# CHAPTER 3

# TOWN OF CALUMET ZONING ORDINANCE

# TABLE OF CONTENTS

**3.1 STATUTORY AUTHORITY ..... 1**
3.1.1 Authority ..... 1
3.1.2 Purpose ..... 1
3.1.3 Compliance ..... 1
3.1.4 Abrogation and Greater Restrictions ..... 1
3.1.5 Interpretation ..... 1
3.1.6 Title ..... 1

**3.2 RESERVED ..... 1**

**3.3 GLOSSARY OF TERMS ..... 2**
3.3.1 General Terms ..... 2
3.3.2 Definitions ..... 2

**3.4 ZONING DISTRICTS AND MAP ..... 13**
3.4.1 Establishment of Zoning Districts ..... 13
3.4.2 Zoning Map ..... 13
3.4.3 Residential District Purpose ..... 14
3.4.4 Rural District Purpose ..... 14
3.4.5 Farmland Preservation District Purpose ..... 14
3.4.6 General Agricultural District Purpose ..... 15
3.4.7 Business District Purpose ..... 15
3.4.8 Industrial District Purpose ..... 15

**3.5 ZONING DISTRICT PERMITTED AND CONDITIONAL USES ..... 16**
Table 1: Permitted and Conditional Uses by Zoning District ..... 16

**3.6 ZONING AREA AND SETBACK REQUIREMENTS ..... 18**
Table 2: Area and Setback Requirements by Zoning District ..... 18

**3.7 DISTRICT USES AND REGULATIONS ..... 21**
3.7.1 Determination of Use ..... 21
3.7.2 Open Land/Agriculture Uses ..... 21
3.7.3 Residential Uses ..... 23
3.7.4 Business Uses ..... 28
3.7.5 Industrial Uses ..... 31
3.7.6 Public/Institutional/Parks/Recreation ..... 36
3.7.7 Miscellaneous Uses ..... 39

**3.8 GENERAL PROVISIONS ..... 41**
3.8.1 Existing Conditions ..... 41
3.8.2 Area, Yard, and Height ..... 41
3.8.3 Exceptions ..... 42
3.8.4 Manufactured Homes ..... 43
3.8.5 Existing Mobile Homes ..... 43
3.8.6 Accessory Buildings ..... 43
3.8.7 Fences ..... 43
3.8.8 Swimming Pools ..... 44
3.8.9 Miscellaneous ..... 45

**3.9 CONDITIONAL USES ..... 46**
3.9.1 Purpose ..... 46
3.9.2 Procedure and Meetings ..... 46
3.9.3 Application Requirements ..... 46
3.9.4 Development Plan Requirements ..... 47
3.9.5 Standards for Granting Conditional Use Permits ..... 47
3.9.6 Optional Standards for Granting Conditional Use Permits ..... 48
3.9.7 Existing Nonfarm Residences in the Farmland Preservation District ..... 48
3.9.8 Conditions, Guarantees and Validity Period ..... 48

**3.10 NONCONFORMING USES ..... 50**
3.10.1 Applicability and Intent ..... 50
3.10.2 Abolishment ..... 50
3.10.3 Nonconforming Uses of Land ..... 50
3.10.4 Nonconforming Uses of Structures ..... 50
3.10.5 Nonconforming Structures ..... 51
3.10.6 Nonconforming Characteristics of Use ..... 51
3.10.7 Nonconforming Lots of Record ..... 51
3.10.8 Nonconforming Signs ..... 52
3.10.9 Casual, Temporary, or Illegal Uses ..... 52
3.10.10 Repairs and Maintenance ..... 52

**3.11 STATE LIVESTOCK FACILITY SITING REGULATIONS ..... 53**
3.11.1 Setbacks and Separations ..... 53
3.11.2 Water Quality and Related Setbacks ..... 54
3.11.3 Conditional Use Permit ..... 54
3.11.4 Variance ..... 58

**3.12 SIGNAGE ..... 59**
3.12.1 Purpose ..... 59
3.12.2 Definitions ..... 59
3.12.3 Application Process ..... 60
3.12.4 Signs that do not need a Permit ..... 60
3.12.5 Signs Allowed in Commercial and Industrial Districts ..... 61
3.12.6 Prohibited Signs ..... 62
3.12.7 Sign Removal ..... 62
3.12.8 Portable Signs ..... 62
3.12.9 Loss of Non-conforming Sign Status ..... 62

**3.13 PARKING AND LOADING REQUIREMENTS ..... 63**
3.13.1 Purpose ..... 63
3.13.2 Number of Parking Stall by Land Use ..... 64
Table 3: Parking Requirements by Land Use ..... 64

**3.14 HIGHWAY SETBACK LINES ..... 66**
3.14.1 Purpose ..... 66
3.14.2 Applicability ..... 66
3.14.3 Classes of Highways and Center Lines ..... 66
3.14.4 Structures Prohibited Within Setback Lines ..... 67
3.14.5 Structures Permitted Within Setback Lines ..... 67
3.14.6 Setback Distances ..... 67
3.14.7 At Ordinary Highway Intersections ..... 68
3.14.8 At Highway Intersections with Transitional Widening ..... 68
3.14.9 At Highway Intersections with Curve Connections ..... 68
3.14.10 Vision Corner ..... 68
3.14.11 Private Driveway Maximum Distance ..... 69
3.14.12 Road Access Permit ..... 69

**3.15 ZONING BOARD OF APPEALS ..... 70**
3.15.1 Statutory Reference ..... 70
3.15.2 Organization of Board of Appeals ..... 70
3.15.3 Meetings of the Board of Appeals ..... 70
3.15.4 Power of the Board of Appeals ..... 70
3.15.5 Application for a Variance ..... 70
3.15.6 Findings by the Board of Appeals ..... 71
3.15.7 Exercise of Power ..... 72

**3.16 ENFORCEMENT AND PENALTIES ..... 73**
3.16.1 Zoning Administrator - Duties and Powers ..... 73
3.16.2 Zoning Permit ..... 73
3.16.3 Enforcement – Town Attorney ..... 74
3.16.4 Penalties ..... 74
3.16.5 Shorelands ..... 74
3.16.6 Wetlands ..... 75

**3.17 FEES ..... 76**
3.17.1 Building Permit ..... 76
3.17.2 Board of Appeals ..... 76
3.17.3 Plan Commission Amendments ..... 76

**3.18 CHANGES AND AMENDMENTS ..... 77**
3.18.1 Administration of the Ordinance ..... 77
3.18.2 Duties ..... 77
3.18.3 Zoning Ordinance Amendments ..... 77
3.18.4 Public Hearing and Notice ..... 78
3.18.5 Final Approval by Town Board ..... 78
3.18.6 Findings of Fact - Farmland Preservation Zoning District ..... 78
3.18.7 Farmland Preservation Certification ..... 79

**3.19 VALIDITY AND CONFLICTS ..... 80**
3.19.1 Severability ..... 80
3.19.2 Conflict with Other Ordinances ..... 80

**3.20 EFFECTIVE DATE ..... 80**

**FARMLAND PRESERVATION ZONING MAP ..... 81**

**DATCP CERTIFICATION LETTER AND ORDER ..... Appendix**

# Town of Calumet
# Fond du Lac County, Wisconsin
# Chapter 3 Zoning Ordinance

## 3.1 Statutory Authority and Purpose

### 3.1.1 Authority.

In accordance with the authority granted by Sections 60.61, 60.62, 61.35, 62.23, and 295.14 and Chapter 91 of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, and having been granted village powers pursuant to Section 60.10, of the state statutes, the Town Board of Calumet, Fond du Lac County, Wisconsin, does hereby ordain these zoning regulations.

### 3.1.2. Purpose.

The purpose of this Ordinance is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Town; to aid in implementing the Town of Calumet Comprehensive Plan, to regulate and restrict the height, number of stories and size of yards, the density of population, location and use of buildings, structures and land for agriculture, trade, industry, residence or other purposes; and for said purposes to divide the Town into districts of such number, shape and area as are deemed best suited to carry out the said purposes.

### 3.1.3 Compliance.

No land shall hereafter be used; and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without full compliance with the provisions of this ordinance.

### 3.14 Abrogation and Greater Restrictions.

It is not the intent of this Ordinance to repeal, impair, or interfere with any existing private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

### 3.15 Interpretation.

The provisions of this Ordinance shall be interpreted and applied as minimum regulations, shall be construed in favor of the Town, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

### 3.16 Title.

This Ordinance shall be known as and may be cited as the "Zoning Ordinance, Town of Calumet, Fond du Lac County, Wisconsin."

## 3.2 Reserved

## 3.3. Glossary of Terms

### 3.3.1 General Terms.

For the purposes of this ordinance, certain words and terms are defined as follows: words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

### 3.3.2 Definitions.

The definitions of terms throughout this ordinance shall be interpreted to have the following meanings except where a definition is shown with an asterisk, which means it is a definition that applies specifically to livestock facility regulations in Section 3.11):

***Adjacent** means 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.

**Adult-oriented Establishment** shall have the meaning given in the Town of Calumet Adult Oriented Establishments Ordinance.

***Agriculture, Animal** means the use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.

***Agriculture, Crop** means the use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.

**Airport, Private.** An airport which is privately owned and which is not open or intended to be open to the public.

**Alley.** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

***Animal Unit** - has the meaning that was given in NR 243.03(3) as of April 27, 2004. Table 1, shown on this page, contains equivalents for use in calculations associated with this ordinance.

Animal Unit Equivalent Factors (# animals X factor = A.U.)

| | | |
|---|---|---|
| Dairy Cattle | Milking and Dry Cows | 1.4 |
| | Heifers (800 lbs. to 1200 lbs.) | 1.1 |
| | Heifers (400 lbs. to 800 lbs.) | 0.6 |
| | Calves (up to 400 lbs.) | 0.2 |
| Beef | Steers or Cows (600 lbs. to market) | 1.0 |
| | Calves (under 600 lbs.) | 0.5 |
| | Bulls (each) | 1.4 |
| Swine | Pigs (55 lbs. to market) | 0.4 |
| | Pigs (up to 55 lbs.) | 0.1 |
| | Sows (each) | 0.4 |
| | Boars (each) | 0.5 |
| Poultry | Layers (each) | 0.01 |
| | Broilers (each) | 0.005 |
| | Broilers – continuous overflow watering | 0.01 |
| | Layers or Broilers - liquid manure system | 0.033 |
| | Ducks – wet lot (each) | 0.2 |
| | Ducks - dry lot (each) | 0.01 |
| | Turkeys (each) | 0.018 |
| **Sheep** (each) | | 0.1 |
| **Goats** (each) | | 0.1 |

Source: DATCP 2006

**Base Farm Tract**

a. All land, whether one parcel or two or more contiguous parcels, that is in the farmland preservation zoning district and that is part of a single farm as of December 31, 2012, regardless of any subsequent changes in the size of the farm.

b. Any other tract that DATCP by rule defines as a base farm tract.

**Boathouse.** A permanent structure used exclusively for the storage of watercraft for noncommercial purposes and associated materials and includes all structures which are totally enclosed, having roofs or walls or any combination of these structural parts.

**Building.** Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by division walls without openings, each portion of such building, so separated shall be deemed a separate building.

**Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises and is not to be used for human habitation.

**Building, Height.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

**Building, Main.** A building constituting the principal use of a lot.

**Center Line.** A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

**Cheese Factory.** A facility that converts any type of milk source into cheese and distributed for retail purposes. This definition includes a retail outlet inside the factory.

**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 is water which is flowing within the limits of the defined channel.

**Condominium.** A building or complex of buildings containing a number of individually owned apartments or houses. The system of ownership by which condominiums operate, owners have full title to the individual apartment or house and an undivided interest in the shared parts of the property. The Impervious surface calculation shall apply for a condominium or multiunit property as one calculation if said property is described under one legal description. Property subject to a condominium declaration established under Ch. 703, Wis. Stats.

**Common Ownership** means ownership by the same person or persons, or a legal entity that is 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.

***Complete Application for Local Approval** means an application that contains everything required under ATCP 51.30(1) to (4).

**Conditional Use.** A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Conditional Use as applied is synonymous with past terms such as special exception or special use.

**Contiguous** means 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.

**DATCP.** An abbreviation for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

**Dwelling Unit.** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

**Dwelling, One-Family.** A detached building designed for or occupied exclusively by one family.

**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.

**Dwelling, Two-Family.** A detached or semi-detached building designed for and occupied exclusively by two families.

**Erosion Control And Stormwater Management Ordinance - Chapter 27.** It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in Fond du Lac County.

***Expanded Livestock Facility** means the entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

***Expansion** means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

**Family.** A group of persons related by blood, marriage, or adoption and living together as a single housekeeping entity.

**Farm** means a parcel of land, or a collection of 2 or more contiguous parcels of land, which meets all of the following conditions:

a. All of the land is under common ownership.
b. More than half of the entire land area is assigned for property tax purposes to one or more of the following use classifications as defined by the Wisconsin Department of Revenue pursuant to s. 70.32(2), Wis. Stats.:
    1. Agricultural land (class 4)
    2. Agricultural forest (class 5m)
    3. Productive forest (class 6)

**Farm Acreage**. means, for the purposes of 3.7.3, acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

**Farmland Preservation Plan** means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subchapter. IV of chapter 91, 2007 Wis. Stat.

**Farmland Preservation Zoning District** means a farmland preservation zoning district designated under s.91.38(1)(c) Wis. Stats. in an ordinance described in s.91.32(2) Wis. Stats.

**Farm Residence** means any of the following structures that is located on a farm:

a. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50 percent of his or her gross income from the farm.

b. A migrant labor camp that is certified under s.103.92 Wis. Statute.

**Fence.** A barrier intended to prevent escape or intrusion, or to mark a boundary. A fence does not include a railing serving a deck, porch, balcony, or similar items.

**Fence, Closed.** A fence whose entire length is more than 50% opaque and whose individual elements or sections are also greater than 50% opaque.

**Fence, Open.** A fence whose entire length is equal to or not greater than 50% opaque and whose individual elements or sections are also equal to or not greater than 50% opaque.

**Frontage.** All the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.

**Gross Income.** The meaning given for Wisconsin adjusted gross income in s. 71.01(13) Wis. Stats.

**Garage, Private.** An accessory building or space for the storage of motor-driven vehicles.

**Garage, Public.** Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repair, serviced, hired, sold or stored.

**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.

**Hobby Farm.** A non-commercial farm operation with a limited number of animals and agricultural crop production, the income from which is incidental to the total household income.

**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.

**Livestock.**

a. For use in determining compliance with ch. 91 Wis. Stats, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

b. For use in determining compliance with ATCP 51 of Wis. Adm. Code, livestock means domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products. “Livestock” includes cattle, swine poultry, sheep and goats. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

***Livestock Facility** means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”

***Livestock Structure** means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. “Livestock structure” includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. “Livestock structure” does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

**Lot, Corner.** A lot located:

a. At the junction of and abutting 2 or more intersecting streets; or
b. At the junction of and abutting a street and the nearest shoreline or highwater line of a storm or floodwater runoff channel or basin; or
c. At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
d. 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.

