

CHAPTER 17
ZONING REGULATIONS
TOWN OF ELDORADO

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

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

17.02 **PURPOSE.** The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town. The provisions of this ordinance shall be held to be minimum requirements.

17.03 **INTENT.** It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; and to:

(1) Preserve and protect prime agricultural lands in the Town.

(2) Preserve and protect the beauty of the Town.

(3) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.

(4) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.

(5) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.

(6) Secure safety from fire, pollution, contamination and other dangers.

(7) Stabilize and protect existing and potential property values.

(8) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.

(9) Further the maintenance of safe and healthful water conditions.

(10) Provide for and protect various suitable commercial and industrial sites.

(11) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.

(12) Implement those Town, County, watershed, and regional comprehensive plans or components of such plans adopted by the Town.

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- (13) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.
- 17.04 **ABROGATION AND GREATER RESTRICTIONS.** It is not the intent of this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.
- 17.05 **INTERPRETATION.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.
- 17.06 **TITLE.** This Chapter shall be known and cited as the “Zoning Regulations, Town of Eldorado, Fond du Lac County, Wisconsin.”
- 17.07 **DISTRICTS.** For the purposes of this Chapter, the Town of Eldorado, Fond du Lac County, Wisconsin is hereby divided into the following districts:
- (1) R Residential District
 - (2) TRD Transitional Residential District
 - (3) RD Rural District
 - (4) A-1 Farmland Preservation District
 - (5) A-2 General Agricultural District
 - (6) C Commercial District
 - (7) I Industrial District
 - (8) CAO Critical Areas Overlay District
 - (9) TNDO Traditional Neighborhood Design Overlay District
- 17.08 **BOUNDARIES.** The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Eldorado 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 Zoning Map are as much a part of this ordinance as though specifically described herein. The district boundaries, unless otherwise indicated, are street or highway centerlines, 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 lines.

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

- 17.09 DEFINITIONS. 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.
- (1) Accessory Use or Accessory Structure – A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
 - (2) Adjacent – Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
 - (3) Agricultural Accessory Uses – The following uses on a farm:
 - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - (4) Agricultural Use - Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production.
 - (b) Keeping livestock.
 - (c) Beekeeping.
 - (d) Nursery, sod, or Christmas tree production.
 - (e) Floriculture.
 - (f) Aquaculture.
 - (g) Fur farming.
 - (h) Forest management.
 - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (j) Other activities that the Department of Agriculture, Trade, and Consumer Protection (DATCP) may identify by rule.

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- (5) Agriculture-related Use - A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
 - (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the A-1 Farmland Preservation District.
 - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the A-1 Farmland Preservation District.
 - (c) Slaughtering livestock, including livestock from farms in the A-1 Farmland Preservation District.
 - (d) Marketing livestock to or from farms, including farms in the A-1 Farmland Preservation District.
 - (e) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 Farmland Preservation District.
- (6) Agri-tourism – An agriculture based tourism business that allows patrons to visit a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.
- (7) Airport, Public - Any airport which complies with the definition contained in s. 114.002 (7), Wis. Stats., and as updated in relevant statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (8) Animal Units – Has the meaning that was given initially in s. NR 243.03(3), Wis. Adm. Code as of April 27, 2004 and as subsequently updated in relevant regulations.
- (9) Appraised Value – The value of a principal structure, not including the land upon which it is located, as determined by the most recent Fond du Lac County tax roles.
- (10) Aquaculture – See Fish Hatchery, sec. 17.09(50) of this Chapter.
- (11) Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
- (12) Base Farm Tract – All land, whether one parcel or two or more contiguous parcels, that is in the A-1 Farmland Preservation District and that is part of a single farm as of April 23, 2013, the date of Town Board adoption, regardless of any subsequent changes in the size of the farm.
- (13) Basement - A story partly underground which, if occupied as living quarters, shall be counted as a story for purposes of height measurements.
- (14) Bed and Breakfast - Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month

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period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in relevant Wis. Stats.

- (15) Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for five or more persons not members of a family.
- (16) Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.
- (17) Building, Accessory - A subordinate structure or structures detached from, but located on the same lot as the principal structure, the use of which is incidental and related to that of the principal structure.
- (18) Building, Height of - The vertical distance from the average elevation of the finished grade at the building face to the highest point of the structure.
- (19) Building, Main or Principal - A building constituting the principal use of a lot.
- (20) Building Inspector – Certified by the State of Wisconsin and responsible for determining compliance with the Wisconsin Universal Building Code (UBC). Issues UBC permit and Occupancy permit for new homes and commercial buildings and remodel work greater than 50% of the appraised value of the structure. May issue UBC permit for remodel work 50% or less of the appraised value of the structure when requested by the Building Permit Officer.
- (21) Building Permit – Permit issued by the Building Permit Officer for residential or commercial remodel work that entails 50% or less of the appraised value of the structure.
- (22) Building Permit Officer – Responsible for compliance with the Town Code (zoning ordinance, subdivision ordinance, etc.). Issues Land Use permit, Building permit for residential and commercial remodel work that is 50% or less of the appraised value of the structure, and all other permits related to the Town Code excepting those issued by the Building Inspector or Plan Commission.
- (23) Centerline - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- (24) 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.
- (25) Common ownership – Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (26) Community Based Residential Facility (CBRF) – A place where three or more unrelated adults reside in which care, treatment, or services above the level of room and board, but

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not including nursing care, are provided in the facility. A CBRF is subject to State-level licensing and operational limitations as set forth in relevant state statutes.

- (27) Conditional Uses – Uses of a special nature that make it impractical to predetermine as a permitted use in a district.
- (28) Contiguous – Adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of- way. Parcels are not contiguous if they meet only at a single point.
- (29) Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (30) Developers Agreement - An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Chapter apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town unless this requirement is waived by the Town.
- (31) Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one residential dwelling unit, commercial building, or property.
- (32) Dwelling – A building or portion thereof that provides living facilities for one or more families, but not including hotels, motels or boarding houses.
- (33) Dwelling Unit – One or more rooms physically arranged so as to create an independent housekeeping establishment of occupancy by one family or not more than four (4) roomers, which shall include complete toilet and kitchen facilities permanently installed.
- (34) Dwelling, One Family - A single residential building designed for or occupied exclusively by one family.
- (35) Dwelling, Two Family (Duplexes) - A single residential building containing two dwelling units, separated from each other by common or party walls without openings, entirely surrounded by open space on the same lot.
- (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.
- (37) Election Campaign Period - In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which

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the referendum is held.

- (38) Encroachment - Any fill, structure, building, use or development in the floodway.
- (39) Erosion - The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (40) Essential Services - Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (41) Family – For the purposes of this Chapter, all of the following shall be deemed as a family:
 - (a) An individual.
 - (b) Two or more persons related by blood, marriage, or adoption.
 - (c) A maximum of five persons not so related, maintaining a common household in a dwelling unit or lodging unit.
- (42) Farm – All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
 - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
 - (b) A majority of the land area is in agricultural use.
- (43) Farm acreage – The combined total acreage of all of the following in the base farm tract:
 - (a) Farms.
 - (b) Open space parcels of more than 10 acres.
- (44) Farm Operator - Any person who owns land and raises crops or livestock on that land or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation or a person who lives on land that he has historically farmed. For the purpose of this Chapter, any person who has farmed land for five consecutive years is deemed to have farmed it historically.
- (45) Farm residence – Any of the following structures located on a farm:
 - (a) A one-family or two-family (duplex) dwelling that is the only residential structure on the farm.

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- (b) A one-family or two-family (duplex) dwelling 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% of his or her gross income from the farm.
- (c) A migrant labor camp that is certified under s. 103.92, Wis. Stats. or subsequent relevant Wis. Stats.
- (46) Farmers' Market - The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than five bushels per day of farm produce grown off the premises is not considered a farmers market.
- (47) Fence, Open - A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, rail fences, and others as identified in sec. 17.20 Fences of this Chapter.
- (48) Fence, Ornamental - A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type and other as identified in sec. 17.20 Fences of this Chapter.
- (49) Fence, Security - A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as identified in sec. 17.20 Fences of this Chapter.
- (50) Fence, Solid - A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences or as identified in sec. 17.20 Fences of this Chapter.
- (51) Fish Hatchery - The establishment, operation, and maintenance of a facility for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to relevant Wis. Stats.
- (52) Frontage - All the property abutting on a road or street.
- (53) Game Farm - The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to relevant Wis. Stats.

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- (54) Garage, Private - An accessory building or space for the storage of not more than three motor-driven vehicles.
- (55) 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.
- (56) 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.
- (57) Gross Farm Revenue – Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.
- (58) High-water Mark or Elevation - The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (59) Hobby Farm – A small agricultural holding that is maintained without expectation of being the primary source of income.
- (60) Home-based Business – Defined in each relevant zoning district as follows:
 - (a) R District - A gainful occupation operating from a primary place of residence that occupies no more than 25% of the home; employs no more than one person who is not a member of the household; does not require any specialized equipment or utility services; and has customers and truck delivery services only occasionally coming to the business.
 - (b) TRD District – As defined above for R District.
 - (c) RD District – A gainful occupation operating from a primary place of residence, including such light industrial uses as rental storage in an existing outbuilding, contractors shop or warehouse, or machine shop; service offices; bed and breakfast operations; veterinarian office or pet care facility; and similar if they generally met the requirements for accessory uses except that the business:
 - 1. Employs no more than four (4) people who are not residents of the home.
 - 2. Has customers and truck delivery services visiting the business frequently, but not daily.
 - 3. Is located in a specialized building on the property.
 - (d) A-1 District - A gainful occupation operating from a primary place of residence, including rental storage in an existing barn or other outbuilding, bed and breakfast operations, music teaching, day care facilities, service offices, or other home-based businesses provided the business does not produce excessive noise, waste or pollution and provided that the business is consistent with ch. 91, Wis. Stats.

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- (e) A-2 District – As defined above for A-1 District.
- (61) Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no mechanical equipment is used other than such as is ordinarily used for domestic purposes and that no person other than a member of the immediate family living on the premises is employed. In the A-1 Farmland Preservation District, all home occupations must be consistent with sec. 91.01(1)(d).
- (62) Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.
- (63) Interconnected building – Two buildings on the same parcel or on adjoining parcels connected by a shared wall.
- (64) Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.
- (65) Kennel - A use of land in which more than four dogs over three months of age are kept on the premises.
- (66) Landmark - Any structure or improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the community, State, or nation and which has been designated as a landmark pursuant to the provisions of this Chapter.
- (67) Landmark Site - Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site pursuant to the provisions of this Chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- (68) Land Owner or Landowners- Any person holding title to or having an interest in land.
- (69) Land User - Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his land.
- (70) Livestock - Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, rataties and farm-raised fish.
- (71) Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
- (72) Lot, Zoning - A single property, parcel, unit, tract, plot or otherwise designated to be used,

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as a unit under single ownership or control, and which may be occupied by one 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.

- (73) Lot, Corner – For the purposes of this Chapter, a corner lot shall be defined as any of the following:
- (a) A lot located at the junction of and abutting two or more intersecting streets.
 - (b) A lot located 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.
 - (c) A lot located at the junction of and abutting two or more storm or flood water runoff channels or basins.
 - (d) A lot located or 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.
- (74) Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- (75) Lot, Interior - A lot other than a corner lot.
- (76) Lot Width - The distance between sides of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot at both the building line and the waterline.
- (77) Manufactured Home – A factory-built, single-family structure that is manufactured in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 or subsequent relevant federal statutes (as evidenced by the presence of a manufacturer’s certification label on the unit).
- (78) 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.
- (79) 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.
- (80) Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.

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- (81) Nonconforming Lot – A lot or parcel existing at the time of the passage of this ordinance or amendments which does not conform to the regulations of this ordinance or amendments thereto.
- (82) Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments, which use, or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- (83) Nonfarm Residence – Any residence other than a farm residence.
- (84) Nonfarm Residential Acreage – The total number of acres of all parcels on which nonfarm residences are located
- (85) Nonmetallic Mining - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete.
- (86) Occupancy – Gaining of having physical possession of real property subject to, or in the absence of, legal right or title.
- (87) Overlay District - Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more stringent of the conflicting requirements shall apply.
- (88) Person – An individual, corporation, partnership, limited liability company, trust, estate or other legal entity.
- (89) Planned Unit Development - The Planned Unit Development (PUD) is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code.

