Zoning Ordinance

Town of Dupont
Waupaca, WI

Adopted May 17, 2011
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TOWN OF DUPONT ZONING ORDINANCE

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TOWN OF DUPONT
WAUPACA COUNTY, WISCONSIN
CHAPTER 1
ZONING ORDINANCE

1.1 Statutory Authority and Purpose

1.1.1 Authority.

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

1.1.2. Purpose.

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

1.1.3 Compliance.

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

1.1.4 Abrogation and Greater Restrictions.

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

1.1.5 Interpretation.

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

1.1.6 Title.

This Ordinance shall be known as and may be cited as the "Zoning Ordinance, Town of Dupont, Waupaca County, Wisconsin."

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1.2 RESERVED

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1.3 GLOSSARY OF TERMS

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

1.3.2 Definitions.
The definitions of terms throughout this ordinance shall be interpreted to have the following meanings (an asterisk* designates the definition applies to livestock facility regulations in Section 1.11):

***Adjacent** means located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.

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

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

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

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

***Animal unit** - has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. Table 1, shown on this page, contains equivalents for use in calculations associated with this ordinance. The current NR 243 rules should be consulted for any changes to these equivalents.

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

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

Source: DATCP 2006

Base Farm Tract

a. All land, whether one parcel or two or more contiguous parcels, that is in a Farmland Preservation District and that is part of a single farm as of March 1, 2011, regardless of any subsequent changes in the size of the farm.

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

Boarding House A building other than a hotel where meals, or lodging and meals, are furnished for compensation for 5 or more persons not members of a family.

Boathouse A permanent structure used exclusively for the storage of watercraft for noncommercial purposes and associated materials and includes all structures which are totally enclosed, having roofs or walls or any combination of these structural parts. Boathouses shall not be used for human habitation.

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

Building, Accessory A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

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.

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

Campground A tract of land that is rented or leased to two or more parties between May 1 and October 31 of each year for temporary living quarters that include but not limited to a recreational vehicle (RV), motor home, pick-up coach, travel trailer, camping trailer, or tent per camp site. A campground may also include facilities for the exclusive use of campers including restrooms/showers, active and passive recreation areas, office/convenience store buildings, and necessary accessory uses.

Channel A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water which is flowing within the limits of the defined channel.

Common Ownership means ownership by the same person or persons, or a legal entity that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

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

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

Conditional Use as applied is synonymous with past terms such as special exception or special use.

Contiguous means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

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

Dog Kennel A place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five adult dogs are kept for any purpose.

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

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

Dwelling-Multiple A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, and apartment houses

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

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

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

Exterior siding A product that is approved by the state building code. Examples include: vinyl, aluminum, steel, log, rock, concrete, brick, wood

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

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

a. All of the land is under common ownership.

b. More than half of the entire land area is assigned for property tax purposes to one or more of the following use classification as defined by the Wisconsin Department of Revenue pursuant to s. 70.32(2), Wis. Stats.:

   1. Agricultural land (class 4)

2. Agricultural forest (class 5m)
3. Productive forest (class 6)

Farm Acreage means, for the purposes of 1.9.9.c., acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

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

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

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

a. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
   1. An owner or operator of the farm.
   2. A parent or child of an owner or operator of the farm.
   3. An individual who earns more than 50 percent of his or her gross income from the farm.

b. A migrant labor camp that is certified under Wis. Stat. S.103.92.

Frontage All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.

Hunting Cabin A dwelling used as a temporary residence for seasonal hunting purposes, is not meant for year-round living, and is not connected to any type of utilities.

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

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

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

Garage, Storage Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.

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.

Junk Yard A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.

Livestock

a. For use in determining compliance with Wis. Stat. Chapter 91.01 Farmland Preservation, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

b. For use in determining compliance with Wis. Stat. 51.01 Ag Siting Regulations, livestock means domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products. "Livestock" includes cattle, swine poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

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

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

Lot, Corner A lot located:

a. At the junction of and abutting 2 or more intersecting streets; or

b. At the junction of and abutting a street and the nearest shoreline or highwater line of a storm or floodwater runoff channel or basin; or

c. At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or

d. At and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.

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

Lot, Interior A lot other than a corner lot.

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

than sixty (60%) percent of the required lot width. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.

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" boundary may or may not coincide with a lot of record.

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

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

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

Mobile Home A transportable factory built structure designed for long term occupancy built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, and which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this section, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above. Mobile homes can be required to be located in a mobile home park. Manufactured homes cannot be required to be located in a mobile home park.

Modular Home A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. A double-wide structure transported and assembled at the site on a permanent foundation shall be construed as a modular home. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes. A modular home is subject to COMM 20.13, Wis. Adm. Code. A modular home is considered a single-family home in the Rural District or a non-farm residence in the Farmland Preservation District.

Motel A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.

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

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

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

Nonfarm Residential Acreage. For purposes of section 1.9.9.c. the combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Dupont has approved nonfarm residences, all parcels that do not qualify as farms, and the parcel to which the Special Use permit application pertains.

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

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

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

Portable Structure means any structure equipped with wheels and deemed "road ready" by WDOT standards. Any structure not determined portable, will require the issuance of a land use permit and meet set back requirements of the zoning district.

Property line means a line that separates parcels of land owned by different persons.

Prime farmland means any of the following:

a. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the Federal Department of Agriculture.

b. Land, other than land described in par. a, that is identified as prime farmland in the Waupaca County Farmland Preservation Plan

Prior non-conforming use means a land use that does not comply with the requirements of a Zoning District, but which lawfully existed prior to the application of this ordinance.

Professional Office The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established, a professional office shall be regulated based on the following criteria:

a. Incidental to the residential occupancy and occupy no more than 25% of the floor area of one floor of a dwelling unit. An exception would be a beauty parlor or barbershop limited to 2 licensed operators working at any one time, and having no more than 2 chairs at any one time; and not occupying more than 500 square feet of floor area, including lavatories and waiting room.

b. One unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.

Protected farmland means land that is any of the following:
a. Located in a Farmland Preservation District certified under ch. 91, Wis. Stats.
b. Covered by a Farmland Preservation agreement under ch. 91, Wis. Stats.
c. Covered by an agricultural conservation easement under 93.73, Wis. Stats.
d. Otherwise legally protected from nonagricultural development as evidenced by documentation provided by the landowner who claims that the land is legally protected from nonagricultural development.

***Related livestock facilities** means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
a. They are located on the same tax parcel or adjacent tax parcels of land.
NOTE: The mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities.
b. They use one or more of the same livestock structures to collect or store manure.
c. At least a portion of their manure is applied to the same land spreading acreage.

Recreational Vehicle A portable structure designed as a temporary residential living unit for travel, recreation or vacation use. These vehicles include, but are not limited to a travel trailer, motor home, 5th wheel trailer, tent trailer, or pick-up camper.

Road All property dedicated or intended for public or private street purposes must have a right-of-way width of 66 feet and a hard surfaced area of at least 20 feet in width.

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

Roadside Stand A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises.

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

Setback The minimum horizontal distance between any lot line, including a road right-of-way line, and the nearest point from the front, back or side of a building foundation, excepting uncovered steps of a building that faces a public right-of-way. It should be noted that set-backs are enforced by the Town under the applicable zoning district. Waupaca County does not regulate setbacks in the County Shoreland Zone since the Town is not under county zoning.

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

Sign, Directional A sign erected for the purpose of directing persons to a place of

business, recreation or public building, school or church.

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

Structural Alteration Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.

Structure, Temporary A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

Tiny House (Home) A single family dwelling that is 300sq. ft. to 800 sq. ft. in size.

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

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

Vision Corner The triangular approach zones at the intersection of roads or road and driveways intended to allow visibility of approaching traffic, pedestrians and bicycles and as regulated in Section 1.8.1.o. of this Chapter.

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

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

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

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

a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.

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

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

Yard An open space on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

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

Yard, Rear A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.

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

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

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

1.4 ZONING DISTRICTS AND MAP

1.4.1 Establishment of Zoning Districts.

a. In order to carry out the purpose and provisions of this ordinance, the following zoning districts in Sections 1.4.3 through 1.4.8 and their purposes are hereby established, and may be known by the accompanying abbreviations.
   1. Farmland Preservation District
   2. General Agricultural District
   3. Rural Residential District
   4. Business District
   5. Industrial District

b. Permitted and Conditional Uses are identified for each District in Section 1.5.

c. Regulations for each District including Density, Lot Size, Setbacks, and Building Height are identified for each District in Section 1.6.

d. Parking requirements for each land use are within Section 1.13.

