

TOWN OF SPRINGVALE
FOND DU LAC COUNTY, WISCONSIN

ZONING ORDINANCE

This Ordinance is adopted under the provisions of Wis. Stat. § 60.62(1), Wis. Stat. § 61.35, and Wis. Stat. § 62.23 to promote the health, safety, morals, and general welfare, to aid in implementing the Town of Springvale Comprehensive Plan, to regulate and restrict the height, number of stories, and size of buildings and other structures in the Town, to regulate and restrict the size of yards, courts, and opens spaces, to regulate the density of population, to regulate the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, to divide the Town into districts of such number, shape, and area as are deemed best suited to carry out these purposes, and to provide a method for administration and enforcement of these regulations.

ARTICLE I

Section 1.0 Interpretation and Purposes.

- 1.1 The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the Town of Springvale.
- 1.2 It is not intended by this Ordinance to repeal, abrogate, annual, impair, or interfere with any existing easement, covenant, or agreement between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to law provided, however, that where this Ordinance imposes a greater restriction than required by other rules, regulations, permits, easements, covenants, or agreements, the provisions of this Ordinance shall govern.

ARTICLE II

Section 2.0 Districts.

- 2.1 For purposes of this Ordinance, the Town of Springvale is hereby divided into six districts as follows:
 - 2.11 Farmland Preservation
 - 2.12 General Agricultural

January 16, 2015

2.13 Rural Residential

2.14 Residential

2.15 Business

2.16 Industrial

2.2 The boundaries of these districts are hereby established as shown on the map entitled “Town of Springvale Zoning Map,” also referred to as the “Town of Springvale Farmland Preservation Zoning Map.” The map is made a part of this Ordinance and is on file in the office of the Town Clerk. All notations and references shown on the map are a part of this Ordinance as though fully set forth herein.

ARTICLE III

Section 3.0 Definitions.

3.1 General Terms. For purposes of this Ordinance, words in the present tense include the future tense; 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. Words not defined in this Ordinance shall have their ordinary definition.

3.2 For purposes of this Ordinance, the following definitions shall be used:

3.11 **Accessory Use or Structure (Building).** A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

3.12 **Building.** Any structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

3.13 **Conditional Uses.** Use of a special nature as to make impractical their predetermination as a principal use in a district. These uses are granted

upon application and establishment of conditions necessary for continuation of the use.

- 3.14 **Conversion.** Changing the original purpose of a building to a different use.
- 3.141 **DATCP.** An acronym for the Wisconsin Department of Agriculture, Trade & Consumer Protection
- 3.15 **Development.** Any activity which results in an alteration of either land or vegetation, except farming and normal grading and filling, for purposes of changing to or intensifying existing uses in residential, business, recreational, institutional, or industrial property.
- 3.16 **Drainage.** A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied herein to surface water.
- 3.17 **Dwelling Unit.** A structure having provisions for living, sanitary and sleeping facilities, arranged for the use of one (1) or more individuals of the same family.
- 3.18 **Dwelling – Single (One) Family.** A permanent structure—placed on a permanent foundation, having one (1) or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one (1) or more individuals of the same family. The structure shall be located on a private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured, and modular homes.
- 3.19 **Dwelling – Two Family (Duplex).** A permanent structure having two (2) dwelling units combined into one structure. The structure shall be located on one (1) private lot and surrounded on all sides by a private yard. These dwellings shall include site built, manufactured and modular homes.
- 3.20 **Dwelling – Multi-Family (Apartment).** A permanent structure having three (3) or more dwelling units—combined into one (1) structure—for occupancy by three (3) or more families.
- 3.21 **Excavation.** Any act by which organic matter, earth, sand, gravel, rock or any other material is cut into, dug, quarried, uncovered, removed,

displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

- 3.22 **Family.** Any number of related persons living together and cooking on the premises as a single housekeeping unit together with all necessary employees of the family.
- 3.23 **Farm.** All land under common ownership that is primarily devoted to agricultural use.
- 3.24 **Farm Residence.** A single-family or duplex residence that is the only residential structure on the farm or is occupied by either an owner or operator of the farm, a parent or child of an owner or operator of the farm, or an individual who earns more than 50% of his or her gross income from the farm. "Farm residence" also includes a migrant labor camp that is certified under Wis. Stat. § 103.92.
- 3.25 **Fence.** Any artificially constructed barrier of any materials or combination of materials erected to enclose or to screen areas of land.
- 3.26 **Floor Area (synonymous with building area).** The total living area bounded by the exterior walls of a building at each floor level, but not including basement, garages, porches, breezeways, and unfinished attics.
- 3.27 **Frontage.** The smallest dimension of a lot abutting a public street measured along the street lines from the center of the street towards the lot.
- 3.28 **Grade/Grading.** The alteration of the elevation of the land surface by stripping, excavating, filling, stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- 3.29 **Garage.** A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles, recreational vehicles, boats, yard equipment, etc., of the family's resident upon the premises. Carports shall be considered garages within this definition.
- 3.30 **Home occupation.** Any occupation for gain or support conducted entirely within buildings, designed primarily for residential occupancy, by resident

occupants which use is customarily incidental to the principal use of the premises, does not exceed Twenty-five (25%) percent of the area of any one (1) floor, uses only household equipment, and no stock in trade is kept or sold except that is made on the premises. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods. However, stock in trade other than that made on the premises may be kept and sold, when approved under the Conditional Use Application, when such is in keeping with the concept of the basic home occupation definition and when the necessary parking provisions, street access, property location, etc. are arranged so as to be compatible with the sales activity and the residential character of the area.

