

SECTION 1 – APPLICABILITY AND PURPOSE

1. Applicability

This ordinance, established under Chapter 60.74 of the Statutes of Wisconsin, shall be known as the Zoning Ordinance for the Town of Ashford, Fond du Lac County, Wisconsin, and shall apply to:

- a. The regulation and restriction of the height, number of stories and size of buildings and other structures.
- b. The percentage of lot that may be occupied.
- c. The size of yards, courts and other open spaces.
- d. The density of population.
- e. The regulation of nonconforming uses.
- f. The location and use of buildings, structures and land for trade, industry, residence or other purposes provided that there shall be no discrimination against temporary structures.

2. Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the community through provisions designed to:

- a. Encourage the most appropriate use of the land.
- b. Conserve the value of land and buildings.
- c. Prevent the overcrowding of land and the congestion of streets.
- d. Provide for adequate light and air.
- e. Secure safety from fire, panic and other dangers.
- f. Avoid undue concentration of population.
- g. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

SECTION 2 – GENERAL PROVISIONS

1. Establishment of Districts

For the purpose of this ordinance, the Town of Ashford is hereby divided into the following districts:

- a. EAG – Exclusive Agricultural District
- b. RD – Rural District
- c. RR – Rural Residential District

2. Establishment of Zoning Map

The location and boundaries of the districts established shall be as shown on the map entitled the Official Zoning Map of the Town of Ashford, Fond du Lac County, Wisconsin. The Official Zoning Map with all notations, dimensions, designations, references and other data shall accompany and be part of this ordinance, and upon adoption shall be signed by the Town Board Chairman and attested to by the Town Clerk. Amendments to the Official Zoning Map shall be approved by the Town Board of Supervisors and shall promptly be portrayed on the Official Zoning Map. Said map shall be available for public inspection in the Town Hall.

3. Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries as indicated as approximately following the center lines of streets, highways, alleys or a railroad right-of-way shall be construed to follow such center lines.

- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Where boundaries do not follow property lines and distances are not specified on the Official Zoning Map, boundaries shall be determined by the use of the scale on the Official Zoning Map.

4. Application of Regulations

The regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- a. No land, building or structure shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- b. No part of a yard, open space, or off-street parking space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking space similarly required for any other building.
- c. No lot or yard existing at the effective date of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lot or yards created after the effective date of adoption of this ordinance shall meet the minimum requirements established by this ordinance.

5. Interpretation of Regulations

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where the provisions of this ordinance impose greater restrictions than any statute, other regulations, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

6. Severability of Regulations

It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than so declared to be invalid.

7. County Shoreland Regulations

In addition to the regulations established herein, no land, water, building or structure shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulations established in the Fond du Lac County Shoreland Zoning Ordinance, Fond du Lac County, Wisconsin adopted pursuant to Sections 59.971 and 87.30 of the Wisconsin Statutes.

SECTION 3 – DEFINITION OF TERMS

1. General

For the purpose of this ordinance, the following shall apply as indicated throughout the ordinance:

- a. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. The present tense includes the future tense and the singular includes the plural.
- c. The word “shall” is mandatory, the word “may” is permissive.
- d. The words “used” or “occupied” also mean intended, designed or arranged to be used or occupied.

2. Definition of Terms

For the purpose of this ordinance, the following terms are defined:

- (1) **Accessory Use or Structure**: A use or structure on the same lot with the principal use or structure, and of a nature customarily incidental and subordinate to the principal use or structure.
- (2) **Alteration**: A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.
- (3) **Automobile Salvage Yard**: A place where more than two unlicensed motor vehicles are stored.
- (4) **Building**: A structure having one or more stories and a roof which is used or intended to be used for the shelter or enclosure of persons, property or animals.
- (5) **Convalescent Home, Children's Home, Nursing Home**: A place where regular care is provided to two or more infirmed persons, children, or aged persons who are not members of the family which resides on the premises.
- (6) **Development**: Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition of materials.
- (7) **Dog Kennel**: A place where more than three dogs over six months of age are kept for any purpose.
- (8) **Dwelling Unit**: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.
- (9) **Dwelling, Single Family Detached**: One building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term 'detached dwelling' also includes a manufactured home as defined in this Section 3, which meets the aesthetic standards set forth in Section 6 of this Ordinance.

(10) **Dwelling, Two Family:** One building containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term “two family dwelling” is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.

(11) **Dwelling, Mobile Home:** A building, other than a Manufactured Home, transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet and body length exceeding 32 feet, designed to be used as a single family dwelling with a permanent foundation and connection to required utilities.

a. Aesthetic Standards for Manufactured Homes.

