness and avoid overcrowding by requiring certain minimum yard areas and open space, and to make available a variety of dwelling types, densities and locations to serve a wide range of individual housing requirements.

Sec. 13-5-1 Permitted Uses

The Following uses are permitted within the residential district:

1. One-family dwellings.
2. Two-family dwellings.
3. Any manufactured home must have a permanent foundation (frost proof wall).
4. Public parks, playgrounds.
5. Conversion of any existing building to a permitted use.
6. General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming.
7. Home occupations meeting the definition and requirements of Section 13-17-2(19) of this ordinance.
8. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-5-2 Conditional Uses

1. Club or lodge.
2. Day nursery/kindergarten.
3. Dwelling, multiple family.
4. Electric and/or gas substations, public waterworks and appurtenant structures and telephone exchanges.
5. Golf courses.
6. Topsoil removal.
7. Public or semi-public buildings.
8. Roadside Stands

Sec. 13-5-3 Regulations and Standards

The following regulations and standards shall apply to all dwellings:

1. **Occupancy:** Residential occupancy shall not exceed one family and not more than 2 roomers or boarders per dwelling unit.
2. **Location:** Dwellings shall be located so as to abut a public street or highway which is fully improved and opened in accordance with the standards of the Town of Friendship for streets and highways and shall have minimum of 30 feet of frontage thereon and a width of not less than 50 feet at the building line. The location of lots on private roads in existence at the time of adoption of the original ordinance is excluded from road requirements.

Residential District

13-5-3

3. **Minimum Floor Area:** The minimum habitable floor area at the first floor elevation shall be 960 square feet.
4. **Off-street Parking Requirements:**
 - (a) Each dwelling unit shall be provided with a minimum of two off-street parking spaces located in the same lot or tract of land as the dwelling served.
 - (b) Off-street parking space shall total at least 180 square feet for each space required.
5. **Dimensions of Building Sites:**
 - (a) The minimum lot areas and widths for dwelling units not served by public sanitary sewer shall be as follows:
 1. **Single Family Dwelling:** The minimum lot area shall be 1.5 acres excluding road right of way and the minimum lot width 150 feet at the building line; on riparian lots, 100 feet at the water's edge.
 2. **Two Family Dwelling:** The minimum lot area shall be 2 acres excluding road right of way and the minimum lot width 200 feet at the building line; on riparian lots, 125 feet at the water's edge.
 3. Where larger lot sizes are required for installation of private sewage systems pursuant to the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
 4. The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance.
 - (b) The minimum lot areas and width for dwelling units served by public sanitary sewer shall be as follows:
 1. The minimum lot area shall be 20,000 square feet and the minimum lot width 65 feet at the building line; on riparian lots, 65 at water's edge.
 2. **Two Family Dwelling:** The minimum lot area shall be 30,000 square feet and the minimum lot width 100 feet at the building line; on riparian lots, 75 feet at the water's edge.
 3. **Multiple family dwelling:** The minimum lot area shall be 40,000 square feet and the minimum lot width 150 feet, on riparian 100 feet at the water's edge. The minimum lot area per dwelling unit shall be 10,000 square feet.
 4. **Height:** The height of principle structures shall not exceed three stories or 35 feet.
 5. **Side Yard:** The sum of the widths of the required side yards shall be not less than 25 feet, with no single side yard having a width less than 10 feet.
 6. **Rear Yard:** The minimum required rear yard is 25 feet, except on riparian lots, the rear yard shall comply with the applicable county shore land and floodplain zoning ordinance and state law.

Title 13 ← Chapter 6

Manufactured Home District

13-6-1	Intent– Where Manufactured Homes Permitted
13-6-2	Definitions
13-6-3	Permits Required
13-6-4	Minimum Dimensional Requirements for Residential Manufactured & Individual Manufactured Home Communities, Minimum Number of Lots or Space
13-6-5	Permitted and Permissible Uses and Structures
13-6-6	Maximum Density Limitations in Manufactured Home Communities
13-6-7	Maximum Lot Coverage
13-6-8	Required Outdoor Living on Lot
13-6-9	Yards; Open Space Adjacent to Dwelling Units; Spacing of Dwelling Units
13-6-10	Limitations on Signs
13-6-11	Off-Street Parking Requirements
13-6-12	Common Recreational Facilities
13-6-13	Procedures - Site Plan Approval for Manufactured Home Communities
13-6-14	Standards for General Site Planning for Manufactured Home Communities
13-6-15	Required Street Parking - Private Streets
13-6-16	Lots and Locations for Dwelling on Lots: Improvements Required Before Occupancy

Sec. 13-6-1 Intent - Where Manufactured Home districts Permitted

1. Residential-Manufactured Home zoning districts may hereafter be established by amendments to the official zoning map in any district previously classified as residential in accordance with the procedures, requirements and limitations set fourth in this section. Within such districts, manufactured homes, with such additional supporting uses and occupancies as are permitted herein, may be established subject to the requirements and limitations set forth in these and other regulations.
2. It is the intent of this article to recognize Manufactured Homes constructed prior to October 1, 1974, as distinct and different from units designated as Manufactured Homes within the definitions of this section and to prohibit units not meeting the requirements for manufactured homes as defined herein. Units constructed prior to 1974 are prohibited. Manufactured Homes not meeting the requirements of the One and Two Family Building Dwelling Code shall not be permitted in a Residential Manufactured Home district except as a conditional use, Permits may be obtained only after approval by the Board of Appeals

Sec. 13-6-2 Definitions

The following definitions are used in this section:

1. **Manufactured Home Communities (Parks).** Manufactured Home communities/parks are distinguished from subdivisions lacking common facilities and continuing management services. The latter would be controlled by general subdivisions regulations, which would apply also to manufactured home subdivisions without common open space or continuing management.
2. **Residential Manufactured Home.** A single family dwelling built on or after October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing and Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, DILHR 20.12-20.17.

Manufactured Home District

13-6-2

3. **Foundation Siding.** A fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious, and compatible with the home and installed within sixty (60) days from the date of placement on site.
4. **Primary Exposure.** Open areas adjacent to the front wall (or main entrance) of a dwelling unit.
5. **Secondary Exposure.** Open areas adjacent to the side and rear walls of a dwelling unit.
6. **Statutory Definitions.** In addition to the above definitions, definitions contained in Section 66.058 of the Wisconsin Statutes shall also be applicable.

Sec. 13-6-3 Permits Required

1. Permits for the installation of the manufactured homes shall be obtained by the owner or the person making the installation for the owner of the manufactured home prior to the placement of the home on a lot. In addition, Class C permits may be required according to Section 13-6-5(3)(c) below.
2. It is intended that such manufactured home developments shall be so located, designed and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent residential properties, access for vehicular traffic without traversing minor streets in adjoining residential neighborhoods.

Sec. 13-6-4 Minimum Dimensional Requirements for Residential-Manufactured Home Districts and for Individual Manufactured Home Communities; Minimum Number of Lots or Spaces

1. Where a Residential-Manufactured Home District is to be established for the development of a single manufactured home community only, minimum area shall be ten (10) acres. The minimum width of tract for portions used for general vehicular entrances and exists only (other than alleys or service entrances) shall be sixty (60) feet; for portions containing lots for dwellings and buildings open generally to occupants, minimum dimension shall be two hundred (200) feet. The minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be established as twenty-five (25%) of total units permitted on the zoned site.
2. These limitations shall not apply where expansion of an existing manufactured home community is concerned and where such expansion will not increase variation from requirements applying to manufactured home communities, as set forth herein.

Sec. 13-6-5 Permitted and Permissible Uses and Structures

The following principle uses and structures are permitted within Residential-Manufactured Home Districts:

1. **One-Family Detached Manufactured Homes (residential manufactured home).** In manufactured home communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwelling may be sold on lots they occupy in residential use.
2. **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principle uses and structures shall be permitted, except for those requiring specific approval as provided below.
3. **Principle or Accessory Uses and Structures Requiring Class C Permit.**
 - (a) **Commercial and Service Facilities in Manufactured Home Communities.**

In Manufactured Home communities so located that such facilities are not conveniently available in the neighboring area and containing at least one hundred (100) dwelling units, commercial and service establishments intended to serve only persons within the community, designed, improved and located to protect the character of the community and the surrounding neighborhood, and occupying in total, including related parking area, not more than five percent (5%) of the area of the community, may be permitted only by Class C permit as provided below.

