

TOWN OF ALTO

FOND DU LAC COUNTY

STATE OF WISCONSIN

ZONING ORDINANCE

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TOWN OF ALTO
Fond du Lac County, Wisconsin

Zoning Ordinance

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

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

Section 1. Applicability and Purpose

- 1.1 Minimum Standards. The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Alto, Fond du Lac County, Wisconsin.
- 1.2 Applicability. This Ordinance shall apply to:
- (1) The regulation and restriction of the height, number of stories and size of buildings and other structures.
 - (2) The percentage of lot that may be occupied.
 - (3) The size of yards, courts and other open spaces.
 - (4) The density of population.
 - (5) The regulation of non-conforming uses.
 - (6) The location and use of buildings, structures and land for trade, industry, residence and other purposes.

- 1.3 Purpose. The purpose of this Ordinance is to promote the public health, safety and general welfare of the community through provisions designed to:
- (1) Encourage the most appropriate use of the land.
 - (2) Conserve the taxable value of land and buildings.
 - (3) Prevent the overcrowding of land and the congestion of streets.
 - (4) Provide adequate light and air.
 - (5) Secure safety from fire, panic and other dangers.
 - (6) Avoid undue concentration of population.
 - (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
 - (8) Preserve and promote the general attractiveness and character of the Town environment.

Section 2. Districts

- 2.1 Establishment of Districts. For the purposes of this Ordinance, the Town of Alto, Fond du Lac County, Wisconsin is hereby divided into five districts as follows:
- A. Residential District
 - B. Farmland Preservation District (this district is intended to qualify under Chapter 91 of the Wisconsin Statutes)
 - C. General Agricultural District (this district is not intended to qualify under Chapter 91 of the Wisconsin Statutes)
 - D. Business District
 - E. Industrial District
- 2.2 Zoning Map. The boundaries of the aforesaid districts are hereby established as shown on the map entitled “Zoning Map for the Town of Alto, Fond du Lac County, Wisconsin,” which map is made a part of this Ordinance and is on file in the office of the Clerk of said Township. All notations and references shown on the District Map are incorporated into this Ordinance as though specifically set forth herein. Changes to the District Map may be made only as described in Section 17 of this Ordinance.

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

Section 3. Definitions

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

Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory.

- 3.2 Accessory Use or Structure. A use or structure on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal structure.
- 3.3 Airport, Public. Any airport as defined in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.4 Alley. A public right-of-way affording only secondary access to abutting property.
- 3.5 Automobile Salvage or Wrecking Yard. Any premises on which two or more automotive vehicles, not in operating condition, or parts thereof, are stored in the open, or any premises used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof.
- 3.6 Automobile Service Station. A retail place of business where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles and possibly including facilities for greasing, oiling, washing and minor repair of vehicles on the premises, but not including automatic car washing or any body repair facilities or storage of vehicles for scrap or spare parts.
- 3.7 Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for five or more persons not members of a family.
- 3.8 Boathouse. Any accessory structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.

- 3.9 Boundary Separation. Specifications for separation between the Nonmetallic Mining Site and Nonmetallic Mining Operation, as defined in this Ordinance, and adjacent property or right-of-way boundaries. Excluded from separation requirements are authorized ingress and egress roads and areas authorized by the Board as defined in this Ordinance.
- 3.10 Building. Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.
- 3.11 Building Accessory. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.12 Building, Height Of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.13 Building, Main. A building constituting the principal use of a lot.
- 3.14 Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously and periodically flowing water.
- 3.141 DATCP. An acronym for the Wisconsin Department of Agriculture, Trade & Consumer Protection.
- 3.15 Debris. Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances of any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a nuisance or hazard (except when such items are properly housed and out of public view).
- 3.16 Dog Kennel. A place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five adult dogs are kept for any purpose.
- 3.17 Dwelling, One Family. A detached building designed for or occupied exclusively by one family, entirely separated from structures on adjacent lots. The term also includes a manufactured home which meets the aesthetic standards set forth in Section 4 of this Ordinance.
- 3.18 Dwelling, Multiple. A building or portion thereof designed for and occupied by more than two families including row houses, apartment houses and apartment hotels.
- 3.19 Dwelling, Two Family. A detached or semidetached building designed for and occupied exclusively by two families.

- 3.20 Environmental Pollution. The contaminating or rendering unclean or impure the air, land or waters of the State or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.
- 3.21 Existing Nonmetallic Mining Operation. A nonmetallic mining operation existing before the effective date of this Ordinance. For purposes of this Ordinance, such operations shall be deemed to be confined to such parcels or portions of parcels as were, or had been under actual excavation as of May 7, 1994. When contiguous parcels are owned by the same entity and excavation operations are in existence on part of the land, all land constituting an integral part of the operation is deemed “in use” for purposes of determining what is an existing nonmetallic mining operation.
- 3.22 Expansion. Any vertical or horizontal increase beyond dimensions of the original application for the nonmetallic mining site.
- 3.23 Family. (a) an individual; or (b) two or more persons related by blood, marriage, guardianship, or adoption; (c) maximum of four persons not so related; together with his or their domestic servants and gratuitous guests maintaining a common household in a dwelling unit or lodging unit.
- 3.24 Farm. All land under common ownership that is primarily devoted to agricultural use.
- 3.25 Farm Residence. Any of the following structures located on a farm:
- (A) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (1) An owner or operator of the farm.
 - (2) A parent or child of an owner or operator of the farm.
 - (3) An individual who earns more than 50% of his or her gross income from the farm.
 - (B) A migrant labor camp that is certified under Wis. Stat., § 103.92, as amended.
- 3.26 Frontage. The dimension of a lot abutting a public street.
- 3.27 Garage, Private. An accessory building or space for the storage of motor-driven vehicles.
- 3.28 Garage, Public. Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repaired, services, hired, sold or stored.
- 3.29 Garage, Storage. Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.

- 3.30 Home Occupation. An occupation conducted in a dwelling unit provided:
- (A) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use as a residence and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of such occupation.
 - (C) There shall be no change in the outside appearance of the building other than one sign limited to four square feet in area and mounted flat against the building.
 - (D) No home occupation shall be conducted in any accessory building.
 - (E) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable outside of the dwelling unit.
- 3.31 Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.32 Junk Yard. A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.
- 3.33 Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 3.34 Lodging House. A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
- 3.35 Lot. A lot for the purpose of this Ordinance is a contiguous parcel of land of sufficient size to meet minimum zoning requirements for use and area, and to provide required yards and other open spaces. Such lot shall have frontage on an improved public street, or on a Town approved private way, and may consist of:
- (A) A single lot of record;
 - (B) A portion of a lot of record;
 - (C) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

- (D) A parcel of land described by metes and bounds. Provided that in no case of division of combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.3.36
- 3.36 Lot, Corner. A lot located:
- (A) At the junction of and abutting 2 or more intersecting streets; or
 - (B) At the junction of and abutting a street and the nearest shoreline or highwater line of a storm or floodwater runoff channel or basin; or
 - (C) At the junction of and abutting 2 or more storm or floodwater runoff channels or basins; or
 - (D) At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
- 3.37 Lot Depth. The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.38 Lot, Double Frontage or Through Lot. A lot having frontage on two streets other than at the street intersection, the streets typically being along the front and rear lot lines. For purposes of yard space, both shall be treated as front yards.
- 3.39 Lot, Interior. A lot other than a corner lot.
- 3.40 Lot, Width. The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street right-of-way) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points on the front shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty percent (60%) of the required lot width.
- 3.41 Lot, Zoning Lot. A “zoning lot or lots” is a single tract of land located within a single block, which (at the time of filing for a zoning permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.
- 3.42 Manufactured Home. “Manufactured home” means a structure certified and labeled as a manufactured home under 42 U.S.C. 5401 to 5426, as amended from time to time, which, when replaced on the site:
- (A) Is installed in accordance with the manufacturer’s instructions or any state regulation specifically applicable to manufactured home installation.

(B) Is properly connected to utilities.