**Lot Depth.** The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

**Lot, Interior.** A lot other than a corner lot.

**Lot Width.** The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street right-of-way) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points in the front shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty (60%) percent of the required lot width. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.

**Manufactured Dwelling.** A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One- and Two-Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.

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

a. Is set on an enclosed continuous foundation in accordance with s. 70.43(i), Wis. Stats., and ILHR 21, Subchapters 111, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
b. Is installed in accordance with the manufacturer's instructions;
c. Is properly connected to utilities; and
d. Meets other applicable standards of this Chapter.

**Manure** means excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

**Mobile Home.** A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and 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 section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above. Mobile homes can be required to be located in a mobile home park. Manufactured homes cannot be required to be located in a mobile home park.

**Modular Home.** A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. A double-wide structure transported and assembled at the site on a permanent foundation shall be construed as a modular home. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes. A modular home is subject to SPS 320.13, Wis. Adm. Code. A modular home is considered a single-family home in the Rural District.

***New Livestock Facility** means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

**Nonconforming Use.** A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance.

**Nonfarm Residence** means a one- or two-family residence other than a farm residence.

**Nonfarm Residential Acreage** means, for purposes of section 3.7.3 the combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Calumet has approved nonfarm residences, all parcels that do not qualify as farms, and the parcel to which the Conditional Use permit application pertains.

***Operator** means a person who applies for or holds a local approval for a livestock facility.

***Person** means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

***Populate** means to add animal units for which a permit or other local approval is required.

**Property Line** means a line that separates parcels of land on record with the Fond du Lac County Register of Deeds.

**Prime Farmland** means 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 Federal Department of Agriculture.
b. Land, other than land described in par. a, that is identified as prime farmland in the Fond du Lac County Farmland Preservation Plan

**Protected Farmland** means land that is any of the following:

a. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
b. Covered by a Farmland Preservation Agreement under ch. 91, Wis. Stats.
c. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
d. Otherwise legally protected from nonagricultural development as evidenced by documentation provided by the landowner who claims that the land is legally protected from nonagricultural development.

**Recreational Vehicle** means any of the following:

a. Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.
b. Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

***Related Livestock Facilities** means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

a. They are located on the same tax parcel or adjacent tax parcels of land.
   *NOTE: The mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.*
b. They use one or more of the same livestock structures to collect or store manure.
c. At least a portion of their manure is applied to the same land spreading acreage.

**Road.** All property dedicated or intended for public or private street purposes or subject to public easements therefor and has a right-of-way width of 66 feet and a hard-surfaced paved area of at least 22 feet in width with 2-foot graveled shoulders.

**Road Right-of-Way line.** A dividing line between a lot, tract or parcel of land and an abutting road.

**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.

***Separate Species Facility** means a livestock facility that meets all of the following criteria:

a. It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a "related livestock facility"): Cattle, Swine, Poultry, Sheep, and Goats.
b. It has no more than 500 animal units.
c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
d. It meets one of the following criteria:
    1. Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
    2. It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

**Service-Type Businesses** include such businesses as barbershops, beauty parlors, Laundromats, music, dancing, art or photography studios, servicing, repair, home appliance or equipment and similar uses.

**Setback.** The minimum horizontal distance between any lot line, including a road right-of-way line, and the nearest point from the front, back or side of a building foundation, excepting uncovered steps of a building that faces a public right-of-way.

**Sign.** Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

**Sign, Directional.** A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.

**SPS 316**. Wisconsin Administrative Code ch. SPS 316; Electrical

**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.

**Structure.** Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. A structure may include, but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.

**Temporary Occupancy** means the occupying of a site by a recreation vehicle for a cumulative period not to exceed 60 days in any 12 months, or where the occupants of the site are non-resident tourists or vacationists and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed 60 days in any 12 months. The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.

**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.

**Tourist Room Housing (TRH).** All lodging places and tourist cabins and cottages (dwellings), other than hotels, motels or resorts, in which sleeping accommodation are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients. For the purpose of compliance under Chapter ATCP 72 Wisconsin Administrative Code.

**Traffic Lane.** A strip of roadway intended to accommodate a single line of moving vehicles.

**Variance.** A relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

***Waste Storage Facility** means one or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

***Waste Storage Structure** means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:

a. A structure used to collect and store waste under a livestock housing facility.
b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

***Winter Grazing Area** - means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "winter grazing area" does not include any of the following:

a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
b. An area which at any time has an average of more than 4 livestock animal units per acre.
c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
d. An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.

***WPDES Permit** means a Wisconsin pollutant discharge elimination system permit issued by DNR under NR 243.

**Yard.** An open space 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.

**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.

**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.
**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.

**Zoning Administrator.** A local governmental official or designated agent which administers and enforces the Calumet Zoning Ordinance and land development regulations, including the issuance of zoning permits.

**Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

## 3.4 Zoning Districts and Map

### 3.4.1 Establishment of Zoning Districts.

a. In order to carry out the purpose and provisions of this ordinance, the following zoning districts in Sections 3.4.3 through 3.4.8 and their purposes are hereby established, and may be known by the accompanying abbreviations.

1. Residential District
2. Rural District
3. Farmland Preservation District
4. General Agricultural District
5. Business District
6. Industrial District

b. Permitted and Conditional Uses are identified for each District in Section 3.5.

c. Regulations for each District including Density, Lot Size, Setbacks, and Building Height are identified for each District in Section 3.6.

d. Parking requirements for each land use are within Section 3.13.

### 3.4.2 Zoning Map.

The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Calumet, Fond du Lac County, Wisconsin, Farmland Preservation Zoning Map" which map is made a part of this ordinance and is on file and viewable in the Town of Calumet Town Hall. All notations and references shown on the District Map are as much a part of this ordinance as though specifically described herein. Changes to the District Map must be made only as described in Section 3.18 of this ordinance. When uncertainty exists with respect to the boundaries of the various zones as shown on the zoning maps, the following rules shall apply:

a. The district boundaries, unless otherwise indicated, are street or highway center lines, lines parallel or perpendicular to such street, highway lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary line.

b. When the width or lengths of boundaries are not clear, the scale of the map shall determine the approximate dimensions.

c. When uncertainty exists as to the precise location of the floodplain zone boundary line, the floodplain boundary maps shall govern, in general, and the zoning text shall govern specifically.

d. The Board of Appeals, in accordance with the provisions of this ordinance, shall hear and decide the precise location of a zone boundary line when such line cannot otherwise be determined.

### 3.4.3 Residential District Purpose.

a. To accommodate existing and future residential development that relies on private on-site wastewater treatment systems and private wells in a rural setting.

b. Residential development shall be placed on the landscape in a fashion that allows the concentration of local services while minimizing the consumption of agricultural land, forested land, and open space.

### 3.4.4 Rural District Purpose.

a. The purpose of the RD District is to provide areas for mixed agricultural and residential uses and hobby farm operations.

b. This District is primarily designed to allow the mix of a limited number of animals and garden variety plantings on a residential property, with any income from animal or garden produce be incidental to the income of the owner.

c. Prime candidates for this type of zoning would be existing farmsteads with outbuildings and barns capable of housing a limited number of animals, or new home owners that build accessory buildings to house a limited number of animals for personal use.

d. 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.

### 3.4.5 Farmland Preservation District Purpose.

a. The intent of the Farmland Preservation District is to:
   1. Preserve productive agricultural land for food and fiber production;
   2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services;
   3. Maintain a viable agricultural base to support agricultural processing and service industries;
   4. Prevent conflicts between incompatible uses; reduce costs of providing services to scattered, non-farm uses; pace and shape urban growth;
   5. Implement the policies of the Fond du Lac County Farmland Preservation Plan.

b. To comply with the Farmland Preservation Law, only uses identified in ch. 91.42 Wis. Stats. are allowed.

c. No building or use shall hereafter be established or enlarged within the Farmland Preservation District unless it conforms to the following regulations.

d. This district serves as Calumet's Farmland Preservation Zoning District. Being in the District enables farmers with land within the Farmland Preservation district to be eligible for state farmland tax credits.

### 3.4.6 General Agricultural District Purpose.

a. To provide a full range of agricultural uses in areas where soil and other conditions are best suited to cultivation and livestock.

b. This district will not require a Conditional Use permit to create and build a farm residence, but will require those who desire to build a nonfarm home to rezone to a residential zoning district.

### 3.4.7 Business District Purpose.

a. To accommodate rural commercial development that serves the general area or tourism-oriented areas.

b. Whatever commercial land use is involved will be properly buffered from residential or other conflicting land uses.

### 3.4.8 Industrial District Purpose.

a. To accommodate rural industrial development with a variety of lot sizes that is generally light intensity (in terms of noise, dirt, smoke, odor, physical appearance, traffic generated, etc.).

b. Industrially zoned areas shall be in areas that are well-served by the transportation system, and provide buffering techniques that will minimize conflict with adjacent land uses.

## 3.5 Zoning District Permitted and Conditional Uses

The following table identifies the Permitted Uses (P), or Conditional Uses (C) within the Calumet Zoning Districts. A number inside a set of parentheses, for example "(1)", means there is a noted at the bottom of the table that provides additional information. Please note that descriptions and related regulations are found in Section 3.7 District Uses and Regulations.

### Table 1: Permitted and Conditional Use by Zoning District

| | Residential | Rural | Farmland Preservation | General Agricultural | Business | Industrial |
|---|---|---|---|---|---|---|
| **Open Land/Agricultural Uses** | | | | | | |
| Agricultural Uses | | | P(1) | P | | |
| Livestock Facilities (>500 Animal Units) | | | C(2) | C(2) | | |
| Agricultural-Related Uses | | | P(3) | P | | |
| Accessory Uses | | | P(4) | P | | |
| Roadside Stand | | | P(5) | P | | |
| Hobby Farms | | P | P | P | | |
| Undeveloped Natural Resource and Open Space Areas | | | P | P | | |
| **Residential Uses** | | | | | | |
| Single-Family Residence (farm) | P | P | P(15) | | | |
| Single-Family Residence (nonfarm) | P | P | C(15) | | | |
| Two-Family Residence (farm) | P | P | P(6) | | | |
| Two-Family Residence (nonfarm) | P | P | C(6) | | | |
| Multi-Family Residence | C | | | | | |
| Nonfarm Residential Cluster | | | C(16) | | | |
| Single-Family Residence (accessory) | | | | | C | |
| Accessory Uses | P | P | P(4) | P | P | |
| Home Occupation | P | P | P(8) | P | | |
| Family Day Care Home | P | P | P(4) | P | | |
| Manufactured/Mobile Home Park | C | | | | | |
| Tourist Rooming Houses (TRH) | C(17) | C(17) | C(17) | C(17) | C(17) | |
| Condominium | C(18) | | | | | |
| **Business Uses** | | | | | | |
| Personal and Professional Service | | | P(4) | | P | |
| Indoor Sales and Service | | | P(4) | | P | |
| Long Term Outdoor Display and Sale | | | | | P | |
| Maintenance Service | | | P(4) | | P | |
| In Vehicle Sales and Service | | | | | P | |
| Indoor Commercial Entertainment and Service | | | | | P | |
| Indoor Lodging Facility | | | | | P | |
| Resort Establishment | | | | | P | |
| Bed and Breakfast Establishment | C | C | P(4) | | C | |
| Group Day Care Center Facility | | | P(4) | P | C | |
| Animal Boarding or Breeding Facility | | | P(4) | C | C | |
| Adult Oriented Establishments | | | | | P | |
| Personal Storage Facility | | | | | C | |
| Portable Storage Facility | | | | | C | |
| Indoor Storage or Wholesaling | | | | | P | |
| Outdoor Storage or Wholesaling | | | | | C | |
| Indoor Retail Sales Activity as Accessory to Industrial or Indoor Storage & Wholesaling | | | | | P | P |

| | | | | | | |
|---|---|---|---|---|---|---|
| Marinas and Boat Liveries | | | | | P | |
| Tourist Rooming Houses (TRH) | C(17) | C(17) | C(17) | C(17) | C(17) | |

## Table 1 Permitted and Conditional Uses (continued)

| | Residential | Rural | Farmland Preservation | General Agricultural | Business | Industrial |
|---|---|---|---|---|---|---|
| **Industrial** | | | | | | |
| Light Industrial Accessory to Retail Sales/Service | | | | | C | |
| Light Industrial | | | | | C | P |
| Heavy Industrial | | | | | | C |
| Contractor Shop | | | | | | P |
| Nonmetallic Mining | | | C(9) | C | | C |
| Salvage or Junk Yard | | | | | | C |
| Solid or Hazardous Waste Facility | | | | | | C |
| Oil and Gas Exploration | | | C(10) | C | | C |
| **Public/Institutional/Parks/Recreation** | | | | | | |
| Governmental, Institutional, Religious, or Nonprofit Community Uses | P | P | C(11) | C | P | |
| Outdoor Public Recreation-Passive | C | | C(11) | C | P | |
| Outdoor Public Recreation-Active | C | | C(11) | C | P | |
| **Miscellaneous Uses** | | | | | | |
| Solar Energy Systems | C | | C(12) | C | C | C |
| Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Uses | C(14) | | C(13) | C(14) | C(14) | C(14) |

(1) Must comply with 3.7.2.a
(2) Must comply with 3.7.2.b
(3) Must comply with 3.7.2.c
(4) Must comply with 3.7.2.d
(5) Must comply with 3.7.2.d and e
(6) Must comply with 3.7.3.b
(7) Must comply with 3.7.3.c
(8) Must comply with 3.7.2.d and 3.7.3.h
(9) Must comply with 3.7.5.e
(10) Must comply with 3.7.5.h
(11) Must comply with s. 91.46(5)
(12) Must comply with s. 91.46(4)
(13) Must comply with s.91.46(4) unless state or federal law preempts the requirement for a conditional use permit
(14) Unless state or federal law preempts the requirement for a conditional use permit
(15) Must comply with 3.7.3.a
(16) Must comply with 3.7.3.d
(17) Must comply with Chapter ATCP 72 in its entirety, Conditional Use must be renewed annually by July 1st and run through June 30th the following year. Conditional Use Permits may be revoked if neighbor complaints are based on substantial evidence. Residential cap requirements need to be monitored in FPP zoning district to avoid non-compliance with s.91.46(2)(b)
(18) Must comply with Chapter 703 in its entirety