- (b) Outdoor Storage Areas in Manufactured Home Communities. In manufactured home communities, outdoor storage areas, including those for recreational vehicles, may be permitted only by Class C permit as provided below. Such areas shall be so designed, improved and located as to protect adjoining uses from adverse visual or other effects and shall occupy, in total, not more than five percent (5%) of the area of the manufactured home community if within the boundaries of the main portion of the community. If the property includes a separate parcel or parcels for utility, maintenance or storage facilities, the limitation as to area shall not apply. Use of such area shall be limited to occupants of the community.
- (c) Class C Permits. Class C permits in such cases may be granted by the Town Board, either in connection with general site plan approval for the development as a whole or in subsequent site plan approval for the specific feature involved, upon written findings that the purposes of these regulations and limitations, as set forth above, would be adequately met by the development as proposed or subject to such additional conditions and safeguards as he finds necessary to promote such purposes.

Sec. 13-6-6 Maximum Density Limitations in Manufactured Home Communities

The maximum density in any manufactured home community shall not exceed five (5) units per gross acre for detached single-family dwellings. For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, land occupied by manufactured home stands or lots, and lands occupied by utilities installations. In computations, single-family detached residences shall thus be considered to require eight thousand seven hundred twelve (8,712) square feet of gross land area.

Sec. 13-6-7 Maximum Lot Coverage

The following limitations on maximum lot coverage shall apply to residential uses in manufactured home communities. Where a roofed area, such as a carport or outdoor recreation shelter, is open for forty percent (40%) or more of its perimeter, its lot coverage shall be computed as one-half (1/2) the area covered by the roof. Where the lot is adjacent and accessible to approved common open space (other than vehicular areas), an additional five percent (5%) of the lot area may be occupied.

Sec. 13-6-8 Required Outdoor Living Area on Lot

1. In manufactured home communities, an outdoor living area shall be provided on each lot equal to at least ten percent (10%) of its area, provided that in no case shall such area be less than three hundred (300) square feet or required to be more than five hundred (500) square feet. The minimum horizontal dimension of such area shall be not less than fifteen (15) feet.
2. Such outdoor living area shall be properly drained, located for convenience and optimum use and walled, fenced or planted to provide reasonable privacy. Within such area, a section suitably surfaced for garden furniture shall be provided, not less than one hundred (100) square feet in area or ten (10) feet in minimum horizontal dimension. This section may be covered, in whole or in part, by a roof, subject to the limitations on maximum lot coverage set forth above.

Sec.13-6-9 Yards; Open Space Adjacent to Dwelling Units; Spacing of Dwelling Units

1. Intent

(a) Yards and other open spaces required herein in relation to dwellings in manufactured home communities are intended to perform a variety of functions. Among these are assuring (as appropriate to and required by the dwellings as designed, located and constructed) adequate privacy, usable outdoor living space, desirable outlook, natural light, ventilation, access to and around dwellings, off-street parking space and spacing between dwellings and portions of dwellings and other buildings for reducing potential adverse effects of noise, odor, glare or hazards from fire.

(b) It is intended in these regulations to relate provisions to performance of these functions, allowing maximum flexibility in detailed site planning and use so long as performance requirements and related standards are met.

2. Open Space Depth Defined; Requirements by Dwelling Unit's Exposure. Open space depth is the minimum open space distance on the lot (except as otherwise specifically provided) perpendicular to the wall of the dwelling at any point, or to any addition of the dwelling which is enclosed for more than sixty percent (60%) of its perimeter.

3. Distance to Common Areas. Except as provided below, distance from any Secondary Exposure of a dwelling to a street pavement or to the edge of a common driveway, a common parking area, a common walk or other common area shall be at least eight (8) feet. In the case of Primary Exposures, this distance shall be fifteen (15) feet. Carports open in a manner that assures visibility as required below may extend to within four (4) feet of a common sidewalk adjacent to a street or to a common parking area, or to with eight (8) feet of the street pavement or common parking area if no such sidewalk is involved.

4. Other Minimum Open Space Depth Requirements. Other open space depth requirements shall be, by exposure: Primary, fifteen (15) feet; Secondary, six (6) feet. Dwellings on lots adjoining nonresidential buildings shall be separated from such buildings by at least ten (10) feet more than the above requirements.

5. Occupancy of Open Space by Carports, Recreational Shelters, Storage Structures.

(a) A carport, enclosed for fifty (50%) percent or less of its total perimeter by attachment to the dwelling and by a wall at the inner end perpendicular to the attachment to the dwelling and by a wall at the inner end perpendicular to the dwelling, may extend into any open space on the lot, required or other, that does not adjoin the outdoor living area on an adjacent lot or any common non-vehicular open space.

(b) Enclosed storage facilities combined with and included within such carports or recreational shelters shall not exceed ten (10%) percent of the floor area of such carport or shelter. Separate storage structures not exceeding thirty (30) square feet in floor area or seven (7) feet in height may occupy any open space on the lot, required or other, that is farther from a street or common non-vehicular open space than the nearest portion of the dwelling. Only one (1) such separate storage structure shall be permitted per dwelling unit.

(c) Carports, recreational shelters and storage facilities for adjacent lots may be so located as to attach across lot lines, provided that as located and constructed they do not constitute undesirable impediments to view (including visibility at intersections of streets or the intersections of driveways with streets) or increase fire hazards.

6. As an alternative to providing required open space for each dwelling exposure on its own lot, where equivalent spacing can be assured in form appropriate to the exposures involved by decreasing clearance from the lot line on one (1) lot and increasing clearance on the adjacent lot, this arrangement may be permitted, provided that access for servicing and maintenance of dwellings involved can be assured and further provided that minimum open space depth for primary exposures shall be located on the same lot as the dwelling.

Sec. 13-6-10 Limitations on Signs

In connection with Manufactured Home Communities, no sign intended to be read from any public way adjoining the district shall be permitted except:

1. No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
2. No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, or indicating "Vacancy" or "No Vacancy", may be erected at each principal entrance.
3. In the case of new manufactured home communities consisting in whole or in part of manufactured home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
4. No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

Sec. 13-6-11 Off-Street Parking Requirements

1. Residential parking requirements shall be two (2) stalls per unit. Parking spaces shall be provided on the same lot that the dwelling unit is located and shall be surfaced with bituminous or concrete paving.

Sec. 13-6-12 Common Recreational Facilities

1. No less than ten percent (10%) of the total area of any manufactured home community established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets and play areas for small children for other recreational areas in block interiors. At least one (1) principal recreation and community center shall contain not less than five percent (5%) of the total area of the community.
2. To be countable as common recreational area, interior-block ways for pedestrians or cyclists shall form part of a system leading to principal destinations. Such ways may also be used for installation of utilities.
3. Common recreational area shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

Sec.13-6-13 Procedures - Site Plan Approval Required for Manufactured Home Communities

Before building permits may be issued for construction of manufactured home communities, in addition to other required permits, reports, or reviews, a special permit shall be required. Determinations by the Town Board in relation to such permits shall include review of site plans and such other information or material as is necessary to establish conformity with the requirements and intent of these regulations. In connection with such permit, the Town Board may establish such conditions and safeguards as are required to assure such conformity.

Sec. 13-6-14 Standards for General Site Planning for Manufactured Home Communities

The following guides, standards, and requirements shall apply in site planning for manufactured home communities:

1. Principal Vehicular Access Points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering a development.

Manufactured Home District

13-6-14

2. Access for Pedestrians and Cyclists. Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
3. Protection of Visibility - Automotive Traffic, Cyclists and Pedestrians. At intersections of any streets, public or private, the provisions of Chapter 4-2 shall apply and is hereby adopted by reference. Where there is pedestrian or bicycle access from within the community to a street at its edges by paths or across yards or other open space without a barrier to prevent access to the street, no material impediment to visibility more than two and five-tenths (2.5) feet above ground level shall be created or maintained within twenty-five (25) feet of said street unless at least twenty five (25) feet from said access measured at right angles to the path.
4. Exterior Yards for Manufactured Home Communities; Minimum Requirements; Occupancy. The following requirements and limitations shall apply to yards at the outer edges of manufactured home communities:
 - (a) Along Public Streets. Where Residential-Manufactured Home communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yard, and no groups parking facilities or active recreation areas shall be allowed therein.
 - (b) At Edges of Residential-Manufactured Home Districts (Other Than at Streets or Alleys). Where Residential-Manufactured Homes are so located that one (1) or more boundaries are at the edges of Residential-Manufactured Home districts and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimensions shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used for group or individual recreational shelters or storage structures.
5. Ways for Pedestrians and/or Cyclists in Exterior Yards. In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if approximately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.
6. Yards, Fences, Walls or Vegetative Screening at Edges of Manufactured Home Communities. Along with edges of manufactured home communities, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential district from potentially adverse influence within the manufactured home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
7. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intend uses and structural features. In particular.
 - (a) Streets, Drives and Parking and Service Areas. Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid as to encourage outside traffic to traverse the

community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.