Manufactured homes, as defined in Section 3 of this ordinance, shall be considered single family detached dwellings for purposes of this ordinance provided that the manufactured home meets the following minimum aesthetic standards:

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

- (12) **Family:** One or more persons occupying a single dwelling unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.
- (13) **Height, Building:** A building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or of a roof having a slope of less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15 degrees or more.
- (14) **Home Occupation:** An occupation conducted as an accessory use provided it is clearly incidental and subordinate to the principal use and no person other than members of the family residing on the premises shall be engaged in such occupation. In the RR District no home occupation shall occupy more than 25 percent of the floor area of a dwelling or be conducted in any accessory building.
- (15) **Horse Stable:** A place where more than one horse is kept on a recurrent basis for non-agricultural purposes. Notwithstanding district dimensional requirements, no less than 1 ½ acres/horse shall be provided.
- (16) **Hotel:** An establishment where lodging is provided for compensation other than in dwelling units and for five or more persons. Hotels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court or any form which conforms to this definition.
- (17) **Lot:** A parcel of land used or set aside and available for use as the site for one or more buildings and buildings accessory thereto or for any other purpose, in one ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term "record lot" shall mean land designated as a district and separate parcel on a legally recorded deed or plat in the County Clerk's Office.
- (18) **Lot Area:** The total horizontal area within the lot lines of the lot.
- (19) **Lot Frontage:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.

- (20) **Lot Line**: The line on the official map that indicates lot boundaries provided any street right-of-way line shall be considered lot lines for the purpose of this ordinance.
- (21) **Lot Width**: Width of a lot shall be considered the measurement at the front yard line.
- (21a) **Manufactured Home**: A structure certified and labeled as a manufactured home under 42 U.S.C. 5401 to 5426, as amended from time to time, which, when placed on the site, is installed in accordance with the manufacturer's instructions or any state regulation specifically applicable to manufactured home installation, and which is properly connected to utilities.
- (22) **Reconstruction**: Repairs or the replacement of structural components of a structure exceeding 50 percent of the replacement cost of the structure.
- (23) **Service Station**: Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed.
- (24) **Special Exception**: A use or structure that would not generally be appropriate in a zoning district but which, if controlled as to number, area, or location or relation to neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, property or general welfare. Such uses or structures may be permitted in a zoning district if they meet the requirements of this ordinance.
- (25) **Structure**: Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Among other things structures include signs, fences, mobile homes and parking lots.
- (26) **Variance**: A relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- (27) **Yard**: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and

furniture may be permitted in any yard subject to the height limitations and requirements limiting obstruction of visibility.

(28) Yard, Front: A yard extending across the front of a lot between the side lot lines and extending from the street right-of-way to the nearest principal structure or projection of the principal structure.

(29) Yard, Rear: A yard extending across the rear of a lot between the side lot lines, and extending from the rear lot line to the nearest principal structure or projection of the principal structure.

(30) Yard, Side: A yard extending between the nearest building or projection thereto and the side lot line, and extending from the front yard to the rear yard.

SECTION 4 – NONFORMITIES

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 nonconformities to continue subject to certain restrictions.

2. Nonconforming Uses of Land and Structures

No such nonconforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of twelve months, any future use of such land or structure shall conform to the ordinance.

3. Nonconforming 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 nonconforming structure shall not during its life exceed 50 percent of the

replacement cost of the structure. If such structure is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed provided any reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the district in which it is located.

4. Nonconforming Characteristics of Use

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

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 extent of such use or structure existing on that date. Any extension or enlargement or change in such use or structure shall require approval of the Board of Appeals as provided in this ordinance. Board of Appeal approval shall be required for extension or enlargement of resource extraction uses to any properties not devoted to such use at the effective date of adoption or amendment of this ordinance.

SECTION 5 – SCHEDULE OF DISTRICT REGULATIONS

1. Establishment of Districts

For the purpose of this ordinance, the Town of Ashford is hereby divided into the following districts:

- a. EAG – Exclusive Agricultural District
- b. RD – Rural District
- c. RR – Rural Residential District

2. Interpretation and Organization

- a. District regulations shall be as set out in this section.
- b. Permitted principal and accessory uses and structures listed for any district shall be permitted by right, subject to conditions as specified.
- c. Special exception uses and structures listed for any district are permissible only upon approval by the Board of Appeals subject to the conditions as specified any other conditions as may be imposed by the Board of Appeals as provided by this ordinance.
- d. All uses and structures and dimensional requirements shall be subject to Section 6 Supplementary District Regulations as applicable.

