

# Town of Ripon Zoning Ordinance

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# Town of Ripon Zoning Ordinance

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**TOWN OF RIPON,  
FOND DU LAC COUNTY, WISCONSIN  
CHAPTER 4  
ZONING ORDINANCE**

**Section 4.100 Statutory Authority and Purpose**

**4.101 Authority**

In accordance with the authority granted by Sections 60.10(2)(c), 60.61, 60.62, 61.35, 62.23, 295.14 and Chapter 91 and other applicable sections and chapters of the Wisconsin Statutes and for the purpose listed in Section 62.23(7)(c) of the Wisconsin Statutes, the Town Board of Ripon, Fond du Lac County, Wisconsin, does hereby ordain these zoning regulations.

**4.102 Title**

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

**4.103 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 Ripon 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.

**4.104 Jurisdiction**

The provisions of this Ordinance shall apply to all structures, land, water, and air within the Town of Ripon, Fond du Lac County, Wisconsin.

**4.105 Compliance**

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

**4.106 Abrogation and Greater Restrictions**

This Ordinance does not abrogate or prohibit restrictive covenants, past, present, or future, applicable to any privately-owned Town property, so long as such covenants do not conflict with this Ordinance.

**4.107 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.

#### **4.108 Legal Status Provisions**

##### **A. Severability**

The provisions of this Ordinance are severable. If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a property, building, or other structure; such judgment shall not affect the application of said provision to any other property, building, or structure, not specifically included in said judgment.

##### **B. Conflicting Provision**

In the event there is a conflict between this Ordinance and any other Town Ordinance, this Ordinance shall take precedent and control.

##### **C. Effective Date**

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

#### **4.109 – 4.199 RESERVED**

## **Section 4.200 Administration and Enforcement**

### **4.201 Purpose**

- A.** Administrative procedures and authority for administering, interpreting and enforcing this Ordinance are herein established to achieve the following purposes:
1. To provide for the review of site and development plans before obtaining a Zoning Permit and a Zoning Certificate of Compliance.
  2. To provide for the inclusion of necessary facilities, services and additional uses through Conditional Use Permits.
  3. To provide for the inclusion of uses which are not specified in this Ordinance, but which have characteristics and a land use impact similar to permitted uses.
  4. To assure that no work shall be started on the relocation, construction, reconstruction, or structural alteration of a building, structure or use, until the building, structure or use is found to comply with all provisions of this Ordinance.
  5. To assure, before construction of new buildings or the commencement of a use or occupancy, or before occupancy is continued after alterations or changes in use have been made, that all regulations of the Town have been met by requiring a Zoning Certificate of Compliance.
  6. To provide for the enforcement by issuance of orders by the Zoning Administrator.

### **4.202 Town Board**

#### **A. Authority and Functions**

The Town Board, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this Ordinance. The Town Board, in general, performs the following functions:

1. Approves or disapproves any application for an amendment to this Ordinance, including applications for amendment to the Official Zoning Map.
2. Approves or disapproves proposed amendments to the Town's adopted Comprehensive Plan.
3. Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this Ordinance.

### **4.203 Plan Commission**

#### **A. Authority and Functions**

The Plan Commission, without limitation upon such authority as it may possess by law, has responsibility for implementing and administering this Ordinance as set forth in this section. The Plan Commission, in general, performs the following functions:

1. To initiate, hear, review and offer its recommendations to the Town Board on applications for amendments to this Ordinance, including applications for amendment to the Official Zoning Map.
2. To hear, review and approve or deny applications for Conditional Use Permits.
3. To aid and assist the Town Board in implementing the Town's adopted Comprehensive Plan and in planning, developing and completing specific projects.
4. To review and report on any matters referred to it by the Town Board.

#### **B. For the complete Plan Commission Ordinance (see Chapter 6.07 of the Town of Ripon Code of Ordinances)**

## 4.204 Zoning Administrator

### A. Duties

The Zoning Administrator is responsible for performing the following duties:

1. Provide necessary forms and applications for permits.
2. Review and approve or deny all applications for Zoning Permits for permitted uses, Sign Permits, and any other permits required by this Ordinance.
3. Conduct pre-application conferences with petitioners for zoning amendments.
4. Issue and maintain records of all Certificates of Compliance.
5. Receive, certify for completeness and forward to the Plan Commission all applications requiring Plan Commission review as prescribed by this Ordinance.
6. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this Ordinance.
7. Make investigations with respect to matters referred to in this Ordinance.
8. Have possession of permanent and current records of this Ordinance, including the Town's Official Zoning Map and amendments to the Official Zoning Map, Conditional Use Permits, Board of Appeals decisions, and ordinance amendments.
9. Review, process and report findings and recommendations and forward appeal and Variance requests to the Board of Appeals on those applications upon which the Board of Appeals is required to act.
10. Enforce all orders of the Board of Appeals.
11. Revoke by order, any permit approved under misstatement of fact or contrary to the provisions of this Ordinance.

### C. Notice of Violation

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify, in writing by registered or certified mail, the person(s) responsible indicating the nature of the violation and ordering the action necessary to correct the violation. Whenever a person(s) shall have been notified in writing that he/she/they is/are in violation of the provisions of this Ordinance, such person(s) shall commence correction of all violations within ten (10) days of notice and shall correct all violations within forty-five (45) days of notice. If such corrections are not commenced within ten (10) days of written notice or not corrected within forty-five (45) days of written notice, each day that a violation continues shall be considered a separate offense.

## 4.205 Board of Appeals

### A. Establishment of Board

A Board of Appeals is hereby established for the Town of Ripon in order that the objectives of this Ordinance may be more fully and equitably achieved and a means for interpretation provided.

### B. Membership and Terms of Office

1. **Board of Appeals Members:** The Board of Appeals shall consist of five (5) members. The Town Chairman shall appoint the members with the approval of the Town Board. No Town Board member may serve on the Board of Appeals. The members of the Board of Appeals shall all reside within the town. The Chairman shall appoint the chairperson.
2. **Terms:** The terms of the first five (5) Board of Appeals members appointed shall be as follows:
  - a. One (1) for one (1) year.
  - b. Two (2) for two (2) years.
  - c. Two (2) for three (3) years.

Thereafter, successors shall be appointed in such manner at the expiration of each term and their terms of office shall be three (3) years.

3. **Alternates:** The Town Chairman may appoint two (2) alternates for staggered terms of three (3) years. For those first appointed, one (1) alternate shall serve for two (2) years and one (1) shall serve for three (3) years. The Chairman shall annually designate a first (1<sup>st</sup>) alternate and a second (2<sup>nd</sup>) alternate. All subsequent appointees shall be for three (3) year terms.
4. **Vacancies:** Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
5. **Compensation:** The actual and necessary expenses incurred by the Board of Appeals in the performance of its duties shall be paid and allowed by the Town Board as in cases of other claims against the Town. The Town Board may also compensate the members of the Board of Appeals and their assistants as may be authorized by the Town Board.

### C. Rules, Meetings, Decisions and Records

1. **Rules:** The Board of Appeals shall adopt rules for the conduct of the business of the Board in accordance with the provisions of this Ordinance. The Board of Appeals may adopt further rules as necessary to carry into effect the regulations of the Town Board. No rule may be changed without the concurring vote of a majority of the Board of Appeals.
2. **Meetings:** Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board of Appeals may determine. Such Chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public.
3. **Quorum:** The quorum for any meeting shall consist of three (3) members.
4. **Records and Decisions:** The Board of Appeals 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 of Appeals and shall be a public record. All actions or decisions shall be taken by resolution in which the concurring vote of a majority of the members of the Board of Appeals shall be necessary. Each resolution shall contain a written statement of the grounds forming the basis of such resolutions. Notice of filing of all actions and decisions shall be mailed to the parties in interest as determined by the Board of Appeals.

## 4.206 Enforcement and Penalties

### A. Unlawful Building, Structure or Use

Any building or structure hereafter erected, moved, placed, or structurally altered or any use hereafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors) shall be deemed an unlawful building, structure or use.

### B. Authority to Bring Action

The Town Board may direct the Town's legal counsel to bring action to enjoin, remove, or vacate any use, erection, moving, placement, or structural alteration of any building, structure or use in violation of this Ordinance. The Town Board may also exercise any other legal recourse or remedies for violations or enforcement of this Ordinance.

### C. Fine for Violation of Ordinance

Any person that violates any provision of this Ordinance shall be subject to forfeiture and penalties as determined by the Town. In addition, court costs and costs of prosecution, including attorney's fees, shall be assessed for each such violation. Each day that a violation shall continue to exist shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action for injunctive or any other relief to prevent or remove a violation of any provision hereof.

**D. Additional Remedies**

In addition to the fines and other remedies imposed herein, the Town may maintain an appropriate action, including in juncture actions, to prevent or remove a violation of any provision of this Ordinance.

**E. Execution Against Property**

Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of this Ordinance, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

**4.207 Notification of Ordinance Violation**

A citizen who wishes to notify the Town of a suspected zoning ordinance violation shall do so by sending a letter to the Zoning Administrator.

The letter shall contain:

1. Name, address, and phone number of the citizen sending the letter (this information will remain confidential).
2. Address of the property with the suspected ordinance violation.
3. Specific ordinance suspected to have been violated (a detailed description is adequate).

The Zoning Administrator will visit the site to determine whether a violation has occurred and whether action is needed. The Zoning Administrator will notify the citizen what action has been or will be taken.

**4.208 – 4.299 RESERVED**

## Section 4.300 Procedures

### 4.301 Zoning Permit

#### A. When Required

1. A Zoning Permit, certifying that any such use, building, structure, or site complies with the provision of this Ordinance, shall be required in the following instances unless specifically exempted there from by this Ordinance:
  - a. The construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except for the following:
    - (1) Signs requiring a Sign Permit.
    - (2) Any reconstruction, conversion, or structural alteration that does not result in any change to the existing outer walls and/or roof of an existing building.
    - (3) Structures which are less than twelve (12) inches in height above grade elevation (provided such structure meets all setback and impervious surface requirements of this Ordinance).
  - b. Establishment of any principal or Accessory Use, except the following:
    - (1) Uses permitted as Conditional Uses
    - (2) Accessory Uses listed in Section 4.501A.

#### B. Application

1. An application for a Zoning Permit shall be submitted to the Zoning Administrator on forms furnished by the Town's Zoning Administrator, which may be changed from time-to-time.
2. All permit applications shall be accompanied by a fee established by the Town Board. All fees are non-refundable.
3. No application shall be accepted by the Zoning Administrator until deemed complete as judged by the Zoning Administrator and until the application is signed and all fees established have been paid in full.
4. Upon the Zoning Administrator's determination that the proposed use, building, or structure complies with the provisions of this Ordinance, a Zoning Permit shall be issued. The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit. An application for a use, building, or structure not in conformity with the provisions of this Ordinance shall be denied a Zoning Permit and the reasons for denial shall be stated. In the event the permit is denied; the application fee will not be refunded. No permit shall be issued for uses, buildings, or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
5. The Town of Ripon reserves the right to withhold issuing a permit if property taxes are not current and/or until compliance has been determined with other applicable chapters of the Town of Ripon Code of Ordinances.
6. Zoning Permits to establish a use shall expire twelve (12) months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a Zoning Permit shall be considered a violation of this Ordinance.
7. Except as Paragraph 9., in this subsection, applies, Zoning Permits for the construction of a structure shall expire twelve (12) months from the date of issuance. Any exterior construction after the expiration of a Zoning Permit shall be considered a violation of this Ordinance.

8. If construction has commenced prior to the expiration of a Zoning Permit, but is not completed prior to such expiration, a twelve (12) month renewal Zoning Permit shall be issued by the Zoning Administrator upon submittal of a renewal application, required application items and fee. Additional renewals shall be granted by the Zoning Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a twelve (12) month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Town Board of same and the Town Board may hold a public hearing on the matter and may impose a completion schedule. The cost of the public hearing shall be borne by the applicant. For purposes of this Ordinance, a structure shall be deemed completed when the roof, exterior walls, doors, windows, and sub floors are in place and finished, appurtenances authorized by the permit (such as decks) are completed, and the sanitary waste disposal system and well have been installed.
9. If a use or structure does not comply with the issued Zoning Permit or this Ordinance, the permit shall be terminated by the Zoning Administrator. If a use permitted by a Zoning Permit ceases for a period of more than eighteen (18) months, the Zoning Permit shall terminate, and all future activity shall require a new Zoning Permit.

#### **4.302 Certificate of Compliance**

##### **A. Certificate of Compliance**

1. No vacant land shall be occupied or a land use be established and no building or structure hereafter erected, altered or moved shall be occupied or used until a Certificate of Compliance shall have been issued by the Zoning Administrator. Such certificate shall be applied for at the same time as the application for a Zoning Permit and shall be issued within ten (10) days after the erection, alteration, repair, or moving of such building. Such building shall have been completed in conformity with the provisions of this Ordinance and in conformity with the statements on the application for the Zoning Permit.
2. Upon written request from the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent of any kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.

#### **4.303 Conditional Use Permit**

Please note that this section does not apply to the issuance of a Conditional Use Permit for livestock facilities. Please see Section 4.602.

##### **A. Approval Required**

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon successful completion of the following:

1. Application to the Zoning Administrator.
2. Approval by the Plan Commission.
3. Issuance of a Conditional Use Permit.

##### **B. Application**

Application for Conditional Use Permits shall be submitted in writing to the Zoning Administrator on forms provided by the Town. The forms shall be accompanied by a plan showing the location, size, and shape of the lot(s) involved and of any proposed structure(s), and the existing and proposed use of each structure and lot. The cost of the application for a Conditional Use Permit is established in Section 4.310.

### **C. Public Hearing**

1. Before action is taken upon an application for a Conditional Use Permit, the Town Plan Commission shall hold a public hearing. A class 2 notice shall be given as provided in Wisconsin Statute Chapter 985. The Plan Commission shall report its decision in writing and the grounds for its decision.
2. As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Fond du Lac County Register of Deeds Office) of all lands located within three hundred (300) feet of any part of the property included in the Conditional Use Permit application. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Plan Commission.

### **D. Review**

In all cases of proposed establishment of a Conditional Use specified in this Ordinance, the Plan Commission shall review the site, existing and proposed structures, intended use of structure, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and other aspects of the proposed use.

### **E. Existing Nonfarm Residences in the FP – Farmland Preservation District**

The Town of Ripon will upon application by a property owner, grant a Conditional Use Permit for an existing nonfarm residence in the FP – Farmland Preservation District built after January 1, 2014 but before adoption date of this Ordinance. Findings for this Conditional Use shall be based on the fact that the nonfarm residence was located on a lot of record as recorded in the Fond du Lac County Register of Deeds Office after January 1, 2014 but prior to adoption of this Ordinance and is in accordance with Wisconsin Statute 91.46(2).

### **F. Existing Conditional Uses**

Any Conditional Use existing on the effective date of adoption of this Ordinance, other than an existing nonfarm residence in the FP – Farmland Preservation District, which is classified by this Ordinance as a Conditional Use in the district in which it is located shall be deemed to have been granted approval as a Conditional Use under this Ordinance, subject to maintaining the character and extent of such use or structure existing on that date. Any change in such use shall require approval according to the terms of this Ordinance.

### **G. Conditions and Guarantees**

1. Prior to granting a permit for a Conditional Use, the Plan Commission may stipulate such conditions and restriction upon the establishment, maintenance and operation of the Conditional Use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in H. (Standards) in this subsection. Establishment, maintenance and operation shall be construed to include, but shall not be limited to such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operation control, hours of operation, traffic circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Plan Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this Ordinance.
2. In all cases in which a Conditional Use Permit is granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary to fulfill the purpose and intent of this Ordinance and as proof that the conditions stipulated in connection therewith are being and will be complied with.
3. The Plan Commission may include in the conditions a requirement that the Conditional Use be reviewed within a specified period of time.

## **H. Standards**

No permit for a Conditional Use shall be granted unless the Plan Commission shall find that the following standards are met:

1. That the establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the uses, values and enjoyment of surrounding property used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the Conditional Use.
3. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. Those adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
5. Those adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public roads.

## **I. Compliance with Other Provisions**

Conditional Uses shall comply with all other provisions of this Ordinance such as lot width and area, yards, height, parking and loading.

## **J. Authorization of Permit**

The Plan Commission may authorize the Zoning Administrator to issue a Conditional Use Permit for Conditional Use specified in this Ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Ordinance.

## **K. Resubmittal of Application**

No application for a Conditional Use which has been denied wholly or in part by the Plan Commission shall be resubmitted for a period of one (1) year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable condition is included in the resubmitted application.

## **L. Violation and Revocation**

A violation of any permit restriction as set forth herein and determined by the Plan Commission shall be deemed a revocation of said permit and said use shall be removed immediately. Nothing in this section shall be deemed to give the owner, applicant or occupant of said lands a vested interest in the use established in said permit. In addition, the Plan Commission shall revoke a Conditional Use Permit if at any time there has been a failure to comply with the conditions imposed or if there has been a substantial change in the development, unless such change has been approved by the Plan Commission.

## **M. Expiration**

A Conditional Use Permit shall be deemed to authorize only one (1) particular use and shall expire if the authorized use ceases for more than twelve (12) consecutive months for any reason. Any permit issued shall expire if action has not been taken to establish the Conditional Use within six (6) months from the date the Plan Commission approved the permit.

## 4.304 Sign Permits

### A. Process

1. This section only applies to those signs requiring a Sign Permit as specified in Section 4.607 that are erected, moved, structurally altered or reconstructed.
2. All applications for Sign Permits shall be made to the Zoning Administrator on forms furnished by the Town and shall include the following:
  - a. Name, address, and signature of the property owner of the site for the proposed sign location, if different from the applicant.
  - b. Type, description, and dimensions of the proposed sign.
  - c. Location of the building, structure or lot to which or upon which the sign is to be attached or erected.
  - d. A plan, drawn at a scale which produces a clearly legible drawing, showing the following:
    - (1) The spatial relationship of the proposed sign to abutting public road right-of-way's, private roads, navigable water, and property lines.
    - (2) The spatial relationship of the proposed sign to existing structures and adjacent free-standing or projection signs. Additional information as may be required on the application or by the Zoning Administrator to determine the full compliance with the requirements of this Ordinance.
3. All Sign Permit applications shall be accompanied by a fee established by the Town Board. All fees are non-refundable.
4. No application shall be accepted by the Zoning Administrator until deemed complete as judged by the Zoning Administrator and until all necessary attachments and fees established have been paid in full.
5. Applications for Sign Permits shall be reviewed by the Zoning Administrator for compliance with the requirements of this Ordinance. If compliance is found, the Sign Permit shall be issued. If compliance is not found, the permit shall be denied and the reasons for denial stated.
6. All Sign Permits shall expire twelve (12) months from the date of issuance. No sign shall be erected, moved, reconstructed, or altered after expiration of a Sign Permit unless a new Sign Permit is obtained.
7. If a sign does not comply with the issued Sign Permit or this Ordinance, the Sign Permit shall be terminated by the Zoning Administrator.