1.4.2 Zoning Map.

The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Zoning Map for the Town of Dupont, Waupaca County, Wisconsin," which map is made a part of this ordinance and is on file and viewable in the Town of Dupont Town Hall. All notations and references shown on the District Map are as much a part of this ordinance as though specifically described herein. Changes to the District Map must be made only as described in Section 1.18 of this ordinance. When uncertainty exists with respect to the boundaries of the various zones as shown on the zoning maps, the following rules shall apply:

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

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

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

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

1.4.3 Farmland Preservation District Purpose.

a. The intent of the Farmland Preservation District is to:

1. Preserve productive agricultural land for food and fiber production;
2. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services;
3. Maintain a viable agricultural base to support agricultural processing and service industries;
4. Prevent conflicts between incompatible uses; reduce costs of providing services to scattered, non-farm uses; pace and shape urban growth;
5. Implement the policies of the Waupaca County Farmland Preservation Plan;
6. Comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Wis. Stat. Ch. 91.

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

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

d. This district serves as Dupont's Farmland Preservation District.

1.4.4 General Agricultural District Purpose.

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

b. This district will not require a Conditional Use permit to create and build a farm residence or nonfarm residence as a permitted use, without having to amend the Town's Preferred Land Use Map.

c. No farmland credits would be available in this zoning district.

1.4.5 Rural Residential District Purpose.

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

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

c. This type of zoning may include existing farmsteads with outbuildings and barns capable of housing a limited number of animals, or new home owners that build accessory buildings to house a limited number of animals for personal use, provided any income from animal or garden produce being incidental to the income of the owner.

d. The site of a Rural District may be on land that is not ideal for farming due to location, soil type, existing development, ownership patterns, unique physical characteristics, or not highly suited to productive long-term crop uses.

1.4.5 Business District Purpose.

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

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

1.4.6 Industrial District Purpose.

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

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

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1.5 ZONING DISTRICT PERMITTED AND CONDITIONAL USES

The following table identifies the Permitted Uses (P), or Conditional Uses (C), Accessory (A) OR (NC) Nonconforming within the Dupont Zoning Districts. Definitions and additional requirements for these land uses are identified in Section 1.7 following this section and defined in Section 1.3.2 of this Ordinance.

Table 1: Permitted and Conditional Use by Zoning District

Land Uses	Farmland Preservation District	General Agricultural District	Rural Residential District	Business District	Industrial District
RESIDENTIAL					
Single-Family Residence	Ag Related-A	Ag Related-A	P		
Nonfarm Residence	C	P	P		
Nonfarm Residential Cluster	C				
Two-Family Residence	Ag Related-A	Ag Related-A			
Multiple-Family Residence			C		
Customary Residential Accessory structure	P	P	P	P	
Home Occupation	P	P	P		
Family Day Care Home	P	P	P		
New Manufactured Home	C	P	P		
Existing Mobile Home (with conditions)	NC	NC	NC		
Tiny House (Home)			C		
OPEN LAND/AGRICULTURAL USES					
Agriculture Uses	P	P	P		
State Livestock Facility Siting (500+ anim.u.)	C				
Agriculture-Related Use	C	C			
Agricultural Accessory Use	A	A	A		
Roadside Stand	A	A	A		
Hobby Farm	P	P	P		
Wireless communications structures and mechanical appurtenances	C	C	C	C	C
Transportation, communications, pipeline, electric transmission, utility, or drainage uses	C	P	P	P	P
Topsoil removal		C	C	C	
Dog Kennel			C	C	
Cemetery		C	C	C	
Private Airport		C	C	C	
Recreational Vehicles (RV)		C			

Table 1: Permitted and Conditional Uses by Zoning District (Continued)

Land Uses	Farmland Preservation District	General Agricultural District	Rural Residential District	Business District	Industrial District
BUSINESS USES					
Personal and Professional Service				P	
Indoor Sales and Service				P	
Long Term Outdoor Display and Sale				P	
Maintenance Service				P	
In Vehicle Sales and Service				P	
Indoor Com. Entertainment and Service				C	
Commercial Indoor Lodging Facility				C	
Resort Establishment				C	
Bed and Breakfast Establishment				C	
Group Day Care Center Facility				C	
Com. Animal Boarding or Breeding Facility				C	
Personal Storage Facility				C	
Portable Storage Facility				C	
Indoor Storage or Wholesaling				P	
Outdoor Storage or Wholesaling				C	
Indoor Retail Sales Activity as Accessory to Industrial or Indoor Storage & Wholesaling				P	
INDUSTRIAL					
Light Industrial Accessory to Retail Sales/Service				C	
Light Industrial				C	P
Heavy Industrial					C
Contractor Shop				C	P
Mineral Extraction (Non-Metallic)	C	C			C
Salvage or Junk Yard					C
Solid or Hazardous Waste Facility				C	C
PUBLIC/INSTITUTIONAL/PARKS/ RECREATION					
Governmental, institutional, religious, or nonprofit community uses	C	P	P	P	
Outdoor Public Recreation-Passive	C	P	P		
Outdoor Public Recreation-Active	C	C	C		

Notes:

a. No 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 premise.

1.6 ZONING AREA AND SETBACK REQUIREMENTS

Table 2: Area and Setback Requirements

Land Uses within the Districts	Minimum Lot Size	Maximum Lot Size or coverage	Frontage on public R.O.W.	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Min Rear Yard Setback	Maximum Height
Single-Family Resid. (Nonfarm)	1 acre.	2 acres	30' frontage	100' at setback	25' from ROW	25' combined, 10 feet minimum one side	25 '	35' or 3 stories
Two-Family Residential (Nonfarm)	1 acre	2 Acres	30' frontage	100' at setback	25' from ROW	25' combined, 10 feet minimum one side	25 '	35' or 3 stories
Multi-Family Residential*	1 acre	none	200'	200 '	25' from ROW	25' combined, 10 feet minimum one side	25'	35' or 3 stories
Rural Residential	5 acres	10 acres	200'	200'	50' from ROW	20' per side 40' livestock Structures Fences-10'	25' 40' livestock Structures Fences-10'	35' or 3 stories
Farmland Preservation (Farm)	10 acres	none	None	100'	Accessory uses 50' from ROW	25' for Residence/ Outbuildings (not livestock related)	25 '	35' or 3 stories Farm Structures are Exempt
Farmland Preservation (Non-Farm Residence)	1 acre	2 acres	30'	100' at setback	25' from ROW	25' for Residence/ Outbuildings	25 '	35' or 3 stories
General Agricultural	5 acres	None	None	100'	50' from ROW	25' for Residence/ Outbuildings	25 '	35' or 3 stories Farm Structures Exempt
Business	1 acre	None	100'	100'	25' from ROW	15' per side	25' with loading area	60'
Industrial	1 acre	50%	100'	100'	25' from ROW	10' per side for existing. 30' for new with buffer	25'-see note d.	

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

Notes and exceptions:

a. In the Industrial District, maximum combined lot area covered by the principal and accessory building(s) shall not exceed 50%.

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

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

d. All lots must meet the DNR setback of 75 feet from the high water mark involving riparian lots.

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

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

1.7 DISTRICT USES AND REGULATIONS

1.7.1 Land Use Interpretation.

Section 1.5 broadly categorizes potential land uses in Dupont Town as Permitted (P) or Conditional (C) within the Zoning Districts. Additional District regulations for these land uses are included in Sections 1.7.2 through 1.7.6. The Town Zoning Administrator will be required, in some instances, to provide interpretation of these definitions in order to determine whether a proposed use is allowed in the applicable district. Land uses that are not specifically listed are not necessarily excluded from locating within a given Zoning District.

1.7.2 Residential Uses.

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

1. This land use includes modular and manufactured homes as defined in section 1.3.2 of this ordinance.
2. This land use does not include mobile homes as defined in the Wisconsin Statutes 101.91(10).
3. All homes shall meet the following requirements:
   - i. Secured to a permanent enclosed foundation that meets all applicable state building codes or full basement, not having more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case only that portion of the foundation which is on the highest point of the lot must meet the requirements of this paragraph.
   - ii. Minimum structure width (i.e. short side) shall be at least twenty-four (24) feet. Attached garages, carports and open decks shall not be included in the measurement of the width of the dwelling. Any home less than 24 feet in width shall require a Conditional Use permit.
   - iii. Roof pitch shall not be less than a nominal 3:12 (rise to run).
   - iv. Roof overhang shall not be less than a nominal 6 inches excluding any gutter.

b. **Nonfarm Residences:** See Conditional Use chapter (1.9.9.c) regarding regulations.

c. **Nonfarm Residential Cluster:** See Conditional Use chapter (1.9.9.c) regarding regulations. Nonfarm residences can be constructed in a rural residential cluster provided approval of the cluster as a conditional use under Wis. Stat. Ch. 91.46 (1) (e) has been granted by the Town of Dupont.

d. **Two-Family Residence (Nonfarm):** Land uses consisting of a building containing two (2) dwelling units. This includes dwelling units that are enclosed within a building or attached by a common floor or wall.

e. **Multi-Family Residence:** (Conditional Use Required) Land uses consisting of a lot with 3 or more dwelling units. This includes apartment buildings and other dwelling units that are enclosed within a building or attached by a common floor

or wall. Each dwelling unit may be owner-occupied or renter-occupied, with the building, lot, and/or unit in fee simple or condominium ownership.

f. **Customary Residential Accessory Structure:** Land uses clearly incidental to the primary residential use and includes such uses as garages, carports, storage sheds, and decks.

