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TOWN OF METOMEN
Fond du Lac County, Wisconsin

ZONING ORDINANCE

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

The Town Board of the Town of Metomen, Fond du Lac County, Wisconsin, having been granted village powers pursuant to Wis. Stat. § 60.10(2)(c) does ordain as follows:

ARTICLE I

Section 1.0 Interpretation and Purposes.

- 1.1 The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Town of Metomen, Fond du Lac County, Wisconsin.
- 1.2 It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to law; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

ARTICLE II

Section 2.0 Districts.

- 2.1 For the purposes of this ordinance, the Town of Metomen, Fond du Lac County, Wisconsin, is hereby divided into 5 districts as follows:
Residential District, Farmland Preservation District, General Agricultural District, Business District, Industrial District
- 2.2 The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Metomen, Fond du Lac County, Wisconsin Farmland Preservation Zoning Map," which map is made a part of this ordinance and is on file in the office of the Clerk of said township. All notations and references shown

on the District Map are as much a part of this ordinance as though specifically described herein.

- 2.3** The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.
- 2.4** The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

ARTICLE III

Section 3.0 Glossary of Terms.

- 3.1** General Terms. For the purposes of this ordinance, certain words and terms are defined as follows:

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the State building code.

- 3.2** Definitions.

- 3.21** Airport, Public. Any airport which complies with the definition contained in Wis. Stats. § 114.013(3) or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.22** Alley. A street thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- 3.23** Automobile Wrecking Yard. Any premises on which one or more automotive vehicles, not in operating condition, are stored in the open.
- 3.24** Base Farm Tract. All land, whether one parcel or two or more contiguous parcels that is in the Farmland Preservation District and is part of a single farm on January 1, 2014, regardless of any subsequent changes in the size of the farm.
- 3.25** Boarding House. A building other than a hotel where meals, or lodging

and meals, are furnished for compensation for 5 or more persons not members of a family.

- 3.26** Boathouse. Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 3.27** 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 pierced walls extending from the ground up, each part shall be deemed a separate building.
- 3.28** Building, Accessory. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.29** Building. Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.30** Business. The word business includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic governmental agency, company, corporation, LLC and includes any trustee, receiver, assignee or the other representative thereof.
- 3.31** Building, Main. A building constituting the principal use of a lot.
- 3.32** Center Line. A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.33** Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- 3.34** Dwelling. One Family. A detached building designed or used exclusively as a residence or sleeping place by one family, but does not include tents, cabins, or mobile homes except mobile homes on permanent foundations.
- 3.35** Dwelling. Two Family. A detached building designed or used exclusively

as a residence or sleeping place by two families, but does not include boarding or lodging houses, motels, tents, cabins, or mobile homes except mobile homes on permanent foundations.

- 3.36** Dwelling, Multiple. A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- 3.37** Employee - Full-time. Is a person employed for a minimum of 2,080 hours per year.
- 3.38** Family. Two or more persons related by blood, marriage, or adoption; maintaining common household in a dwelling unit or lodging unit.
- 3.39** Farm. All land under common ownership that is primarily devoted to agricultural use.
- 3.40** Farm Acreage. The size of a farm in acres.
- 3.41** Farm Residence. Any of the following structures that is located on a farm:
- 3.411** A single-family or duplex residence that is the only residential structure on the farm or that is occupied by any of the following:
- (1)** An owner or operator of the farm.
 - (2)** A parent or child of an owner or operator of the farm.
 - (3)** An individual who earns more than 50 percent of his or her gross income from the farm.
- 3.412** A migrant labor camp that is certified under Wis. Stat. § 103.92.
- 3.42** Frontage. All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- 3.43** Garage, Private. An accessory building or space for the storage of not more than 4 motor-driven vehicles, provided that a private garage on a farm may be used for the storage and repair of more than 4 motor-driven vehicles.
- 3.44** 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.

- 3.45** Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- 3.46** Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.47** Junk Yard. A lot, land, building, or structure, or part thereof use primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts there from.
- 3.48** Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 3.49** Lodging House. A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.
- 3.50** Lot, Zoning Lot. A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.

- 3.51** Lot Corner. A lot located:
 - 3.511** At the junction of and abutting 2 or more intersecting streets; or
 - 3.512** At the junction of and abutting a street and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or

- 3.513** At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
- 3.514** At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
- 3.52** Lot Depth. The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.53** Lot, Interior. A lot other than a corner lot.
- 3.54** Lot Width. The distance between sidelines of the lot at the building line. In the case of a shore land lot, the lot width is the width of the lot 75 feet from the waterline.
- 3.55** Manufactured Dwelling. A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two-Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- 3.56** Manufactured Home. A dwelling structure or component thereof fabricated in an offsite manufacturing facility for installation or assemble at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426 which when placed on the site:
 - 3.561** Is set on an enclosed continuous foundation in accordance with Wis. Stats. § 70.43(1) and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such
 - 3.562** Is installed in accordance with the manufacturer's instruction;
 - 3.563** Is properly connected to utilities; and
 - 3.564** Meets other applicable standards of this Ordinance.
- 3.57** Mobile Home. That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed,

equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.

