

**TOWN OF ELDORADO ZONING ORDINANCE
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**Town of Eldorado Zoning Ordinance
Fond du Lac County, Wisconsin**

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

The Town Board of the Town of Eldorado, Fond du Lac County Wisconsin, having been granted village powers pursuant to Section 60.18 (12), does ordain as follows:

Section 1.0 Interpretation and Purposes

- 1.1 The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals comfort, prosperity and general welfare of the Town of Eldorado, Fond du Lac County, Wisconsin.

- 1.2 It is not the intend of this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 2.0 Districts

- 2.1 For the purposes of this ordinance, the Town of Eldorado, Fond du Lac County, Wisconsin is hereby divided into 6 districts as follows:
 - R Residence District
 - RD Rural District
 - A-1 Exclusive Agricultural District
 - A-T Agricultural Transition District
 - B Business District
 - I Industrial District

- 2.2 The boundaries of the aforesaid districts are hereby established as shown on the

map entitled " Town of Eldorado Zoning Map," which map is made a part of this ordinance and is on file in the office of the Clerk of said township. All notations and references shown on the Zoning Map are as much a part of this ordinance as though specifically described herein.

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

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

Section 3.0 Definitions

- 3.1 Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.
- 3.2 Airport, Public - Any airport which complies with the definition contained in Section 114.002 (7), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.3 Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
- 3.4 Basement - A story partly underground which, if occupied as living quarters, shall be counted as a story for purposes of height measurements.
- 3.5 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.
- 3.6 Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by solid walls extending from the ground up, each part shall be deemed a separate building.
- 3.7 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.

- 3.8 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.
- 3.9 Building, Main - A building constituting the principal use of a lot.
- 3.10 Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.11 Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- 3.12 Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
- 3.13 Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.
- 3.14 Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- 3.15 Family - (a) an individual; or (b) 2 or more persons related by blood, marriage, or adoption; or (c) a maximum of 5 persons not so related, maintaining a common household in a dwelling unit or lodging unit.
- 3.16 Frontage - All the property abutting on a road or street.
- 3.17 Garage, Private - An accessory building or space for the storage of not more than two motor-driven vehicles.
- 3.18 Garage, Public - Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- 3.19 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.

- 3.20 Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no mechanical equipment is used other than such as is ordinarily used for domestic purposes, that no sign other than one unlighted name plate no more than 2 feet square is installed, and that no person other than a member of the immediate family living on the premises is employed.
- 3.21 Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.22 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.
- 3.23 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.
- 3.24 Lot, Zoning - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
- 3.25 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 high-water line of a storm or floodwater runoff channel or basin; or (c) at the junction of and abutting 2 or more storm or flood water runoff channels or basins; or (d) at and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.
- 3.26 Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.27 Lot, Interior - A lot other than a corner lot.
- 3.28 Lot Width - The distance between sides of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot at both the building line and the waterline.

- 3.29 Mobile or Manufactured Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
- 3.30 Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- 3.31 Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- 3.32 Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments, which use, or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.33 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.
- 3.34 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.
- 3.35 Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- 3.36 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.
- 3.37 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency,

or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

- 3.38 Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- 3.39 Special Use - A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous with the term special exception.
- 3.40 Stable - "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.41 Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
- 3.42 Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.43 Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- 3.44 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.
- 3.45 Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from 1 location or position to another.
- 3.46 Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.47 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.
- 3.48 Yard, Front - A yard extending the full width of a lot and situated between the

front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.

- 3.49 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.
- 3.50 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 4.0 General Provisions

4.1 General Use Provisions

1. The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
2. The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located, but such nonconforming use shall not be extended. Nonconforming mobile homes shall not be moved, relocated or placed unless in conformity with this ordinance.
3. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restrictive classification. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.
4. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.
5. When a nonconforming mobile home or a building containing a nonconforming use is damaged by fire, explosion, or act of God to the extent of more than 50% of its current value, as determined by the local assessor, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed 50% of the value of the

building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.

4.2 General Yard and Space Provisions

1. No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
3. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case, shall there be more than one main building on one lot.
4. Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches.
5. Any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
6. No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
7. Where a housing project consisting of a group of 2 or more buildings containing 4 or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.
8. The entirety of all residential structures must be placed within 300 feet of the adjacent road right-of-way line.
9. A driveway turn around is required for each residential lot to eliminate

backing up of vehicles onto public roads.

4.3 Effective Date

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

4.4 Parking

2. All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least 1 car for every 5 seats provided.

4.5 Exceptions.

1. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
2. Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such buildings are 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.
3. Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Eldorado.
4. 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.
5. 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.

6. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
7. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of passage of this ordinance, such lot may be occupied by 1 family.
8. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 12 feet high and shall not be nearer than 5 feet to any lot line. Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
9. Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they are so located as not to obstruct light and ventilation.

4.6 Code Compliance & Permits

1. No building permit or certificate of occupancy shall be issued by the Building Inspector for any lot which does not comply with all the regulations and standards of this ordinance.

4.7 Wireless Telecommunications Towers

Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

1. Purpose. The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging

techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. Definitions. As used in this ordinance, the following terms shall have the meanings set forth herein:

- (a) **Alternative Tower Structure:** Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
- (b) **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- (c) **Backhaul Network:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, an/or long distance providers, or the public switched telephone network.
- (d) **Collocation:** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
- (e) **FAA:** Federal Aviation Administration.
- (f) **FCC:** Federal Communications Commission.
- (g) **Height:** When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
- (h) **Preexisting Towers/Antennas:** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.
- (i) **Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed

towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

3. Applicability.

(a) New Towers and Antennas: All new towers or antennas in the Town du Lac shall be subject to these regulations, except as provided in Sections 3(b) and 3(c).