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

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

i. **Family Day Care Home:** Land uses consisting of an occupied residence in which a qualified person or persons provide child care for four to eight children. The care of less than four children is not subject to the regulations of this Ordinance.

j. **New Manufactured Home:** A manufactured home moved into the Town of Dupont following the adoption date of this ordinance must meet the following requirements:

1. That the manufactured home is secured to a permanent enclosed foundation that meets all applicable state building codes or full basement, not having more than 12 inches of exposed concrete foundation above the exterior finished grade of the lot. An exception is when the grade of the lot slopes, in which case only that portion of the foundation which is on the highest point of the lot must meet the requirements of this paragraph.
2. Minimum structure width (i.e. short side) shall be at least twenty-four (24) feet. Attached garages, carports and open decks shall not be included in the measurement of the width of the dwelling.
3. The structure shall have a minimum of a 3/12 pitched roof on a minimum of seventy-five (75) percent of the structure.

k. **Existing mobile home:** An existing mobile home not located in a mobile home park on the effective date of this Chapter shall be permitted to remain in its original location subject to the following conditions:

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

l. **Tiny House (Home):** A single family dwelling that is 300sq. ft. to 800 sq. ft. in size must meet the following criteria:

- A Conditional Use Permit is required for construction
- The lot size may not be greater than 2 acres and must be located in the Rural Residential Zoning District
- The dwelling may be either on a foundation or on wheels
- Any wheeled unit must have the wheels screened or landscaping placed around them
- A front porch is required / Rear porch is optional
- Exterior finish to be complimentary to the adjacent property
- Accessory buildings are limited to one
- Must abide by the setback provisions of the Rural Residential Zoning District
- Construction must meet WI SPS 327 Standards

1.7.3 Open Land/Agriculture Uses.

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

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that DATCP, by rule, identifies as an agricultural use.

b. **State Livestock Facility Siting:** in excess of 500 animal units. See Ag Siting in 1.11

c. **Agriculture - Related Use:** means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the Farmland Preservation District.

2. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation District.
3. Marketing livestock to or from farms, including farms in the Farmland Preservation District.
4. Processing Agricultural by-products or wastes received directly from farms, including farms.

d. **Agricultural Accessory Use:** Land uses that include:
1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This includes:
   i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
   ii. A facility used to keep livestock on the farm.
   iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
   iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
   v. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
   vi. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
3. A farm residence
4. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
   i. It is conducted by the owner or operator of a farm
   ii. It requires no buildings, structures, or improvements other than those described in par. (a) or (c)
   iii. It employs no more than 2 full-time employees annually
   iv. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
5. Any other use that the Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an accessory use.

e. **Roadside Stand:** Any roadside stand or similar use shall meet the definition of a roadside stand in 1.3.2, shall be limited to the sale of farm products produced on a farm, and shall conform to setback, sign and other provisions of this ordinance. If a roadside stand is determined to constitute a traffic hazard or nuisance, the Zoning Administrator may order its removal. Such removal shall be at the landowners cost if such stand was established after the effective date of this ordinance. The Town shall in no way be obligated to pay the cost of removal of such stands.

f. **Hobby Farm**

g. **Wireless communications structures and mechanical appurtenances:** See the Conditional Use regulations in section 1.9.9.d.5.

h. **Transportation, communications, pipeline, electric transmission, utility, or drainage uses:** Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a license for that use. Certain utilities are required to obtain a Conditional Use permit (see section 1.9.9,c,3) when located in the Farmland Preservation District.

1.7.4 Business Uses.

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

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

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

d. **Maintenance Service:** Land uses which perform maintenance services (including repair) either within or outside an enclosed building.

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

f. **Indoor Commercial Entertainment and Service:** Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial

land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

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

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

i. **Bed and Breakfast Establishment:** Land uses which provide lodging facilities that are operator-occupied residences providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than 10 nights in a 12 month period, provide meals only to renters of the place, and are clearly residential structures in design, scale, and appearance. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

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

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

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

m. **Portable Storage Facility:** Land uses that include shipping containers, semi-trailers, portable on demand storage (PODS), and store and move (SAM)

containers that are intended for temporary storage while an individual or business is relocating. Such storage facilities shall need a permit which regulates the length of time a portable storage facility is allowed on the specified premise.

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

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

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

1.7.5 Industrial Uses.

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

b. **Light Industrial:** Land uses which operations (with the exception of loading operations):

1. are conducted entirely within an enclosed building;
2. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
3. do not pose a significant safety hazard (such as danger of explosion); and
4. comply with all of the applicable performance standards.

Light industrial land uses may conduct retail sales activity as an accessory use.

c. **Heavy Industrial:** Land uses which meet one or more of the following criteria: 1) are not conducted entirely within an enclosed building; 2) are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) pose a significant safety hazard (such as danger of explosion). Examples of heavy industrial land uses include

meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

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

e. **Mineral Extraction (Non-Metallic):** Non-metallic land uses include operations or activities for extraction from the earth, for sale or use by the operator, of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals, related operations or activities such as drilling and blasting, excavations, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. Regulations for Non-Metallic Mining operations are in the Conditional Use chapter (1.9.9)

f. **Salvage or Junk Yard:** Land uses that include any land or structure used for a salvaging operation including, but not limited to: The above-ground outdoor storage, collection, recycling, dismantlement, and/or sale of items listed in Section 1.7.5.f.1. Licensed recycling facilities involving on-site outdoor storage of salvage materials are not included in this land use.

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

solid fence shall enclose the entire combined area devoted to such uses.

iii. Fences and walls shall be of uniform heights in relation to the ground upon which they stand. They shall be a minimum of 8 feet high or a height sufficient to screen salvage from view and shall not exceed 12 feet in height. They shall be of wood or metal painted one inconspicuous earth-tone color, and shall enclose the entire site.

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

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

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

premises and shall be recycled or disposed of in compliance with applicable regulations.

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

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

1.7.6 Public/Institutional/Parks/Recreation.

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

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

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

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

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

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

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

1. Active uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.
2. Provisions of 1.9.7.b.2 and 3 apply.
3. Waterfront recreational uses that include bleachers, spectator stands, motor driven rides, concession stands and similar uses are effectively screened from adjacent properties by vegetative growth.
4. Shooting ranges for firearms shall adhere to the following provisions (as determined by the Plan Commission and Town Board):
   i. Potential hazards to adjacent uses
   ii. Topography and ground cover
   iii. Noise
   iv. The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives; toward any building or structure not directly toward any population concentration which is located within one half mile.
   v. An adequate shot fall or bullet impact area
   vi. A defined firing line or firing direction
   vii. Adequate target backstops for the firing of rifled arms
5. Campground: The following regulations apply to all new conditional use applications for a campground:
   i. Wisconsin Administrative Code DHS 178 entitled "Campgrounds" shall apply until amended and then shall apply as amended; except the provisions of this Code of Ordinances shall control where more restrictive.
   ii. Minimum campground/camping resort size: 5 acres.
   iii. Minimum camping site space: 1,200 square feet per camping site. (All of allotted individual lot area shall be in one contiguous parcel exclusive of roadways). Each space shall be suitably landscaped, and all areas fronting a park and any buildings or recreational areas shall be suitably landscaped.
   iv. The density shall not exceed 20 camping sites per acre of gross camp area.
   v. Exposed ground surfaces in all parts of every parking area shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
   vi. Each walkway shall have a minimum width of 36 inches. No recreational vehicle lot or space shall ingress or egress directly upon a State, Federal, County, or Town road.

vii. Except for the interior road system, all recreational vehicles shall be set back from any park area boundary line abutting upon a public street or highway according to set back requirements in Section 1.6.

viii. Every camp shall be located in a well-drained area not subject to intermittent flooding and properly graded so as to prevent the accumulation of storm or other waters that may create hazards to the property or the health and safety of the occupants. No camp shall be located in an area that is situated so that drainage from any source of filth can be deposited thereon.

ix. There shall be one or more recreational areas which shall be easily accessible to all camp residents. The aggregate size of such recreational areas shall be in an amount equal to, but not less than two hundred (200) square feet multiplied by the number of camping sites, or 2,500 square feet, whichever is greater. The design and placement of such recreation area(s) shall be approved by the Town Board, following a recommendation from the Plan Commission.

x. Proof of ability to install a satisfactory private sewage disposal system shall be presented to the Plan Commission and Town Board at the time of application.

xi. Convenience establishments of a commercial nature may be permitted in a camp grounds providing that such establishments and their related parking areas, shall not occupy more than 10 percent of the total camp area, shall be subordinate to the recreational character of the camp, shall be located, designed and intended to serve the specific needs of the camp occupants, and shall present no visual evidence of commercial character from any portion of any residential district outside the camp. Such convenience establishment building shall adhere to any service building requirements. No repair of service facilities shall be permitted in any case where by reason of excessive noise, odor, unsightliness, etc., would detract from the recreational character of the camping area.