- 3.43 Mobile Home. A building, other than a manufactured home, which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this Ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
- 3.44 Mobile Home Park. A site designed and maintained for the location of two or more mobile homes under a continuing local general management and including special facilities for common use by the occupants, such as open space areas and recreational areas and buildings.
- 3.45 Motel. A building or series of buildings containing guest rooms in which lodging is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each or many of the guest rooms.
- 3.46 Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or amendments thereto.
- 3.47 Nonmetallic Mining. Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and nonmetallic mineral such as asbestos, beryl, clay, feldspar, peat and talc, and related operations or activities such as excavation, grading or dredging, if the purpose of said activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. The location where a nonmetallic mining operation is proposed or conducted includes all surface areas from which materials are removed, related storage and processing areas, areas where nonmetallic mining refuse is deposited, and areas disturbed by the nonmetallic mining operation. Nonmetallic mining includes, but is not limited to, quarrying, borrow pits and the preparation of hot blacktop mix or ready-mix concrete, and the operation of lime kilns. This definition does not apply to the following activities:
- A) Activities less than 5 acres for the use of the property owner if no material is removed from the property(s).
 - B) Premining activities such as site surveying, coring, mapping and other functions necessary solely for proper preparation of the permit, subject to the following restrictions:

- (1) the prospective operator shall obtain an exploration permit.
 - (2) the prospective operator shall pay a refundable exploration fee of \$500.00. Said fee shall be refunded provided (i) the subject property has been restored to its pre-exploration condition, or (ii) the prospective operator submits an application for a nonmetallic permit under this Ordinance, in which event the exploration fee shall be credited against the nonmetallic permit fee.
 - (3) no more than 1 acre per 40 acre parcel may be opened for exploration at one time.
 - (4) the term of the exploration permit shall not exceed 90 days.
- C) Excavation in conjunction with utility installation, which is to be backfilled.
 - D) Excavation in conjunction with road construction, within the limits of the right-of-way, when construction plans have been approved by the Department of Transportation and/or other governmental bodies.
 - E) Excavation which by nature is of limited duration such as graves, septic tanks, and swimming pools.
 - F) Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
 - G) Excavation for structures, parking areas; and stripping of up to 1 ½ feet of topsoil for the development of subdivisions, following final subdivision approval.
 - H) Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
 - I) Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers or other governmental bodies.
 - J) Ponds developed for wildlife purposes in conjunction with the Soil Conservation Service or Land and Water Conservation Department.
 - K) Excavation activities related to sod farming.
- 3.48 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 from or displaced by the nonmetallic mining operation.

- 3.49 Nonmetallic Mining Site or “Site”. The location where a nonmetallic mining operation is proposed or conducted including all surface areas from which materials 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.
- 3.50 Open Space Parcel. A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- 3.51 Operator. Any person who is engaged in a nonmetallic mining operation or nonmetallic mining site reclamation or who applies for or holds a nonmetallic mining permit issued under a nonmetallic mining reclamation ordinance whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- 3.52 Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the R-Residence or A-Agricultural District, a professional office shall be incidental to the residential occupancy, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- 3.53 Reclamation. The rehabilitation of a nonmetallic mining site including but not limited to removal of nonmetallic mining refuse, grading 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 restoration of plant, fish and wildlife habitat.
- 3.54 Replacement of Topsoil. The replacement of the topsoil which was removed or distributed by a nonmetallic mining operation or the provision of soil which is at least as adequate as the topsoil which was removed or disturbed for the purposes of providing adequate vegetative cover and stabilization of soil conditions.
- 3.55 Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.

- 3.56 Sanitary Sewer. A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources.
- 3.57 Setback. Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. “Within the setback lines” means between the setback line and the highway.
- 3.58 Sign. A “sign” means any outdoor advertising, display, device, notice, figure, painting, drawing, mural, message, placard, poster or other thing which is designed, intended or used to advertise or inform, and in which any part of the advertising or informative contents is visible from any place on the traveled way of any portion of a Town, County or State or Federal Highway or Roadway and is less than seventy-five (75) square feet in total area. The following signs shall not be included in the application of sign regulations herein:
- (1) Signs not exceeding three square feet in area and bearing only property numbers, postbox numbers, names of occupants of the premises, or other identification not having commercial connotations.
 - (2) Flags and insignia of any government except when displayed in connection with a commercial promotion.
 - (3) Legal notices, identification, informational, or directional signs erected or required by governmental agencies.
 - (4) Integral or architectural features of buildings except letters, trademarks, moving parts or moving lights.
 - (5) Signs directing or guiding traffic and parking on private property, but bearing no advertisement matter and not exceeding nine square feet in area.
 - (6) Temporary signs, including election signs, advertising a cultural or civic matter for up to 45 days before such an event and for 7 days after such an event.
- 3.59 Sign, Directional. A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- 3.60 Special Use. A use that would not be appropriate in a zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, property or general welfare. Such uses may be permitted in a zoning district if they meet the requirements of this Ordinance.

- 3.61 Stable. “Stable” shall have the same meaning as “garage”, one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.62 Street. A “street” is a public or private right-of-way which affords a primary means or vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway, or however otherwise designated, but does not include driveways to buildings.
- 3.63 Structural Alteration. Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any change or rearrangement in the floor area of a building; any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.
- 3.64 Structure. Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, disposal fields, signs, fences, mobile homes and parking lots.
- 3.65 Temporary Structure. A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- 3.66 Traffic Lane. A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.67 Variance. An exception to the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. Variances may be granted only if they meet the requirements of this Ordinance.
- 3.68 Yard. An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- 3.69 Yard, Front. A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- 3.70 Yard, Rear. A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

- 3.71 Yard, Side. A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

Section 4. Regulations Applicable to All Districts

- 4.1 Applicability. The use and height of all buildings, including accessory uses or structures, hereafter erected, converted, enlarged or structurally altered and the use of all land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- 4.2 Use of Front Yard. No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
- 4.3 Housing Developments. Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this Ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this Ordinance as applied to the entire project.
- 4.4 Yard Space. Every part of a required yard shall be open to the sky unobstructed, except for permitted accessory buildings and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches, and/or up to 48 inches for solar hearing systems.
- 4.5 Dwellings. All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.
- 4.6 Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
- (A) Churches, schools, hospitals, nursing homes and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
 - (B) Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, setbacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures, and

necessary mechanical appurtenances are hereby excepted from the height regulations of this Ordinance and may be erected in accordance with the other regulations or ordinance of the Town of Alto.

- (C) Residences in the Residence and Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.
 - (D) Where a lot abuts on 2 or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
 - (E) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets is complied with.
 - (F) Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet of any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
 - (G) Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they are located so as not to obstruct light and ventilation.
- 4.7 Lot Size. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Ordinance nor shall the density of buildings be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located. Minimum lot areas shall be calculated excluding road right-of-way.
- 4.8 Separate Yards. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.
- 4.9 Lot Required. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot. In no case shall there be more than 1 main building on 1 lot, except in the case of agriculturally related structures.
- 4.10 Use of Alleys. In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be

provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.

4.11 Parking Required. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space (other than public or private streets or alleys) in conformance with the regulations for the district in which the building is located.

4.12 Lots on District Boundaries. Any side yard, rear yard or course abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

4.13 Fences.

(A) Fences, Open.

(1) Residence Districts.

(a) two and a half feet maximum height within the vision-corner clearance triangle.

(b) five feet maximum height.

(c) unlimited maximum height adjacent to non-residential uses or districts. Permitted only in side or rear yards.

(2) Non-residence districts: ten feet maximum height.

(3) Schools in any district: unlimited height.

(4) No barbed wire fencing may be used in a residence district.

(B) Fences, Solid.

(1) Residence Districts.

(a) two and a half feet maximum height within the vision-corner clearance triangle.

(b) six feet maximum height permitted only in side or rear yards.

(c) ten feet maximum height adjacent to non-residential uses or districts, to within fifteen feet of the front lot line.

(2) Non-residence districts: ten feet maximum height.

(3) No barbed wire fencing may be used in a residence district.

- (C) All fences shall be properly maintained both as to structure and appearance. The Building Inspector shall have the authority to order the repair of fences. Fences shall be repaired within thirty days of the Building Inspector's Order. Failure to comply with the Building Inspector's Order shall subject the property owner to the penalties under Section 16 of this Ordinance.

No building permit is required for fences of a maximum height of two and one half feet and less than fifty feet in total length.