- 3.301 **Lot.** A parcel of land intended to be separately owned, developed, and otherwise used as a unit, having at least the minimum area required for a lot in the zone in which such lot is located.

- 3.31 **Livestock.** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

- 3.32 **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

- 3.33 **Manufactured Home.** A structure substantially constructed off-site meeting minimum provisions for dwellings and meeting all of the following criteria:
 - 3.331 transportable in one or more sections.
 - 3.332 built on a permanent chassis.
 - 3.333 placed on a permanent foundation.
 - 3.334 connected to utilities (plumbing, heating, gas, electrical).
 - 3.335 constructed on or after June 15, 1976 in accordance with U.S. Housing and Urban Development standards and identified with a H.U.D. seal of approval.

- 3.34 **Nonconforming Uses or Structures.** Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto. Any such structure conforming in

respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

- 3.35 **Obstruction.** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by batching or collecting debris carried by such water.
- 3.36 **Open Space.** An unoccupied space open to the sky on the same lot as the principal structure or development which is in addition to other required yard areas and which is not used for parking or driveway purposes.
- 3.37 **Outdoor Storage.** The keeping of material, equipment, product(s) or their components, outside of a structure. Customary accessory storage such as waste receptacles, or business vehicle parking shall not be considered outside storage provided the principal structure is present and said storage is directly associated with the principal use.
- 3.38 **Parking Lot.** A structure or premises containing ten (10) or more parking spaces open to the public for rent or a fee.
- 3.39 **Parking Space.** A graded and surfaced area of not less than one hundred eighty (180) square feet in area and having a minimum width of ten (10) feet either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
- 3.40 **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- 3.41 **Principal Use.** The main use of land or structures as distinguished from a secondary or accessory use.
- 3.42 **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal

structure. This yard shall be opposite the street yard. A corner lot shall have a rear yard opposite one of the street yards.

- 3.43 **Setback.** The required distance between the existing property boundary line and the location of any structure existing or to be constructed on a parcel.
- 3.44 **Setback Lines.** The interior limits of the minimum required yard areas of a lot between the existing property boundary line and the location of any structure existing or to be constructed on a lot.
- 3.45 **Side Yard.** A yard extending from the street yard setback line to the rear yard or street yard of a through lot setback line of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. A corner lot shall have a side yard opposite one of the street yards.
- 3.46 **Signs.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway but not including:
 - 3.461 Usual board notices in or about church property or any educational or public institutions;
 - 3.462 Legal notices required to be posted by municipal, state or federal law, or
 - 3.463 Highway or traffic signs authorized to be erected by municipal, state or federal law.
- 3.47 **Street Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between an existing or proposed public or private street centerline or highway right-of-way line in the case of State Highway and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.
- 3.48 **Structure.** Any erection or construction, such as buildings, towers, masts, booms, signs, decorations, carports, machinery and equipment, and opaque fences.

- 3.481 **Structure, Accessory** – A building or portion of a building used for a purpose customarily incidental to the permitted principal use of the lot, or to a principal building, and located on the same lot as the principal use.
- 3.482 **Structure, Principal** – The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- 3.49 **Temporary Structure.** A movable structure neither designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.
- 3.50 **Tree.** Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow to a height of more than five (5) feet.
- 3.51 **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- 3.52 **Utilities.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, gas regulation stations and sewage disposal plants, but not including municipal incinerators, warehouses, shops and storage yards.
- 3.53 **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the legal standards of this Ordinance relative to dimensions, setbacks, use and other zoning standards.
- 3.54 **Yard.** An open space on the same lot with the structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

- 3.55 **Zoning Administrator.** A person designed by the Town Chairperson to administer and enforce this Ordinance with the exception of the Uniform State Dwelling and Commercial Building Code, which shall be administered by the Building Inspector. Reference to the Zoning Administrator shall be construed to include duly appointed assistants responsible for enforcing and administering all requirements of this Zoning Ordinance. The Administrator may be a member of the Town Board or the Town Chairperson him/herself. The Town Chairperson may make temporary or limited term appointments.

ARTICLE IV

Section 4.0 General Provisions.

- 4.1 The use and dimensions of any building hereafter erected, constructed, converted, enlarged, or structurally altered, and the use of any land shall be in compliance with the regulations established in this Ordinance.
- 4.11 Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projection of sills, belt courses, cornices, and ornamental features.
- 4.12 All dwellings shall be securely anchored to a permanent footed foundation or slip.
- 4.13 The regulations contained in this Ordinance relating to the height of buildings and the size of yards and other spaces shall be subject to the following exceptions.
- 4.131 Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not to exceed 65 feet for 5 stories, provided the front, side, and rear yards are increased beyond those applicable in the district in which the structure is located by one foot for each foot by which the structure exceeds the otherwise applicable maximum height.
- 4.132 Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, scenery lofts, tanks, water towers, ornamental towers, wireless towers, telephone and power poles and lines, radio relay

structures, and necessary mechanical appurtenances are excepted from the height regulations in this Ordinance.

- 4.2 No lot area shall be so reduced that the yards and open spaces of the lot are smaller than required by this Ordinance.