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

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

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

1.8. GENERAL PROVISIONS

1.8.1 Use and Height.

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

a. No alterations to any building, except uncovered steps or handicap ramps, may project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.

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

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

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

e. Exceptions. The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

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

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

3. Residences in the Residential and Farmland Preservation District may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such

building exceeds the height limit of the district in which it is located.

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

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

6. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet 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.

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

f. 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.

g. 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.

h. 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.

i. 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.

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

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

l. In all districts, the following fence regulations apply:
   1. Two and a half feet maximum height within any vision-triangle.

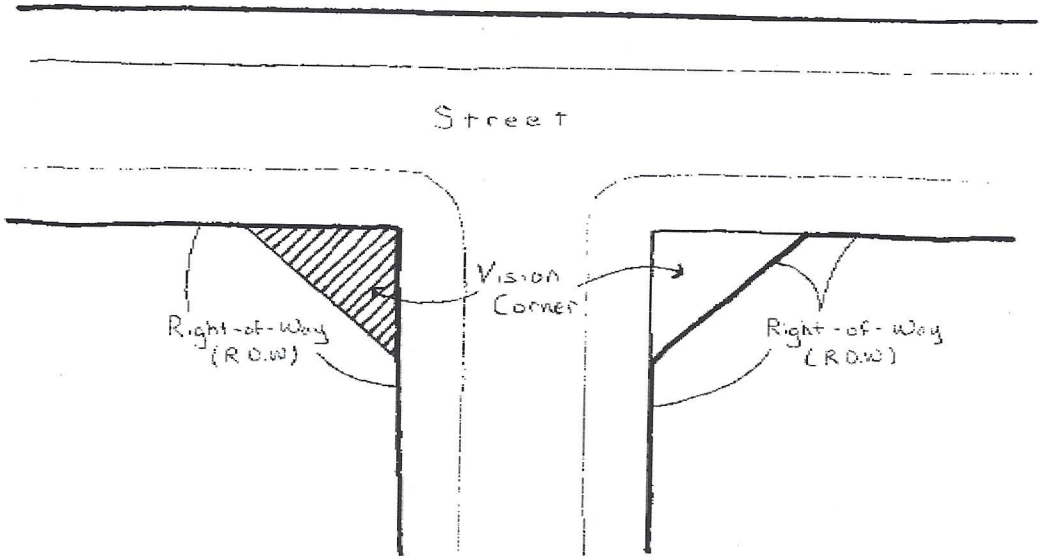
2. Barbed wire fencing may not be used in residential districts, except between residential and agricultural properties.
3. Electric fences may only be used between agricultural and residential properties when agreeable to both parties.
4. Fences shall be maintained in good repair as to structure and appearance.
5. Notwithstanding anything to the contrary in the Town's Zoning Ordinance, fences between a Rural Residential District and any other zoning district shall be not less than 5 feet off of the property line.
6. The party initiating construction of a fence must place the finished side toward neighboring properties.

m. A homeowner shall be permitted only one recreational vehicle to be parked outside of the residence for storage purposes. Units in storage are not to be rented or leased for habitation purposes at any time.

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

o. A homeowner shall be granted one year from the date of the issuance of a building permit for new construction or structural alterations to complete home. All homes must be fully enclosed by exterior siding to be considered a finished home/dwelling. Failure to complete such tasks within the one year period shall be subject to fines and unable to reside in said structure.

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



1.8.2 Recreational Vehicles for Temporary or Recreational Human Habitation

This section address the occupancy of a vehicle that is designed to be towed upon a highway by a motor vehicle; that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation; that has walls of rigid construction; and that does not exceed forty-five (45) feet in length, including Class A, Class B, and Class C motor homes, travel trailers, camping trailers, fifth-wheel trailers, truck campers, but excluding tents, utility trailers, livestock trailers, manufactured homes, mobile homes, modular homes, and all other types of vehicles, shelters, and permanent or temporary dwellings. This use shall meet the following performance standards:

a. The recreational vehicle shall comply with all adopted standards of the Recreation Vehicle Industry Association (RVIA).

b. In any residential zone, each home or cottage owner shall be permitted only one (1) recreational vehicle to be parked on his premises for storage purposes only.

c. Recreational vehicles may be used for temporary parking and living purposes on vacant parcels within districts that permit such use for a period not to exceed thirty (30) days during the calendar year. A Conditional Use Permit shall be obtained.

d. The recreational vehicle shall remain "road ready" at all times.

e. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repair, and any such recreational vehicle shall not be otherwise fixed to the ground in any manner than would prevent ready removal.

f. The parking of one (1) recreational vehicle in an accessory private garage or building, or in a driveway of an existing residential unit is permitted, provided no living quarter shall be maintained and no business is conducted within the recreational vehicle.

1.8.3 Mobile Service Facilities and Support Structures Ordinance

See Chapter 48, Waupaca County Mobile Service Facilities and Support Structures Ordinance for the establishment of standards for the siting of antennas, towers, and other structures necessary to provide mobile and radio broadcast services. All references to an officer, agent or employee of Waupaca County shall be the corresponding officer, agent or employee of the Town of Dupont, which shall administer and enforce this ordinance. This chapter of Waupaca County Ordinance is incorporated into this ordinance by reference as if fully set forth therein.

1.9 CONDITIONAL USES

1.9.1 **Purpose.** A "Conditional Use" is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. Conditional Uses may be appropriate within a specific zone, provided conditions can be met that ensure no adverse effects to the Town's and immediate vicinity's health, general welfare, safety, and economic prosperity. Considerations for these uses include, but are not limited to, established character and quality of the area, general compatibility with surroundings, traffic impact and circulation, environmental impacts, the demand for related services, and the possible hazardous, harmful, noxious, offensive, or nuisance effects resulting from noise, dust, smoke, or odor. It is hereby declared the policy and purpose of this ordinance to employ the Conditional Use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights.

1.9.2 **Procedure and Meetings.** The following procedure shall be followed to obtain a Conditional Use permit:

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

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

c. **Action by Plan Commission.** The Plan Commission shall, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Conditional Use permit with any conditions it may deem appropriate to the Town Board. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering a Conditional Use application, as listed in 1.9.5.

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

1.9.3 **Application Requirements.** The applicant shall provide the following information on the Conditional Use application form:

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

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

c. Description of Conditional Use being requested.

d. Written justification for the Conditional Use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for Conditional Uses listed in subsection 1.9.5.

1.9.4 **Development Plan Requirements.** Submission of a Conditional Use permit request will need to include a site plan that has the following information:

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

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

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

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

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

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

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

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

1.9.5 **Standards for Granting Conditional Use Permits.** No Conditional Use permit shall be recommended by the Plan Commission or approved by the Town Board unless it shall find that:

a. **Detrimental Impact** That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare.

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

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

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

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

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

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

a. Increased setbacks and yards

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

c. Sureties, operational controls, erosion prevention measures

d. Location of the use

e. Other requirements found necessary to fulfill the purpose and intent of this ordinance

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

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

a. The nonfarm residence was granted a building permit by the Town of Dupont prior to the adoption of this ordinance.

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

1.9.8 **Conditions, Guarantees and Validity Period.** The following conditions, guarantees and validity period may be imposed upon the granting of a Conditional Use permit:

a. Prior to the granting of any Conditional Use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 1.9.5 and 1.9.6. In all cases in which Conditional Uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).

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

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

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

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

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

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

1.9.9 **Schedule of Conditional Uses.** Conditional Uses which may be authorized by the board are as follows:

a. **Multiple-Family Dwelling in the Residential District** shall be subject to the following additional standards and regulations.

1. Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 600 square feet; for each 2-bedroom unit, 800 square feet; for each 3-bedroom unit, 1,000 square feet - exclusive of common use hallways.

2. Off-Street Parking Space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 10 feet from any front, lot line and not less than 5 feet from any side or rear 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.

i. Parking areas shall be screened with decorative fence or shrubbery from adjacent single family homes and shall provide sufficient vehicular maneuvering to allow a vehicle to re-enter the public highway in a forward direction.

3. Dimension of Building Sites.
   i. Minimum area and width for a 3-family unit shall be a minimum of 50,000 square feet with a minimum lot width of 200 feet.
   ii. For more than a 3-family unit, 50,000 square feet plus 10,000 square feet per family unit in excess of 3 with a minimum lot width of 200 feet.