## 3.6 Zoning Area and Setback Requirements

### Table 2: Area and Setback Requirements

| Land Uses within the Districts | Minimum Lot Size | Maximum Lot Size or Coverage | Frontage on public R.O.W. | Minimum Lot Width at setback | Minimum Front Yard Setback | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
|---|---|---|---|---|---|---|---|---|
| Single- Family Residential | 1-acre Unsewered 15,000 SF Sewered | 2 acres Unsewered | 30’ | 100’ 75’ at Water’s Edge | See Sec. 3.14 | 1.5 story-Sum width 25’ one side 10’. 2.5 story-Sum width 30’ one side 12’. | 25 ‘ | 35’ or 2.5 stories |
| Two-Family Residential | 1.5 acres Unsewered 22,500 SF Sewered | 2 Acres Unsewered | 30’ | 100’ | See Sec. 3.14 | 1.5 story-Sum width 25’ one side 10’. 2.5 story-Sum width 30’ one side 12’. | 25 ‘ | 35’ or 2.5 stories |
| Condominium (Sewered) | 21,000 SF per building | 1 acre | 150’ | 100’ | See Sec. 3.14 | 1.5 story-Sum width 25’ one side 10’. 2.5 story-Sum width 30’ one side 12’. | 25’ | 35’ or 2.5 stories |
| Multi-Family Residential* (Sewered) | 30,000 SF per building | 2 acres | 150’ | 150 ‘ | 63 ft from center of road | 25’ per side | 30’ | 35’ or 2.5 stories |
| Rural | 1 acre | 10 acres | 200’ | 200’ | See Sec. 3.14 | 1.5 story-Sum width 20’ 1.5-2.5 story-Sum width 30’ Livestock buildings or fenced areas-40’ | Residence 40’ Livestock buildings or fenced areas-40’ | 35’ or 2 1/2 stories |
| Farmland Preservation (Other than non-farm residence) | 10 acres | None | 200’ | 200’ | See Sec. 3.14 | 25’ | 25 ‘ | 35’ or 2.5 stories Farm Structures are Exempt |
| Farmland Preservation (Non-Farm Residence) | 1 acre | 2 acres | 30’ | 200’ | See Sec. 3.14 | 25’ | 25 ‘ | 35’ or 2.5 stories |
| General Agricultural | 5 acres | None | 200’ | 100’ | See Sec. 3.14 | 25’ | 25 ‘ | 35’ or 2.5 stories Farm Structures Exempt |
| Business | 1 acre for Unsewered 15,000 Sq. Ft. Sewered | None | 100’ | 100’ | See Sec. 3.14 | 1.5 story-Sum width 25’ one side 10’. 2.5 story-Sum width 30’ one side 12’. | 25’ with loading area | 60’ |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Business with Residential. | 1 acre for Unsewered 15,000 SF Sewered, plus area for type of Residential Use | 50% Coverage | 100' | 200' | See Sec. 3.14 | 15' per side | 25' with loading area | 35' or 2.5 stories |
| Industrial | 20,000 SF | 50% Coverage | 100' | 100' | 60'-see note d. | 10' per side for existing. 30' for new with Buffer | 25'-see note e. | 35' or 2.5 stories |

* These conditions apply for a Multi-Family Conditional Use permit, if granted by the Town Board

## Notes and Exceptions to Table 2:

a. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Comm 83 and/or Comm 85, Wisconsin Administrative Code or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the zoning ordinance

b. The minimum lot size, height, and yard requirements for a conditional use shall be as specified in the Conditional Use permit, but in no case shall any setback be less than 50 feet from a lot line and the front yard setback be at least the distance specified in Section 3.14 of this ordinance.

c. If a business or industrial building is to be constructed in an established block where there are existing buildings, the front yard depth shall be the average of the front yard depths of buildings existing on the block face where the building is to be located, but no less than 15 feet from the right-of-way line.

d. A parcel in a Business or Industrial district abutting the Residential district shall provide a suitable buffer of plant materials, fencing or both, to shield the residential area from the industrial area. Where the transition from business or industrial to residential is a public street, the front yard of a Business or Industrial district use shall be substantially landscaped, as determined by the Plan Commission and Town Board.

e. Any permitted industrial zoned use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, glare and heat or as to create fire or explosive hazards.

f. All riparian lots must meet the DNR setback of 75 feet from the ordinary high-water mark.

g. The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to issuance of any building permit related to a structure that requires sanitary facilities.

h. Zoning permits are valid for 12 months from the date of issuance unless the applicant appeals to the Town Board for an extension.

i. Substandard Non-Sewered Lots:

1. A substandard lot which is at least 16,000 square feet in area and is at least 50 feet in width at the building line may be used as a building site for a single-family dwelling upon issuance of a zoning permit if it meets the following requirements:

   i. Such use is permitted in the zoning district.

   ii. The lot is of record in the County Register of Deeds office prior to the effective date of this ordinance.

iii. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance.

iv. All dimensional requirements of this ordinance are complied with insofar as practical.

2. The lot is served by a sanitary sewer, or has a sanitary permit issued by County Sanitarian under County Sanitary Ordinance.

k. Substandard Lots - On a single lot having a width of less than 60 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than the equivalent of 5 inches per foot of lot width for buildings not over 1 1/2 stories high, and of 6 inches per foot of lot width for buildings from 1 1/2 to 1 1/2 stories high and no single side yard shall be less than 40% of the total required side yard width; provided further that the buildable width of any such lot in no case shall be reduced to less than 30 feet.

## 3.7 District Uses and Regulations

### 3.7.1 Determination of Use.

a. The Zoning Administrator shall determine if a proposed use can be classified as a principal use already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this chapter.

b. If a proposed use cannot be classified as a listed principal use, it shall be considered an unclassified use and shall be regulated as follows:

1 The Zoning Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this chapter.

2 If the Zoning Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be notified in writing.

c. The Zoning Administrator may refer unclassified uses to the Town Plan Commission if the Administrator is uncertain how to classify any uses not listed.

d. After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this chapter adding the previously unclassified use to the applicable zoning district.

### 3.7.2 Open Land/Agricultural Uses.

a. **Agricultural Use:** Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.

7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that DATCP, by rule, identifies as an agricultural use.

b. **Livestock Facilities:** The Town of Calumet requires a conditional use permit for livestock facilities with over 500 animal units. See 3.11 State Livestock Facility Siting Regulations.

c. **Agricultural-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:
1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
2. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation zoning district.
3. Marketing livestock to or from farms, including farms in the Farmland Preservation zoning district.
4. Processing agricultural by-products or wastes received directly from farms, including farms in the Farmland Preservation Zoning District.
5. Any other use that the Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an agricultural related use.

d. **Accessory Uses:** Any of the following land uses on a farm.
1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This includes:
   i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
   ii. A facility used to keep livestock on the farm.
   iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
   iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
   v. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
   vi. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
3. A farm residence, including normal residential appurtenances.
4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
   i. It is conducted on the farm by the owner or operator of the farm
   ii. It requires no buildings, structures, or improvements other than those described in par. 1. or 3.
   iii. It employs no more than 4 full-time employees annually

iv. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

e. **Roadside Stand:** Any roadside stand or similar use shall meet the definition of a roadside stand in 3.3.2, shall be limited to the sale of farm products produced on the farm, and shall conform to setback, sign and other provisions of this ordinance. No roadside stand shall be more than 80 square feet in ground area and there shall not be more than 1 roadside stand on any one premise. If a roadside stand is determined to constitute a traffic hazard or nuisance, the Zoning Administrator may order its removal. Such removal shall be at the landowner's cost if such stand was established after the effective date of this ordinance. The Town shall in no way be obligated to pay the cost of removal of such stands. Any roadside stand in the Farmland Preservation zoning district must meet the requirements of par. d.

f. **Hobby Farm:** See definition of Hobby Farm in 3.3.2

g. **Undeveloped Natural Resource and Open Space Areas:** Land uses that are passive in nature, meaning the land is not being managed or used for the purpose of producing income from the sale or rental of the land itself or vegetation that grows naturally on the land.

### 3.7.3 Residential Uses.

a. **Single-Family Residence (Farm or Nonfarm):** Land uses consisting of a single detached building containing one dwelling unit.

1. This land use includes modular and manufactured homes as defined in section 3.3.2 of this ordinance.
2. This land use does not include mobile homes as defined in section 3.3.2 of this ordinance.
3. All homes shall meet the following requirements:
   i. Secured to a permanent enclosed foundation that meets all applicable state building codes or full basement, not having more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case only that portion of the foundation which is on the highest point of the lot must meet the requirements of this paragraph.
   ii. Ground Floor Area for residential homes shall have a minimum ground floor area of 1000 square feet for 1-story, 900 square feet for split level, and 800 square feet for 2-story plus dwellings; 1/2 vertical measurement of story must be above ground level
   iii. Minimum structure width (i.e. short side) shall be at least twenty-four (24) feet. Attached garages, carports and open decks shall not be included in the measurement of the width of the dwelling. Any home less than 24 feet in width shall require a Conditional Use permit.
   iv. Roof pitch shall not be less than a nominal 3:12 (rise to run).
   v. Roof overhang shall not be less than a nominal 6 inches excluding any gutter.

4. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy is a Conditional Use in the Farmland Preservation Zoning District provided all of the following apply:
   i. 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 after the residence is constructed or converted to a nonfarm residence.
   ii. There will be no more than 4 dwelling units in nonfarm residences, nor for a new nonfarm residence, more than 5 dwelling units in residences of any kind, in the base farm tract after the residence is constructed or converted to a nonfarm residence.
   iii. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel will not do any of the following:
      (a) 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 residence.
      (b) Significantly impair or limit the current or future agricultural use of other protected farmland.

b. **Two-Family Residence (Farm and Nonfarm):** Land uses consisting of a building containing two (2) dwelling units. This includes dwelling units that are enclosed within a building or attached by a common floor or wall.
   1. All two-family residences shall meet the standards for a single-family residence except that the minimum livable area of each unit shall be not less than 960 square feet, exclusive of attached garages, carports, or open decks.
   2. Each nonfarm two-family residence in the Farmland Preservation district must meet the standards under 3.7.3.a.4,
   3. With respect to the standards in 3.7.3.a.4 one two-family residence counts as two dwelling units.

c. **Multi-Family Residence:** Land uses consisting of a lot with holding 3 or more dwelling units. This includes apartment buildings and other dwelling units that are enclosed within a building or attached by a common floor or wall as well as multiple units on a single lot. Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership. Each building shall be subject to the following standards:
   1. Any and all lots of the multi-family residence must be located within a sewer district to be eligible for a Conditional Use Permit.
   2. No dwelling unit shall be less than 900 square feet in area, exclusive of common areas, hallways and basements.
   3. A site plan must be submitted with the Conditional Use application that contains the following information.
      i Location of a metal refuse container must be in the rear yard which is appropriately screened and accessible for service from a driveway or parking area.

ii Fencing or shrubbery along the rear and side yards when adjacent to low density housing must be shown on a site plan to retain the esthetic values from adjacent properties.
iii Building elevation drawings.
iv An Erosion Control and Stormwater Management Plan, at 1-foot contour intervals unless preapproval of the Stormwater Management Plan at 2-foot contours is agreed upon, meeting all the requirements as stated in Chapter 27 Fond du Lac County Erosion Control And Stormwater Management.
v A Landscape Plan.
vi A Utility Plan for public utilities and private laterals, including capacity requirements that can be approved by the sanitary district.
vii General information that includes lot lines, building locations, street system, parking spaces, driveways, common open space, and recreational improvements.
viii Typical floor plan of each type of building
ix Vicinity map showing sufficient area surrounding the proposed multi-family structure(s) to demonstrate the development's relationship to the adjacent land uses and street system.
x All outbuildings to be constructed included on the original plan.
xi Adequate circulation and drive aisle to be approved by the fire chief.
xii A Conditional use permit may be revoked if the residential build out is not finished within 1 year of the permit approval. Phase development may be approved with a timeline in writing and approval by the town board as a condition identified in the original conditional use permit.
xiii Parking: Each dwelling shall have an off-street parking space having a minimum width of 12' and a minimum depth of 20'.
xiv Lighting: Exterior lighting will be such that the affect will be low impact on adjacent parcels.

d. **Nonfarm Residential Cluster in the Farmland Preservation District:** A nonfarm residential cluster is a grouping of no more than four nonfarm residences in the Farmland Preservation District. It is a conditional use and must meet the following standards:
1. It must be created on a base farm tract.
2. The parcels on which the nonfarm residences would be located must be contiguous.
3. Legal restrictions must be imposed on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would satisfy the requirements under 3.7.3.a.4.

e. **Single-Family Residence Accessory to a Principal Business Use:** Land uses consisting of a single-family residence that is accessory to a principal Business use (for shopkeeper or employee, for example). This residence may be attached to the Business building or freestanding.

f. **Accessory Uses:** Land uses clearly incidental to the primary residential use and includes such uses as garages, carports, storage sheds, and decks. Such structures in the Farmland Preservation District shall meet the requirements of s.91.01(1) Wis. Stats.

g. **Home Occupation:** Land uses consisting of economic activities performed as an accessory to a residential use and are compatible with the character of nearby rural and residential areas subject to the following:

1. These uses shall have limited outward appearance, including limited signage, outdoor storage, parking, and customer traffic. Examples include personal and professional services, handicrafts and other items produced on-site, and the sale of direct marketing products or other similar activities that are customarily conducted from a residence.
2. Home occupations shall include the employment of no more than two (2) additional persons other than the resident occupants.
3. The use shall not involve the serving of any beverage, food, the on-lot retail or wholesale of goods or materials; nor the removal of sand, gravel, stone, topsoil, peat or moss for commercial purposes.
4. Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
5. The use shall not include the operation of any machinery; power tools or other appliances, or produce excessive noise or odors unless a Conditional Use permit is obtained.
6. The use shall not involve more than 20 percent of the classified floor area of the principal building or utilize any secondary buildings or structures unless a Conditional Use permit is obtained.
7. Home Occupations are permitted within the Farmland Preservation District, provided they meet the requirements of 3.7.2.d of this ordinance.

h. **Family Day Care Home:** A dwelling unit where supervision and care and/or instruction for not more than 8 children under the age of 7 is provided for periods of less than 24 hours per day, and which is licensed by the Wisconsin Department of Children and Families.

i. **Manufactured/Mobile Home Park:** Land uses meeting the definitions and requirements of Wisconsin Administrative Code Comm 26. The following standards shall apply to the design, construction and maintenance of any new manufactured/mobile home community or park and to the enlargement or addition to an existing community or park after the effective date of this Chapter. These standards shall be additional to all state statutes, codes and regulations. Although the following standards are mandatory, nothing herein shall be construed to prevent or limit the submission of unique, innovative designs to the Plan Commission.