- (b) **Vehicular Access to Streets.** Vehicular access to streets from off-site parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
- (c) **Ways for Pedestrians and Cyclists: Use by Emergency, Maintenance or Service Vehicles.**
 - 1. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principle off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related open spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - 2. Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize contacts with normal auto traffic. If an internal walkway system is provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designed to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicles but shall not be used by other automotive traffic.

Sec. 13-6-15 Required Street Parking - Private Streets

1. Parking Requirements

<u>Street Class</u>	<u>Parking Permitted</u>	<u>Paving Width (feet)</u>
Minor, one-way (serving less than 20 lots)	No	14
	One Side	16
	Both Sides	23
Minor, two-way (serving 50 lots or less)	No	18
	One Side	25
	Both Sides	32
Collector (serving more than 50 lots)	No	20
	One Side	27
	Both Sides	34

2. Streets

- (a) Streets that are to be dedicated to the jurisdiction, if any, shall be dimensioned and improved in accord with general subdivision regulations.
- (b) For other than streets, required paving widths shall be as follows, based generally on a moving lane width of ten (10) feet for collector streets and nine (9) feet for minor streets, with parallel parking lanes at seven (7) feet in locations where on-street parking is to be permitted. As an exception to these general rules, one-way minor streets serving less than twenty (20) lots, and driveways to parking bays containing less than ten (10) parking spaces shall have a minimum pavement width of fourteen (14) feet. Driveways to parking bays containing ten (10) or more parking spaces shall be eighteen (18) feet in pavement width (see table).

**Sec. 13-6-16 Lots and locations for Dwelling on lots;
Improvements Required Before Occupancy**

1. Location on the lot shall be suitable for the type of dwelling proposed, considering size, required open spaces and manor of support, and any improvements necessary on the lot for the support or anchoring of the type of dwelling proposed shall be provided to the dwelling so supported and/or anchored before occupancy.
2. The limits of each manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.

Title 13 ← Chapter 7

Reserved for future use.

Title 13 ← Chapter 8

Farmland Preservation District

13-8-1	Purpose
13-8-2	Permitted Uses
13-8-3	Conditional Uses
13-8-4	Dimensional Requirements
13-8-5	Rezoning Land Out of the Farmland Preservation District

Sec. 13-8-1 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.

Sec. 13-8-2 Permitted Uses

1. Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production, except that vineyards are permitted only if devoted solely to personal use by the owner.
 - (b) Keeping livestock.
 - (c) Beekeeping.
 - (d) Nursery, sod, or Christmas tree production.
 - (e) Floriculture.
 - (f) Aquaculture.
 - (g) Forest management.
 - (h) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (i) Any other use that DATCP, by rule, identifies as an agricultural use.
2. Accessory Uses:
 - (a) A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:
 1. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 2. A facility used to keep livestock on the farm.
 3. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 4. A facility used to store or process inputs primarily for agricultural uses on the farm.

5. 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. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (b) An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
 - (c) One farm residence per lot.
 - (d) 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 2(a) and 2(c), 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.
 - (e) Any other use DATCP, by rule, identifies as an accessory use.
3. Undeveloped natural resource and open space areas.
 4. 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.
 5. Other uses identified by DATCP rule pursuant to Wis. Stat. §91.44(1)(g).

Sec. 13-8-3 Conditional Uses

1. Agricultural-related uses:
 - (a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - (b) Any other use that DATCP, by rule, identifies as an agricultural-related use.
2. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
3. Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) 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.
 - (c) The use is reasonably designed to minimize the conversation of land, at and around the site of the use, from agricultural use or open space use.
 - (d) 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.

- (e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 4. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.

Sec. 13-8-4 Dimensional Requirements

- 1. Minimum Lot Size: 35 acres for all permitted uses; minimum lot size for conditional uses shall be as specified in the applicable conditional use permit.
- 2. Minimum Side Yard Setback: 10 ft.
- 3. Minimum Rear Yard Setback: 10 ft.
- 4. Minimum Road Frontage: 50 ft.

Sec. 13-8-5 Rezoning Out of the Farmland Preservation District

- 1. The Town may rezone land out of the farmland preservation district if the Town finds all of the following, after a public hearing:
 - (a) The land is better suited for a use not allowed in the farmland preservation district.
 - (b) The rezoning is consistent with any applicable comprehensive plan.
 - (c) The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.
 - (d) 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.
- 2. 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.

Title 13 ← Chapter 9

General Agriculture District

13-9-1	Purpose
13-9-2	Land Included Within This District
13-9-3	Permitted Uses
13-9-4	Conditional Uses
13-9-5	Minimum Lot, Height and Yard Requirements
13-9-6	Standards for Rezoning

Sec. 13-9-1 Purpose

The purpose of the General Agriculture District is 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 land in the district; or
 - (c) Upon extension of public services, such as sewer and water, necessary to serve urban development.

Sec. 13-9-2 Lands Included Within this District

This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space use but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar land are to be included.

Sec. 13-9-3 Permitted Uses

Same as Section 13-8-2 Farmland Preservation District.

Sec. 13-9-4 Conditional Uses

Same as Section 13-8-3 Farmland Preservation District.

Sec. 13-9-5 Minimum Lot, Height and Yard Requirements

Same as Section 13-8-4 Farmland Preservation District.

Sec. 13-9-6 Standards for Rezoning

Same as Section 13-8-5 Farmland Preservation District.

Title 13 ← Chapter 10

Commercial District

13-10-1	Permitted Uses
13-10-2	Conditional Uses
13-10-3	Regulations and Standards

The Commercial District is designed to promote the orderly development of commercial uses in accordance with the growth and development needs of the town. It is intended to provide for a variety of retail, service, office and other business uses. The district is further designed to protect neighboring residential areas by establishing certain minimum yards, yard areas, and parking and loading areas.

Sec. 13-10-1 Permitted Uses

1. Banks and similar services.
2. Business and professional offices or studios.
3. Clubs, lodges, public meeting halls, theaters, bowling alley, or similar places of assembly or recreation.
4. Dental and medical clinics.
5. Dwelling, single family, only as accessory to a principle use.
6. Hotel, motel, boarding or lodging houses.
7. Public and semi-public buildings and uses.
8. Retail stores and shops.
9. Restaurants.
10. Service type business, such as barbershop, beauty parlor, Laundromat, servicing or repair of home appliances and similar uses.
11. Signs meeting the following requirements:
 - (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 sign 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 indicating the location of a business offering goods or services. Such signs shall observe setback and side yard requirements, shall not be illuminated, and shall not exceed 250 square feet in area.
12. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-10-2 Conditional Uses

1. Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked or non-licensed vehicles or wrecked farm equipment.
2. Boat liveries and marinas, public and private beaches, bathhouses, day camps, resorts or clubs, public and private parks, golf grounds, cabins, picnic areas, swimming pools, and other recreational uses of similar character or customarily established in connection with the foregoing.
3. Taverns
4. Wholesaling establishments
5. Multiple Family Residences.
6. Outdoor storage of goods and materials.