4. Site Improvements.

i. Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard serviced driveway.

ii. Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the esthetic values of the area and to protect adjacent property.

iii. Such fencing as may be necessary for the safety of the occupants and the public generally.

b. **In the Farmland Preservation District, General Agricultural District, and Industrial District.**

1. Junk yard, in the Industrial District only (see standards in 1.7.5.f.).

2. Canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products of Waupaca County as may have a nuisance factor not separable there-from, such as the emission or effluence of noxious or odorous wastes or by-products.

3. Non-Metallic Mining, provided mineral extraction operations shall take place for less than four years, the land shall be restored to agricultural production within another two years (unless the Town Board grants a renewal of the license), and that paragraphs i through v, which only relate to the Farmland Preservation District would be met, while the remaining non-metallic mining operation regulations would be applicable to Farmland Preservation , General Agricultural, and Industrial zoned lands:

i. The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

ii. The operation and its location in the Farmland Preservation District are consistent with the purposes of the Farmland Preservation District.

iii. The operation and its location in the Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the Farmland Preservation District, or are specifically approved under state or federal law.

iv. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use. (e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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

vi. Non-Metallic Mining Application. Non-metallic mining may include washing, crushing, quarrying, borrow pits, or other processing or removal or mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing, and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; Nonmetallic mining operations are subject to the following additional standards, which apply to all nonmetallic mining operations in the Town.

vii. An application for a permit shall be submitted by the owner and shall include an adequate description of the operation; a plan of the site showing proposed and existing roads and drives, the sources, quantity and disposition of water to be used, if any; estimated dates for the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

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

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

x. The permit shall be for a period of time as stated in the application or as modified by the Plan Commission and Town Board. The Plan Commission and Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions,

including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.

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

xii. A filing fee of $50 shall be required for each initial application, and a filing fee of $20 for each renewal application.

xiii. All existing mineral extraction operation lawfully operated prior December 13, 1982 shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance.

4. Micro-wave radio relay structures and mechanical appurtenances.

5. Public utility or public service corporation building or structures, provided the Plan Commission and Town Board shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.

c. **Nonfarm Residences in the Farmland Preservation District Only.**

1. **Nonfarm Residences:** A proposed new Nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy is a Conditional Use in the Farmland Preservation District provided all of the following apply:

iii. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

iv. There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

v. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel will not do any of the following:

(a) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot,

from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

(b) Significantly impair or limit the current or future agricultural use of other protected farmland.

2. **Nonfarm Residential Cluster in Farm Land Preservation District Only.** The Town of Dupont Zoning Ordinance contains a provision that a Conditional Use permit can be applied for to allow more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies if all of the following apply (same as conversion of farm to nonfarm residence):

i. The parcels on which the nonfarm residences would be located are contiguous.

ii. The Town of Dupont will impose legal restrictions on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would satisfy the following requirements:

(a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

(b) There will be no more than 4 dwelling units in nonfarm residences, nor more than 5 dwelling units in residences of any kind, in the base farm tract.

iii. The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel will not do any of the following:

(a) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative available to the permit applicant

(b) Significantly impair or limit the current or future agricultural use of other protected farmland.

3. **Transportation, communications, pipeline, electric transmission, utility, or drainage uses** if the following apply:

iv. The use and its location are consistent with the purposes of the district.

v. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

vi. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
vii. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
viii. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

4. **Governmental, institutional, religious, or nonprofit community uses** if all of the following apply:
i. The use and its location are consistent with the purposes of the Farmland Preservation District.
ii. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

d. **Tiny House/Homes in the Rural Residential District** shall be subject to the following additional standards and regulations:

1. A single family dwelling that is 300sq. ft. to 800 sq. ft. in size meeting the following criteria:
i. A Conditional Use Permit is required for construction
ii. The lot size may not be greater than 2 acres and must be located in the Rural Residential Zoning District
iii. The dwelling may be either on a foundation or on wheels
iv. Minimum width of the dwelling is 20 feet
v. A front porch is required / Rear porch is optional
vi. Exterior finish to be complimentary to the adjacent property
vii. Accessory buildings are limited to one
viii. Tiny houses must meet the setback provisions of the Rural Residential Zoning District
ix. Construction must meet WI SPS 327 Standards

e. **Conditional Uses considered in any Zoning District** (Except in the Farmland Preservation District, where the following uses are subject to requirements in State Statutes, sections 91.01(1) or 91.46).

1. **Wireless communications structures and mechanical appurtenances but not radio or television communication 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.

i. **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 numbers 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.

ii. **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: Tile lines that connect a provider's tower/veil sites to one or more cellular telephone switching offices, and/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 Conditional 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 or guyed 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.

iii. **Applicability:**

(a) New Towers and Antennas: All new towers or antennas in the Town shall be subject to these regulations, except as provided in Sections iii (b) and iii (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, including, without limitation, television reception antennas and dishes for the reception of satellite television signals.

(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 v.(b).

iv. **Conditional Use Permit Required:** No tower or antenna shall be installed unless a Conditional Use permit is first obtained by the owner or his agent from the Plan Commission and Town Board. 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 within 100% of tower height, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Plan Commission and Town Board, 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 three miles 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) A written statement from an engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission of reception of radio, television, or other communications services enjoyed by adjacent residential and non-residential properties; and

(g) Written, technical evidence from a qualified engineer that the proposed site of the tower or the telecommunications facilities do not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas or corrosive or other dangerous chemicals.

(h) If tower owner violates any of the above listed conditions of the Conditional Use Permit for a period of nine (9) months this said permit will be revoked and the owner will be responsible for removal of the tower.

v. **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 and 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 Independent 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. Non-compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(b) **State Federal or County Requirements:** 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. Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. The owner of the Tower must conduct a yearly inspection of the tower. This inspection must be done by an independent company with documentation of said inspection sent to the town. 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 antennas and comparable antennas for at least (5) additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. The holder of a Conditional Use permit for a tower shall allow collocation for at least 5 additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If an additional user demonstrates (through an independent arbitrator or other similar means, with the cost to be shared by the holder of the Conditional Use permit and the proposed additional user) that the holder of a tower Conditional Use permit has made access to such tower and tower site economically unfeasible, then the Conditional Use permit shall become null and void.

(d) **Height:** Antenna height shall not be restricted, provided antenna height does not exceed 260 feet and such device is installed and maintained in accordance 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:** Unless otherwise specified by the Plan Commission and Town Board, a tower shall be located not closer than a distance equal to 100% 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) **Aesthetics:** Towers shall maintain galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray or light blue 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. Towers and related telecommunications facilities shall be repainted every five years or sooner, if required. Galvanized towers shall be kept free of rust and rust stains.

(g) **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.

(h) **Lighting:** Towers shall be illuminated with a red light at night and a white light during the day. Lighting is required and the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(i) **Fencing:** A tower shall be enclosed by a security fence 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.

(j) **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 landforms 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 a sufficient buffer.

(k) **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 on as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening

would better reflect and complement the architectural character of the surrounding neighborhood.

(l) **Insurance/Security:** All wireless telecommunications facilities must be adequately insured for injury and property damage. Proof of insurance with the Town named, as an additional insured shall be provided. A letter of credit, bond or comparable security in the amount of $10,000 plus yearly inflation costs shall be filed with the Town Clerk to provide for the removal of a wireless communication facility and site restoration if removal should be required.

vi. **Permitted Uses.**

(a) **Antennas or Towers On Existing Structures:** Installation of an antenna or tower proposed to 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 is encouraged, 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. (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 Plan Commission and Town Board.

(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.

(d) **Building Permit Required:** A building permit is required for the towers, antennas and facilities described in subsections 6 (a), (b) and (c) above. The Town must receive a full set of construction plans stamped by the engineer before permit will be issued.

vii. **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.

viii. **Nonconforming Uses.**

(a) **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.

ix. **Performance Standards.**

(a) **General:** Except as determined by the Plan Commission and Town Board, all wireless telecommunication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirement of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered as an accessory use and a smaller area of land may be leased provided that all requirements of this zoning ordinance can be met

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

(1) No existing towers or structures are located within the geographic area which meets 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 fee, 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.

x. **Alternative Technology:** 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 power 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.

xi. **Farmland Preservation District Restrictions:** Communication Towers are allowed in the Farmland Preservation District only if the following apply:

(a) The use and its location in the Farmland Preservation District are consistent with the purposes of the Farmland Preservation District.
(b) The use and its location in the Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
(c) The use is reasonably designed to minimize the conversion of land at and around the site of use, from agricultural use and open space.
(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
(e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

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1.10 NONCONFORMING USES, STRUCTURES, LOTS, AND SIGNS

1.10.1 Applicability and Intent.

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

1.10.2 Abolishment.

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

1.10.3 Nonconforming Uses of Land.

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

1. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption of this ordinance.

2. Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption of this ordinance.

3. When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a use allowed as a permitted or conditional use, a nonconforming use shall not thereafter be resumed.