## 4.305 Amendments

### A. Initiation of an Amendment

The regulations imposed and the zoning districts created under authority of this Ordinance may be amended from time to time. An amendment to the text of the Ordinance and/or to the Zoning Ordinance Map may be initiated by any resident or owner of property or by the Town Board or Plan Commission by filling out the appropriate town form and paying the required fee. If the amendment is initiated by the Town Board or Plan Commission, the fee is waived.

### B. Plan Commission Public Hearing and Recommendation

1. The Plan Commission shall review all proposed amendments to the Zoning Ordinance.
2. The Plan Commission shall hold a public hearing, giving at least ten (10) days prior notice by publication of a Class 2 notice that lists the time, place and proposed amendment.
3. The Town shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed amendment.
4. As a matter of practice, an earnest effort will be made by the Town to send by regular mail a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Fond du Lac County Register of Deeds Office) of all lands located within three hundred (300) feet of any part of the property included in the amendment petition. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any action of the Plan Commission or Town Board.

5. The Plan Commission shall submit a written recommendation to the Town Board, which shall include findings of fact. If a petitioner is rezoning lands out of the FP – Farmland Preservation District, all the following must apply:
  - a. The land is better suited for a use not allowed in the FP – Farmland Preservation District.
  - b. The rezoning is consistent with any applicable Comprehensive Plan.
  - c. The rezoning is substantially consistent with the county certified FP – Farmland Preservation Plan.
  - d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcel of land that are zoned for or legally restricted to agricultural use.

### **C. Town Board Action**

Following the public hearing and after careful consideration of the Plan Commission's recommendations and findings of fact, the Town Board shall act to approve, amend, or deny the proposed amendment or to refer it back to the Plan Commission for reconsideration. In acting, the Town Board shall include findings of fact.

### **D. Protest**

1. An amendment to the Zoning Ordinance only needs a majority vote of the Town Board unless a formal protest is filed.
2. A protest an amendment must be duly signed and acknowledged by:
  - a. The owners of twenty (20) percent or more of the area included in the proposed amendment; or
  - b. owners of twenty (20) percent or more of the area immediately adjacent to the subject area and extending one hundred (100) feet therefrom; or
  - c. owners of twenty (20) percent or more of the area directly opposite the subject area and extending one hundred (100) feet from the road frontage of such opposite land.
3. In case of a formal protest, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Town Board voting on the proposed change. Because the Town Board has three (3) members, this effectively means a unanimous vote is required.

### **E. Failure to Act**

If an application for a proposed amendment is not acted upon finally by the Town Board within six (6) months of the date upon which the findings and recommendations of the Plan Commission are filed with the Board, it shall be deemed to have been denied.

### **F. Certification of Ordinance and Amendments by DATCP**

1. This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for owners of land that is zoned FP – Farmland Preservation District in the Town of Ripon to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
2. The Town of Ripon shall notify DATCP of any amendments as required by Wisconsin Statute 91.36(8).

### **G. Notice to DATCP**

By March 1 of each year, the Town will provide to the Department of Agriculture, Trade and Consumer Protection and to Fond du Lac County a report of the number of acres rezoned out of the FP – Farmland Preservation District during the previous year along with a map that clearly shows the location of those acres.

#### 4.306 Variances

Please note that this section cannot be applied to livestock facilities except for that the Town can reduce the setback as provided in ATCP 51.12 of the Wisconsin Administrative Code.

##### A. Authority

The Board of Appeals, based on Wisconsin Statute 62.23(7) (e) 7, shall have the authority to hear and decide upon Variances from the terms of this Ordinance. Only Dimensional Variances will be reviewed. Use Variances are not allowed in the Town of Ripon.

##### B. Application

1. An application for a Variance shall be made by filing a written application on a form provided by the Town Board. Such applications shall:
  - a. State the name and address of applicant and owner.
  - b. State the location of property for which the Variance is sought.
  - c. State the specific Variance desired.
  - d. State the facts sufficient and demonstrate that the findings prescribed in Section 4.307C. exist and support such statements with any plans and/or data as are required by the Town Board.

##### C. Standards for a Variance

In general, 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 the following standards are met:

1. **Unnecessary Hardship:** That there are present actual physical conditions applying to the property, building, structure, use or intended use on that property that are creating the unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations is required.
2. **Unique Condition:** That the conditions described in the petition for the Variance are unique, exceptional, extra ordinary, or unusual circumstances applying only or primarily to the property under consideration and are not of such a general or recurrent nature elsewhere in the same Zoning District as to suggest or establish the basis for Ordinance changes or amendments, or of having that affect if relied upon as the basis for granting a Variance.
3. **Public Interest:** That in granting the Variance there will not be a substantial detriment to neighboring property and the grant of the Variance will not be contrary to the purpose of this Ordinance and the public interest.
4. **Conditions not Self-Created:** That the condition creating the hardship or difficulty was not caused by the petitioner or by any person still having an interest in the property.
5. **Effect on Uses:** No Variance shall have the effect of allowing in any district a use not permitted in that district.

#### 4.307 Appeals

##### A. Authority

The Board of Appeals based on Wisconsin Statute 62.23(7) (e) 7 shall have the authority to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Board of Appeals may 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.

## **B. Application**

An application for an appeal shall be made by filing a written application on a form provided by the Town Board. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, or board of the Town affected by any decision of any administrative officer of the Town. Such appeal shall be made within thirty (30) days of the date of the written order, requirement, decision or determination appealed from by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall, as soon as possible, transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals may request the applicant to provide additional information as may be needed to determine the case.

## **C. Stays**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Appeals after the notice of appeal shall have been filed with him that because of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

## **D. Withdrawal or Amendment**

1. If the applicant elects to withdraw the appeal any time before final determination is made by the Board of Appeals, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the files of the Board of Appeals, to the Zoning Administrator, and to the applicant.
2. Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairperson shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for deferral.

## **4.308 Public Hearings for Variances and Appeals**

### **A. Time Period**

Upon filing with the Board of Appeals an application for an appeal or Variance, the Board of Appeals shall fix a reasonable time [not more than sixty (60) days from the filing date] for a public hearing.

### **B. Notice of Hearing**

A Class 1 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published specifying the date, time and place of the hearing and matters to come before the Board of Appeals.

### **C. Notification of Neighbors**

As a matter of practice, an earnest effort will be made to send by regular mail a copy of the notice for the public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Fond du Lac County Register of Deeds Office) of all lands located within three hundred (300) feet (or more if deemed necessary by the Board of Appeals) of any part of the property included in the application for a Variance or an appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Board of Appeals.

### **4.309 Appeals from Board of Appeals Decisions**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may within thirty (30) days after the filing of the decision in the office of the Board of Appeals, commence an action seeking the remedy available by certiorari to the Fond du Lac County Circuit Court. If the appeal is not timely filed within thirty (30) days, it is waived and the Board of Appeals decision shall be final and binding.

### **4.310 Fees**

#### **A. Schedule of Fees**

The schedule of fees shall be determined by the Town Board and shall be kept on record with the Town Clerk. The fee schedule may be reviewed annually by the Town Board. Any changes deemed necessary shall be presented in detail at the annual budget hearing and shall be adopted along with the annual budget without the need for further action by the Town Board. Any fee may be reviewed and amended by the Town Board at any time outside the annual budget review.

#### **B. Payment of Standard Fee**

All persons, firms, or corporations performing work, which by this Ordinance shall require the issuance of a permit or the holding of a public hearing, shall pay a nonrefundable fee for such permit and/or hearing to the Town of Ripon to help defray the cost of administration, investigation, processing and legally required advertising.

#### **C. Development Agreement and Reimbursement of Services Fee**

To promote and enhance public safety and general welfare, and to ensure that essential improvements are made, the Town may deem it necessary to require a development agreement and/or reimbursement of Town expenses incurred because of a proposed development.

1. **Development Agreement:** Before final approval of an application for development, the Town may require the developer to enter into a written development agreement with the Town to install any required improvements and comply with development requirements and to file a bond, letter of credit, or cash deposit in an amount determined by the Town as a guarantee of the performance of the developer's obligations under the development agreement.
2. **Reimbursement of Services:** The Town Board may utilize the services of such professionals as it deems appropriate to advise and assist the Town Board, Town Plan Commission, and Board of Appeals regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

### **4.311 – 4.399 RESERVED**

## Section 4.400 Zoning Districts and Map

### 4.401 Establishment of Districts

For this Ordinance, the Town of Ripon is hereby divided into the following Districts:

- FP – Farmland Preservation District
- GA – General Agriculture District
- RR – Rural Residential District
- R – Residential District
- B – Business District
- I – Industrial District

### 4.402 Zoning District Map

The boundaries of the above listed Zoning Districts are hereby established as shown on the Official Zoning District Map which is considered, legally, as an integral part of this Ordinance. This map, entitled "Town of Ripon Official Zoning Map", shall be certified by the Town Clerk and available for public inspection at the Town Hall. Any change in Zoning District boundaries which may occur shall follow the amendment process and be recorded (shown graphically) on the map. No such change(s) shall be effective until so recorded and until a duly certified and attested certificate describing the change(s) is filed with the map.

### 4.403 Boundaries

#### A. Depiction of Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning District Map the following shall apply:

1. Where the district boundaries are depicted as approximately following the centerlines of roads or highways, centerlines of streams, drainage ways, or road or highway right-of-way lines, such centerlines, or right-of-way lines, shall be construed to be such boundaries.
2. Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so depicted that they approximately follow section lines, quarter section lines or other government survey lines; or that they approximately follow political subdivision lines such as county lines, town lines or corporate limits; such government survey lines or political subdivision lines shall be construed to be said district boundaries.

### 4.404 Purpose of Districts

#### A. FP – Farmland Preservation District

1. The purpose of the FP – Farmland Preservation District is to:
  - a. Preserve productive agricultural land for food and fiber production.
  - b. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services.
  - c. Maintain a viable agricultural base to support agricultural processing and service industries.
  - d. Prevent conflicts between incompatible uses; reduce costs of providing services to scattered, non-farm uses; pace and shape urban growth.
  - e. Implement the policies of the Fond du Lac County Farmland Preservation Plan;
  - f. Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wisconsin Statute Chapter 91.
2. This district is generally intended to include prime agricultural land historically exhibiting high crop yields, which generally consist of Class I, II, and III soil capability classes established by the Soil Conservation Service, USDA. This district also includes other lands which are integral parts of productive farm operations.

3. To comply with the FP – Farmland Preservation Law only uses identified in Wisconsin Statute 91.42 are allowed.
4. No building or use shall hereafter be established or enlarged within the FP – Farmland Preservation District unless it conforms to this Ordinance.

**B. GA – General Agriculture**

The purpose of the GA – General Agriculture District is to provide agricultural uses in areas not designated for FP – Farmland Preservation District within the *Fond du Lac County Farmland Preservation Plan, 2012*.

**C. RR – Rural Residential**

1. The purpose of the RR – Rural Residential District is to provide areas for mixed residential uses and hobby farm operations.
2. 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 being incidental to the income of the owner.
3. 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. R – Residential**

The purpose of the R – Residential District is to provide for low density residential development.

**E. B – Business**

The purpose of the B – Business District is to provide for retail, business, service business, and office uses.

**F. I – Industrial**

The purpose of the I – Industrial District is to provide for industrial uses including but not limited to manufacturing, processing, warehousing, and wholesaling.

**4.405 Permitted and Conditional Uses**

Table 1 identifies the Permitted (P) and Conditional (C) uses in the Zoning Districts. Land uses are described in Section 4.407. Land uses are subject to the General Standards in Section 4.500 and the Particular Use Standards in Section 4.600. A number inside a set of parentheses, for example “(1)”, means there is a note at the bottom of the table that provides additional information.

**Table 1 Permitted and Conditional Uses**

Section #		Farmland Preservation	General Agriculture	Rural Residential	Residential	Business	Industrial
<b>Agricultural/Open Land Uses</b>							
4.407 B1 4.601 B	Agricultural Uses	P(1)	P(1)	P/C(2)	P(3)	P(3)	P/C(2)
4.602	Livestock Facilities (≥ 500 Animal Units)	C(4)					
4.601	Agricultural Related Use	P(1)	P(1)			P(3)	P/C(2)
4.501 4.601 B2&6 4.601 D1	Agricultural Accessory Use	P(1)	P(1)			P(3)	P/C(2)
4.601	Roadside Stand	P(1)	P(1)	P		P(3)	P/C(2)
4.407 B2 4.601 B4	Undeveloped Natural Resources & Open Space Areas	P	P		P(3)	P(3)	P/C(2)
<b>Residential Uses</b>							
4.601 4.606 A	Single-Family Residence (Farm)	P	P				
4.407 C1 4.606 A 4.601 B3,C	Single-Family Residence (Non-Farm)	P/C(5)	P/C(5)	P	P		
4.601 4.606 B	Two-Family Residence (Farm)	P	P				
4.407 C3 4.606 B 4.601 B3,C	Two-Family Residence (Non-Farm)	P/C(5)	P/C(5)	P	P		
4.407 C2 4.601 B3,C3	Non-Farm Residential Cluster	C(6)	P				
4.407 C4 4.606 C	Multi-Family Residence				C		
4.407 C5	Single-Family Residence Accessory to a Business Use					C	
4.407 C6 4.501	Residential Accessory Structure			P	P		
4.506	Home Occupation		P	P	P		
4.506 4.601 B6	Home Occupation Accessory to FP	P(9)					
4.407 C8 4.601 B6	Family Day Care Accessory to FP	P(9)					
4.407 C8	Family Day Care Home		C	P	P		
4.407 C9 4.606 D,E,F	Manufactured/Mobile Home Park				C		
<b>Business Uses</b>							
4.407 D1	Personal and Professional Service					P	
4.407 D2	Indoor Sales and Service					P	
4.407 D3	Long Term Outdoor Display and Sale					P	
4.407 D4	Maintenance Service					P	
4.407 D5	In-Vehicle Sales and Service					P	
4.407 D6	Indoor Business Entertainment and Service					P	
4.407 D7	Indoor Lodging Facility					P	
4.407 D8	Resort Establishment					P	
4.407 D9	Bed and Breakfast Establishment			C	C	C	
4.407 D10	Group Day Care Center Facility					C	
4.407 D11 4.601 B6	Animal Boarding/Breeding Accessory to FP	P					
4.407 D11	Animal Boarding/Breeding Facility	C(8)	C	C		C	
4.407 D12	Adult Oriented Establishments						P
4.407 D13	Personal Storage Facility					C	
4.407 D14	Portable Storage Facility					C	
4.407 D15	Indoor Storage or Wholesaling					P	
4.407 D16	Outdoor Storage or Wholesaling					C	
4.407 D17	Indoor Retail Sales Activity as Accessory to Industrial or Indoor Storage & Wholesaling					P	P

**Table 1 – Permitted and Conditional Uses (continued)**

Section #		Farmland Preservation	General Agriculture	Rural Residential	Residential	Business	Industrial
<b>Industrial</b>							
4.407 E1	Light Industrial Accessory to Retail Sales/Service					P	P
4.407 E2	Light Industrial					C	P
4.407 E3	Heavy Industrial						C
4.407 E4	Contractor Shop			C			P
4.407 E5 4.603	Junk or Salvage Yard						C
4.407 E6 4.601 D 4.604	Nonmetallic Mining	C(8)	C				C
4.407 E7 4.602 4.609	Solid or Hazardous Waste Facility					C	C
4.601 D1e	Oil and Gas Exploration	C(8)	C				
<b>Public/Institutional/Parks/Recreation</b>							
4.407 F1 4.601 D	Government, Institutional, Religious, or Nonprofit Community Uses	C(8)	C	C	C	C	
4.407 F2 4.601 D 4.605	Outdoor Public Recreational-Passive	C(8)	C	C	C	P	
4.407 F3 4.601 D 4.605	Outdoor Public Recreational-Active	C(8)	C	C	C	P	
<b>Miscellaneous Uses</b>							
4.408 C3	Hobby Dog Kennel	P	P	P			
4.408 C3	Commercial Dog Kennel	C	C	C			
4.407 G1 4.601 D	Cemetery	C(8)	C	C		C	
4.407 G2	Public Airport	C(11)	C				
4.407 G3 4.601 B	Private Airport	P(10)	C	C		C	C
4.407 G4 4.601 D 4.608	Solar Energy Systems – Utility	C(8)					
4.407 G5 4.608	Solar Energy Systems – Accessory Use	P	C	C	C	C	C
4.407 G6 4.601 B5,D 4.610	Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Uses	C(8)	C	C	C	C	C
4.505	Fences	P	P	P	P	P	P
4.607	Signs	C	C	C	C	P	P

**Notes:**

1. Must comply with Section 4.601.
2. Livestock is a permitted use if less than one (1) animal unit per acre and a Conditional Use if greater than one (1) animal unit per acre. To calculate animal units, see Table 1a.
3. No livestock are allowed in the Residential and Business Districts
4. Must comply with Section 4.602.
5. If a nonfarm-residence is in a nonfarm residential cluster, it is a permitted use (see Section 4.601B.3.); otherwise, it is a Conditional Use (see Section 4.601C.).
6. Must comply with Section 4.601C.3.
7. (Reserved)
8. Must comply with Section 4.601D.
9. Must comply with Section 4.601B.6.
10. Must meet Section 4.601B. as agriculture related use and/or Accessory Use.
11. Must meet definition as defined in Section 4.407G.2.
12. For additional help see Definitions Section 4.700.