(b) Amateur Radio Station Operators/Receive Only Antennas: This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

(c) Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section S(b).

4. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector. The following shall be required as part of the application submittal:

(a) A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Building Inspector to be necessary to assess compliance with this ordinance;

(b) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;

(c) The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;

(d) Landscape plan showing specific plant materials;

(e) Method of fencing, including location, materials and finished color and, if applicable, vegetative screening;

(f) Description of compliance with Section 5;

5. General Requirements. In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

(a) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(b) State or Federal Recuirements. All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(c) Co-location. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.

(d) Height. Antenna height shall not be restricted, provided such device is installed and maintained in accord with applicable state or local building codes, and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

(e) Setbacks. A tower shall be located not closer than a distance equal to look of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.

(f) Separation Between Land Uses. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified herein. The minimum separation distance shall be 200 feet or 300t of the height of the tower, whichever is greater.

(g) Aesthetics. Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(h) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

(i) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(j) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

(k) Landscaping.. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived- Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(l) Appurtenant Equipment and Buildings. Antennas mounted on structures or rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.

Antennas mounted on utility poles, light poles or towers: The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

6. Permitted Uses.

(a) Antennas or Towers On Existing Structures: An antenna or tower may be situated on the roof of a residential, commercial, industrial, professional, or institutional structure may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

(b) Antennas On Existing Towers: The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a mono-pole; (2) An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location, but the relocation may only occur one time per communication tower; (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the Town.

(c) Cable Microcell Network: The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not

require the use of towers.

7. Special Uses. The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed only by special use permit and only in non-residential zoning districts. An application for a special use permit shall be subject to the procedures and requirements of Sections 11.0 and 12.35. In addition, a special use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.

8. Removal of Abandoned Antennas and Towers. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

9. Nonconforming Uses.
 - (a) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

 - (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

10. Wireless Telecommunications Towers and Antennas
 - (a) Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

| New Tower Type | Existing Tower Type | | | |
|----------------|---------------------|---------|-------|----------------|
| | | Lattice | Guyed | Monopole 75 Ft |

| | | | In Height or Greater | Than 75 Ft in Height |
|-------------------------------------|------|------|----------------------|----------------------|
| Lattice | 5000 | 5000 | 1500 | 750 |
| Guyed | 5000 | 5000 | 1500 | 750 |
| Monopole 75 ft In Height or Greater | 1500 | 1500 | 1500 | 750 |
| Monopole Less Than 75 Ft in Height | 750 | 750 | 750 | 750 |

(b) Tower Height: The following criteria shall apply in determining the maximum height of a tower:

- (1) For a single user, up to 90 feet.
- (2) For two users, up to 120 feet.
- (3) For three or more users, up to 195 feet.

(c) Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the Town to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that

- render existing towers and structures unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

Section 5.0 R Residential District

5.1 Purpose

The R-Residential District is intended to provide the area covered by this ordinance with low-density residential development. The Residential District is intended primarily for the unincorporated village of Eldorado.

5.2 Permitted Uses

The following uses are permitted in the R-Residential District.

1. One-family dwellings.
2. Two-family dwellings.
3. Manufactured homes, subject to the following requirements:
 - a) The minimum ground floor area shall be 800 square feet.
 - b) Each manufactured home must be built on or after October 1, 1974, in compliance with either American National Standards Institute or Housing and Urban Development Codes as enforced by the Wisconsin Department of Industry, Labor and Human Relations.
 - c) Foundation base. A base of concrete or crushed rock at least six inches thick, concrete blocks or other properly engineered design which meets the standards of Housing and Urban Development for the proper support of a manufactured home shall be installed.
 - d) Any manufactured home, which has been previously occupied as a dwelling, must have a current fair market value of not less than 60 per cent of its original list price.
4. Public parks, playgrounds.

5. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
6. Conversion of any existing building to a permitted use.
7. Home occupations, provided that no more than 1 sign not illuminated and not exceeding 2 square feet in area which refers to the home occupation is placed on the premises.
8. Swimming pools, provided that all pools shall maintain a minimum side yard and rear yard clearance of 20 feet from the adjoining property.

5.3 Regulations and Standards

1. The following regulations and standards shall apply to all dwellings.
 - a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than two roomers or boarders.
 - b) Location. Dwellings shall be located so as to abut a public road and have a minimum of 150 feet of frontage thereon.
 - c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 850 square feet for 1-story, 800 square feet for split level, and 700 square feet for 2-story plus dwellings; 1/2 of the vertical measurement of the first story must be above ground level.
 - d) Off-Street Parking Space (1) Each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located on 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) location: such space shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.

5.4 Dimensions of Building Sites for Unsewered 1 and 2 Family Units

1. The minimum lot area shall be 1 acre and the minimum lot width 150 feet at the building line; on riparian lots, 75 feet at the water's edge.
2. The floor area for a garage(s) on a lot with a single family use in an R Residential District shall not exceed 750 square feet in area for any single garage nor 900 square feet in area for a combined total of a detached garage and one other outbuilding.

3. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Comm 83 and/or Comm 85, Wisconsin Administrative Code or the Sanitary and Private Sewage System Ordinance of Fond du Lac County then such larger lot sizes shall be considered as required by the zoning ordinance.
4. Buildings may not to exceed 35 feet or 2½ stories in height.
5. For buildings not over 1½ stories in height, the sum of the width or the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.
6. For buildings from 1½ to 2½ stories in height, the sum of the width of the required side yards shall not be less than 30 feet and no single side yard shall be less than 12 feet.
7. A minimum rear yard depth of 25 feet and a water setback of 75 feet on riparian lots, riparian lot setbacks shall comply with applicable county ordinance and state law.
8. Road setbacks are as provided generally in Section 11 and more specifically as below:
 - a) Along town and private roads, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater. Within platted subdivisions, 30 feet from the right-of-way line as shown on the recorded subdivision plat.
 - b) Along state and federal highways, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater and including subdivisions.
9. Vision corners shall be reserved at all road intersections. In each quadrant of every public or private street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class 1 highway intersection, and 200 feet from a Class 2 highway intersection.
10. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a town building permit.

5.5 Substandard Lots.

1. On a single lot having a width of less than 60 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than the equivalent of 5 inches per foot of lot width for buildings not over 1½ stories high, and of 6 inches per foot of lot width for buildings from 1½ to 2 ½ stories high and no single side yard shall be less than 40% of the total.

5.6 Mobile Homes in Residential Districts

1. Whenever an existing mobile home in a Residential Zone, and existing at the time of the adoption of the Town Ordinance, is removed from any premises within such a Residential Zone, the following rules and regulations of this code shall govern such contemplated action.
 - a) When a mobile home is removed from any residential premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.
 - b) When any person owning or occupying land in a Residential Zone requests permission to place a mobile home for the purpose of constructing a permanent dwelling, under Section 4.0 of Town of Eldorado Zoning Ordinance, the following procedure shall be followed:
 - c) The applicant shall first be required to apply for building permit from the Town Inspector or Town Assessor, submitting plans as provided by Section 15.1-2.
 - d) After such time as the Building Inspector of the Town of Eldorado issues a building permit for an approved building on such premises, the applicant may then apply for a Mobile Home permit, as provided in Section 14.0 paragraph 14.3. Such Mobile Home permit issued under these conditions by the Town Assessor as a temporary permit and shall be declared as invalid after a period of one year from the date of the issuance.
 - e) Not more than one permit shall be issued to the same person occupying the same property for the same purpose; to be more specific, it should be understood that a temporary Mobile Home permit cannot be extended for a period of more than one year, and only one permit can be issued to the same person or persons occupying this property.

Section 6.0 RD Rural District

6.1 Purpose

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

6.2 Permitted Uses

Within the RD-Rural District the following uses are permitted.

1. Permitted principal agricultural uses and structures in the A-1 District.
2. Single-family dwellings.
3. Two-family dwellings.
4. Mobile and manufactured homes.
5. Hobby farms and farm homes and structures remaining from any farm consolidation.
6. Public parks and playgrounds.
7. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.

6.3 Regulations and Standards

1. The following regulations and standards shall apply to all dwellings:
 - a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than two roomers or boarders.
 - b) Location. Dwellings shall be located so as to about a public highway and lots shall have a minimum of 200 feet of frontage thereon. The entirety of all dwellings shall be within 300 feet of the adjacent public road right of way.

- c) Habitable Floor Area. The minimum habitable floor area per dwelling unit shall be 800 square feet.
- d) Off-Street Parking Space. (1) each dwelling unit shall be provided with a minimum of 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) location: no such space shall be located less than 10 feet from any front lot line and shall be located not less than 5 feet from any side or rear lot line.
- e) The entirety of all residential structures must be placed within 300 feet of the adjacent road right-of-way line.
- f) A driveway turn around is required for each residential lot to eliminate backing up of vehicles onto public roads.

6.4 Dimensions of Building Sites

1. The minimum lot area shall be 1½ acres and the minimum lot width 200 feet at the road right of way and the building line; on riparian lots, 75 feet at the water's edge. For lots where horses or other livestock will be kept, the minimum lot size is 5 acres. All other dimension requirements above are the same for 5 acre lots.
2. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Comm 83 and/or Comm 85, Wisconsin Administrative Code or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the Zoning Ordinance.
3. The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to the issuance of a building permit. No construction shall commence prior to issuance of these permits.
4. For buildings not over 1-1/2 stories in height, the sum of the width of the required side yards shall not be less than 20 feet. For buildings from 1 1/2 stories to 2 1/2 stories in height, the sum of the width of the required side yards shall not be less than 30 feet.
5. Buildings may not to exceed 35 feet or 2½ stories.

6. The minimum rear yard depth is 40 feet. On riparian lots, rear yards shall comply with applicable county ordinances and state law.
7. For buildings or fenced areas housing livestock, the minimum side and rear yard set backs are 40 feet.
8. Setbacks are provided generally in Section 11 and more specifically as below:
 - a) Along town and private roads, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater. Within platted subdivisions, 30 feet from the right-of-way line as shown on the recorded subdivision plat.
 - b) Along state and federal highways, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater and including subdivisions.
 - c) Vision corners shall be reserved at all road intersections. In each quadrant of every public or private street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class 1 highway intersection, and 200 feet from a Class 2 highway intersection.
8. Building permits are good for 12 months from the date of issuance.