- 3.58** Mobile Home Park. Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- 3.59** Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients.
- 3.60** Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.61** Nonfarm Residence. A single-family or multi-family residence other than a farm residence.
- 3.62** Nonfarm Residential Acreage. The total number of acres of all parcels on which nonfarm residences are located.
- 3.63** Prime Farmland. Any of the following:
- 3.631** An area with a Class I or Class II land capability classification as identified by the natural resources conservation service of the federal department of agriculture.
 - 3.632** Land, other than land described in 3.631, that is identified as prime farmland in a certified farmland preservation plan.
- 3.64** Protected Farmland. Land that is located in the Farmland Preservation District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.
- 3.65** 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 Residential, Farmland Preservation, or General Agricultural District, a professional office shall be incidental

to the residential occupation, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited. In the Farmland

Preservation District, a professional occupation must also meet the standards in Wis. Stat. § 91.01(1)(d).

- 3.66** Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.
- 3.67** Sanitary Sewer. A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- 3.68** Setback. Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines means between the setback line and the highway."
- 3.69** 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, or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- 3.70** Sign Directional. A sign erected for the purpose of directing persons to a place of business, recreation or public building, school, or church.
- 3.71** Special Use. A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous

with the term special exception.

- 3.72** Stable. "Stable" shall have the same meaning as "garage," one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.73** Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.
- 3.74** Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.75** Structure. Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- 3.76** 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 use life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- 3.77** 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 1 location or position to another.
- 3.78** Traffic Lane. A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.79** Trucking Business.(Agricultural related, and non-Agricultural related) Any entity that owns or operates more than one but not more than seven commercially licensed vehicles that are used for intra and interstate commerce with a gross vehicle weight of 10,000 lbs. or more.
- 3.80** Yard. An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

- 3.81** Yard. Front. A yard extending the width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- 3.82** Yard. Rear. A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
- 3.83** Yard, Side. A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE IV

Section 4.0 General Provisions. Except as otherwise provided:

- 4.1** The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- 4.2** No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- 4.3** No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.
- 4.4** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.
- 4.5** Nonconforming Uses.
- 4.51** The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform to the regulations for the district in which it is located as adopted or amended, but such nonconforming use shall not be

extended. Nonconforming mobile homes shall not be moved, relocated, or replaced unless in conformity with this ordinance.

- 4.52** If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- 4.53** If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
- 4.54** A building or structure lawfully existing at the time of adoption or amendment of this ordinance may be continued although such building or structure does not conform to the restrictions in this ordinance with respect to frontage, width, height, setbacks, yards, area, parking, loading, or distance requirements. If such structure is destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.
- 4.55** The nonconforming use of any temporary structure shall be discontinued after 5 years from the effective date of this ordinance.
- 4.6** Nothing herein contained shall require any change in the plans, construction, and size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.
- 4.7** In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- 4.8** All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.
- 4.9** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts, which abut the district boundary line.

- 4.10** Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.
- 4.11** Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar heating systems.
- 4.12** All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.
- 4.13** Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
- 4.131** Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- 4.132** Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby exempted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Metomen.
- 4.133** Residences in the Residential, Farmland Preservation, and General Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

- 4.134** Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
- 4.135** Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that, they comply with the setback requirements on both streets.
- 4.136** Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied by 1 family.
- 4.137** Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 12 feet high and shall not be nearer than 5 feet to any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
- 4.138** Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.
- 4.14** Mobile Home Regulations. No person shall locate, park, use, own or occupy a mobile home outside an approved mobile home park in the town except as herein expressly provided.
- 4.141** Mobile homes shall be permitted in the Farmland Preservation, and General Agricultural Districts only if they are located on an operating farm for use and occupancy by a person who, or a family at least one member of which, earns a majority of his or her income from farm operations on the parcel, or is a parent, child, or full-time employee of the operator of the farm In the Farmland Preservation District, a mobile home must also meet the definition of “farm residence.” Only one mobile home is permitted per operating farm.
- 4.142** A person who presently owns or occupies a mobile home in the town located outside of a mobile home park, and who does not meet the criteria of this ordinance, may continue to use and occupy the mobile home for residential purposes, however its use is a Nonconforming Use until:

- (1) The mobile home is not occupied nor used for residential purposes.
- (2) The mobile home is not primarily or permanently occupied and used by the present occupant and his or her immediate family.
- (3) The mobile home is not maintained in a sanitary condition.
- (4) The mobile home does not comply with the town's building codes, the State of Wisconsin building codes and the rules and regulations of the State Department of Health and Social Services, including the state plumbing code.
- (5) The mobile home constitutes a public nuisance.
- (6) The present occupant transfers, leases, or conveys in any way the title to the mobile home to another person outside the immediate family.
- (7) The mobile home is moved to a different premises in or outside the town beyond the specific location where the mobile home is currently parked.