**Table 1a – Animal Units**

Number of animals allowed for property zoned Rural Residential										
Animal Type	Equivalency Factor	2 Acres	3 Acres	4 Acres	5 Acres	6 Acres	7 Acres	8 Acres	9 Acres	10 Acres
<b>DAIRY CATTLE</b>										
Milking or Dry Cows	1.4	1	2	2	3	4	4	5	6	7
Heifers (800 lbs. to 1,200 lbs.)	1.1	1	2	3	4	5	6	7	8	9
Heifers (400 lbs. to 800 lbs.)	0.6	3	4	6	8	9	11	13	14	16
Calves (under 400 lbs.)	0.2	10	15	20	25	30	35	40	45	50
<b>BEEF CATTLE</b>										
Steers or Cows (600 lbs. to market)	1.0	2	3	4	5	6	7	8	9	10
Calves (under 600 lbs.)	0.5	4	6	8	10	12	14	16	18	20
Bulls	1.4	1	2	2	3	4	4	5	6	7
<b>SWINE</b>										
Pigs (55 lbs. to market)	0.4	5	7	10	12	15	17	20	22	25
Pigs (under 55 lbs.)	0.1	20	30	40	50	60	70	80	90	100
Sows	0.4	5	7	10	12	15	17	20	22	25
Boars	0.5	4	6	8	10	12	14	16	18	20
<b>SHEEP</b>										
Sheep	0.1	20	30	40	50	60	70	80	90	100
<b>GOATS</b>										
Goats	0.1	20	30	40	50	60	70	80	90	100
<b>HORSES</b>										
Horses	2.0	1	1	2	2	3	3	4	4	5
Miniature Horses	0.5	4	6	8	10	12	14	16	18	20
<b>BISON</b>										
Bison	4.0	0	0	1	1	1	1	2	2	2
<b>LLAMAS</b>										
Llamas	0.6	3	4	6	8	9	11	13	14	16
<b>DONKEYS</b>										
Donkeys	1.0	2	3	4	5	6	7	8	9	10
Miniature Donkeys	0.5	4	6	8	10	12	14	16	18	20
<b>ALPACAS</b>										
Alpacas	0.2	10	15	20	25	30	35	40	45	50
<b>TURKEYS</b>										
Turkeys	0.018	111	166	222	277	333	388	444	499	555
<b>DUCKS</b>										
Ducks	0.033	60	90	121	151	181	212	242	272	303
<b>CHICKENS</b>										
Chickens	0.033	60	90	121	151	181	212	242	272	303
<b>RABBITS</b>										
Rabbits	0.04	50	75	100	125	150	175	200	225	250

Examples of a mixed group of animals on a 2-acre property:

10 Goats and 30 Chickens

2 Pigs (55 lbs. to market), 1 Steer or Cow (600 lbs. to market)

How to calculate the number of animal units for chickens:

$$1 \div 0.033 \times 2 = 60.6$$

**4.406 Dimensional Standards**

**Table 2 – Dimensional Standards and Setbacks**

Zoning District	Minimum Lot Size (Note 1)	Minimum Lot Width (Note 2)	Maximum Impervious Surface	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Farmland Preservation	Five (5) Acres	150 feet	30% 13,068 sq. ft. Per Acre	100 feet See 4.509	100 feet each side Livestock Structures 10 feet each side All other Structures	100 feet Livestock Structures 10 feet All other Structures	35 feet Farm and Non-Farm Residences
General Agricultural	Five (5) Acres	150 feet	30% 13,068 sq. ft. Per Acre	100 feet See 4.509	100 feet each side Livestock Structures 10 feet each side All other Structures	100 feet Livestock Structures 10 feet All other Structures	35 feet Farm and Non-Farm Residences
Rural Residential	Two (2) Acres	150 feet	30% 13,068 sq. ft. Per Acre	100 feet See 4.509	30 feet each side Livestock Structures 10 feet each side All other Structures	30 feet Livestock Structures 10 feet All other Structures	35 feet Farm and Non-Farm Residences
Residential	20,000 Sq. ft. Single-Family 40,000 Sq. ft. Two-Family 60,000 Sq. ft. Multi-Family	100 feet at front yard setback line Single & Two-Family 200 feet Multi-Family 75 feet Water's edge Riparian lot	40% 17,424 sq. ft. Per Acre See Note 3	100 feet See 4.509 65 feet Platted Sub-division	Not less than a total of 25 feet with no single side yard less than 10 feet.	25 feet If Riparian lot, must comply with County Shoreland Zoning.	35 feet
Business	20,000 Sq. ft. Nonresidential Structures. Structures that are or have residences must meet the residential minimum lot size.	100 feet at front yard setback line.	75% 32,670 sq. ft. Per Acre	100 feet See 4.509	Not less than a total of 25 feet with no single side yard less than 10 feet.	25 feet If Riparian lot, must comply with County Shoreland Zoning.	35 feet Detached Residences 60 feet All other structures
Industrial	20,000 Sq. Ft.	100 feet at front yard setback line.	75%	100 feet See 4.509	10 feet each side	25 feet	None

**Notes:**

1. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Wisconsin Administrative Code COMM 83 or Chapter 58 of the Fond du Lac County Code of Ordinances, then such larger lot sizes shall be considered as required by the Zoning Ordinance
2. All newly created lots must have at least fifty (50) feet of frontage on a public road at the right-of-way line.
3. The combined floor area of all accessory buildings on a lot shall not exceed fifty (50) percent of the floor area of the residential structure. Further, the sidewalls of an accessory building shall not exceed ten (10) feet.
4. Setback provisions must allow the following, as authorized under ATCP 51.12 of the Wisconsin Administrative Code:
  - a. Expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, if the expansion is away from the property line or public road to which the local setback applies.
  - b. Construction of a new single waste storage structure no closer to the relevant property line or public road than a waste storage structure that existed on the same tax property prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within fifty (50) feet of the existing structure.
5. An existing structure that does not meet current setback requirements may be enlarged as long as the existing setbacks remain the same.
6. Uncovered steps are not to be considered when calculating setback or structure square footage.
7. All silos and grain bins made of concrete or metal are exempt from the ten (10) feet minimum requirement between accessory buildings.
8. The platted subdivisions are: Arcade Acres, Charles Street, Country Acres, Karau, Oak Haven, and South Woods

## 4.407 District Uses and Regulations

### A. Determination of Use

1. 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 Ordinance.
2. 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:
  - a. 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 Ordinance.
  - b. 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.
3. The Zoning Administrator may refer unclassified uses to the Town Plan Commission if the Administrator is uncertain how to classify any uses not listed.
4. After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this Ordinance adding the previously unclassified use to the applicable Zoning District.

### B. Agricultural/Open Land Uses

*Note – for descriptions of Agricultural-Related, Agricultural Accessory, and Roadside Stand uses as permitted uses in the FP – Farmland Preservation District, see Section 4.601.*

1. **Agricultural Uses:** Any of the following activities:
  - a. Crop or forage production
  - b. Keeping livestock
  - c. Beekeeping
  - d. Nursery, sod, or Christmas tree production
  - e. Floriculture
  - f. Aquaculture
  - g. Forest management
  - h. Enrolling land in a Federal Agricultural Commodity Payment Program or a Federal or State Agricultural Land Conservation Payment Program.
2. **Undeveloped Natural Resources and Open Space Areas:** Areas of land that have remained in a natural state or have reverted to a natural state after having been used for development.

### C. Residential Uses

1. **Single-Family Residence (Non-Farm):** Land uses consisting of a single detached building containing one (1) dwelling unit. This land use includes modular and manufactured homes as defined in Section 4.700. This land use does not include mobile homes as defined in the Wisconsin Statute 101.91(10). See Section 4.606 for standards in all districts and Section 4.601 for standards in the FP – Farmland Preservation District.
2. **Nonfarm Residential Cluster:** A grouping of no more than four (4) nonfarm residences in the FP – Farmland Preservation District. See Section 4.601 for standards.
3. **Two-Family Residence (Nonfarm):** 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. See Section 4.606 for standards in all districts and Section 4.601 for standards in the FP – Farmland Preservation District.

4. **Multi-Family Residence:** A building holding three (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. Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership. If in condominium ownership, the dwelling units may be detached. See Section 4.606 for standards in all districts.
5. **Single-Family Residence Accessory to a Business Use:** Land uses consisting of a single-family residence that is accessory to a Business use (for shopkeeper or employee, for example). This residence may be attached to the Business building or be freestanding.
6. **Residential Accessory Structure:** Land uses clearly incidental to the primary residential use and includes such uses as garages, carports, storage sheds, and decks.
7. **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. See Section 4.506 for standards.
8. **Family Day Care Home:** A dwelling unit where supervision and care and/or instruction for not more than eight (8) children under the age of seven (7) is provided for periods of less than twenty-four (24) hours per day, and which is licensed by the Wisconsin Department of Children and Families.
9. **Manufactured/Mobile Home Community or Park:** Land uses meeting the definitions and requirements of Wisconsin Administrative Code SPS 326.

#### D. Business Uses

1. **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.
2. **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."
3. **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 this Ordinance. All storage of equipment shall be at least one hundred (100) feet from the centerline of highways or roads and at least two hundred (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.
4. **Maintenance Service:** Land uses which perform maintenance services (including repair) either within or outside an enclosed building.
5. **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.

6. **Indoor Business Entertainment and Service:** Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extends significantly later than most other Business land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, and 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 12. of this subsection for regulation of adult oriented establishments
7. **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.
8. **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 ten (10) units per acre in any Zoning District.
9. **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 (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) 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.
10. **Group Day Care Center Facility:** Land uses in which qualified persons provide child care services for nine (9) 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.
11. **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. For these uses to be permitted in the FP – Farmland Preservation District, they must qualify as an Accessory Use under Section 4.601B.6.
12. **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 Ripon's Adult Oriented Establishments Ordinance.
13. **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."
14. **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.

15. **Indoor Storage or Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a particular group of businesses. Except for 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.
16. **Outdoor Storage or Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a particular 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.
17. **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.

#### E. Industrial Uses

1. **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.
2. **Light Industrial:** Land uses which operations (except for loading operations):
  - a. Are conducted entirely within an enclosed building;
  - b. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
  - c. do not pose a significant safety hazard (such as danger of explosion); and
  - d. comply with all the applicable performance standards.
  - e. Light industrial land uses may conduct retail sales activity as an Accessory Use.
3. **Heavy Industrial:** Land uses which meet one (1) or more of the following criteria:
  - a. Are not conducted entirely within an enclosed building;
  - b. are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and
  - c. 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.
4. **Contractor Shop:** Land uses that include businesses engaged in contract services or labor.
  - a. Contractors involved with landscaping;
  - b. building construction or carpentry;
  - c. electrical, plumbing, or heating systems.
  - d. 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.

5. **Junk or Salvage Yard:** Land uses that include any land or structure used for a salvaging operation including, but not limited to:
  - a. Above-ground outdoor storage, collection, recycling, dismantlement, and/or sale of:
    - 1) 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; inoperable appliances and machinery; and three (3) or more motor unlicensed vehicles or no longer used as such, to be used for scrap metal or stripping of parts.
    - 2) It 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.

Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use. (See Section 4.603 for the regulations for junk or salvage yards)

6. **Nonmetallic Mining:** Land uses that 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. Nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing or production of ready mix concrete. (See Section 4.605 for the regulations for nonmetallic land uses)
7. **Solid or Hazardous Waste Facility:** Land uses that include any area, lot, building, or structure, or part thereof, used for deposit, disposal, processing, or transfer of solid, demolition, or hazardous waste. Solid or hazardous waste facilities will be regulated within the process of the Wisconsin Waste Facility Siting Law and Chapter 4.602 of the *Town of Ripon Code of Ordinances*. Precise application of standards and conditions will be determined within that process.

#### F. Public/Institutional/Parks/Recreation Uses

1. **Governmental, Institutional, Religious, or Nonprofit Community Uses:** Other than within the FP – Farmland Preservation District which requires a Conditional Use, this type of land 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.
2. **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. Passive uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, ski trails, horse trails, open grassed areas not associated with any active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses. These uses within the FP – Farmland Preservation District must meet Wisconsin Statutes 91.44(1) (e), 91.46(5), or 91.01(1) (d). No physical structures or buildings can be part of passive recreational uses.
3. **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. 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. These uses within the FP – Farmland Preservation District must meet Wisconsin Statutes 91.44(1) (e), 91.46(5), or 91.01(1) (d).

## G. Miscellaneous Uses

1. **Cemetery:** Public or privately-owned land uses.
2. **Public Airport:** An airfield or landing strips that qualify as a governmental use under Wisconsin Statute 91.01(1) (g) and meets Wisconsin Statute 91.46(5) or as a transportation use under Wisconsin Statute 91.46(f) and meets Wisconsin Statute 91.46(4).
3. **Private Airport:** An airfield or land strip under private ownership where the use of the facility is limited to non-commercial flights.
4. **Solar Energy Systems - Utility:** Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy for purpose of providing power for off-site use. "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. See Section 4.608 for standards.
5. **Solar Energy Systems – Accessory Use:** Equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy for purpose of on-site. "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. See Section 4.608 for standards.
6. **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.

### 4.408 Dog Kennel and Licensing

#### A. Compliance with Other Restrictions

Whichever State, County, or Town statute, law, rule, regulation, or ordinance is most restricted will be used.

#### B. Animal Care and Treatment

1. Animals will be properly fed and watered. The food and water will be of sufficient quantity and nutritional value to maintain good health.
2. Sanitation for structure(s) and exercise areas shall include the timely removal of animal waste and trash to minimize health hazards.
3. An animal shall be immunized. This procedure will be done and documented by a licensed veterinarian.
4. An animal will receive medical attention if it becomes ill or injured.
5. An animal shall be provided with proper shelter. If the animal is to be outside the shelter will provide protection from direct sunlight and is appropriate for the local climatic conditions.
6. An animal shall be provided enough space to move freely and exercise.
7. No animal will be treated cruelly.

#### C. Dogs

1. Limitation on number of dogs
  - a. Up to (3) three adult dogs may be owned once properly licensed.
  - b. (4) four up to (12) twelve adult dogs may be owned if a Dog Kennel Permit is issued.

2. Litters of Puppies

- a. Litters of puppies may be kept for a period not to exceed (6) six months.
- b. A property zoned residential may house (1) one litter of puppies every year.
- c. If an owner would like to have (2) two or more litters of puppies per year a Kennel Permit must be obtained.

3. Dog Kennel Permit (Commercial or Hobby)

A Dog Kennel Permit may be granted or denied based on the suitability of the property for use as a kennel, compatibility of the proposed property in question with land uses on adjacent and nearby properties, and whether the proposed operation will promote the public health, safety, and general welfare.

- a. Dog Kennels are not allowed on the following:
  - 1) Property zoned Residential.
  - 2) If structure(s) is/are located within (700) seven-hundred feet from an adjoining residence.
- b. Application
  - 1) Shall include name and address of kennel owner.
  - 2) Shall include the location and distance of kennel shelter(s) as it/they relate to adjacent residences.
  - 3) Shall include proposed number of adult dogs and their breeds.
  - 4) Shall include all names and addresses of adjoining property owners with proof of notification.
  - 5) Shall include drawings and specifications for proposed shelters.
  - 6) If any regulation is not complied with, the permit may be revoked for (1) one year before reapplication.

4. Inspection

The Town Plan Commission or its designee may inspect the Owner's property from time to time for compliance with all requirements in this Ordinance, both before the initial issuing of original permit and all permit renewals thereafter. Any owner who will be or has been issued a Commercial or Hobby Dog Kennel permit agrees to and shall allow Town Plan Commission or its agent or representative upon reasonable advance written notice entry onto the Owner's property to investigate and/or inspect the premises upon which the kennel is located for compliance with all Town Ordinances applicable to the permit.

5. Specific Differences Between Commercial and Hobby Dog Kennel Permits

a. Commercial Dog Kennel Permit

- 1) A Conditional Use Permit is required.
  - i. The permit is not transferable.
- 2) The Kennel Permit will be reviewed annually.
  - i. The review will be at the November Plan Commission meeting.
- 3) There is no limit on the number of litters each year.

b. Hobby Dog Kennel Permit

- 1) A Conditional Use Permit is not required.
- 2) The Kennel Permit will be reviewed annually.
  - i. The review will be at the November Plan Commission meeting.
- 3) A Certificate of Compliance will need to be obtained (6) six months after the permit has been awarded.
- 4) The permit is not transferable.
- 5) There is a limit of (2) two litters each year.
- 6) The kennel will be not-for-profit. Any money made will be used to offset the cost of running the kennel and taking care of the dogs.

6. Noise Control

Any dog that frequently or habitually howls, yelps, barks, or makes other noises that annoy or disturb a neighborhood or persons within the Town shall be prohibited.

7. Shelter

Minimum standard for a shelter shall include but limited to the following:

- a. Ambient temperatures which shall be compatible with the health of the dog(s).
- b. Structure will always be adequately ventilated by natural or mechanical means to provide for the health of the dog(s).
- c. Structure shall be sound and maintained in good repair to protect the dog(s) from injury.
- d. Structure shall be moisture and wind proof.
- e. Structure shall be constructed and maintained to allow adequate freedom of movement for dog(s).
- f. Dog runs, and large exercise areas will have a shelter from direct sunlight.
- g. Shelters on Residential property shall be setback a minimum of (10) ten feet from property line.

8. Licensing

- a. All adult dogs must be licensed.
- b. A License will only be given to a properly documented and immunized animal.
- c. Licenses are to be renewed annually.

9. Pre-Existing Dog Ownership

Any pre-existing ownership of (4) four to (12) twelve adult dogs prior to the effective date of this Ordinance shall be allowed to continue as follows:

- a. So long as there is no increase in number of Adult Dogs on the Owner's Town Property as has existed before the date of enactment of the Ordinance.
- b. So long as the owner complies with subsection B. 'Animal Care and Treatment' of this Ordinance. Violation will terminate the pre-existing ownership conditions.
- c. Any change to site or addition of a new structure will comply with current Ordinance. Violation will terminate the pre-existing ownership conditions.
- d. Owner shall on or before the expiration of (4) four months after the Effective Date of this Ordinance apply and pay a fee for a continuing pre-existing use. Failure to make such application and payment of fee within the (4) four-month time limit shall terminate the pre-existing ownership conditions.

10. See Wis. Stat. 174 – Dogs

11. Breeders selling (25) twenty-five animals or more per year are required to be licensed by the State of Wisconsin. See DATCP – Breeders and Sellers Law

**4.409 Chickens**

**A. Permit Required**

Any Property Owner residing in a Residential Zoning District may apply for a permit to raise chickens. The applicant shall provide proof of livestock premises registration with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) within (30) thirty days of receiving a Chicken-Keeping Permit. Chickens may not be kept on property zoned residential unless the proper permitting is obtained.

The application shall show proof that the applicant has made a good faith effort to notify neighbors of his/her intent to keep chickens. Applications are subject to review by the Ripon Township Plan Commission.

**B. Limitations on Number of Chickens**

1. A maximum of (4) four chickens (hens) may be kept in parcels less than (1) one acre.
2. Up to (8) eight chickens (hens) may be kept in parcels of (1) one or more acres.
3. No roosters may be kept in parcels zoned residential.

### **C. Proper Chicken Enclosure**

No person shall be granted a Chicken-Keeping permit or a renewal thereof unless the enclosure (coop) meets the following minimum standards:

1. Chickens shall be provided with a fenced-in covered coop.
2. The coop shall be constructed to be easily cleaned and repaired.
3. The coop shall provide at least (3) three square feet of floor space for each bird and (8) eight square feet of run space per bird.
4. There shall be at least (1) one nest box per (2) two birds.
5. Nest boxes shall be at least 12" x 12" x 12".
6. There must be elevated perches available.
7. The coop shall be waterproof and predator resistant.
8. The coop shall be well ventilated.
9. Coop yards and runs shall be enclosed with wire fencing. Wire fencing shall not exceed (8) eight feet in height.
10. Chickens may not roam onto neighboring properties.
11. For owners who keep (4) four or fewer chickens:

No coop shall be closer than (25) twenty-five feet from any adjacent residence and no closer than (10) ten feet from any lot line.
12. For owners who keep (5) five to (8) eight chickens:

No coop shall be closer than (75) seventy-five feet from any adjacent residence and no closer than (25) twenty-five feet from any lot line.
13. A coop shall be cleaned of droppings, uneaten feed, feathers and other waste as necessary to ensure a healthy environment that is also odor and nuisance-free.
14. Loud noise is strictly prohibited.
15. The regular sale of chickens, chicken meat, eggs, or other chicken by-products is strictly prohibited.
16. Chicken tractors are permitted but must be moved daily; chickens must be returned to the coop at night.