6.5 Fences

1. In the rural district, the following fence regulations apply:
 - a) Two and a half feet maximum height within any vision-corner clearance triangle.
 - b) Six feet maximum height in all other locations.
 - c) Unlimited height for school fences.
 - d) Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
 - e) Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
 - f) Fences shall be maintained in good repair as to structure and appearance. Fences shall be set back two feet from the property line. Fences between

any use and an agricultural use may be placed on the property line. Building permits must be obtained from the town permit issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

- g) The party initiating construction of a fence must place the finished side toward neighboring properties.

Section 7.0 A-1 Exclusive Agricultural District

7.1 Purpose

The purpose of the A-1 District is to:

1. Preserve productive agricultural land for food and fiber production.
2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
3. To maintain a viable agricultural base to support agricultural processing and service industries.
4. To prevent conflicts between incompatible uses.
5. To reduce costs of providing services to scattered non-farm uses.
6. To pace and shape growth.
7. To implement the provisions of the county agricultural plan as adopted and revised.
8. To comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under s. 71.09 (3).

7.2 Permitted Uses

Within the A-1 Exclusive Agricultural District the following uses are permitted.

1. Conservancy uses, including open space uses, forestry, public parks, hiking trails, and other similar uses. Also including small accessory structures to service such uses.
2. General farming.
3. Telephone, and power transmission lines and structures; micro-wave radio

relay structures and radio broadcast and television towers; and other gas and electric utility uses not requiring authorization under s. 196.491 when their location shall first have been approved by the Board of Appeals.

4. Roadside stands for the sale of farm products produced on the premises, provided that 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.
5. 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.
6. Directional signs indicating the location of a business offering goods or services conducted on premises located within the town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway on which the sign is located; and such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 250 square feet in area.
7. The only residential uses allowed as permitted uses are those which are to be occupied by a person who, or a family at least one member of which, earns a majority of his or her livelihood from farm operations on the farm parcel, or a parent or child of the operator of the farm. All residence uses shall comply with the regulations and standard provisions for RD-Rural District.
8. Pre-existing residences located in the A-1 zone which do not conform to the regulations and standards under this section may be continued in residential use and may be altered, repaired or rebuilt if destroyed, providing that if destroyed, the structure shall be rebuilt in conformance with setback, rear yard, height and side yard requirements.

7.3 Mobile Homes in A-1 District

1. Special use permits are required for mobile home farm employment with the following conditions:

- a) Mobile home to be occupied 60% of the year for farm labor.
- b) Special use permits to be issued by the Town of Eldorado Board of Appeals.
- c) No mobile home to be removed from permitted site without permission of Town of Eldorado Board of Appeals.

2. Mobile Home Compliance.

- a) All mobile homes in the exclusive agricultural, or existing mobile home courts, shall be skirted, wheels removed, and around the entire perimeters, a continuous skirting material of wood, metal or masonry of not more than 25% open face extending from the bottom of the mobile home to the finished grade of the mobile home stand. Said skirting shall be broken only to provide for such-appurtenances as porches or trailer hitches where skirting would prevent the provision of same. Mobile and manufactured homes must be placed and attached to a permanent foundation.
- b) All appurtenances as porches etc. shall be no more than 1/3 the size of the mobile home on site.

7.4 Dimensional Requirements

- 1. Height, side yard, rear yard, and setback as established for RD-Rural District: provided, however, that the side yard for accessory buildings shall be 25 feet. The minimum lot area for residential uses other than those described in 7.2 7. and 7.2 8. shall be 35 acres.
- 2. The entirety of all dwellings shall be within 300 feet of the adjacent public road right of way.

7.5 Special Uses

Certain uses which are not listed as permitted uses may be permitted as Special Uses as described in Section 12.

7.6 Standards for Rezoning

The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings. Decisions on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings, which consider the following:

- 1. Adequate public facilities to serve the development are present or will be

provided.

2. Provision of these facilities will not be an unreasonable burden to local government.
3. The land is suitable for development.
4. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
5. The potential for conflict with remaining agricultural uses in the area.
6. The need of the proposed development location in an agricultural area.
7. The availability of alternative locations.
8. The productivity of the agricultural land involved.
9. The location of the proposed development to minimize the amount of agricultural land converted.

Section 8.0 A-T Agricultural Transition District

8.1 Purpose

The purposes of the A-T district are to:

1. To provide for the orderly transition of agricultural land to other uses in areas planned for eventual urban expansion.
2. To defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost.
3. To ensure that urban development is compatible with local land use plans and policies.
4. To provide-periodic review to determine whether all or part of the lands should be transferred to another zoning district. Such review shall occur:
 - a) A minimum of every five years.
 - b) Upon completion or revision of a county agricultural preservation plan or municipal land use plan which affects lands in the district; or upon

extension of public services, such as sewer and water, necessary to serve urban development.

This district is generally intended to apply to lands located adjacent to incorporated municipalities or urbanized areas where such land are predominantly in agricultural or related open space use but where conversion to non-agricultural use is expected to occur in the foreseeable future. Lands indicated as transition areas in the agricultural plan and similar land are to be included.