1. Minimum size of any manufactured/mobile home park shall be 10 acres.
2. Lot dimensions and area shall not be less than as follows:
   i. Minimum width: 50 feet
   ii. Minimum depth: 100 feet
   iii. Minimum area: 6,500 square feet

3. All lots shall abut on a street within the park for at least 15 feet and shall have unobstructed street access. No lot shall abut on a public street, right-of- way, or property line of the park.
4. Corner lots located on the inside of any corner shall be of extra width sufficient to maintain front set back requirements on both streets.
5. No more than one manufactured/mobile home shall be placed on a lot.
6. No manufactured/mobile home unit shall be parked outside of a designated lot.
7. The minimum width of each manufactured/mobile home shall be a nominal 14 feet.
8. Setbacks applicable to each lot:
   i. Minimum front yard setback: 20 feet (All yards which abut a street are "front yards")
   ii. Minimum rear yard set-back: 10 feet
   iii. Minimum distance between homes: 20 feet
9. Streets:
   i. Each street and parking area shall be paved.
   ii. A streetlight shall be placed at each street comer within the park, at each entrance to the park, and at such other places along the street so that the distance between each light does not exceed 225 feet as measured down the centerline of the street.
   iii. All streets shall be maintained and plowed by the owner.
10. Parking:
   i. Each lot shall have an off-street parking space having either (a) a minimum width of 20 feet and a minimum depth of 24 feet, or (b) a minimum width of 12 feet and a minimum depth of 40 feet.
   ii. If parking on any street is prohibited within the park, an additional parking area within the park shall be established containing one parking space for every 5 lots (of fraction thereof) which abut on a street where parking is prohibited.
   iii. All parking shall be paved.
   iv. Parking will only be allowed on streets or paved areas.
11. Walkways not less than 3 feet wide and comprised of a hard surface shall be provided from the parking area of each lot up to and including the steps to the front door of each mobile and manufactured home.
12. Utilities:
   i. Water, domestic waste disposal, natural gas (where available) and electrical utilities shall be provided to each lot.
   ii. All utilities, including telephone and cable TV, shall be placed underground.
   iii. Each lot shall be furnished with a minimum 200-amp electrical service.
   iv. The owner shall install one large water meter for the entire park contained in a manhole. The design and construction of the park water distribution systems, the water meters, and the manhole shall meet such requirements as may be established.
13. Open Areas:
   i. Each park shall have one or more designated open area which shall be easily accessible to all park residents, which shall not

include a street or the Park Boundary/Buffer, and which shall be so located as to be free of traffic hazards.

ii. The total size of such open areas shall be a minimum of 5% of the total land area of the park.

iii. For every 25 lots in the park, there shall be at least one open area in the park having a minimum size of 50 feet by 100 feet.

14. Landscaping:

i. Each lot shall be planted with at least 1 tree and 1 shrub. The tree shall be a deciduous tree.

ii. All lots shall be sodded or planted in grass.

iii. Trees, grass and landscape material shall be properly maintained and replaced to conform to the approved landscape plans and specifications.

15. Park Boundary/Buffer:

i. A 30-foot wide buffer zone shall be established around the entire perimeter of the park.

ii. The buffer zone shall not be part of any lot.

iii. A visual screen of compact hedges, decorative fences, coniferous trees and shrubs and other landscape materials recommended by the Plan Commission and approved by the Town Board shall be installed and maintained in the buffer zone, to substantially hide the interior of the park from view from any adjacent street or property.

iv. The buffer zone shall be maintained by the owner free of rubbish, debris and weeds.

16. Home Installation:

i. Each manufactured/mobile home shall be secured with tie-downs and anchoring equipment.

ii. All manufactured/mobile home units shall have skirts around, or other product which makes the home appear to be built upon a basement or foundation, the entire manufactured/mobile home made of plastic, fiberglass, aluminum, metal or vinyl, and shall be of a permanent color or painted to match the manufactured/mobile home so as to enhance the general appearance thereof.

17. Accessory buildings:

i. Only one (1) out-building may be placed on each lot.

ii. The following set back requirements apply to each accessory building:

(1) Minimum front yard set back: 20 feet

(2) Minimum rear yard setback: 3 feet

(3) Minimum side yard setback: 3 feet

iii. All accessory buildings, except for automobile garages, shall be located in the rear one-half (1/2) of the lot,

iv. No accessory building shall exceed one story in height or 400 square feet in area.

18. No structure may be attached or added to any manufactured/mobile home (additions), except as follows:

i. The proposed design and construction standards shall be submitted to the Zoning Administrator before commencement of work on the structure.

ii. The Zoning Administrator shall review and approve the project only if the structure is designed to architecturally blend with the manufactured/mobile home.

j. **Proximity to Large Livestock Facilities (exceeding 500 animal units):**

1. The Town of Calumet discourages nonfarm residences within a ¼ mile of a large livestock facility to help minimize the conflicts between residences and large herd operations.
2. All nonfarm residences built, sold, or rented within a ¼ mile of a large livestock facility must first obtain a conditional use permit.
3. As a condition of securing a conditional use permit within ¼ mile of large herd operations, the owner of a nonfarm residence is required to sign and record with the Fond du Lac County Register of Deeds, a statement that the owner acknowledges the presence of the large livestock facility and its right to exist and operate.

### 3.7.4 Business Uses.

*Please note that Business Uses listed as Permitted Uses in the Farmland Preservation District are permitted only if they are an accessory use as described in 3.7.2.d.*

a. **Personal or Professional Service:** Land uses that are exclusively indoor whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include, but are not limited to, professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.

b. **Indoor Sales and Service:** Land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes general merchandise stores, grocery stores, bait shops, sporting goods stores, antique stores, gift shops, Laundromats, artisan and artist studios, bakeries, and the like. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial activities as an accessory to retail sales or service."

c. **Long Term Outdoor Display and Sale:** Land uses which conduct sales or display merchandise or equipment on a long-term basis outside of an enclosed building as a principal accessory use of the lot. Examples of such land uses would include vehicle and equipment sales and rental, manufactured housing sales, monument sales, and garden centers. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by the zoning Ordinance. All storage of equipment shall be at least 100 feet from highways or roads and at least 200 feet from any residential property. If the Plan Commission and Town Board deem the operations will take on characteristics of a junkyard, they may require a hedge planting of sufficient size to screen the area from the public right-of-way or

adjoining properties. Not providing acceptable screening may result in the withdrawal of the conditional use permit and discontinuance of the business.

d. **Maintenance Service:** Land uses which perform maintenance services (including repair) either within or outside an enclosed building. If the Plan Commission and Town Board deem the operations will take on characteristics of a junkyard, they may require a hedge planting of sufficient size to screen the area from the public right-of-way or adjoining properties. Not providing acceptable screening may result in the withdrawal of the conditional use permit and discontinuance of the business.

d. **In-Vehicle Sales and Service:** Land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes.

e. **Indoor Commercial Entertainment and Service:** Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls. Such land uses do not include adult oriented establishments. See paragraph K of this section for regulation of adult oriented establishments

f. **Commercial Indoor Lodging Facility:** Land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

g. **Resort Establishment:** Land uses which provide overnight housing in individual rooms, suites of rooms, cabins, or cottages. Such land uses may also provide indoor and outdoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. The maximum number of occupancy units in a resort shall not exceed a density of 10 units per acre in any zoning district.

h. **Bed and Breakfast Establishment:** Land uses which provide lodging facilities that are operator-occupied residences providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than 10 nights in a month period, provide meals only to renters of the place, and are clearly residential structures in design, scale, and appearance. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

i. **Group Day Care Center Facility:** Land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

j. **Commercial Animal Boarding or Breeding Facility:** Land uses where five (5) or more animals six (6) months of age or older are bred by a person providing facilities for breeding and the offspring are sold, or where such animals are received for care, training, and boarding for compensation, not including a small animal hospital, clinic, or pet shop. These uses include exercise yards, fields, training areas, and trails.

k. **Adult Oriented Establishments:** Land uses that include any facility involving the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. This type of activity is a permitted use but is regulated by the Town of Calumet's Adult Oriented Establishments Ordinance.

l. **Personal Storage Facility:** Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses."

m. **Portable Storage Facility:** Land uses that include shipping containers, semi-trailers, portable on demand storage (PODS), and store and move (SAM) containers that are intended for temporary storage while an individual or business is relocating. Such storage facilities shall need a permit which regulates the length of time a portable storage facility is allowed on the specified premise.

n. **Indoor Storage or Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. It does not include uses described in the "personal storage facility" land use category. Retail outlets associated with this principal use shall be considered an accessory use.

o. **Outdoor Storage or Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use, Examples of this land use include equipment yards, lumber yards, coal yards, landscaping materials yard, tank farms, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a

junkyard or salvage yard. Contractors' storage yards are considered accessory in the "contractor shop" land use category. Retail outlets associated with this principal use shall be considered an accessory use.

p. **Indoor Retail Sales Activity as an Accessory to Industrial or Indoor Storage and Wholesaling:** Land uses that include any retail sales conducted exclusively indoors which is clearly incidental to an industrial facility or indoor storage and wholesaling facility, on the same site.

q. **Marinas and Boat Liveries:** Land uses including a dock or basin providing secure moorings for watercraft or the rental of watercraft. This use may also include boat repair, chartering, supply, fueling, boat ramps, and other facilities.

1. Facilities shall be located at least 500 feet from public bathing beaches and parks.
2. Facilities shall be designed and constructed as to not interfere with adjacent riparian owner's uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation.
3. Fueling pumps and tanks shall be located two feet above the normal water elevation, and no fuel hose shall extend beyond a point necessary to fuel boats as the closest proximity to land.
4. Marinas shall be equipped with facilities for the disposition of domestic waste from boats.
5. Holding tanks shall be located above the normal high-water elevation. Holding tanks located on sites subject to flooding shall be flood-proofed.
6. If located within a Floodplain Zone subject to periodic flooding, the provisions of The Floodplain Ordinance (Chapter 62) and Fond du Lac County Shoreland Zoning Ordinance (Chapter 44) shall also apply.

r. **Tourist Room Housing (TRH).** All lodging places and tourist cabins and cottages (dwellings), other than hotels, motels or resorts, in which sleeping accommodation are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients. For the purpose of compliance under Chapter ATCP 72 Wisconsin Administrative Code.

### 3.7.5 Industrial Uses.

a. **Light Industrial Activity as an Accessory to Retail Sales or Service:** Land uses that include any light industrial activity conducted exclusively indoors which is clearly incidental to indoor sales or service, on the same site.

b. **Light Industrial:** Land uses which operations (with the exception of loading operations): (1) are conducted entirely within an enclosed building; (2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; (3) do not pose a significant safety hazard (such as danger of explosion); and (4) comply with all of the applicable performance standards. Light industrial land uses may conduct retail sales activity as an accessory use.

c. **Heavy Industrial:** Land uses which meet one or more of the following criteria: 1) are not conducted entirely within an enclosed building; 2) are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) pose a significant safety hazard (such as danger of explosion). Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

d. **Contractor Shop:** Land uses that include businesses engaged in contract services or labor, such as contractors involved with landscaping: building construction or carpentry: and electrical, plumbing, or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors. Retail outlets associated with this principal use shall be considered an accessory use.

e. **Non-Metallic Mining:** Non-metallic land uses include operations or activities for extraction from the earth, for sale or use by the operator, of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals, related operations or activities such as drilling and blasting, excavations, 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.

1. Operations shall take place for less than four years, the land shall be restored to agricultural production within another two years (unless the Town Board grants a renewal of the license), and that paragraphs i through vi, which only relate to the Farmland Preservation Zoning District would be met, while the remaining non-metallic mining operation regulations would be applicable to Farmland Preservation, General Agricultural, and Industrial zoned lands:
   - i The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
   - ii The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
   - iii The operation and its location in the Farmland Preservation zoning district are reasonable and appropriate, considering alternative locations outside the Farmland Preservation zoning district, or are specifically approved under state or federal law.
   - iv The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

v 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.

vi The owner shall restore the land to agricultural use, consistent with the Fond du Lac County "Non-Metallic Reclamation Ordinance" (consistent with s. 295.13 Wis. Stats.) adopted on July 19, 2007 when extraction is completed.

vii Non-Metallic Mining Application. Non-metallic mining may include washing, crushing, quarrying, borrow pits, or other processing or removal or 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.

viii Nonmetallic mining operations are subject to the following additional standards, which apply to all nonmetallic mining operations in the Town.

(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 the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

(2) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavations below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; all final slopes shall be covered with topsoil and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation the area shall be cleared of all debris and be left in a clean condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed re-use of the site for a dumping grounds shall have the concurrence of the Town Board.

(3) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residential district or residential subdivision, or within 300 feet of any building occupied for residential purposes; or for a hot blacktop mix or a ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.

(4) The permit shall be for a period of time as stated in the application or as modified by the Plan Commission and Town Board. The Plan Commission and Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.

(5) No permit shall be granted for a period of time exceeding 4 years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. A public hearing will be required prior to renewal.

(6) The Calumet Town Board will set a filing fee annually for the initial application and renewal application, and said fees will be on file in the Town Clerk's office.

f. **Salvage or Junk Yard:** Land uses that include any land or structure used for a salvaging operation including, but not limited to: The above-ground outdoor storage, collection, recycling, dismantlement, and/or sale of items listed in Section 3.7.5.f.1. Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use.

1. "Junk" shall include, but is not limited to: old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; inoperable appliances and machinery; and three (3) or more motor vehicles, unlicensed or no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.
2. The area on the premises where junk is kept (other than indoors) shall be enclosed by a wall or fence except for entrances and exits.
   i. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the business.
   ii. When two or more vehicle dismantling yards, junk and salvage yards, and/or vehicle impounding yards have a common boundary line, a solid wall or solid fence shall not be required on such common boundary line; provided, however, that a solid wall or solid fence shall enclose the entire combined area devoted to such uses.
   iii. Fences and walls shall be of uniform heights in relation to the ground upon which they stand. They shall be a minimum of 8 feet high or a height sufficient to screen salvage from view and shall

not exceed 12 feet in height. They shall be of wood or metal painted one inconspicuous earth-tone color, and shall enclose the entire site.

iv. Junk or salvage materials shall not be piled higher than the height of the fence, not against the fence.

v. An unobstructed interior firebreak 16 feet in width shall be maintained adjacent to the fence or wall and completely surrounding the junk or salvage yard.

3. A vegetated buffer area is required to create additional screening and containment of salvage and to soften the appearance of the fence or wall.
   i. The buffer area cannot substitute for a fence or wall and berms cannot substitute for either.
   ii. No buildings, structures, outdoor storage areas or other facilities shall be located in any part of a buffer area.
   iii. The buffer area must be at least 25 feet wide adjacent to the exterior of the fence or wall.
   iv. The buffer area shall be planted and maintained with a continuous stand of mixed trees and shrubs sufficient to extend above the fence or wall and obscure the majority of it from view within 5 years.
4. All buildings, structures, outdoor storage areas, other facilities and the required fence or wall shall be set back at least 300 feet from public roadways and 100 feet from rear and side lot lines.
5. No oil, grease, tires, gasoline, rubber, plastic asphalt or similar material shall be burned at any time, and all other burning shall be in accordance with applicable state and local regulations.
6. All junk and salvage yards shall be maintained so as to avoid creating a public or private nuisance, including but not limited to any offensive or noxious sounds or odors and breeding or harboring of rats, flies, mosquitoes, or other vectors.
7. Drainage facilities shall be established to protect surface and groundwater resources.
8. Noxious weeds shall be controlled.
9. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects may be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
10. No materials or wastes shall be deposited on a site so as to allow their transportation off the site by normal natural causes.
11. No such facility shall discharge at any point into any public or private sewage disposal system or waterway, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources and the Wisconsin Department of Public Health.
12. Toxic and hazardous materials including, but not limited to, gasoline, oil, antifreeze, brake fluids, freon and transmission oil shall be removed from any scrapped engines, vehicles, appliances or containers on the premises and shall be recycled or disposed of in compliance with applicable regulations.

g. **Solid or Hazardous Waste Facility:** Land uses that include any area, lot, land, parcel, building, or structure, or part thereof, used for deposit, disposal, processing, or transfer of solid, demolition, or hazardous waste.