#### **4.410 Other Companion Animals**

- A. Cats**
- B. Other Mammals**
- C. Other Birds**
- D. Reptiles**
- E. Prohibited Animals**

#### **4.411 – 4.499 RESERVED**

## **Section 4.500 General Provisions**

### **4.501 Accessory Structures**

#### **A. Permit Requirements**

All accessory buildings and structures shall require a Zoning Permit except for the following:

Minor/portable structures such as doghouses (*housing dogs which are licensed as the personal pets of the residents of the property*), play houses or storage structures (*they do not exceed one hundred twenty (120) square feet in footprint and built on skids for ease of movement*), play apparatus which does not exceed sixteen (16) feet in height and cover more than ten (10) percent of the lot area, and school bus waiting shelters.

*Note – The above referenced exceptions cannot be applied to livestock facilities covered by a livestock siting permit. Also, portable implies moving the structure within twenty-four (24) hours of request.*

#### **B. Relationship to Principal Use Building**

The construction of an accessory building may precede the construction of a residential principal use building subject to the principal use building being constructed and occupied within three (3) years from the date of the permit granted for the construction of the accessory building. The accessory building may not exceed two hundred seventy-five (275) square feet. A conditional use would be required to increase square footage.

#### **C. Yard Setbacks**

Yard setbacks are stated in the standards for a district in Section 4.406. Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.

#### **D. Swimming Pools**

Access to private swimming pools shall be controlled to prevent unguarded entry to the pool.

1. In-ground swimming pools and aboveground (with sides less than four (4) feet high) swimming pools that are partially or completely surrounded by a deck shall either be surrounded by a fence of not less than four (4) feet in height with a self-closing and self-latching device for keeping the gate or door securely locked at all times when not in use or have a cover that can be locked securely.
2. The fence shall be constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension. A residence or accessory building may be used as part of the enclosure.
3. Aboveground pools with sidewalls of at least four (4) feet in height and a tip-up ladder are not required to have a fence.
4. The requirements of this subsection shall be applicable to all private swimming pools, whether constructed before or after the effective date of this ordinance.

#### **E. Items Prohibited as Accessory Structures**

Items such as, but not limited to, boats, truck bodies, semi-trailer boxes, manufactured homes, mobile homes, buses, railroad cars, shipping containers and trailers shall not be used as Accessory Structures.

## **4.502 Buildings and Lots**

### **A. Standards**

In all districts, the following shall apply:

1. All applicable State and Federal Codes shall apply to construction within the Town.
2. Every building hereafter erected, structurally altered, or relocated shall be placed on a legally created lot of record.
3. No lot shall hereafter be created that does not meet the minimum width, area and density requirements of this Ordinance.
4. No lot shall be so reduced that it fails to meet the width, area and density requirements of this Ordinance.
5. All newly created lots shall abut upon a public road and have direct access to the public road.
6. No lot shall have more than one (1) principal building or use unless otherwise specified in this Ordinance.

## **4.503 Building Height Standards Exceptions**

The maximum building height standards of this Ordinance shall not apply to agricultural buildings (such as silos and grain storage structures), church spires, church belfries, water towers or any type of power or communication utility tower or pole.

## **4.504 County Ordinances**

The following Fond du Lac County ordinances may affect land regulated under this Zoning Ordinance. In a situation where the Town and County regulations are in conflict, the more restrictive regulations shall apply. Any permit required by these ordinances shall be obtained from Fond du Lac County prior to the issuance of any permit required by the Town of Ripon Zoning Ordinance. This list is not meant to be all inclusive. There may be other Fond du Lac County ordinances that will affect the use of land in the Town of Ripon.

- **Chapter 14 Animals**
  - Article II Livestock Manure Management
- **Chapter 27 Erosion Control and Stormwater Management**
- **Chapter 28 Floods**
- **Chapter 30 Health and Sanitation**
  - Article IV Junk
- **Chapter 36 Nonmetallic Mining Reclamation Ordinance**
- **Chapter 44 Shoreland Zoning**
- **Chapter 46 Streets, Sidewalks and Other Public Places**
  - Article V Access Control
- **Chapter 48 Subdivisions**
- **Chapter 58 Utilities**
  - Article II Private On-site Wastewater Treatments Systems (POWTS)
  - Article III Private Water Systems

## **4.505 Fences and Hedges**

### **A. Permit Required**

No person shall erect or construct any fence on any property without first obtaining a land use permit and paying the required fee. Applicants must provide a survey or otherwise demonstrate clear evidence of the distance of the fence to adjacent property lines. Permitting is only required when dividing adjacent properties or road right-of-way's in Residential, Commercial, and Industrial zoning districts.

## **B. Construction Standards**

1. Fences shall be substantial structures using materials suited for the proposed use. Snow fences or other fences which are inherently temporary by nature shall not be permitted. Fences shall be constructed such that the "finished" side faces the neighboring property. Fence posts shall be placed on the side of the fence facing the applicant's property.
2. Fences shall be three (3) feet maximum height within any vision-triangle.
3. Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
4. Electric fences may only be used between agricultural and residential/rural residential properties when agreeable to both parties.

## **C. Maintenance Requirements**

Fences shall be maintained in a condition of reasonable repair and shall not be allowed to deteriorate to become a safety hazard or nuisance to adjacent property owners or the public.

## **D. Height Limitations**

1. A fence bordering side and rear lot lines shall be no more than seven (7) feet in height in any residential district or eight (8) feet in height in any other district.
2. A fence or any natural hedge or closely planted vegetation that forms a barrier shall not exceed four (4) feet in height within the limits of the front yard in all residential districts. A corner lot is deemed to have two (2) front yards.
3. A fence or any natural hedge or closely planted vegetation that forms a barrier shall not exceed a height of three (3) feet if within ten (10) feet of a driveway access for ten (10) feet in each direction from the intersection of the property line and road right-of-way line in all residential districts.
4. No planting or structures shall be more than a height of three (3) feet within any Vision Clearance Triangle.
5. In no case shall a fence or similar barrier impede vehicular vision or cause a hazardous condition to exist.

## **E. Location**

Fences shall not be located within two (2) feet of any property line except that they may be placed closer to or on the property line with a written consent of abutting property owners. This agreement shall be attached to the application. Except for a wire (transparent) fencing all fences and hedges shall remain out of the road right-of-way.

## **F. Nonconforming Fences and Hedges:**

Any fence or hedge existing on the effective date of this code and not in conformance with this section may be maintained, but any alteration, modification or improvement of such fence must comply with this section.

## **G. Other Fences**

1. Swimming Pool
  - a. Ground level and aboveground (with sides less than four (4) feet high) swimming pools shall be completely enclosed by a fence or wall not less than four (4) feet in height.
  - b. The fence shall be constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension. A residence or accessory building may be used as part of the enclosure.
  - c. All gates and doors opening through such enclosures shall always be equipped with a self-closing and self-latching device for keeping the gate or door securely locked when not in use.

- d. The requirements of this subsection shall be applicable to all private swimming pools, whether constructed before or after the effective date of this ordinance.
2. Obscuring or Security
  - a. The fence shall be a minimum of eight (8) feet in height and shall be properly maintained to satisfy the obscuring and security objective.

#### **4.506 Home Occupations**

##### **A. Standards**

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 twenty (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. Must comply with Section 4.601B.6. if located within the FP – Farmland Preservation District.

#### **4.507 Nonconforming Uses, Structures, and Lots**

##### **A. 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.

##### **B. Abolishment**

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

##### **C. Nonconforming Uses of Land**

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 (12) 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.

#### **D. Nonconforming Uses of Structures**

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. An 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 (12) 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.

#### **E. Nonconforming Structures**

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 due to 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.
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.

#### **F. 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.

### **G. Nonconforming Lots of Record**

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.

1. If two (2) 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 lot for the purposes of this Ordinance, and no portion of such lot 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.

### **H. Nonconforming Signs**

No nonconforming sign shall be altered in any manner that would increase the degree of nonconformity. If such sign is destroyed or damaged to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than fifty (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.

### **I. 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.

### **J. 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.

## **4.508 Parking, Loading, and Access**

### **A. Intent**

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 Section 4.407. When a use is not listed, the parking requirement shall be that of the most similar use. When two (2) 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.

## **B. Standards**

1. Parking access aisles shall have the following minimum widths:
  - a. Two-way aisles:
    - (1) Perpendicular parking: twenty-four (24) feet
    - (2) Angled or parallel parking: eighteen (18) feet
  - b. One-way aisles:
    - (1) Perpendicular parking: twenty (20) feet
    - (2) Sixty (60) degree angled parking: eighteen (18) feet
    - (3) Forty-five (45) degree angled parking: thirteen (13) feet
    - (4) Thirty (30) degree angled parking: eleven (11) feet
    - (5) Parallel parking: twelve (12) feet
2. 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.
3. All required parking spaces shall have minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.
4. 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.
5. All Business and Industrial uses shall provide sufficient off-street loading space so that no public street, road or alley will be blocked by such activities.
6. All parking and loading spaces shall have a hard surface such as asphalt, concrete, or compacted crushed stone or gravel.

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

Land Uses	Required Parking Spaces
<b>Agricultural/Open Land Uses</b>	
Agricultural Uses	One (1) space for each employee on largest shift.
Agricultural Related Use	One (1) space for each employee on largest shift, plus one (1) space for each two hundred (200) sq. ft. for display area.
Roadside Stand	Four (4) spaces and maneuvering space out of the public row.
<b>Residential Uses</b>	
Single-Family Residence	Two (2) spaces per dwelling unit.
Two-Family Residence	Two (2) spaces per dwelling unit.
Multi-Family Residence	One and one-half (1.5) spaces per dwelling unit.
Single-Family Residence Accessory to a Business Use	Two (2) spaces per dwelling unit.
Home Occupation	To be determined by Conditional Use.
Family Day Care Home	To be determined by Conditional Use.
Manufactured/Mobile Home Park	Two (2) spaces per dwelling unit.
<b>Business Uses</b>	
Personal and Professional Service	One (1) space for every three-hundred (300) sq. ft. of gross floor area of principle building(s).
Indoor Sales and Service	One (1) space for every three-hundred (300) sq. ft. of gross floor area of principle building(s).
Long Term Outdoor Display and Sale	One (1) space for every three-hundred (300) sq. ft. of gross floor area of principle building(s) plus one (1) space per two-thousand (2,000) sq. ft. of outdoor sale or display area.
Maintenance Service	One (1) space for every three-hundred (300) sq. ft. of gross floor area of principle building(s).
In-Vehicle Sales and Service	One (1) space for every one-hundred fifty (150) sq. ft. of gross floor area of principle building(s).
Indoor Business Entertainment and Service	One (1) space for every three (3) patron seats or one (1) space per three (3) persons at the maximum capacity of the establishment, whichever is greater.
Indoor Lodging Facility	One (1) space per room or suite, plus one (1) space per employee on largest shift.
Resort Establishment	One (1) space per room, cabin, cottage, plus one (1) space per employee on largest shift.
Bed and Breakfast Establishment	One (1) space per bedroom.
Group Day Care Center Facility	One (1) space per six (6) person capacity, plus one (1) space per employee on largest shift.
Animal Boarding/Breeding Facility Other	One (1) space for every one-thousand (1,000) sq. ft. of gross floor area.
Adult Oriented Establishments	One (1) space for every three-hundred (300) sq. ft. or one (1) space per person at the maximum capacity of the establishment, whichever is greater.
Personal Storage Facility	One (1) space in front of each storage unit.
Portable Storage Facility	One (1) space for every two-thousand (2,000) sq. ft. of gross floor area.
Indoor Storage or Wholesaling	One (1) space for every two-thousand (2,000) sq. ft. of gross floor area.
Outdoor Storage or Wholesaling	One (1) space for every ten-thousand (10,000) sq. ft. of gross floor area plus one (1) space for each employee on largest shift.
Indoor Retail Sales Activity as Accessory to Industrial or Indoor Storage & Wholesaling	One (1) space per two hundred (200) sq. ft. of indoor sales or display area.
<b>Industrial</b>	
Light Industrial Accessory to Retail Sales/Service	One (1) space for each employee on largest shift, plus one (1) parking space for each truck or other vehicle incidental to the use of each lot.
Light and Heavy Industrial / Contractor Shop	One (1) space for each employee on largest shift, plus one (1) parking space for each truck or other vehicle incidental to the use of each lot.
Junk or Salvage Yard	One (1) space for every twenty thousand (20,000) sq. ft. of gross storage area, plus one (1) space for each employee on largest shift.
Nonmetallic Mining	One (1) space for each employee on largest shift, plus one (1) parking space for each truck or other vehicle incidental to the use of each lot.
Solid or Hazardous Waste Facility	One (1) space for each employee on largest shift, plus one (1) parking space for each truck or other vehicle incidental to the use of each lot.
<b>Public/Institutional/Parks/Recreation</b>	
Government, Institutional, Religious, or Nonprofit Community Uses	One (1) space for every four (4) seats in any kind of place of assembly. A school will need one (1) space per teacher and one (1) space per two (2) classrooms.
Outdoor Public Recreational-Passive	One (1) space for every four (4) expected patrons at maximum capacity.
Outdoor Public Recreational-Active	One and one-half (1.5) spaces per campsite, one (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.
<b>Miscellaneous Uses</b>	
Cemetery	One (1) space for service vehicle
Private Airport	One (1) space for every five hanger or tie-down spaces
Solar Energy Systems Utility	One (1) space for service vehicle
Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Uses	One (1) space for service vehicle

## 4.509 Setbacks – Highway

### A. Purpose

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 Ripon, 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.

### B. 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.

### C. Classes of Highways and Centerlines

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

1. Class 1 Highways:
  - a. Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is the midway point between the edges of the road surface.
  - b. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is at the center of the surfacing or pavement, or, if there be none, the center of the graded roadbed.
  - c. Roads and streets in platted subdivisions not otherwise classified. The centerline is the midpoint between the edges of the road surface.
  - d. **Private roads:** The centerline is at the mid-point between the edges of the road surface.
2. Class 2 Highways:
  - a. County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
  - b. County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The centerline is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.
3. Class 3 Highways:
  - a. State Trunk Highways that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board and United States highways. The centerline is the center of the roadbed or the center of the surfacing or pavement of the adjacent lane if the highway is to be paved as a double-divided road.

#### **D. Setback Distances**

Except as otherwise provided, the distances from the centerline to the setback line applicable to the various classifications of highways as defined in paragraph C. of this subsection, shall be as follows:

1. The setback distances from the centerline, at any point for the respective classes of highways, shall be as follows:
  - a. Class 1 highway, one hundred (100) feet, except in platted subdivision where the setback distance shall be sixty-five (65) feet as shown on the recorded plat; also, excepting lots abutting on private roads where the setback distance shall be not less than seventy-five (75) feet from the centerline of said road as shown on the instrument creating said road or road easement.
  - b. Class 2 and Class 3 highways, one hundred (100) feet from the centerline; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the right-of-way line of the highway, be less than sixty (60) feet for Class 2 and Class 3 highways.
2. 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.
3. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
4. 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 one hundred fifty (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 one hundred (100) feet from the centerline of the highway, or sixty-five (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.

#### **E. 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, 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 seventy-five (75) percent or more of its current value as determined by the local assessor.

#### **F. Structures Permitted Within Setback Lines**

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

1. Open fences.
2. Telephone, telegraph and power transmission poles and lines and microwave 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.
3. Underground structures not capable of being used as foundations for future prohibited above ground structures.

4. 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 dimensional requirements for vision clearance.
5. This section shall not be interpreted 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 vision clearance triangle requirements cannot be met.

#### 4.510 Special Well Casing Depth Area

##### A. Applicability

The standards in this section apply to lots that are included in a Special Well Casing Depth Area as described below (see paragraph C. Location) and as shown on the Zoning Map.

##### B. History

There is an abandoned landfill located in on the east side of Koro road and south of CTH FF in Section 7 in the Town of Ripon. Federal, State and Local Officials have combined to monitor the landfill, and the plume of groundwater flowing from the site of the abandoned landfill.

##### C. Location

1. The Wisconsin Department of Natural Resources (DNR) has established a Special Well Casing Depth Area, which has been further divided into an Inner area and an Outer Area.
2. Location of the Inner Area: (Area 78a)
  - a. Section 7 – S $\frac{1}{2}$  of the SE $\frac{1}{4}$
  - b. Section 18 – N $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  (that portion lying north of both Silver Creek and S. Koro Road); N $\frac{1}{2}$  of the SE $\frac{1}{4}$  (that portion lying north of Silver Creek)
3. Location of the Outer Area (Area 78b)
  - a. Section 7 – S $\frac{1}{2}$  except for the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  thereof
  - b. Section 8 – W $\frac{1}{2}$  of the SW $\frac{1}{4}$
  - c. Section 17 – W $\frac{1}{2}$  of the NW $\frac{1}{4}$  (that portion lying north of Silver Creek and west of Silver Creek's northern tributary)
  - d. Section 18 – NW $\frac{1}{4}$  (that portion lying north of both Silver Creek and S. Koro Road and north of STH 23/49)
  - e. None of the area described above in 2.

##### D. Standards

1. Property owners and/or a well drilling contractor hired by a property owner must contact the Wisconsin Department of Natural Resources prior to drilling a well in the Special Well Casing Depth Area. Proof of approval by the DNR for the construction of a well must be provided to the Zoning Administrator prior to the construction of the well.
2. Inner Area: (Area 78a). Any well that is proposed to be constructed in this area shall meet the following DNR casing requirements:
  - a. Either unconsolidated aquifer wells or Precambrian bedrock wells. Precambrian bedrock wells must be cased and cement-grouted to at least the top of the Precambrian. (Hydro fracturing of Precambrian bedrock wells is **not** allowed)
3. Outer Area (Area 78b). Any well that is proposed to be constructed in this area shall meet the following DNR casing requirements:
  - a. An attempt shall first be made to construct an unconsolidated formation well.
  - b. When an unconsolidated formation well is not successful then, only with prior approval of the Wisconsin Department of Natural Resources a Cambrian Sandstone well may be constructed. When approved, such a well must be cased and cement-grouted at least to the top of the Cambrian Sandstone.

### 4.511 Vision Clearance Triangle

#### A. Standards

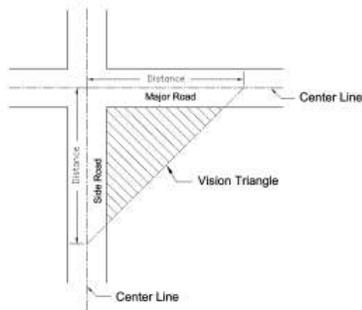
1. In each quadrant of every public road right-of-way intersection or public road easement intersection (including street-railroad intersections) there shall be a vision triangle per the following standards (see Figure 1).
2. Within the vision triangle no object over three (3) feet in height above the road beds shall be allowed, except for transparent fences; telecommunication and power transmission poles, lines, and portable equipment; field crops; and deciduous trees with mature canopies beginning greater than eight (8) feet from the ground.
3. A railroad shall be considered the equivalent of a fifty-five (55) mph road for the purposes of calculating the required vision triangle.

**Table 4 – Dimensional Requirements for Vision Clearance Triangle**

Posted Speed mph *	Major Road Distance in feet **	Side Road Distance in feet.	
		Thru movement possible from side road **	No thru movement possible from side road "T" Intersection ***
25	90	90	75
30	105	105	75
35	120	120	75
40	135	135	75
45	150	150	75
50	165	165	75
55	180	180	75

\* Use the posted speed of the Main Road and Side Road to determine the respective distances.  
 \*\* Based on distance traveled in two (2) seconds at posted speed plus five (5) mph.  
 \*\*\* Based on a distance traveled in two (2) seconds at twenty-five (25) mph because vehicle approaching intersection on side road must slow down to make turn.