8.2 Permitted Uses

Same as Section 7.2 Exclusive Agricultural District (A-1).

8.3 Special Uses

Same as Section 7.5 Exclusive Agricultural District (A-1).

8.4 Regulations and Standards

1. Minimum lot, height and yard requirements are the same as Section 7.4 Exclusive Agricultural District (A-1).
2. The entirety of all dwellings shall be within 300 feet of the adjacent public road right of way.
3. Standards for Rezoning are the same as Sec. 7.6 Exclusive Ag District (A-1).

Comment: This is a separate exclusive agricultural zoning district of a short-term nature. Transition areas are identified in the Town of Eldorado Land Use Plan that are in predominantly agricultural use and identified for future development.

Section 9.0 B Business District

9.1 Purpose

The Business District is intended to provide space for those retail, business, service business and office uses serving the area.

9.2 Permitted Uses

Within the Business District the following uses are permitted:

1. Retail stores and shops excluding adult oriented sales or services establishments.
2. Banks, post office, medical or dental clinics, business or professional offices.
3. Service-type business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment and similar uses.
4. Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment.
5. Hotel, motel, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted use.
6. Clubs, lodges, public meeting halls, theaters, bowling alley, and similar places of assembly or recreation.
7. Blacksmith shops, machine shops, welding shops, sheet metal shops.
8. Farm implement sales.
9. Feed mill.
10. Signs
 - a) 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 sign 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.
 - b) Directional signs indicating the location of a business offering good or services conducted on premises located within the town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway

on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 250 square feet in area.

9.3 Business Permits

1. All new business or industrial uses as defined by this section or Section 9.0 shall be required to obtain a one time business permit prior to starting operations. A permit fee of not less than \$10.00 per business operation shall be collected by the town. The purpose of this section is to allow the town to review the proposed business or industrial use for the following purposes:
 - a) To review the proposed use in order to confirm proper zoning;
 - b) To review with the applicant all requirements regarding building permits, occupancy permits, and compliance with all other relevant local and state requirements;
 - c) To review traffic and parking considerations;
 - d) To review all other relevant terms and provisions of the Town of Eldorado Ordinances.
 - e) Any business, existing or new, that is sold or ownership transferred, are required to purchase another license from the Town of Eldorado.

9.4 Regulations and Standards

1. Dimensions of Building Sites
 - a) Where the lot is to be used solely for the conduct of a business and for no residential purposes, the minimum lot area shall be 10,000 square feet with a minimum lot width of 75 feet; provided however, that where the Industrial Commission or the Board of Health of the State of Wisconsin requires the installation of toilets, then the lot area shall be sufficient to comply with the soil absorption and percolation tests as established by the said Industrial Commission and the State Board of Health, and the application for building permit or certificate of occupancy shall be accompanied by such certification.
 - b) When an apartment or residence is a part of the business structure, then there shall be additional square footage sufficient to qualify the same under the requirements for residences in the R-Residence District and subject to the alternative provisions, and the test provision shall apply to

multiple family residences boarding houses and lodging houses.

- c) Advertising and announcement signs must be located and regulated as defined in section 7.2 5. 6.

2. Off-street parking

- a) One off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit serviced.
- b) One off-street parking space per person normally employed on the lot or tract of land.
- c) One off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

Section 10.0 I Industrial District

10.1 Purpose

The Industrial District is intended to provide space for light and heavy industrial and long-term mineral extraction uses serving the area.

10.2 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 one or more of the following uses:

1. Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
2. Knitting mills and the manufacture of products from finished fabrics.
3. Laboratories.
4. Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
5. Manufacturing of products not otherwise prohibited.
6. Mining and quarrying provided that the requirements for location, operation and reclamation set out in Section 12.32 5. are complied with - permit provisions of Section 12.32 5. a) do not apply in the Industrial District.

7. Printing and publishing.
8. Processing, packing and manufacture of food, except meat and meat products, fish and fish products.
9. Repair, service and assembly of motor-propelled or non-motor-propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles, metalworking, and welding shops.
10. Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
11. Wholesale business.
12. Advertising and announcement signs as defined in Section 9.2 10.

Any other uses similar in character to or customarily established in connection with the foregoing.

10.3 Regulations and Standards

The following regulations and standards shall apply to all areas in the town zoned I-Industrial.

1. The minimum lot width is 100 feet at building line, the minimum lot size is 20,000 square feet.
2. The amount of the total lot area that may be covered by all principal and accessory buildings shall not exceed 50%.
3. On every lot in the I-Industrial District yards shall be required as follows:
 - a) For corner lots 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) The front yard depth where a lot abuts a highway or street shall be 65 feet from the centerline of such right-of-way, but less than 25 feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.

- c) The width of each side yard shall be 10 feet or greater, no accessory building shall project into the required side yard space.
 - d) 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.
4. Where an I-Industrial zoned lot abuts a lot in a R-Residence District there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to the R-Residence District is a public street, the front yard in the I-Industrial District shall be suitably landscaped.
 5. Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards.

10.4 Off-Street Parking Space

Off-street parking shall be provided as follow:

1. One off-street parking space per person normally employed on the lot or tract of land.
2. One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.

10.5 Signs

1. Signs are permitted as an accessory use to the principal use of the premises.
2. The gross area of signs per establishment shall not exceed two times the lineal feet of frontage of the zoning lot on which such signs are located.
3. No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure and shall not project across lot lines.