ARTICLE V

Section 5.0 Residential District. The Residential District is intended to provide the covered by this ordinance with a low density residential district.

5.1 Within the Residential District the following uses are permitted:

5.11 One-family dwellings.

5.12 Two-family dwellings.

5.13 Public parks, playgrounds.

5.14 Conversion of any existing building to a permitted use.

5.15 Swimming pools, provided that all such pools shall be located and constructed in accordance with the following provisions:

5.151 Permanent pools shall maintain a minimum side and rear yard clearance of 20 feet from the adjoining property; pools shall be completely isolated from adjoining property by a 48 inch high

fence which must be constructed and maintained in a good state or repair and appearance. Where necessary to keep ground and fill from going on adjoining property, a permanent wall constructed of masonry or concrete shall be installed. All entrances to the pool shall be protected by an adequate gate which shall be kept closed and located when the pool is not in use. No permit for the construction of a pool shall be issued unless the same shall be accompanied by plans for the pool and the fence and showing the exact location and adequate provisions for drainage.

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

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

5.22 Minimum Lot Size: 1 acre.

5.23 Height. Height shall not to exceed 2-1/2 stories.

5.24 Minimum Side Yard. 10 feet.

5.25 Minimum Rear Yard. 10 feet.

5.26 Schedule of Special Uses in a Residential District. Special uses, which may be authorized by the board, using procedures described in Sections 12 and 13 must be accompanied by a written Finding of Fact, Conclusion of Law, and Order of Determination are as follows:

5.261 Multiple Family Dwelling in the Residential District. Multiple Family Dwelling in the Residential District shall be subject to the standards and regulations as set out in Article V, Residential District, Section 5.2, together with the following additional standards and regulations:

(1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 700 square feet; for each 2-bedroom unit, 800 square feet; for each 3-bedroom unit, 1,000 square feet-exclusive of common use hallways.

- (2) Off-Street Parking Space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 10 feet from any front lot line and not less than 5 feet from any side or rear lot line: 2 spaces for each 1-bedroom unit; 2 spaces for each 2-bedroom unit and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
- (3) Parking areas shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may reenter the public highway in a forward direction.
- (4) Dimension of Building Sites.

 - (a) Minimum area and width for a 3-family unit shall be a minimum 3 acres with a minimum lot width of 200 feet.
 - (b) For more than a 3-family unit, 3 acres plus one additional acre per family unit in excess of 3 with a minimum lot width of 200 feet.
 - (c) Side Yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 40 feet; no single side yard shall be less than 40% of the required total.
- (5) Site Improvements.

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

the occupants and the public generally.

5.262 Mobile Home Parks in the Residence District. Mobile home parks in the Residence District shall be subject to the following provisions:

- (1)** Application. No mobile home park may be developed or expanded without a building permit issued by the Building Inspector in accordance with this ordinance. The Building Inspector shall not issue a permit for a mobile home park or expansion of a mobile home park until:
 - (a)** An application for a special use permit to develop a mobile home park has been submitted with a fee of \$500 to the Town Clerk. The petitioners shall submit 4 complete copies of all plans and specifications containing information as required herein. The Building Inspector shall send 1 copy to the Town Chairman, who shall convene the Town Board as a Town Plan Committee for recommendations and review to the Building Inspector within 30 days; 1 copy to the Town Clerk who shall call the hearing and shall notify the following: the applicant, the Town Board, the Building Inspector, and the County Planning Department. The Building Inspector shall also forward 1 copy of the plans and specifications to the County Planning Department for review and comment.
 - (b)** A public hearing has been held in accordance with this section and the Town Plan Committee has submitted a report recommending approval of the mobile home park, and the Board of Appeals has approved the plans.
 - (c)** The application and plans for a mobile home park equal or exceed the requirements noted herein. The plans submitted and approved by the Board of Appeals and Plan Committee shall be made a condition for granting the special permit.