1. Existing facilities and expansion of existing facilities by adding not more than 50 percent additional capacity, provided that continuing operations and operations of expanded areas follow basically the same operating patterns as current and comply with applicable laws and rules.
2. Transfer, treatment and disposal of farm manure and similar farm animal waste generated from farms in Calumet or immediately adjoining lands.
3. Solid or hazardous waste facilities that otherwise would meet the tests of applicability, but that are on the same land where the waste is generated and are conducted as part of the farm or business (other than waste treatment/disposal business) on that land.
4. Any waste facility to which this ordinance applies must have advance approval and the issuance of a Conditional Use permit by Calumet before operations may be commenced.
5. To approve such a facility, the Town must determine that the facility will not harm the health, safety and welfare of the community and the good order and convenience of the community and the public.
6. In making approvals, the Town is encouraged to impose reasonable requirements on applications in order to avoid nuisance conditions.
7. The intent of this ordinance is that dumps and waste facilities will be regulated within the process of the Wisconsin Waste Facility Siting Law and that precise application of standards and conditions will be determined within that process.

h. **Oil and Gas Exploration:** Only if licensed by the Wisconsin Department of Natural Resources under subchapter. II of ch. 295 Wis. Stats.

### 3.7.6 Public/Institutional/Parks/Recreation.

a. **Governmental, institutional, religious, or nonprofit community uses:** Other than land within the Farmland Preservation District which requires a Conditional Use, this type of use can generally be compatible with residential land uses, such as small churches, small private schools, small clinics, post offices, Town Hall, fire stations, funeral homes, and recreational or fraternal facilities such as clubs and lodges, meeting halls, and community centers.

b. **Outdoor Public Recreation - Passive:** Land uses that include recreational uses located on public or private property which involves passive recreational activities that are open to the public or to customers, patrons, or members.

1. Passive uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, ski trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

2. Waterfront recreational uses shall adhere to the following provisions:
   i. The area shall be compatible with adjacent land or water uses.
   ii. The provisions of The Fond du Lac County Shoreland Zoning Ordinance (Chapter 44) shall apply.

iii. Entrances and exits are designed and located as to not interfere with the public's or adjacent landowner's access to public waters.
iv. Any lighting facilities are designed as to minimize reflection or glare on or over the water except navigation aids.

3. Maintenance and storage buildings, parking lots and sanitary facilities are effectively screened from the water and adjacent properties by vegetative growth.

c. **Outdoor Public Recreation - Active:** Land uses that include recreational uses located on public or private property which involves active recreational activities that are open to the public or to customers, patrons, or members.

1. Active uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.
2. Waterfront recreational uses that include bleachers, spectator stands, motor driven rides, concession stands and similar uses are effectively screened from adjacent properties by vegetative growth.
3. Shooting ranges for firearms require a Conditional Use permit and shall adhere to the following provisions (as determined by the Plan Commission and Town Board):
   i. Potential hazards to adjacent uses
   ii. Topography and ground cover
   iii. Noise
   iv. The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure not directly toward any population concentration which is located within one half mile.
   v. An adequate shot fall or bullet impact area
   vi. A defined firing line or firing direction
   vii. Adequate target backstops for the firing of rifled arms
4. Campgrounds and Camping Resorts: Land uses designed, maintained, intended or used for the purpose of providing camping sites for nonpermanent overnight use to accommodate not more than one (1) recreational vehicle (RV), motor home, pick-up coach, travel trailer, camping trailer, park model, or tent per site. This use also includes facilities for use by campers including restrooms/showers, active and passive recreation areas, office/convenience store buildings, and necessary accessory uses. Any public or private parcel of land containing two (2) or more recreational vehicles used for habitation and occupied 96 hours or longer shall be deemed a campground or camping resort. In any residential zone each home or cottage owner shall be permitted only one recreational vehicle to be parked on his premises for storage purposes only. These units are not to be rented, leased, or used for habitation purposes at any time.
   i. Wisconsin Administrative Code DHS 178 entitled "Campgrounds" shall apply until amended and then shall apply as amended; except the provisions of this Code of Ordinances shall control where more restrictive.
   ii. Minimum campground/camping resort size: 5 acres.

iii. A campground must be 300 feet from the boundary of any Residential District and 40 feet from all exterior lot lines.
iv. Minimum dimensions of a camp site shall be 1,000 square feet per camping site (25 feet wide by 40 feet long)
v. Each unit shall be separated at least 15 feet from another unit.
vi. All of allotted individual lot area shall be in one contiguous parcel exclusive of roadways. Each space shall be suitably landscaped, and all areas fronting a park and any buildings or recreational areas shall be suitably landscaped.
vii. The density shall not exceed 15 camping sites per acre of gross camp area.
viii. Exposed ground surfaces in all parts of every parking area shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
ix. Each walkway shall have a minimum width of 36 inches. No recreational vehicle lot or space shall ingress or egress directly upon a State, Federal, County, or Town road.
x. Except for the interior road system, all recreational vehicles shall be set back from any park area boundary line abutting upon a public street or highway according to set back requirements in Section 3.14.
xi. Every camp shall be located in a well-drained area not subject to intermittent flooding and properly graded so as to prevent the accumulation of storm or other waters that may create hazards to the property or the health and safety of the occupants. No camp shall be located in an area that is situated so that drainage from any source of filth can be deposited thereon.
xii. There shall be one or more recreational areas which shall be easily accessible to all camp residents. The aggregate size of such recreational areas shall be in an amount equal to, but not less than two hundred (200) square feet multiplied by the number of camping sites, or 2,500 square feet, whichever is greater. The design and placement of such recreation area(s) shall be approved by the Town Board, following a recommendation from the Plan Commission.
xiii. Proof of ability to install a satisfactory private sewage disposal system shall be presented to the Plan Commission and Town Board at the time of application.
xiv. Convenience establishments of a commercial nature may be permitted in a camp grounds providing that such establishments and their related parking areas, shall not occupy more than 10 percent of the total camp area, shall be subordinate to the recreational character of the camp, shall be located, designed and intended to serve the specific needs of the camp occupants, and shall present no visual evidence of commercial character from any portion of any residential district outside the camp. Such convenience establishment building shall adhere to any service building requirements. No repair of service facilities shall be permitted in any case where by reason of excessive noise, odor,

unsightliness, etc., would detract from the recreational character of the camping area.

xv. There shall be a minimum of 10 camping sites completed and ready for occupancy before the first occupancy is permitted.

xvi. The camp management shall adopt and include into their leases or camp rules, by reference, such rules and regulations as shall be reasonably required by the Town Board for the general health, safety and welfare of such campgrounds and of the Town of Calumet and shall cause the eviction of any tenants of said campgrounds who violate the same.

xvii. The person or organization to whom a permit for a campground is issued shall operate the camp in compliance with this Ordinance and shall provide adequate supervision to maintain the camp, its facilities and equipment in good repair and in a clean and sanitary condition. The camp management shall notify camp occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

### 3.7.7 Miscellaneous Uses.

a. **Solar Energy Systems.**

1. For purposes of this section, “solar energy system” means equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. “Solar energy system” excludes solar powered light fixtures that are ground or wall mounted, solar powered electric fences, and portable solar energy systems as well as any solar powered system that does not convert and then transfer or store solar energy into usable forms of thermal or electrical energy.

2. Every application for a solar energy system Conditional Use permit shall be made in writing and shall, upon request, include the following information:

i Name and address of applicant.

ii Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

iii Scaled drawing of the solar energy system and its dimensions, its height above ground level, orientation, and slope from the horizontal.

iv Site plan showing lot lines and dimensions of the solar energy system user’s lot and neighboring lots that will be affected by the solar energy system.

v Documentation showing that no reasonable alternative location exists for the solar energy system that would result in less impact on neighboring lots.

vi Documentation showing that removing or trimming vegetation on the applicant’s lot will not permit an alternative location for the solar energy system that would result in less impact on neighboring lots.

vii Such additional information as may be reasonably requested.
viii Any of the information required by this section may be waived by the Town at its discretion.

3. The Town will consider each solar energy system on a case-by-case basis. The Town may deny a Conditional Use permit for a solar energy system or may impose restrictions on a solar energy system if the Town finds that the denial or restrictions satisfy one of the following conditions:
   i The denial or restriction serves to preserve or protect the public health or safety.
   ii The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
   iii The denial or restriction allows for an alternative system of comparable cost efficiency.

4. The Town may impose restrictions on a solar energy system relating to any of the following:
   i Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
   ii Wiring and electrical controls of the solar energy system.
   iii Reimbursement for emergency services required as a result of the solar energy system.
   iv Solar energy system ground clearance.
   v Solar energy system height.
   vi Any other matters that the Town finds appropriate.

5. Any Conditional Use permit for the installation or maintenance of a solar energy system may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a Conditional Use permit granted pursuant to this ordinance.

b. **Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Uses:** These uses require a conditional use permit unless the use 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.

# 3.8. GENERAL PROVISIONS

## 3.8.1 Existing Conditions.

a. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.

## 3.8.2 Area, Yard and Height.

a. The use and height of a building hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.

b. No alterations to any building, except uncovered steps or handicap ramps, may 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.

c. Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Town Board, following recommendation from the Plan Commission, may approve a development plan provided it complies with the regulations of this ordinance as applied to the entire project.

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

e. All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.

f. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.

g. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of buildings be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

h. 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.

i. 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

j. In the Business or Industrial Districts, wherever a lot abuts upon a public road or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

k. 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.

### 3.8.3 Exceptions.

a. 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:

1. Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

2. Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Calumet.

3. Residences in the Residential and Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

4. Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.

5. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.

### 3.8.4 Manufactured Homes.

a. A manufactured home as defined in 3.3.2, not less than 10 years old based on the date the home is moved into the Town of Calumet, must meet the following requirements:

1. A manufactured home must be secured by means of “tie-downs” to a floating concrete slab.

2. A manufactured home moved into the Town of Calumet must have at least 1,000 sq. ft. of floor space, not including attached garages, carports, and open decks.

3. A manufactured home shall have a minimum of a 4/12 pitched roof on a minimum of seventy-five (75) percent of the structure.

### 3.8.5 Existing Mobile Homes.

a. An existing mobile home as defined in 3.3.2 that is currently on a lot that is not located in a manufactured/mobile home park on January 22, 2014 shall be permitted to remain in its original location except that subject to the following conditions:

1. The mobile home may not be extended, enlarged, reconstructed, moved or structurally altered, or replaced with a different mobile home, unless the Planning and Zoning Administrator determines that such action (a) will be an aesthetic improvement to the mobile home; (b) will be in fundamental harmony with surrounding uses; and (c) will comply to the extent feasible with requirements for mobile home installation in manufactured/mobile home parks.

2. If an existing mobile home that is removed for the purpose of replacement with a manufactured home must meet paragraph 1. of this section.

### 3.8.6 Accessory Buildings.

a. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be nearer than 10 feet to any lot line, and shall not be used for human habitation.

b. 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. This paragraph does not apply in the Farmland Preservation District.

### 3.8.7 Fences.

a. In all districts (unless specified), the following fence regulations apply:

1. An Open fence being two and a half feet maximum height from preconstruction grade to the top of the fence segment within any vision-triangle.
2. Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
3. Electric fences may be used between agricultural and residential properties
4. Any fence built in the Town of Calumet must be constructed two feet inside the property line.
5. Fences shall be maintained in good repair as to structure and appearance.
6. Notwithstanding anything to the contrary in the Town's Zoning Ordinance, fences between a Rural District and any other zoning district shall be not less than 10 feet off of the property line.
7. Horizontal and vertical support posts are to be inside of the fence area or otherwise hidden from both the neighbor's and general public's view.
8. Fences are not allowed on any public right-of-way.
9. Property owners shall be responsible for the maintenance of the fencing on their property, and for removal of any fence if it becomes unsightly or a menace to public safety, health or welfare.
10. Fences shall be maintained in an upright condition.
11. Missing boards, pickets or posts shall be replaced with material of the same type and quality.
12. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed.
13. All exposed steel, except the galvanized metal fences, shall have a colored finished coat applied to them and shall be preserved against rust and corrosion.
14. The Code Administrator reserves the right to have the fence ordered removed or altered if it is evident the structure is impeding, or negatively impacting, the drainage on adjacent parcels or to a navigable body of water.
15. Maximum height of a fence in a rear or side yard is six (6) feet except for the first 30 feet back from a public right-of-way, in which case only an open fence of 2 and a half feet is permitted.
16. In an Industrial District or as part of a conditional use for a junk yard, the maximum height of a fence is twelve (12) feet.
17. In an Industrial District, a barbed wire shall be permitted only if the lowest strand is at least six (6) feet above grade, and when used for security purposes in addition to a regular fence.

### 3.8.8 Swimming Pools.

a. Swimming pools shall be located and constructed in accordance with the following provisions:
   1. Permanent pools shall maintain a minimum side and rear yard clearance of 20 feet from the adjoining property; pools shall be completely isolated from adjoining property by a 48-inch-high fence which must be constructed and maintained in a good state of repair and appearance.

2. Where necessary to keep ground and fill from going on adjoining property, a permanent wall constructed of masonry or concrete shall be installed.
3. All entrances to the pool shall be protected by an adequate gate which shall be kept closed and locked when the pool is not in use.
4. No permit for the construction of a pool shall be issued unless the same shall be accompanied by plans for the pool and the fence and showing the exact location and adequate provisions for drainage.
5. Portable pools over 1 foot in depth must be drained, fenced or covered in such manner as to provide public safety after each day's use.

### 3.8.9 Miscellaneous.

a. No zoning permit or certificate of occupancy shall be issued by the Building Inspector for any lot which does not comply with all the regulations and standards of this ordinance, except as otherwise provided by this ordinance; and which does not have at least 50 feet frontage on a public street or road, which is not fully improved and opened in accordance with the town standards for streets and highways, and so certified by the Town Clerk, provided, however, lots on private roads, which private roads were in existence at the time of the passage of the Calumet Zoning Ordinance, are excluded from this road requirement.

b. In any agricultural or residential zoning district, a homeowner shall be permitted only one recreational vehicle to be parked outside of the residence for storage purposes. Units in storage are not to be rented or leased for habitation purposes at any time.

c. Hunting cabins are allowed on designated hunting land, provided the hunting cabin is no larger than 800 square feet. Such structures may be manufactured for the specific temporary use as a hunting cabin without sanitary facilities and therefore cannot become a place of permanent occupancy.