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- (90) Prime Farmland – Any of the following:
- (a) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (b) Land, other than land described in par. (a), which is identified as prime farmland in the county’s certified farmland preservation plan.
- (91) Principal Use or Principal Structure - The main use of land or structures as distinguished from a secondary or accessory use or accessory structure.
- (92) 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.
- (93) Protected Farmland – Land that is any of the following:
- (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats. or subsequent statutes.
 - (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats. or subsequent statutes.
 - (c) Covered by Purchase of Agricultural Conservation Easements (PACE) under s. 93.73, Wis. Stats. or subsequent statutes.
 - (d) Otherwise legally protected from nonagricultural development.
- (94) 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.
- (95) Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources (WDNR).
- (96) Self-Service Storage Facility - A building or group of buildings that contain varying sizes of individual, compartmentalized, and controlled access stalls or lockers designed primarily for the storage of household items and inventory of small commercial business where storage stalls or lockers are individually leased or rented.
- (97) Setback - Lines established along highways at specified distances from the centerline, 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.

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- (98) Shorelands - Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.
- (99) Sign – A device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- (100) Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- (101) Stable - Stable shall have the same meaning as garage, one draft animal being considered the equivalent of one self-propelled vehicle.
- (102) 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.
- (103) Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- (104) 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 and dwellings.
- (105) Temporary Structure - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- (106) Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.
- (107) Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- (108) Universal Building Code (UBC) Permit – Permit issued by the Building Inspector, consistent with the State of Wisconsin Uniform Dwelling Code, for new homes and commercial buildings and remodel work greater than 50% of the appraised value of the structure. May be issued for remodel work 50% or less of the appraised value of the structure when requested by the Building Permit Officer.

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- (109) Utilities - Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, micro-wave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (110) Variance - An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building or structure, modify otherwise required lot dimensions, or in other ways allow for uses in a manner that deviates from the dimensional standards of this Chapter.
- (111) 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.
- (112) Yard, Front - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- (113) 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.
- (114) 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.

17.10 GENERAL USE PROVISIONS.

- (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.
- (2) The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located, but such nonconforming use shall not be extended.
- (3) 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 restrictive classification. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.
- (4) 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.

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17.11 GENERAL YARD AND SPACE PROVISIONS.

- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Chapter, 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.
- (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
- (3) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case, shall there be more than one main building on one lot.
- (4) 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.
- (5) Any side yard or rear yard 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.
- (6) No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
- (7) Where a housing project consisting of a group of two or more buildings containing four or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Plan Commission may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.
- (8) The entirety of all residential structures must be placed within 350 feet of the adjacent road right-of-way line except for agriculture-related structures.
- (9) A driveway turn-around is required for each residential lot to eliminate backing up of vehicles onto public roads.

17.12 EFFECTIVE DATE.

- (1) The effective date of this Chapter shall be the date of publication of the ordinance adopting this Chapter.
- (2) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof, the construction of which shall have been

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started prior to the effective date of this ordinance.

17.13 PARKING.

- (1) 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 one car for every five seats provided.

17.14 EXCEPTIONS.

- (1) 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:
 - (a) Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding 65 feet, provided the front, side and rear yards required in the district in which such buildings are to be located are each increased at least one 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.
 - (b) 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 excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Eldorado.
 - (c) Where a lot abuts on two 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.
 - (d) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with.
 - (e) 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 passage of this ordinance, such lot may be occupied by one family.
 - (f) 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.
 - (g) Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet provided they are so located as not to obstruct light and ventilation.

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17.15 CODE COMPLIANCE AND PERMITS.

- (1) No Universal Building Code (UBC) permit, Building permit or certificate of occupancy shall be issued by the Building Inspector or Building Permit Officer for any lot which does not comply with all the regulations and standards of this Chapter unless a variance to such regulations and standards has been approved by the Zoning Board of Appeals.

17.16 MULTI-FAMILY HOUSING. Multi-family housing is a conditional use in the R Residential District and TRD Transitional Residential District subject to the following standards and regulations:

- (1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be 700 square feet for each one-bedroom unit; 800 square feet for each two-bedroom unit; 1,000 square feet for each three-bedroom unit, -- exclusive of common use hallways.
 - (2) Off-street parking space.
 - (a) 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, 450 square feet for each one-bedroom unit; 450 square feet for each two-bedroom unit; and 600 square feet for each three-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
 - (b) Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than five feet from any side or rear lot line.
 - (c) Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
 - (d) Parking area shall be screened with decorative fence or shrubbery from the street and adjacent property as set out in sec. 17.20 Fences of this Chapter.
 - (3) Dimension of Building Sites.
 - (a) For a three-family unit, the minimum lot size shall be 1.5 acres (65,340 square feet), and the minimum frontage shall be 200 feet.
 - (b) For more than a three-family unit, the minimum lot size shall be 1.5 acres (65,340 square feet) plus 7,500 square feet per family unit in excess of three, and the minimum frontage shall be 250 feet.
 - (4) Site Improvements.
 - (a) Refuse disposal shall be in such containers as approved by the Town of Eldorado and shall be located in the rear yard and appropriately screened and accessible for removal from a driveway or a yard service driveway.
 - (b) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic value of the area and to protect adjacent property.

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(c) Such fencing as may be necessary for the safety of the occupants and the public generally as per sec. 17.20 Fences of this Chapter.

17.17 **MANUFACTURED HOMES.** Where allowed as a permitted or conditional use, manufactured homes shall be subject to the following standards and regulations:

- (1) The minimum ground floor area shall be 800 square feet.
- (2) Each manufactured home must be built on or after October 1, 1974, in compliance with all applicable state and federal regulations.
- (3) A base of concrete or crushed rock at least six inches thick, concrete blocks or other properly engineered design which meets the standards of Housing and Urban Development for the proper support of a manufactured home shall be installed to serve as the foundation.
- (4) Any manufactured home, which has been previously occupied as a dwelling, must have a current fair market value of not less than 60% of its original list price as decided by the Town Assessor.

17.18 **TOWN ROAD DESIGN STANDARDS.** A land developer for homes, condominiums and apartment buildings shall build a road or roads that conform to the requirements of the Town of Eldorado Road Ordinance and Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.

17.19 **NONCONFORMING USES.**

- (1) **Applicability and Intent.** Any use of land or structures, or any lot or structure which existed legally at the effective date of adoption or amendment of this Chapter which would not be permitted or permissible by the provisions of this Chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this Chapter to permit such legally-existing nonconformities to continue, subject to restrictions.
- (2) **Nonconforming Uses of Land and Structures.** No such nonconforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of 12 consecutive months or for 18 accumulative months during any three-year period, any future use of such land or structure shall conform to the Chapter.
- (3) **Nonconforming Structures.** No such structure shall be altered in any manner, which would increase the degree of nonconformity.
- (4) **Non-conforming Lots of Record.** In any residential district, a single-family dwelling and customary accessory structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements of lot size, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals. If two or more lots or combinations

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of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance and no portion of such parcel shall be used, divided or sold which does not meet the lot size and lot width requirements for the district in which it is located.

- (5) Repairs and Maintenance. Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe unless as otherwise required in sec. 17.10 General Use Provisions of this Chapter.
- (6) Existing Conditional Uses. Any use or structure existing at the effective date of adoption or amendment of this ordinance which is classified as a conditional use in the district in which it is located shall be deemed to have been granted approval by the Plan Commission, subject to maintaining the character and intent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval of the Plan Commission as provided in this Chapter.

17.20 FENCES. Fences and walls are subject to the provisions of this section:

- (1) Height. The height of fences and walls shall be measured at grade.
 - (a) Residential zoning districts (R, TRD, RD).
 - 1. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six feet.
 - 2. Fences around pools shall not exceed eight feet.
 - 3. The maximum height of a solid fence or wall within a required front yard or corner side yard setback shall not exceed three feet.
 - 4. Such front yard or corner side yard fences may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20% opaque are used.
 - 5. When the fence extends beyond at least half the distance of the primary building's side facade, the fence height may increase to six feet provided the fence is constructed not closer than half the applicable corner side yard setback.
 - (b) Nonresidential zoning districts. The maximum height of a fence or wall shall not exceed eight feet except in required front or corner side yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.
 - (c) Schools. There is no maximum height for fences around schools.

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- (d) Boundary fence. A boundary fence or wall shall not be more than six feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges may be permitted to grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three feet in height between the front yard setback line and the abutting lot lines.
 - 1. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.
 - (e) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.
- (2) Setback from Property line.
- (a) Residential Districts. Fences in residential districts shall be set back no less than one foot from the property line.
 - (b) Non-Residential Districts. Fences in non-residential districts shall be set back no less than two feet from the property line.
- (3) Materials and Construction.
- (a) Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited except in A-1, A-2, and I Districts.
 - 1. Barbed wire fences, electrical fences, and single, double, and triple strand fences may not be used in residential districts, except between residential and agricultural properties.
 - 2. Electric fences may only be used between agricultural and residential properties when agreeable to both parties at the time the fence is installed. Subsequent residential owners may not require removal of the electric fence. Fences adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences.
 - (b) For all zoning districts other than A-1 and A-2 districts, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl

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coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to provisions of this ordinance.

- (c) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl or stone.
 - (d) The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- (4) Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.
- (5) Setback. No fence in the R, TRD, or RD Districts shall extend closer than five feet from a road right-of-way nor extend closer than 12 inches from a side or back yard property line.
- (6) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.
- (7) Swimming Pools, Spas, Hot Tubs, Saunas, Steam Rooms.
- (a) In-ground Pools, Spas, Hot Tubs. In-ground pools, spas, and hot tubs must be enclosed by a fence that is at least four feet high. A pool fence must also have a gate with a lock. If the yard within which the in-ground pool is located is fenced, no additional fencing is required; however, the yard fencing must have a gate(s) with a lock.
 - (b) Above-Ground Pools, Spas, Hot Tubs. Above-ground pools, spas, and hot tubs with sides that are at least four (4) feet high do not need to be enclosed by a fence. However, access to an above ground pool must be controlled by a removable ladder or lockable gate for any fixed stairway or ladder. Above-ground pools, spas, and hot tubs with sides less than four (4) feet high must comply with the requirements for in-ground pools, spas, and hot tubs.

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- (c) Outdoor Saunas and Steam Rooms. Fencing is not required for outdoor saunas and steam rooms; although, access to the sauna or steam room must be controlled by a lock.
- (d) Portable Pools. Portable pools that can be erected without permanent support do not require fencing.
- (8) Permit Required. Building permits must be obtained from the Town permit issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

17.21 BUSINESS PERMIT REQUIRED.

- (1) Purpose. The purpose of the Business Permit is to provide an additional protection to the citizens and visitors of the Town from fraud and misrepresentation; to ensure that sales tax revenues are reported equitably; and to provide a database of the commercial activities within the community.
- (2) Requirements. The Town of Eldorado requires that every person, firm, corporation, partnership or other business organization occupying real property within the Town for business purposes shall obtain a Business permit. In addition, similar businesses, which are engaged in business activities within the Town but have no fixed place of business in the Town shall also be required to obtain a Business permit. Any business, existing or new, that is sold or ownership transferred, is required to purchase another license from the Town of Eldorado. Home-based businesses as defined in this Chapter, require a Business permit to operate within the Town of Eldorado.
- (3) Violations.
 - (a) It is unlawful for any person, whether as principal or agent, either for himself or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or carry on any trade, calling, profession, occupation or business within the Town limits without first having procured a Business permit from the Town.
 - (b) The practicing or carrying on of any trade, calling, profession, occupation or business by any person, corporation or partnership without first having procured a permit from the Town to do so, or without complying with any and all regulations of such trade, calling, profession, occupation or business, as required by other law or by this article shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, carried on or conducted within the Town.