- (2)** Plans specifications: Complete final site plans for mobile home parks shall be submitted at a scale of no less than 50 feet to the inch and shall show the area and dimensions of the proposed mobile home park, the street and lot layout, the location of water, natural gas and sewer lines, a drainage plan for the mobile home park prepared by a registered engineer, location and dimensions of buffers, office- structures, utility buildings, recreation areas, etc., and electric and telephone distribution lines.
- (3)** Development Requirements and Standards. The park shall be designed and constructed in accordance with the following requirements:

 - (a)** Site Preparation. The mobile home shall be fitted to the terrain, with a minimum disturbance of the land. Existing trees, rock formations and other natural site features shall be preserved to the extent practical. The developer shall provide the mobile home park with public sewer system or approved private sewerage collection and treatment system (septic tanks and soil absorption systems shall be permitted only on express approval of the Town Board), and an approved public or private water utility system.
 - (b)** Size and density. The minimum area allowable for a park shall be 10 acres and the maximum density of mobile homes within the park shall be 5 mobile homes per gross acre. (Gross acreage includes all area within the approved mobile home park boundaries.)
 - (c)** Mobile Home Space. Each mobile home space shall be clearly defined and shall abut on a driveway of not less than 50 feet in width, of which not less than 22 feet shall be paved, with unobstructed access to a public street, and each mobile home space shall contain no more than 1 mobile home and accessory structures; the mobile home and accessory structures shall not occupy more than 30% of the site area. Each mobile home space shall contain a minimum of 5000 square feet, and shall be at least 40 feet wide at the building line. Minimum yards required between mobile homes or any enclosed

drainage on overall town drainage capacities.

- (e) Screening and buffering, with reference to the type, dimensions and character, to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
 - (f) Signs and proposed exterior lighting, with reference to glare, traffic safety, economic effects of the same on properties in the district, and compatibility and harmony with nearby properties.
 - (g) General amenities and conveniences, with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with properties in the general areas as may be and will not be so at variance with other uses in the general area as to cause a substantial depreciation of property values.
- (5) Additional Requirements. In addition to the foregoing requirements and standards, the approving authorities may:
- (a) Require reprovod designs and standards for accessory buildings, the placement thereof on the site or in the general area.
 - (b) Require park and play areas and equipping thereof, recreation areas and service structures, and general parking area and the location thereof within the park in approved areas.
 - (c) Permit the erection of a permanent residence for the resident manager, including a park office in connection therewith.

5.263 Storage garage or parking lot in connection with a housing development project.

5.264 Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a Residence District not used for the same purpose.

5.265 Home Occupations

- (1)** Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a business district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated. Rather, relocation of the business to an area that is appropriately zoned is preferred.
- (2)** Restrictions on Home Occupations.
 - (a)** The home occupation shall be conducted only within the enclosed dwelling unit, an attached or detached garage, or an existing building.
 - (b)** No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average use in the district.
 - (c)** Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 6 square feet in size.
 - (d)** The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (e)** Sale, transfer or assignment of the property shall cause the special use permit to be null and void.

ARTICLE VII

Section 6.0 FP Farmland Preservation District

6.1 Permitted Uses

- 6.11** Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
- 6.111** Crop or forage production.
 - 6.112** Keeping livestock (note that certain operations may also be subject to the Town's Agricultural Livestock Enterprise Ordinance).
 - 6.113** Beekeeping.
 - 6.114** Nursery, sod, or Christmas tree production.
 - 6.115** Floriculture.
 - 6.116** Aquaculture.
 - 6.117** Fur farming.
 - 6.118** Forest management.
 - 6.119** Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - 6.120** Any other use that DATCP, by rule, identifies as an agricultural use.
- 6.12** Accessory Uses
- 6.121** 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 store or process inputs primarily for agricultural uses on the farm.
 - (4)** A facility used to keep or service vehicles or equipment primarily employed in 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.

6.122 An activity or business operation that is an integral part of, or is incidental to, an agricultural use.

6.123 A farm residence.

6.124 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 Section 7.121 and Section 7.123, that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

6.125 Any other use that DATCP, by rule, identifies as an accessory use.

6.13 Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a special exception under Section 7.23.

6.14 Undeveloped natural resource and open space areas.

6.15 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 special use permit for that use.