ARTICLE V

Section 5.0 Nonconforming Uses, Structures, and Lots.

- 5.1 Any lawful use of land or structures, or any lot or structure that 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 a nonconforming use, lot, or structure, respectively. It is the intent of this Ordinance to permit these nonconformities to continue, subject to certain restrictions. No use, lot, or structure will receive nonconforming status under this Ordinance unless it lawfully existed at the time the adoption or amendment of this Ordinance made the use, lot, or structure impermissible.
- 5.2 If a nonconforming use or structure is discontinued for a period of at least twelve months, the use or structure shall thereafter conform to the provisions of this Ordinance.
- 5.3 Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this ordinance, a use of land lawfully exists that would not be allowed as a permitted or conditional use in the district in which it is located as adopted or amended, such use may be continued subject to the following restrictions:
- 5.31 The use may not be enlarged, increased, nor extended.
- 5.32 The use may not be moved in whole or in part to any other portion of the lot other than the portion occupied by the use at the time the use became nonconforming.
- 5.33 No additional structures in connection with the use may be erected.
- 5.4 Nonconforming Uses of Structures. Where, at the effective date of adoption or amendment of this Ordinance, a use of a structure lawfully exists that would not be allowed as a permitted or conditional use in the district in which it is located as

adopted or amended, the use may be continued subject to the following restrictions:

- 5.41 No existing structure devoted to a use not permitted or permissible may be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use that is permitted in the district in which it is located.
- 5.42 Any nonconforming use of a structure may be extended throughout any parts of the structure that were arranged or designed for that use at the time the use of the structure became nonconforming.
- 5.43 If the 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.

5.5 Nonconforming Structures. Where, at the effective date of adoption or amendment of this Ordinance, a structure lawfully exists that could not be erected in the district in which it is located as adopted or amended due to restrictions on area, coverage, height, yards, setbacks, its location on the lot, or other requirements concerning the structure, the structure may continue in existence subject to the following restrictions:

- 5.51 The structure may not be altered in any manner that would increase the degree of nonconformity.
- 5.52 If the 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.

5.6 Nonconforming Lots. Any permitted or permissible structure may be erected on a lot of record in existence at the time of adoption or amendment of this Ordinance even if the lot fails to meet the requirements of lot size, lot width, or lot area for the district in which it is located as adopted or amended as long as the lot lawfully existed at the time of the adoption or amendment to this Ordinance.

- 5.7 Maintenance and Repairs. 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.

ARTICLE VI

Section 6.0 Farmland Preservation District.

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

6.2 Permitted Uses.

- 6.21 Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:

6.211 Crop or forage production, except that vineyards are permitted only if devoted solely to personal use by the owner.

6.212 Keeping livestock.

6.213 Beekeeping.

6.214 Nursery, sod, or Christmas tree production.

6.215 Floriculture.

6.216 Aquaculture.

6.217 Fur farming.

6.218 Forest management.

6.219 Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

6.220 Any other use that DATCP, by rule, identifies as an agricultural use.

6.22 Accessory Uses:

6.221 A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:

6.2211 A facility used to store or process raw agricultural commodities, all of which are produced on the farm.

6.2212 A facility used to keep livestock on the farm.

6.2213 A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.

6.2214 A facility used to store or process inputs primarily for agricultural uses on the farm.

6.2215 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.

6.2216 A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

6.222 An activity or business operation that is an integral part of, or is incidental to, an agricultural use.

6.223 One farm residence per lot.

6.224 A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of

the farm, that requires no buildings, structures, or improvements other than those described in sections 6.221 and 6.223, that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

6.225 Any other use DATCP, by rule, identifies as an accessory use.

6.23 Undeveloped natural resource and open space areas.

6.24 A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

6.25 Other uses identified by DATCP rule.

6.3 Conditional Uses.

6.31 Agricultural-related uses:

6.311 An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

6.312 Any other use that DATCP, by rule, identifies as an agricultural-related use.

6.32 Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

6.321 The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

6.322 The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- 6.323 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.
 - 6.324 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.
 - 6.325 Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- 6.33 Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
- 6.331 The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - 6.332 The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - 6.333 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.
 - 6.334 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.
 - 6.335 Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 6.34 Nonmetallic mineral extraction if all of the following apply:
- 6.341 The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that Subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14, and with any applicable

requirements of the Department of Transportation concerning the restoration of nonmetallic sites.

6.342 The operation and its location in the district are consistent with the purposes of the farmland preservation zoning district.

6.343 The operation and its location in the district are reasonable and appropriate, considering alternative locations outside of the district, or are specifically approved under state or federal law.

6.344 The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

6.345 The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6.346 The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

6.35 Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.

6.4 Dimensional Requirements.

6.41 Minimum Lot Size: 35 acres for all permitted uses; minimum lot size for conditional uses shall be as specified in the applicable conditional use permit.