SECTION 5.3 – EAG EXCLUSIVE AGRICULTURAL DISTRICT

PURPOSE:

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development, minimizing land use conflicts among incompatible uses and minimizing public service and facility costs normally associated with non-agricultural development. This district is intended to comply with standards contained in Chapter 91, Wisconsin Statutes to permit eligible landowners to receive tax credits for farming and includes lands generally identified for agricultural preservation in the Fond du Lac County Farmland Preservation Plan.

PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agricultural uses including beekeeping, dairying, floriculture, poultry and livestock raising, plant nurseries and orchards, raising of grain and seed crops, raising of grass and mint, raising of nuts and berries, raising of fruits and vegetables, viticulture, and forest management.
2. Dwellings existing before the effective date of adoption of this ordinance which are not accessory to or associated with agricultural uses.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures. Single-family dwellings or mobile homes shall be considered accessory to agricultural uses provided such dwellings are occupied by a person or a family at least one member of which earns a substantial part of his or her livelihood from farming

operations on the farm parcel or is related to the farm operator. Accessory dwellings may be established on a separate parcel.

2. One roadside stand per farm of not more than 200 square feet in area used solely for the sale of products produced on the premises.
3. Home occupations.

SPECIAL EXCEPTION USES AND STRUCTURES

1. Fur farms
2. Stables
3. Sawmills
4. Farm equipment and machinery sales and service.
5. Establishments for the processing, centralized bulk collection, storage, or distribution of agricultural products.
6. Governmental uses including landfills, highway storage facilities and public buildings.
7. Churches, schools and cemeteries.
8. Public utilities.
9. Veterinary offices
10. Fish hatcheries
11. Commercial game management

DIMENSIONAL REQUIREMENTS

1. All Principal Agricultural Uses and Structures.

Minimum lot area – 35 acres. There are no minimum lot width or yard requirement and no height limitations.

2. Pre-Existing Dwellings and Accessory Dwellings on a Separate Parcel.

Minimum lot area – one acre, minimum lot width – 100 feet. Yards shall be a minimum of 25 feet in depth if at the front or rear and 15 feet in width if at the side. There are no height limitations.

3. Other Permissible Principal Uses and Structures.

Minimum lot area – two acres, minimum lot width – 100 feet, minimum front and rear yard depth – 40 feet and minimum width of side yards – 25 feet.

There are no height limitations.

SECTION 5.4 – RD RURAL DISTRICT

PURPOSE

This district is intended to provide for areas of the town where non-agricultural uses and development can be established or maintained. This district is generally composed of lands which are currently developed or used for non-agricultural purposes or which because of location, existing development, ownership patterns or physical characteristics are not highly suited to intense long term agricultural use. Because of the rural character of the town, the absence of distinct development patterns and moderate growth anticipated, this district provides for a wide range of permissible uses.

PERMITTED PRINCIPAL USES AND STRUCTURES

1. Permitted principal agricultural uses and structures in the EAG District.
2. Single-family detached dwellings.
3. Two family dwellings.

4. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
2. One roadside stand per farm of not more than 200 square feet in area used solely for the sale of products produced on the premises.
3. Home occupations.

SPECIAL EXCEPTION USES AND STRUCTURES

1. Parks, playgrounds and golf courses.
2. Eating and drinking establishments provided: any such establishment located within 150 feet of a residence shall provide a landscaped buffer in accordance with Section 6.6; no lighting shall be directed in any manner which illuminates adjacent residences; and off-street parking shall be provided such that no public street shall be used for parking.
3. Motels subject to the conditions in (2) above.
4. Farm equipment sales and service subject to the conditions in (2) above.
5. Convenience establishments including grocery stores, drug stores and beauty and barber shops subject to the conditions in (2) above.
6. Warehouse and building supply establishments, farm co-shops, feedmills, storage and distribution facilities for agricultural products and uses of a similar nature provided: any such establishment located within 300 feet of a residence shall be subject to the landscaping, lighting and parking

requirements in (2) above; and provided further that any such establishment shall be located on a state or county trunk highway and the outside storage of equipment and materials in any required yard adjacent to a residential lot line is prohibited.