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

1.10.4 Nonconforming Uses of Structures

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

1. No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is a permitted or conditional use in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a

building which were manifestly arranged or designed for such use at the effective date of adoption of this ordinance. Any nonconforming use that occupied a portion of a building not originally designed or intended for such use shall not be extended to any part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

3. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
4. When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or conditional use, a nonconforming use shall not thereafter be resumed.
5. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

1.10.5 Nonconforming Structures.

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

1. Such structure shall not be altered in any manner which would increase the degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not during its life exceed 50 percent of the fair market value of the structure.
2. If such structure is destroyed or damaged due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.

1.10.6 Nonconforming Characteristics of Use.

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

1.10.7 Nonconforming Lots of Record.

a. In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in

separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.

b. If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption of this ordinance, the lands involved shall be considered to be in individual parcel for the purposes of this ordinance, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

1.10.8 Nonconforming Signs.

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

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

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

1.10.9 Casual, Temporary, or Illegal Use.

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

1.10.10 Repairs and Maintenance.

Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

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1.11 STATE LIVESTOCK FACILITY SITING REGULATIONS

1.11.1 Purpose, Authority, and Abrogation.

a. **Purpose:** To incorporate and apply the livestock facility siting law requirements found in Wis. Stats. 93.90 and ATCP 51 of the Wisconsin Administrative Code and to prohibit the siting of new livestock facilities (with an excess of 500 animal units), and the expansion of existing livestock facilities by more than 20% (and over 500 animal units) in any other zoning district other than the Farmland Preservation District within the Town of Dupont.

b. **Authority:** This Ordinance is adopted pursuant to the Town's zoning powers found in Wis. Stats. 60.62, 62.23(7) and 93.90, together with the administrative provisions set forth in ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of these statutes and administrative rules.

c. **Abrogation and Greater Restrictions:** It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.11.2 Local Livestock Regulation.

a. **Incorporation of State Law:** Pursuant to the provisions of Wis. Stats. 93.90, the Town of Dupont does hereby adopt and incorporate into this Zoning Ordinance the provisions of Wis. Stats. 93.90 and ATCP 51 of the Wisconsin Administrative Code, inclusive of all future amendments to any provisions of Wis. Stats. 93.90 and ATCP 51 of the Wisconsin Administrative Code. The Town of Dupont's Zoning Ordinance hereby reflects the provisions of Wis. Stats. 93.90 and ATCP 61 of the Wisconsin Administrative code as if said statutory and administrative provisions were set forth in their entirety within the text of the Town's Zoning Ordinance.

b. **Additional Town Requirements:** The Town Board hereby declares the following more stringent local standards are deemed necessary to protect the public health, safety, welfare or convenience and, to that end, adopts the following legislative findings of fact:

1. In large portions of the Town of Dupont, the water table can be at a depth of 0 to 30 inches when adjacent to wetlands, the floodplain areas surrounding three major rivers (North Branch Pigeon River, South Branch Pigeon River, and Little Wolf River) streams, and ponds. Pollutants that reach these waters may contaminate and pollute surface water and ground water consumed by local residents that have shallow wells (public health issue).
2. Concentrated farm operations of greater than 500 animal units will result in a higher level of truck traffic moving raw materials into and finished products out of such large farm operations. More traffic generated by a large farm operation increases the likelihood of accidents and the

endangerment of local residents and operators of trucks or farm equipment traveling on the same roadways within the Town of Dupont (public safety issue).

1.11.3 Definitions.

Specific definitions as listed in ATCP 51 are found in Section 1.3.2 of this ordinance.

1.11.4 Setbacks and Separations.

a. **Public road Right-of-Way:**

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

b. **Waste Storage Structure Setbacks:**

1. A new waste storage structure may not be located any closer than 350 feet from a property line, or any closer than 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
   i. Located on the same tax parcel as a waste storage structure in existence before May I, 2006.
   ii. No larger than the existing structure.
   iii. No further than 50 feet from the existing structure.
   iv. No closer to the road or property line than the existing structure.
2. This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand toward that property line or road.

1.11.5 Well Separation Distances:

a. **Based on NR 811.16,** Wells, paragraph 4, Well sites, paragraph d, a well shall be one-thousand (1,000) feet, from a manure stack, livestock structure, or storage structures, regardless of whether the livestock facility operator owns the land on which the well or wells are located. The only exception is if a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination.

b. **NR 812.08**,which covers well, reservoir and spring location, and sub-paragraph (4) which regulates the relation to contamination sources, states that minimum separating distances between any new potable or nonpotable well, reservoir or spring and existing sources of contamination; or between new sources of contamination and existing potable or nonpotable wells, reservoirs or springs,

shall maintain a minimum separating distance as follows: (this subsection does not apply to dewatering wells approved under NR 812.09 (4)

1. Greater separation distances may be required for wells requiring plan approval under s. NR 812.09. Separation distance requirements to possible sources of contamination will not be waived because of property lines. The following setbacks apply to livestock siting applications:

   i. Twenty-five (25) feet between a well or reservoir and a:
      (a) Buried gravity manure sewer;
      (b) Liquid-tight barn gutter;
      (c) Animal barn pen with concrete floor;
      (d) Buried pressurized sewer pipe conveying manure provided that the pipe meets ASTM specification D-2241, with standard dimension ratio of 21 or less or pressure pipe meeting the requirements of s. NR 110.13 (6) (f) or 811.62;
      (e) Fifty (50) feet between a well or reservoir and a Manure loading area.

   ii. One-hundred (100) feet between a well or reservoir and a:
      (a) Liquid-tight, fabricated manure or silage storage structure, in ground or at ground surface;
      (b) Dry fertilizer or pesticide storage building or area when more than 100 pounds of either or both materials are stored;
      (c) Stormwater infiltration basin;
      (d) Uncovered storage of silage on the ground surface;
      (e) Water-tight silage storage trench or pit; or
      (f) Lift station.

   iii. One hundred fifty (150) feet between a well or reservoir and a temporary manure stack.

   iv. Two hundred fifty (250) feet between a well or reservoir and a:
      (a) Manure stack.
      (b) Earthen or excavated manure storage structure.

Note: Variances from the separating distances may be granted as specified in NR 812.43 for earthen storage and manure stacks constructed and maintained to the specifications of Soil Conservation Standards No. 425 or 312, respectively.

1.11.6 Conditional Use Permit Required.

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

b. **Conditional Use Permit for Existing Livestock Facilities:** A Conditional Use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

1. The applicable size threshold for a Conditional Use permit.
2. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on (May 1, 2006 or on the effective date of the Conditional Use permit requirement, whichever date is later)
3. A Conditional Use permit is not required for livestock facility that existed before May 1, 2006 or before the effective date of the Conditional Use permit requirement in this ordinance, except as provided in 1.11.6.b.
4. A Conditional Use permit is not required for livestock facility that was previously issued a Conditional Use permit, Conditional Use permit or other local approval, except as provided in 1.11.6.b. Prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

c. **Conditional Use Permit Application:**

A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance. The operator must file four duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

d. **Conditional Use Permit Application Fee:**

A non-refundable application fee of $1,000.00, payable to the Town of Dupont, shall accompany an application for the purpose of offsetting the Town of Dupont costs to review and process the application.

e. **Application Procedure:**

1. Pursuant to ATCP 51.30 (5), within 45 days after the Town of Dupont receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town of Dupont shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
2. Pursuant to ATCP 51.30 (6), within 14 days after the Town of Dupont notifies an applicant that the application is complete, the Town of Dupont shall notify adjacent landowners of the application. The Town of Dupont shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
3. Upon determination of completeness the Town of Dupont clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice, the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.

4. Pursuant to ATCP 51.32, a Town of Dupont shall grant or deny an application within 90 days after the Town of Dupont gives notice that the application is complete under paragraph 2 above. The Town of Dupont may extend this time limit for good cause, including any of the following:
   (a) The Town of Dupont needs additional information to act on the application.
   (b) The applicant materially modifies the application or agrees to an extension.

f. **Notification Process:**
The Town of Dupont shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Town of Dupont will act on the application.

1.11.7 Criteria for Issuance of a Conditional Use Permit.

a. A. Conditional Use permit shall be issued if the application for the proposed livestock facility:
   1. Complies with this ordinance, and
   2. Is complete, and
   3. Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance.

b. A Conditional Use permit shall be denied if any of the following apply:
   1. The application, on its face, fails to meet the standard for approval in the previous paragraph,
   2. The Town of Dupont finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this ordinance.
   3. Other grounds authorized by s. 93.90, Wis. Stats. that warrant disapproving the proposed livestock facility.