Section 11.0 Highway and Riparian Set Back Lines

11.1 Setbacks

1. In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be, and they are hereby established in the Town of Eldorado, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided.
2. Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village nor on the side within another town where the highway is located on a town boundary.

11.2 Classes of Highways and Center Lines

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

1. Class 1 Highways.
 - a) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or Town Board. The centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.
 - b) Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is at the center of the surfacing or pavement, or, if there is none, the center of graded roadbed.
 - c) Roads and streets in platted subdivisions not otherwise classified. The centerline is the midpoint between the right-of-way lines or as shown on the recorded plat.
 - d) Private roads. The centerline is at the middle point between the right-of-way lines.
 - e) That a land developer, for mobile homes, homes, condominiums and apartment buildings, build a road or roads that meet Town of Eldorado road standards. Which are, at least 4 rods, and also be hard surfaced, with a cul-de-sac, if needed.
2. Class 2 Highways
 - a) All roads classified by Fond du Lac County as county trunk highways.

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

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 the United States Highways. The centerline is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane, if the highway is to be paved as a double-divided road.

11.3 Structure Prohibited Within Setback Line.

No new building, mobile home, new sign, or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be 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.

11.4 Structures Permitted Within Setback Lines.

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

1. Open fences.
2. Telephone, telegraph and power transmission poles and lines, and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, providing the owner file with the Zoning Committee of the Town of Eldorado an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
3. Underground structures not capable of being used as foundations for future prohibited over ground structures.
4. 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.

5. 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.

11.5 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 by Section 11 of this section, shall be as provided by the following paragraphs of this subsection, respectively.

1. 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.
2. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

11.6 Along Highways Generally.

The setback distance from the centerline, at any point, for the respective classes of highways shall be as follows.

1. 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.
2. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

11.7 At Ordinary Highway Intersections.

Vision corners shall be reserved at all road intersections. In each quadrant of every public or private street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class 1 highway intersection, and 200 feet from a Class 2 highway intersection.

11.8 At Highway Intersections with Transitional Widening.

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

11.9 At Highway Intersections with Curve Connections.

At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by subsection 11.5 2. of this section and the setback distance along the curve shall be measured from the enter of the curved section determined accordingly.

11.10 At Railroad Grade Crossings.

At railroad grade crossings, there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

Section 12.0 Special Uses

12.1 Definition

A "special use" is a use which is necessary or desirable for public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District established herein. It is hereby declared the policy and purpose of this ordinance to employ the 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, welfare, and individual property rights.

12.2 Authorizing Special Use Permits.

Special Use permits may be authorized by the Board of Appeals in accordance with the procedure set forth in Section 13.35 when it appears:

1. that it is reasonably necessary for the public convenience at that location, or
2. that it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental

to the public welfare, and

3. that it conforms to the applicable regulations and standards and reserves the essential character of the district in which it shall be located, or
4. that in the case of an existing nonconforming use will make such use more compatible with its surroundings.

12.3 Schedule of Special Uses.

Special uses, which may be authorized by the Board, are as follows:

1. Multiple family dwelling in the R-Residence district shall be subject to the standards and regulations as set out in Section 5.0 R-Residence District paragraphs 5.3 1. a)-c), 5.4 4.-8. together with the following additional standards and regulations:
 - a) Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit 700 square feet; for each 2-bedroom unit 800 square feet; for each 3-bedroom unit, 1,000 square feet -- exclusive of common use hallways.
 - b) 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 5 feet from any side or rear lot 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 area 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.
 - c) Dimension of Building Sites.
 - 1) Minimum area and width for a 3-family unit shall be a minimum of 1.5 acres (65,340) square feet with a minimum lot width of 200 feet.
 - 2) For more than a 3-family unit, 1.5 acres (65,340) square feet plus 7,500 square feet per family unit in excess of 3, with a minimum lot width of 250 feet.
 - 3) Side yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 60 feet; no single side yard shall be less than 40% of the required total.

- d) Site Improvements.
 - 1) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard service driveway.
 - 2) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic value of the area and to protect adjacent property.
 - 3) Such fencing as may be necessary for the safety of the occupants and the public generally.

- 2. In the A-1 Exclusive Agricultural, A-T Agricultural Transition, or I-Industrial Districts:
 - a) Automobile wrecking yard, junkyard.
 - b) Sanitary landfill in the A-1 Exclusive Agricultural, A-T Agricultural Transition, and I-Industrial Districts.
 - c) 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 therefrom, such as the emission or affluence of noxious or odorous wastes or by products.
 - d) Charitable institutions.
 - e) Mineral extraction operations, including washing, crushing, quarrying, borrow pits or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:
 - 1) An application for a permit shall be submitted by the owner and shall include an adequate description of the operation, a plan of the site showing proposed and existing roads and drives, the sources, quantity, and disposition of water to be used, if any; estimated dates for completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

- 2) The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than 3 to 1 horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavation below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; excavations made to a water producing depth shall not be less than 3 feet measured from the low water mark; all final slopes shall be covered with topsoil from the original site and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Town Board or its agent. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed re-use of the site for a dumping grounds shall have concurrence of the Town Board.
- 3) Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes or for a hot blacktop mix or ready-mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
- 4) The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted or additional conditions may be required by the Board of Appeals and the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including street, neighboring land development, land use drainage, water supply, water pollution, soil erosion, natural beauty, and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
 - f) Microwave radio relay structures and mechanical appurtenances.
 - g) Penal and correctional institutions.
 - h) 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.