In all districts, except agricultural, all fences shall be set back two feet from the property lot line.

No building permit is required for temporary, seasonal fences (e.g. snow fences).

No building permit is required for fences located within agricultural districts when used for the purpose of containing livestock.

4.14 Storage of Junk, Refuse, Debris and Disabled or Damaged Motor Vehicles.

The open storage of junk, refuse, scrap, debris, disabled or damaged motor vehicles (whether awaiting repair or not; whether licensed or not) is prohibited in all zoning districts. Enclosed storage, when permitted within a zoning district, shall be completely surrounded by a solid fence or wall which completely obscures the vision of the storage from beyond the property.

4.15 Mobile Homes, Trailers, Boats, Snowmobiles, Etc..

Except in established mobile home parks and tourist camps, mobile homes, travel trailers, camping trailers and slide-on campers shall not be occupied for dwelling purposes. No more than one camping trailer or slide-on camper or travel trailer or motor home or snowmobile and snowmobile trailer as a unit or boat and boat trailer as a unit or utility trailer may be parked or stored in the open, and then only at the side or rear of the principal structure, without a permit from the ordinance enforcing officer. No cargo or storage trailers or containers shall be allowed in any residential or agricultural district. Semi-trailer and semi-truck parking shall not be permitted in any residential district or agricultural district.

4.16 Parking and Storage of Motor Vehicle, Boats, Snowmobiles, Cargo Trailers, Recreation Vehicles and Similar Vehicles.

Boats, snowmobiles, cargo trailers, motor vehicles, recreation vehicles and similar vehicles may be parked or stored in the open when customary in the operation of a lawfully established principal use, and one such vehicle may be stored or parked on a residential lot provided that it is not located in any required front yard and no major repair, disassembly or rebuilding operations are conducted thereon.

4.17 Unified Development.

- (A) Intent. The purpose of the unified development regulations is to promote the maximum benefit which can be derived from coordinated area site planning, diversified location of structures and a mixture of compatible uses conceived and implemented as a comprehensive and cohesive project. It is further intended to encourage the preservation of open land and natural features such as woods, streams and wetlands as integral components of the development. To this end, the regulations provide for the development of land on a comprehensive and unified basis rather than through the application of fixed formulas.
- (B) Permitted Uses.
- (1) In a unified development, any uses permitted in any of the other districts of this Ordinance may be permitted provided, however, that no use shall be permitted except in conformity with a precise development plan pursuant to the criteria for approval and the procedural requirements of the unified development provisions.
 - (2) Specific lot size, density, open space, building location, height size, floor area and other such requirements shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the planned development consistent with the criteria set forth herein and with those generally accepted basic standards necessary to insure the protection of the public health, safety and welfare.
 - (3) Such requirements as are made a part of an approved precise development plan shall be, along with the plan itself, construed to be and enforced as a part of this Ordinance.
- (C) Design Standards. Design standards for streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, or other elements of the development shall be based upon a determination of specific function and relationship to the total development and compatibility with the existing pattern in areas peripheral to the development. In no case shall minimal construction standards be less than those necessary to protect the public health, safety and welfare. Precise standards shall be made a part of the approved plan, and shall be construed to be and enforced as part of this Ordinance.
- (D) Criteria for Approval. Approval of a unified development shall be based upon determination of the following criteria:
- (1) The proposed development is consistent with the spirit and intent of these regulations, has been prepared with competent professional advice and

guidance and produces significant benefits in terms of improved environmental design to justify the application of the “unified development” concept.

- (2) The development reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space, proper drainage and preservation of natural terrain wherever appropriate.
- (3) The development is internally consistent by type and intensity of use and compatible with development in the surrounding area.
- (4) The development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highways, police, fire or utility services.
- (5) The development has appropriate design standards to facilitate adequate circulation, parking, emergency services, delivery service and snowplowing.
- (6) Adequate provision has been made to insure proper maintenance and preservation of any common areas provided for the recreation and aesthetic enhancement of the development.

(E) Procedure.

- (1) Pre-Application Conference. Prior to submitting an application for a special exception, it is recommended that the applicant confer with the Planning Commission in order to establish mutual understanding of the concept proposed and the requirements applicable to a unified development.
- (2) General Development Plan. A general development plan shall be submitted concurrently with an application for a special exception with the Board of Appeals. The Board of Appeals shall refer the proposed general development plan to the Planning Commission for their recommendation. The general development plan shall contain the following information:
 - (a) The title of the project and names of the professional project planner and the developer.
 - (b) The pattern of proposed uses including the size and arrangement of lots and use areas, the density of development and the environmental character of the site.
 - (c) The basic street and utility pattern.

- (d) The location, size, and character of recreational and open space areas.
 - (e) The number of dwelling units and the lot area and floor area of the dwelling units and the location of non-residential uses.
 - (f) An outline of intended organizational structure of property owners' association and all easements, deed restrictions and covenants.
- (3) Findings and Recommendations. The Planning Commission may recommend to the Board of Appeals that the special exception for a unified development be approved, approved subject to stated conditions or disapproved. All terms, conditions or safeguards made at the time of approval of a special exception shall be binding upon the applicant or other successor in interest.
- (4) Implementation Plan. Implementation plans for development of land approved as a unified development shall be processed in accordance with standard subdivision review procedures. Implementation plans shall be in substantial compliance with the approved general development plan and shall include the following information:
- (a) Building locations and architectural definitions of all structures proposed.
 - (b) Master landscape plan.
 - (c) Specific designation of proposed uses including public and private roads, parking facilities, walkways and specific treatment of any common open space or recreational areas.
 - (d) Detailed storm drainage, sanitary sewer and water system plans.
 - (e) Proposed engineering standards for all streets and walkways.
 - (f) Agreements, bylaws, covenants and easements.
- (F) Building Permits. Approval of a unified development plan does not constitute approval for the construction of individual buildings or structures in the development. Separate approval shall be required upon application for building permits.

4.18 Aesthetic Standards for Manufactured Homes.

- (A) Manufactured homes, as defines in Section 3 of this Ordinance, shall be considered single family detached dwellings for purposes of this Ordinance

provided that the manufactured home meets the following minimum aesthetic standards:

- (1) Is of multi-sectional design (double-wide or wider) and the enclosed floor area is not less than 1,000 square feet;
- (2) Is set on an enclosed foundation in accordance with sec. 70.043(1), Wis. Stats., and subchapters III, IV and V of Chapter ILHR, Wis. Administrative Code, or is set on a comparable foundation system approved by the Building Inspector.
- (3) Has a nominal roof pitch of 3 feet in height for each 12 feet of width;
- (4) Has a garage or carport with exterior materials and construction matching the manufactured home of 60% of the residences within 1,000 feet of the manufactured home have garages or carports;
- (5) Has siding and roofing materials comparable with 60% of the residences within 1,000 feet of the manufactured home have bare metal siding and/or roofing.

4.19 Mobile Homes Located Outside of a Mobile Home Park. No mobile home shall hereafter be moved into or within the Town and located outside of a mobile home park unless a permit therefor has been issued by the Town Board, which permit shall not be issued unless the following conditions are met:

- (A) The mobile home shall not have been previously used or occupied and shall have a minimum floor area of eight hundred forty (840) square feet.
- (B) Except for persons employed on the premises, the mobile home shall be owner occupied and shall be located on not less than two (2) acres of land which shall also be owned by the mobile home owner.
- (C) The mobile home shall be set on a full basement constructed of concrete or concrete block.
- (D) The mobile home shall be provided with the same sewage disposal and water facilities on the site as are required for other three bedroom single family dwellings.
- (E) The mobile home shall be located and situated so as to comply with all applicable Town or County Zoning regulations.
- (F) A two (2) stall automobile garage shall be provided.

- (G) Notice to Town Clerk. The owner of land within or outside of a mobile home park upon which any mobile home is situated shall, within five (5) days after any mobile home has been placed upon such land, notify the Town Clerk of such mobile home and shall furnish to the Town Clerk and the Town Assessor such information regarding such mobile home as shall be required on forms prepared by the Wisconsin Department of Revenue.
- (H) Valuation of Mobile Homes. The Town Assessor shall, in accordance with sec. 66.058(3), Wis. Stats., determine the total fair value, as a dwelling unit, of each occupied mobile home in the Town, and in the event a mobile home shall be moved into the Town after any January 1st, the Town Assessor shall make such valuation as soon as he has been notified of the moving of any such mobile home into the Town. The Town Assessor shall make such valuation upon the forms provided by the Wisconsin Department of Revenue and shall file such valuation with the Town Clerk as soon as its valuation has been made by the Assessor.