### 3.8.10 Electrical.

a. Electrical installation must be consistent with Chapter SPS 316. This chapter gives the Town of Calumet jurisdiction over the inspection of electrical wiring installation at commercial structures, one- and two-family dwellings, farms, public buildings, places of employment, campgrounds, manufactured homes communities, public marinas, piers, docks or wharves and recreational vehicle parks.

# 3.9 CONDITIONAL USES

### 3.9.1 Purpose and Applicability.

Conditional Uses may be appropriate within a specific zone, provided conditions can be met that ensure no adverse effects to the Town's and immediate vicinity's health, general welfare, safety, and economic prosperity. Considerations for these uses include, but are not limited to, established character and quality of the area, general compatibility with surroundings, traffic impact and circulation, environmental impacts, the demand for related services, and the possible hazardous, harmful, noxious, offensive, or nuisance effects resulting from noise, dust, smoke, or odor. 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 and welfare and individual property rights.

The provisions of this Section apply to any application for approval of a Conditional Use Permit (CUP). Conditional uses are those uses that are generally compatible with the land use permitted by right in a zoning district but that require individual review of their location, design, configuration and the imposition of conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the zoning regulations shall be authorized by the town. A CUP is not required for a use permitted by right in a given zoning district.

In this Section, the following terms apply:

“Conditional Use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the town but does not include a variance.

“Substantial Evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

### 3.9.2 Procedure and Meetings.

The following procedure shall be followed to obtain a Conditional Use permit:

a. **Application:** An owner or owner's designated agent shall complete and file a Conditional Use application form with the Zoning Administrator accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. Ten copies of a scale able development plan will be required with the written application.

b. **Public Hearing:** After receiving the request, the Town Clerk shall refer the matter to the Plan Commission, which shall hold a public hearing advertised by a Class 2 notice.

c. **Action by Plan Commission:** The Plan Commission shall, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Conditional Use permit with any conditions it may deem appropriate to the Town Board. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering a Conditional Use application, as listed in 3.9.5 and 3.9.6.

d. **Action by Town Board:** The Town Board shall, within thirty (30) days of Plan Commission action, act to approve or deny the Conditional Use permit by resolution.

**3.9.3 Application Requirements.**

The applicant shall provide the following information on the Conditional Use application form:

a. Applicant and property owner's name, address, and telephone number.

b. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.

c. Description of Conditional Use being requested.

d. Written justification for the Conditional Use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for Conditional Uses listed in subsection 3.9.5.

**3.9.4 Development Plan Requirements.**

Submission of a Conditional Use permit request will need to include a site plan that has the following information:

a. North arrows, date of preparation, and scale on 8½” x 11” size paper

b. Name(s) of all adjacent or surrounding streets and right-of-way width(s) and recorded property lines and their dimensions

c. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel

d. Dimensions of existing and proposed yard setbacks for buildings and structures

e. Dimensions of existing and proposed parking, loading, and unloading areas, and size of existing and proposed driveways

f. The location of proposed and existing signage and the location and type of all proposed and existing exterior lighting fixtures

g. The location, height and materials of all proposed and existing fences or retaining walls

h. Drainage plan of the site showing storm water flow and retention for existing and proposed buildings, parking and other improvements.

i. Other additional information that may be deemed appropriate by the Plan Commission.

**3.9.5 Standards for Granting Conditional Use Permits.**
(Please note that these standards do not apply to the issuance of a conditional use permit for livestock facilities.) No Conditional Use permit shall be recommended by the Plan Commission or approved by the Town Board unless it shall find that:

a. **Detrimental Impact:** 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.

b. **Zoning:** The proposed use conforms to the general purposes and intent of the Calumet Zoning Ordinance.

c. **Comprehensive Plan:** The proposed use is consistent with the goals and objectives of the Calumet Comprehensive Plan.

d. **Traffic:** Access to the property can meet access control requirements, if any.

e. **Landscaping and Screening:** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use.

f. **Sanitary Facilities:** The sanitary facilities will be sufficient for the intended Conditional Use being applied for.

The requirements and conditions described, must be reasonable and to the extent practicable, measurable and may include conditions such as the permit's duration or renewal. The applicant and all requirements and conditions established by the Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the ordinance or those imposed by the Plan Commission, the Town shall grant the conditional use permit. Any condition imposed must be related to the purpose of this ordinance and be based on substantial evidence.

**3.9.6 Optional Standards for Granting Conditional Use Permits.**
The Plan Commission and Town Board may require the following additional standards when considering a Conditional Use permit:

a. Increased setbacks and yards

b. Specifications for water supply, liquid waste, and solid waste disposal facilities

c. Sureties, operational controls, erosion prevention measures

d. Location of the use

e. Other requirements found necessary to fulfill the purpose and intent of this ordinance which are measurable and are based on substantial evidence.

f. A performance bond may be required to ensure compliance with such requirements

Consistent with Section 3.9.5, if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the ordinance or those imposed by the Plan Commission, the Town shall grant the conditional use permit. Any condition imposed must be related to the purpose of this ordinance and be based on substantial evidence.

### 3.9.7 Existing Non-farm Residences in the Farmland Preservation District.

The Town of Calumet, upon its own initiative, or upon application by a property owner, may initiate the action to grant a Conditional Use permit for an existing nonfarm residence in the Farmland Preservation District on January 22, 2014. Findings for this specific Conditional Use shall be based on the following findings:

a. The nonfarm residence was located on a lot of record in the Fond du Lac County Register of Deeds office prior to the adoption of this ordinance.

b. The nonfarm residence is shown on the Town of Calumet's Existing Land Use Map as a residential land use.

### 3.9.8 Conditions, Guarantees and Validity Period.

The following conditions, guarantees and validity period may be imposed upon the granting of a Conditional Use permit:

a. Prior to the granting of any Conditional Use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 3.9.5 and 3.9.6. In all cases in which conditional uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).

b. Conditional Use permits shall be issued permanently or for a specified period of time as may be specified by the Town Board upon recommendation of the Plan Commission and shall be an obligation of any party to whom a property may be transferred or assigned.

c. A Conditional Use permit shall expire if the use is discontinued for a period of twelve (12) consecutive months. If a building permit has not been obtained or the

Conditional Use has not been established within twelve (12) months of the issuance of the Conditional Use permit, the Conditional Use permit expires.

d. Any party who has been issued a Conditional Use Permit by the Town shall notify the Town, in writing, that they are seeking a continuance or extension of any Conditional Use Permit that has an expiration date as established by Town Board. Such notification shall be submitted to the Zoning Administer thirty (30) days prior to the Conditional Use Permit expiration date.

e. A Conditional Use permit shall become effective upon approval by the Town Board. A record of the Conditional Use permit shall be maintained in the Town Hall.

**f.** A Conditional Use permit may be revoked by the Town Board for failure to comply with all provisions of such permit, provided that a thirty (30) days' notice has been given by first class mail to the operator or owner of such use of the intent to revoke. The basis for permit termination must be supported by substantial evidence.

## 3.10 Nonconforming Uses, Structures, Lots, and Signs

### 3.10.1 Applicability and Intent.

Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this ordinance which would not be permitted or permissible by the provisions of this ordinance as adopted or amended, shall be deemed nonconforming. It is the intent of this ordinance to permit such nonconformities to continue, subject to certain restrictions.

### 3.10.2 Abolishment.

If a nonconforming use or structure is discontinued for a period of twelve consecutive (12) months, any future use of the land or structure shall conform to the provisions of this Ordinance.

### 3.10.3 Nonconforming Uses of Land.

a. Where at the effective date of adoption or amendment of this ordinance a use of land exists, which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this ordinance.
2. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this ordinance.
3. When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is

replaced by a use allowed as a permitted or conditional use, a nonconforming use shall not thereafter be resumed.

4. No additional structure in connection with such use shall be erected.

### 3.10.4 Nonconforming Uses of Structures.

a. Where at the effective date of adoption or amendment of this ordinance the use of a structure exists, which would not be allowed as a permitted or conditional use in the district in which it is located, such use may be continued subject to the following restrictions:

1. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
3. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
4. When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
5. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

### 3.10.5 Nonconforming Structures.

a. Where at the effective date of adoption or amendment of this ordinance a structure exists which could not be erected in the district in which it is located by reason of restriction on area or coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

1. Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50 percent of the fair market value of the structure.
2. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to

the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

**3.10.6 Nonconforming Characteristics of Use.**

If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

**3.10.7 Nonconforming Lots of Record.**

a. In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, 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, and provided all other requirements for the district are met.

b. If two or more lots, or combinations 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 in individual parcel for the purposes of this ordinance, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

**3.10.8 Nonconforming Signs.**

a. No nonconforming sign shall be altered in any manner that would increase the degree of nonconformity.

b. If such sign is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign.

c. If a nonconforming sign is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed provided any reconstruction does not increase the degree of nonconformity that previously existed.

**3.10.9 Casual, Temporary, or Illegal Use.**

The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

**3.10.10 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.

# 3.11 STATE LIVESTOCK FACILITY SITING REGULATIONS

## 3.11.1 Setbacks and Separations.

a. **Property Lines:**

1. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units and 200 feet from the property line is the livestock facility will have 1,000 or more animal units.
2. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

b. **Public Road Right-of-Way:**

1. Except as provided for waste storage structures, livestock structures must be located at least 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and at least 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.
2. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way

c. **Waste Storage Structure Setbacks:**

1. A new waste storage structure may not be located any closer than 350 feet from a property line, or within 350 feet of the nearest point of any public road right-of-way. Manure storage structures as defined in ATCP 51.12(2), states that a livestock facility owner does not need to meet the setback if one of the following applies:
   i. The location of the waste storage structure complies with a local ordinance that specifies a shorter setback that is specific to waste storage facilities or waste storage structures. (Not applicable as this ordinance maintains the 350-foot setback requirement.)
   ii. The waste storage structure existed prior to May 1, 2006. This paragraph does not authorize an expansion, toward a property line or public road right-of-way, of a waste storage structure that is located within 350 feet of that property line or public road right-of-way.
   iii. The waste storage structure is a single new waste storage structure constructed no closer to the relevant property line or public road than a waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.

d. **Wisconsin's Right-to-Farm Law:**

1. The Wisconsin Statute commonly referred to as the Wisconsin's "Right-to-Farm Law" is s. 823.08, Stats. This statute directs the courts, under specific conditions set forth in the statute, to favor agriculture in certain legal disputes over agricultural uses of land. This statute was created in the 1981 Legislative Session and was substantially revised in the 1995 session. It protects farmers from law-suits or threats of lawsuits, in which the normal consequences of an agricultural activity such as odors, noise, dust, flies or slow-moving vehicles are claimed to be a nuisance.

### 3.11.2 Water Quality and Related Setbacks.

a. **Navigable Waters and Wetlands:** A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinance enacted within the scope of authority granted under s. 59.692, 61.351 or 62.231, Wis. Stats.

b. **Floodplain:** A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance that is enacted within the scope of statutory authority under s. 87.30 Wis. Stats.

c. **Wells:** All wells located within a livestock facility shall comply with chap. NR 811 and 812, New or substantially altered livestock structures shall be separated from existing wells by the distances required in chap. NR 811 and 812, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

### 3.11.3 Conditional Use Permit.

a. **General:** A Conditional Use permit, which would be issued by the Town of Calumet and administered by the Town Zoning Administrator, is required for new or expanded livestock facilities.

b. **Conditional Use Permit for Existing Livestock Facilities:**

1. A Conditional Use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
   i. The applicable size threshold for a Conditional Use permit.
   ii. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the Conditional Use permit requirement, whichever date is later.
2. A Conditional Use permit is not required for a livestock facility that existed before May 1, 2006 or before the effective date of the Conditional Use permit requirement in this ordinance, except as provided in paragraph 1.

3. A Conditional Use permit is not required for a livestock facility that was previously issued a Conditional Use permit, Conditional Use permit or other local approval, except as provided in paragraph 1. Prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

c. **Application Procedure:** A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51 are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this ordinance. The operator must file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

d. **Application Fee:** A non-refundable application fee of $1,000.00, payable to the Town of Calumet, shall accompany an application for the purpose of offsetting the Town of Calumet costs to review and process the application.

e. **Application Procedure:**

1. Pursuant to ATCP 51.30 (5), within 45 days after the Town of Calumet receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town of Calumet shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
2. Pursuant to ATCP 51.30 (6), within 14 days after the Town of Calumet notifies an applicant that the application is complete, the Town of Calumet shall notify adjacent landowners of the application. The Town of Calumet shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
3. Pursuant to ATCP 51.32, the Town of Calumet shall grant or deny an application within 90 days after the notice of a complete application is provided as required by paragraph 2 above. The Town of Calumet may extend this time limit for good cause, including any of the following:
   - i The Town of Calumet needs additional information to act on the application.
   - ii The applicant materially modifies the application or agrees to an extension.
4. The Town of Calumet shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town of Calumet will act on the application.

f. **Public Hearing:** The Town of Calumet will schedule a public hearing (as described in 3.9.2) on the application within 90 days after issuing notice of a complete application.

g. **Standards:** The standards for issuing a Conditional Use Permit are as follows:

1. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code. These standards are incorporated by reference, without reproducing them in full.
2. Setbacks authorized by this ordinance.

h. **Criteria for Issuance of a Permit:**
1. A Conditional Use permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.
2. A Conditional Use permit shall be denied if any of the following apply:
   i. The application, on its face, fails to meet the standard for approval in the previous paragraph.
   ii. The Town of Calumet finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this ordinance.
   iii. Other grounds authorized by s. 93.90, Wis. Stats. that warrant disapproving the proposed livestock facility.
3. No conditions may be imposed on the permit other than standards provide in the ordinance.

i. **Record of Decision:**
1. The Town of Calumet must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.
2. If the Town of Calumet approves the application, it must give the applicant a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

j. **Notice to DATCP:**
1. The Town of Calumet Clerk as required by ATCP 51.36 within 30 days of the Town of Calumet decision on the application, shall do all of the following:
   i. Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town of Calumet decision.
   ii. File with the Department a copy of the final application granted or denied, if the Town of Calumet has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the

application, except that it is not required to include the engineering design specifications.)

iii. If the Town of Calumet has withdrawn a local approval under this ordinance, the Town will file with the Department a copy of the notice or order withdrawing the local approval.

k. **Expiration of a Conditional Use Permit:**

1. A Conditional Use permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under a Conditional Use permit, and regardless of whether the livestock operator exercises the full authority granted by the approval.