- i) 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.
- j) Storage garage or parking lot in connection with a housing development project.
- k) For profit music festivals, concerts and related outdoor entertainment events of 100 persons or more in the A-1 and A-T Districts. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, sell or give tickets to an actual or reasonably anticipated assembly of 100 or more persons for such an event without first obtaining a special use permit from the Town of Eldorado Board of Appeals and any and all permits required by Fond du Lac County and any other government agency with jurisdiction over such an event.
- l) Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
- m) Shooting ranges and archery ranges including related parking and buildings.

12.4 Nonconforming Uses

1. Applicability and Intent. Any use of land or structures, or any lot or structure which 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 non-conformities to continue, subject to restrictions.
2. Non-conforming Uses of Land and Structures. No such non-conforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of 12 consecutive or for 18 accumulative months during any three-year period, any future use of such land or structure shall conform to the ordinance.
3. Non-conforming Structures. No such structure shall be altered in any manner, which would increase the degree of nonconformity. The total structural repairs or alterations in such a nonconforming structure shall not during its

life exceed 50 percent of the replacement cost of the structure.

4. Non-conforming Lots of Record. In any residential district, a single-family dwelling and customary accessory structure may be erected on a single lot of record at the effective date of adoption or amendment of this 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. 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. Repairs and Maintenance. Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.
6. Existing Special Exceptions. Any use or structure existing at the effective date of adoption or amendment of this ordinance which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval by the Board of Appeals, subject to maintaining the character and intent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval of the Board of Appeals as provided in this ordinance.

12.5 Time Limit on Permits

1. Building permits issued pursuant to this section are valid for a period of 12 months from the date of issuance. The permittee shall initiate substantial work or improvements prior to the termination of 12 months from date of issuance. If substantial work or improvements have not begun prior to 12 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 improvements" shall include but is not limited to the following factors; amount of labor; expenditures; economic value of materials and labor; hardship to the owner; reasons for delay in construction; and such other factors as the building inspector deems relevant. The building inspector's decision on this matter may be appealed to the Board of Appeals.

2. A filing fee of \$50 shall be required for each initial application, and a filing fee of \$20 for each renewal application.
3. All existing mineral extraction operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Building Inspector within 1 year of the date of this provision of the ordinance.

Section 13.0 Zoning Board of Appeals.

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

13.1 Organization of Board of Appeals.

The Board of Appeals shall consist of 7 members, 5 regulars, and 2 alternates, appointed by the Town Chairman and subject to confirmation of the Town Board, for terms of 3 years, except that of those first appointed, 1 shall serve for 1 year, 2 for 2 years and 2 for 3 years. The members of the Board shall serve at such compensation to be fixed by ordinance. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

13.2 Meetings of the Board of Appeals.

The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

13.3 Power of the Board of Appeals.

The Board of Appeals shall have the following powers:

1. 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.

- a) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the town affected by any decision of the Building Inspector. Such appeal shall be taken within 20 days by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the board all the papers constituting the record upon which the actions appealed from was taken.
 - b) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it. and give public notice thereof by a Class 1 notice under Chapter 985 Wisconsin Statutes, in an official paper or a paper of general circulation in the Town of Eldorado and by posting notices in 3 public places as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
 - c) All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.
 - d) Declaration of Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared invalid.
 - e) Effective date. This ordinance shall be enforced from and after its passage by the Town Board of Eldorado and publication according to law.
 - f) Time limitations. The Board of Appeals to convene at 8:00 p.m. on designated night. Time per petition limited to 1 hour; no meeting to exceed beyond 11:00 p.m.
2. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 3. To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.
 4. To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the board. A variance for the purpose of this ordinance shall not be granted unless:

- a) A written application for a variance is submitted demonstrating:
 - 1) that special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
 - 2) that literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
 - 3) that the special conditions and circumstances do not result from the actions of the applicant.
 - 4) that the granting of the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
 - 5) no non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
- b) 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 Sections 13.3 1. b). 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.

5. Grant a Special Use.

- a) An application for one of the Special Uses of Land specified in Section 13.0 shall be made by filing a written application or petition to the board. Such application shall:
 - 1) State the name and address of applicant and owner.
 - 2) State the location of property for which the Special Use Permit is sought.
 - 3) State the specific Special Use desired.
 - 4) State the facts sufficient to demonstrate that the conditions prescribed in section 12.2 exist and support such statement with any plans and/or

data as are required by the board.

- b) If the application for Special Use is in proper form and a fee as determined by Section 15.0 has been paid, the board shall hold a public hearing on such matter and give notice as provided in Section 13.3 1. 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.
- c) Applications for Special Uses in the F-Flood Plain District shall be submitted to the Wisconsin Department of Natural Resources in accordance with NR 16.03 Wisconsin Administrative Code.
- d) Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the district map; such power and authority being reserved to the Town Board.
- e) No Special Use Permit shall be issued unless the board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare, and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

13.4 Exercise of Power

- 1. In exercising the above mentioned powers, such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- 2. The concurring vote of 4 members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

Section 14.0 Enforcement

- 14.1 It shall be the duty of the Building Inspector to enforce the provisions of this ordinance.