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- (4) Exceptions. The only exceptions to the licensing requirements of this section shall be:
- (a) Non-profit educational institutions, fraternal and service clubs, bona fide religious organizations, and agencies of any federal, state or local governments.
 - (b) Non-profit private clubs where a basic membership fee covers the cost of the use of facilities.
 - (c) Fund raising projects of non-profit and bona fide religious organizations, not conducted on a regular basis.
- (5) Application and Issuance. Application for Business permits shall be made to the Town on forms furnished by the Clerk.
- (a) It shall be the duty of the Clerk upon receipt of a properly completed application for a Business permit and verification of the data contained thereon, to prepare and issue a permit under this article for every person, corporation or partnership required to pay a permit fee hereunder and to state in each permit the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the trade, calling, profession, occupation or business permitted and the location or place of business where the trade, calling, profession, occupation or business is to be carried on, transacted or practiced.
 - (b) In no case, shall any mistake made by the Clerk in issuing any permit or collecting the amount of fee for any permit or the amount actually due from any person required to pay for a permit as provided herein, prevent, prejudice or stop the Town from collecting the correct amount of fee or charge for any permit or the amount actually due from any person required to pay for a permit as provided herein, or revoking any permit erroneously issued and refunding the fee collected.
 - (c) No greater or lesser amount of money shall be charged or received by the Clerk for any permit than is provided for in this article, and no permit shall be issued for any period of time other than as provided herein.
 - (d) All charges for a permit required by this article shall be paid in advance and in lawful money of the United States of America at the office of the Clerk.
- (6) Review. The Town of Eldorado shall:
- (a) Review the proposed use in order to confirm proper zoning.

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- (b) Review with the applicant all requirements regarding Universal Building Code (UBC) permits, Building permits, Occupancy permits, and compliance with all other relevant local and state requirements.
 - (c) Review traffic and parking considerations.
 - (d) Review all other relevant terms and provisions of the Town of Eldorado Ordinances.
- (7) Term of Permits.
- (a) The renewal charge for annual permits provided herein shall become due and payable between January 1 and January 31 of each calendar year and each year thereafter, except that any new permit charge shall become due and payable and be paid on or before the day of commencing to carry on, transact or practice the trade, calling, profession, occupation or business for which a permit is required by this article.
 - (b) The charge for daily permits required by this article shall become due and payable and be paid before each day for which required.
- (8) Number of Permits.
- (a) A separate charge for a permit shall be paid for each branch establishment or separate place of business in which any person, corporation or partnership shall carry on, transact or practice a trade, calling, profession, occupation or business.
 - (b) When more than one trade, calling, profession, occupation or business is carried on, transacted or practiced by the same person, corporation or partnership at one fixed place of business, only one permit shall be required and the charge for such permit shall be the highest charge applicable to any of the activities, and all activities shall be listed on the permit issued.
 - (c) When more than one trade, calling, profession, occupation or business shall be carried on, transacted or practiced by the same person, corporation or partnership without any fixed place of business, a separate permit shall be required and a separate appropriate charge be paid for each activity for which a permit is required this article.
- (9) Permit to be Exhibited.
- (a) Each person, corporation or partnership having a permit and having a fixed place of business shall keep said permit, while in force, at some conspicuous place or location within the place of business.

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- (b) Each person, corporation or partnership having a permit and having no fixed place of business shall carry such permit with them at all times, while engaged in any activity for which the permit was issued, except that a person acting for any such corporation, firm or company and not being the only person acting for such corporation, firm or company may carry with them a copy of the permit which has been issued by the Clerk and plainly marked or stamped "Duplicate".
 - (c) Each person, corporation or partnership having a permit shall produce and exhibit the same whenever requested to do so by any designated officer of the Town or by the Clerk.
- (10) Inspector of Permits.
- (a) The Clerk shall be inspector of permits and may appoint, with approval of the manager, such assistant inspectors as may be required to enforce these regulations.
 - (b) Each assistant inspector of permits, immediately upon the facts coming to his knowledge, shall report to the Clerk the name of any person, corporation or partnership carrying on, transacting or practicing any trade, calling, profession or business within the Town without first having obtained a permit as required by this article.
- (11) Duties and Powers of Inspectors.
- (a) The inspector of permits and the assistant inspectors, each in the discharge and performance of his duties, shall have and exercise the following powers:
 - 1. To file a complaint for any violation of the provisions of this Chapter with the Town magistrate.
 - 2. To enter, free of charge and during regular business hours, any place of business for which a permit is required by this article and to demand exhibition of the permit for the current period of time from any person, corporation or partnership engaged in carrying on, transacting or practicing any trade, calling, profession, occupation or business at such place of business and, if such person, corporation or partnership shall fail then and there to exhibit such permit, such person, corporation or partnership shall be liable to the penalties provided for violation of this article.
 - 3. When the charge for any permit required hereunder shall remain unpaid for ten days from and after the due date, such charge shall be delinquent and the Clerk, on the day upon which said charge becomes delinquent, shall add thereto an amount equal to 25% of said charge

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as a penalty and no receipt or permit shall be issued thereafter by the Clerk until the charge and penalty shall be paid in full.

- (12) Transfer of Permit. No permit issued under the provisions of this article shall be assigned or transferred to any other person, corporation or partnership without first obtaining permission from the Town.
- (13) Prorating Prohibited. No permit fee herein provided shall be prorated, except that annual permits issued after the first of December shall be valid for all of the subsequent year and shall reflect an appropriate expiration date.
- (14) Business Permit Fees. The Business permit fees shall be set and adjusted from time to time by the Town Board and shall be listed in the Town of Eldorado Fee Schedule.
- (15) Restrictions, Suspension, Revocation. Permits issued under the provisions of this Chapter may be restricted, suspended or revoked by the Town Clerk, after notice and an opportunity for a hearing, for any of the following causes:
 - (a) Fraud, misrepresentation or false statement contained in the application for permit.
 - (b) Fraud, misrepresentation or false statement made in the course of carrying on the business.
 - (c) Any violation of this Chapter.
 - (d) Conviction of any crime or misdemeanor involving moral turpitude.
 - (e) Conducting business in violation of any Town ordinance, county ordinance or state law relating to the public health, safety and welfare.
- (16) Appeals.
 - (a) Notice of the hearing for restrictions, suspension or revocation of a permit shall be given in writing, by the Town Clerk, setting forth specifically the grounds for the restrictions, suspension or revocation and the time and place of the hearing. Such notice shall be mailed to the permittee at the address listed on the Business permit application at least ten days prior to the date set for the hearing. The mailing of such notice shall constitute proper notice to the permittee.
 - (b) Any person aggrieved by the denial of an application for permit or by the restrictions placed upon the permit or by the suspension or revocation of such permit shall have the right of appeal to the Zoning Board of Appeals. Such

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appeal shall be taken by filing with the Town Clerk, within fourteen days after such denial, restriction, suspension or revocation, a written statement setting forth fully the grounds for the appeal. The Zoning Board of Appeals shall set a time and a place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for notice of a hearing on suspension or revocation. The decision and order of the Zoning Board of Appeals on such appeal shall be final.

17.22-17.29 RESERVED.

17.30 R RESIDENTIAL DISTRICT.

- (1) Purpose. The R Residential District is intended to provide the area covered by this ordinance with low-density residential development. The R Residential District is intended primarily for the area south of the unincorporated village of Eldorado.
- (2) Permitted Uses. The following uses are permitted in the R Residential District:
 - (a) One-family dwellings.
 - (b) Two-family dwellings.
 - (c) Manufactured homes, subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (d) Conversion of any existing building to a permitted use.
 - (e) Home occupations.
 - (f) Public parks, playgrounds.
 - (g) Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R Residential District:
 - (a) Swimming pools. Pools must be fenced in accordance with sec. 17.20 Fences of this Chapter. Side yard and rear yard setbacks for swimming pools are consistent with the side yard and rear yard setbacks for permitted accessory structures in the same district.
 - (b) Fences, consistent with sec. 17.20 Fences of this Chapter.

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- (c) Personal energy systems, consistent with any current or future or Town of Eldorado Personal Energy Systems Ordinance, including but not necessarily limited to:
 - 1. One small wind turbine intended to supply energy for personal use or to sell back to the grid, consistent with ch. PSC 128, Wis. Adm. Code.
 - 2. Conventional photovoltaic solar arrays, flexible solar arrays, and similar energy systems.
 - 3. Solar thermal energy systems.
 - 4. Geothermal pumps and energy systems.
 - 5. Outdoor wood-fired boilers.
 - 6. Other personal energy systems as defined in any current or future Town of Eldorado Personal Energy Systems Ordinance.

- (4) Permitted Accessory Structures. No more than five accessory structures are permitted within the R Residential District. The following accessory structures are permitted in the R Residential District:
 - (a) Detached garages.
 - (b) Garden sheds.
 - (c) Gazebos.
 - (d) Structures deemed by the Plan Commission to be similar in nature to the structures identified above.

- (5) Conditional Uses. The following uses may be conditionally approved in the R Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter.
 - (a) Bed and breakfast establishments.
 - (b) Rest homes, nursing homes, clinics, and commercial childcare facilities.
 - (c) Multi-family dwellings in the R Residential District shall be subject to the standards and regulations as set out in sec. 17.16 Multi-Family Housing of this Chapter.
 - (d) Home-based businesses.

- (6) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the R Residential District:

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- (a) Roadside stands, not to exceed 100 square feet in area and to be removed at the end of the growing season.
- (7) Conditional Accessory Structures. The following accessory structures may be conditionally approved in the R Residential District:
 - (a) Additional accessory structures beyond the maximum number of accessory structures permitted in sec. 17.30(4) of this Chapter.
- (8) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the R Residential District and properties zoned Residential throughout the Town:
 - (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers or boarders.
 - (b) Location. Dwellings shall be located so as to abut a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.
 - 1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 - 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.
 - 3. Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
- (9) Dimensions of Building Sites for Unsewered One and Two Family Dwellings. The following dimensions shall apply in the R Residential District:
 - (a) The minimum lot size shall be 0.75 acre (32,670 square feet).
 - (b) The minimum frontage shall be 150 feet.
 - (c) The minimum lot width shall be 150 feet at the minimum road setback (or “build line”).
- (10) Setbacks. The following setbacks shall apply in the R Residential District:

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- (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way with one exception. Any dwelling or structure constructed between two existing dwellings or structures that exist 150 feet or less apart may be constructed with a minimum road setback equal to the average of the road setbacks for the two existing dwellings or structures. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 15 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages.
 - (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (11) Standards for Garages and Accessory Structures. The following standards shall apply in the R Residential District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,100 square feet.
 - (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.

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- (12) **Maximum Height.** The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.
- (13) **Sanitary Sewers and Private Onsite Wastewater Treatment Systems.** The following shall apply in the R Residential District:
 - (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (14) **Mobile Homes.** The following shall apply to mobile homes in the R Residential District. Whenever a mobile home, existing at the time of the adoption of this Chapter, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.

17.31 TRD TRANSITIONAL RESIDENTIAL DISTRICT.

- (1) **Purpose.** The TRD Transitional Residential District is intended to serve as a buffer between the more densely developed unincorporated village of Eldorado area and the less densely developed Eldorado State Wildlife Area and surrounding rural land uses. Residential development within the TRD Transitional Residential District will occur exclusively through conservation design for subdivision plats and individual parcels created through a certified survey map (CSM).
- (2) **Permitted Uses.** The following uses are permitted in the TRD Transitional Residential District:
 - (a) Any use identified as permitted in the R Residential District, sec. 17.30(2) Permitted Uses of this Chapter.
- (3) **Permitted Accessory Uses.** The following accessory uses are permitted in the TRD Transitional Residential District:

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- (a) Any accessory use identified as permitted in the R Residential District, sec. 17.30(3) Permitted Accessory Uses of this Chapter.
- (4) Permitted Accessory Structures. No more than three accessory structures are permitted within the TRD Transitional Residential District. The following accessory structures are permitted in the TRD Transitional Residential District:
 - (a) Any accessory structures permitted in the R Residential District, sec. 17.30(4) Permitted Accessory Structures of this Chapter.
- (5) Conditional Uses. The following uses may be conditionally approved in the TRD Transitional Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Any use identified as conditional in the R Residential District, sec. 17.30(5) Conditional Uses of this Chapter.
- (6) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the TRD Transitional Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Any accessory uses identified as conditional in the R Residential District, sec. 17.30(6) Conditional Accessory Uses of this Chapter.
- (7) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the TRD Transitional Residential District:
 - (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers.
 - (b) Location. Dwellings shall be located so as to abut a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.
 - 1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 - 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.