6.16 Other uses identified by DATCP rule.

6.2 Special Uses

6.21 Agricultural-related uses:

6.211 An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

6.212 Any other use that DATCP, by rule, identifies as an agricultural-related use.

- 6.22** Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements:
- 6.221** The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1:20 after the residence is constructed or converted to a nonfarm residence.
 - 6.222** There will not be more than four dwelling units in nonfarm residences, nor more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - 6.223** The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
 - (1)** Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or a nonfarm residence.
 - (2)** Significantly impair or limit the current or future agricultural use of other protected farmland.
- 6.23** Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
- 6.231** The parcels on which the nonfarm residences would be located are contiguous.
 - 6.232** Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Section 7.22.
- 6.24** Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
- 6.241** The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

- 6.242** The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- 6.243** The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
- 6.244** The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- 6.245** Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- 6.25** Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:

 - 6.251** The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - 6.252** The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - 6.253** The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - 6.254** The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - 6.255** Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 6.26** Nonmetallic mineral extraction, if all of the following apply:

 - 6.261** The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14 (including all applicable provisions

of this ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.

6.262 The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

6.263 The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

6.264 The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

6.265 The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6.266 The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

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

6.3 Dimensional Requirements.

6.31 All Uses and Structures. Minimum lot area – 1 acre; minimum lot width – 200 feet; minimum road frontage – 200 feet; minimum rear yard depth – 10 feet; minimum side yard depth – 10 feet.

ARTICLE VIII

Section 7.0 General Agricultural District.

7.1 Purpose. The purpose of this District is to maintain open land areas predominantly devoted to farming and agricultural-related uses. It is anticipated that while

certain areas within this District will eventually be used for non-agricultural purposes, the intensity of development will remain significantly limited.

7.2 Permitted Uses.

7.21 All uses identified as permitted uses in the farmland preservation district, excluding livestock operations of 500 animal units or more.

7.22 Single-family residences.

7.23 Two-family residences.

7.3 Special Uses.

7.31 All uses identified in the farmland preservation district as special uses.

7.4 Dimensional Requirements.

7.41 Dimensional requirements for the General Agricultural District shall be the same as those set forth in the farmland preservation district.

ARTICLE IX

Section 8.0 Business District.

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

8.12 Retail stores and shops.

8.13 Banks, post office, medical or dental clinics; business or professional offices.

8.14 Service-type business, such as barbershop, beauty parlor, Laundromat, music, dancing, art or photography studio, servicing or repair or home appliances or farm equipment and similar uses.

8.15 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 vehicles or wrecked farm equipment.

8.16 Hotel, motel, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted used.

- 8.17** Clubs, lodges, public meeting halls, theaters, bowling alley, similar places of assembly or recreation.
- 8.18** Blacksmith shops, machine shops, welding shops, sheet metal shops.
- 8.19** Farm implement sales.
- 8.20** Feed mills.
- 8.21** Recreation camps, private parks, cabins, picnic areas, swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing; provided, however, that no permit shall be issue until plans for **sanitary** facilities shall have been approved as adequate by the Fond du Lac County Sanitary District.
- 8.22** Private Campgrounds designed and used for the purposes of temporary occupancy by tourists and campers for vacation camping by the use of recreational vehicles, tents or shelter cottages; subject to the following provisions:
- 8.221** No such permit shall be issued for use in any R-Residence area and no camping shall be permitted within 300 feet of the boundary of any R-Residence area.
- 8.222** The minimum size of a campground shall be 5 acres.
- 8.223** The maximum number of camping units shall be 15 per gross acre.
- 8.224** Minimum dimensions of a campsite shall be 25 feet wide by 40 feet long.
- 8.225** Each unit shall be separated from other units by a yard not less than 15 feet wide.
- 8.226** There shall be 1 % automobile parking spaces for each site.
- 8.227** In addition to the side yard and setback requirements of this ordinance, there shall be minimum setback of 40 feet from all other exterior lot lines.
- 8.228** It shall conform to the requirements of Chapter H-78, Wisconsin Administrative code for "Developed Campgrounds."

8.229 Unless adequately screened by existing vegetative cover, the campground may require screening to buffer the grounds, as determined upon by the site plan of such park.

8.230 The campground site does not possess any of the physical limitations enumerated for land subdivisions and for the Sanitary Ordinance of Fond du Lac County.

8.2 Definitions.

8.21 "Recreational Vehicle" means any of the following:

8.211 Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

8.212 Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

8.22 "Temporary Occupancy" means the occupying of a site by a recreation vehicle for a cumulative period not to exceed 105 days in any 12 months, or where the occupants of the site are non-resident tourists or vacationist and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed 105 days in any 12 months. The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.