6.42 Minimum Size Yard Setback: 50 feet.

6.43 Minimum Rear Yard Setback: 50 feet.

6.44 Minimum Road Frontage: 150 feet.

6.45 Minimum Road Setback: See Article XII.

6.5 Rezoning Land Out of the Farmland Preservation District.

- 6.51 The Town may rezone land out of the farmland preservation district if the Town finds all of the following, after a public hearing:
 - 6.511 The land is better suited for a use not allowed in the farmland preservation district.
 - 6.512 The rezoning is consistent with any applicable comprehensive plan.
 - 6.513 The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.
 - 6.514 The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- 6.52 If a proposed rezoning also involves the dividing of a parcel of land from a larger lot, the Town will consider the impact the rezoning will have on the remaining agricultural land on the original lot, including whether there are alternate portions of the original lot that would be more suitable for non-agricultural use than the portion proposed for rezoning.
- 6.53 By March 1 of each year, the Town will provide DATCP a report of the number of acres that the Town rezoned out of the farmland preservation district during the previous year along with a map that clearly shows the location of those acres. The Town will also submit a copy of the report and map to Fond du Lac County by March 1 of each year.

ARTICLE VII

Section 7.0 General Agricultural District.

- 7.1 Purpose. The purpose of this District is to maintain open land areas predominantly devoted to farming and agricultural-related uses. It is anticipated that while certain areas within this District will eventually be used for non-agricultural purposes, the intensity of development will remain significantly limited.
- 7.2 Permitted Uses.

7.21 All uses identified as permitted uses in the farmland preservation district, excluding livestock operations of 500 animal units or more.

7.3 Conditional Uses.

7.31 All uses identified in the farmland preservation district as conditional uses.

7.4 Dimensional Requirements.

7.41 Minimum Lot Size: 35 acres for all permitted uses; minimum lot size for conditional uses shall be as specified in the applicable conditional use permit.

7.42 Minimum Size Yard Setback: 50 feet.

7.43 Minimum Rear Yard Setback: 50 feet.

7.44 Minimum Road Frontage: 150 feet.

7.45 Minimum Road Setback: See Article XII.

ARTICLE VIII

Section 8.0 Residential District.

8.1 Purpose. The purpose of this District is to maintain the character of existing residential areas and to provide for other areas of the Town where residential development may be established as a primary use.

8.2 Permitted Uses.

8.21 Single-family dwellings.

8.22 Two-family dwellings.

8.23 Manufactured homes, subject to the following standards:

8.231 A manufactured home may not be occupied by more than one family.

8.232 A manufactured home shall be at least 24 feet in width and 42 feet in length.

8.24 Public parks and playgrounds.

8.25 Public and semi-public, non-profit, institutional uses such as churches, schools and libraries.

8.3 Accessory Uses.

8.31 Structures and uses customarily accessory and clearly incidental to any of the above permitted uses, provided that the following requirements are met:

8.311 Only one detached accessory building is allowed per lot.

8.312 No detached accessory building may exceed 2,500 square feet in area.

8.313 No detached accessory building may exceed 35 feet in height, measured to the eaves.

8.314 The following setbacks apply to detached accessory buildings:

8.3141 Side yard: 20 feet.

8.3142 Rear yard: 20 feet.

8.4 Conditional Uses.

8.41 Multi-family dwellings (three families or more).

8.42 Home occupations.

8.5 Dimensional Requirements and Other Standards:

8.51 Minimum lot size: 1.5 acres.

8.52 Maximum lot size: 5 acres.

- 8.53 Minimum side yard setback: 20 feet.
- 8.54 Minimum rear yard setback: 20 feet.
- 8.55 Minimum road frontage: 100 feet.
- 8.56 Minimum road setback: See Article XII.
- 8.57 Maximum height: 35 feet.
- 8.58 Residential occupancy per dwelling unit shall be limited to one family and not more than two roomers or boarders.
- 8.59 Each dwelling unit shall provide at least two off-street parking spaces located on the same lot as the dwelling served. Each parking space shall be at least 300 square feet in size.
- 8.60 The minimum ground floor area per dwelling unit shall be 1,008 square feet for a one-story residential structure, 900 square feet for a split-level residential structure, and 800 square feet for residential structures of two stories or more.

ARTICLE IX

Section 9.0 Rural Residential District.

- 9.1 Purpose. This District is generally composed of lands that are currently or will be developed or used for non-agricultural purposes on larger lots or lands that may be devoted to agriculture but because of location, existing development, ownership patterns, or physical characteristics are not highly-suited for intense long-term agricultural use.
- 9.2 Permitted Uses.
 - 9.21 Single-family dwellings.
 - 9.22 Two-family dwellings.
 - 9.23 Public parks and playgrounds.

- 9.24 Public and semi-public, non-profit, institutional uses such as churches, schools, and libraries.
- 9.25 Agricultural uses as set forth in Section 6.21 of this ordinance other than those that involve the keeping of livestock.
- 9.3 Accessory Uses.
 - 9.31 Structures and uses clearly incidental to any of the above permitted uses.
- 9.4 Conditional Uses.
 - 9.41 Agricultural uses as set forth in Section 6.21 that involve the keeping of livestock.
 - 9.42 Convalescent, children's, and nursing homes.
 - 9.43 Clubs, fraternities, lodges, and meeting places of a non-commercial nature.
 - 9.44 Community living arrangements.
 - 9.45 Bed and breakfast establishments.
- 9.5 Dimensional Requirements and Other Standards.
 - 9.51 Minimum lot size: 5 acres.
 - 9.52 Minimum side yard setback: 20 feet.
 - 9.53 Minimum rear yard setback: 20 feet.
 - 9.54 Minimum road frontage: 100 feet.
 - 9.55 Minimum road setback: See Article XII.
 - 9.56 Residential occupancy per dwelling shall be limited to one family and not more than two roomers or boarders.