Sec. 13-10-3 Regulations and Standards

1. **Height.** The height of buildings shall not exceed 60 feet.
2. **Side Yard.** Side yards shall meet the requirements of Section 4.3(7) of this ordinance (Residential District).
3. **Setback.** See Section 11-0 (Highway Setback).
4. **Rear Yard.** Rear yards shall meet the requirements of Section 4.3(8) of this ordinance (Residential District).
5. **Minimum Lot Size.**
 - (a) Areas not served by Public Sanitary Sewer: Shall meet the minimum lot area 66,000 Sq feet or 1 1/2 acre.
 - (b) Areas served by Public Sanitary Sewer. Minimum lot area for areas served by public sanitary sewer shall meet the requirements of 40,000 square feet.
 - (c) When an apartment or residence is a part of the business structure, there shall be additional square footage sufficient to qualify the same under the requirements for residence of the R District. This provision shall apply to multiple family residences, boarding houses and lodging houses. All other residences shall comply with the requirements of Section 4.3(5) (Residential District).
6. **Minimum Width.** Minimum lot width shall meet the requirements for single family dwellings under Section 4.3(5) of this ordinance (Residential).
7. **Off-Street Parking Requirements.** Off street parking spaces shall be provided as follows:
 - (a) Two off-street parking space per dwelling unit or lodging unit shall be provided on the same lot or tract of land of such dwelling unit or lodging unit served.
 - (b) One off-street parking space per person normally employed on the lot or tract of land.
 - (c) One off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

Title 13 ← Chapter 11

Industrial District

13-11-1	Permitted Uses
13-11-2	Conditional Uses
13-11-3	Regulations and Standards

The Industrial District is designed according to the following principles to provide for a range of industrial uses which: have suitable access to transportation facilities, are located so as to minimize nuisances and adverse impact to surrounding land uses, incorporate adequate right-of-way, open space, or other buffers where required to protect neighboring land uses, are located so as to minimize traffic through residential areas, and are located and sized to meet the requirements of a variety of industrial uses.

Sec. 13-11-1 Permitted Uses

1. Automotive repair and body shops
2. Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
3. Commercial bakeries.
4. Commercial greenhouses.
5. Farm machinery sales and service.
6. Feed mill.
7. Food processing and packing, except for cabbage, fish, meat, and poultry products.
8. General farming.
9. Knitting mills and the manufacture of products from finished fabrics.
10. Laboratories.
11. Manufacture of goods from leather, but not tanning of hides, or manufacture of leather.
12. Manufacture of wood products.
13. Manufacture, processing and assembly of confections, cosmetics, electrical and electronic appliances and devices, instruments, jewelry, non-alcoholic beverages, pharmaceuticals, tobacco and toiletries.
14. Metal fabrication and machining.
15. Paper converting operations.
16. Printing and publishing.
17. Residential uses, limited to dwellings for watchmen, caretakers, owners or manager employed on the premises, the residence of a fanner engaged in general fanning 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.
18. Signs, meeting the requirements of Section 13-10-1 (11), 13-11-3(7) and 13-11-3(8) of this ordinance.
19. Warehousing.
20. Wholesaling.
21. Any other uses similar in character to or customarily established in connection with the foregoing.

Sec. 13-11-2 Conditional Uses

1. Salvage yards and the storage of wrecked or dismantled vehicles.

(a) No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Friendship, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities or conducting business therefrom or thereon, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, copper or other metal, furniture, used motor vehicles or parts thereof, or other articles which from its worn condition renders it less useful or practically useless for the purpose of which it was made, whether commonly classed as junk or parts, including the conduct of business in second-hand motor vehicles, wrecks of motor vehicles or the conduct of motor vehicle junking, auto salvage or junk yards, without first having obtained and paid for a license as hereinafter provided. One carrying on any of the aforesaid business shall be referred to herein as "junk dealer".

(b) Every applicant for a license to engage in the business of junk dealer shall file with the Town Clerk a written application upon a form prepared and provided by the Town signed by the applicant or applicants. Said application shall state:

(1) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residence, if the applicant is an association or corporation.

(2) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.

(3) The premises where such business is to be located or carried on.

Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for the cause at any time by the Town Board.

Likewise, the business licensed to be carried on shall at all times be subject to the police power of the Town of Friendship, which is reserved to the Town for the benefit of the public welfare and common good of the inhabitants of the Town of Friendship.

(c) The Town Clerk shall report such application to the Town Board who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by the proper authorities.

Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than seven (7) feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No articles shall be piled so as to protrude above said enclosure.

(d) No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of three hundred (300) feet are used solely for residence purposes. Said enclosure shall be located 25 feet from the street or road line and nine feet from the side lot line. Two or more adjoining junk yards may be constructed wall to wall if approved by the Town Board and property owners. In the event that the character of the neighborhood so changes as to require the suspension or revocation of the license as a means of protecting property values of the surrounding territory, such may be done if exercised within the police power as such is exercised by the Town Board.

(e) Upon the filing of the application and the payment to the Town Clerk of the license fee herein after provided, the Town Constable shall issue to the applicant a license to engage in business as provided in Section 13-1. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, and the date of issuance and expiration of the license and the names and address of the licensee.

No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists. In granting the application, the Town Board shall take into consideration the location of the proposed junk yard, the absence of a police record of the applicant, the type of neighborhood in which the junk yard is to do business, all to the effect as to whether the engaging of the junk business in the particular neighborhood will detract from the existing property values.

- (t) Every junk dealer shall pay an annual license fee of \$10.00. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the date of issuance thereof, unless revoked sooner.
- (g) Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have been endorsed upon the license.
- (h) No junk dealer shall carry on the business at or from any other place than the one designated in the license therefor. Nor shall said business be carried on after such license has been revoked or has expired.
- (i) The Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.
- (j) Every junk dealer upon being served with a written notice to do so by the Town Board on blank forms to be furnished by the said Town Board, an accurate description of all goods, articles or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for the same, and the name, residence and general description of the person from who such goods, articles or things were received.
- (k) If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the City of Fond du Lac as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk merchant or peddler who has or receives any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer, Town Board, or any magistrate or person duly authorized in writing by the Sheriff of Fond du Lac County, or any magistrate who shall exhibit such authorization to such dealer or peddler.
- (l) Upon complaint being made in writing by any town official or resident of the Town of Friendship to the Town Constable that any licensee has violated any of the provisions of this ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why this license shall not be revoked. The Town Board and the Town Constable shall proceed to hear the matter and if they find the allegations of said complaint are correct, they, shall revoke said junk dealer's license.

Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by an officer upon the person, firm, partnership, association or corporation named in the application, by mailing the same to the address given in the application and upon filing a copy of the same with the Town Constable.

Industrial

District 13-11-2

- (m) Any person, persons, firm, association, partnership, or corporation who by himself or itself or by his or its clerk, agent, or employee, shall conduct the business of a junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its or their license revoked, shall continue as a junk dealer, may upon conviction thereof be subjected to a forfeiture of not more than \$10.00 for each day during which said violation shall continue, together with the costs of prosecution, and in default of the payment of such forfeiture and the costs of such prosecution, shall, be imprisoned in the County Jail of Fond du Lac County for a period not exceeding ninety days. In addition to the penalties imposed, the license of the person, firm, association, partnership or corporation violating the same shall be cancelled or revoked.
2. Outdoor storage of goods and materials.
 3. Recapping or re-treading of tires.
 4. 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 purpose 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 the 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 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 operation proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits lines, 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 and 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 four 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 a permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.

- (f) A filing fee of \$250 shall be required for each initial application, and a filing fee of \$25 for each renewal application.
- (g) All existing mineral extraction operations lawfully operated and existed shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.

Sec.13-11-3 Regulations and Standards

1. **MINIMUM LOT SIZE:** 40,000 square feet in area.
2. **MINIMUM LOT WIDTH:** 150 feet at the building line.
3. **MAXIMUM LOT COVERAGE:** The amount of the total lot area which may be covered by all principle and accessory building shall not exceed fifty percent.
4. **REQUIRED YARDS AND OPEN SPACES:** On every lot in the I 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 three lot sides abut a street, there shall be required in addition to three front yards, a side yard.
 - (a) **Front Yard:** where a lot abuts a highway or street the front yard shall extend 110 feet from the center line of road.
 - (b) **Side Yard:** Side yard widths shall be 10 feet or greater, no accessory building shall project into the required side yard spaces.
 - (c) **Rear Yard:** 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 Residence 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 Industrial District to the Residence District is a public street, the front yard in the I-Industrial District to the Residence District is a public street, the front yard in the Industrial District shall be suitably landscaped.
5. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particular matter, glare and heat or as to create fire or explosive hazards.
6. **OFF STREET PARKING SPACE:** Off-street parking shall be provided as follows:
 - (a) One off-street parking space per person normally employed on the lot or tract of land.
 - (b) One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
7. **SIGNS:** Signs are permitted as an accessory use to the principal use of the premises.
 - (a) The gross area of signs per establishment shall not exceed one-half the lineal feet of frontage of the zoning lot on which such signs are located.
8. No signs affixed to a structure shall project more than three feet beyond the limits of such structure and shall not project across lot lines.
9. On lots not served by public sewer, sufficient lot area shall be provided to 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.