8.23 "Developed camp grounds and camping resorts" means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicle, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

8.3 Regulations and Standards.

8.31 All residence uses shall comply with regulations and standards provided for Residence District.

8.32 Height of Buildings. Height of Buildings shall not exceed 60 feet.

- 8.33** Side Yard. Side Yards shall be as established for Residence District.
- 8.34** Rear Yard. As established for Residence District.
- 8.35** Minimum Lot Size. As established for Residence District.
- 8.36** When an apartment or residence is a part of the business structure, then there shall be additional square footage sufficient to qualify the same under the requirements for residences in the Residence District and subject to the alternative provisions and the tests provisions therein contained. This same provision shall apply to multiple family residence, boarding houses and lodging houses.
- 8.37** 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 200 square feet in area (on double faced signs, both sides shall be counted in determining square footage); such sign shall be set back from the highway right-of-way one 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 the 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.
- 8.38** Directional signs indicating the location of a business offering goods or services conducted on premises located within the Town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 100 square feet in area.
- 8.39** Off-Street Parking Space. Off-street parking spaces shall be provided as follows:
- 8.391** 2 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
- 8.392** 1 off-street parking space per person, normally employed on the lot or tract of land.
- 8.393** 1 off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

ARTICLE X

Section 9.0 Industrial District.

9.1 Permitted Uses.

- 9.11 Any use permitted in the Business District, but not including religious, educational and institutional uses or residential uses other than the dwelling of a watchman or caretaker employed on the premises, the residence of a fanner engaged in general farming on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting, processing or manufacture of food and food products.
- 9.12 Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- 9.13 Knitting mills and the manufacture of products from finished fabrics.
- 9.14 Laboratories.
- 9.15 Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
- 9.16 Manufacturing of products not otherwise prohibited.
- 9.17 Printing and publishing.
- 9.18 Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the veining of peas.
- 9.19 Repair, service and assembly of motor-propelled or non-motor propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles; black-smiting, tin-smiting and welding shop.
- 9.20 Storage and warehousing of fuel and materials, except contractors' yards and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
- 9.21 Wholesale business.

- 9.22** Advertising and announcement signs as define in Section 9.37.
 - 9.23** Any other uses similar in character to or customarily established in connection with the foregoing.
 - 9.24** Trucking Business.
 - 9.241** Trucking business in the Industrial District is not subject to a maximum number of trucks that may be owned or operated.
- 9.2** Regulations and Standards.
- 9.21** Minimum Lot Size. 1 acre.
 - 9.22** Required Yards and Open Spaces.
 - 9.221** Side Yard. Width shall be 10 feet or greater, no accessory building shall project into the required side yard space.
 - 9.222** Rear Yard. Depth shall be 10 feet or greater. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
 - 9.223** Where a lot abuts a lot in a Residential District there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the Industrial District to the Residential District is a public street, the front yard in the Industrial District shall be suitably landscaped.
 - 9.224** Where an industrial-zoned property abuts residential-zoned property, any building constructed on the industrial-zoned property shall be constructed at least 500 feet from any adjacent residential lot line.
 - 9.24** Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards.
 - 9.25** Off-Street Parking Space. Off-street parking shall be provided as follows:
 - 9.251** One off-street parking space per person normally employed on the lot or tract of land.

- 9.252** 1 off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- 9.26** Signs. Signs are permitted as an accessory use to the principal use of the premises.
- 9.261** The gross area of signs per establishment shall not exceed 2 times the linear feet of frontage of the zoning lot on which such signs are located.
- 9.262** No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure and shall not project across lot lines.
- 9.27** On lots not served by public sewer, sufficient lot area shall be provided to comply with the requirements of the 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.
- 9.3** Schedule of Special Uses in an Industrial District. Special uses, which may be authorized by the board, using procedures described in Sections 12.0 and 13.0, must be accompanied by a written Finding of Fact, Conclusion of Law, and Order of Determination, are as follows:
- 9.31** Sanitary landfill
- 9.32** Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- 9.33** Non-metallic mining 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:
- 9.331** An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such

other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

- 9.332** The reclamation plan, submitted as required by the Fond du Lac County nonmetallic mining reclamation ordinance adopted under Wis. Stats. § 66.038, or § 295.13, that fulfills reclamation standards established by the ordinance.
- 9.333** Application for a permit for non-metallic mining operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes; or for a hot blacktop mix or a ready- mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
- 9.334** 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 may be permitted 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 may be approved, approved conditionally, or rejected.
- 9.335** No permit shall be granted for a period of time exceeding 4 years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
- 9.336** A filing fee of \$500 shall be required for each initial application, and a filing fee of \$500 for each renewal application.
- 9.337** All existing non-metallic mining operations lawfully operated and existing 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, and that they be registered with the Building

Inspector within 1 year of the date of this provision of the ordinances.

ARTICLE XI

Section 10.0 Highway Setback Lines.

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

10.2 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.

10.3 Classes of Highways and Center Lines. Highways are classified and the position of the centerline shall be determined as follows:

10.31 Class 1 Highways.

10.311 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 centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.