2. However, the Town of Calumet may treat a Conditional Use permit as lapsed and withdraw the Conditional Use permit if the permit holder fails to do all of the following within 2 years after issuance of Conditional Use permit:

   i Begin populating the new or expanded livestock facility.

   ii Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

l. **Permit Modification:** The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town of Calumet shall not withhold authorization for those changes.

m. **Compliance Monitoring:**

The Town of Calumet shall monitor compliance with the ordinance as follows:

1. Upon notice to the livestock facility owner, a request by the right of the Town of Calumet Zoning Administrator, under 3.16.1 of this ordinance, to personally view the permitted premises at a reasonable time and date to ensure that all commitments of the application as approved are being complied with.

2. If the livestock facility owner refuses the Town of Calumet Zoning Administrator the right to view the permitted premises, the Administrator may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted premises for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

3. If a permitted premises is found not to be in compliance with the commitments made in the approved application, the Zoning Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and Conditional Use permit be complied with in a reasonable amount of time stated in this written notice.

4. If non-compliance of the Conditional Use permit conditions as described in the written notice, given by the Administrator, continue past the stated reasonable time to comply, the Administrator may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.

5. If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town of Calumet shall schedule a hearing within five days to determine if the conditions of the Conditional Use permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

n. **Terms of the Conditional Use Permit:** A Conditional Use permit and the privileges granted by a permit issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with the commitments made in the application for a permit. The Town of Calumet is authorized to suspend a permit or seek or redress provided in this ordinance for non-compliance.

o. **Transferability:**

1. A Conditional Use permit and the privileges granted by a Conditional Use permit would run with the land approved under the Conditional Use permit and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

2. The Town of Calumet requests that upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town of Calumet clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

**3.11.4 Variance.**

a. The Town of Calumet is not authorized to grant a variance from the state requirements related to livestock facility siting, except as provide in s. 93.90 Wis. Stats. and ATCP 51.

## 3.12 Signage

**3.12.1 Purpose.** The purpose of this regulation is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards. The provisions herein shall be binding upon every owner of a building, every lessee and every person in charge or responsible for who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the town with the exception of painting, posting and general maintenance.

**3.12.2 Definitions.** The following definitions apply to this regulation:

a. **Billboard:** A billboard is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express an point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard.

b. **Directory Sign:** Any sign on which the names and locations of occupants or the use of a building is given. Directory signs shall be encouraged for use when advertising of multiple-occupied commercial and industrial buildings.

c. **Ground Sign:** A freestanding sign with no visible support structure.

d. **Home Occupation Sign:** A sign associated with a conforming home occupation.

e. **Identification Sign:** Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or a combination of these.

f. **Off-Premise Sign:** Any sign, device, or display that advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.

g. **Sign:** A sign shall include anything that promotes, calls attention to, or invites patronage to a business, location or product.

h. **Portable Sign:** A sign that is not permanently affixed to a building, structure, or the ground or is not designed to be permanently affixed to a building, structure, or the ground.

i. **Temporary Sign:** Any sign that is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed 11 square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this ordinance, a portable sign is not a temporary sign.

j. **Wall Sign:** A sign painted on or attached to a wall of a building and parallel to the wall.

**3.12.3 Application Process.** No sign or billboard, unless listed in 3.12.3, shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity of the provisions of this ordinance. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. The application for a sign permit that is submitted to the Zoning Administrator shall contain the following information about the sign: dimensions, display surface, materials, illumination, wiring, height above grade, distance from lot lines, and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved. A permit fee shall be determined by the Town Board and shall be paid to the Town Clerk for each sign application.

**3.12.4 Signs that do not need a Permit.** The following signs do not require a permit, provided that they are not located in a public road right-of-way or in, on, or over public water:

a. Warning signs not to exceed four square feet located on the premises.

b. Official signs, such as traffic control, parking restriction, information and notices, rummage or garage sales signs not to exceed 11 square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

c. Flags and insignia of any government.

d. Legal notices, identification information or directional signs erected by governmental bodies.

e. Signs directing and guiding traffic and parking on private property.

f. Political message signs, must comply with Wisconsin Stats. Chapter 12, not exceeding 11 square feet, posted on private property, provided such signs be removed fifteen (15) days after the election.

g. House numbers or signs identifying parks or country clubs or official bulletin boards.

h. Real estate signs not to exceed 11 square feet in area that advertise the sale, rental or lease of the premises upon which signs are temporarily located. Such signs shall be removed fifteen (15) days after the sale, rental or lease has been accomplished.

i. Bulletin boards for public, charitable or religious institutions not to exceed 11 square feet in area, located on the premises.

j. Home occupation sign, provided such sign is non-illuminated and does not exceed 4 square feet in area to advertise the name of a legally permitted home occupation.

k. An off-premises directional sign that indicates the location of a business, church or other public or semi-public type facility that offers goods or services conducted in the town. Such signs shall be set back at least 10 feet from the road right-of-way and not closer than 50 feet from the intersection of a public and/or private road intersection, shall not be illuminated, and shall not exceed 48 square feet in area.

**3.12.5 Signs Allowed in the Commercial and Industrial Districts.** The following signs are required to have a permit in the commercial and industrial districts, subject to the following restrictions:

a. Wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of the wall surface; shall not exceed 150 square feet in area for any one business and shall not exceed 20 feet in height above the street grade. Wall signs may only advertise on-site businesses.

b. Ground signs shall not exceed 20 feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one sign for each street frontage shall be permitted. Such signs shall not exceed 150 square feet in total area. A ground sign shall provide 6 feet of visual clearance above ground level.

c. No sign shall be permitted within 200 feet of a Residential District.

d. Commercial and industrial signs may be internally lighted by a hooded reflector, provided that such lighting shall be arranged to prevent glare and that no sign shall be lighted by a lighting of intermittent or varying intensity.

e. No sign or advertising device shall be erected or maintained at the intersection of the streets in such a manner as to obstruct a clear vision of the intersection.

f. Off-Premise Billboards, subject to these additional conditions:

1. All billboards shall be no greater than 50 feet in height with a minimum clearance under the bottom of the sign of 8 feet;

2. All billboards shall be no greater than 320 square feet in area;

3. All billboards shall not be so illuminated such that it interferes with the use and enjoyment of any adjacent landowners, or allows the illumination source to be directly visible from any right-of-way or adjoining property;

4. All billboards shall not have any flashing illumination.

5. All billboards shall not be erected within 2,000 feet of an existing billboard on either side of the highway or town road;

6. All billboards shall be located at least 20 feet from any property line and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the billboard;

7. All billboards shall be located a minimum of 200 feet from any other on-premises sign.

**3.12.6 Prohibited Signs.** The following signs are prohibited:

a. Animated or blinking signs, signs having moving parts, or signs which may be mistaken for traffic signal devices.

b. Signs that have any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs.

c. Signs that create a hazard to vehicular traffic or a nuisance to adjoining residential property.

d. Signs on public rights-of-way, except for public entity signs for traffic control, parking and directional signs as authorized by this Ordinance.

**3.12.7 Sign Removal.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located if in the judgment of the Town such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe. If the owner or lessee fails to remove it, the Town may remove the sign at the cost of the owner, following adequate notice. The cost to remove the sign may be placed on the owner's tax bill as a special charge.

**3.12.8 Portable Signs.** Portable signs shall be limited in use to 15 days at a time following approval by the Town; provided, however, that such signs shall not be displayed more frequently than 4 times per calendar year at any one location and not more than 15 days each time. The maximum size of a portable sign shall be 10 square feet on each face, back-to-back. Portable signs shall not be located in any public rights-of-way.

**3.12.9 Loss of Nonconforming Sign Status.** A sign loses its non-conforming status if one or more of the following occurs:

a. If the sign is damaged by fire, flood, explosion, or earthquake, war, riot or Act of God, the sign must be relocated to a conforming location.

b. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.

c. Nothing in this Ordinance shall relieve the owner or lessee of a legal non-conforming sign from the provisions of this Ordinance regarding safety, maintenance and repair of signs.

## 3.13 Parking and Loading Requirements

**3.13.1 Purpose.** Adequate off-street parking facilities shall be provided for all uses which generate vehicular traffic and all required parking spaces shall have adequate access to a public road or street. Specific parking requirements are identified for the land uses defined in Sections 3.7.2 through 3.7.6. When a particular use is not listed, the parking requirement shall be that of the most similar use. When two or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each use, unless it is demonstrated by the applicant to the satisfaction of the Plan Commission that the combined uses result in a reduction of necessary parking spaces.

a. Parking access aisles shall have the following minimum widths:
   1. Two-way aisles:
      i. Perpendicular parking: 24 feet
      ii. Angled or parallel parking: 18 feet
   2. One-way aisles:
      i. Perpendicular parking: 20 feet
      ii. 60-degree angled parking: 18 feet
      iii. 45-degree angled parking: 13 feet
      iv. 30-degree angled parking: 11 feet
      v. Parallel parking: 12 feet

b. If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown above.

c. All required parking spaces shall have minimum area of 300 square feet with a minimum width of nine (9) feet and a minimum length of 18 feet.

d. Not more than 1 parking space within a private garage or private carport shall be rented or leased to a non-resident of the premises.

e. No parking space shall be located 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.

f. Parking that meets the number, location, and configuration required by the Americans with Disabilities Act (ADA) Standards for Accessible Design shall also be provided. These spaces count toward the number otherwise required for each use.

g. All commercial and industrial uses shall provide sufficient off-street loading space so that no public street, road or alley will be blocked by such activities.

### 3.13.2 Number of Parking Stall by Land Use

**Table 3: Parking Requirements by Land Use**

| Land Uses | Required Parking Spaces |
|---|---|
| **Open Land/Agricultural Uses** | |
| Agriculture Uses | 1 space for each employee on the largest shift |
| Agriculture-Related Use | 1 space for each employee on the largest shift<br>1 space for each 200 sq. ft for display area |
| Roadside Stand | 4 spaces and maneuvering space out of the public row |
| **Residential** | |
| Single-Family Residence | 2 spaces per dwelling unit |
| Two-Family Residence | 2 spaces per dwelling unit |
| Multi-Family Residence | 1.5 spaces per dwelling unit |
| Single-Family Residence when an accessory use in the Business District | 2 spaces per dwelling unit |
| Mobile Home | 2 spaces per dwelling unit |
| Manufactured Home Community/Park | 2 spaces per dwelling unit in the Park |
| **Business** | |
| Personal and Professional Services | 1 space for every 300 sq. ft. of gross floor area of principal building(s) |
| Indoor Sales and Service | 1 space for every 300 sq. ft. of gross floor area of principal building(s) |
| Long Term Outdoor Display and Sale | 1 space for every 300 sq. ft. of gross floor area of principal building(s) plus one space per 2,000 sq. ft. of outdoor sales or display area |
| Maintenance Service | 1 space for every 300 sq. ft. of gross floor area of principal building(s) |
| In Vehicle Sales and Service | 1 space for every 150 sq. ft. of gross floor area of principal building(s) |
| Indoor Entertainment and Service | 1 space for every 3 patron seats or 1 space per 3 persons at the maximum capacity of the establishment, whichever is greater |
| Indoor Lodging Facility | 1 space per room or suite, plus 1 space per employee on largest shift |
| Resort Establishment | 1 space per room, cabin, cottage, plus 1 space for each employee on largest shift |
| Bed and Breakfast Establishment | 1 space per bedroom |
| Group Day Care Center Facility | 1 space per 6-person capacity, + 1 space per employee on largest shift |
| Animal Boarding or Breeding Facility | 1 space for every 1,000 sq. ft. of gross floor area |
| Adult Oriented Establishments | 1 space for every 300 sq. ft. or 1 space per person at the maximum capacity of the establishment, whichever is greater |
| Personal Storage Facility | 1 space in front of each storage unit. |
| Portable Storage Facility | 1 space for every 2,000 sq. ft. of gross floor area |
| Indoor Storage or Wholesaling | 1 space for every 2,000 sq. ft. of gross floor area |
| Outdoor Storage or Wholesaling | 1 space for every 10,000 sq. ft. of gross storage floor area plus 1 space per employee on largest shift |
| Indoor Retail Sales accessory to Industrial or Indoor Storage & Wholesaling | 1 space per 200 sq. ft. of indoor sales or display area |

**Table 3: Parking Requirements by Land Use (continued)**

| **Industrial** | |
|---|---|
| Light Industrial accessory to Retail Sales/Service | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| Light Industrial | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| Heavy Industrial | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| Contractor Shop | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| Nonmetallic Mining | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| Salvage or Junk Yard | 1 space for every 20,000 sq. ft. of gross storage area plus 1 space per employee on largest shift |
| Solid or Hazardous Waste Facility | 1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel. |
| **Public/Institutional/Parks/Recreation** | |
| Governmental, institutional, religious, or nonprofit community uses | 1 space for every 4 seats in any kind of place of assembly<br>A school will need 1 space per teacher and 1 space per 2 classrooms |
| Outdoor Public Recreation-Passive | 1 space for every 4 expected patrons at maximum capacity |
| Outdoor Public Recreation-Active | 1.5 spaces per camping site, 1 space for each employee on largest shift, temporary maneuvering space to park a camper, and no occupancy of any public or private roadway space by a trailer or camper |
| **Miscellaneous** | |
| Solar Energy Systems (Commercial) | 1 space for service vehicle |
| Transportation, Communications, Pipeline, Electric Transmission, Utility or Drainage | 1 space for service vehicle |

## 3.14 Highway Setback Lines

**3.14.1 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 Calumet, 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.

**3.14.2 Applicability.** 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.

**3.14.3 Classes of Highways and Center Lines.** Highways are classified and the position of the center line shall be determined as follows:

a. **Class 1 Highways.**

1. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.

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

3. Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.

4. Private roads. The center line is at the mid-point between the edges of the road surface.

b. **Class 2 Highways.**

1. County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

2. County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

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

**3.14.4 Structures Prohibited Within Setback Lines.** No new building, mobile home, or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be 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 75% or more of its current value as determined by the local assessor.

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

a. Open fences.

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, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.

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 Town Board. In giving such approval, the Town Board 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.

**3.14.6 Setback Distances.** Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in Paragraph 3.14.3 of this section, 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.

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

1. Class 1 highway, 100 feet, except in platted subdivision where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the

setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.