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- (e) Preserved Open Space. A minimum of 40% of each new parcel created through a Certified Survey Map (CSM) and a minimum of 40% of the gross tract area of any subdivision created through a plat shall be permanently preserved as open space as defined in Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.
- (8) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the TRD Transitional Residential District:
- (a) The minimum lot size shall be one half acre (21,780 square feet).
 - (b) The minimum frontage shall be 50 feet in a conservation subdivision and 150 feet in a conservation CSM.
 - (c) There shall be no minimum lot width at the minimum road setback (or “build line”) in a conservation subdivision and the build line shall be 150 feet in a conservation CSM.
- (9) Setbacks. The following setbacks shall apply in the TRD Transitional Residential District:
- (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way in a conservation CSM. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 15 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages.

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- (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (10) Standards for Garages and Accessory Structures. The following standards shall apply in the TRD Transitional Residential District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,100 square feet.
 - (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.
- (11) Maximum Height. The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face, abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.
- (12) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the TRD Transitional Residential District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

17.32 RD RURAL DISTRICT.

- (1) Purpose. The purpose of the RD Rural District is to provide areas for mixed agricultural and residential uses and hobby farm operations. This district is generally composed of lands which are currently developed or used for non-agricultural purposes or which because of location, soils, existing development, ownership patterns or other physical characteristics are not highly suited to productive long-term crop uses.

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- (2) Permitted Uses. The following uses are permitted within the RD Rural District:
- (a) Permitted principal agricultural uses in the A-2 General Agricultural District, sec. 17.34(2)(a) of this Chapter.
 - (b) One-family dwellings.
 - (c) Two-family dwellings.
 - (d) Manufactured homes, subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (e) Hobby farms and farm homes remaining from any farm consolidation.
 - (f) Public parks and playgrounds.
 - (g) Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
 - (h) Conversion of an existing structure or dwelling to a permitted use.
 - (i) Home occupations.
- (3) Permitted Accessory Uses. The following accessory uses are considered permitted within the RD Rural District:
- (a) Accessory uses identified as permitted in the A-2 General Agricultural District, sec. 17.34(3) of this Chapter.
 - (b) Accessory uses identified as permitted in the R Residential District, sec. 17.30(3) of this Chapter.
- (4) Permitted Accessory Structures. The following accessory structures are permitted in the RD Rural District:
- (a) Any accessory structure identified as permitted in the A-2 General Agricultural District, sec. 17.34(4) of this Chapter.
- (5) Conditional Uses. The following uses may be conditionally approved in the RD Rural District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Maximum of one animal unit per acre.
 - (b) Home-based businesses.

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- (c) Bed and breakfast establishments.
- (6) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the RD Rural District:
 - (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers.
 - (b) Location. Dwellings shall be located so as to about a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.
 - 1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 - 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than five feet from any side or rear lot line.
 - 3. Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
- (7) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the RD Rural District:
 - (a) The minimum lot size shall be 1.5 acres (65,340 square feet).
 - 1. For lots where livestock will be kept the minimum lot size is five acres.
 - (b) The minimum frontage shall be 200 feet.
 - (c) The minimum lot width shall be 200 feet at the minimum road setback (or “build line”).
- (8) Setbacks. The following setbacks shall apply in the RD Rural District:
 - (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically as the greater of 100 feet from the centerline of the road or 65 feet

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from the right of way line. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.

- (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for lots less than five acres and 40 feet for lots greater than or equal to five acres for all dwellings and attached garages.
 - (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet for lots less than five acres.
 - (g) The minimum rear yard setback for all detached garages and accessory structures shall be 40 feet for lots greater than or equal to five acres.
 - (h) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) Standards for Garages and Accessory Structures. The following standards shall apply in the RD Rural District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
 - (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.
- (10) Maximum Height. The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.

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- (11) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the RD Rural District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (12) Mobile Homes. The following shall apply to mobile homes in the RD Rural District. Whenever a mobile home, existing at the time of the adoption of this Chapter, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.

17.33 A-1 FARMLAND PRESERVATION DISTRICT.

- (1) Purpose. The purpose of the A-1 Farmland Preservation District is to:
- (a) Preserve productive agricultural land for food and fiber production.
 - (b) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
 - (c) To maintain a viable agricultural base to support agricultural processing and service industries.
 - (d) To prevent conflicts between incompatible uses.
 - (e) To reduce costs of providing services to scattered non-farm uses.
 - (f) To pace and shape growth.
 - (g) To implement the provisions of the county agricultural plan as adopted and revised.
 - (h) To comply with the provisions of the Working Lands Program to permit eligible landowners to receive tax credits under the appropriate sections of the law.

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- (i) To implement the Town of Eldorado Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted within the A-1 Farmland Preservation District:
 - (a) Agricultural uses.
 - (b) Agricultural Accessory Uses, except for those agricultural accessory uses requiring a conditional use permit under sec. 17.33(4). This includes the following uses:
 - 1. Roadside stand.
 - a. Not to exceed 200 square feet in size.
 - b. Products must be produced on site.
 - 2. Horse Boarding, in accordance with sec. 91.01(1), Wis. Stats.
 - (c) Agriculture-related uses.
 - (d) Home occupations, consistent with ch. 91, Wis. Stats.
 - (e) Conservancy, including open space uses, hiking trails, undeveloped natural resource areas, and other similar uses. Also including small accessory structures to service such uses.
 - (f) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a Conditional Use permit for that use.
 - (g) Other uses that may be identified by the Department of Agriculture, Trade, and Consumer Protection (DATCP) by rule.
 - (h) Farm residence, as defined in sec. 17.09(45) of this Chapter, with a minimum ground floor area of 800 square feet.
 - (i) Manufactured homes, if such home is the farm residence.
- (3) Conditional Uses. The following uses may be conditionally approved in the A-1 Farmland Preservation District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Home-based businesses, consistent with sec. 91.01(1)(d), Wis. Stats.
 - (b) Nonfarm residences consistent with sec. 17.33(5) of this Chapter.
 - (c) Nonfarm residential clusters consistent with sec. 17.33(6) of this Chapter.
 - (d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with sec. 17.33(7) of this Chapter.

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- (e) Governmental, institutional, religious, or nonprofit community uses, including cemeteries and public parks, consistent with sec. 17.33(8) of this Chapter.
 - (f) Nonmetallic mineral extraction consistent with sec. 17.33(9) of this Chapter.
 - (g) Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources (WDNR) under SubChapter II of ch. 295, Wis. Stats. or subsequent statutes.
 - (h) Other uses that may be allowed as Conditional Uses by the Department of Agriculture, Trade and Consumer Protection (DATCP) by rule.
 - (i) Nonfarm residences in existence as of insert date of DATCP certification.
- (4) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the A-1 Farmland Preservation District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) The following agricultural accessory use: Agri-tourism.
- (5) Nonfarm Residences. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of sec. 17.33(4)(b) of this Chapter if the Plan Commission determines that all of the following apply:
- (a) 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 to 20 (1:20) after the residence is constructed or converted to a nonfarm residence.
 - (b) There will not be more than four dwelling units in nonfarm residences, nor, for a new nonfarm residence, 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.
 - (c) The location and size of the proposed nonfarm residential lot, 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 cropland, 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 nonfarm residence.
 - 2. Significantly impair or limit the current or future agricultural use of other protected farmland.
 - (d) Nonfarm residential dwellings shall comply in all respects with the residential requirements for one-family and two-family homes in the A-1 District.
 - (e) A nonfarm residential lot created from a base farm tract shall be no smaller than 1.5

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acres (65,340 square feet).

Note - A minimum base farm tract size of 31.5 acres is required in order to build one nonfarm residence; 63 acres to build two; 94.5 acres to build three; and, 126 acres to build four.

- (f) The minimum frontage shall be 150 feet for nonfarm residential parcels.
 - (g) The minimum lot width shall be 150 feet at the minimum road setback (or “build line”) for nonfarm residential parcels.
 - (h) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way with one exception. Any dwelling or structure constructed between two existing dwellings or structures that exist 150 feet or less apart may be constructed with a minimum road setback equal to the average of the road setbacks for the two existing dwellings or structures. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (i) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings on nonfarm residential parcels.
 - (j) The minimum side yard setback shall be 15 feet for all dwellings and attached garages on nonfarm residential parcels.
 - (k) The minimum side yard setback for detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet on nonfarm residential parcels.
 - (l) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages on nonfarm residential parcels.
 - (m) The minimum rear yard setback for detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet on nonfarm residential parcels.
 - (n) The maximum height for all structures and dwellings shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road on nonfarm residential parcels.
- (6) Nonfarm Residential Cluster. The Plan Commission may issue one Conditional Use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of sec. 17.33(3)(c) of this Chapter if all of the following apply:
- (a) The lots on which the nonfarm residences would be located are contiguous.

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- (b) Each nonfarm residences satisfies the requirements under sec. 17.33(5) Nonfarm Residences of this Chapter.
- (7) Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sec. 17.33(3)(d) of this Chapter if the Plan Commission determines that all of the following apply:
 - (a) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (b) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (8) Governmental, Institutional, Religious, or Nonprofit Community Use. A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of sec. 17.33(3)(e) of this Chapter if the Plan Commission determines that all of the following apply:
 - (a) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (b) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (9) Nonmetallic Mineral Extraction. Nonmetallic mineral extraction qualifies for the purposes of sec. 17.33(3)(f) of this Chapter if the Plan Commission determines that all of the following apply:

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- (a) The operation complies with subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of the local ordinance under ss. 295.13 or 295.14, Wis. Stats., or subsequent Wis. Stats., with any applicable requirements of the Wisconsin Department of Transportation, Fond du Lac County, and/or East Central Wisconsin Regional Planning Commission concerning the restoration and reclamation of nonmetallic mining sites, and with sec. 17.36(3)(e) of this Chapter.
 - (b) The operation and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (c) The operation and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the A-1 Farmland Preservation District, or are specifically approved under state or federal law.
 - (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - (e) 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.
 - (f) The owner must restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.
- (10) Standards for Rezoning. By March 1st of each year the Town of Eldorado shall provide to the Department of Agriculture, Trade and Consumer Protection (DATCP) and Fond du Lac County a report of the number of acres zoned out of the A-1 Farmland Preservation District during the previous year and a map that clearly shows the location of those acres. Decisions on petitions for rezoning areas zoned for farmland preservation use shall be based on findings, after holding a Public Hearing, which consider the following:
- (a) The land is better suited for a use not allowed in the A-1 Farmland Preservation District.
 - (b) The rezoning is consistent with any applicable comprehensive plan.
 - (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (11) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the A-1 Farmland Preservation District:
- (a) There shall be no minimum lot size for parcels in the A-1 District, except as specifically

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provided elsewhere in this Section.

- (b) The minimum frontage shall be 200 feet.
 - (c) The minimum lot width shall be 200 feet at the minimum road setback (or “build line”).
- (12) Setbacks. The following setbacks shall apply in the A-1 Farmland Preservation District:
- (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all dwellings and non-agricultural structures. There is no maximum setback for agricultural structures.
 - (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 50 feet.
 - (e) The minimum rear yard setback shall be 40 feet for all dwellings, attached garages, detached garages and accessory structures.
 - (f) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (13) Garages and Accessory Structures. The following shall apply in the A-1 Farmland Preservation District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
 - (b) There shall be no maximum floor area for detached garages and accessory structures.
- (14) Maximum Height. The maximum height for all dwellings and attached garages shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. There shall be no maximum height for detached garages or accessory structures.
- (15) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the A-1 Farmland Preservation District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by

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this Chapter.

- (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

17.34 A-2 GENERAL AGRICULTURAL DISTRICT.

- (1) Purpose. The A-2 General Agricultural District is intended 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 uses; the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small-scale, family-oriented businesses on a case-by-case basis.
- (2) Permitted Uses. The following uses are permitted within the A-2 General Agricultural District:
 - (a) Agricultural Uses except the following:
 - 1. Non-farm residences.
 - 2. Transportation, communication, pipeline, electric transmission, utility, or drainage uses consistent with sec. 17.33(8) of this Chapter.
 - 3. Non-metallic mining operations.
 - 4. Other uses as identified by the Department of Agriculture, Trade and Consumer Protection (DATCP).
 - (b) Public and semi-public non-profit institutional uses of a similar nature.
 - (c) Parks, preserves and golf courses.
 - (d) One animal unit per acre.
 - (e) One-family dwellings, with a minimum ground floor area of 800 square feet.
 - (f) Two-family dwellings, with a minimum ground floor area of 800 square feet.
 - (g) Manufactured homes subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (h) Home occupations.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in A-2 General Agricultural District:
 - (a) Forest and game management.
 - (b) Swimming pools. Pools must be fenced in accordance with sec. 17.20 Fences of this

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Chapter. Side yard and rear yard setbacks for swimming pools are consistent with the side yard and rear yard setbacks for permitted accessory structures in the same district.