10.312 Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is at the center of the surfacing or pavement, or, if there be none, the center of graded Roadbed.

10.313 Roads and streets in platted subdivisions not otherwise classified. The centerline is at the midpoint between the right-of-way lines or as shown on the recorded plat.

10.314 Private roads. The centerline is at the midpoint between the right-of-way lines.

10.32 Class 2 Highways.

10.321 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 centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

10.322 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 centerline is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

10.33 Class 3 Highways. State Trunk Highways, except as hereinafter provided that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board and United States highways. The centerline 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.

10.34 Structure Prohibited Within Setback Lines. No new building, mobile home, new sign or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall 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. No maintenance, alterations, additions, or remodeling may decrease the original set back of the building at the time of its construction and the highway.

10.35 Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway:

10.351 Open fences.

10.352 Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner file, with the Town Board, an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at

his expense, when necessary for the improvement of the highway.

10.353 Underground structures not capable of being used as foundations for future prohibited over-ground structures.

10.354 Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.

10.355 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.

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

10.37 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.

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

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

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

10.392 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.

10.393 Exceptions. Except that where buildings, structures or uses are to

be erected or established between buildings existing at the time of the adoption of this ordinance which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use shall be the average of the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

- 10.40** At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.
- 10.41** At Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- 10.42** At Highway Intersections with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by Subsection 11.3 of this section and the setback distance along the curve shall be measured from the center of the curved section determined accordingly.
- 10.43** At Railroad Grade Crossings. At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

ARTICLE XII

Section 11.0 Special Uses.

- 11.1** A "Special Use" is a use, which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.
- 11.3** The review of a special use application must consider the following factors:
- 11.31** That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 11.32** That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the special use and that the proposed use is compatible with the use of adjacent land.
- 11.33** That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 11.34** That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 11.35** That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads.
- 11.36** That the special use shall, except for yard requirements, conform to all applicable regulations of the district in which it, is located.
- 11.37** That the proposed use does not violate floodplain regulations governing the site.
- 11.38** That adequate measures have been or will be taken to prevent and control

water pollution, including sedimentation, erosion and runoff.

- 11.39** Existing topographic and drainage features and vegetative cover on the site.
- 11.40** The location of the site with respect to existing or future access roads.
- 11.41** All applicable Fond du Lac County Ordinances, including, without limitation, shore land, access road, subdivision, etc.
- 11.4** Denial. Whenever a decision of denial of a special use application is made, the Town shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate the reasons the Town has used in determining that each standard was not met.
- 11.5** Conditions Which May be Attached to Special Uses. Upon a consideration of information supplied at the public hearing and a review of the standards contained in this ordinance, the following conditions may be attached to the granting of a special use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance.
- 11.6** Conditions. The following conditions shall apply to all special uses:
 - 11.61** Prior to granting any special use, the Town may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements of this ordinance.
If a special use permit is granted, the Town shall require such evidence and financial guarantees as it may deem necessary as proof of present and future compliance with the conditions stipulated in conjunction with the special use.
 - 11.62** The Town shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, generation and circulation, drainage, sewerage and water systems and the proposed operation of the special use. If the Town Board needs professional assistance from attorneys, planners, architects, engineers, or other professionals, the applicant shall

reimburse the Town for the reasonable fees charged by the professionals.

11.63 The Town shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously approved special uses. Upon written complaint by any citizen or Town official, the Town shall initially determine whether the complaint indicates a reasonable probability that the special use is in violation with this ordinance. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify. The Town may, in order to bring the special use into compliance with the standards set forth in this ordinance, modify existing conditions upon such use and impose additional reasonable conditions on the relevant special use. In the event that no reasonable modification of the special use can be made in order to assure compliance, the Town may revoke the special use and direct the Town's Building Inspector or Town Attorney to seek elimination of the special use.

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

11.65 That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.

ARTICLE XIII

Section 12.0 Zoning Board of Appeals.

12.1 Under the provisions of Wis. Stats. § 62.23 (7)(e), there is hereby established a Board of Appeals.

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

12.3 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 have a written Finding of Fact, Conclusion of Law, and Order of Determination and 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.

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

12.41 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.

12.411 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 by 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 actions appealed from was taken.

12.412 The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 1 notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation in the and by posting notices in 3 public places 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.

12.42 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

12.43 To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.

12.44 To authorize upon appeal in specific cases, a variance from the standards

of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the Board. A variance for the purpose of this ordinance shall not be granted unless:

12.441 A written application for a variance is submitted demonstrating:

- (1) That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
- (2) That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
- (3) That the special conditions and circumstances do not result from the actions of the applicant.
- (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
- (5) No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

12.442 The application is in proper form and the applicable fee has been paid. The Board shall hold a public hearing on such matter. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board if it grants the application for variance.