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

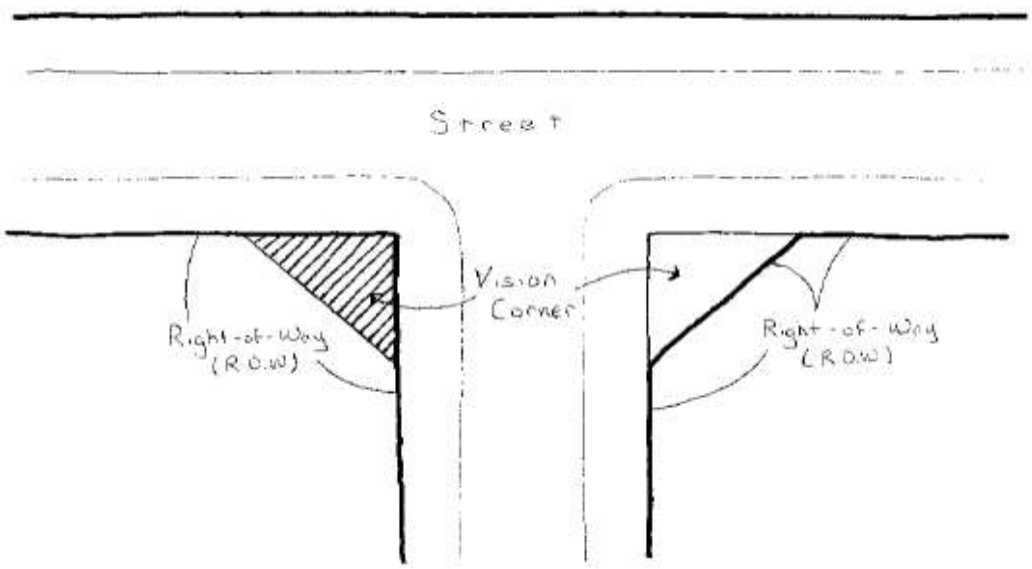
d. **Exceptions:** Where buildings, structures or uses are to be erected or established between buildings existing at the time of the adoption of this ordinance which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line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

**3.14.7 At Ordinary Highway Intersections.** At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight-line connecting point on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.

**3.14.8 At Highway Intersections with Transitional Widening**. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.

**3.14.9 At Highway Intersections with Curve Connections.** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.

**3.14.10 Vision Corner.** No obstruction permitted. No visual obstructions, such as structures, parking or vegetation, shall be permitted in any zoning district between the heights of three (3') feet and ten (10') feet within the triangular space formed by any two (2) existing or proposed intersecting roads or road and private driveway 25 feet from the intersection.




**3.14.11 Private Driveway Maximum Distance.** No residence may be located a distance greater than 250 feet from the center of the public roadway without obtaining the prior approval from the Board of Appeals. Part of the consideration given by the Board of Appeals will be a letter required from the Fire Department indicating the design criteria for any passing lanes or turnarounds at the end of the driveway and a written agreement that the driveway will be maintained in all weather conditions. A site plan drawn to scale that is approved by the Fire Department, must accompany the application for a variance. If the variance is granted, the driveway must be built according to the approved site plan, prior to issuance of an occupancy permit.

**3.14.12 Road Access Permit.**

a. A permit will be issued specifically for construction of a driveway (with not greater than zero pitch for the first 15 feet of the driveway) that connects to a town road to ensure that there is no hazard to snowplows.
b. Property owners are required (when possible), to construct driveways with a downward pitch leading away from the town road.
c. The actual pitch is to be determined by individual circumstances interpreted by a representative of the Town Board.
d. A new driveway shall be constructed as to provide a 12-foot wide base.
e. The permit will be issued regardless of whether the property is agricultural, residential, or business.
f. The Town Board will set a reasonable cost for the permit, reviewed annually, and will be on file in the Town Clerk's office.

## 3.15 ZONING BOARD OF APPEALS

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

**3.15.2 Organization of Board of Appeals.** The Board of Appeals shall consist of 5 members appointed by the Town Chairperson and subject to confirmation of the Town Board for terms of 2 years. The members of the board shall serve at such compensation to be fixed by resolution. The Town Chairperson shall designate one of the members Chairperson. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

**3.15.3 Meetings of the Board of Appeals.** The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the board may determine. Such Chairperson, or in his absence the acting Chairperson, 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.

**3.15.4 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 ordinance.

1. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any decision of the Building Inspector. Such appeal shall be taken within 20 days of filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the appeals action was taken.
2. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 1 notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing any party may appear in person or by agent or by attorney.

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

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

d. To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. A variance for uses shall

not be granted by the Board of Appeals.

**3.15.5 Application for a Variance.**

a. An application for one of the Variances of land specified in this ordinance shall be made by filing a written application on a form provided by the Town or its representative and pay a processing fee as identified on the form. Such applications shall:

1. State the name and address of applicant and owner.

2. State the location of property for which the Variance is sought.

3. State the specific Variance desired.

4. State the facts sufficient and demonstrate that the findings prescribed in Section 3.15.5 exist and support such statements with any plans and/or data as are required by the Board.

b. The Board shall hold a public hearing on such matter and give notice as provided in the state statutes.

**3.15.6 Findings by the Board of Appeals.** The power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this ordinance. Variances shall only be granted when the Board of Appeals finds that:

a. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of this ordinance.

b. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.

c. Special circumstances and conditions exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.

d. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.

e. Greater profitability, lack of knowledge of restrictions and other variances granted under similar circumstances are not being considered as sufficient cause for a variance.

f. Nonconforming uses of neighboring lands, structures or buildings in the same district, and permitted or nonconforming uses of lands, structures or buildings in other districts are not being considered as grounds for issuance of a variance.

g. That the variance is compatible with adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.

**3.15.7 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 issuance of a variance.

b. The concurring vote of a majority of 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.

c. 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.

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

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

## 3.16 Enforcement and Penalties

**3.16.1 Zoning Administrator-Duties and Powers.** The duties and powers of the Zoning Administrator shall be carried out by the Building Inspector, who will enforce the provisions of this ordinance. The Zoning Administrator shall:

a. Examine all applications for land use permits and approve such permits only where there is compliance with the provisions of this ordinance.

b. Administer or request Town Board approval to contract for assistance to carry out the administration of the Livestock Facilities Ordinance.

c. Conduct inspections to determine compliance or non-compliance with the provisions of this ordinance.

d. Subject to Town Board approval, issue stop, cease, and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this ordinance. Such written orders shall be served personally or by certified mail upon persons deemed by the Zoning Administrator to be violating the provisions of this ordinance. It shall be unlawful for any persons to violate any such order issued by the Zoning Administrator.

e. With approval of the Town Board, or when directed by them, institute in the name of the Town any appropriate action or proceedings to prevent any violation of this ordinance.

f. Revoke by order any zoning permit approved under a misstatement of fact or contrary to the law or provisions of this ordinance.

g. Maintain a map or maps of all Conditional Uses and maintain a file on each.

h. Upon request of the Town Board, Town Board Chairperson, Plan Commission, or Board of Appeals, present to such persons or bodies facts, records, or reports which are requested to assist in making decisions, or in any other way as requested.

**3.16.2 Zoning Permit.**

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

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

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

d. All dimensions shown relating to the location and size of the lot being issued a Zoning Permit 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.

e. The above requirements as to a Zoning Permit shall not apply to roadside stands, nor to farm buildings having a ground are 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, to supply the Building Inspector with information necessary to show compliance with health, sanitary and safety provisions of the state codes and with the requirements of this ordinance.

**3.16.3 Enforcement - Town Attorney.** Any building, structure or mobile home hereafter erected, enlarged, structurally altered, or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure, or mobile home or use. The Building Inspector shall promptly report all such violations to the Town Board, which has the option of instructing the Town Attorney to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or manufactured or mobile home or the establishment of such use, or to cause such building, structure, manufactured or mobile home or use to be removed.

As a pre-requisite to enforcement action by the Town Attorney, the Zoning Administrator is authorized to issue a municipal summons to any party violating this ordinance specifying the date(s) of the violation, the nature of the violation, the code section violated, and the amount of forfeiture applicable and include in said summons a date and time at which such individual may appear before the Town Board to be heard. If the Town Board determines that violation is appropriate and the forfeiture is not paid within 20 days following said hearing, the Town Attorney then may proceed with further enforcement action in the Circuit Court of Fond du Lac County.

**3.16.4 Penalties.** At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than $50 nor more than $500 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Court action for injunctive relief and/or enforcement action to collect forfeitures may be brought by the Town Attorney in the Circuit Court or Small Claims Court, as applicable, in Fond du Lac County, naming the Town as Plaintiff and the violator as Defendant, in addition and subsequent to summons issued by the Zoning Administrator and hearing before the Town Board.

**3.16.5 Shorelands.** Fond du Lac County has a Shoreland Zoning Ordinance that regulates any development or building of a structure within 300 feet of a navigable waterway or 1,000 feet of a lake. Before construction begins within these distances, a land use permit must be applied for at the Fond du Lac County Code Enforcement office. Shoreland Zoning Maps are available for visual inspection in the Fond du Lac Code Enforcement Department. If necessary, a conclusive determination can be made through an on-site visit by Fond du Lac Code Enforcement office staff or Wisconsin Department of Natural Resources staff.

The Calumet Zoning Ordinance also regulates land use within the County Shoreland Zoning jurisdiction, and a building permit must be obtained from Town's Building Inspector prior to construction within the Shoreland Zoning boundary. Before a permit can be issued, the applicant must provide the Zoning Administrator with correspondence from Fond du Lac County that the proposed use of the property is in compliance with the County's Shoreland Zoning Ordinance.

**3.16.6 Wetlands.** The DNR has established setback requirements based on the quality of a wetland area. The Fond du Lac County Code Enforcement Office can provide

information on those setback regulations from wetland areas. The general location of wetlands can be found on the Fond du Lac County Shoreland Maps and are also shown on the Town of Calumet's Land Use Plan in the Town's Comprehensive Plan. Hydric soil testing (which may be an indicator that wetlands exist) is advised. A conclusive determination of the location of a possible wetland area can only be made through an on-site visit by a WDNR certified wetland specialist and verified by a Department of Natural Resources staff. The Army Corp of Engineers (ACOE) may have jurisdiction on wetland areas as well and should be consulted in matters of wetland delineation.

## 3.17 Fees

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

**3.17.2 Board of Appeals.**
All persons, firms, or corporations that petition to the Board of Appeals shall pay a fee that will defray administrative costs of elected or appointed town officials, Planning Consultant/Town Attorney's time (if necessary), and legally required advertising costs. This provision shall not apply to amendments initiated by the Town Plan Commission. This fee shall not be required if the Town Board initiates a petition.

**3.17.3 Plan Commission Amendments.**
All persons, firms, or corporations that petition for a change in zoning or conditional use shall pay a fee that will defray administrative costs of elected or appointed town officials, Planning Consultant/Town Attorney's time (if necessary), and legally required advertising costs. This provision shall not apply to amendments initiated by the Town Plan Commission.

## 3.18 Changes and Amendments

**3.18.1 Administration of the Ordinance.**
The administration of this ordinance is hereby vested in the following offices of the Town of Calumet:

a. Town Board of Calumet.

b. Plan Commission.

c. Board of Appeals.

d. Town Zoning Code Administrator.

e. Building Inspector

f. Town Constable, when granted authority by action of the Town Board.

**3.18.2 Duties.**

The duties of the Town Board, Plan Commission, or designated staff include:

a. Provide necessary forms and applications for permits.

b. Issue zoning and sign permits where the provisions of this Ordinance have been complied with.

c. Issue conditional use permits and certificates of compliance.

d. Identify and keep an accurate file of all nonconforming uses and structures.

e. Review at public hearings all petitions for rezoning and amendments to this ordinance and make recommendations to the Town Board.

f. Maintain complete files of applications, permits, and other relevant information.

g. Upon reasonable cause to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

**3.18.3 Zoning Ordinance Amendments.**
Anyone that desires to amend the zoning district boundaries or of the regulations contained in this ordinance must obtain a petition from the Town Clerk, filling out the petition completely, and file the petition with the appropriate fee and a list of property owners within 500 feet of the petitioned property. All fees are non-refundable. No application shall be accepted by the Town Zoning Code Administrator until deemed complete as judged by the Town Zoning Code Administrator and until the application is signed and all fees established have been paid in full.

**3.18.4 Public Hearing and Notice.**

a. **Required Hearing:** No amendment of this ordinance shall become effective until it is forwarded to the Plan Commission for review and recommendation. Once the Plan Commission forwards their recommendation to the Town Board, a public hearing is scheduled to allow parties in interest and citizens to be heard.

b. **Notice of Hearing:** A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the Town of Calumet's official newspaper once during each of the two weeks prior to the Town Board hearing.

c. **Notification to Adjoining Municipality:** At least 10 days before the public hearing, a written notice of such hearing shall also be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

**3.18.5 Final Approval by Town Board.** An amendment shall become effective upon a majority vote of the members of the Town Board to approve the amendment by ordinance.

### 3.18.6 Findings of Fact – Farmland Preservation Zoning District.

a. The Plan Commission shall include a "findings of fact" in their recommendation to rezone land out of the Farmland Preservation Zoning District. If a petitioner is rezoning lands out of the Farmland Preservation Zoning District, all of the following criteria will need to be considered in the Plan Commission's "findings of fact", based on 91.48 (1) of the Wisconsin State Statutes:
   1. The rezoned land is better suited for a use not allowed in the Farmland Preservation zoning district.
   2. The rezoning is consistent with the Town's Comprehensive Plan adopted by the Town of Calumet in effect at the time of the rezoning.
   3. The rezoning is substantially consistent with the county certified farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
   4. The rezoning will not substantially impair or limit current or future agricultural use or other protected farmland.

b. Upon consideration of the Plan Commission's recommendations and "findings of fact", the Town Board must make a motion to either send the rezoning back to the Plan Commission for further consideration, approve the rezoning, or deny the rezoning. The Town Board has the option of revising the Plan Commission's "finding of fact" in their motion. The Town Board's decision to grant a rezoning out of the Farmland Preservation Zoning District shall also include "findings of fact" based on 91.48(1) of the Wisconsin State Statutes as referenced in 3.18.6, a.1 through a.4.

c. The Town will enforce the "findings of fact" according to Section 3.16 in the Enforcements, Remedies and Penalties section of this ordinance.

### 3.18.7 Farmland Preservation Certification

a. This zoning ordinance must be certified in accordance with s. 91.36 Wis. Stats. in order for owners of farms in the Town of Calumet to claim tax credits under the Farmland Preservation Program.

b. An amendment to a certified farmland preservation zoning ordinance is automatically considered to be certified as part of the ordinance, except for the amendments described in s. 91.36(8)(b) Wis. Stats.

c. By March 1 of each year, the Town of Calumet will provide to DATCP per s. 91.48(2) a report of the number of acres that the Town of Calumet has rezoned out of the Farmland Preservation Zoning District during the previous year and a map that clearly shows the location of those acres.

d. By March 1 of each year, the Town of Calumet will provide to Fond du Lac County per s. 91.48(3) the same report as described in c. above.

## 3.19 Validity and Conflicts

**3.19.1 Severability.** Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**3.19.2 Conflict with Other Ordinances.** All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

### 3.20 Effective Date

This ordinance shall be in force from and after its passage, approval, publication and recording according to law. (The Town of Calumet originally adopted their first Zoning Code on July 19, 1961, repealed and created on November 19, 1975, repealed and created on October 3, 1983,)

Drafted by:

_____

Wally Sedlar, Principal Planner
Martenson & Eisele, Inc.

Town of Calumet: _____

Town Chairperson

Attest: _____

Witness

Repeal and recreate the Calumet Zoning Ordinance on October 23, 2019

Published: December, 2019