- 9.57 Each dwelling unit shall provide at least two off-street parking spaces located on the same lot as the dwelling served. Each parking space shall be at least 300 square feet in size.
- 9.58 The minimum ground level floor area per dwelling unit shall be 1,008 square feet for a one-story residential structure, 900 square feet for a split-level residential structure, and 800 square feet for residential structures of two stories or more.

ARTICLE X

Section 10. Business District.

- 10.1 Purpose. The purpose of this District is to provide for retail and customer service establishments that will serve the daily needs of local residents. The physical location and arrangement of these facilities should be laid out so as to orient themselves to the local residential population to be served while remaining compatible in appearance and character with the area.
- 10.2 Permitted Uses.
- 10.21 Personal or professional service establishments.
- 10.22 Indoor sales and service establishments.
- 10.23 Maintenance service establishments.
- 10.24 In-vehicle sales and service establishments.
- 10.25 Indoor business entertainment and service establishments.
- 10.26 Adult-oriented establishments, subject to the provisions of the Town of Springvale Adult-Oriented Establishments Ordinance.
- 10.27 Personal storage facilities.
- 10.28 Portable storage facilities.
- 10.29 Indoor storage or wholesaling.

10.30 Indoor retail sales accessory to indoor storage and wholesaling.

10.3 Conditional Uses.

10.31 Long-term outdoor display and sales.

10.32 Indoor lodging facilities.

10.33 Resort establishments.

10.34 Bed and breakfast establishments.

10.35 Group daycare center facilities.

10.36 Animal boarding or breeding facilities.

10.37 Outdoor storage or wholesaling.

10.38 Marinas and boat liveryes.

10.4 Dimensional Requirements and Other Standards.

10.41 Minimum lot size: 1.5 acres for permitted uses; conditional use lot size will be as specified in the applicable conditional use permit.

10.42 Minimum side yard setback: 20 feet.

10.43 Minimum rear yard setback: 20 feet.

10.44 Minimum road frontage: 100 feet.

10.45 Minimum road setback: See Article XII.

10.46 Maximum height: 35 feet.

ARTICLE XI

Section 11.0 Industrial District.

11.1 Purpose. The purpose of this District is to accommodate rural industrial development in areas that are well-served by the transportation system and to provide buffering techniques that will minimize conflict with adjacent land uses.

11.2 Permitted Uses.

11.21 Light industrial activity accessory to retail sales or service.

11.22 Light industrial uses.

11.23 Contractor shops.

11.3 Conditional Uses.

11.31 Heavy industrial uses.

11.32 Salvage or junk yards.

11.33 Solid or hazardous waste facilities.

11.4 Dimensional Requirements and Other Standards.

11.41 Minimum lot size: 1.5 acres for permitted uses; conditional use lot size will be as specified in the applicable conditional use permit.

11.42 Maximum lot coverage: Structures may not cover more than 50% of a lot.

11.43 Minimum side yard setback: 20 feet.

11.44 Minimum rear yard setback: 20 feet.

11.45 Minimum road frontage: 100 feet.

11.46 Minimum road setback: See Article XII.

11.47 Maximum height: 35 feet.

ARTICLE XII

Section 12.0 Highway Setbacks.

12.1 Highway Types.

12.11 Class I highways.

12.111 Town roads.

12.112 Private roads.

12.113 Roads and streets in platted subdivisions not otherwise classified.

12.12 Class II highways.

12.121 County highways.

12.13 Class III highways.

12.131 State highways.

12.2 Setback Distances.

12.21 Class I highways: 80 feet measured from the road centerline.

12.22 Class II highways: 100 feet measured from the road centerline.

12.23 Class III highways: 150 feet measured from the road centerline.

12.3 Structures Prohibited Within Highway Setbacks.

12.31 No new building, mobile home, sign, or other structure or part thereof may be placed between the setback lines established in this Article and the highway, except as provided in this Ordinance.

12.4 Structures Permitted Within Highway Setbacks.

12.41 Fences, subject to the provisions of this Ordinance.

12.42 Telephone and power transmission poles and lines.

12.43 Underground structures not capable of being used as foundations for future prohibited above ground structures.

12.44 Crops, shrubbery, or trees, provided that none may be located, maintained, or permitted to grow within the road right-of-way and that none may be located, maintained, or permitted to grow in a manner that obstructs views at intersections.

12.5 Vision Corner.

12.51 At every public road right-of-way intersection, there shall be a vision triangle in which no object over 2.5 feet in height is allowed. The vision triangle shall extend 100 feet (in all directions in which a road right-of-way runs) from the intersection of the centerlines of the intersecting roads.

ARTICLE XIII

Section 13.0 Fences.

13.1 Fences in residential and rural residential districts.

13.11 Fences are permitted except that no fence may be located closer than 2 feet to any right-of-way or lot line. No fence may exceed 6 feet in height. In the street yard, fences shall be an open type (50% or less opaque) and shall not exceed 4 feet in height.

13.2 Fences in farmland preservation and general agricultural districts.

13.21 Fences are permitted up to the property line, except that no fence may exceed 10 feet in height and all fences shall be of an open type similar to woven wire or chain link fencing.