- 14.2 The Building Inspector shall prepare a record of all buildings structures and mobile homes situated within the setback lines as established by this ordinance, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the center line of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date upon which the record is made. Such record shall be kept current and shall show any such buildings, structures or mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
- 14.3 No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as herein after provided, until a permit therefor shall be applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision Ordinance and the Fond du Lac County Shoreland Zoning Ordinance, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- 14.4 No land use permit shall be required for farm buildings and structures having a ground area of less than 300 square feet, not permanently fixed to the ground and readily removable in their entirety, but this exemption shall not apply to roadside stands used for the sale of farm products or other goods or services.
- 14.5 All applications for a land use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance. The above requirements as to plans shall not apply to roadside stands, nor to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a land use permit for such buildings, to furnish the Building Inspector with such information as is necessary to show compliance with the health, sanitary and safety provisions of the state codes and with the requirements of this ordinance.
- 14.6 All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

- 14.7 Certificate of Compliance. No vacant land shall be occupied or used and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building 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.

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 building.

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.

Section 15.0 Fees

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

15.3 A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, 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 Zoning Committee.

15.4 An application for a building permit shall be made in conformity with the requirements of the building code ordinance of the Town of Eldorado and shall include, for the purpose of proper enforcement of the regulations of this ordinance, the following data:

1. An accurate plat or survey of the lot drawn to a reasonable scale and properly dimensioned showing:
 - a) The boundaries of the lot.
 - b) The location of any existing structures on the lot.
 - c) The location of the proposed building or buildings on the lot.
 - d) The location of the center line and the existing and/or established grade of the abutting street or streets.
 - e) The proposed floor elevation of the building or buildings to be erected.
 - f) The high water line of any stream or lake on which said lot abuts.
 - g) A plan of the proposed sewage disposal system, which is not connected to an approved municipal sewerage system, shall require the certification that the satisfactory sewerage disposal is possible for the proposed use of said lot.
 - h) Satisfactory evidence that a safe and adequate supply of water is to be provided, and the location of any well for that purpose on the property.
 - i) No culvert shall be constructed on a Town of Eldorado road right-of-way without application for permission in writing to the Building Inspector and a permit issued as to location and size to conform to the requirements of the terrain, and all at the expense of the applicant.
2. Building Permit Fee. The fee for a building permit for business or commercial construction, new homes, and residential additions or remodeling valued at \$25,000 or more shall be \$50.00; the fee for a building permit for

agricultural out-buildings, non-residential construction, and residential additions or remodeling valued at less than \$25,000 shall be \$25.00; the fee for a culvert permit shall be \$10.00. All fees shall be paid to the Building Inspector prior to the issuance of a building or culvert permit.

Section 16.0 Violations & Penalties

- 16.1 Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or mobile home or use. The Building Inspector shall promptly report all such violations to the town.
- 16.2 Any person, firm, corporation or organization that violates, neglects or refuses to comply with or resists the requirement of this ordinance, shall upon conviction be punished by a fine of not less than \$50.00 or more than \$500.00 together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof by imprisonment in the County Jail of Fond du Lac County until such fine and costs are paid but not to exceed 30 days. Whenever a person shall have been notified by the Building Inspector or a member of the Town Board that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within 7 days after notice, and shall correct all violations within 30 days of notice, each day that a violation continues shall be considered a separate offense for purposes of determining the amount of the minimum fine. No person shall be issued or re-issued a building permit, a special use permit or any other permit under this ordinance is said person:
1. Fails to meet or comply with the building codes established by the town;
 2. Fails to meet or comply with the provisions of the Town Zoning Ordinance;
 3. Fails to comply with Fond du Lac County or State of Wisconsin Zoning and Building Code requirements;
 4. Fails to pay all relevant fees for building permits and other charges imposed by the town; or
 5. Fails to comply with any special orders or conditions imposed by the Building Inspector or the Town Board.
- 16.3 In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this ordinance, the Town Board or any adjacent/neighboring property owner who would be damaged by such violation

may, in addition to other remedies and fines provided herein, institute appropriate legal action or proceedings to prevent, restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 17.0 Changes & Amendments

- 17.1 When any amendment of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall appoint a Town Zoning Committee to formulate a tentative draft of such amendment and recommend the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give not less than 10 days notice of a public hearing on such amendment, specifying the time and place of such hearing. Such notice may be given by publication at least 2 times during the preceding 30 days in the official newspaper or in a newspaper of general circulation in the county. The Town Board may direct the Town Zoning Committee to report its recommendations at specified times of the year, but at least twice in any calendar year.
- 17.2 In case a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% of more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Town Board.

Section 18.0 Validity & Conflicts

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

Section 19.0 Adoption

This ordinance is a creation of the Zoning Ordinance for the said Township passed and adopted _____ and all amendments thereto and the zoning map adopted with the adoption of this initial ordinance; it is hereby adopted and made a part of this ordinance as is the map referred to in this ordinance. Map entitled District Map for the Town of Eldorado, Fond du Lac County, Wisconsin.

First passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin This 7th day of November 1978.

Comprehensive revision passed and adopted by the Town Board of Eldorado,
Fond du Lac County, Wisconsin this _____ day of September, 1999.

Town Chairman _____

Supervisor _____

Supervisor _____

Town Clerk _____