Title 13 ← Chapter 12

Highway Setback Lines

13-12-0	Highway Setback Lines
13-12-1	Classes of Highways and Center Lines
13-12-2	Structures Prohibited Within Setback Lines
13-12-3	Structures Permitted Within Setback Lines
13-12-4	Setback Distances

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 Friendship, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highway; at the intersections of highways with highways and highways with railways as hereafter provided. 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.

Sec. 13-12-1 Classes of Highways and Center Lines

Highways are classified and the position of the center line shall be determined as follows:

1. CLASS 1 HIGHWAYS

- (a) 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.
- (b) 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.
- (c) Roads and streets in platted subdivisions not otherwise classified. The center line is at the midpoint between the edges of the road surface.
- (d) Private roads. The center line is at the midpoint between the edges of the road surface.

2. CLASS 2 HIGHWAYS

- (a) 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.
- (b) 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.

3. CLASS 3 HIGHWAYS

- (a) 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.

Sec. 13-12-2 Structures Prohibited Within Setback Lines

No new building, manufactured 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, manufactured 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.

Sec. 13-12-3 Structures Permitted Within Setback Lines

The following kinds of structures may be placed between the setback line and the highway:

1. Open fences.

2. 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 structure may be made, provided the owner file with the Town Board and 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.
3. Underground structures not capable of being used as foundations for future prohibited overground structures.
4. 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 site distances.
5. 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.

Sec.13-12-4 Setback Distances

Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways shall be as follows:

1. 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.
2. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
3. ALONG HIGHWAY GENERALLY: The setback distances from the center line, at any point for the respective classes of highways', shall be as follows:
 - (a) Class 1 highway, 100 feet, except in platted subdivision where the setback distance shall be 40 feet from the right-of-way lines as shown on the recorded plat; also expecting 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.
 - (b) 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.
 - (c) Exceptions: Where buildings, structures or uses are to be erected or established between buildings existing at the time of the adoption of this ordinance, and where such 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

Highway Setback

Lines 13-12-4

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.

4. **AT ORDINARY HIGHWAY INTERSECTIONS:** At grade intersections of highways with highways, except those roads and streets in platted subdivision which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each 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 100 feet back from the intersection of such setback lines.
5. **AT HIGHWAY INTERSECTIONS WITH TRANSITIONAL WIDENING:** At intersection 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.
6. **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.
7. **AT RAILROAD GRADE CROSSINGS:** At railroad grade crossings there shall be 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 100 feet back from the intersection of such highway setback lines and such railway right-of-way line.

Title 13 ← Chapter 13

Road Access Control

13-13-1	Purpose
13-13-2	General
13-13-3	Definitions
13-13-4	Regulations
13-13-5	Access Spacing and Frequency
13-13-6	Design Standards
13-13-7	Administration and Enforcement

Sec. 13-13-1 PURPOSE

The purpose of this ordinance is to regulate and control access on to town roads in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed Town roads, and to provide for safe and efficient use of the Town of Friendship road system.

The design standards herein prescribed are to promote the orderly and safe movement in and out of private properties as to constitute a minimum of interference to through traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the road.

Sec. 13-13-2 GENERAL

1. The present tense includes the future tense and the singular tense includes the plural.
2. The word “shall” is mandatory; the word “may” is permissive.
3. The word “used” or “occupied” also mean intended, designed, or arranged to be used or occupied.
4. The word “person” includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
5. All distances unless otherwise stated shall be measured in the horizontal direction.
6. “ADT” is the average daily traffic on a segment of highway.
7. “Town Board” means the duly elected Town Board of the Town of Friendship or the Town Board's duly appointed representative.

Sec.13-13-3 Definitions

Access- Connection point for a private driveway or other public road to a town road. **Access Permit -** A permit from the Town Board granting permission to connect for access purposes, to a town road. **County Trunk Highway (CTH)-** Any segment of a Fond du Lac County Trunk Highway.

Driveway- Any public access for motorized vehicles to one or two parcels.

Field Entrance- An access point, the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

Limited Access Highway- Highways on which access is provided for via entrance and exit ramps (USH 41).

Parcel- The area of land outside the public right-of-way, within the property lines of a given piece of property.

Road- Any road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathways intended for the public use of motorized vehicles to obtain access to more than two parcels.

Rural Road- Any town road with a 55 MPH speed limit in a largely rural or underdeveloped area.

Road Access Control

13-13-3

Semi-Urban Road- Any town road outside the municipal boundaries of a city or village with a speed limit below 55MPH.

Stopping Sight Distance- A measurement calculated to determine the safe stopping distance of a vehicle at a certain speed.

Subdivision- A subdivision of land authorized by the Fond du Lac County Subdivision Ordinance, the Town of Friendship Subdivision Ordinance, if any, or a certified survey map under Chapter 236 of the Wisconsin Statutes.

Vision Comer- A clear triangle of right-of-way to control sight restrictions at access points. (See diagrams)

Sec. 13-13-4 Regulations

1. **EXISTING ACCESS.** Any use of access to a town road (via driveway or road) prior to the effective date of this ordinance will be permitted, provided that any future improvements or alterations shall meet the terms of this ordinance.
2. **VACATED ACCESS.** If the Town Board determines that the use of an access has been discontinued for a period of at least two years, the Town Board shall notify the owner by certified mail that the access is to be considered vacated. The Town Board will allow the owner 30 days to reply. If after 30 days the Town Board decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated, will require a permit and be considered a new access under this ordinance.
3. **ACCESS PROHIBITIONS.** No person shall construct as access point within the meaning of this ordinance unless a valid permit has been obtained from the Town Board. Entrance to or exit from a town road shall be prohibited except at designated access points. No person shall alter, in any way, existing appurtenances or features within the town road right-of-way including but not limited to ditches, drainage ways, culverts, bridges or pavement surfaces (including existing access points) until or unless a permit has been obtained from the Town Board.
4. **SUBDIVISION OF LAND.** Before any parcel of land is allowed to be subdivided, it must be proven that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this ordinance.

Sec. 13-13-5 Access Spacing and Frequency

1. Only one access per parcel will be allowed for parcels zoned residential or agricultural unless provided for elsewhere in this ordinance.
2. Commercial and industrial zoned parcels may be allowed two (2) points of access, provided each access meets the criteria of this ordinance, the development requires more than 50 parking spaces, and/or if two (2) access points would provide for safer movement of traffic.
3. When a property owner owns more than one parcel adjacent to another, with the same zoning, all with frontage on the County Highway, the parcels shall be treated as a single parcel under this ordinance.
4. Except as provided below, access permits shall not be issued where the horizontal distance between access points would become less than 150 feet for SEMI-URBAN ROADS and 600 feet for RURAL ROADS (except for AGRICULTURAL RELATED RESIDENCES), unless there is no other alternate to provide access to the existing parcel. Notwithstanding the preceding, the Town Board has the authority to issue access permits where the horizontal distance between access points would become less than 150 feet in developed areas such as Van Dyne and similarly developed areas where 150 foot separation would be impracticable.
5. **AGRICULTURALLY RELATED RESIDENCES** on which at least one person earns at least 25% of his or her gross annual income from farm operations on the farm parcel, or a parent or child of the operator of the farm, may have a driveway at a distance not less than 150 feet from the centerline of the proposed driveway to the centerline of an existing driveway.
6. **ROAD OR STREET:** A driveway access shall not be permitted at a distance of less than 200 feet for SEMI-URBAN or 600 feet from RURAL ROAD from the centerline of an intersecting road to the proposed driveway.

7. **Intersecting Road Access.** A new intersecting road access, must be at least 1000 feet for RURAL and 500 feet for SEMI-URBAN, from the nearest road which enters onto the CTH should NOT be staggered, creating T intersections, but should connect with another road on the other side of the road.
8. **Entrance and Exit Ramps.** Driveways shall not be permitted within 500 feet, on a RURAL ROAD and 300 feet on a SEMI-URBAN ROAD; and roads shall not be allowed within 1000 feet on a RURAL ROAD and 500 feet for SEMI-URBAN ROADS of an entrance or exit ramp of a LIMITED ACCESS HIGHWAY.
9. In the event that the applicant proposes a use not covered by this ordinance, the department shall make the determination of the applicable criteria based on the need to preserve town road capacity and safety. Access proposals which conflict with safe driving standards may not be allowed.