13.3 Fences in business and industrial districts.

13.31 Fences are permitted up to the property line, except that no fence may exceed 10 feet in height, and all fences shall be of an open type similar to woven wire or chain link fencing. Where business- or industrial-zoned property abuts public or residential property, a solid wood fence may be required in the side or rear yard at a maximum height of 10 feet.

ARTICLE XIV

Section 14.0 Driveway and Culvert Location, Design, and Construction.

14.1 General Requirements. The location, design and construction of driveways shall be in accordance with the following:

14.11 General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

14.12 Number. The number of driveways to serve an individual residential or commercial property fronting on a street shall be 1, except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property considering the safety, convenience and utility of the street, and driveways may be approved for commercial and other use areas where deemed reasonable.

14.13 Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection 14.5, below.

14.14 Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveway and parking lots shall be graded in such way that no storm water reached the roadway.

14.15 Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

14.151 The filling or draining shall be to grades approved by the Town Chairperson and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.

14.152 Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required in conformity with the standards adopted by Fond du Lac County which shall be the standard for this Town.

14.153 Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.

14.16 Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board before any utility may be relocated and the driveway installed.

14.17 Variations. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

14.2 Special Requirements for Agricultural, Commercial and Industrial Driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:

14.21 Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 40 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical

characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.

14.22 Angular Placement of Driveway. The angle between the centerline of the driveway and the curb line or road edge shall not be less than 70 degrees.

14.3 Special Requirement for Residential Driveways. The following regulations are applicable to driveways serving residential property:

14.31 Width. Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than 26 feet wide at the curb line and not less than 18 feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than 26 feet wide at the curb line and 24 feet wide at the outer or street edge of the sidewalk.

14.32 Angular Placement. The centerline of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.

14.4 Appeal from Permit Refusal. Any person feeling himself aggrieved by the refusal of the Zoning Administrator to issue a permit for the private driveway may appeal such refusal to the Town Board within 20 days after such refusal to issue such permit is made.

14.5 Prohibited Driveways.

14.51 No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Springvale except as permitted by this section. As used herein the word “structure” includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.

14.52 No driveway shall be closer than 15 feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not

occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.

14.53 The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

14.6 Culvert Construction Standards.

14.61 Size. Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than 15 inches in diameter (or equivalent elliptical or arch pipe) will be allowed, All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the Town Chairperson.

14.62 Gauge. The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<u>Height of Cover(in feet)</u>	<u>Class of Pipe</u>
0-2	IV
2-3	III

- 14.63 Drainage. The culverts shall be placed in the ditch line at elevations that will assure proper drainage.
- 14.64 Endwalls. Culverts shall be provided with a stone, concrete or metal apron endwalls as directed by the Town Chairperson.
- 14.65 Backfill Material. Material used for backfill shall be of a quality acceptable to the Town Chairperson and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be 6 inches.
- 14.66 Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Chairperson.
- 14.67 Cost. The property owner shall install the culvert and be responsible for the cost thereof.
- 14.68 Appeal. Persons may request a variance from the culvert requirements of this Section by filing a written appeal with the Town Zoning Administrator to be heard by the Board of Appeals.

ARTICLE XV

Section 15.0 Mobile Tower Siting.

- 15.1 Purpose. The purpose of this section is to regulate by a conditional use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
- 15.2 Definitions.
- 15.21 All definitions contained in Wis. Stat. § 66.0404(1) are hereby incorporated by reference.

15.3 Siting and Construction of Any New Mobile Service Support Structure and Facilities.

15.31 Application Process.

15.311 A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.

15.312 A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:

15.3121 The name and business address of, and the contact individual for, the applicant.

15.3122 The location of the proposed or affected support structure.

15.3123 The location of the proposed mobile service facility.

15.3124 If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

15.3125 If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling,

and related equipment to be placed on or around the new mobile service support structure.

15.3126 If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

15.313 A permit application will be provided by the Town upon request to any applicant.

15.314 If an applicant submits to the Town an application for a permit to engage in an activity described in this Ordinance, which contains all of the information required under this Ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

15.315 Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:

15.3151 Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

- 15.3152 Make a final decision whether to approve or disapprove the application.
- 15.3153 Notify the applicant, in writing, of its final decision.
- 15.3154 If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

15.316 The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 15.3126.

15.317 The fee for the permit is \$3,000.

15.32 Limitations. The Town may impose any conditions on its approval, except that it cannot include any condition prohibited by Wis. Stat. § 66.0404(4).

15.4 Class 1 Collocation.

15.41 Application Process.

15.411 A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the Town obtainable with this permit.

15.412 A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:

- 15.4121 The name and business address of, and the contact individual for, the applicant.
- 15.4122 The location of the proposed or affected support structure.
- 15.4123 The location of the proposed mobile service facility.

15.4124 If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

15.4125 If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

15.4126 If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose class 1 collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

15.413 A permit application will be provided by the Town upon request to any applicant.

15.414 If an applicant submits to the Town an application for a permit to engage in an activity described in this Ordinance, which contains all of the information required under this Ordinance, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant in writing, within 10 days of receiving the application,

that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

15.415 Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 90-day period:

15.4151 Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations o in this section, zoning ordinances.

15.4152 Make a final decision whether to approve or disapprove the application.

15.4153 Notify the applicant, in writing, of its final decision.

15.4154 If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

15.416 The Town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation with the applicant's search ring and provide the sworn statement describe under paragraph 15.4126.