7. Repair shops subject to the conditions in (6) above.
8. Service stations and auto salvage yards subject to the conditions in (6) above.
9. Light industrial uses relating to the processing of agricultural products such as cheese factories, milk plants, canneries and uses of a similar nature subject to the conditions in (6) above.
10. Manufacturing uses including production, processing, cleaning, testing and the distribution of materials subject to the conditions in (6) above.
11. Resource extraction uses including the removal for sale or processing of timber, topsoil, fill, sand, gravel, rock or any mineral (See Section 6.5).
12. Commercial recreation uses including driving ranges, archery and rifle ranges, camps, campgrounds and uses of a similar nature.
13. Offices for professional services.
14. Public and quasi-public uses including landfills, compactors, utilities, storage.
15. Convalescent, children's and nursing homes.
16. Kennels and stables.
17. Craft, antique and souvenir shops and auction barns.
18. Mobile homes (840 square feet minimum).

DIMENSIONAL REQUIREMENTS

1. All Permissible Agricultural Uses and Structures.

Minimum lot area - 5 acres, minimum lot width - 100 feet, minimum front yard - 40 feet, minimum rear yard - 25 feet, and minimum side yards - 20 feet each. There are no height limitations.

2. Other Permissible Principal Uses and Structures.

Minimum lot area - 5 acres, minimum road frontage – 200 feet, minimum side yards – 20 feet each. There are no height limitations, provided, however, that for any structure over 50 feet in height the side yards shall be increased by 1 foot for every 2 feet in height.

SECTION 5.5 – RR RURAL RESIDENTIAL DISTRICT

PURPOSE

This district is intended to maintain the character of existing residential areas and to provide for other areas of the town where residential development may be established as the primary use.

PERMITTED PRINCIPAL USES AND STRUCTURES

1. Permitted principal agricultural uses and structures in the EAG District.
2. Single-family detached dwellings.
3. Two family dwellings.
4. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
2. Home occupations.

SPECIAL EXCEPTION USES AND STRUCTURES

1. Parks, playgrounds and golf courses.
2. Convalescent, children's and nursing homes.
3. Clubs and organizations not conducted as a gainful business.
4. Public utilities.
5. Mobile homes (840 square feet minimum).

DIMENSIONAL REQUIREMENTS

1. All Permissible Principal Uses and Structures.

Minimum lot area – 2 acres, minimum road frontage – 200 feet, minimum front yard – 40 feet, minimum rear yard – 25 feet, minimum side yards – 10 feet each. Maximum height – 35 feet.

SECTION 6: SUPPLEMENTARY DISTRICT REGULATIONS

1. General Application

The regulations set forth herein shall supplement or modify the regulations set forth in Section 5 Schedule of District Regulations.

2. Lots and Yards

- a. More Than One Building on a Lot.

In any district, more than one building housing a principal use may be erected on a single lot provided that yard and other requirements of this ordinance shall be met for each building as though it were on an individual lot.

b. Through Lots.

On through lots or lots with double frontage, the required front yard shall be provided on each street. On corner lots the street side yard shall equal the required front yard for lots fronting on that street.

c. Development in Mapped Streets.

Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.

d. Access.

Every building housing a principal use hereafter erected or moved shall be on a lot with direct access to a public or private street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking.

e. Building Groups.

In any non-residential district a group of buildings separated only by common or party walls shall be considered as one building.

3. Accessory Uses and Structures

a. Attached Accessory Buildings.

All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.

b. Detached Accessory Buildings.

No detached accessory building shall occupy any portion of the required front or side yard in any district where the principal use is residential. No detached accessory building or buildings shall occupy more than 25 percent of the required rear yard, or be located within ten feet of any other accessory buildings, principal building or lot line.

c. Corner Visibility.

On any corner residential lot, nothing shall be erected, planted, or allowed to grow within 30 feet of the street line that will obscure visibility over the height of two and one half feet above the street grade.

4. Height

The height limitations contained in Section 5 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

5. Resource Extraction

a. Location.

Location shall be appropriate to existing development and development which may reasonably be expected within the time period specified herein. The site shall be so located as to make it unnecessary to conduct trucking operations on town roads through established residential areas and unnecessary for special improvements or maintenance of public facilities at public expense.

b. Area.

The tract shall consist of a minimum of five acres with dimensions sufficient to adequately accommodate the proposed use with minimum adverse affects on adjacent land.

c. Plan for Development and Plan for Rehabilitation.

In addition to a site plan, each applicant shall submit a plan for development and a plan for rehabilitation. The plan for development shall show the proposed operation as planned and staged over a ten year period in relation to the entire tract. The plan for development shall include the following information: present topography, drainage, and soils and features to be altered in connection with the operation; the feasibility of the proposed operation without hazards or damage to other properties by reason of flooding, rises in groundwater, erosion or other reasons; where and how traffic on and from the development is to be handled; and where equipment will be operating and stored. The plan for rehabilitation shall include the following information: fill methods, materials and depths; measures to be taken to replace topsoil; topography and treatment of slopes to prevent erosion; and the delineation of drainage-ways.

d. Time Limitations.