Sec. 13-13-6 Design Standards

Driveways and roads with access onto town roads must comply with the following design standards:

1. **CULVERTS** must be at least 24 feet long and placed under at least 1 foot of cover, be a minimum of 15 inches in diameter, be at least 10 feet from the nearest culvert endwalls will not be allowed less than 10 feet from the property line in rural areas, and be constructed of corrugated metal or concrete with endwalls. Plastic pipe will not be permitted. Culvert size will be determined by the Town Board so as to allow for proper drainage.
2. **SLOPES** to the side of the access shall not be steeper than 4 to 1 (25%) or that of the embankment of the town road whichever is less.
3. **RETAINING WALLS** shall be prohibited.
4. **PAVEMENT** of driveway access shall consist of blacktop or compacted gravel. (Concrete shall not be allowed in the town right of way).
5. **CONSTRUCTION OF ACCESS** shall be so that drainage of the town road shall not be impeded.
6. **CURB AND GUTTER** must be removed at the entrance for a new access and new curb and gutter must be provided within the right-of-way where applicable.
7. **ANGLE** of access shall be as close to 90 degrees with the centerline of the town road as possible, but not less than 75 degrees.
8. **INTERIOR TURNAROUNDS** shall be provided as necessary such that vehicles do not need to back out onto the town road, except in the case of single family residences.
9. **EXISTING TOWN ROAD PROPERTY** including road surfaces, curbs, shoulders, slopes, ditches, and vegetation shall be restored to its original condition by the applicant.
10. **VISION CORNERS** must be free of all obstructions at each access point in accordance with the VISION CORNER diagram included at the end of this ordinance. Vision comers are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of the pavement of the town road, to two points 4.5 feet above the center of the nearest on coming lane of the town road in each direction, at a distance of "D" (as shown in diagram) from the point where the town road meets the center of the proposed access. Distance shall correspond to the speed limit of the road. Signalized intersections must meet the same standards as driveways.
11. Facing access points on opposite sides of a town road shall be located directly opposite each other whenever possible.
12. Shared/joint access will be encouraged whenever possible to minimize the number of access points and interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are an alternative.
13. Type "A" access. Private driveways with access to one or two agricultural or residential parcels must have a driveway width of 16 to 24 feet and a return radius of 20 feet. (See drawing)
14. Type "B" access standards must be used for residential driveways with 3-20 units and commercial or industrial with up to 25,000 square feet. (See drawing)
15. Acceleration and deceleration lanes may be required in SEMI-URBAN areas when ADT is above 100 or when peak traffic demand and access location warrant.

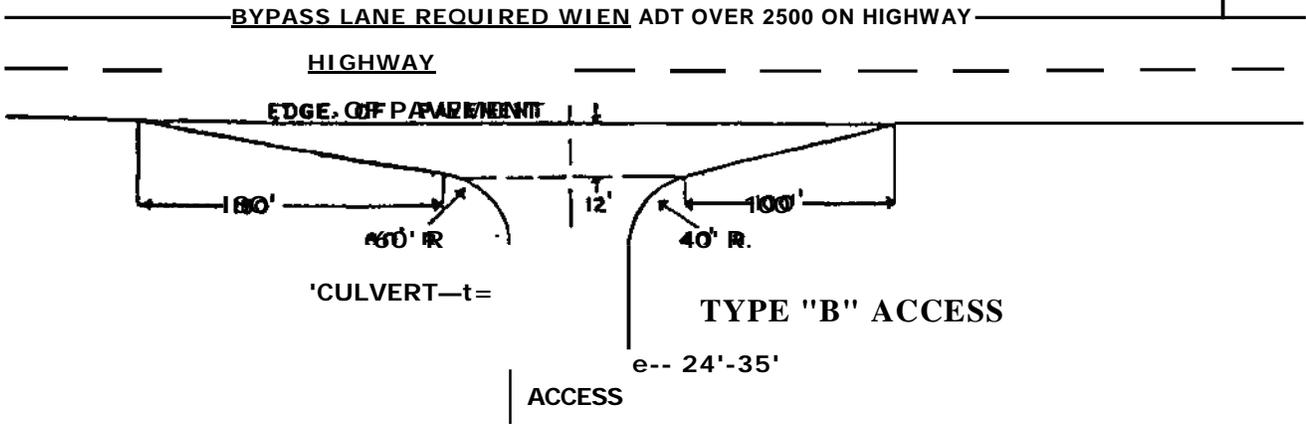
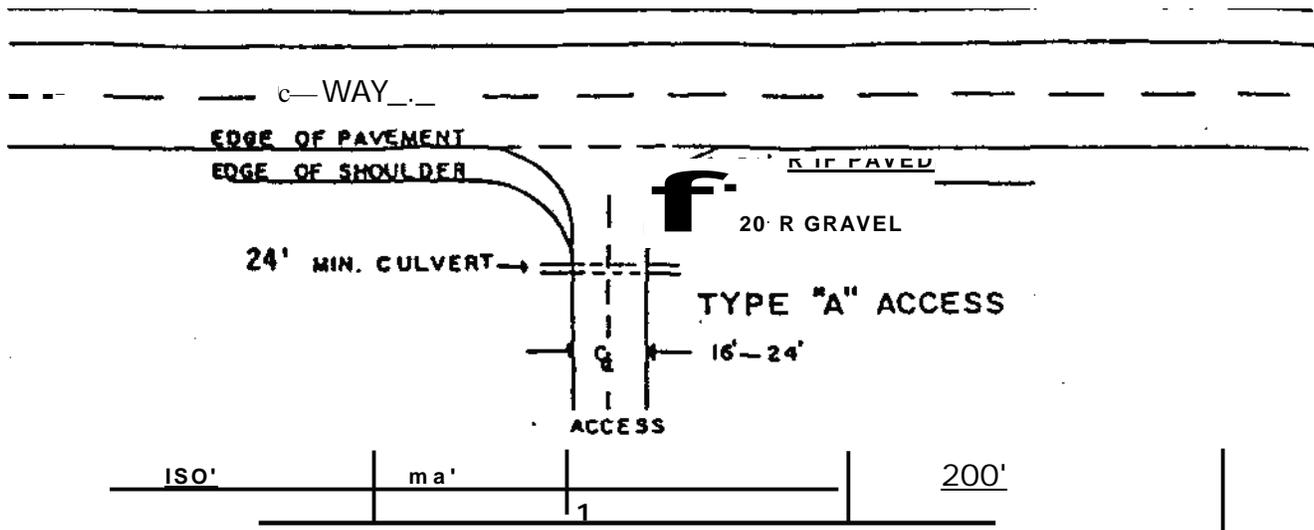
16. Far side passing (bypass) lane will be required when the ADT of the town road is 2,500 or more for a type "B" access and 1,000 or more for a Type "C" access or when in the judgment of the Town Board, peak traffic demand and/or location of access warrant it.

Sec. 13-13-7 Administration and Enforcement

1. **ADMINISTRATION.** The Town Board or its duly appointed representative is authorized to administer this ordinance. Applications for permits and variances shall be made to the Town Board prior to beginning construction. The Town Board shall review the proposed development or construction and shall either grant or deny the proposed access based on the provisions, standards, and requirements of this ordinance within 30 days. Applicants commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as fines and possible prosecution.
The Town Board reserves the right to retain the services of a qualified engineer or other professional assistance. The applicant shall reimburse the Town for any fees incurred by the Town to review, administer or enforce the applicant's road project.
2. **INTERPERTATION.** All restrictions on the use of land is restricted to the objects, growth, and use of land within the rights of way of the Town of Friendship roads. Whenever it is questionable as to jurisdiction of this ordinance, the entire object shall be considered to be entirely within, that jurisdiction.
3. **PERMITS.** No structure, object or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this ordinance until a permit has been issued by the Town Board. An access permit shall expire one year from date of issuance. Construction must be completed within this time. The Town Board may require scale drawings or other information prior to granting a permit.
The permittee shall be liable for all materials, labor and other costs connected with the construction of the access. Fond du Lac County will not be liable for any damage or injury resulting from construction on access. Fond du Lac County will not be responsible for any maintenance including snow and ice control of any access.
The applicant shall pay to the Town of Friendship a fee for each permit application as determined by the type of access as set forth in subsection D below.
4. **PERMIT FEES.**

New road connection or	Type "C" \$100.00
	Type "B" 50.00
	Type "A" 50.00
Agricultural Field Access	20.00
5. **HAZARD MARKING AND LIGHTING.** During construction all access locations shall be properly signed and marked per standard work zone control requirements. In addition, when access work zone's will be provided. All work zone safety equipment will be at the expense of the applicant.
6. **MAINTENANCE OF TOWN ROAD DURING CONSTRUCTION.** During construction of the access, the permittee shall be required to keep the town road free of large accumulations of mud and debris. The highway will be swept clean at the direction of the department.
7. **VIOLATIONS.** In the case of any violation of this ordinance, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offence. No person as defined by Section 13-2 of this ordinance shall resist, obstruct or interfere in any way with the Town Board or its duly authorized representative in the enforcement of this ordinance, or fail to obey the Town Board's or its duly authorized representative's order.
8. **PENALTIES.** Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding by the court, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense., together with the costs for prosecution, including reasonable attorney's fees, or other professional fees incurred by the Town to enforce this ordinance.