15.417 If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.

15.418 The fee for the permit is \$3,000.

15.42 Limitations. The Town may impose any conditions on its approval, except that it cannot include any condition prohibited by Wis. Stat. § 66.0404(4).

15.5 Class 2 Collocation.

15.51 Application Process.

15.511 A conditional use permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the Town but still requires the issuance of the conditional use permit.

15.512 A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information.

15.5121 The name and business address of, and the contact individual for, the applicant.

15.5122 The location of the proposed or affected support structure.

15.5123 The location of the proposed mobile service facility.

15.513 A permit application will be provided by the Town upon request to any applicant.

15.514 A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

15.515 If an applicant submits to the Town an application for a permit to engage in an activity described in this Ordinance, which contains all of the information required under this Ordinance, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An

applicant may resubmit an application as often as necessary until it is complete.

15.516 Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the 45-day period.

15.5161 Make a final decision whether to approve or disapprove the application.

15.5162 Notify the applicant, in writing, of its final decision.

15.5163 If the application is approved, issue the applicant the relevant permit.

15.5164 If the decision is to disapprove the application, include in the written notification substantial evidence which support the decision.

15.517 The fee for the permit is \$500.

15.52 Limitations. The Town may impose any conditions on its approval, except that it cannot include any condition prohibited by Wis. Stat. § 66.0404(4).

ARTICLE XVI

Section 16.0 Mineral Extraction.

16.1 Statement of Intent.

16.11 The intent of this district is to permit resource extraction operations as long term transitional uses. The intent of these regulations is to minimize potential adverse effects of these uses on adjacent lands while operations are active and to restore the site of operations to the maximum extent practicable after operations have been ceased.

16.2 Permits

16.21 An “Extraction Permit” is required for all mineral extraction operations including those lawfully existing prior to the adoption of this section. New mineral extraction operations and expansion of lawfully existing operations shall adhere to conditional use procedures as described in this Ordinance. As such, all mineral extraction operations including those lawfully existing prior to the adoption of this section shall adhere to the following permit requirements:

16.211 No permit shall be issued without submittal of a plan of operation and a plan of reclamation in compliance with the standards and requirements of this section.

16.212 Any mineral extraction operation or activity conducted without a permit after one hundred eighty (180) days of the effective date of adoption of this section shall be deemed in violation of this Ordinance.

16.213 Permits shall be issued for terms of six (6) years, renewable for terms of six (6) years. Any activity conducted in compliance with a lawfully issued permit which subsequently becomes non-compliant during the term of the permit by reason of surrounding development may continue for the remainder of the term of the permit.

16.214 Transfer of the permit. When an operation succeeds to the interest of another in an uncompleted site, the Town shall release the present operator of the responsibilities imposed by the permit only if:

16.2141 Both operators are in compliance with the requirements and standards of this section, and

16.2142 The new operator assumes the responsibility of the former operator’s permit requirements.

16.3 Standards. The following standards shall apply to all mineral extraction operations and activities including those operations and activities lawfully existing prior to the adoption of this Ordinance.

16.31 Standards of Operations.

16.311 Provisions of Ch. NR 415.04 and Ch. NR 429, Wisconsin Administrative Code, regarding air quality emissions shall be administered by the Wisconsin Department of Natural Resources. Provisions of Ch. ILHR 7.60 et seq., Wis. Adm. Code, regarding blasting shall be administered by the Wisconsin Department of Industry, Labor and Human Relations.

16.312 Roads, machinery and equipment shall be located, constructed and used in such a manner as to minimize noise, dust and vibrations.

16.313 No operations or activities may be commenced before 6:00 a.m. Monday through Saturday or continue past 6:00 p.m., Monday through Friday or 2:00 p.m. on Saturday where any residence or commercial establishment open to the public, is located within five hundred (500) feet of the exterior boundary of the site. The Town Plan Commission may authorize specific activities past 6:00 p.m., Monday through Friday and past 2:00 p.m., on Saturday for limited or temporary periods taking into account the proximity and nature of adjoining uses and the extent of noise, dust and vibration associated with the activity. In no event shall any operation within five hundred (500) feet of a residence be authorized to conduct activities past 10:00 p.m., Monday through Friday or 7:00 p.m. on Saturdays.

16.32 Setback Requirements.

16.321 No operations or activities, including berm construction, shall be conducted within two hundred (200) feet of any right-of-way line or within two hundred (200) feet of any exterior boundary of the site where a residence is located within five hundred (500) feet of the exterior boundary of the tract.

16.322 The Town Plan Commission may authorize berm construction and related site preparation as a temporary activity, for a specific time period, to within twenty-five (25) feet of any exterior boundary of the tract for sites lawfully existing before the effective date of this Ordinance.

16.323 The Town Plan Commission may authorize continued vertical removal of materials to within fifty (50) feet of the exterior boundary of the site for sites lawfully existing before the effective date of this Ordinance.

16.324 In no event shall any operations or activities, except berm construction and related site preparation activities, be conducted within fifty (50) feet of any exterior boundary. In exercising their authority under this subsection, the Town Plan Commission may attach reasonable conditions including but not limited to more stringent hours of operation, landscaping, and fencing.