- (c) Fences, consistent with sec. 17.20 Fences of this Chapter.
- (d) Personal energy systems, including but not necessarily limited to:
 - 1. One small wind turbine intended to supply energy for personal use or to sell back to the grid, consistent with ch. PSC 128, Wis. Adm. Code.
 - 2. Conventional photovoltaic solar arrays, flexible solar arrays, and similar energy systems.
 - 3. Solar thermal energy systems.
 - 4. Geothermal pumps and energy systems.
 - 5. Outdoor wood-fired boilers.
- (e) Other personal energy systems as defined in any current or future Town of Eldorado Personal Energy Systems Ordinance.
- (f) Roadside stand.
 - 1. Not to exceed 200 square feet in size.
 - 2. Products must be produced on site.
- (4) Permitted Accessory Structures. The following accessory structures are permitted in the A-2 General Agricultural District:
 - (a) Detached garages.
 - (b) Garden sheds.
 - (c) Gazebos.
 - (d) General farm buildings, including: barns, silos, sheds, and storage bins.
 - (e) Structures deemed by the Plan Commission to be similar in nature to the structures identified above.
- (5) Conditional Uses. The following uses may be conditionally approved in the A-2 General Agricultural District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Home-based businesses.
 - (b) Multi-family housing conforming to the requirements of sec. 17.16 of this Chapter.
 - (c) Cemeteries.
 - (d) Veterinary offices.

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- (e) Outdoor commercial recreational uses including recreational camps, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
- (f) Commercial exhibits of historical or natural significance.
- (g) The following uses provided the owner or proprietor resides on the premises:
 - 1. Automobiles, farm equipment and small engine repair shops.
 - 2. Offices and/or shops in connection with skilled tradesman including plumbers, electricians, carpenters, welders and the like.
 - 3. Production and/or sales of crafts produced on the premises provided mechanical or chemical processes are incidental or non-existent.
- (h) Taverns existing before the effective date of adoption of this ordinance.
- (i) Sales of lawn and garden equipment in connection with a plant nursery.
- (j) Airports, public or private.
- (k) Dog kennels.
- (l) Bed and breakfast establishments.
- (m) Horse-boarding.
- (n) More than one animal unit per acre.
- (o) Fish hatcheries and aquaculture.
- (p) Artificial lakes or ponds.
- (q) Automobile wrecking yard, junkyard.
- (r) Sanitary landfill.
- (s) Canneries, cheese factories, condenseries, pea viners, and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or affluence of noxious or odorous wastes or by products.
- (t) Charitable institutions.
- (u) Telecommunications towers and structures, microwave radio relay structures and mechanical appurtenances consistent with Chapter 21: Wireless Communications Tower Ordinance of the Eldorado Town Code.
- (v) Penal and correctional institutions.

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- (w) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in the R Residential District or TRD Transitional Residential District not used for the same purpose.
- (x) Public utility or public service corporation building or structures, provided that the Plan Commission shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- (y) Storage garage or parking lot in connection with a housing development project.
- (z) For profit music festivals, concerts and related outdoor entertainment events of 100 persons or more.
 - (aa) Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
 - (bb) Shooting ranges and archery ranges including related parking and buildings.
 - (cc) Nonmetallic mining operations.
- (6) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the A-2 General Agricultural District in accordance with sec. 17.51 Conditional Uses of this Chapter.
 - (a) Agri-tourism.
- (7) Dimensions of Building Sites. The following shall apply in the A-2 General Agricultural District:
 - (a) The minimum lot size shall be three acres (130,680 square feet).
 - (b) The minimum – frontage shall be 200 feet.
 - (c) The minimum lot width shall be 200 feet at the minimum road setback (or “build line”).
- (8) Setbacks. The following setbacks shall apply in the A-2 General Agricultural District:
 - (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all dwellings, attached garages and non-agricultural structures. There is no maximum setback for agricultural structures

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- (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 50 feet.
 - (e) The minimum rear yard setback shall be 40 feet for all dwellings, attached garages, detached garages and accessory structures.
 - (f) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) Standards for Garages and Accessory Structures. The following standards shall apply in the A-2 General Agricultural District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
 - (b) There shall be no maximum floor area for detached garages and accessory structures.
- (10) Maximum Height. The maximum height for all dwellings and attached garages shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. There shall be no maximum height for detached garages or accessory structures.
- (11) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the A-2 General Agricultural District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

17.35 C COMMERCIAL DISTRICT.

- (1) Purpose. The C Commercial District is intended to provide space for those retail, business, service business and office uses serving the area.
- (2) Permitted Uses. The following uses are permitted within the C Commercial District:
 - (a) Retail outlets including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationary, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies,

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automotive parts, hardware and building supply establishments and uses of a similar nature smaller than or equal to 25,000 square feet in floor area, excluding adult oriented sales or services establishments.

- (b) Banks, post office, medical or dental clinics, business or professional offices.
 - (c) Service-type business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment and similar uses.
 - (d) 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.
 - (e) Hotel, motel, boarding or lodging houses.
 - (f) Taverns and restaurants.
 - (g) Clubs, lodges, public meeting halls, theaters, bowling alley, and similar places of assembly or recreation.
 - (h) Convalescent homes and nursing homes and day care (family or group).
 - (i) Office equipment and supplies.
 - (j) Machine shops, welding shops, sheet metal shops.
 - (k) Garden center, plant nursery or landscape contractor.
 - (l) Existing feed mills.
 - (m) Veterinary offices.
 - (n) Mortuaries.
 - (o) Equipment rental.
 - (p) Existing dwellings.
 - (q) Signs, in accordance with the Town of Eldorado Sign and Billboard Ordinance or subsequent ordinances.
- (3) Conditional Uses. The following uses may be conditionally approved in the C Commercial District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Residential uses.
 - (b) Automobile filling stations and car washes.

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- (c) Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.
 - (d) Wholesale and warehouse establishments.
 - (e) Printing and publishing establishments.
 - (f) Outdoor recreational establishments, including archery ranges, miniature golf and amusements.
 - (g) Light manufacturing uses and structures such as packaging, bottling, storage facilities, and laboratories, provided all activities are conducted within completely enclosed buildings, not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises.
 - (h) Radio stations.
 - (i) Dog kennels.
 - (j) Building trades contractor with storage yard for material and equipment on premises, provided all materials and equipment are effectively screened from view from any residential lot or public highway.
 - (k) Agricultural-related uses and structures, such as feed mills and co-ops.
 - (l) Woodworking and cabinetry.
 - (m) Retail, service and office uses and structures where the building or structure exceeds 25,000 square feet of floor area.
 - (n) Utilities, government and cultural uses, fire, police stations.
 - (o) Self-Service Storage Facility.
 - (p) Any other use which the Plan Commission finds will be similar in nature, operation, and function to the uses permitted within the C Commercial District.
- (4) Site Plan Permit. Prior to the commencement of any new construction on a parcel within the C Commercial District a Site Plan permit is required per sec. 17.52 Site Plan Permits of this Chapter.
 - (5) Business Permits. All new business uses as defined in sec. 17.35 C Commercial District and sec. 17.36 I Industrial District of this Chapter shall be required to obtain a Business permit in accordance with sec. 17.21 Business Permit Required of this Chapter prior to commencing operations.
 - (6) Regulations and Standards. The following regulations and standards shall apply in the C

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Commercial District:

- (a) Off-street Parking.
 - 1. One off-street parking space per dwelling unit or lodging unit on the same lot or tract of land.
 - 2. One off-street parking space per person normally employed on the lot or tract of land.
 - 3. One off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

- (7) Dimensions of Building Sites. The following dimensions shall apply in the C Commercial District:
 - (a) Where the lot is to be used solely for the conduct of a business and for no residential purposes, the minimum lot size shall be 0.25 acre (10,890 square feet); provided however, that where the installation of toilets, is required then the lot size shall be sufficient to comply with the soil absorption and percolation tests as required by relevant Wis. Stats. and the application for Universal Building Code (UBC) permit, Building permit, or certificate of occupancy shall be accompanied by such certification.

 - (b) The minimum frontage shall be 75 feet.

 - (c) The minimum lot width shall be 100 feet.

 - (d) 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 R Residential District and subject to the alternative provisions, and the test provision shall apply to multiple family residences boarding houses and lodging houses.

17.36 I INDUSTRIAL DISTRICT

- (1) Purpose. The I Industrial District is intended to provide space for light and heavy industrial and long-term mineral extraction uses serving the area. All new industrial uses as defined by this section, shall obtain a Business permit as required under sec. 17.21 Business Permit Required of this Chapter.

- (2) Permitted Uses. The following uses are permitted in the I Industrial District:
 - (a) Building contractor with storage yard.

 - (b) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.

 - (c) Knitting mills and the manufacture of products from finished fabrics.

 - (d) Laboratories.

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- (e) Light manufacturing uses including bottling, packaging, laboratories and uses of a similar nature.
 - (f) Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
 - (g) Manufacturing uses, including production, processing, cleaning, testing and the distribution of materials and goods, except wrecking yards and canneries. All manufacturing uses are subject to the provisions of sec. 17.36(9) Industrial Development of this Chapter.
 - (h) Mining and quarrying provided that the requirements for location, operation and reclamation set out in the Fond du Lac County Non-Metallic Mining Ordinance are complied with.
 - (i) Printing and publishing.
 - (j) Processing, packing and manufacture of food, except meat and meat products, fish and fish products.
 - (k) 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, metalworking, and welding shops.
 - (l) Service establishments catering to commercial and industrial uses including business machine services, linen supply, freight movers, communication services, canteen services and uses of a similar nature.
 - (m) Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
 - (n) Wholesale business.
 - (o) Self-Service Storage Facility.
 - (p) Any other use which the Plan Commission finds will be similar in nature, operation, and function to the uses permitted within the I Industrial District.
- (3) Conditional Uses. The following uses may be conditionally approved in the I Industrial District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Automobile wrecking yard, junkyard.
 - (b) Salvage yard.
 - (c) Canneries, cheese factories, condenseries, creameries, pea viners, and such other establishments for the processing, packing or manufacture of the agricultural products

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of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or affluence of noxious or odorous wastes or by products.

- (d) Charitable institutions.
- (e) Mineral extraction operations, including washing, crushing, quarrying, borrow pits or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:
 - 1. 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 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.
 - 2. The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than 3 to 1 (3:1) horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavation below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; excavations made to a water producing depth shall not be less than three feet measured from the low water mark; all final slopes shall be covered with topsoil from the original site and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Plan Commission. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed re-use of the site for a dumping ground shall have concurrence of the Plan Commission.
 - 3. Application for a permit for mineral extraction 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 ready-mix concrete plant, shall not be granted except on approval of the Plan Commission given after the public hearing has been held.
 - 4. The permit shall be for a period of time as stated in the application or as modified by the Plan Commission (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted or additional conditions may be required by the Plan Commission, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including street, neighboring land development, land use drainage, water supply, water pollution, soil erosion, natural beauty, and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.