**Figure 1 – Vision Clearance Triangle – Based on a 90-degree intersection**



**NOTE: Intersections other than 90-degrees the Major and Side Road distances will be modified to meet safe navigation of that specific intersection.**

### 4.512 Yards

#### A. Standards

1. In the case of a corner lot which abuts any two (2) (or more) roads, the frontage upon which the main entry of a principal building faces shall be deemed "front yard" and shall meet the required front yard setback. The other frontage(s) shall be deemed the "side yard(s)" and the minimum setback shall be sixty (60) percent of the required front yard setback for the same lot.
2. Every part of the required area of a yard shall be open and unobstructed except for permitted accessory buildings, minor structures, and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than five (5) feet.

### 4.513 to 4.599 RESERVED

## Section 4.600 Particular Use Standards

### 4.601 Farmland Preservation District

#### A. Intent

The intent of these standards is to ensure compliance with Wisconsin Statute Chapter 91 Farmland Preservation Program. The standards apply exclusively to land uses in the FP – Farmland Preservation District. No building or use shall hereafter be established or enlarged within the FP – Farmland Preservation District unless it conforms to the following standards.

#### B. Permitted Uses

1. Agricultural uses conducted for providing an income or livelihood:
  - a. Crop or forage production
  - b. Keeping livestock [see Section 4.602 for facilities with over five hundred (500) animal units].
  - c. Beekeeping
  - d. Nursery, sod, or Christmas tree production
  - e. Floriculture
  - f. Aquaculture
  - g. Forest management
  - h. Enrolling land in a Federal Agricultural Commodity Payment Program or a Federal or State Agricultural Land Conservation Payment Program.
  - i. Any other use that DATCP, by rule, identifies as an agricultural use.
2. Except for those uses listed in Section 4.601D.1., Agricultural-related uses in a facility, whether or not located on a farm, that has at least one (1) of the following as a primary and not merely incidental purpose:
  - a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the FP – Farmland Preservation District.
  - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the FP – Farmland Preservation District.
  - c. Slaughtering livestock, including livestock from farms in the FP – Farmland Preservation District.
  - d. Marketing livestock to or from farms, including farms in the FP – Farmland Preservation District.
  - e. Processing agricultural by-products or wastes received directly from farms, including farms in the FP – Farmland Preservation District.
  - f. Any other use that DATCP, by rule, identifies as agriculture related use.
3. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a Conditional Use under Wisconsin Statute 91.46(1)(e)
4. Undeveloped natural resource and open space areas.
5. Transportation, utility, communication, or other uses that are required under state or federal law to be in a specific place or that are authorized to be in a specific place under a state or federal law that preempts the requirement of a Conditional Use Permit for that use.
6. Except for those uses listed in Section 4.601D.1., Accessory Uses including any of the following uses on a farm:
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
    - 1) A facility used to keep livestock on the farm.
    - 2) A facility used to store or process inputs primarily for agricultural uses on the farm.
    - 3) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
    - 4) 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.

- 5) Any roadside stand or similar use 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 fifty (50) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) 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.
- 6) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- b. An activity or business operation that is an integral part of or incidental to, an agricultural use.
- c. A farm residence. (see 4.700 Residence, Farm)
- d. A business, activity, or enterprise, whether or not associated with an agricultural use, conducted by the owner or operator of a farm, that requires no buildings or structures or improvements other than those described in Paragraph 1. or 3. of this subsection, which employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of another protected farmland. Home Occupations as defined in Section 4.700 are included, and must also meet the standards in Section 4.506.
- e. Any other use that DATCP, by rule, identifies as an Accessory Use.

### C. Conditional Uses – Residential

1. The creation of a nonfarm residence, or a proposal to convert a farm residence through a change in occupancy, shall be subject to the following if the residence is in a base farm tract:
  - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than one to twenty (1 to 20) after the residence is constructed or converted to a nonfarm residence.
  - b. There will not be more than four (4) dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than five (5) dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
  - c. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
    - 1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
    - 2) Significantly impair or limit the current or future agricultural use of another protected farmland.
2. The creation of a nonfarm residence on a parcel that was legally recorded with the Fond du Lac County Register of Deeds on the date of the adoption of this Ordinance, was not a base farm tract, and is in the FP – Farmland Preservation District shall be subject to the following:
  - a. The parcel cannot be further divided unless it is rezoned to a Zoning District other than FP – Farmland Preservation District.
  - b. The location of the nonfarm residence will not do any of the following:
    - 1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
    - 2) Significantly impair or limit the current or future agricultural use of another protected farmland.
3. Nonfarm residential cluster created from a base farm tract that covers more than one (1) nonfarm residence if all the following apply:
  - a. The parcels on which the nonfarm residences would be located are contiguous.

- b. Legal restrictions are imposed on the construction of the nonfarm residences so that if all the nonfarm residences were constructed, each would satisfy the requirements under Section 4.601C.1.

#### **D. Conditional Uses – Non-Residential**

1. Non-residential Conditional Uses:
  - a. Transportation, communications, pipeline, electric transmission, utility, or drainage uses including public airports and landing strips. Please note public airports must qualify as either a governmental use under Wisconsin Statute 91.46(1) (g) or meet Wisconsin Statute 91.46(5) or as a transportation use under Wisconsin Statute 91.46(f) and meet Wisconsin Statute 91.46(4).
  - b. Governmental, institutional, religious, or nonprofit community uses
  - c. Cemeteries but must qualify under Wisconsin Statute 91.46(1) (g) and meet the requirements of Wisconsin Statute 91.46(5).
  - d. Solar energy systems-utility under Wisconsin Statute 91.46(4).
  - e. Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources
  - f. Outdoor public recreation (passive and active) if they are governmental, institutional, religious, or nonprofit community uses.
  - g. Animal boarding or breeding facility not an Accessory Use to a farm.
  - h. Nonmetallic mining
  - i. Livestock facilities of five hundred (500) or more animal units. Must comply with Section 4.602.
2. For a Non-Residential Use listed in Paragraph 1. above to be considered for a Conditional Use Permit in the FP – Farmland Preservation District, it must meet the following standards:
  - a. The use and its location are consistent with the purposes of the district.
  - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
  - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
3. In addition to the standards listed in Paragraph 2. above, nonmetallic mining uses must meet the following standards:
  - a. The operation complies with Wisconsin Statute Chapter 295 subchapter I as amended and rules promulgated under that subchapter, with Section 4.605, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
  - b. The owner is required to restore the land to agricultural use, consistent with Chapter 36 Nonmetallic Mining Reclamation Ordinance of the Fond du Lac County Code of Ordinances, when extraction is completed.

## 4.602 Livestock Facility Siting

### A. Incorporation of State Law

Pursuant to the provisions of Wisconsin Statute 93.90, the Town of Ripon does hereby adopt and incorporate into this Zoning Ordinance the provisions of Wisconsin Statute 93.90 and ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of Wisconsin Statute 93.90 and ATCP 51 of the Wisconsin Administrative Code. The Town of Ripon's Zoning Ordinance hereby reflects the provisions of Wisconsin Statute 93.90 and ATCP 51 of the Wisconsin Administrative Code as if said statutory and administrative provisions were set forth in their entirety within the text of the Town's Zoning Ordinance.

### B. Conditional Use Permit

The application for a Conditional Use Permit for livestock facilities that meet the standards of ATCP 51.02 of the Wisconsin Administrative Code shall include the application form found at:

<https://datcp.wi.gov/Documents/LSApplication.pdf>

### C. Compliance Monitoring

The Town of Ripon shall monitor compliance as follows:

1. Upon notice to the livestock facility owner, a request by the right of the Town of Ripon Zoning Administrator 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 Ripon 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 protection of the public health and safety under Wisconsin Statute 66.0119.
3. If a permitted premise 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 (5) days of receipt of the notice of noncompliance. The Town of Ripon shall schedule a hearing within five (5) 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.

### D. Appeals

1. In addition to other appeal rights provided by law, Wisconsin Statute 93.90(5), provides that any "Aggrieved Person" may request review by the Livestock Facility Siting Review Board of any decision by the Town of Ripon about a permit application based on the following scenarios:
  - a. An "Aggrieved Person" may challenge the decision claiming the Town of Ripon incorrectly applied the standards under this Ordinance or violated Wisconsin Statute 93.30.

- b. An "Aggrieved Person" under this section as defined in Wisconsin Statute 93.90(5) means a person who applied to the Town of Ripon for approval of a livestock siting or expansion, a person who lives within two (2) miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two (2) miles of a livestock facility that is proposed to be sited or expanded.
  - c. An "Aggrieved Person" may request review of any decision of the Zoning Administrator or action by the Town of Ripon. Any appeal brought under this section must be requested with thirty (30) days of the Town of Ripon approval or disapproval or within thirty (30) days after the decision on appeal before the Town of Ripon.
2. Any appeal to the State Livestock Facility Siting Review Board shall comply with Wisconsin Statute 93.90 and administrative rules of said board.

#### **4.603 Junk or Salvage Yard**

##### **A. Standards**

1. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the business.
2. Junk or salvage materials shall be enclosed by a suitable fence built at the setback line, so the materials are not visible from other property near the junk or salvage yard, from a public road, or from navigable water. The fence shall be a minimum of eight (8) feet in height and shall be properly maintained to satisfy the obscuring objective.
3. Junk or salvage materials shall not be piled higher than the height of the fence.
4. For fire protection, an unobstructed firebreak shall be maintained on the interior of the fence that is fifteen (15) feet in width and surrounds the junk or salvage yard.
5. Junk or salvage materials shall not be in a wetland, floodplain, or other features considered highly susceptible to groundwater contamination.
6. Appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease, or other contaminants. At a minimum, there shall be five (5) feet of soil between the surface of the ground and the water table or bedrock.
7. 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.
8. All junk and salvage yards shall be maintained 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.
9. Noxious weeds shall be controlled.
10. 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.
11. No materials or wastes shall be deposited on a site to allow their transportation off the site by normal natural causes.
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.
13. 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 applicable regulations.

## 4.604 Nonmetallic Mining

### A. Intent

The intent of these regulations is to promote public health, safety and general welfare; protect the demand for and economical extraction of nonmetallic minerals; permit the development and utilization of nonmetallic mineral resources in a manner compatible with neighboring land uses; preserve environmentally sensitive areas, such as the Niagara Escarpment, which is a unique geological formation; avoid the degradation of existing private and public water supplies; and, to minimize potential adverse environmental impacts of nonmetallic mining operations through the use of best management practices. These regulations are to be used in concert with Section 36 of the Fond du Lac County Code of Ordinances (the Fond du Lac County Nonmetallic Mining Reclamation Ordinance).

### B. Application

In addition to the application requirements of Section 4.302 all applications for a proposed nonmetallic mining operation shall include the following information, except that the Town may waive portions of the specified information upon finding that, because of the nature or method of the operation, such information is not relevant or is unnecessary to a full and proper evaluation of the application:

1. General Information:

- a. The name and mailing address of the property owner(s), and operator, if different from the owner(s). If the applicant is a corporation, partnership, limited liability company or limited liability partnership, the application shall include the exact name of the business entity; the date of incorporation, registration or organization; the state in which the entity was incorporated, registered or organized; and the name, address and phone number of the designated contact person for the applicant.
- b. The name, address and phone number of an individual who is responsible for the daily operation and maintenance of the site and who will serve as the primary contact person for the Town.
- c. A signed statement the applicant, owner(s) or operator, if different, is familiar and will be in compliance with the provisions of this section, including the responsibility to pay the required fees and any possible citations, if imposed for a violation, for the administration and effective enforcement of this section.

2. Site Plan:

A site plan, drawn at a scale of 1" = 200' which produces a clearly legible drawing, which shall include the following:

- a. North point, scale, and date.
- b. Property boundaries of the operators owned and/or leased land.
- c. Location and boundaries of the nonmetallic mining site, including extent of the area to be excavated, related storage, stockpiling and processing areas, the progression of all activities throughout the duration of the permitted activity, and areas where nonmetallic mining refuse is to be deposited. The plan shall include the areas proposed for operation because of the application, and, any known future areas of operation to be subject of a separate, future application, as well as any areas not subject to this Ordinance, due to being a legal nonconforming use or being covered by a Conditional Use Permit issued prior to the effective date of this Ordinance.
- d. Location of all access points, roads, rights-of-way, and utility easements on or abutting the property.
- e. Location of all structures within five hundred (500) feet of the mining site.
- f. Location and direction of flow of both ground and surface water on or within three hundred (300) feet of the mining site and, the disposition of both ground and surface water. Said location and direction to be portrayed graphically. Maps prepared by the County or State may be used to satisfy this requirement. Maps that are not prepared by the County or State shall be prepared by a qualified professional engineer, geologist or hydrologist.
- g. Benchmarks, if needed for the contour maps.

- h. A Topographic Map, with a contour interval of not more than four (4) feet, of the proposed mining site and the area within three hundred (300) feet of the mining site. The Site Plan shall specify the reference elevation, such as mean seal level, an on-site benchmark or other commonly accepted references.
  - i. Areas to be used for drainage and erosion control management or sedimentation ponds, if any.
  - j. Proposed parking areas, signs, and fencing, including a description of the purpose of the fencing.
  - k. Typical cross section of the site showing the water table.
  - l. All wetlands on the property shall be staked in the field and identified on the site plan.
3. Operation Plan:  
An Operation Plan shall include a description of the proposed nonmetallic mining operation and methods and procedures to be used in mining the site. The Operation Plan shall also include the following:
- a. A legal description and general location map of the tracts of land involved. If property lines are vague or disputed, the property shall be surveyed and marked so all property lines are clearly identified. Such survey shall be initiated and paid for by the applicant, owner or operator, if different.
  - b. The approximate date of the commencement of the operation.
  - c. Type of mining, processing, and transportation equipment to be used.
  - d. Estimated type and amount of materials to be extracted.
  - e. Roads and drives to be used on site, including all points of ingress and egress, and, all primary transportation routes to transport material to State or Federal highways. Access to roads shall not be approved unless written consent is provided by the Town.
  - f. Estimated number of truckloads per day, and estimated weight of material per truckload.
  - g. Operational measure to be taken to minimize noise, dust, air contaminants, and vibrations.
  - h. Operational measures to be taken to prevent groundwater and surface water degradation.
  - i. Measured or estimated depth to groundwater and general groundwater flow direction at the site. Information from the Fond du Lac County groundwater flow maps and aquifer susceptibility maps shall be referenced. If excavations below the water table are to occur, operational measures to be taken to prevent entry of contaminants into the groundwater.
  - j. Operational measures to be taken to stabilize topsoil and other material stockpiles.
  - k. Operational measures to be taken to ensure no wetland is disturbed, unless written approval to disturb the wetland(s) is secured from the U.S. Army Corps of Engineers or the Wisconsin Department of Natural Resources.
4. Drainage and Erosion Control Plan:
- a. All nonmetallic mining operations shall comply with all Wisconsin State Statutes and the Wisconsin Administrative Code provisions regulating erosion control measures and water drainage and discharge from the mining site. All new nonmetallic mining operations shall provide a copy of their Wisconsin Department of Natural Resources Nonmetallic Mining Stormwater Permit, if required, to the Town, prior to beginning mining operations at the site. Operations that are not initially required to obtain a DNR Stormwater Permit must ensure that a Stormwater Permit is obtained if changes to the facility result in the requirement for a DNR Stormwater Permit.
  - b. All expansion or reconfigured operations, or, operations which are altered to add impervious surface, that are not required to obtain a DNR Stormwater Permit, shall comply with Chapter 10, Article II, of the Fond du Lac County, Code of Ordinances (the Fond du Lac County Construction Site Erosion Control Ordinance) and Chapter 10, Article III, of the Fond du Lac County Code of Ordinances (the Fond du Lac County Post Construction Storm Water Management Ordinance), as applicable. A plan illustrating how compliance with these ordinances will be achieved shall be provided at the time of Conditional Use Permit application.

- c. If a permit is not required in subsection B.4.a. and b., then the applicant, or owner or operator, if different, shall submit a plan which includes the following:
  - 1) A written description detailing stormwater drainage and erosion control measures to be taken on site for all mapped information; contours of which shall be shown at four (4) foot intervals; existing drainage ways, subsurface tile drains, pipes and culverts; existing floodplains, wetlands and water bodies within three hundred (300) feet of the boundaries of the property; arrows illustrating the direction of surface water drainage; the impact of the nonmetallic mining activity on adjacent properties both upstream and downstream from the mining site in order to demonstrate that runoff rates from mining activity will not exceed pre-mining runoff rates of a ten (10) year twenty-four (24) hour storm; location and design details of runoff detention facilities planned or constructed; and, temporary and permanent erosion control measures.
  - 2) A copy of the application for, or, if issued, the Wisconsin Department of Natural Resources WPDES Permit, if applicable, shall be submitted to the Town prior to the beginning of mining activities.
  - 3) Copies of all other required local, County, State or Federal erosion control or runoff management permits shall be submitted to the Town prior to the beginning of mining activities.
- 5. Reclamation Plan:
  - a. An approved reclamation plan shall be provided in compliance with Chapter 36 of the Fond du Lac County Ordinances. At the time of application for the Conditional Use Permit the applicant shall have a Draft Reclamation Plan developed in accordance with Chapter 36. If the Conditional Use Permit is granted, the applicant shall submit a Final Reclamation Plan to the Town, which has been approved by Fond du Lac County, prior to beginning mining activities.
  - b. The nonmetallic mining operation shall comply with all Wisconsin State Statutes and the Wisconsin Administrative Code provisions regulating reclamation activities. The Reclamation Plan shall demonstrate the site will be reclaimed with preferential treatment to enhancing natural features or for use as an agricultural site that has soils that are comparable, or of higher quality crop potential, to pre-mining soils and/or neighboring fields and adequate drainage to support plant life. Applicants are encouraged to develop Reclamation Plans that illustrate the site will provide a public benefit such as public recreational trails or park space.
- 6. Lease(s):

If the mining site is leased to the operator a letter which authorizes the operator to enter upon the lessor's land for nonmetallic mining.
- 7. Insurance:
  - a. The applicant shall provide the Town with an agreement to defend and hold the Town harmless against any third party claims resulting from or arising out of any negligent, intentional, or wrongful act or omission of the applicant, its employees, officers, or agents in conducting the operations of the nonmetallic mining operation and site that have been permitted by the issuance of the Conditional Use Permit up until the completion of the final reclamation, except to the extent that the Town shall be found solely liable for any such claim for damages. The hold harmless agreement shall be subject to the approval of the Town's Corporation Counsel.