No special exception shall be issued for a period exceeding 12 years consisting of not more than 10 years for the development phase and not more than two years for the rehabilitation phase. Upon expiration of the development phase, the applicant may request extensions of this phase on a four year basis thereafter unless changing conditions indicate the extensions

will be detrimental to adjacent land or the public interest. Any extension shall require the submission of a development plan and plan for rehabilitation. If such an extension is denied, the applicant shall complete the rehabilitation phase as proposed.

e. Financial Capability.

To insure completion of the rehabilitation phase as proposed and within the two year time period specified, the applicant shall submit a performance bond sufficient in amount to cover the rehabilitation expense.

6. Landscaped Buffer

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

a. Requirements.

Where these zoning regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than six feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted and maintained as to be seventy-five percent or more opaque between two and six feet above average ground level when viewed horizontally.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.

4. Plantings shall be of a size and type which will insure the meeting of the seventy-five opacity requirement within no longer than twelve months of the date of first planting.
5. Failure to maintain the landscaped buffer area as set out above shall be a violation of these zoning regulations.

b. Substitution for Landscaped Buffer Area.

Except when otherwise specifically provided by these regulations, a six foot high opaque structure set in a five foot wide landscaped buffer area may be substituted for the six foot high planted buffer above. If such opaque structure is of non-living material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscaping.

c. Sight Distance.

When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross visibility at a level between two and one half to six feet.

7. Driveways

- a. All new dwellings must be served by a private driveway providing access to and from a public road adjacent to the land upon which the dwelling is constructed.

- b. No part of such driveway, including the point of access to the public road, may be shared with the owners or occupants of any other lands.
- c. No building permit shall be issued for the construction of a new dwelling until a permit for the construction of a private driveway in compliance with subparagraphs a, b, and f, has been issued. The fee for such permit shall be \$50 which shall set forth the following information:
 - (1) The name and address of the applicant
 - (2) The identity of the parcel by means of parcel identification number or legal description.
 - (3) The size of the parcel expressed in acres.
 - (4) The address of the parcel if assigned.
 - (5) The name and daytime telephone number of the person who may be contacted if the Building Inspector has questions concerning the application.
 - (6) A sketch of the driveway, to include the name of the public road to be accessed, the approximate location of the dwelling and any accessory buildings to be served by the driveway, the length and width of the driveway, the type and specifications of construction of the driveway, the size and location of the culvert and the signature of the applicant.
- d. The Town Board may by separate resolution adopt a driveway permit application form and require that all applications be submitted on such form.
- e. Neither construction of the dwelling nor the private driveway may commence until the issuance of the driveway permit.
- f. Newly constructed driveways shall conform with the following specifications.
 - (1) Minimum driveway surface width: 12 feet.
 - (2) Minimum culvert length: 30 feet.
 - (3) Minimum culvert diameter: 18 inches.

- (4) Minimum side yard setback: 10 feet.
- (5) Angle of entry from public road: 90 degrees.
- (6) Curves in the driveway shall have an inside radius of no less than 36 feet.

8. Fences

a. Height and Other Restrictions.

1. Two and a half feet maximum height within the vision-corner clearance triangle of any corner lot.
 2. Six feet maximum height.
 3. No barbed wire fencing may be used in a residence district.
 4. In all districts, except agricultural, all fences shall be set on the property line.
- b. 1. Any fences to be constructed in excess of the height restrictions contained in subsection 7(a) shall require a building permit. The Building Inspector may issue a permit for a fence in excess of the height restrictions under the following circumstances:
- a. For fences located in side or rear yards (except for the vision-corner clearance triangle), where adjacent to non-residential uses or districts;
 - b. In non-residence districts;
 - c. For schools and school property.
2. No building permit is required for temporary, seasonal fences (e.g. snow fences), or for fences located within agricultural districts when used for the purposes of containing livestock.
 3. No building permit is required for fences constructed in conformance with the provisions of subsection 7(a), above.
 4. All fences shall be properly maintained both as to structure and appearance. The Building Inspector shall have the authority to order the

repair of fences. Fences shall be repaired within thirty days of the Building Inspector's order. Failure to comply with the Building Inspector's order shall subject the property owner to the penalties under Section 8 of this ordinance.