4.20 County Zoning Ordinances. In addition to the regulations established herein, no land, water, building or structure shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations established in the Fond du Lac County Subdivision Control Ordinance, Fond du Lac County Sanitary and Private Sewage System Ordinance, and the Fond du Lac County Automobile, Tire and Junk Ordinance in effect as amended from time to time.

4.21

- (A) Culvert Design Requirements. The location, design, and construction of culverts shall be in accordance with the following:
 - (1) New and replacement culverts on lots devoted primarily to agricultural use shall be no smaller than 18 inches in diameter and no less than 30 feet in length. All culverts shall be of new manufacture unless specifically excepted by the Town Building Inspector or the Town Board's designee.
 - (2) New and replacement culverts on lots devoted primarily to uses other than agricultural shall be no smaller than 18 inches in diameter and no less than 20 feet in length. All culverts shall be of new manufacture unless specifically excepted by the Town Building Inspector or the Town Board's designee.
- (B) Culverts shall be placed at elevations that will allow proper drainage.

- (C) Vegetation near culverts shall be maintained so as to allow proper drainage and function of culverts.

Section 5. Nonconforming Uses

- 5.1 Applicability and Intent. Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this Ordinance which would not be permitted or permissible by the provisions of this Ordinance as adopted or amended, shall be deemed nonconforming. It is the intent of this Ordinance to permit such nonconformities to continue, subject to restrictions.
- 5.2 Nonconforming Uses of Land and Structures. No such nonconforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of twelve consecutive or eighteen accumulative months during any three year period, any future use of such land or structure shall conform to the Ordinance.
- 5.3 Nonconforming Structures. No such structure shall be altered in any manner which would increase the degree of nonconformity.
- 5.4 Nonconforming Lots of Record.
 - (A) In any residential district, a single-family dwelling and customary accessory structures 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. Variance of yard requirements shall be obtained only through action of the Board of Appeals.
 - (B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this Ordinance and no portion of such parcel shall be used, divided or sold which does not meet the lot area and lot width requirements for the district in which it is located.
- 5.5 Repairs. If a nonconforming structure is damaged or destroyed due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size, location, and use that it had immediately before such damage or destruction. Such a structure may be restored to a larger size if necessary to comply with applicable state or federal requirements.

Section 6. R-Residential District

The R-Residential District is intended to provide the area covered by this Ordinance with low density residential development.

- 6.1 Within the R-Residential District the following uses are permitted:
- (A) One-family dwellings;
 - (B) Two-family dwellings;
 - (C) Public parks, playgrounds;
 - (D) Conversion of any existing building to a permitted use;
 - (E) General farming, but not including the keeping, raising or feeding of livestock or poultry or fur farming. In addition no horses or livestock shall be kept within the R-Residential District unless the following conditions are met:
 - (1) The lot has at least one acre for each (1) one horse or head of livestock so kept.
 - (2) The entire area in which said animal or animals are kept is at least 150 feet from the nearest residence.
- 6.2 Regulations and Standards. The following regulations and standards shall apply to all dwellings:
- (A) Occupancy: Residential occupancy per dwelling shall be limited to 1 family and not more than 2 roomers or boarders.
 - (B) Location: Dwellings shall abut a public highway and lots shall have a minimum of 30 feet of frontage thereon.
 - (C) Habitable Floor Area: Except as otherwise provided herein, the minimum habitable floor area per dwelling unit shall be 1000 square feet.
 - (D) Off-Street Parking Space:
 - (1) Each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located in the same lot or tract of land as the dwelling served;
 - (2) Such off-street parking space shall total at least 300 square feet for each space required;
 - (3) Not more than 1 such space within a private garage or private carport shall be rented or leased to a non-resident of the premises;
 - (4) No such space shall be located less than 10 feet from any front lot line nor less than 5 feet from any side or rear lot line.

6.3 Dimensions of Building Sites.

(a) Minimum Area and Width for Each Dwelling.

- (1) The minimum lot area for a one family unit shall be one (1) acre for lots not served by public sanitary sewer and 16,000 square feet for lots served by public sanitary sewer; and the minimum lot width shall be 100 feet at the building line; on riparian lots, minimum lot width shall be 75 feet at the water's edge. For a two family unit, the minimum lot size shall be one (1) acre for lots not served by public sanitary sewer and 25,000 square feet for lots served by public sanitary sewer.
- (2) Where soil conditions require larger lot sizes for subdivisions of land under the provisions of the Wisconsin Administrative Code or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be required hereunder.
- (3) The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuance of a building permit under this Ordinance.

6.4 Height. Not to exceed 35 feet or 3 stories.

6.5 Side Yard.

- (A) For buildings not over 1 ½ stories in height, the sum of the width of the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.
- (B) For buildings from 1 ½ stories to 2 ½ stories in height, the sum of the width of the required side yard shall not be less than 30 feet and no single yard shall be less than 12 feet.

6.6 Rear Yard. Minimum depth 25 feet. On riparian lots, rear yards shall comply with applicable County ordinances and State law.

Section 7. Farmland Preservation District (FP)

7.1 Purposes. The purposes of the FP District are to:

- (A) Preserve productive agricultural land for food and fiber production;
- (B) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- (C) Maintain a viable agricultural base to support agricultural processing and service industries;

- (D) Prevent conflicts between incompatible uses;
- (E) Reduce costs of providing services to scattered non-farm uses;
- (F) Pace and shape growth;
- (G) Implement the provisions of the County Farmland Preservation Plan as adopted and periodically revised; and
- (H) Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits.

7.2 Land Included Within this District. This district is generally intended to include prime agricultural lands 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.

7.3 Permitted Uses. The following are permitted uses in the Farmland Preservation District:

- (A) Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (1) Crop or forage production.
 - (2) Keeping livestock.
 - (3) Beekeeping.
 - (4) Nursery, sod, or Christmas tree production.
 - (5) Floriculture.
 - (6) Aquaculture.
 - (7) Fur farming.
 - (8) Forest management.
 - (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (10) Any other use that DATCP, by rule, identifies as an agricultural use.
- (B) Accessory Uses:
 - (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:

- (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) 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.
 - (f) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of, or is incidental to, an agricultural use.
 - (3) A farm residence.
 - (4) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings, structures, or improvements other than those described in Sections 7.3(B)(1) and 7.3(B)(3), that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - (5) Any other use that DATCP, by rule, identifies as an accessory use.
- (C) Undeveloped Natural Resource and Open Space Areas.
 - (D) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 - (E) Other uses identified by DATCP rule.

7.4 Special Uses.

- (A) Agricultural Related Uses:

- (1) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing agricultural products, or facility for processing agricultural wastes.
 - (2) Any other use that DATCP, by rule, identifies as an agricultural-related use.
- (B) Transportation, communication, pipe line, electric transmission, utility, or drainage uses, if all of the following apply:
- (1) The use and its location in this district are consistent with the purposes of this district.
 - (2) The use and its location in this district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (3) 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.
 - (4) 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.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (C) Governmental, institutional, religious, or non-profit community uses, if all of the following apply:
- (1) The use and its location in this district are consistent with the purposes of this district.
 - (2) The use and its location in this district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (4) 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.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

- (D) Nonmetallic mineral extraction, if all of the following apply:
- (1) The operation complies with subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat., § 295.13 or Wis. Stat., § 295.14 (including § 12.3 (B)(4) of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
 - (2) The operation and its location in this district are consistent with the purposes of this district.
 - (3) The operation and its location in this district are reasonable and appropriate, considering alternative locations outside this district, or are specifically approved under state or federal law.
 - (4) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - (5) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (6) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- (E) Oil and gas exploration or production that is licensed by the Department of Natural Resources under subchapter II of Chapter 295, Wisconsin Statutes.