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- (f) Penal and correctional institutions.
 - (g) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in the R Residential District or TRD Transitional Residential District not used for the same purpose.
 - (h) Public utility or public service corporation building or structures, provided that the Plan Commission shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
 - (i) Storage garage or parking lot in connection with a housing development project.
 - (j) Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
 - (k) Shooting ranges and archery ranges including related parking and buildings.
- (4) Site Plan Permit. Prior to the commencement of any new construction on a parcel within the I Industrial District a Site Plan permit is required per sec. 17.52 Site Plan Permits of this Chapter.
- (5) Regulations and Standards. The following regulations and standards shall apply in the I Industrial District:
- (a) Location requirements will be determined during the Site Plan Review Process under sec. 17.52 Site Plan Permits of this Chapter
 - (b) Off-Street Parking Space. Off-street parking at properties zoned I Industrial throughout the Town shall be provided as follows:
 - 1. One off-street parking space per person normally employed on the lot or tract of land.
 - 2. One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- (6) Dimensions of Building Sites. The following dimensions shall apply in the I Industrial District:
- (a) The minimum lot size shall be 0.5 acre (21,780 square feet).
 - (b) The minimum frontage shall be 100 feet.
 - (c) The minimum lot width shall be 100 feet at the minimum road setback (or “build line”).
- (7) Setbacks. The following setbacks shall apply in the I Industrial District:

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- (a) The front yard depth where a lot abuts a highway or street shall be 65 feet from the centerline of such right-of-way, but more than 25 feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.
 - (b) The width of each side yard shall be 10 feet or greater, no accessory building shall project into the required side yard space.
 - (c) Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
- (8) Lot Requirements. The following lot requirements shall apply in the I Industrial District:
- (a) The amount of the total lot area that may be covered by all principal and accessory buildings shall not exceed 50%.
 - (b) For corner lots, a front yard on each lot line abutting a street, a side and a rear yard, except in the case where three sides of a lot abut a street, there shall be required in addition to three front yards, a side yard.
 - (c) Where an Industrial zoned lot abuts a lot in the R Residential District, TRD Transitional Residential District, or RD Rural District, there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I Industrial District to the R Residential District is a public street, the front yard in the I Industrial District shall be suitably landscaped.
 - (d) 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) Industrial Development.
- (a) Intent. It is the intent of this section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.
 - (b) Standards of operations.
 - 1. Vibration. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the Industrial District boundaries. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

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Vibrations not directly under the control of the property uses and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

2. External lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Industrial District boundaries. External lighting shall comply in all respects with any current or future Town of Eldorado Exterior Lighting Ordinance.
3. Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor, as defined in ch. NR 429, Wis. Adm. Code or subsequent regulations.
4. Particulate emissions. No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in ch. NR 415, Wis. Adm. Code or subsequent regulations.
5. Visible emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in ch. NR 431, Wis. Adm. Code or subsequent regulations.
6. Hazardous pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in ch. NR 445, Wis. Adm. Code or subsequent regulations.

(c) Administration. Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment to those requiring substantial technical competence and complex equipment. It is the intent of this section that the methods to be used in determining compliance shall be the responsibility of the Building Inspector or Building Permit Officer and Plan Commission, subject to the following procedures:

1. Approval of Building permits. Prior to approving a Building permit for any industrial use or any change thereof, the Building Permit Officer shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, vibration and exterior lighting standards of this Chapter.

(d) Violation of standards. Whenever the Building Permit Officer or Plan Commission have reason to believe the air quality, vibration and exterior lighting standards of this Chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause lawful action to be taken to cause correction as provided in this Chapter or referral of the alleged violation to the Wisconsin Department of Natural Resources (WDNR).

17.37 CAO CRITICAL AREAS OVERLAY DISTRICT.

- (1) Purpose. The CAO Critical Areas Overlay District is intended to protect the public health

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and safety by minimizing development in areas prone to unwanted soil erosion and groundwater contamination, and on sites difficult to develop in a safe manner, and promote the general welfare by preserving unique and valuable geologic and other natural resource features of the Town of Eldorado. The regulations of the CAO Critical Areas Overlay District are premised, in part, on a shared community vision, discovered and detailed through the comprehensive planning process that calls for protection of natural resources and unique geologic features found within the Town.

- (2) **General Protection Policies.** It is the policy of the Town of Eldorado that the beneficial functions, structures, and values of critical areas be protected, and, further, that potential dangers or public costs associated with inappropriate use of such areas be eliminated or reduced by reasonable regulation. The standards of the CAO Critical Areas Overlay District represent a reasonable balance between individual and collective interests. In striking that balance, the Town recognizes that, because of the wide variety of types of developments, and the relationships between them and their natural environments, it is neither possible nor advisable to establish inflexible critical areas protection standards. The standards set forth in this section are presumptive requirements. The reviewing body may permit deviations from these presumptive standards whenever it is determined that such deviations will satisfy the purposes set forth in sec. 17.37 CAO Critical Areas Overlay District of this Chapter. In considering the appropriate course of action to follow when allowing deviations from the standards, the preferences set forth below are established to guide development actions; they are in no particular order, and may be mixed to achieve maximum critical areas protection while facilitating reasonable use of property:
- (a) Avoid the impact altogether by not allowing a particular action unless no reasonable, noncritical area alternatives are available.
 - (b) Avoid the impact by directing the particular action to noncritical areas on the same site, which may require deviation from the physical or dimensional requirements of this Chapter (such as setbacks or lot dimensions).
 - (c) Minimize the impact by limiting the degree or magnitude of the action.
 - (d) Rectify the impact by repairing, rehabilitating or restoring the affected critical area.
- (3) **Triggering Applications.** The regulations of sec. 17.37 CAO Critical Areas Overlay District of this Chapter apply in all zoning districts, and are triggered whenever an application for any of the following actions is filed (hereinafter referred to as “triggering applications”) and it is found that such action is taking place on a parcel of real property containing a designated critical area or its buffer:
- (a) Any permit or action set forth in this Chapter.
 - (b) Any permit required by Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.
 - (c) Clearing and grading permits or permits for any other “development” activity.

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- (4) Exemptions. The following activities are specifically exempt from the provisions of sec. 17.37 CAO Critical Areas Overlay District of this Chapter, whether or not such activity requires the submission of a triggering application:
- (a) Existing and ongoing agricultural activities, including all lands zoned A-1 Farmland Preservation District.
 - (b) Normal and routine maintenance and operation of existing irrigation and drainage ditches, swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons and livestock water ponds; provided that such activities do not involve conversion of any critical areas not being used for such activities to another use.
 - (c) Construction, maintenance, operation and repair or replacement of existing utility facilities and associated rights-of-way, including reasonable access roads.
 - (d) Site investigative work in conjunction with the preparation of a land use application submittal, such as surveys, soil logs, percolation tests and other related activities.
 - (e) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways.
 - (f) Any projects for which application(s) have been submitted prior to the adoption of this Chapter.
- (5) Application of Standards. No application involving a designated critical area shall be approved unless it is determined to be in compliance with sec. 17.37 CAO Critical Areas Overlay District of this Chapter. The standards of sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall be applied in addition to other applicable requirements of this Chapter. Whenever other requirements of this Ordinance conflict with the requirements of sec. 17.37 CAO Critical Areas Overlay District of this Chapter, the most stringent requirements shall govern. In instances where a proposal involves a parcel of real property with more than one critical area the standards that pertain to each identified critical area shall apply. Compliance with sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall not remove any obligations with respect to applicable provisions of any other federal, state, county or Town regulation.
- (6) Identification of Critical Areas. Upon submittal of triggering application, the Permit Issuer shall determine the probable existence of critical areas on the parcel involved in the application. The Permit Issuer shall review and consider the most appropriate, publicly available information in determining the probable existence of critical areas, including, but not limited to, the following:
- (a) Large scale (1" = 200') Fond du Lac County topographic maps.
 - (b) USGS 7.5-minute topographic quadrangle maps.
 - (c) 1" = 400' aerial photographs, or other scale if not available.

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- (d) "Wisconsin Wetland Inventory" maps prepared by the Wisconsin Department of Natural Resources (WDNR).
 - (e) Town of Eldorado Comprehensive Plan - Adopted December 2009, and as subsequently amended or replaced.
- (7) Requirement of Access and Additional Studies. The Permit Issuer may also conduct field investigations with permission of the landowner, and may require private studies be conducted by the applicant, including, but not limited to, the following:
- (a) Topographic surveys prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
 - (b) Field surveys of trees and/or plant material compiled by a landscape architect, forester, arborist, biologist or botanist with a professional degree in one of those fields of endeavor.
- (8) Application Process.
- (a) Conditional Use Permit Required. Any action taking place on a parcel of real property containing a designated critical area requires that the applicant apply for, and be granted a Conditional Use permit under sec. 17.51 Conditional Uses of this Chapter. If the triggering application is an application for a Conditional Use permit, such application shall be sufficient to satisfy this requirement.
 - (b) Submission Requirements. Applicants shall submit the following information along with the application for a Conditional Use permit:
 - 1. Ten full size copies of a "Critical Areas Protection Plan" prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate that correctly shows the following information:
 - a. A drawing legend at appropriate scale with the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two foot contour interval.
 - b. The location of the proposed development activity.
 - c. The names, addresses and telephone numbers of the owners, Subdividers, lessee and/or developer(s) of the property and of the designer of the plan.
 - d. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
 - e. The location of any existing or proposed lot lines, right-of-way lines and easements.
 - f. The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
 - g. The location and extent of any existing critical areas features defined and described in sec. 17.37(10-12) CAO Critical Areas Overlay

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effect that conforms to the topography of the site. Disturbed areas shall be replanted with native vegetation.

- (c) Exception for Existing Lots of Record. Nothing in sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall prevent one one-family detached home from being built on any legal lot existing on the effective date of this Chapter, provided it complies with the other development standards of this Chapter, any grading ordinances presently in effect, and the development standards of the underlying zone. Where provisions may conflict, the most restrictive shall apply.
- (11) Protected Critical Area: Riparian Corridors. The purposes of regulating riparian corridors are to promote safe conditions by preventing land uses inconsistent with preserving and protecting surface waters from the negative affects of nonpoint water pollution; protect important aquatic species and habitat; and maintain lower water temperatures in area streams.
- (a) Regulated Area. A protective buffer extending 100 feet from the high water mark of any perennial stream.
 - (b) Prohibited or Regulated Activities.
 - 1. Any activity that permanently alters the landscape within the regulated area including, but not limited to: plowing, gardening, planting of turf grass, and non-native landscaping.
 - 2. Removal of existing mature vegetation and existing native species shall be minimized to the greatest extent possible.
 - (c) Exception for Existing Lots of Record. Nothing in sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall prevent one one-family detached home from being built on any legal lot existing on the effective date of this Ordinance, provided it complies with the other development standards of this Ordinance, any grading ordinances presently in effect, and the development standards of the underlying zone. Where provisions may conflict, the most restrictive shall apply.
- (12) Protected Critical Area: Woodlands. The woodlands of the Town of Eldorado significantly contribute to the scenic attractiveness of the Town and provide habitat for numerous species of plant and animal life. The purpose of these regulations is to perpetuate the existence of woodlands.
- (a) Regulated Area. Mature woodlands wherein 20% or more of the trees have a diameter-at-breast-height (DBH) of 18 inches or more.
 - 1. No trees grown for commercial purposes shall be considered a woodland.
 - (b) Prohibited or Regulated Activities.
 - 1. Clearing of trees shall be permitted for building footprints, driveways and sites for onsite sewage disposal systems.

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- a. Building footprints may be cleared a distance of 25 feet from the exterior walls of principal structures and 15 feet from accessory structures.
- b. Selective pruning of remaining trees shall be permitted, provided that 70% of the original canopy is left intact.
2. Clear cutting on contiguous land under single ownership shall be permitted, provided that the clear-cut area not exceed the lesser of 10 acres or 30% of woodlands in any 10-year period.
 - a. An area clear-cut for commercial purposes shall not be converted or developed for another use within seven years from the date clear cutting was completed.
3. Other sound forestry practice techniques (as defined in ch. NR 46, Wis. Adm. Code) recommended by a qualified forester are permitted if designed to protect or enhance the woodlands.

(c) Exception. Exceptions to these restrictions may be granted upon a showing of special needs or circumstances of the landowner.

17.38 TNDO TRADITIONAL NEIGHBORHOOD DESIGN OVERLAY DISTRICT.

- (1) Purpose. The purpose of the TNDO Traditional Neighborhood Design Overlay District is to allow the optional development and redevelopment of land in the Town Center area of the Town of Eldorado, as identified in the Comprehensive Plan, consistent with the design principles of traditional neighborhoods.
- (2) Applicability. The TNDO Traditional Neighborhood Design Overlay District is intended to provide an area of mixed residential and essential business uses within the same structure, or same site or on adjacent sites in the more densely developed unincorporated village of Eldorado. Essential business means a small business that is necessary to sustain or enhance the community. Any uses allowed under the TNDO Traditional Neighborhood Design Overlay District for lands zoned A-1 Farmland Preservation District require a rezone out of the A-1 Farmland Preservation District prior to their approval.
- (3) Definition. A traditional neighborhood:
 - (a) Is compact.
 - (b) Is designed for the human scale.
 - (c) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood.
 - (d) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.
 - (e) Allows for a mixture of compatible uses within the same structure, on the same parcel, or on adjoining parcels.