9. Aesthetic Standards for Manufactured Homes

- a. Manufactured homes, as defined in Section 3 of this ordinance, shall be considered single family detached dwellings for purposes of this Ordinance provided that the manufactured home meets the following minimum aesthetic standards:
1. Is of multi-sectional design (double-wide or wider) and the enclosed floor area is not less than 1,000 square feet;
 2. Is set on an enclosed foundation in accordance with sec. 70.043(1), Wis. Stats., and subchapters III, IV and V of Chapter IHLR, Wis. Administrative Code, or is set on a comparable foundation system approved by the Building Inspector;
 3. Has a nominal roof pitch of 3 feet in height for each 12 feet of width;
 4. Has a garage or carport with exterior materials and construction matching the manufactured home if 60% of the residences within 1,000 feet of the manufactured home have garages or carports;
 5. Has siding and roofing materials comparable with 60% of the residences within 1,000 feet of the manufactured home. Bare metal siding or roofing materials shall not be considered comparable unless at least 60% of the residences within 1,000 feet of the manufactured home have bare metal siding an/or roofing.

SECTION 7: PERMITS

1. Applicability

No structure and no building shall be erected, constructed, reconstructed, altered, moved or enlarged until a building permit has been obtained from the Building Inspector.

2. Application for Building Permit.

Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall include the following information:

- a. Name and address of the owner of the land or the owner of the building or structure if different.
- b. Statement as to the proposed use of the building, structure or land.
- c. Site layout drawn to scale showing the location and dimensions of all proposed buildings, structures or uses, open spaces, yards, and methods to be used for screening shall be included where applicable.
- d. Other information as required by this ordinance or necessary for the Building Inspector to enforce the provisions of this ordinance.

3. Building Permit for Unsewered Lands.

Before issuing a building permit for construction of any building or structure on property not served by a municipal sewage treatment plant, the Building Inspector shall determine that the proposed construction does not interfere with a functioning private domestic sewage treatment and disposal system. The Building Inspector may require the applicant to submit a detailed plan of the owner's existing private domestic treatment and disposal system. The Building Inspector may not issue a building permit for construction of any building or structure requiring connection to a private domestic sewage treatment and disposal system unless a system satisfying all applicable regulations already exists to serve the proposed building or structure or all permits necessary to install such system have been obtained.

4. Approval of Building Permit

If the Building Inspector determines that the proposed building, structure or use will comply with the provisions of this ordinance and all applicable laws and orders of the State of Wisconsin, he shall officially approve and sign one set of plans and return it to the owner, and shall issue a permit which shall be kept on display at the building site. No lawfully issued permit shall remain valid for a period exceeding six months after issuance.

5. Use as Provided in Application and Plans

Building permits issued on the basis of plans and applications approved by the Building Inspector authorizes only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance.

6. Prior Permits

No building permit lawfully issued by the Building Inspector prior to the effective date of adoption or amendment of this ordinance shall be invalidated by the adoption or amendment of this ordinance. Such permit shall remain valid and subsisting subject only to its own terms for a period not to exceed six months after the effective date of adoption or amendment of this ordinance.

7. Improper Issuance

A building permit which was improperly issued or not issued in accordance with the standards and procedures as set forth in this ordinance shall not create any right in said permit and the town shall be entitled to revoke said permit.

SECTION 8 - ENFORCEMENT, REMEDIES, AND PENALTIES

1. Building Inspector - Duties and Powers

The provisions of this ordinance shall be administered and enforced by the Building Inspector who shall be appointed by the Town Board Chairman and confirmed by the town Board. The Building Inspector shall:

- a. Examine all applications for building permits and approve such permits only where there is compliance with the provisions of this ordinance. Permits requiring a special exception shall be referred to the Board of Appeals for action thereon and shall be issued only upon order of the Board of Appeals.
- b. Conduct inspections to determine compliance or non-compliance with the provisions of this ordinance.
- c. Issue stop, cease, and desist orders, and ordered requiring the correction of all conditions found to be in violation of the provisions of this ordinance. Such written orders shall be served personally or by certified mail upon persons deemed by the Building Inspector to be violating the provisions of this ordinance. It shall be unlawful for any persons to violate any such order issued by the Building Inspector.
- d. With approval of the Town Board, or when directed by them institute in the name of the town any appropriate action or proceedings to prevent any violation of this ordinance.
- e. Revoke by order any building permit approved under a misstatement of fact or contrary to the law or provisions of this ordinance.
- f. Maintain a map or maps of all nonconformities and special exceptions and maintain a file on each.
- g. Upon request of the Town Board, Town Board Chairman, or Board of Appeals, present to such persons or bodies facts, records, or reports which they may request to assist them in making decisions, or assist them in any other way as requested.