7.5 Conditions Which May be Attached to Special Uses. Upon a consideration of information supplied at the public hearing, the following conditions may be attached to the granting of a special use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens; sureties, operational controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this Ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this Ordinance as provided in Section 16.

7.6 Minimum Lot, Height and Yard Requirements.

(a) Minimum Lot Size:

- (1) 35 acres for all uses, except as provided in Section 7.8, below.

7.7 Yards.

- (A) The minimum side and rear yards for farm dwellings and accessory structures shall be 10 feet from the nearest lot lines. The minimum side and rear yards for structures housing livestock shall be 100 feet from the nearest lot lines.
- (B) Highway setbacks for farm dwellings and structures shall be as specified in Section 11 of this Ordinance.

7.8 Minimum Lot Size, Height and Yard Requirements for Special Exceptions.

- (A) The minimum lot size, height, and yard requirements for special exception uses shall be as specified in the special exception permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 11 of this Ordinance.

7.9 Off-Street Parking.

- (A) Dwellings: Two per unit.
- (B) Churches, libraries and golf courses: One per two persons of maximum capacity.
- (C) High Schools: One per three students.
- (D) Elementary and Junior High Schools: One per employee.
- (E) Other Uses: Sufficient off-road parking so that no public road shall be used for parking.

7.10 Standards for Rezoning. The Town may rezone land out of the Farmland Preservation District if the Town finds all of the following, after a public hearing:

- (A) The land is better suited for a use not allowed in the Farmland Preservation zoning district.
- (B) The rezoning is consistent with any applicable comprehensive plan.
- (C) The rezoning is substantially consistent with the County's certified Farmland Preservation Plan.
- (D) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

7.11 Reporting of Land Rezoned Out of Farmland Preservation District. By March 1 of each year, the Town shall provide to the Wisconsin Department of Agriculture, Trade & Consumer Protection a report of the number of acres that the Town has rezoned out of the

Farmland Preservation zoning district during the previous year and a map that clearly shows the location of these areas. The Town shall submit a copy of this information to Fond du Lac County by March 1 of each year as well.

Section 8. General Agricultural District (GA)

- 8.1 Permitted Uses. Same as Section 7.3 Farmland Preservation District (FP).
- 8.2 Special Uses. Same as Section 7.4 Farmland Preservation District (FP).
- 8.3 Minimum Lot, Height and Yard Requirements. Same as Section 7.6 through Section 7.9 Farmland Preservation District (FP), except that the minimum lot size for all uses shall be five acres.

Section 9. Business District

- 9.1 Permitted Uses. The Business District is intended to provide space for those retail, business, service business and office uses serving the area. Within the Business District the following uses are permitted.
 - (A) Any use permitted in R-Residential District.
 - (B) Retail stores and shops.
 - (C) Banks, post office, medical or dental clinics; business or professional offices and public buildings.
 - (D) Service-type businesses, such as barbershops, beauty parlors, laundromats, music, dancing, art or photography studios, servicing or repair or home appliances or farm equipment, restaurants, taverns, and similar uses.
 - (E) Automobile service stations and public garages; new or used car, boat, farm equipment and farm implement sales; repair shops; but not including the storage of wrecked vehicles or wrecked farm equipment.
 - (F) Hotels, motels, boarding or lodging houses.
 - (G) Recreational establishments, clubs, lodges, public meeting halls, theaters, bowling alleys, similar places of assembly or recreation.
 - (H) Machine shops, welding shops, sheet metal shops.
 - (I) Public or private institutional uses.
 - (J) Feed Mills.
 - (K) Mobile home sales and service establishments.

- (L) Funeral homes.
- (M) Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 350 square feet in area (on double faced signs, only 1 side shall be counted in determining square footage); such signs shall be set back from the highway right-of-way line 1 foot for each additional 10 square feet in excess of 100 square feet, and shall provide a minimum of 6 feet of visual clearance above ground level; such signs if illuminated, shall not blink or be mechanically activated in whole or in part; and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.
- (N) Directional signs indicating that location of a business offering goods or services conducted on premises located within the Town and on a location so set up that persons travelling on the highway may conveniently locate the business, even though located off the highway on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 250 square feet in area.

- 9.2 Residential Uses. All residence uses shall comply with regulations and standards provided for R-Residence District.
- 9.3 Height of Buildings. Not to exceed 60 feet.
- 9.4 Side Yard. As established for R-Residence District.
- 9.5 Setback. As established for R-Residence District.
- 9.6 Rear Yard. As established for R-Residence District.
- 9.7 Minimum Lot Size. As established for R-Residence District.
- 9.8 Mixed Uses. When an apartment or residence is a part of the business structure, then there shall be sufficient residential square footage to qualify the same under the requirements for residences in the R-Residence District. This provision shall also apply to multiple family residences, boarding houses and lodging houses.
- 9.9 Off-Street Parking Space. Off-Street parking spaces shall be provided as follows:
 - (A) Applicable parking requirements as specified in the FP District.
 - (B) Retail and personal service establishments other than restaurants: one per 200 square feet of floor area.
 - (C) Restaurants and recreational establishments other than theaters: one per 100 square feet of floor area.

- (D) Theaters and taverns: one per three persons of maximum capacity.
- (E) General service establishments, printing and publishing: one per employee.
- (F) Offices, clinics, public and private institutional uses: one per 200 square feet of floor area.
- (G) Hotels: one per three seats.
- (H) Funeral homes: one per three seats.
- (I) Wholesale, warehouse, and building supply establishments: one per 300 square feet of floor area.
- (J) Light manufacturing: one per employee.

Section 10. Industrial District

10.1 Permitted Uses. In the I-Industrial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Ordinance, except for 1 or more of the following uses:

- (A) Any use permitted in the Business District, but not including religious, educational and institutional uses or residential uses other than the dwelling of a watchman or caretaker employed on the premises, the residence of a farmer engaged in general farming on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting, processing or manufacture of food and food products.
- (B) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- (C) General farming.
- (D) Knitting mills and the manufacture of products from finished fabrics.
- (E) Laboratories.
- (F) Manufacture of goods from leather, but no tanning of hides, or manufacture of leather.
- (G) Mining and quarrying subject to the operation and reclamation provisions of Section 12.3(4)(B) of this Ordinance.
- (H) Printing and publishing.
- (I) Wholesale warehouse and building supply businesses.
- (J) Advertising and announcement signs as defined in Section 9.1.

- (K) Public utility installments.
- (L) Light manufacturing uses including bottling, packaging, laboratories and the like.
- (M) Manufacturing uses including production, processing, cleaning, testing and the distribution of materials and goods provided:
 - (1) No activity or operation shall transmit any noise exceeding a sound level of 75 dBA when measured within a property boundary outside of the Industrial District. (Noises not directly under the control of the property user, from temporary construction or maintenance and from emergency, safety or warning devices shall be exempt.)
 - (2) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual within a property boundary outside of the Industrial District.
 - (3) No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.
 - (4) No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in Chapter NR 154.11, Wisconsin Administrative Code.
 - (5) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.
 - (6) No operation or activity shall emit any hazardous substances in such quantity, concentration or duration as to be injurious to human health or property and all estimates shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

10.2 Minimum Lot Size. 100 feet at building line, one (1) acre in area.

10.3 Maximum Coverage. The amount of the total lot area which may be covered by all principal and accessory buildings shall not exceed 50%.

10.4 Required Yards and Open Spaces.

- (A) General Requirements. A front yard on each lot line abutting a street, a side and a rear yard, except in the case where 3 sides of a lot abut a street, there shall be required in addition to 3 front yards, a side yard.

- (B) Front Yard. Depth where a lot abuts a highway or street shall be 60 feet from the right-of-way.

If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.

- (C) Side Yard. Width shall be 10 feet or greater. No accessory building shall project into the required side yard space.

- (D) Rear Yard. Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.

10.5 Buffer Required. Where a lot abuts a lot in a R-Residential District there shall be provided along such lot line a suitable buffer or planting materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to the R-Residential District is a public street, the front yard in the I-Industrial District shall be suitably landscaped.

10.6 Nuisance Prohibited. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, omission of smoke or particulate matter, glare and heat or as to create fire or explosive hazards.

10.7 Off-Street Parking Space. Off-street parking shall be provided as follows:

- (A) As specified in the B-Business District.
- (B) Manufacturing: one per employee on maximum shift.