- b. The applicant shall submit a certificate of insurance identifying the Town and its elected officials, employees and agents as additional insureds with the following minimum coverage limits:
  - 1) Comprehensive General Liability Insurance, including blanket contractual liability insurance, insuring the applicant's obligation to indemnify the Town as provided in this section insuring the Town, its officials, agents, and employees against liability for personal injury, including death of persons resulting from injuries occurring on or in any way related to the use or occupancy of the permitted premises in a minimum amount of one (1) million dollars per occurrence, and, against liability for damage to property occurring on or in or relating in any way due to the permitted premises with the combined aggregate of two (2) million dollars.
  - 2) Comprehensive Public Liability Insurance against claims for bodily injury, death or property damage, occurring on, in, or about the permitted premises or arising out of the operation of the permitted premises. Such insurance shall afford protection of not less than one (1) million dollars with respect to bodily injury or death to any one (1) person, with the combined aggregate of two (2) million dollars with respect to any one (1) accident, and not less than one hundred thousand dollars (\$100,000) with respect to property damage, without deductibles.
8. Additional Information:

By written request the Town may require submittal of such other information as may be necessary to determine the nature of the nonmetallic mining operation and proposed reclamation and the effect on the surrounding area.

### **C. General Requirements**

1. Setbacks:

The setbacks in this section shall apply to all nonmetallic mining activity including, without limitation, the storage of waste materials, stockpiling, inventory, and equipment. The Town reserves the right to require greater setbacks for sand and gravel operations to protect the integrity of the sloped perimeters from erosion. The setback requirements are inapplicable to berms or other methods of landscaping.

  - a. The nonmetallic mining operation shall be located at least fifty (50) feet from all exterior lot lines and at least one hundred (100) feet from public road centerline or twenty-five (25) feet from the road right-of-way, whichever is greater. Adjoining nonmetallic mining operations are not subject to the exterior lot line setback for the lot line that is shared by those operations, if agreed to by the adjoining landowner or operator.
  - b. No nonmetallic mining operation shall be conducted within five hundred (500) feet of a dwelling unit other than that of the owner or operator, unless written permission from the property owner has been obtained by the owner or operator.
  - c. No nonmetallic mining operation shall be less than twelve hundred (1200) feet from the perimeter, if the perimeter has been delineated by the DNR, or the property line if the perimeter has not been delineated by the DNR, of an active, inactive or abandoned landfill, unless a hydrogeological study demonstrates that groundwater contamination will not occur because of the activity nor will groundwater flow be disrupted. The study shall be conducted by a qualified registered engineer, geologist or hydro geologist, demonstrating the impact on existing groundwater flow patterns. Unless otherwise determined by the Town, the location of the landfill will be based on Wisconsin Department of Natural Resources data.

2. Hours of Operation:  
Nonmetallic mining operations of whatever the nature is limited to the hours of 6 a.m. to 8 p.m., Monday through Friday, and 6 a.m. to 2 p.m. on Saturday. No nonmetallic mining activity may be conducted on Sundays or legal holidays. Maintenance is allowed outside the approved hours of operation. Hours of operation established by a valid Conditional Use Permit will not be altered under this section. The hours of operation restrictions may be adjusted to address special circumstances or demonstrated problems, but only if the Town provides its written consent to the modification after notice and a hearing.
3. Dust Control:  
The operator shall use industry best management practices in its efforts to control and minimize fugitive dust, including one (1) of the following: landscaped earthen berms, paved entrance roadways, standard methods of water spray, dust covers on transfer points, and contract sweeping, if needed.
4. Noise Control:  
The applicant shall comply with all applicable noise regulations and industry recommendations, provided such recommendations are not cost prohibitive.
5. Vibration and Blasting:  
The nonmetallic mining operation and activities shall comply with all Wisconsin State Statutes and Wisconsin Administrative Code provisions pertaining to blasting activities. Upon request by the Town, the operator shall submit the blasting logs to the Town.
6. Groundwater Monitoring:
  - a. The applicant shall send a certified letter, with receipt requested, to all neighboring properties which are assessed structures more than a value of one thousand dollars (\$1000) which are located within one thousand (1000) feet of the proposed perimeter of the mining extraction area. The letter shall notify the owner of the owner's right to have a baseline test performed within thirty (30) days of receipt of the letter on the landowner's well. The applicant shall be responsible for all well testing where the property owner has indicated in writing within the thirty (30) day period mentioned that they want to have their well tested and have granted permission for access and testing on the property. Mine operators are strongly encouraged to get written evidence from all property owners that choose not to participate in the baseline testing. Baseline testing shall test for, as a minimum, bacteria, turbidity and drawdown. Testing must be completed and results obtained prior to commencing any permitted activity on site. Drawdown tests shall be conducted when requested in writing by a well owner who believes the quantity of water in the well has been impacted by the mining activities. All tests shall be performed by a qualified third-party professional.
  - b. All test results shall be provided to both the owner and the Town within ten (10) days of receipt of the test results. If test results show that the well is not suitable for use because of the mining activity, the applicant shall take all reasonable steps to alleviate any problems including, but not limited to, immediately providing a temporary water source, well repair, or code compliant well replacement. In no case shall bottled water be provided as a permanent solution. The applicant shall also be responsible for, at the applicant's option, either repairing the well, drilling a new well or casing a well which was found compliant and safe at the time the Conditional Use Permit was issued which later revealed turbidity, or drawdown problems because of the mining activity. Wells that were not included in the baseline testing, due to the installation date, or an owner indicating a willingness to be exempt from the baseline testing, are not subject to these provisions.
  - c. An applicant may install a residential well for use in the nonmetallic mining operation. High capacity wells and high capacity well systems, both as defined in Wisconsin Administrative Code NR 812.07, as amended, shall comply with Wisconsin State Law and Wisconsin Administrative Codes, concerning high capacity well systems.
7. Home Inspections:
  - a. To ensure dwellings and structures are not damaged from blasting or vibration, the applicant or their designee shall comply with Wisconsin Administrative Code, Chapter COMM 7, Explosives and Fireworks.

- b. The applicant shall maintain a list of all complaints of damage and submit the log to the Town upon request. The log shall be accompanied by a descriptive of the applicant's follow-up action.
8. Spill Prevention:
- a. The applicant shall comply with the applicable State and Federal requirements regarding chemical storage and handling and spill response. This includes, but is not limited to, OSHA or MSHA, EPA's Spill prevention or Countermeasures, Alcohol, Tobacco and Firearms, and any other applicable requirements.
  - b. All mining operations shall comply with Sections 18-40 of the Fond du Lac County Code of Ordinances (the Fond du Lac County Illicit Discharge Ordinance).
9. Limits of Operation:
- a. All mining activity shall be limited to the dimensions authorized by permit.
  - b. For operations that were approved by a permit that predates this Ordinance, the extent of mining activity shall be limited to the parameters approved by the permit that authorized the mining activity.
  - c. If the mining activity predated the adoption of zoning in the town in which the mining activity is located, the mining activity can continue up to, but not extend past, the lot lines of the tract of land upon which the activity was occurring at the time of adoption of this Ordinance.
  - d. In no case shall mining activity extend to an adjacent property unless expressly approved by permit.
10. Dumping Prohibited:
- The owner and/or operator of a nonmetallic mining operation shall not place junk material into or outside of the nonmetallic mining site. Nor shall they allow junk materials to accumulate because of dumping by others.
11. Landscaping and Screening:
- Unless an alternative Landscaping and Screening Plan is approved by the Town, all mining activity shall comply with the following:
- a. A berm shall be installed around the perimeter of the operation, except for entrances and exits, in compliance with the following:
    - 1) Prior to construction of said berm, the applicant shall submit and obtain approval from the Town for a detailed berm, landscaping and related Drainage and Erosion Control Plan.
    - 2) The berm shall be installed within fourteen (14) days of stripped overburden and topsoil becoming available from the quarry site or from suitable outside sources. The berm can be installed in phases as material becomes available.
    - 3) Only clean overburden from the mining site or suitable outside sources shall be used in constructing the berm.
    - 4) The berm shall be at least ten (10) feet above the surface of the center of the adjacent public road. For areas, not adjacent to a public road, a berm half the height of the largest wheel of equipment used in the mining operation shall be installed around the active mining area, but in no case of a lesser height than required by the Mine Safety and Health Administration.
    - 5) The outward-facing slopes of said berm shall not be steeper than three (3) horizontal units to one (1) vertical unit. The inner facing slopes may be steeper, but must be stabilized and maintained to remain stable.
    - 6) The berm shall be constructed to not result in flooding, concentrated runoff, inadequate drainage or excessive erosion or sedimentation.
    - 7) The exterior of the berm shall be kept free of noxious weeds, trash and debris.
  - b. Berm Landscaping Tree Requirements:

The following requirements shall be met at the time of the establishment of the berm.

    - 1) **Number of Trees:** There shall be at least ten (10) evergreen trees per one hundred (100) linear feet of landscape buffer, or fifteen (15) deciduous trees per one hundred (100) linear feet of landscape buffer, or a combination of seventy (70) percent evergreen and thirty 30 percent deciduous accounting for at least fifteen (15) trees per one hundred (100) linear feet of landscape buffer.

- 2) **Tree Placement:** The trees may be staggered provided that the centers of the trees are not greater than fifteen (15) feet apart, and provided there is at least one (1) tree within each ten (10) foot horizontal segment of the landscape buffer.
- 3) **Height:** The required trees shall be at least four (4) feet in height at the time of the establishment of the landscape buffer. The required trees, at maturity, shall be at least fifteen (15) feet in height.
- 4) **Tree Materials:** Tree species to be in landscape buffers shall be suitable for survival in Fond du Lac County's climate and soil conditions found at the site.

*Note: To select suitable trees, applicants are urged to consult with foresters, landscape architects, or arbor culturists; or, to refer to the publication, A Guide to Selecting Landscape Plants for Wisconsin, by E.R. Hasselkus, available from University of Wisconsin Cooperative Extension Service.*

- 5) **Maintenance:** Mature landscape buffers shall be maintained to retain the spacing and height requirements. Trees may be thinned provided an opaque screening is still maintained.

#### D. Permits

1. Permit Review:

Provided the application demonstrates compliance with the provisions of this section, a Conditional Use Permit application shall be scheduled for a public hearing and processed accordingly with Section 4.303 Conditional Use Permit. When reviewing the application, the Town shall consider, as a minimum, the following:

- a. The appropriateness of the proposed operation in relation to the existing nearby land uses.
- b. Any applicable recommendations of the Natural Resources Conservation Service Technical Guide.
- c. The effect of the proposed operation upon existing private and public water quality and quantity.
- d. The economic impact of the proposed operation on private enterprises and local government (i.e. road repair expenses).
- e. The effect of the proposed operation on public health and safety.
- f. The location of, and effect upon, the proposed operation with respect to floodplains, floodways, drainage paths, and shorelands.
- g. Evidence no wetlands will be filled or negatively impacted because of the mining activity.
- h. For operations located in the FP – Farmland Preservation District, said operation shall also satisfy the requirements of Wisconsin Statute 91.46(6).

2. Duration and Renewal of Permit:

Conditional use permits for nonmetallic mining shall be effective for five (5) years, unless a lesser time period is specified by the Town. Renewals of permits shall be issued as follows:

- a. Applications for permit renewal must be submitted at least sixty (60) days prior to the expiration date of the existing permit. Such applications shall comply with the requirements of Section 4.604 B.1. a.b. and c., but not need any items shown on previously submitted applications, unless different. Renewal applications may merely indicate no change in such items. Any changes from prior applications shall be shown on applications for permit renewal.
- b. Because the anticipated life of the nonmetallic mining operation is likely to exceed five (5) years, and because the applicant will be making a substantial investment in the development of the nonmetallic mining site during the initial five (5) year term, the Conditional Use Permit shall be renewed unless the applicant fails to comply with the requirements of the Conditional Use Permit and this Ordinance. To ensure compliance, the Town shall annually inspect the nonmetallic mining operation.

- c. No permit renewal shall be granted unless the project is in compliance with the terms of the existing permit, including the reclamation approved by the Town or the East Central Wisconsin Regional Planning Commission, unless a plan for coming into compliance has been submitted and approved by the Town. The renewal permit shall not be terminated or denied without first providing the applicant with a notice of a hearing and a hearing at which the applicant shall be given the right to respond to the alleged default. Termination or non-renewal shall occur only in the event of an applicant's failure to comply with any material term of the original permit, the Operation and Reclamation Plan, the performance standards incorporated herein, or upon a significant change in material circumstances rendering continued operation under the Conditional Use Permit to be contrary to the health, safety, or welfare of the Town of Ripon.
  - d. Permit renewals may be conditioned upon correction of any unanticipated environmental impacts that occur during the original or renewal permits.
  - e. Unless a public informational hearing is requested by a person who resides within, owns property within, or whose principal place of business is within three hundred (300) feet of the nonmetallic mining site, no public hearing shall be required to be held with the respect to a renewal application. However, if the application provides for an enlargement of the previously approved mining site, or, otherwise provides for an alteration or change in the method of operations or reclamation previously approved, a new Conditional Use Permit shall be required and approved only after finding such change will not adversely affect neighboring properties.
  - f. Renewal permits shall be issued for another five (5) years.
3. Transfer of Permit:
- When an operator succeeds to the interest of another at an uncompleted site, the first operator shall be released of the responsibilities imposed by the permit, but only if:
- a. The operation is in compliance with the requirements of this section and the permit for the operation.
  - b. The operator assumes the responsibility of the former operator to complete the reclamation of the entire mining site by written, signed and notarized document and provides financial assurance for such reclamation.

#### **E. Mining Site Enlargement**

Any proposed mining site enlargement shall be processed as a new application pursuant to this section. All provisions of this section shall apply to the proposed enlargement.

#### **F. Failure to Open and Operate**

Failure of an operator to take substantial steps to open and operate a mining site within one (1) year of the initial permit issuance shall invalidate the permit. A new permit application shall be required for any future mining activity.

#### **G. Abandonment of Nonmetallic Mining Operations**

If abandonment of nonmetallic mining operations occurs, new mining operations shall not be permitted, except upon permit issuance as prescribed by this section.

## 4.605 Outdoor Public Recreation

### A. Active

1. 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): Please note that shooting ranges within the FP – Farmland Preservation District must qualify under Wisconsin Statutes 91.46(1) (g) and 91.46(5).
  - a. Potential hazards to adjacent uses
  - b. Topography and ground cover
  - c. Noise
  - d. 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 (1/2) mile.
  - e. An adequate shot fall or bullet impact area
  - f. A defined firing line or firing direction
  - g. Adequate target backstops for the firing of rifled arms
2. Campgrounds and Camping Resorts:

Land uses designed, maintained, intended or used for providing camping sites for nonpermanent overnight use to accommodate not more than one (1) recreational vehicle, 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 lot of land containing two (2) or more recreational vehicles used for habitation and occupied twenty-four (24) hours or longer shall be deemed a campground or camping resort.

  - a. 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.
  - b. Minimum campground/camping resort size: five (5) acres.
  - c. Minimum camping site space: twelve hundred (1,200) square feet per camping site. (All allotted individual lot area shall be in one (1) contiguous lot 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.
  - d. The density shall not exceed twenty (20) camping sites per acre of gross camp area.
  - e. Any recreational vehicle, park model, or tent used for habitation and occupied twenty-four (24) hours or longer is limited to thirty (30) days per calendar year in a residential zoning district and one hundred twenty (120) days per calendar year in a non-residential zoning district.
  - f. 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 can prevent soil erosion and of eliminating objectionable dust.
  - g. Each walkway shall have a minimum width of thirty-six (36) inches. No camp site shall ingress or egress directly upon a State, Federal, County, or Town road.
  - h. Except for the interior road system, all recreational vehicles, park models, or tents shall be set back from any park area boundary line abutting upon a public street or highway according to set back requirements in Section 4.509 D. Setback Distances.
  - i. Every camp shall be in a well-drained area not subject to intermittent flooding and properly graded 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 in an area that is situated so that drainage from any source of filth can be deposited thereon.

- j. There shall be one (1) 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 twenty-five hundred (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.
- k. 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.
- l. 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 ten (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 because of excessive noise, odor, unsightliness, etc., would detract from the recreational character of the camping area.
- m. There shall be a minimum of ten (10) camping sites completed and ready for occupancy before the first occupancy is permitted.
- n. 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 Ripon and shall cause the eviction of any tenants of said campgrounds who violate the same.
- o. The person or organization to which 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.

#### **4.606 Residential Structures**

##### **A. Single-Family**

All single-family residences, one (1) dwelling unit, shall meet the following requirements:

- 1. Secured to a permanent enclosed foundation that meets all applicable state building codes.
- 2. The minimum floor area shall be seven hundred (700) square feet, exclusive of attached garages, carports, or open decks.

##### **B. Two-Family**

All two-family residences, two (2) dwelling units, shall meet the standards for a single-family residence with the minimum livable area of each unit shall be not less than seven hundred (700) square feet, exclusive of attached garages, carports, or open decks.

##### **C. Multiple-Family**

All multi-family residences, three (3) or more dwelling units, shall meet the standards for a single-family residence with the minimum livable area of each unit shall be not less than seven hundred (700) square feet, exclusive of shared areas, hallways, and basements. All multi-family residences shall also meet these added requirements:

- 1. Parking areas shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.

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

#### **D. Mobile Homes**

Mobile homes as defined in Section 4.700 are not allowed in the Town of Ripon except that an existing mobile home not located in a mobile home park on December 15, 2014 shall be permitted to remain in its original location. The existing mobile home may not be extended, enlarged, reconstructed, moved or structurally altered, or replaced with a different mobile home, unless the Zoning Administrator determines that such action:

1. Will be an aesthetic improvement to the mobile home.
2. Will be in fundamental harmony with surrounding uses; and will comply to the extent feasible with requirements for mobile home installation in manufactured/mobile home parks.

#### **E. Manufactured Homes**

A manufactured home as defined in Section 4.700 that is moved into the Town of Ripon after December 15, 2014 must meet the following standards:

1. That the manufactured home is secured to a permanent enclosed foundation that meets all applicable state building codes.

#### **F. Manufactured/Mobile Home Community or Park**

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 Ordinance. These standards shall be in addition 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 ten (10) acres.
2. Lot dimensions and area shall not be less than as follows:
  - a. Minimum width of fifty (50) feet.
  - b. Minimum depth of one hundred (100) feet.
  - c. Minimum area of sixty-five hundred (6,500) square feet.
3. All lots shall abut on a street within the park for at least fifteen (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 (1) 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 fourteen (14) feet.
8. Setbacks applicable to each lot:
  - a. Minimum front yard setback of twenty (20) feet (All yards which abut a street are "front yards").
  - b. Minimum rear yard setback of ten (10) feet.
  - c. Minimum distance between homes of twenty (20) feet.