2. Remedies

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 or any adjacent or neighboring property owners who would be damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct or abate such violation; to prevent the occupancy of buildings or structures; or to prevent any illegal act, conduct, business or use in or about such premises.

3. Penalties

Any person who violates any provisions of this ordinance or any order, rule or regulations made hereunder shall, upon conviction, be fined not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500) for each offense, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned in the county jail until such fine and forfeitures are paid, but not to exceed thirty (30) days. Whenever a person shall have been notified in writing by the Building Inspector that he is in violation of the provisions of this ordinance such person shall commence correction of all violations within seven days after notice, and shall correct all violations within 30 days after notice. If corrections are not commenced within seven days of written notice or not corrected within 30 days of written notice, each day that a violation continues shall be considered a separate offense.

SECTION 9 - BOARD OF APPEALS

1. Establishment of Board

In order that the objectives of this ordinance may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the Board).

2. Membership and Terms of Office

a. Board Members.

The Board shall consist of five members appointed by the Town Chairman and confirmed by the Town Board. The Town Chairman shall designate one of the Board members chairman. The Town Clerk shall serve as Secretary of the Board. Board members shall be removable by the Town Board Chairman for cause upon written charges and after a public hearing.

b. Alternate Members.

The Town Chairman may appoint two alternate members to the Board. Annually, the Town Board Chairman shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Board is absent or refuses to vote because of interest. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the Board refuses or is absent.

c. Terms.

Board members shall be appointed to three year terms, except for those first appointed, in which case one member shall serve for one year, two members for two years and two members for three years. Alternate members shall serve staggered terms of two years.

d. Vacancies.

Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

3. Procedures, Meetings, Records and Decisions

a. Procedures.

The Board shall be governed by the provisions of Chapter 62.23(7) of the Wisconsin Statutes, the Zoning Ordinance of the Town of Ashford and the rules and procedures set forth herein, as adopted by the Board and approved by the Town Board. No rule herein shall be changed or waived without the affirmative vote of four members of the Board and the concurrence of the Town Board.

- b. Meetings.
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 conducted in accordance with the Wisconsin Open Meeting Law.
- c. Records and Decisions.
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 as public records. All actions or decisions shall be taken by motion in which four members, present during the proceedings, must concur. Each decision shall contain a statement of the grounds forming the basis of such decision. The chairman shall notify the Town Board and Town Board Chairman of all decisions.
- d. Public Hearing.
Upon filing with the Board of an application for an appeal, variance or special exception, the Board shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985 Wisconsin Statutes shall be published in the official newspaper of the town specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall also be mailed to the parties at interest, as determine by the Board.

4. Appeals

- a. Powers and Duties.
The Board shall have the power to hear and decide appeals by any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the Building Inspector. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from, and issue, or direct the issuance of a permit.
- b. Procedure.
An appeal from any decision of the Building Inspector shall be made within 30 days of such decision. The appeal shall be filed with the Building Inspector on a form provided by the Board specifying the grounds for the appeal. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- c. Preliminary Review.

The secretary of the Board shall as promptly as possible, inform the Board concerning the appeal, and the Board may either discuss the matter with the applicant if the applicant desires or proceed directly to order public notice of a hearing.

If the applicant elects to withdraw the appeal any time before final determination is made by the Board, this fact shall be noted on the application, with the signature of the applicant, attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the Board, to the Building Inspector and to the applicant.

If the appeal is not withdrawn, the Board may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing on the case.

d. Amendments.

Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chairman shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for the deferral.

5. Variances

a. Powers and Duties.

The Board shall have the power to authorize upon appeal a variance from the terms of the ordinance where a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship.

b. Requirements for a Variance.

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

1. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of this ordinance.
2. Special Circumstances and conditions exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
3. The variance will not permit the establishment of a use which is not permitted in the district.
4. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.
5. Greater profitability, lack of knowledge of restrictions and other variances granted under similar circumstances are not being considered as sufficient cause for a variance.
6. Nonconforming uses of neighboring lands, structures or buildings in the same district, and permitted or nonconforming uses of lands, structures or buildings in other districts are not being considered as grounds for issuance of a variance.

6. Special Exceptions

a. Powers and Duties.

The Board shall have the power to hear and decide special exceptions for any use or structure specified by the terms of this ordinance and for no other use, structure or purpose.

b. Procedures.