10.8 Signs. Signs are permitted as an accessory use to the principal use of the premises.

- (A) The gross area of signs per establishment shall not exceed 2 times the lineal feet of frontage of the Zoning lot on which such signs are located.
- (B) No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure.

10.9 Lots Not Served by Public Sewer. On lots not served by public sewer, sufficient lot area shall be provided so that the requirements of Fond du Lac County Sanitary Code and all provisions of the Administrative Code relating to the use and occupancy of the building are complied with.

Section 11. Highway Setback Lines

- 11.1 Purpose. In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be and they are hereby established in the Town of Alto 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.
- 11.2 Boundary Highways. 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.
- 11.3 Classes of Highways and Center Lines. Highways are classified and the position of the center line shall be determined as follows:
- (A) Class I Highways.
- (1) Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is the midway point between the edges of the road surface.
 - (2) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
 - (3) Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.
 - (4) Private roads. The center line is at the mid-point between the edges of the road surface.
- (B) Class 2 Highways.
- (1) County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
 - (2) County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The center line is the center of the surfacing or pavement, or if there are none, the center of the graded roadbed.

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

- 11.4 Structures Prohibited Within Setback Lines. No new 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 structure or part thereof existing within such setback lines on the effective date of this Ordinance shall be altered, enlarged, or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.
- 11.5 Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway:
 - (A) Open fences.
 - (B) Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, provided the owner files with the Town Board an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the highway.
 - (C) Underground structures not capable of being used as foundations for future prohibited overground structures.
 - (D) Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.
- 11.6 Interpretation. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.
- 11.7 Setback Distances. Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined in this section, shall be as provided by the following paragraphs of this section.

- 11.8 Change in Classification. 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.
- 11.9 Greater Setback to Apply. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- 11.10 Along Highways Generally. The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:
- (A) Class 1 highway, 100 feet, except in platted subdivision where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.
 - (B) Class 2 and Class 3 highways, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.
 - (C) Exceptions. Where structures are to be erected or established between buildings existing at the time of the adoption of this Ordinance, which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed structure shall be the average of the setback lines of the nearest existing buildings on both sides of the proposed structure provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved.
- 11.11 Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.
- 11.12 Highway Intersections with Transitional Widening. At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened shall be increased by an amount equal to the width of the additional pavement.

- 11.13 Highway intersections with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.
- 11.14 Railroad Grade Crossings. At railroad grade crossings there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

Section 12. Special Uses

- 12.1 General. A “Special Use” is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning districts established herein. It is hereby declared the policy and purpose of this Ordinance to employ the Special Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights. Special Use standards for the Farmland Preservation District and General Agricultural Districts are detailed in Section 7 and 8 of this Ordinance.
- 12.2 Standards for Special Use Permits. Special Use Permits may be authorized by the Board of Appeals in accordance with the procedure set forth in Section 13 when it appears:
 - (A) That it is reasonably necessary for the public convenience at that location.
 - (B) That it is designed, located and proposed to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.
 - (C) That it conforms to the applicable regulations and standards and preserves the essential character of the district in which it shall be located.
 - (D) That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.
- 12.3 Schedule of Special Uses. In addition to those set forth elsewhere in this Ordinance, Special Uses which may be authorized by the Board are as follows:
 - (A) Multiple Family Dwelling in the R-Residence District. In addition to the standards and regulations as set out in Section 6, R-Residence District, the following standards and regulations shall apply:

- (1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 700 square feet; for each w-bedroom unit, 800 square feet; for each 3-bedroom unit, 1,000 square feet – exclusive of common use hallways.
- (2) Off-Street Parking Space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 10 feet from any front lot line and not less than 5 feet from any side or rear line: 1.5 spaces for each 1-bedroom unit; 1.5 spaces for each 2-bedroom unit and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises. 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 highway in a forward direction.
- (3) Dimension of Building Sites.
 - (a) Minimum area and width for a 3-family unit shall be a minimum of 60,000 square feet with a minimum lot width of 200 feet.
 - (b) For more than a 3-family unit, 60,000 square feet plus 20,000 square feet per family unit in excess of 3 with a minimum lot width of 250 feet.
 - (c) Side Yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 40 feet; no single side yard shall be less than 40% of the required total. A two-unit building would require total side yard width of 30 feet, approximately 15 feet on each side.
- (4) Site Improvements.
 - (a) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard serviced driveway.
 - (b) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic values of the area and to protect adjacent property.
 - (c) Such fencing as may be necessary for the safety of the occupants and the public generally.

- (B) In the I-Industrial District:
- (1) Automobile wrecking yard or junkyard.
 - (2) Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable there-from, such as the emission or effluence of noxious or odorous wastes of by-products.
 - (3) Charitable institutions.
 - (4) Non-metallic mining, provided that:
 - (a) In the case of parcels which neither were, nor had been under actual excavation as of the date of original adoption of this Ordinance an application for a nonmetallic mining permit shall be submitted by the operator to the Town Clerk. The Town Board shall refer the application to the Board of Appeals.
 - (b) In the case of the existing nonmetallic mining operations, the operator shall register such parcels or portions thereof with the Town Clerk.
 - (c) The application or registration, as the case may be, shall be accompanied by information which shall include the following:
 - (1) the name and address of the operator;
 - (2) a signed copy of the lease or a letter signed by the owner of record authorizing the operator to enter upon the owner's land for the purpose of nonmetallic mining;
 - (3) a legal description and general location map of the tracts of land involved;
 - (4) a plan of the site showing proposed and existing roads and drives;
 - (5) a plan of the site showing the sources, quantity and disposition of water to be used, if any;
 - (6) an operation plan that includes the following information:
 - (i) map drawn to a scale of 1" equals 100';
 - (ii) a written description explaining the mapped information, including, but not limited to, the

proposed site and future expansion of the site; boundaries of previous excavations; location and use of proposed buildings; storage of reclamation topsoil and methods of disposing of material not to be sold or reclaimed; areas for excavation, processing, manufacturing, stock piling and phasing of these activities across the site over time; location and height of berms, fencing and/or vegetation to screen the operation from adjacent property owners;

- (iii) roads to be used for transportation of excavated material, including all points of ingress and egress and an estimate of the maximum and average number of trucks proposed to enter and leave the site on a daily basis; an estimate of the quantity and type of materials to be removed from the site and the timetable to complete the excavation; a list of the type and quantity of equipment to be used; hours and days of operation; noise and dust control measures; a cross-section map showing the estimated final depth of the excavation; and any other information required by the Board;
 - (iv) a water table map in order to determine the depth of the groundwater; water levels as determined from existing wells, nearby streams, and (or) springs are acceptable as data points;
 - (v) representations accompanied by appropriate financial assurances that the applicant shall be responsible for the cost of redrilling/repairing private wells that may be damaged by the nonmetallic mining operation, including, but not limited to, blasting activity; specific requirements regarding the area to be protected and the amount of financial security deemed necessary shall be determined by the Board on a case by case basis after consideration of the nature of the operation under review.
- (7) a drainage and erosion control plan that includes the following information:
- (i) a map drawn to a scale of 1" equals 100';

(ii) written description detailing the mapped information; contours shown at no greater than 10' intervals at the time of the application; existing drainage ways, subsurface tile drains, pipes and culverts; existing floodplain, wetlands and water bodies; soil types according to the Fond du Lac County Soil Survey; arrows showing direction of surface water flow; calculations showing pre-mining runoff rates compared to runoff rates during mining (applicant must address the impact of the mining activity on adjacent property upstream and downstream from the site in order to demonstrate that runoff rates during mining activity shall not be greater than pre-mining runoff rates); location and design details of proposed runoff detention facilities to be constructed; temporary and permanent erosion control measures.