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- (f) Allows for interconnected buildings.
 - (g) Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments.
 - (h) Retains existing buildings with historical features or architectural features that enhance the visual character of the community.
 - (i) Incorporates significant environmental features into the design.
 - (j) Is consistent with the Town's adopted Comprehensive Plan.
- (4) Permitted Uses. The following uses are permitted in the TNDO Traditional Neighborhood Design Overlay District:
- (a) Any use identified as a permitted use in the R Residential District.
 - (b) Any use identified as a permitted use in the C Commercial District.
 - (c) Any use identified as permitted in the A-1 Farmland Preservation District existing at the effective date of this Chapter.
 - (d) Any use identified as permitted in the A-2 General Agricultural District existing at the effective date of this Chapter.
- (5) Conditional Uses. The following uses may be conditionally approved in the TNDO Traditional Neighborhood Design Overlay District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Any use identified as a conditional use in the R Residential District.
 - (b) Any use identified as a conditional use in the C Commercial District.
 - (c) Any use identified as permitted in the RD Rural District.
 - (d) Any variation from the regulations and standards; dimensions; setbacks; garage and accessory structures; or sanitary sewer and personal onsite wastewater treatment systems otherwise required in the R Residential District or C Commercial District.
- (6) Regulations and Standards. The regulations and standards within the TNDO Traditional Neighborhood Design Overlay District shall be determined on a case-by-case basis during the review of the general implementation plan, per sec. 17.38(11)(b) of this Chapter, or during the Site Plan Review process for mixed residential and commercial uses, per sec. 17.52 Site Plan Permits of this Chapter, and may be based, in whole or in part, upon the existing regulations and standards within the underlying zoning district.
- (7) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The

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following dimensions shall apply to the TNDO Traditional Neighborhood Design Overlay District:

- (a) The minimum lot size shall be 0.75 acre (32,670 square feet), if served by a conventional onsite wastewater treatment system; or 0.25 acre (10,890 square feet) if served by a clustered treatment system approved by the Plan Commission.
 - (b) The minimum frontage shall be 50 feet.
 - (c) The minimum lot width shall be 100 feet at the minimum road setback (or “build line”) unless otherwise approved by the Plan Commission.
- (8) Setbacks. The following setbacks shall apply within the TNDO Traditional Neighborhood design Overlay District:
- (a) The minimum road setback shall be determined during the initial meeting with the Plan Commission but shall be no closer to the centerline as the average distance from the centerline of the structures immediately adjacent to the proposed structure.
 - 1. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat.
 - (b) The maximum setback shall be determined during the initial conference with the Plan Commission.
 - (c) The minimum side yard setback shall be determined during the initial conference with the Plan Commission.
 - (d) The minimum side yard setback for all detached garages and accessory buildings shall be determined during the initial meeting with the Plan Commission.
 - (e) The minimum rear yard setback shall be determined during the initial meeting with the Plan Commission.
 - (f) The minimum rear yard setback for all detached garages and accessory buildings shall be determined during the initial meeting with the Plan Commission.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the TNDO Traditional Neighborhood Design Overlay District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.

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- (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (10) Mobile Homes. The following shall apply to mobile homes in the TNDO Traditional Neighborhood Design Overlay District. Whenever a mobile home, existing at the time of the adoption of the Zoning Ordinance, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.
- (11) Application Requirements.
 - (a) An initial conference with the Plan Commission to discuss the proposal and appropriate procedures.
 - (b) Submittal and approval of a general implementation plan. The plan should contain:
 - 1. A general location map.
 - 2. A site inventory and analysis.
 - 3. A conceptual site plan.
 - 4. A conceptual stormwater management plan.
 - 5. Identification of architectural and site design styles of proposed and existing, adjoining structures.
 - (c) Submittal and approval of a final implementation plan containing:
 - 1. A final site and stormwater plan.
 - 2. Detailed elevations of all proposed commercial buildings and typical elevations of proposed residential buildings.
 - 3. A utilities plan.
 - 4. Phasing plans, where and when applicable as determined by the Plan Commission.

17.39-17.49 RESERVED.

17.50 HIGHWAY AND RIPARIAN SETBACK REQUIREMENTS.

- (1) Purpose. 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 Eldorado, 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.
 - (a) 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.

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- (2) Classes of Highways and Centerlines. Highways are classified and the position of the centerline shall be determined as follows:
- (a) Class A Highways:
1. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or Town Board.
 - a. The centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.
 2. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board.
 - a. The centerline is at the center of the surfacing or pavement, or, if there is none, the center of graded roadbed.
 3. Roads and streets in platted subdivisions not otherwise classified.
 - a. The centerline is the midpoint between the right-of-way lines or as shown on the recorded plat.
 4. Private roads.
 - a. The centerline is at the middle point between the right-of-way lines.
- (b) Class B Highways.
1. All roads classified by Fond du Lac County as county trunk highways.
 - a. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
- (c) Class C Highways.
1. 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 the United States Highways.
 - a. 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.
- (d) Class D Highways.
1. Federal highways, as part of the U.S. Interstate highway system.
- (3) Structures Prohibited Within Setback Line. No new building, 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, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.
- (4) Structures Permitted Within Setback Lines. The following kinds of structures may be

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placed between the setback line and the highway or the water line:

- (a) Open fences as laid out in sec. 17.20 Fences of this Chapter.
 - (b) 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, providing the owner file with the Plan Commission of the Town of Eldorado 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.
 - (c) Underground structures not capable of being used as foundations for future prohibited over ground structures.
 - (d) Access or service highways constructed according to plans as approved by the Plan Commission. In giving such approval, the Plan Commission shall give due consideration to highway safety and maximum sight distances.
 - (e) 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.
- (5) Setback Distances. Except as otherwise provided, the distances from the centerline to the setback line applicable to the various classifications of highways as defined by sec. 17.50 (2) of this Chapter, shall be as provided by the following paragraphs of this subsection, respectively:
- (a) 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.
 - (b) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- (6) Along Highways Generally. The setback distance from the centerline, at any point, for the respective classes of highways shall be as follows:
- (a) 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.
 - (b) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- (7) At Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be

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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.

- (8) **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 sec. 17.50(2) of this Chapter and the setback distance along the curve shall be measured from the center of the curved section determined accordingly.
- (9) **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.

17.51 CONDITIONAL USES.

- (1) **Definition.** A conditional use is a use which is necessary or desirable for public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District established herein. It is hereby declared the policy and purpose of this ordinance to employ the conditional 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, welfare, and individual property rights.
- (2) **Application.** Applications for Conditional Use permits shall be made to the Town on forms furnished by the Clerk and shall include the following:
 - (a) Fifteen copies of a map (preferably a topographic map), drawn to a scale of not less than 100 feet to 1 inch showing the land in question; its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100 feet of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100 feet of such land in question and any and all information listed in sec. 17.52 Site Plan Permits of this Chapter, if required.
 - (b) The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet (0.5 mile from the property line for quarry operations) of any part of the land included in the proposed use.
 - (c) Additional information as may be required by the Building Permit Officer, Town Planner, Town Plan Commission or Town Board.
 - (d) A fee, as may be established and periodically modified, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town Clerk. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.

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- (e) Where necessary to comply with the certain Wisconsin Statutes, an application will be submitted to the Wisconsin Department of Natural Resources (WDNR).
 - (f) The site plan and plan of operation form furnished by the Town shall be submitted to the Town Clerk prior to scheduling a Plan Commission meeting.
- (3) **Public Hearing.** Upon receipt of the application, foregoing data and fees, the Town Clerk shall establish a date for a joint public hearing and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per ch. 985, Wis. Stats. Notice of the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Town Planner, Plan Commission, and Town Board. Testimony of all interested parties will be heard at the public hearing. The Plan Commission will approve, conditionally approve or deny the application based upon the testimony provided, the staff report submitted by the Town Planner, and a determination as to whether the proposed action is consistent with the Town of Eldorado Comprehensive Plan and any other relevant Town plans, ordinances, or rules.
- (4) **Authorizing Conditional Use Permits.** Conditional Use permits may be authorized by the Plan Commission when it appears:
- (a) That it is reasonably necessary for the public convenience at that location; or,
 - (b) That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare; and,
 - (c) That it conforms to the applicable regulations and standards and reserves the essential character of the district in which it shall be located; or,
 - (d) That in the case of an existing nonconforming use will make such use more compatible with its surroundings.
- (5) **Final Review and Approval.** The Plan Commission shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the Conditional Use permit. Such violation shall constitute a violation of this Chapter and will be subject to prosecution and penalties under the terms of this Chapter.
- (6) **Determination.** The Plan Commission, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use permit shall be based upon and include as conditions thereto the building, site and operational plans for the development as

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approved by the Plan Commission. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.

- (7) Application for Changes and Additions. Any subsequent change or addition to the Conditional Use permit, plans or uses shall first be submitted for approval to the Plan Commission through the procedure of application for conditional use permits detailed herein and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of sec. 17.51(3) of this Chapter. At the discretion of the Plan Commission minor changes which are consistent with the approved Site Plan may be permitted without a public hearing. A minor change is one in which the proposed change does not significantly affect the overall character of the site or intensity of the use and is consistent or compatible with the Site Plan and Plan of Operations. All proposed changes, additions or alterations shall be submitted to the Plan Commission for approval.
- (8) Term of Approval. Unless otherwise specified a Conditional Use permit shall be continued as long as the operation is uninterrupted, and none of the approved conditions are violated or changed. Conditional Use permits for structures shall be reviewed by staff annually. Annual review of the conditions for a Conditional Use permit, for other than structures, shall be required by the Plan Commission on the anniversary date of the approval, or as determined by the Plan Commission.
- (9) Revocation of Conditional Use. Conditional Use permit will be revoked when, after public hearing, the Plan Commission determines any of the following:
 - (a) A permit applicant, his heirs or assigns, fails to comply with or to continue in conformity with the conditions of the permit issued by the Plan Commission.
 - (b) A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.
 - (c) The conditional use has been discontinued or not utilized for a period of 12 consecutive or 18 cumulative months in a three-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski area, quarries, etc.) Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this Chapter within 90 days from such determination.
- (10) Notice to DATCP. A notification of each Conditional Use permit granted in the A-1 Farmland Preservation District shall be transmitted to the Department of Agriculture, Trade, and Consumer Protection (DATCP).

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17.52 SITE PLAN PERMITS.

- (1) Purpose. The Town Board recognizes that zoning, by itself, does not guarantee that new development will integrate into the community. Often, a legally-allowable use may, nonetheless, be incompatible with its proposed environment due to various design factors. Site plan review provides the Town with an opportunity to regulate development to ensure that structures and sites fit harmoniously into the surrounding environment.
- (2) Applicability. A Site Plan review permit is applicable to permitted and conditional uses in the C Commercial and I Industrial Districts and may be required for mixed residential and commercial uses within the TNDO Traditional Neighborhood Design Overlay District. Except for buildings and accessory structures consistent with agricultural uses, a Site Plan permit shall be required for any of the following activities:
 - (a) New construction of a building or other structure, except as provided below.
 - (b) Expansion of an existing use that involves a floor space increase of 20% or more within any 10-year period.
 - (c) Change of business or other activity that requires an increase of 10% or more in the number of off-street parking spaces.
 - (d) Alteration or expansion of an existing parking lot that affects greater than 10% of the total number of parking spaces.
 - (e) Remodel or exterior alteration of any building or other structure, the cost of which exceeds 5% of the structure's total fair market value as determined by the Permit Issuer.
- (3) Initiation of Process; Payment of Fee. The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board in the Town of Eldorado Fee Schedule, shall be made at the time of the pre-application conference.
- (4) Pre-application Conference. To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a pre-application conference with the Plan Commission by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A pre-application conference need not include extensive field inspection or correspondence. The purposes of the pre-application conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:
 - (a) Requirements for submittal, including any other types of permits necessary to complete the proposal.
 - (b) Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.

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- (c) Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
- (d) The discussion at the pre-application conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.
- (5) **Formal Application.** Application for site plan review shall include the documents described under "Submission Requirements" below as may be required by the Plan Commission in its discretion. A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Commission may transmit copies of the site plan documents to the Permit Issuer, Zoning Administrator or other consultant(s), official(s) as deemed necessary, in order to solicit comments. The reviewing officials shall then submit written comments to the Plan Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under "Standards of Review" below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.
- (6) **Submission Requirements.** A site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written narrative. The Permit Issuer or other decision-making body may require any of the following items as part of the formal site plan submission:
 - (a) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
 - (b) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - (c) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within 300 feet of the site.
 - (e) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 - (f) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
 - (g) Location, type, and screening details for all waste disposal containers shall also be shown.