A written application for a special exception shall be filed with the Town Clerk and submitted to the Board of Appeals on a form provided by the Board.

c. Requirements for a Special Exception.

In granting a special exception, the Board shall make findings of fact consistent with provisions of this ordinance. The Board shall not grant a special exception except in conformance with the conditions and standards contained in this ordinance. In addition to the requirements and conditions specified in this ordinance, the Board may impose additional conditions as deemed necessary to insure the proposed use or structure will secure the objectives of this ordinance and promote the public health, safety, comfort, convenience and general welfare. No special exception shall be approved unless the Board shall find:

1. That the establishment, maintenance or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or properties in the immediate vicinity;
 2. That the special exception is compatible with the adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district;
 3. That adequate public facilities and services are available to the development;
 4. That adequate measures are taken to provide for drainage;
 5. That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion;
 6. That adequate parking and loading areas are provided.
- d. Notification.
The Board shall notify the Department of Agriculture, Trade and Consumer Protection in writing of any special exception approved in the EAG District. Such notification shall be made within thirty days of approval of any such special exception.

7. Appeal of Board Decisions

Any person or persons, or any board, taxpayer, department or bureau of the Town aggrieved by any decision of the Board of Appeals may appeal such decision to a court of record in accordance with Chapter 62.23(7), Wisconsin Statutes.

SECTION 10 – AMENDMENTS

1. Power of Amendment

The Town Board may from time to time on its own motion or on petition, amend, supplement or change this ordinance, including the Official Zoning Map. 1.

- a. Referral to Plan Commission.

The Town Board shall refer every proposed amendment to the Plan Commission for a report and recommendation. If the Town Board does not receive a report and recommendation from the Plan Commission within 60 days of submitting the proposed amendments, the Town Board may proceed with the necessary hearing.

2. Public Hearing and Notice

a. Required Hearing.

No amendment of this ordinance shall become effective until a public hearing is held before the Town Board where parties in interest and citizens shall have the opportunity to be heard.

b. Notice of Hearing.

A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the Town's official newspaper once during each of the two weeks prior to such hearing.

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

3. Final Approval by Town Board

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

4. Official Zoning Map Amendments in the EAG District

The Town Board may approve petitions for rezoning areas in the EAG District only after findings are made based upon consideration of the following: adequate public facilities to accommodate development either exist or will be provided within a reasonable time; provision of public facilities to accommodate development will not place an unreasonable burden on the ability of Town to provide them; whether the proposed rezoning and development conforms to the objectives of the Farmland Preservation Plan adopted by Fond du Lac County; and the land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural resources. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings.

SECTION 11: PLAN COMMISSION

In order to facilitate on-going land use planning for the town,

1. Establishment.
There is hereby established a Town Plan Commission, hereinafter "Plan Commission" for the Town of Ashford, Fond du Lac County, Wisconsin.
2. Membership.
The Plan Commission shall consist of five (5) members and two (2) alternates, all with staggered terms to be set by the Town Board. The members shall be appointed by and serve at the pleasure of the Town Board.
3. Officers.
The Plan Commission shall hold its organizational meeting during May of each year and at such meeting shall elect from its members a chairman, vice-chairman, and a secretary.
4. Meetings and Proceedings.

The Plan Commission shall meet at the call of the Chairman of the Plan Commission at such place as such call may designate.

5. Compensation.

The members of the Plan Commission shall be paid such compensation, if any, as fixed from time to time by the Town Board.

6. Quorum.

A majority of the members of the Plan Commission shall constitute a quorum.

7. Duties.

It shall be the function of the Plan Commission to:

- a. Review and make recommendations to the Town Board on all plats, subdivisions, certified survey maps, road dedications, and planned unit developments within the town.
- b. To develop plans and make recommendations to the Town Board relating to the development of a town land use plan including zoning districts, land use standards, parks, recreational, conservancy and environmental districts and other matters relating to the proper use and development of lands within the town.
- c. To develop plans and make recommendations to the Town Board relative to planning and development of the town, including public improvement programs.
- d. To study and make recommendations to the Town Board on any other matters referred to it by the Town Board.
- e. To consider all proposed amendment(s) to this ordinance and issue its recommendation regarding the proposed amendment(s) to the Town Board.

8. General Authority.

The Commission shall have general authority to hold public hearings on any matters referred to it by the Town Board and to perform any duties which may be performed by a City or Village Plan Commission, insofar as the same are applicable to the town.

9. Records.

The Commission shall keep a full record of all its proceedings and the secretary shall cause a signed copy thereof to be promptly filed with the Town Clerk.