(d) In addition to the information required by above, the applicant or registrant shall submit a reclamation plan which shall be subject to final approval of the Board. The intent of the final reclamation is to leave the site in a maintenance free and stable condition upon cessation of the operation. Reclamation shall be required for all nonmetallic mining operations, with the exception of the operations which have filed reclamation plans prior to the adoption of this Ordinance. Nonmetallic mining operations commenced after May 11, 1994 shall adhere to all of the requirements of this Section. The partial reclamation program required for existing nonmetallic mining operations shall include, where practicable in light of the circumstances of the operation, the items listed in subsections (1) – (4) below. At a minimum, existing nonmetallic mining operations shall adhere to partial reclamation requirements in order to mitigate safety

concerns on areas already mined. Partial reclamation shall be the responsibility of the operator even if the nonmetallic mining operation was conducted previously by a different operator. Reclamation plans shall include the following:

(1) the plan shall include a map of the subject parcel(s) drawn to a scale of 1" equals 100';

- (2) the plan shall include a written description detailing mapped information, including the following items:
 - (i) final slope angles, terracing, and other slope stabilization measures;
 - (ii) means to mitigate potentially dangerous steep slopes and other dangerous areas;
 - (iii) topsoil stripping, stabilization and conservation methods that will be used during mining and reclamation;
 - (iv) final drainage patterns, shown by arrows, after reclamation is completed;
 - (v) location of proposed runoff detention facility;
 - (vi) anticipated topography, water impoundments, artificial lakes and anticipated future land use of the site (Note: special attention must be given to the preservation and restoration of natural features. Every effort must be made to preserve contours and plant life. Soils shall be blended and matched to those found on adjacent properties. Plant selection and landscape design should consider the ecology of the site and the preservation and use of existing species of vegetation);
 - (vii) estimated cost of reclamation for each stage of the project or entire site if staging is not planned;
 - (viii) timetable of the commencement, duration and cessation of reclamation activities.
- (3) the plan shall include the following minimum criteria:
 - (i) all final slopes around the area shall be flatter than a 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or

in a safe angle of repose in quarrying operation;

- (ii) all topsoil on the site shall be saved for future application, unless applicant is able to prove that it is not needed for reclamation;
- (iii) permanent soil erosion control measures, including seeding, mulching and sodding, where necessary;
- (iv) stabilization of drainage ways (including ditches and culverts) by riprapping or other approved methods.

(4) The reclamation plan submitted by the applicant shall designate and contain appropriate provisions for one or a combination of the following four major land reuse alternatives based on site specific conditions and location:

- (i) a natural site where special attention is given to the preservation and restoration of natural features;
- (ii) a recreational site that is well suited for sports and other forms of recreation;
- (iii) a building site that is well-suited for building facilities to support community growth and development; and
- (iv) an agricultural site that has excellent soils and adequate drainage to support plant life.

(e) Nonmetallic mining operations, whether new or existing, are subject to the following miscellaneous requirements:

- (1) all property, operation, site and phase boundaries shall be staked or otherwise marked and the applicant shall notify the Board that the site is staked prior to commencing operations;
- (2) The applicant shall comply with the following setback requirements:

- (i) 50' from adjacent property lines, but in no event closer than 250 feet to a residential dwelling;
- (ii) 200' from adjacent property lines of parcels containing existing residences which are less than five (5) acres in size;
- (iii) 100' from the centerline of existing private or public road rights-of-way;
- (iv) 1200' from the property line of a landfill, unless a hydrogeologic study demonstrates that groundwater contamination will not occur and groundwater flow patterns will not be disrupted. The hydrogeologic study shall be conducted by a registered engineer showing the impact on existing groundwater flow patterns. Unless otherwise determined by the Board, the determination of a landfill location shall be based on Wisconsin Department of Natural Resources' records of active, inactive and abandoned landfills in Wisconsin, as updated from time to time;
- (v) a lesser setback may be negotiated between the operator and the relevant property owner(s), but in no event shall the negotiated setback be less than 50' from the adjacent property lines of parcels containing existing residences. The enforceability of such negotiated setback as against successors in interest of the operator or such property owner(s) shall be determined according to the laws of this State;
- (vi) the area within the designated setbacks may be used for buildings and storage upon the approval of the Board;
- (vii) the minimum setbacks may be waived by the Board if the relevant quarry boundary line is contiguous with another quarry boundary line.

- (3) except as provided below, no more than 40 acres may be open for nonmetallic mining at any time. More than 40 acres may be opened for nonmetallic mining at any time provided (i) the new operation for which a permit is sought is contiguous to an existing nonmetallic mining operation, and (ii) the Board has determined that there is significant economic value in the remaining nonmetallic minerals located in the preexisting nonmetallic site. In the event that more than 40 acres are allowed to remain open the operator shall nevertheless begin partial reclamation of the preexisting nonmetallic site unless reclamation is economically infeasible, in which case the operator shall double the amount of the financial assurance required to be filed under this Ordinance;
- (4) blasting activity shall be conducted in accordance with requirements of Chapter ILHR 7 of the Wisconsin Administrative Code, as amended, the Institute of Makers of Explosives, as amended, and the following additional requirements:
 - (i) blasting activity shall be restricted from 10:00 a.m. to 6:00 p.m., Monday through Friday;
 - (ii) the maximum charge shall not exceed 3,000 pounds;
 - (iii) neighbor(s) within $\frac{1}{4}$ mile shall receive advance notice of the blasting, provided the neighbor(s) has requested that the operator provided prior notice;
 - (iv) a seismograph shall be provided to the neighbor(s) or the Town Board, if reasonably requested; and
 - (v) the operator shall perform a home inspection upon the written request of the neighbor(s) residing in the vicinity of the blasting activity. The operator may, at its option, and upon reasonable notice to the resident, inspect such residences before and after

blasting. The Town Chairman, or his designee, shall accompany the operator during the inspection;

- (5) the applicant shall obtain a permit from the Wisconsin Department of Natural Resources prior to the on-site burning of any materials. The applicant shall comply with all County, State, and Federal rules, regulations and laws applicable to on-site burning. Notwithstanding the preceding, only pallets, cardboard, brush, and wood generated from the normal operations of the quarry may be burned. Burning shall be restricted from 8:00 a.m. to 5:00 p.m., Monday through Friday;
 - (6) the applicant shall comply with any local, state and federal permits or approvals required for the operation. Copies of the permits or approvals shall be submitted to the Board before a special use permit will be issued;
 - (7) the Board may impose additional standards or conditions as are reasonably necessary to assure operation and reclamation in a manner consistent with the purposes of the special use permit;
 - (8) the Town Building Inspector shall conduct ordinance compliance inspections as needs, but in any event at least annually. The Building Inspector shall submit his report to the Board and the Board shall consider the report before a permit is issued or reissued.
- (f) No permit shall be granted for a period of time exceeding four years. A renewal may be granted upon application, provided that the applicant has met all permit restrictions. A renewal permit may not be considered by the Board until all special use terms and conditions have been met or corrected.
- (g) Sand and gravel operations shall comply with the following special requirements:
- (1) Except as may be otherwise approved by the Board on a case-by-case basis, no more than 10 acres may be open for a sand and gravel operation at any time;

provided, however, that a sand and gravel operation may be expanded on an acre reclaimed to an acre opened basis;

- (2) The initial permit for a sand and gravel operation shall not exceed 2 years and the total term of the initial permit and renewal permits shall not exceed 10 years;
 - (3) The entire sand and gravel operation shall be fully reclaimed upon the expiration of the initial term and renewal terms, if any; and
 - (4) The same filing fees as set forth below shall apply to sand and gravel operations.
- (h) When an operator succeeds to the interest of another in an uncompleted site, the Board shall release the first operator of the responsibilities imposed by the permit only if:
- (1) Both operators are in compliance with the requirements and standards of this Ordinance.
 - (2) The new operator assumes the responsibility of the former operator's permit requirements.
 - (i) A filing fee of \$500 shall be required for each initial application or registration, and a filing fee of \$150 for each permit renewal application. The applicant shall reimburse the Town for any fees reasonably incurred by the Town arising out of the review of the application, including engineers, surveyors, attorneys or independent consultants. In addition to the preceding, the applicant shall provide financial assurance in an amount equal to \$12,000 for each 40 acre (or less) parcel to secure the completion of the reclamation plan. Financial assurance shall be in the form of a bond, interest bearing cash escrow account, or comparable financial assurance approved by the Board. The financial assurance submitted to the Town shall be released for each individual phase of the operation not less than two

years after inspection and approval by the Board to insure that the slopes, seeding, drainage, etc. have been properly established. The Board may reevaluate and adjust accordingly the amount of the financial assurance based on unknown circumstances, changes in cost estimates, partial completion of, or modifications to the reclamation plan, or other factors determined by the Board.