12.45 To grant a Special Use, provided:

12.451 An application for a special use shall be made by filing a written application or petition to the Board. Such application shall:

- (1) State the name, address of applicant and owner.
- (2) State the location of property for which the Special Use Permit is sought.
- (3) State the specific Special Use desired.

(4) State the facts sufficient to demonstrate that the conditions for granting a special use exist and support such statement with any plans and/or data as are required by the Board.

12.452 If the application for Special Use is in proper form and the applicable fee has been paid, the Board shall hold a public hearing on such matter and give notice as provided in Section 13.412. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board if it grants the application for Special Use.

12.453 Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the Zoning Map; such power and authority being reserved to the Town Board.

12.454 No Special Use Permit shall be issued unless the Board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

12.5 Exercise of Power.

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

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

ARTICLE XIV

Section 13.0 Enforcement.

- 13.1** It shall be the duty of the Building Inspector and or Code Enforcement Officer to enforce the provisions of this ordinance.
- 13.2** The Building Inspector or Code Enforcement Officer shall prepare a record of all buildings, structures and mobile homes situated within the setback lines as established by this ordinance, or any amendments thereto, which shall include the distances of such buildings, mobile 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 mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
- 13.3** No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefore shall have been applied for and issued.
- 13.4** 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 Ordinance, the Fond du Lac County Shore land Zoning Ordinance, and the Fond du Lac County Flood Plain Zoning Ordinance, and that a Fond du Lac Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- 13.5** All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring

lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance.

13.6 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.

13.7 Certificate of Compliance.

13.71 No vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform to all the requirements of this ordinance.

13.72 Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a dwelling.

13.73 Upon written request by the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the ordinance.

ARTICLE XV

Section 14.0 Fees.

14.1 Building Permit. A fee is an amount determined by the Town Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer.

14.2 A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefore filed with the application. This fee shall not be required of any township officer acting in his official capacity.

14.3 A fee in an amount to be determined by the Town Board is required for any

petition for the amendment of this zoning ordinance, and 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 Zoning Committee.

ARTICLE XVI

Section 15.0 Violations and Penalties.

16.1 Any person, firm, corporation, or organization which violates, omits, neglects, or refuses to comply with or resists the provisions of this ordinance shall upon conviction, be punished by a fine of not less than \$100 or more than \$1,000, together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof 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. In addition to the preceding, the town is authorized to seek and obtain injunctive relief in order to enforce this ordinance. Whenever a person shall have been notified by the Building Inspector or a member of the Town Board that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within 7 days after notice, and shall correct all violations within 30 days after notice. If corrections are not commenced within 7 days of notice or not completed within 30 days of notice, each day that a violation continues shall be considered a separate offense for purposes of determining the amount of the minimum fine. No person shall be issued or re-issued a building permit, a special use permit or any other permit under this ordinance, if said person:

15.11 Fails to meet or comply with the building codes established by the town.

15.12 Fails to meet or comply with the provisions of this ordinance.

15.13 Fails to comply with the Fond du Lac County or State of Wisconsin zoning and building code requirements.

15.14 Fails to pay all relevant fees for building permits and any other charges imposed by the town; or

15.15 Fails to comply with any special orders or conditions imposed by the building inspector or the Town Board.

ARTICLE XVII

Section 16.0 Changes and Amendments.

- 16.1** When any amendment 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 matter to the Plan Commission for 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 provide a Class 2 notice of a public hearing on such amendment, specifying the time and place of such hearing.
- 16.2** The Town may rezone land out of the Farmland Preservation District if the Town finds all of the following, after a public hearing:
- 16.21** The land is better suited for a use not allowed in the Farmland Preservation District.
- 16.22** The rezoning is consistent with any applicable comprehensive plan.
- 16.23** The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.
- 16.24** 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.
- 16.3** 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 that report and map to Fond du Lac County by March 1 of each year.

ARTICLE XVIII

Section 17.0 Validity and Conflicts.

- 17.1** 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.
- 17.2** All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

ARTICLE XIX

Section 18.0 Effective Date and Renewal of Interim Ordinance.

18.1 This ordinance shall be in force and after its passage, approval, publication and recording according to law.

18.2 Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this ordinance

Passed and Adopted: April 16, 1980.

Revised: November 2, 1981

Amended: August 26, 1991
July 11, 1994
June 9, 1997
March 14, 2003
August 27, 2014

TOWN OF METOMEN

By: _____
Jeff Amend, Town Chairperson

Attest: _____
Cindy Sheskey, Town Clerk