ACCESS DESIGN STANDARDS

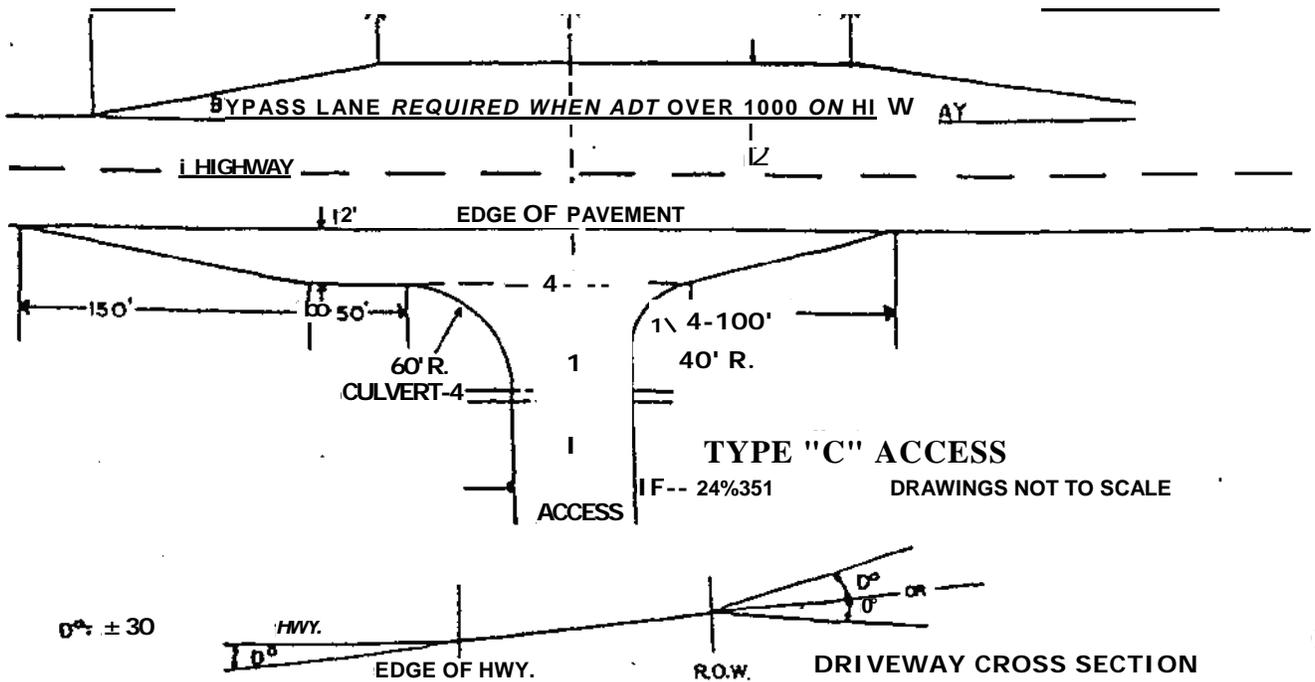


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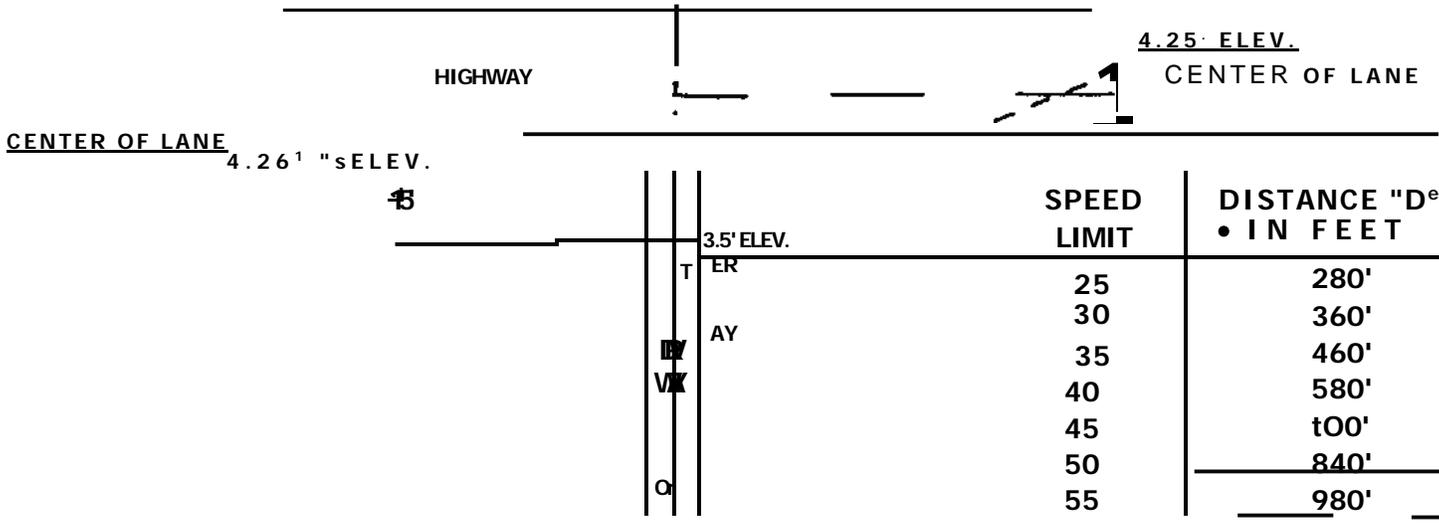
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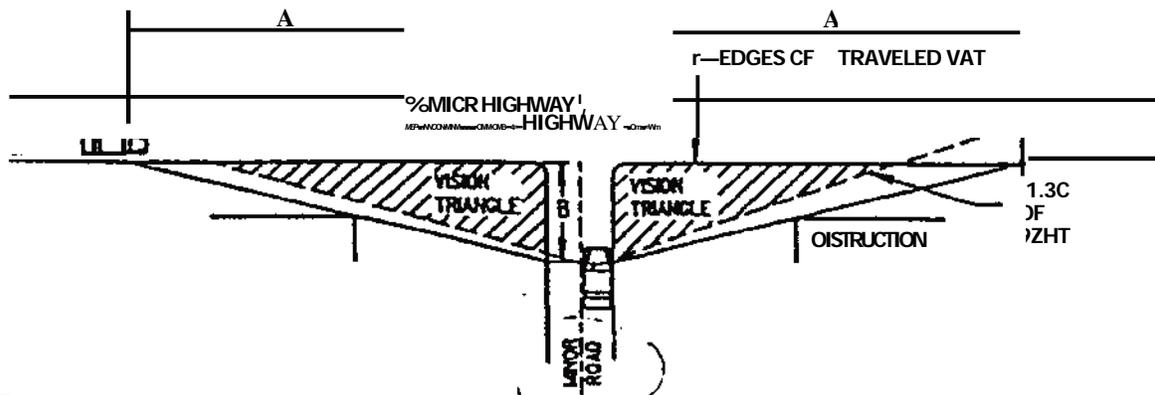
200'



VISION CORNERS



GUIDE DIMENSIONS FOR VISION TRIANGLES STOP CONTROL ON MINOR ROAD



DESIGN* SPEED (MPH)	DISTANCE 'A' (FEET)	DISTANCE 'B' (FEET)
40	300	10
50	400	60
55	500	100
60	600	150

GIVEN: DESIGN SPEED 60 MPH ON DE
FLAVOR MOM AT 50 MPH ON THE
MINOR ROAD.

SOLUTION:

READING FROM THE DESIGN TABLE,
THE LEGS OF THE VISION TRIANGLE ARE
'A' 600 FEET MID 13' 150 FEET.