- (ii) Operators of existing nonmetallic mining operations shall register within one year after the effective date of this ordinance or cease all operations on the site.
- (k) Special use permits issued to existing nonmetallic mining operations prior to May 11, 1993 shall remain in full force and effect
- (5) Microwave radio relay structures and mechanical appurtenances.
- (6) Panel and correctional institutions.
- (7) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a R-Residence District not used for the same purpose.
- (8) Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- (9) Public boat liveries and marinas, public beaches and bathhouses, public parks, golf grounds, picnic areas and swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing, provided, however, that no permit shall be issued until plans for sanitary facilities shall have been approved as adequate by the County Sanitarian.
- (10) Municipal sewage disposal plants, subject to the provision that they shall be located not less than one thousand (1000) feet from the nearest dwelling, shall be properly and adequately screened and buffered from the highway and adjacent property, and shall be so constructed and operated that there shall be no offensive odors or noise, and that there is adequate provision for the effluent and for the disposal of all sludge and residues,

and that the area shall be completely enclosed with an adequate chain link type of fencing in addition to shrubbery screening; and that the foregoing provisions and all the provisions required by State law or Administrative Code are maintained during the operation thereof.

- (11) In all districts other than Farmland Preservation:
- (a) Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration buildings.
 - (b) Topsoil removal.
 - (c) Dog kennels.

Section 13. Zoning Board of Appeals

- 13.1 Establishment. Under the provisions of Section 62.23(7)(e) Wisconsin Statutes, there is hereby established a Board of Appeals.
- 13.2 Organization of Board of Appeals. The Board of Appeals shall consist of 5 members, appointed by the Town Chairman and subject to confirmation of the Town Board, for staggered terms of 3 years. The members of the Board shall serve at such compensation to be fixed by resolution. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- 13.3 Meetings of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 13.4 Power of the Board of Appeals. The Board of Appeals shall have the following powers:
- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Ordinance.
 - (1) Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer of the Town affected by any decision of the Building Inspector. Such appeal shall be taken within 20 days of filing with the

Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the appeals action was taken.

- (2) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class I notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (B) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (C) To interpret the provisions of this Ordinance where the street layout on the ground differs from the Official Zoning Map.
- (D) To authorize upon appeal in specific cases, a variance from the standards of the Ordinance as will not be contrary to the public interest. A variance for the purpose of this Ordinance shall not be granted unless:
 - (1) A written application for a variance is submitted demonstrating:
 - (a) That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
 - (b) That literal enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands or structures in the same district.
 - (2) No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
 - (3) The application is in proper form and a fee as specified in Section 15.2 has been paid. The Board shall hold a public hearing on such matter in accordance with the provisions of Section 13.4. Reasonable special

conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board if it grants the application for variance.

(E) Grant a Special Use.

- (1) An application for one of the Special Uses of Land specified in Section 12 shall be made by filing a written application or petition to the Board. Such applications shall:
 - (a) State the name and address of applicant and owner.
 - (b) State the location of property for which the Special Use Permit is sought.
 - (c) State the specific Special Use desired.
 - (d) State the facts sufficient and demonstrate that the conditions prescribed in Section 12 exist and support such statement with any plans and/or data as are required by the Board.
- (2) If the application for a Special Use Permit is in proper form and a fee as determined by Section 15.2 has been paid, the Board shall hold a public hearing on such matter and give notice as provided in Section 13.4. Reasonable special conditions and safeguards for the protection of the public health, safety and welfare may be imposed by the Board if it grants the application for special use.
- (3) Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the Zoning Ordinance or the District Map; such power and authority being reserved to the Town Board.
- (4) No Special User Permit shall be issued unless the Board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this Ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such structure or use shall comply with all other regulations in the district in which it is proposed to be located.

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

- 13.6 Required Vote. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official on any matter upon which it is required to pass under the Ordinance, or to effect any variation in such Ordinance. The grounds of every such determination shall be stated.

Section 14. Enforcement

- 14.1 Building Inspector. It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance.
- 14.2 Permit Required. No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefor shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision, Shoreland Zoning, and Flood Plan Zoning Ordinances, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued except that lots served by public sewer shall not require a sewer permit.
- 14.3 Permit Applications. All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Ordinance.
- 14.4 Land Information. All dimensions shown relating to the location and size of the lot. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- 14.5 Certificate of Compliance. No vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Ordinance.
- 14.6 Temporary Certificate. Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a dwelling.

- 14.7 Existing Uses. Upon written request from the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the Ordinance.
- 14.8 Use as Provided in Application and Plans. Building permits issued on the basis of plans and applications approved by the Building Inspector authorizes only the use, arrangement and construction set forth in such approved plans and applications. Use, arrangement or construction at variance shall be deemed a violation of this Ordinance.
- 14.9 Time Limit on Permits. Building permits issued pursuant to this section are valid for a period of twelve months from the date of issuance. The permittee shall initiate substantial work or improvements prior to the termination of twelve months from date of issuance. If substantial work or improvements have not begun prior to twelve months from date of issuance, the building permit issued pursuant to this section shall lapse and the permittee shall be required to reapply as set forth above in this section . Consideration of “substantial work or improvement” shall include but is not limited to the following factors: amount of labor; expenditures; economic value of materials and labor; hardship to the owner; reasons for delay in construction; and such other factors as the Building Inspector deemed relevant. The Building Inspector’s decision on this matter may be appealed to the Board of Appeals.
- 14.10 Improper Issuance. A permit which was improperly issued or not issued in accordance with the standards and procedures as set forth in this Ordinance shall not create any right in said permit and the Town shall be entitled to revoke said permit.

Section 15. Fees

- 15.1 Building Permit. A fee in an amount determined by the Town Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer.
- 15.2 Appeals/Special Use Permits. A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefor filed with the application. This fee shall not be required of any township officer acting in his official capacity.
- 15.3 Amendments. A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this Zoning Ordinance, which fee shall be paid to the Town Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town Plan Commission.

Section 16. Violations and Penalties

- 16.1 Remedies. Any building, structure or mobile home hereafter erected, enlarged, structurally altered, or moved or any use hereafter established in violation of any of the provisions of this Ordinance shall be deemed an unlawful building, structure, or mobile home or use. The Building Inspector shall promptly report all such violations to the Town Board, which shall instruct the attorney for the Town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.
- 16.2 Penalties. At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$25.00 nor more than \$500.00 for each offense, together with the costs of prosecution and attorneys' fees, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the County Jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Section 17. Amendments

17.1 Power of Amendment.

The Town Board may from time to time on its own motion or on petition, amend, supplement or change this Ordinance, including the Official Zoning Map. There is hereby established a Plan Commission consisting of five members and two alternates, all with staggered terms. The Plan Commission shall serve at the pleasure of the Town Board in order to fulfill the functions defined below.

- 17.2 Procedures. The Town Board shall refer every proposed amendment to the Plan Commission for a report and recommendation. If the Town Board does not receive a report and recommendation from the Plan Commission within sixty days of submitting the proposed amendments, the Town Board may proceed with the necessary hearing.

17.3 Public Hearing and Notice.

- (A) Notice of Hearing. A Class 2 notice in accordance with Chapter 985, Wisconsin Statutes, shall be published in the Town's official newspaper once during each of the two weeks prior to a public hearing on an amendment to this Ordinance.

At least ten days before the public hearing, a written notice of such hearing shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

17.4 Final Approval by Town Board

An amendment shall become effective upon a majority vote of the members of the Town Board voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a unanimous vote of the members of the Board voting on the proposal.

Section 18. Validity and Conflicts

- 18.1 Severability. Should any section, clause or provisions of this Ordinance be declared by courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 18.2 Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 19. Effective Date and Repeal of Interim Ordinance

- 19.1 Effective Date. This Ordinance shall be in force from and after its passage, approval, publication and recording according to law.
- 19.2 Interim Zoning. Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this Ordinance becomes effective.

TOWN OF ALTO

Duane Bille
Town Chairperson

Attest:

Roger Karsten
Town Clerk

Adopted: _____