9. Streets:
  - a. Each street and parking area shall be paved.
  - b. A streetlight shall be placed at each street corner 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 two hundred twenty-five (225) feet as measured down the centerline of the street.
  - c. All streets shall be maintained and plowed by the owner.
10. Parking:
  - a. Each lot shall have an off-street parking space having either:
    - 1) A minimum width of twenty (20) feet and a minimum depth of twenty-four (24) feet, or
    - 2) a minimum width of twelve (12) feet and a minimum depth of forty (40) feet.
  - b. If parking on any street is prohibited within the park, an additional parking area within the park shall be established containing one (1) parking space for every five (5) lots (of fraction thereof) which abut on a street where parking is prohibited.
  - c. All parking shall be paved.
  - d. Parking will only be allowed on streets or paved areas.
11. Walkways not less than three (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:
  - a. Water, domestic waste disposal, natural gas (where available) and electrical utilities shall be provided to each lot.
  - b. All utilities, including telephone and cable TV, shall be placed underground.
  - c. Each lot shall be furnished with a minimum two hundred (200) amp electrical service.
  - d. The owner shall install one (1) 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:
  - a. Each park shall have one (1) 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.
  - b. The total size of such open areas shall be a minimum of five (5) percent of the total land area of the park.
  - c. For every twenty-five (25) lots in the park, there shall be at least one (1) open area in the park having a minimum size of fifty (50) feet by one hundred (100) feet.
14. Landscaping:
  - a. Each lot shall be planted with at least one (1) tree and one (1) shrub. The tree shall be a deciduous tree.
  - b. All lots shall be sodded or planted in grass.
  - c. Trees, grass and landscape material shall be properly maintained and replaced to conform to the approved Landscape Plans and specifications.
15. Park Boundary/Buffer:
  - a. A thirty (30) foot wide buffer zone shall be established around the entire perimeter of the park.
  - b. The buffer zone shall not be part of any lot.
  - c. 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.
  - d. The buffer zone shall be maintained by the owner free of rubbish, debris and weeds.
16. Home Installation:
  - a. Each manufactured/mobile home shall be secured with tie downs and anchoring equipment.
  - b. 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 to enhance the general appearance thereof.

17. Accessory buildings:
  - a. Only one (1) out-building may be placed on each lot.
  - b. The following set back requirements apply to each accessory building:
    - 1) Minimum front yard setback of twenty (20) feet
    - 2) Minimum rear yard setback of three (3) feet
    - 3) Minimum side yard setback of three (3) feet
  - c. All accessory buildings, except for automobile garages, shall be in the rear one-half (1/2) of the lot.
  - d. No accessory building shall exceed one (1) story in height or four hundred (400) square feet in area.
18. No structure may be attached or added to any manufactured/mobile home (additions), except as follows:
  - a. The proposed design and construction standards shall be submitted to the Zoning Administrator before commencement of work on the structure.
  - b. The Zoning Administrator shall review and approve the project only if the structure is designed to architecturally blend with the manufactured/mobile home.

#### **4.607 Signs**

##### **A. Intent**

The intent of these requirements 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. 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 except for painting, posting and general maintenance.

##### **B. Application Process**

No sign, unless listed in Paragraph C. below, 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.

##### **C. Signs That Do Not Need a Permit**

The following signs do not require a permit, if they are not located in a public road/utility right-of-way or in, on, or over public water, wetland, or shoreland:

1. Warning signs not to exceed four (4) square feet located on the premises.
2. Official signs, such as traffic control, parking restriction, information and notices. These signs may be in the public road right-of-way.
3. Rummage or garage sales signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
4. Flags and insignia of any government.
5. Legal notices, identification information or directional signs erected by governmental bodies.
6. Signs directing and guiding traffic and parking on private property.
7. Political message signs during an election campaign, not exceeding eight (8) square feet per lot, posted on private property, provided such signs be removed fifteen (15) days after the election.
8. House numbers or signs identifying parks or country clubs or official bulletin boards.

9. Real estate signs not to exceed eight (8) 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.
10. Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area, located on the premises.
11. Home occupation sign, provided such sign is non-illuminated and does not exceed four (4) square feet in area to advertise the name of a legally permitted home occupation.

#### **D. Signs Allowed in the Business and Industrial Districts**

The following signs are permitted in the Business and Industrial districts, subject to the following restrictions:

1. Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of the wall surface; shall not exceed one hundred fifty (150) square feet in area for any one (1) business and shall not exceed twenty (20) feet in height above the street grade. Wall signs may only advertise on-site businesses.
2. Ground signs shall not exceed twenty (20) feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one (1) sign for each street frontage shall be permitted. Such signs shall not exceed seventy-two (72) square feet in total area.
3. No sign shall be permitted within one hundred (100) feet of a Residential District.
4. The sign will be built within fifty (50) feet of driveway or parking lot.
5. The sign cannot be built within or overhang any right-of-way.
6. Business and industrial signs may be internally lighted or by a hooded reflector, provided that such lighting shall be arranged to prevent glare. No sign shall be lighted by a lighting of intermittent or varying intensity.
7. No sign or advertising device shall be erected or maintained at the intersection of the streets in such a manner as to obstruct an unobstructed vision of the intersection.

#### **E. Conditional Use for all other Zoning Districts**

1. Signs cannot be within or overhang any right-of-way or obstruct an unobstructed vision of an intersection.
2. Signs that advertise a nonprofit.
3. Maximum sign size is sixteen (16) square feet.
4. Sign must be "On-Premise".
  - a. An "On-premise" sign indicates the business/activity conducted on that property and is in the immediate vicinity (within fifty (50) feet) of such business/activity. Immediate vicinity does not include an area across the street or road.
  - b. If the business/activity becomes inactive for one (1) year the sign must be taken down.

#### **F. Prohibited Signs**

1. Animated signs, signs having moving parts, or signs which may be mistaken for traffic signal devices.
2. Signs that have any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs.
3. Signs that create a hazard to vehicular traffic or a nuisance to adjoining residential property.
4. Signs on public rights-of-way, except for public entity signs for traffic control, parking and directional signs as authorized by this Ordinance.
5. Off-premise advertising; excluding nonprofit organizations.

## **G. 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.

## **H. Portable Signs**

Portable signs shall be limited in use to fifteen (15) days at a time following approval by the Town; provided, however, that such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location and not more than fifteen (15) days each time. The maximum size of a portable sign shall be thirty-two (32) square feet on each face, back-to-back. Portable signs shall not be in any public rights-of-way.

## **I. Loss of Nonconforming Sign Status**

A sign loses its non-conforming status if one (1) or more of the following occurs:

1. 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.
2. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
3. Nothing in this Ordinance shall relieve the owner or lessee of a legal nonconforming sign from the provisions of this Ordinance regarding safety, maintenance and repair of signs.

## **4.608 Solar Energy**

### **A. Application Process**

1. Every application for a solar energy system Conditional Use Permit shall be made in writing and shall, upon request, include the following information:
  - a. Name and address of applicant.
  - b. Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
  - c. Scaled drawing of the solar energy system and its dimensions, its height above ground level, orientation, and slope from the horizontal.
  - d. 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.
  - e. Documentation showing that no reasonable alternative location exists for the solar energy system that would result in less impact on neighboring lots.
  - f. 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.
  - g. Such additional information as may be reasonably requested.
  - h. Any of the information required by this section may be waived by the Town at its discretion.
2. 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 (1) of the following conditions:
  - a. The denial or restriction serves to preserve or protect the public health or safety.
  - b. The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
  - c. The denial or restriction allows for an alternative system of comparable cost efficiency.

3. The Town may impose restrictions on a solar energy system relating to any of the following:
  - a. Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
  - b. Wiring and electrical controls of the solar energy system.
  - c. Reimbursement for emergency services required because of the solar energy system.
  - d. Solar energy system ground clearance.
  - e. Solar energy system height.
  - f. Any other matters that the Town finds appropriate.
4. 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.

#### **4.609 Solid Waste Facility (see Chapter 6.02 of the Town of Ripon Code of Ordinances)**

#### **4.610 Telecommunications Towers and Antennas**

##### **A. Intent**

The intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations are designed to protect and promote public health, safety, community welfare, aesthetic quality of the Town of Ripon, and encourage managed development of telecommunication infrastructure. The section shall:

1. Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the interests of the citizens of the Town of Ripon.
2. Ensure that a non-discriminatory, competitive, and broad range of telecommunication services and high-quality telecommunications are provided to serve the community.
3. Minimize conflicting uses of the land and adverse visual effects.
4. Protect environmentally sensitive areas of the Town of Ripon by regulating the location, design, and operation of telecommunication towers, antennas, and related facilities.
5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three (3) or more providers.

##### **B. Exemptions**

This Ordinance shall not govern the installation and or use of:

1. Television antennas, satellite dishes, and receive-only antennas, if they are for personal use of the landowner, the primary use of the property is not a "Telecommunication Facility", and the antenna use is accessory to the primary use of the property.
2. Amateur radio antenna and their supporting towers, poles, and masts that are owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only antennas.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.
4. Any other devices not mentioned above that are exempt according to Section 704 of the Telecommunications Act of 1996.

### **C. General Requirements**

These provisions shall apply to all telecommunications facilities located within the Town of Ripon.

1. All telecommunication facilities shall comply with Federal Communication Commission (FCC), Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), and Federal Aviation Administration (FAA) rules and regulations. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
2. All telecommunication facilities shall comply with the manufacturer's specifications as it relates to design and installation.
3. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
4. The landowner shall provide written authorization for siting the telecommunication facilities on a leased property.
5. All towers and antennas must be adequately insured for injury and property damage.
6. Any required federal, state, or local agency licenses shall be provided prior to the issuance of the Building Permit for proposals to erect new telecommunication facilities.
7. No sign, other than warning, permit number, or equipment information, shall be affixed to any telecommunication facilities.
8. No telecommunication facility shall be artificially illuminated or have strobe lights attached to it unless required by FCC or FAA regulations. Light, if required, shall be shielded from the ground.
9. Camouflaged telecommunication facilities are encouraged and may be required in historical, environmental; or other sensitive areas as determined by the Town of Ripon.
10. All telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
11. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety or fire protection telecommunication facilities. The applicant at no cost to the Town shall correct any actual interference and/or obstruction.
12. A bond with a corporate surety, duly licensed in the State of Wisconsin, in the amount of twenty thousand dollars (\$20,000) to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this Ordinance, including abandonment.

### **D. Prohibited Areas for Telecommunication Facilities**

1. No telecommunication facility may be in the following areas:
  - a. Floodplains
  - b. Wetlands
  - c. Shorelands
  - d. Conservancy-Zoned Districts

2. Notwithstanding the above, the Zoning Administrator shall issue a Zoning Permit provided:
  - a. The applicant requests to attach an antenna to an existing tower, structure, or utility pole, and,
  - b. the antenna does not extend more than twenty (20) feet above the highest point of an existing tower, structure, or pole.

#### **E. Conditional Use Permit Requirements**

All applications for Conditional Use Permits shall include the following information:

1. A report from a registered professional engineer and/or other professionals which:
  - a. Describes the facility's height and design, including a cross-section and elevation;
  - b. Certifies the facility's compliance with electrical standards and structural standards that allow it to accommodate at least three (3) antennas;
  - c. Describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
  - d. Describes the lighting to be placed on the facility if required by the FCC or FAA;
  - e. Certifies that the facility will not cause destructive interference with previously established public safety communication system;
  - f. A plat of survey showing the lot boundaries and a legal description, support facilities, location, access, landscaping and fencing;
  - g. Federal Communication Commission (FCC) license and registration numbers, if applicable. Also copies of Findings of No Significant Impacts statement from FCC or Environmental Impact Study, if applicable;
  - h. Proof of liability coverage that is satisfactory to the Plan Commission;
  - i. An alternatives analysis shall be prepared by the applicant who identifies all reasonable, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the Town. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The Town may require independent verification of this analysis at the applicant's expense.
  - j. A tabular and map inventory of the entire applicant's existing telecommunication towers that are located within the Town of Ripon and includes all the applicant's towers within fifteen hundred (1,500) feet of the Town's corporate boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers and the ability of the tower or antenna structure to accommodate additional co-location antennas.
2. Each application shall include a Facility Plan. The Town will maintain an inventory of all existing and proposed telecommunication facility installations. All applicants shall provide the following information in each plan:
  - a. Written description of the type of consumer services each applicant will provide to its customers (cellular, PCS, SMR, ESMR, paging, or other anticipated telecommunication services), the carrier provider, applicant, landowner, and service provider.
  - b. Provide a list of the applicant's existing telecommunication sites, existing sites to be upgraded or replaced, and proposed facility sites as they are determined and requested within the Town and within fifteen hundred (1,500) feet of the Town's corporate boundary.
  - c. Provide a map of the area that shows the geographic service areas for the provider of the existing and proposed facility sites as they are determined and requested by the provider.
  - d. The name, address, and telephone number of the officer, agent, and/or employee responsible for the accuracy of the application.

3. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the Building Permit or Conditional Use Permit.
4. Additional Information and Analysis:
  - a. The Zoning Administrator or the Plan Commission may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless telecommunication facilities, or facility design alternatives for the proposed facilities.
  - b. The Zoning Administrator or Plan Commission may employ, on behalf of the Town, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.

## F. Performance Standards

1. General:
  - a. Except as provided in this subchapter, all telecommunication facilities shall meet the dimensional standards of the Zoning District in which they are located. Where the facilities are the principal use on a separate lot, the lot shall meet the minimum lot size requirements of the respective Zoning District. On a lot of land that already has a principal use, the facilities shall be considered an Accessory Use and a smaller area of land may be leased provided that all requirements of this Ordinance can be met.
2. Setbacks and Separation:
  - a. The tower shall be set back from the nearest property line a distance equal to one and one-tenth (1.1) times the height of the facility. This setback may be reduced to one-half (1/2) the height of the facility if the applicant submits an engineering report from a registered professional engineer that certifies that the facility is designed and engineered to collapse upon failure within the distance from the facility to the property line. (This requirement does not apply to the boundary of the leased lot unless the leased lot boundary is also a property line.)
  - b. The tower shall not be located within five hundred (500) feet of any residence other than the applicant's residence.
  - c. Towers shall be set back from the nearest road right-of-way a distance equal to the height of the tower or the setbacks established in 4.509 D. Setback Distances of this Ordinance, whichever is greater.
  - d. All guy wire anchors shall be at least twenty-five (25) feet from all property lines except on leased lots.
3. Co-Location/Sharing of Facilities:
  - a. No new facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing facility tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
    - (1) No existing facility towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
    - (2) Existing facility towers or structures are not of sufficient height to meet the applicant's engineering requirements.
    - (3) Existing facility towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - (4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing facility tower or structure would cause interference with the applicant's proposed system.
    - (5) The fees, cost, or contractual provisions required by the owner to share an existing facility tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.

- (6) The applicant demonstrates that there are other limiting factors that render existing facility towers or structures unsuitable.
      - b. New facilities shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is one hundred thirty (130) feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
4. Screening and Landscaping:
  - a. The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures, equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.
5. Security Fencing:
  - a. All towers shall be reasonably protected against unauthorized access. The bottom of the tower shall be enclosed with a minimum of an eight (8) foot high fence with a locked gate.
6. Lighting:
  - a. Security lighting for on-ground facilities equipment is permitted if it is down-shielded to keep light within the boundaries of the site.
7. Color and Materials:
  - a. All towers and antennas shall use building materials, colors, textures, screening, and landscaping that blends the facilities with the surrounding natural features to the greatest extent possible. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. Galvanized towers may be permitted.
  - b. All metal towers shall be constructed or treated with corrosion resistant material.
8. Parking and Access:
  - a. Adequate parking spaces shall be provided on each site so that parking on public road right-of-way's will not be necessary. Access must be provided by an all-weather driveway, and access must be approved by the applicable highway offices.
9. Height:
  - a. The applicant shall identify the height of the proposed tower and provide justification for the height chosen. The Plan Commission can modify the height after review of the application. Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce the visual impact without compromising their function.

## **G. Revocation**

1. Grounds for revocation of the Conditional Use Permit shall be limited to one (1) of the following findings as determined by the Town of Ripon Plan Commission:
  - a. The owner of such site, service provider, and/or tower owner fails to comply with the requirements of this Ordinance as it existed at the time of the issuance of the Conditional Use Permit.
  - b. The permittee has failed to comply with the conditions of approval imposed.
  - c. The facility has not been properly maintained.
  - d. A permit shall expire twelve (12) months after issuance if the tower and/or supporting facilities have not been erected. An extension of time may be granted by the Plan Commission upon request.

2. Revocation Process:

- a. If one (1) of the findings exists, the Town shall notify the permittee of the noncompliance. The permittee will be given an opportunity to present their position to the Plan Commission or a minimum of thirty (30) days to comply.
- b. If compliance is not received within thirty (30) days, the Plan Commission shall hold a hearing to review the noncompliance. Notice shall be given, testimony received, and a written decision made by the Plan Commission based on substantial evidence.

**H. Abandonment**

The owner of a telecommunication facility under this Ordinance shall notify the Town of Ripon when the facility is no longer in operation. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations unless the Town approves a time extension. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within five (5) feet of ground level. If removal and/or restoration is/are not completed, the Zoning Administrator may order removal utilizing a performance bond which shall be provided by the telecommunication provider to the amount of twenty thousand dollars (\$20,000). The Town of Ripon will be named as obligee in the bond and must approve the bonding company.

**I. Appeals Procedure**

Appeals may be taken by aggrieved party as provided under Section 4.204 Board of Appeals.

**J. Fees**

Fees for permits are provided under Section 4.311.

**K. Penalties**

Penalties for violations are provided under Section 4.206.

**4.611 Wetlands and Shorelands**

Wetlands, streams, rivers, and lakes are shown on the Town of Ripon's Zoning Map. Land use in or near these areas are or may be regulated by the Fond du Lac County Shoreland Zoning Ordinance. Landowners that are considering applying for a Zoning Permit should consult the Zoning Map to make an initial determination as to whether there are wetlands, streams, rivers, and/or lakes on or near their property. Landowners are cautioned that the mapping of these features is general in nature, and that a conclusive determination can only be made through an on-site visit by Fond du Lac County and/or Wisconsin Department of Natural Resources staff.

**4.612 Driveway Access (see Chapter 6.05 of the Town of Ripon Code of Ordinances)**

**4.613 – 4.699 RESERVED**

## Section 4.700 Definitions

### 4.701 General Definitions

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" be mandatory and not directory. Any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

### 4.702 Specific Words and Phrases

**Abandonment of Nonmetallic Mining Operations:** The cessation of nonmetallic mining operations for more than three hundred sixty-five (365) consecutive days where the cessation is not specifically set forth in an operator's application, Operation or Reclamation Plan or Permit, or is not specifically approved by the Planning, Zoning and Farmland Preservation Committee upon written request. Abandonment of operations does not include the cessation of activities due to labor strikes or natural disasters.

**Abrogate:** End an agreement or contract formally and publicly.

**Adjudge:** To judge somebody or something in a particular way.

**Adult-Oriented Establishment:** An adult-oriented establishment shall include, but is not limited to, "adult bookstores," "adult motion picture theatres," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect.

**Alley:** A road or thoroughfare affording only secondary access to abutting property.

**Animal:** Vertebrates limited to; Mammals, Reptiles, Birds, Fish, Amphibians

**Animal, At-Large:** An animal not under supervision of owner or someone designated by the owner. Supervision may be achieved by using a leash or fence or other enclosure. Animals used for sport, I.E. hunting dogs, supervision can be maintained if the animal is within handler's voice and/or view.

**Animal, Companion:** An animal that is kept for emotional support, comfort, enjoyment etc.

**Animal, Farm:** Any warm-blooded animal normally raised on a farm and used for food and/or fiber.

**Animal, Pet:** An animal kept for personal companionship.

**Animal Shelter:** A structure built to protect an animal from the effects of weather and individual injury.

**Antenna:** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include Omni-directional antenna (rod), directional antenna (panel), or parabolic antenna (disc).