*** USE THE DESCH SPEED OF TIE
NKR ROAD TO DEMME OISTA/CL**

Title 13 ← Chapter 14

Administration

13-14-1	Planning Commission
13-14-2	Board of Appeals
13-14-3	Building Inspector

Sec. 13-14-1 Planning Commission

1. ORGANIZATION OF THE PLANNING COMMISSION. The Planning Commission shall consist of 5 members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years, except that of those first appointed; 1 shall serve for 1 year; 2 for 2 years and 2 for 3 years. One member shall be a member of the Town Board. The members of the committee 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 Members shall not be members of appeals board. Two alternate members shall be selected by the Town Chairman.
2. MEETINGS OF THE PLANNING COMMISSION. 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. 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.
3. POWERS OF THE PLANNING COMMISSION. The Planning Commission shall have the following powers:
 - (a) To review and make recommendations to the Town Board all changes and amendments submitted to the Planning Commission pursuant to Section 13-17-1 below.
 - (b) To perform any other assignment delegated to the Planning Commission by the Town Board under this zoning ordinance.

Sec. 13-14-2 Board of Appeals

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

1. ORGANIZATION OF THE 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, except that of those first appointed; 1 shall serve for 1 year, 2 for 2 years and 2 for 3 years. The members of the committee 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. A Town Board member shall not serve on the Appeals Board.
2. MEETINGS 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.

Administration

13-14-2

3. POWERS OF THE BOARD OF APPEALS: The Board of Appeals shall have the following powers:

- (a) 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.
 1. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any 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.
 2. 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 I 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.
- (b) To permit the extension of a district where the boundary line of a district divides a lot in 4. No conditional use permit shall be issued unless the board shall find that the conditional 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 is proposed to be located.

4. EXERCISE OF POWER

- (a) 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 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.
- (b) 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.

Sec. 13-14-3 Permit Issuer

1. It shall be the duty of the Permit Issuer to enforce the provisions of this ordinance.
2. The Permit Issuer shall prepare a record of all buildings, structures, and manufactured homes situated within the setback lines as established by this ordinance, or any amendments thereto, which shall include the distances of such buildings, manufactured homes or structures from the center line of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date on which the record is made. Such record shall be kept current and shall show any such buildings, structures or manufactured homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
3. Building maintenance and repairs that do not exceed \$2000, does not require a building permit.

Title 13 ← Chapter 15

Violations and Penalties

Sec. 13-15-1

Any building, structure or manufactured home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed as unlawful building, structure, or manufactured 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 manufactured home or the establishment of such use, or to cause such building, structure, manufactured home or use to be removed.

Sec. 13-15-2

At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$50 nor more than \$500 for each offence, together with the costs of prosecution, including reasonable attorneys' fees, and in default of payment 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 offence.

Title 13 ← Chapter 16

Changes and Amendments

Sec. 13-16-1

When any amendments of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall refer the same to the Town Plan Commission to formulate a tentative draft of such amendment and recommend the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give notice of a public hearing on such amendment by publication of a Class 2 notice, specifying the time and place of such hearing.

Sec. 13-16-2

In case a protest is presented against such amendment, duly signed and acknowledged by the owner of 20% or more of the areas of land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Town Board.

Title 13 ← Chapter 17

Glossary of Terms

Sec. 13-17-1 General Terms

For the purpose 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.

Sec. 13-17-2 Definitions

1. Airport. Public - Any airport which complies with the definition contained in Section 114.013 (3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
2. Alley - A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
3. 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.
4. Boathouse - Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
5. 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.
6. 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 use of the premises.
7. 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.
8. Building. Main - A building constituting the principal use of one lot.
9. Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
10. 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 water which is flowing within the limits of the defined channel.
11. DATCP. An acronym for the Wisconsin Department of Agriculture, Trade & Consumer Protection.
12. Dwelling. One Family - A detached building designed for or occupied exclusively by one family.
13. Dwelling. Two Family - A detached or semi-detached building designed for the occupied exclusively by two families.
14. 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.
15. Family - (a) an individual; or (b) 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 guest maintaining common household in a dwelling unit or lodging unit.
16. Farm - All land under common ownership that is primarily devoted to agricultural use.
17. Farm Residence - Any of the following structures that is located on a farm:
 - (a) A single-family or duplex residence that is the only residential structure on the farm or that is occupied by either an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who owns more than 50% of his or her gross income from the farm, or a migrant labor camp that is certified under Wis. Stat. § 103.92.

18. 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.
19. Garage, Private - An accessory building or space for the storage of motor-driven vehicles.
19. Garage, Public - Any building or premises, other than a private, or a storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
20. 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, part, fuel, grease or oil is sold.
21. Home Occupation - A gainful occupation conducted by members of family only, within their place or residence, provided: the home occupation is clearly incidental to the residential use of premises, there is no outdoor storage of equipment, vehicles, or supplies associated with the home occupation, no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no process or mechanical equipment is used that generates excessive noise, dust, smoke, glare, fumes, or odor, that no sign other than one unlighted name plate nor more than 2 feet square is installed.
22. 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.
23. Livestock – Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
24. Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
25. 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- mayor may not coincide with a lot of record.
26. Lot Comer - A lot located:
 - (a) At the junction of and abutting 2 or more intersecting streets; or
 - (b) At the junction of an abutting a street and the nearest shoreline of high-water line of a storm or floodwater runoff channel or basin; or
 - (c) At the junction of and abutting 2 or more storm or flood water runoff channel or basins; or
 - (d) At the 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.
27. Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
28. Lot, Interior - A lot other than a comer lot.
29. Lot Width - The distance between side lines of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.
30. 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 manufactured home shall remain classified as a manufactured 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 manufactured home equal or exceed 50% of the assessable value of the manufactured home.
31. Manufactured Home Park - Any plot or tract of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes as located, regardless of whether or not a charge is made for such accommodations.
32. Motel - A building or group of buildings containing rooms which are offered for compensation or the temporary accommodations of transients.

Glossary of Terms

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33. Nonconforming Use - A building or premises lawfully used or occupied at the time the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or its amendments thereto.
34. 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-Residence or A-Agricultural District, a professional office shall be incidental to the residential occupation, not more than 25% of the floor area of only one 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 anyone time, and a barbershop to 2 licensed barbers operating at one time; and provided further that a beauty parlor or barber shop 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.
35. 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 on the premises. No such roadside stand shall be more than 200 square feet in ground area and there shall not be more than 1 roadside stand on anyone premises.
36. Salvage Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts therefrom, excepting community recycling operations. Two or more inoperative vehicles or pieces of equipment stored outside of a completely enclosed building shall constitute a salvage yard.
37. Sanitary Sewer - A constructed conduit for the collection 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 Resources.
38. Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, and within which they may not be placed except as herein after provided. Within the setback lines means between the setback line and the highway".
39. 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 addresses. Each display surface of a sign shall be considered a sign.
40. Sign, Directional- A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
41. Sight Plan, Detailed - A detailed site plan containing the applicable information listed below shall accompany applications for conditional use permits, variances, and zone changes, and shall accompany applications for land use permits where required by the building inspector.
 - (a) Topography of the site including slopes, drainage courses, navigable waters, wetland areas and elevations of the proposed building sites.
 - (b) Existing tree and other vegetative cover.
 - (c) The ordinary high water mark of abutting navigable waters. (d) The exact location of the lot lines and the area of the lot.
 - (e) The site of all existing and proposed structures and buildings on the subject property including underground and surface storage areas, sanitary facilities and the location of all structures and buildings within 100 feet on adjoining properties.
 - (f) The proposed uses.
 - (g) The engineering design for all work in respect to waterways or floodproofing.
 - (h) The dimensions and location of areas to be graded including the original and final elevations of the area.
 - (i) The location and dimensions of areas to be filled including the original and final elevations and the type of fill material to be used.

- (j) When not serviced by a public sewerage system, a County Sanitary Permit.
 - (k) Landscaping including proposed tree cutting and/or walls or fences to be used for screening.
 - (l) Design of ingress and egress.
 - (m) Off-street parking.
 - (n) Height of all structures where height standards prevail.
 - (o) The locations and types of all signs.
 - (p) Locations and widths of existing and proposed right-of-ways.
 - (q) Additional information as required by the Building inspector.
42. Conditional 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. Conditional Use as applied is synonymous with the term special exception.
43. Stable - "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
44. 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.
45. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
46. 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.
47. Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any 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 one location or position to another.
48. 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 be habitable.
49. Tower - Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
50. Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
51. 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.
52. 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.
53. 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.
54. Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot line and extending from the rear line of the front yard to the front line of the rear yard.