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- (h) The location, height, intensity and coverage area of all external lighting fixtures.
- (i) The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- (j) The location, height, size, materials, and design of all proposed signage.
- (k) The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- (l) Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
- (m) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
- (n) Existing and proposed topography at two-foot contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (o) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (p) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.
- (q) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
- (r) For new construction or alterations to any existing building, a table containing the following information:
 - 1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - 2. Maximum number of employees.
 - 3. Maximum seating capacity, where applicable.
 - 4. Number of parking spaces existing and required for the intended use.
 - 5. Elevation plans at a scale of $1/8'' = 1'$ for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.

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- (7) Procedure. For proposals not requiring a Conditional Use permit, the Plan Commission shall issue a recommendation to the Town Board regarding its decision on the application within 30 days after the determination that the application is complete. For proposals also requiring a Conditional Use permit, the Plan Commission shall issue its decision on the site plan application no later than seven days after the public hearing on the proposed Conditional Use permit if such Conditional Use permit is granted.
- (8) Recommendation of the Plan Commission. The Plan Commission's recommendation to the Town Board shall consist of either:
- (a) Approval of the site plan.
 - (b) Approval of the site plan subject to any conditions, modifications or restrictions as recommended by the Plan Commission.
 - (c) Disapproval of the site plan.
- (9) Criteria for Review. During the site plan review process, the Plan Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:
- (a) Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Fond du Lac County and the Town of Eldorado.
 - (b) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - (c) Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
 - (d) Services. Reasonable demands placed on community services and infrastructure.
 - (e) Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - (f) Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
 - (g) Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 - (h) Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.

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- (i) Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these features harmonize with the surrounding built environment and natural landscape.
- (10) Decision. The Town Board shall issue a final decision on all site plan permits. The Town Board's decision shall consist of either:
- (a) Approval of the site plan.
 - (b) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Town Board.
 - (c) Disapproval of the site plan.
- 17.53 ZONING BOARD OF APPEALS. Under the provisions of s. 62.23 (7) (e) Wis. Stats. or subsequent statutes, there is hereby established a Board of Appeals.
- (1) Organization of Board of Appeals. The Board of Appeals shall consist of seven members- five regulars and two alternates- appointed by the Town Chairman and subject to confirmation of the Town Board, for terms of three years, except that of those first appointed, one shall serve for one year, two for two years and two for three 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.
 - (2) Meetings of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
 - (3) Power of the Board of Appeals. The Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Chapter.
 - (b) 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 Town. Such appeal shall be taken within 20 days by filing with the Town and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Town shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the actions appealed from were taken.

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- (c) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it and give public notice thereof by a Class 1 notice under ch. 985, Wis. Stats. or subsequent statutes, in an official paper or a paper of general circulation in the Town of Eldorado and by posting notices in three 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.
- (d) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (e) To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.
- (f) 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:
 - 1. A written application for a variance is submitted demonstrating:
 - a. 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.
 - b. That literal enforcement or 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.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That the granting of the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
 - e. No nonconforming 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.
 - 2. The application is in proper form and a fee as specified in sec. 17.56 Fees of this Chapter has been paid. The board shall hold a public hearing on such matter in accordance with the provisions of sec. 17.53(3)(g) of this Chapter. 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.
- (g) Public Hearing. Upon receipt of the application, foregoing data and fees, the Clerk shall establish a date for a public hearing and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per ch. 985, Wis. Stats. or subsequent statutes. Notice of the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature

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of the matter (copy of application and map) shall be transmitted to the Zoning Board of Appeals, Plan Commission, and Town Board. Testimony of all interested parties will be heard at the public hearing and the Zoning Board of Appeals will issue a final ruling.

- (4) Exercise of Power.
- (a) In exercising the above mentioned powers, such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and 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.
 - (b) The concurring vote of four 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.

17.54 ENFORCEMENT.

- (1) It shall be the duty of the Building Inspector or Building Permit Officer to enforce the provisions of this Chapter.
 - (a) Role of the Building Inspector. The Building Inspector shall be responsible for issuing the Universal Building Code (UBC) permit for all new homes and commercial buildings; for remodel work that entails a cost greater than 50% of the appraised value of the structure; for remodel work that entails a cost 50% or less than the appraised value of the structure when requested by the Building Permit Officer; and, the Occupancy permit.
 - (b) Role of the Building Permit Officer. The Building Permit Officer shall be responsible for compliance with the Eldorado Town Code. The Building Permit Officer shall issue Land Use permits, Driveway/Culvert permits, Demolition permits when the dwelling or structure has taxable value, Building permits for residential and commercial remodel work that is 50% or less of the appraised value of a structure, and all other permits related to this Chapter excepting Conditional Use permits, Site Plan permits, CAO permits, and those issued by the Building Inspector. At the discretion of the Building Permit Officer, a Universal Building Code (UBC) permit may be required for residential and commercial remodel work that is 50% or less of the appraised value of the structure when the Building Permit Officer determines that the extent of the remodel work warrants such a review and approval.
- (2) The Building Permit Officer shall prepare a record of all buildings structures and mobile homes situated within the setback lines as established by this Chapter, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the centerline of the adjacent highway, their size, type of construction and use, the

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quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date upon which the record is made. Such record shall be kept current with the Town Clerk 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.

- (3) No building or structure shall hereafter be created, moved or structurally altered, except as herein after provided, until a permit therefore shall be applied for and issued. No permit shall be issued until the Building Permit Officer has satisfactory proof that the premises are in full compliance with Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code and the Fond du Lac County Shoreland Zoning Ordinance, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- (4) No Land Use permit shall be required for farm buildings and structures having a ground area of less than 300 square feet, not permanently fixed to the ground and readily removable in their entirety, but this exemption shall not apply to roadside stands used for the sale of farm products or other goods or services.
- (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. The above requirements as to plans shall not apply to roadside stands, or to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a Land Use permit for such buildings, to furnish the Building Permit Officer with such information as is necessary to show compliance with the health, sanitary and safety provisions of the state codes and with the requirements of this ordinance.
- (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.
- (7) Certificate of Compliance. 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 Permit Officer. 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 Chapter. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Chapter.
 - (a) Under such rules and regulations as may be established by the Town Board, the Building Permit Officer may issue a temporary certificate of compliance for part of a

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building.

- (b) Upon written request from the owner, the Building Permit Officer shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, 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 Chapter.

17.55 TIME LIMIT ON PERMITS.

- (1) The time limit for permits issues pursuant to this Chapter are as follows:
 - (a) Building permits – 12 months from the date of issuance.
 - (b) Land Use permits – 12 months from the date of issuance.
 - (c) Driveway/Culvert permits – 90 days from the date of issuance.
 - 1. Recipients of Driveway/Culvert permits must comply in all respects with the requirements of the Town of Eldorado Driveway Ordinance.
 - (d) Demolition permits – 12 months from the date of issuance.
 - 1. Recipients of Demolition permits must comply in all respects with the requirements of the Town of Eldorado Driveway Ordinance if heavy equipment is to be used.
- (2) The permittee shall initiate substantial work or improvements prior to the termination of the time limits as presented above. If substantial work or improvements have not begun prior to the date of issuance, the permit issued pursuant to this section shall lapse and the permittee shall be required to reapply as set forth above in this section. Consideration of "substantial work or improvements" shall include but is not limited to the following factors; amount of labor; expenditures; economic value of materials and labor; hardship to the owner; reasons for delay in construction; and such other factors as the Building Inspector or Building Permit Officer deem relevant. The decision of the Building Inspector or Building Permit Officer on this matter may be appealed to the Board of Appeals.
- (3) All existing mineral extraction operations lawfully operated and existing shall be considered nonconforming uses and may be continued provided that they have worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Building Permit Officer within one year of the date of this provision of the Chapter.

17.56 FEES.

- (1) Fees are established periodically by the Town Board in the Town of Eldorado Fee Schedule. Permit fees may be changed by a vote of the Town Board. Reference the current Fee Schedule for appropriate fees.

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- (2) Fees in an amount determined by the Town Board are required to be paid by the applicant for a Universal Building Code (UBC) permit, Building permit, Land Use permit, Culvert permit or Demolition permit, or for a certificate of occupancy where no UBC permit or Building permit was required. The fee shall be paid to the issuer of the permit.
- (3) A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal, which fee shall be paid to the Town Clerk and receipt therefore filed with the application. This fee shall not be required of any Town officer acting in his official capacity.
- (4) A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Clerk 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 Plan Commission.
- (5) An application for a Universal Building Code (UBC) permit or Building permit shall be made in conformity with the requirements of the building code ordinance of the Town of Eldorado and shall include, for the purpose of proper enforcement of the regulations of this ordinance, the following data:
 - (a) An accurate plat or survey of the lot drawn to a reasonable scale and properly dimensioned showing:
 1. The boundaries of the lot.
 2. The location of any existing structures on the lot.
 3. The location of the proposed building or buildings on the lot.
 4. The location of the centerline and the existing and/or established grade of the abutting street or streets.
 5. The proposed floor elevation of the building or buildings to be erected.
 6. The high water line of any stream or lake on which said lot abuts.
 7. A plan of the proposed sewage disposal system, which is not connected to an approved municipal sewerage system, shall require the certification that the satisfactory sewerage disposal is possible for the proposed use of said lot.
 8. Satisfactory evidence that a safe and adequate supply of water is to be provided and the location of any well for that purpose on the property.

17.57 VIOLATIONS AND PENALTIES.

- (1) Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or mobile home or use. The Building Permit Officer shall promptly report all such violations to the Town.
- (2) Any person, firm, corporation or organization that violates, neglects or refuses to comply with or resists the requirement of this ordinance, shall upon conviction be punished by a

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fine of not less than \$200.00 or more than \$500.00 together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof by imprisonment in the County Jail of Fond du Lac County until such fine and costs are paid but not to exceed 30 days. Whenever a person shall have been notified by the Building Permit Officer 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 seven days after notice, and shall correct all violations 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 Universal Building Code (UBC) permit, Building permit, a Conditional Use permit or any other permit under this ordinance if said person:

- (a) Fails to meet or comply with the building codes established by the Town.
 - (b) Fails to meet or comply with the provisions of the Town Zoning Ordinance.
 - (c) Fails to comply with Fond du Lac County or State of Wisconsin Zoning and Building Code requirements.
 - (d) Fails to pay all relevant fees for UBC permit, Building permits, and other charges imposed by the Town.
 - (e) Fails to comply with any special orders or conditions imposed by the Building Inspector, Building Permit Officer, Plan Commission, Town Board, or Zoning Board of Appeals.
- (3) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this ordinance, the Town Board or any adjacent/neighbor property owner who would be damaged by such violation may, in addition to other remedies and fines provided herein, institute appropriate legal action or proceedings to prevent, restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

17.58 CHANGES AND AMENDMENTS.

- (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 appoint the Plan Commission to formulate a tentative draft of such amendment and recommend the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give notice as a Class II notice under ch. 985, Wis. Stats. The Town Board may direct the Plan Commission to report its recommendations at specified times of the year, but at least twice in any calendar year.
- (2) In case a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become

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effective except by unanimous vote of the Town Board.

- 17.59 **VALIDITY AND CONFLICTS.** Should any section, clause, or provisions of this Chapter be declared by courts to be invalid, the same shall not affect the validity of the Chapter as a whole, or any part thereof, other than the part so declared to be invalid.
- 17.60 **ADOPTION.** This Chapter is a creation of the Zoning Ordinance for the said Township passed and adopted and all amendments thereto and the zoning map adopted with the adoption of this initial ordinance; it is hereby adopted and made a part of this ordinance as is the map referred to in this ordinance. Map entitled District Map for the Town of Eldorado, Fond du Lac County, Wisconsin.
- (1) First passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 7th day of November 1978.
 - (2) Comprehensive revision passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 14th day of September 1999.
 - (3) Amendment passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 24th day of October 2006.
 - (4) Comprehensive revision passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 23rd Day of April, 2013.
 - (5) Certified by Wisconsin Department of Agriculture, Trade, and Consumer Protection this 20th day of November, 2013.
Final publication December 5th, 2013.

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Town Chairman _____ Supervisor _____

Supervisor _____ Supervisor _____