1.11.8 Record of Decision.

a. The Town of Dupont must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.

b. If the Town of Dupont approves the application, it must give the applicant a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

c. The Town of Dupont Clerk, as required by ATCP 51.36 within 30 days of the Town of Dupont decision on the application, shall do all of the following:
   1. Give the Department of Agriculture, Trade and Consumer Protection written notice of the Town of Dupont decision.
   2. File with the Department a copy of the final application granted or denied, if the Town of Dupont has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other

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

1.11.9 Transferability of Conditional Use Permit.

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

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

1.11.10 Expiration of Conditional Use Permit.

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

b. However, the Town of Dupont may treat a Conditional Use permit as lapsed and withdraw the Conditional Use permit if the permit holder fails to do all of the following within 2 years after issuance of Conditional Use permit:
   1. Begin populating the new or expanded livestock facility.
   2. Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

1.11.11 Conditional Use Permit Terms and Modifications.

A Conditional Use permit and the privileges granted by a Conditional Use permit issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a Conditional Use permit. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the Town of Dupont shall not withhold authorization for those changes. A violation of the Conditional Use permit or a failure to comply with the commitments made in the application may result in suspension and/or termination of the Conditional Use permit as provided in 1.9.8 of this ordinance

1.11.12 Compliance Monitoring.

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

a. Upon notice to the livestock facility owner, a request by the right of the Town of Dupont Zoning Administrator, under 1.18.1 of this ordinance, to personally view the permitted premises at a reasonable time and date to insure that all

commitments of the application as approved are being complied with.

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

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

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

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

1.11.13 Penalties.

a. Any person who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

1. Upon conviction by a court of law, pay a forfeiture of not less than $500 nor more than $1,000 plus the applicable surcharges assessments and costs for each violation.
2. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
3. The Town of Dupont may also seek injunctive relief from a court of record to enjoin further violations.
4. The Town of Dupont may suspend or revoke the local approval of a Conditional Use permit under this ordinance after due notice to the livestock facility owner and a public hearing to determine whether the Conditional Use permit should be suspended or revoked.
5. The Town of Dupont shall exercise sound judgment in deciding whether to suspend or revoke a Conditional Use permit. The Town of Dupont shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

6. In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the permitted premises by the Town of Dupont may be collected under this ordinance or Sec. 823.06 of Wis. Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis. Statutes unless paid earlier.

1.11.14 Appeals.

a. In addition to other appeal rights provided by law, Sec. 93.90 (5), Wis. Stats, provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the Town of Dupont in connection with a permit application based on the following scenarios:

1. An "aggrieved person" may challenge the decision on the grounds that the (Town of Dupont) incorrectly applied the standards under this ordinance or violated sec. 93.30, Wis. Stats.
2. An "aggrieved person" under this section as defined in Sec. 93.90 (5) of Wis. Statutes means a person who applied to the Town of Dupont for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.
3. An "aggrieved person" may request review of any decision of the Livestock Facility Siting Administrator decision or action by the Town of Dupont. Any appeal brought under this section must be requested with 30 days of the Town of Dupont approval or disapproval or within 30 days after the decision on appeal before the Town of Dupont.

b. Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

1.11.15 Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

1.12 SIGNAGE

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

a. **Billboard** A sign that advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

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

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

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

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

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

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

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

i. **Temporary Sign** Any sign that is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed 8 square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this ordinance, a portable sign is not a temporary sign.

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

1.12.2 Application Process. No sign or billboard, unless listed in 1.12.3, shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity of the provisions of this ordinance.

"Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. The application for a sign permit that is submitted to the Zoning Administrator shall contain the following information about the sign: dimensions, display surface, materials, illumination, wiring, height above grade, distance from lot lines, and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved. A permit fee shall be determined by the Town Board and shall be paid to the Town Clerk for each sign application.

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

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

b. Official signs, such as traffic control, parking restriction, information and notices, rummage or garage sales signs not to exceed 8 square feet in area, but use of this type of sign shall be limited to 72 hours per sale.

c. Flags and insignia of any government.

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

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

f. Political message signs during an election campaign, not exceeding 8 square feet per lot, posted on private property, provided such signs be removed fifteen (15) days after the election.

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

h. Real estate signs not to exceed 8 square feet in area that advertise the sale, rental or lease of the premises upon which signs are temporarily located. Such signs shall be removed fifteen (15) days after the sale, rental or lease has been accomplished.

i. Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area, located on the premises.

j. Home occupation sign, provided such sign is non-illuminated and does not exceed 16 square feet in area to advertise the name of a legally permitted home occupation and may be located up to but not within the public right of way (dedicated or not less than 33 feet back from the centerline of a road).

1.12.4 Signs Allowed in the Commercial, Industrial Districts, and Conditional Uses. The following signs are permitted in the commercial and industrial districts, subject to the following restrictions:

a. Wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of the wall surface; shall not exceed 150 square feet in

area for any one business and shall not exceed 20 feet in height above the street grade. Wall signs may only advertise on-site businesses.

b. Ground signs shall not exceed 20 feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one sign for each street frontage shall be permitted. Such signs shall not exceed 72 square feet in total area.

c. No sign shall be permitted within 100 feet of a Residential District.

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

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

1.12.5 Prohibited Signs. The following signs are prohibited:

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

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

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

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

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

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

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

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

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

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

1.13 PARKING AND LOADING REQUIREMENTS

1.13.1 Purpose. Adequate off-street parking facilities shall be provided for all uses which generate vehicular traffic and all required parking spaces shall have adequate access to a public road or street. Specific parking requirements are identified for the land uses defined in Sections 1.7.2 through 1.7.6. When a particular use is not listed, the parking requirement shall be that of the most similar use. When two or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each use, unless it is demonstrated by the applicant to the satisfaction of the Plan Commission that the combined uses result in a reduction of necessary parking spaces.

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

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

c. All required parking spaces shall have minimum area of 162 square feet with a minimum width of nine (9) feet and a minimum length of 18 feet.

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

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

1.13.2 Number of Parking Stall by Land Use

Table 3: Parking Requirements by Land Use

Land Uses	Required Parking Spaces
RESIDENTIAL	
Single-Family Residence (Existing)	2 spaces per dwelling unit
Nonfarm Residence by Conditional Use	2 spaces per dwelling unit
Nonfarm Residential Cluster by Cond. Use	2 spaces per dwelling unit
Two-Family Residence	2 spaces per dwelling unit
Multiple-Family Residence	1.5 spaces per dwelling unit
Single-Fam. Residence-accessory to com.	2 spaces per dwelling unit
Home Occupation	2 spaces per dwelling unit, none for the home occupation
Family Day Care Home	2 spaces per dwelling unit plus 1 space for each four children
Mobile Home	2 spaces per dwelling unit
OPEN LAND/AGRICULTURAL USES	
Ag.-Animal Husbandry-500 Animal Units	1 space for each employee on the largest shift
Agriculture-related Use	1 space for each employee on the largest shift

	1 space for each 200 sq. ft for display area
Hobby Farm	2 spaces per dwelling unit
Roadside Stand	4 spaces and maneuvering space out of the public row
Wireless communications mechanical unit	One space for service vehicle
Other utility structures that need service	One space for service vehicle
COMMERCIAL	
Personal and Professional Services	1 space for every 300 sq. ft. of gross floor area of principal building(s)
Indoor Sales and Service	1 space for every 300 sq. ft. of gross floor area of principal building(s)
Long Term Outdoor Display and Sale	1 space for every 300 sq. ft. of gross floor area of principal building(s) plus one space per 2,000 sq. ft. of outdoor sales or display area
Maintenance Service	1 space for every 300 sq. ft. of gross floor area of principal building(s)
In Vehicle Sales and Service	1 space for every 150 sq. ft. of gross floor area of principal building(s)
Indoor Com. Entertainment and Service	1 space for every 3 patron seats or 1 space per 3 persons at the maximum capacity of the establishment, whichever is greater
Commercial Indoor Lodging Facility	1 space per room or suite, plus 1 space per employee on largest shift
Resort Establishment	1 space per room, cabin, cottage, plus 1 space for each employee on largest shift
Bed and Breakfast Establishment	1 space per bedroom
Group Day Care Center Facility	1 space per 6 person capacity, + 1 space per employee on largest shift
Com. Animal Boarding or Breeding Facility	1 space for every 1,000 sq. ft. of gross floor area
Personal Storage Facility	1 space in front of each storage unit.
Indoor Storage or Wholesaling	1 space for every 2,000 sq. ft. of gross floor area
Outdoor Storage or Wholesaling	1 space for every 10,000 sq. ft. of gross storage floor area plus 1 space per employee on largest shift
Indoor Retail Sales Accessory to Industrial or Indoor Storage & Wholesaling	1 space per 200 sq. ft. of indoor sales or display area
Communication Tower Facility	1 space for service vehicle, and if a studio or office is associated with the tower, 1 space for each employee on largest shift
INDUSTRIAL	
Light Ind. Accessory to Retail Sales/Service	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
Light Industrial	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
Heavy Industrial	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
Contractor Shop	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
Non-Metallic Mining	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
Salvage or Junk Yard	1 space for every 20,000 sq. ft. of gross storage area plus 1 space per employee on largest shift
Solid or Hazardous Waste Facility	1 space per employee on largest shift plus 1 parking space for each truck or other vehicle incidental to the use of such parcel.
PUBLIC/INSTITUTIONAL/PARKS/ECREATION	
Governmental, institutional, religious, or nonprofit community uses	1 space for every 4 seats in any kind of place of assembly A school will need 1 space per teacher and 1 space per 2 classrooms
Outdoor Public Recreation-Passive	1 space for every 4 expected patrons at maximum capacity
Outdoor Public Recreation-Active	1.5 spaces per camping site, 1 space for each employee on largest shift, temporary maneuvering space to park a camper, and no occupancy of any public or private roadway space by a trailer or camper

1.14 Reserved

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1.15 ZONING BOARD OF APPEALS

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

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

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

1.15.3 Power of the Board of Appeals. The Board of Appeals shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance.

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

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

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

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

1.15.4 Application for a Variance.

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

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

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

3. State the specific Variance desired.

4. State the facts sufficient and demonstrate that the findings prescribed in Section 1.15.5 exist and support such statements with any plans and/or data as are required by the Board.