**Applicant:** An owner of Town Property which applies for a change to their property.

**Auto Wrecking Yard:** Any premises on which three (3) or more unregistered/licensed vehicles are stored in the open.

**Base Farm Tract:**

1. All land, whether one (1) parcel/sub-parcel or two (2) or more contiguous parcels/sub-parcels, that is in the Farmland Preservation Zoning District and that is part of a single farm on December 15, 2014, regardless of any subsequent changes in the size of the farm.
2. Any other tract that DATCP by rule defines as a base farm tract.

**Basement:** That portion of any structure located partly below the average lot grade.

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

**Building:** Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals or property.

**Building Area:** Total ground coverage in square feet of all buildings and structures including garages and other attached or accessory structures.

**Buildable Area of a Lot:** That part of the lot bounded by the required building setback from the front, side, and rear yard line.

**Building Height:** The vertical distance from top of foundation to the tip of highest roof peak.

**Cat:** Any feline.

**Centerline:** A line connecting multiple points on a highway from which setback lines shall be measured.

**Channel:** A natural or artificial waterway of perceptible extent, with definite bed and banks to confine a continuous or periodically flow of water.

**Co-Location Antenna:** The location of more than one (1) antenna or set of antennas on the same tower structure.

**Common Ownership:** Ownership by the same person or persons, or by a legal business 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 lot owned by one (1) member of a married couple is deemed to be owned by the married couple.

**Conditional Use:** A land use that would not be appropriate generally or without restriction throughout a specified area, but if controlled as to the number, area, location, or relation to the surrounding properties by the imposition of appropriate conditions, could promote the public health, safety, or general welfare.

**Construed:** To interpret or understand the meaning of a word, gesture, or action in a particular way.

**Contiguous:** Adjacent to or sharing a common boundary. This 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. Lots are not contiguous if they meet at only a single point.

**Cruel Behavior:** Causing unnecessary excessive pain, undo suffering, neglect, or unjustified injury or death.

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

**Deck:** An exterior appendage to a building forming an approach, whether covered or not, and having a floor. For purposes of this Ordinance, a deck shall be considered a part of the structure to which it is adjacent and shall comply with all provisions relative to that structure. Any freestanding deck shall be considered an accessory structure.

**Density:** Several units in each land area.

**District, Basic:** A part or parts of the Town for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

**District, Overlay:** Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic Zoning District without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

**Dog:** Any canine.

**Dog, Adult:** A dog which is (5) five or more months old.

**Dog, Puppy:** A puppy is less than (5) five months old.

**Dog Run:** A structure built to allow a dog to exercise.

**Dog, License:** A license issued to an owner of a properly documented and immunized adult dog.

**Dog, Multi-Dog Licenses:** Licenses issued, with the approval of the Town Board, to an owner of up to (12) twelve properly documented and immunized adult dogs.

**Dog, Kennel Permit:** A Commercial or Hobby Permit issued to a landowner that has (4) four to (12) twelve properly documented and immunized adult dogs.

**Dwelling Unit:** A building or portion thereof which provides or is intended to provide living quarters exclusively for one (1) family. A duplex shall be considered one (1) dwelling unit for purposes of density calculations only.

**Dwelling, Multiple:** A building or portion thereof designed for and occupied by more than two (2) families including tenement houses, row houses, apartment houses, and apartment hotels.

**Dwelling, Single-Family:** A detached building designed for or occupied exclusively by one (1) family.

**Dwelling, Two-Family:** A detached building containing two (2) dwelling units, designed for occupancy by not more than one (1) family per dwelling unit.

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

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

**Farmland Preservation Plan:** A plan for the preservation of farmland in a county, including an Agricultural Preservation Plan under Wis. Stat. subchapter. IV of Chapter 91, 2007.

**Farm:** Land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least six-thousand dollars (\$6,000) in annual gross farm revenues to its owner or renter, regardless of whether most the land area is in agricultural use.
2. Most the land is in agricultural use.

In determining whether land is in agricultural use for purposes of paragraph 2., the Town may consider how the land is classified for property tax purposes (see Ch. TAX Wis. Adm. Code)

**Farm Acreage:** For use in Section 4.601C.1. acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

**Farmland Preservation Zoning District:** means a Farmland Preservation Zoning District designated under Wis. Stat. 91.38(1) in an ordinance described in Wis. Stat. 91.32(2).

**Fence:** A fence is a barrier made of wood, iron, stone, or other material.

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

**Findings of Fact:** The facts that support and give credence to the recommendation on an amendment to the Zoning Ordinance made by the Plan Commission to the Town Board and the action taken by the Town Board.

**Floor Area:** The total area bounded by the exterior walls of a building usable as living quarters, but not including unfinished basements, garages, porches, breezeways, and unfinished attics. An unfinished area is vacant or used for storage and/or utility purposes.

**Fresnel Zone:** Several concentric ellipsoids of revolution, which define volumes in the radiation pattern of a (usually) circular aperture. Fresnel zones result from diffraction by the circular aperture. The cross section of the first Fresnel zone is circular. Subsequent Fresnel zones are annular in cross section, and concentric with the first. A Fresnel zone is created in a microwave radio path.

**Frontage:** The portion of a lot abutting a road measured along the road line.

**Garage, Private:** Any accessory building or space for which the primary use is or is designed to be for the storage of motor vehicles.

**Garage, Public:** Any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

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

**Hedge:** A hedge is a barrier consisting of natural or artificial vegetation.

**Height:** The distance measured from the original grade at the base of the structure to the highest point of the structure.

**Hobby:** A regular activity that is done for enjoyment, typically during one's leisure time.

**Home Occupation:** A gainful occupation conducted by members of the family, only within their place of residence where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home occupation.

**Hotel-Motel:** A building in which lodging, with or without meals, is offered to transient guests for compensation.

**Impervious Surface:** Any area that has been covered with material that significantly reduces the land's natural ability to absorb rainfall. This includes areas that have been paved with concrete, asphalt, or gravel, and areas covered with a structure. Impervious areas include any type of roof, patios, driveways, and private sidewalks and walkways. Lawns, landscaping, road right-of-way and public walkways are not included.

**Junk or Salvage Yard:** An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, the purchase or storage of used furniture and household equipment, house wrecking and structural steel materials and equipment yards, but not including used cars in operable condition.

**Kennel, Commercial:** A business establishment where animals are kept for the purposes of breeding, sale, boarding, fostering, training or use in sporting events, all or in part as a service for hire to persons other than or in addition to the kennel owner.

**Kennel, Hobby:** An establishment where animals are kept for the purposes of companionship, fostering, training or use in sporting events, as a leisure activity.

**Lattice (Self-Support) Tower:** A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

**Legal Entity:** Corporation, Limited Liability Company, Limited Liability Partnership, Joint Venture.

**Livestock:**

1. For use in determining compliance with Wis. Stat. Ch. 91 Wis. Farmland Preservation, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
2. For use in determining compliance with Wis. Admin. Code ACTP 51 Livestock Facility Siting, 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.

**Lot:** For the purposes of this Ordinance a lot shall be defined as land on which a principal building or use and its accessory building or use are placed together with the required open spaces; provided that no such land shall be bisected by the public road, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for road purposes shall be included in the computation of lot size for the purposes of this Ordinance.

**Lot Line, Front:** The lot line that fronts on the right-of-way line for a public or private road.

**Lot Depth:** The average distance from the front to the rear lot lines.

**Lot Width:** The distance between side lines of the lot measured at the front yard setback line.

**Maintenance:** Any work necessary to continue present use and upkeep of structure. If work involves replacement of materials, new material must be of comparable substance, style, use and proportional value as that being replaced.

**Manufactured Home:** A structure substantially completed off-site meeting minimum provisions for dwellings and meets all the following criteria:

1. Transportable in one (1) or more sections.
2. Built on a permanent chassis
3. Placed on a permanent foundation
4. Connected to utilities (plumbing, heating, gas, electrical).
5. Constructed on or after June 15, 1976 in accordance with U.S. Housing and Urban Development Standards and identified with a H.U.D. seal of approval.

**Mining Site Enlargement:** Any horizontal or vertical increase beyond dimensions of the original application for the project site.

**Mobile Home:** A structure which was constructed prior to June 15, 1976 and was designed to be transported as a single unit or in sections by any motor vehicle upon a public highway and is designed, equipped, and used exclusively for sleeping, eating, and living quarters, or is intended to be so used, and which has an overall length more than forty-five (45) feet.

**Mobile Home Park:** Any plot or tract of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.

**Model Home:** A single family dwelling unit that is used as a model for inspection by prospective home buyers and is unoccupied as a residence, but is intended for eventual use as a single-family residence and which may or may not contain a home sales office.

**Modular Home:** A dwelling substantially completed off-site, transported to the building site, assembled on site, and placed on a permanent foundation. Excluding garages and other appurtenances, modular homes shall not exceed a length to width ratio of three (3) to one (1). Also, a modular home shall not include any type of permanently attached undercarriage or chassis.

**Monopole:** A tower of single pole design.

**Nonconforming Structure:** A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendments thereto, which does not conform to the regulations of this Ordinance with respect to width, height, area, yard, parking, loading, or distance requirements.

**Nonconforming Use:** The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendment thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.

**Nonfarm Residential Acreage:** For use in Section 4.601C.1., the combined total acreage of all lots on which nonfarm residences are located, all lots on which the Town of Ripon has approved nonfarm residences, all lots that do not qualify as farms, and the lot to which the Conditional Use Permit application pertains.

**Nonmetallic Mining/Nonmetallic Mining Operation:** Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and topsoil operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending.

**Nonmetallic Mining Refuse:** Waste soil, rock, mineral, liquid, vegetation and other waste material resulting from a nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the nonmetallic mining operation.

**Nonmetallic Mining Site:** The location where a nonmetallic mining operation is conducted or is proposed to be conducted, including all surface areas from which minerals are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation by activities such as the construction or improvement of roads or haulage ways.

**Non-Participating:** All property owners or property (including a residence) which are not Participating property owners or property (see Participating).

**Open Space Property:** A lot on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

**Operation:** Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

**Ordinance:** A law or rule made by an authority.

**Ordinary High-Water Mark:** That point upon the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

**Owner:** Any person or legal entity that owns Town Property.

**Parcel:** For the purposes of this Ordinance a parcel is an area of land one thousand three hundred and twenty (1,320) feet by one thousand three hundred and twenty (1,320) feet totaling forty acres.

**Parcel, Sub-:** For the purposes of this Ordinance a sub-parcel is an area of land that has been subdivided from a forty (40) acre parcel. This land is zoned Farmland Preservation.

**Participating:** A property owner or property (including a residence) that is subject to an agreement, authorization or lease with Licensee to place Wind Turbines upon or near such property.

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

**Prime Farmland:** Any of the following:

1. An area with a Class I or Class II land capability classification as identified by the natural Resources Conservation Service of the United States Department of Agriculture.
2. Land, other than land described in paragraph (1) that is identified as prime farmland in the Fond du Lac County Farmland Preservation Plan.

**Principal Building:** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

**Professional Home Office:** Residences of real estate agents, insurance agents, clergyman, lawyers, artists, authors and other similar professions for the conduct of business activities. Such professional office shall not exceed twenty-five (25) percent of the floor area of the residence and no more than one (1) non-resident person shall be employed.

**Property:** A piece of land or real estate that is owned by someone.

**Property Line:** A line that separates lots of land on record with the Fond du Lac County Register of Deeds.

**Reclamation:** The rehabilitation of a nonmetallic mining site, including, but not necessarily limited to, removal of nonmetallic mining refuse, grading of the site, replacement of topsoil, stabilization of soil conditions, establishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution, construction of fences and, if practical, restoration of plant, fish and wildlife habitat.

**Recreational Vehicle:** Any vehicle or trailer used for recreational purposes that is driven or towed and would include motor homes, pick-up coaches, travel trailers, and camping trailers.

**Residence:** A structure that supports normal daily routines such as cooking, sleeping, and toiletry. Closed in against the weather; is structurally safe and sanitary to live in. Has access to potable water, sewer service, heating, and electricity.

**Residence, Farm:** Any of the following structures that is located on a farm:

1. A single-family residence, two (2) single family residences, or a two-family residence that is occupied by any of the following:
  - a) An owner or operator of the farm.
  - b) A parent or child of an owner or operator of the farm.
  - c) An individual who earns more than fifty (50) percent of his or her gross income from the farm.
2. A migrant labor camp that is certified under Wis. Stat. 103.92.

**Residence, Nonfarm:** A single-family or two-family residence other than a farm residence.

**Residential Cluster, Nonfarm:** The grouping of lots for development of nonfarm residences whereby the lots are contiguous, on nonprime farmland or other site deemed unsuitable for agricultural production or of limited agricultural value by the Plan Commission.

**Road:** All property dedicated or intended for public or private use of vehicles to obtain access to one (1) or more lots of land.

**Road, Access:** Property dedicated or intended for use of vehicles to obtain access to a public road.

**Road Right-of-Way Line:** The dividing line between a lot, trail, or lot of land and an abutting road.

**Road Side Stand:** A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and use solely for the sale of farm products produced on the premises. No such stand shall be more than one-hundred (100) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premise.

**Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

**Setback:** The minimum horizontal distance between the lot line, right-of-way, or ordinary high-water mark and the nearest point of a building or any protection thereof, excepting uncovered steps.

**Shorelands:** Lands within the following distances from the ordinary high-water mark of navigable waters: One thousand (1,000) feet from a lake, pond, or flowage; and three hundred (300) feet from a river or stream or the landward side of the floodplain, whichever distance is greater.

**Sign:** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind to the public and which is intended to be visible from any road or from navigable water.

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

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

**Sign, Identification:** 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.

**Sign, Off-Premise:** 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.

**Sign, On-Premise:** Any sign that is at a location advertising the activities conducted on that property. The sign must be within the area bounded by the buildings, driveways or parking areas, but does not include any area across a street or road from the property.

**Sign, Portable:** 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.

**Sign, Temporary:** Any sign that is erected or displayed for a limited period not to exceed twenty-eight (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 eight (8) 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.

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

**Special Use:** A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District.

**Story:** That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulations.

**Structure:** Anything constructed or erected, the use of which requires a permanent location on or in the ground.

**Structure, Accessory:** A structure that is separate from the main building.

**Structure, Connecting:** A structure that connects two (2) or more structures. This structure will have a roof and the same foundation as the connected structures.

**Structure, Detached:** A structure surrounded by an open space on the same lot.

**Structure, Main:** A structure that constitutes the principal use of a lot.

**Structure, Minor:** Any small, portable accessory structure or construction such as birdhouses, tool houses, ice shanties, pet houses, plays equipment, and arbors. Also, including, walls and fences less than four (4) feet in height.

**Structure, Temporary:** 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 and not to be habitable.

**Structural Alteration:** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders or any substantial change in the roof structure or in the exterior or interior walls.

**Swimming Pool:** An artificial structure, basin, chamber or tank containing a body of water for the primary purpose of swimming, diving, recreational, or therapeutic bathing. As used in this Ordinance the term is limited to in-ground and above-ground pools which are fitted with a filter for clarifying pool water, or which are designed to be fitted with a filter, whether installed or not. The term shall not include facilities located inside a residence, storable pools designed for seasonal setup and use which are stored at the end of the swimming season, or spas installed on decks or porches if a fitted hard cover designed to prevent entry is maintained in place always when the spa is not in use.

**Telecommunication Facility:** A facility, site, or location that contains one (1) or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunication signals, excluding those facilities exempted under Section 4.609B.

**Tiny Home:** A structure designed to be transported as a single unit or in sections by any motor vehicle upon a public highway and is designed, equipped, and used exclusively for sleeping, eating, and living quarters, or is intended to be so used and will fall under rules and regulations of a "Mobile Home".

**Tower:** Any structure that is designed and constructed primarily for supporting one (1) or more antennas, including guy towers, monopole towers, and self-supporting lattice towers.

**Tower, Camouflaged:** Any telecommunication tower that, due to design or appearance, hides, obscures, or conceals the presence of the tower and antenna.

**Tower, Guyed:** A telecommunication tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

**Tower Accessory Structure:** Any structure located at the base of a tower for housing, receiving or transmitting equipment.

**Town:** The Town of Ripon

**Town Property:** Property located in the Town, which is zoned in any zoning district as listed under Town Zoning Ordinance 4.401.

**Use, Accessory:** A use customarily incidental to the principal use and on the same lot as the principal use. A permit may be required for an Accessory Use as provided for in Section 4.405, Table 1 and Section 4.501 for Accessory Structures.

**Use, Conditional:** A "conditional use" is a use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use. It is allowable only after the issuance of a Conditional Use Permit by the Plan Commission. A permit for a "conditional use" stays with the property for which it is issued, regardless of who owns the property in the future.

**Use, Permitted:** A use that may lawfully be established in a district, provided it conforms to all requirements, regulations, and standards of such district.

**Use, Principal:** The primary use of a property or structure.

**Variance:** A departure from the term of this Ordinance as applied to the dimensional requirements for a specific building, structure, or lot of land, which the Board of Appeals may permit, contrary to the regulations of this Ordinance for the district in which such building, structure or lot of land is located, when the Board of Appeals finds that a literal application of such Ordinance would result in a hardship to the owner as distinguished from a mere inconvenience. A Use Variance is not allowed in the Town of Ripon.

**Vehicle:** A car, van, or truck that has been designed and sold with the intent to be licensed and operated on a public road.

**Vision Clearance Triangle:** An unoccupied triangular space at the intersection of two (2) or more roads or highways, or highways and railways, which is bounded by the road lines, highway or railway right-of-way lines and a setback line connecting points specified by measurement from the corner on each road, highway or railway line.

**Wetlands:** Those areas where water is at, near, or above the land surface long enough to can support aquatic or hydrophilic vegetation and which have soils indicative of wet conditions.

**Yard:** An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Yard, Front:** A yard abutting a public or private road. A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building and the lot line that is used to assign lot address.

**Yard, Rear:** A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building and the rear lot line.

**Yard, Side:** A yard extending from the front yard to the rear yard, being the minimum horizontal distance between the nearest part of the main building and the side lot line.

#### 4.703 – 4.799 RESERVED

## **Section 4.800 Zoning Revisions**

### **4.801 Adoption Dates**

**DATCAP Original Certification:** October 16, 2014

**Town Original Adoption:** December 15, 2014

**4.408 – Dog Kennel and Licensing:** Adopted – November 20, 2018

**4.409 – Chickens:** Adopted – March 11, 2019

**4.604 – Nonmetallic Mining** (Deleted 4.604C.1.d.): Adopted – April 8, 2019

**4.505 – Fences and Hedges** (Revised 4.505A.): Adopted – May 13, 2019

**4.601 – Farmland Preservation District** (Revised 4.601B.6.c.): Adopted – May 13, 2019

**4.702 – Specific Words and Phrases** (Revised Residence, Farm): Adopted – May 13, 2019

**4.410 – Other Companion Animals:** Adopted – (In progress)

**4.802 – 4.899 RESERVED**