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

1.15.5 Findings by the Board of Appeals.

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

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

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

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

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

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

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

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

1.15.6 Exercise of Power.

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

b. The concurring vote of a majority of members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

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

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

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

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1.16 ENFORCEMENT AND PENALITIES

1.16.1 Zoning Administrator-Duties and Powers.

The Zoning Administrator shall enforce the provisions of this ordinance. The Zoning Administrator's duties shall be as follows:

a. Examine all applications for a Zoning Permit and approve such certificate only where there is compliance with the provisions of this ordinance.

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

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

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

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

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

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

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

1.16.2 Zoning Permit.

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

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

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

d. All dimensions shown relating to the location and size of the lot being issued a Zoning Permit shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

1.16.3 Building Permits.

No building, structure or manufactured (mobile) home shall hereafter be created, moved

or structurally altered, except as hereinafter provided, until a permit shall have been 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 Waupaca County Subdivision, Shoreland Zoning, and Flood Plain Zoning Ordinances, and that a Waupaca County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued.

1.16.4 Enforcement - Town Attorney.

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

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

1.16.5 Penalties.

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

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

1.16.6 Waupaca County Ordinances

The following Waupaca County ordinances may affect land regulated under this Zoning Ordinance. In a situation where the Town and County regulations conflict, the more restrictive regulations shall apply.

a. **Shorelands.** Waupaca County has a Shoreland Zoning Ordinance (Chapter 32) that regulates any development or building of a structure within 1,000 feet of a

lake or within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Before construction begins within these distances, a Zoning Permit must be applied for at the Waupaca County Zoning Administration office. Shoreland Zoning Maps are available for visual inspection in the Waupaca Zoning Administration office. If necessary, a conclusive determination can be made through an on-site visit by Waupaca Zoning Administration office staff or Wisconsin Department of Natural Resources staff.

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

b. **Wetlands.** The Wisconsin Department of Natural Resources (DNR) has established setback requirements based on the quality of a wetland area. The Waupaca County Zoning Office can provide information on those setback regulations from wetland areas. The general location of wetlands can be found on the Waupaca County Shoreland Maps and delineated as wetlands on Wisconsin Wetland Inventory Maps for Waupaca County Hydric soil testing (which may be an indicator that wetlands exist) is advised. A conclusive determination of the location of a possible wetland area can only be made through an on-site visit by a DNR certified wetland specialist and verified by the DNR.

c. **Sanitary Ordinance.** (Chapter 35). Waupaca County regulates all unincorporated or unsewered areas in regard to private on-site wastewater treatment systems (POWTS) All buildings in Waupaca County that are permanently or intermittently intended for human habitation or occupancy which are not served by public sewer shall have an approved POWTS.

The Town of Dupont Zoning Administrator may not issue a building (or land use) permit to commence construction or installation of a structure that necessitates the use of a POWTS to serve the structure, addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both to an existing POWTS, unless the owner of the property:

1. Possesses a sanitary permit for the installation of a POWTS in accordance with s. Comm 83.21; or
2. A POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure, verified by a system evaluation approved by the Waupaca County Zoning Office.

d. **Floodplain Zoning Ordinance.** (Chapter 36) Parcels may be subject to the Floodplain Zoning Ordinance of Waupaca County. Any permit required by said County ordinance shall be obtained from Waupaca County prior to the issuance of any permit under this ordinance.

e. **Subdivision Ordinance.** (Chapter 37) All existing, undeveloped parcels of land of record in the County Register of Deeds office, and any new land divisions or subdivisions as defined in the Subdivision Ordinance of Waupaca County shall conform in full with the provisions of that ordinance. No permit shall be issued for any lot until such compliance is assured.

f. **Nonmetallic Mining Reclamation** (Chapter 43). Those who want to apply for a Conditional Use for a Nonmetallic Mining operation in the Dupont will also need to file a nonmetallic mining reclamation plan based on Waupaca County Nonmetallic Mining Reclamation Plan requirements, which are administered through East Central Wisconsin Regional Plan Commission.

1.17 FEES

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

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

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

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1.18 CODE ADMINISTRATION

1.18.1 Administration of the Ordinance. The administration of this ordinance is hereby vested in the following offices of the Town of Dupont:

a. Town Board of Dupont.
b. Plan Commission.
c. Board of Appeals.
d. Town Zoning Code Administrator.
e. Building Inspector
f. Town Constable, when granted authority by action of the Town Board.

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

a. Provide necessary forms and applications for permits.
b. Issue zoning and sign permits where the provisions of this Ordinance have been complied with.
c. Issue conditional use permits and certificates of compliance.
d. Identify and keep an accurate file of all nonconforming uses and structures.
e. Review at public hearings all petitions for rezoning and amendments to this ordinance and make recommendations to the Town Board.
f. Maintain complete files of applications, permits, and other relevant information.
g. Upon reasonable cause to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Ordinance.

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

1.18.4 Public Hearing and Notice.

a. **Required Hearing:** Once the petition is filed, the Town Clerk will establish a meeting date and forward the petition to the Plan Commission for their review and recommendation. Once the Plan Commission forwards their recommendation to the Town Board, a public hearing is scheduled to allow parties in interest and citizens to be heard. If the Plan Commission does not provide a recommendation within 90 days, the Town Board may proceed to hold a public hearing without the recommendation.

b. **Notice of Hearing:** A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the Town of Dupont's official newspaper once during each of the two weeks prior to the Town Board hearing. The Town Clerk will also notify property owners within 500 feet of the petitioned property by first-class mail.

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

1.18.5 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.

1.18.6 Rezoning Findings of Fact.

a. **Applicant Documentation:** The applicant who desires to rezone land from an Exclusive Agriculture District to another Zoning District will be responsible for documenting how section 91.48(1)(a) of the Wisconsin State Statutes will be met. Such documentation must be submitted as part of the rezoning application before the Town of Dupont's Zoning Administrator will accept the petition as complete.

b. **Plan Commission Findings of Fact:** The Plan Commission shall include a "findings of fact" in their recommendation to rezone land out of the Farmland Preservation District. If a petitioner is rezoning lands out of the Farmland Preservation District, all of the following criteria will need to be considered in the Plan Commission's "findings of fact", based on 91.48 (1) (a) of the Wisconsin State Statutes:

1. The rezoned land is better suited for a use not allowed in the Farmland Preservation District.
2. The rezoning is consistent with the Town's Comprehensive Plan adopted by the Town of Dupont in effect at the time of the rezoning.
3. The rezoning is substantially consistent with the county certified farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

c. **Town Board Findings of Fact:** Upon consideration of the Plan Commission's recommendations and "findings of fact", the Town Board must make a motion to either send the rezoning back to the Plan Commission for further consideration, approve the rezoning, or deny the rezoning. The Town Board has the option of revising the Plan Commission's "finding of fact" in their motion. The Town Board's decision to grant a rezoning out of the Farmland Preservation District shall also include "findings of fact" in writing, based on 91.48(1) (a) of the Wisconsin State Statutes as referenced in 1.18.4, a.1 through a.4.

d. The Town will enforce the "findings of fact" according to Section 1.16 in the Enforcements, Remedies and Penalties section of this ordinance.

1.19 VALIDITY AND CONFLICTS

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

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

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1.20 EFFECTIVE DATE

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

Drafted by:

Warren Utecht

Warren Utecht, Martenson & Eisele, Inc.

Reviewed by:

Charles D. Koehler

Charles Koehler, Herrling Clark Law Firm LTD
Town Attorney

Adopted by the Town of Dupont on May 10, 2011

Kelly Zillmer, Town Chairperson

Attest: Jennifer Sauby, Clerk
Jennifer Sauby, Town Clerk

Adopted by the Waupaca County Board on May 17, 2011

Dick Koeppen, County Board Chairperson

Published: May 24, 2011

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