16.33 Standards of Reclamation.

16.331 Every owner/operator shall reclaim the site within two (2) years after operations have ceased. There shall be a presumption that operations have ceased if the permit required under this section is not renewed by the operator or approved by the Town Plan Commission within one (1) year from the date of expiration of the previous permit. The Town Plan Commission may defer required reclamation activities for up to five (5) years after operations have ceased upon a showing by the owner/operator that materials remain of such quantity and quality as to be economically feasible to recover and that the site will be reactivated within five (5) years after operations have ceased. Required reclamation activities are as follows:

16.3311 Removal of all machinery, equipment and temporary structures from the site.

16.3312 Removal or backfilling of stockpiles and debris.

16.3313 Filling and grading of suitable soil to a sufficient depth to support vegetation on the site and consistent with adaptability of all or a majority of the site for another use, except for rock faces, rock outcroppings, and permanent water bodies.

- 16.3314 Re-vegetation of areas adjacent to water bodies and water courses to minimize erosion and sedimentation.
- 16.3315 Grading of materials such that remaining slopes do not exceed the minimal or expected angle for subsidence or slippage of the materials involved.
- 16.3316 Every owner/operator shall submit a performance bond or other financial guarantee in the amount of Four Thousand (\$4,000) Dollars per acre identified in the permit. The Town Plan Commission may authorize a reduction in the per acre cost based on detailed evidence provided by the operator or owner.

16.4 Conditional Uses. New mineral extraction operations, expansions of lawfully existing operations, and bio-remediation or other similar sites shall be a conditional use in all zoning districts. Conditional use procedures, as described in this Ordinance, shall be adhered to as well as to the requirements of this section.

16.5 Plan of Operation. All mineral extraction operations including those operations and activities which lawfully existed prior to adoption of this section shall prepare a plan of operation for the site which shall include the following information:

16.51 Statement of ownership of the parcel and control of the operations.

16.52 A site plan, drawn to scale, showing the lateral extent of existing an proposed excavation; the location and width of all easements and right-of-way on or abutting the site; existing water bodies, water courses and drainageways and proposed modifications; estimated direction of flow or groundwater; the location of existing and proposed buildings, structures, machinery and equipment; and the location of all existing and proposed storage and stockpiling areas.

16.53 Cross sections of the site, drawn to scale, showing the vertical extent of existing and proposed excavations.

16.6 Plan of Reclamation. All mineral extraction operations including those operations and activities which lawfully existed prior to adoption of this section shall prepare a plan of reclamation which shall include the following information:

16.61 A narrative statement describing the planned reclamation of the site including the intended use or adaptability of the site for a particular use after operations have ceased and the reclamation completed.

16.62 The method of disposing of materials on the site.

16.63 A site plan to scale showing areas of cut and fill, fill depths and materials; final contours sufficient to determine slopes; the location and expected seasonal depths of water bodies; the location and width of water courses and drainageways; and vegetative planting.

16.64 A statement of estimated reclamation costs.

16.7 Definitions.

16.71 Expansions of Lawfully Existing Operation(s). Progression of mineral extraction operations onto a contiguous parcel or parcels of land purchased, owned or leased after the effective date of this section.

16.72 Lawfully Existing Mineral Extraction Operation. A mineral extraction operation existing before the effective date of this section, including any contiguous parcels purchased, owned or leased by the same operator before the effective date of this section and said operation and contiguous parcels are devoid of any present County permit violations at the time of adoption of this section.

16.73 Mineral Extraction Operation. Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates. Mineral aggregates shall include, but are not limited to, rock, stone, sand and gravel and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc. Also constituting mineral extraction operations are such related operations and activities as excavation, grading or dredging, if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals and related processes such as crushing, screening, scalping, dewatering and blending. Additionally, storage and stockpiling of materials produced on site only, shall constitute

mineral extraction operation. The definition for Mineral Extraction Operation shall not apply to the following activities:

- 16.731 Operations affecting less than five (5) acres and for the exclusive use of the property owner provided no material is removed from the property(s).
- 16.732 Pre-mining activities such as site surveying, coring, mapping and other functions necessary solely for property preparation of the permit.
- 16.733 Excavation in conjunction with utility installation, which is to be backfilled.
- 16.734 Excavation in conjunction with road construction, within the limits of the right-of-way, when construction plans have been approved by the Wisconsin Department of Transportation and/or other governmental bodies.
- 16.735 Excavation which by nature is of limited duration such as graves, septic tanks, and swimming pools.
- 16.736 Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
- 16.737 Excavation for structures, parking areas, and stripping of up to one and one-half (1.5) feet of topsoil for the development of subdivisions, following subdivision approval.
- 16.738 Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
- 16.739 Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers and/or other governmental bodies.
- 16.740 Ponds developed for wildlife purposes in conjunction with the Soil Conservation Service or Land and Water Conservation Department.

16.741 Excavation related to sod farming.

16.742 Any mining operation, the reclamation of which is required in a permit obtained under Section 144.80 to 144.94, Wis. Stats., pertaining to metallic mining.

16.743 Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate, or close a solid waste disposal facility under ss. 144.435 to 144.45, Wis. Stats., or a hazardous waste disposal facility under ss. 144.60 to 144.74, Wis. Stats., for the exception of mineral extraction operations conducted for the purpose of lining, capping, or covering of said disposal sites.

16.744 Any other uses determined to be exempt by the Town Plan Commission.

16.74 New Material Extraction Operation. A mineral extraction activity on one or more parcels that are separated by a public road or are not contiguous to a lawfully existing mineral extraction operation, including land purchased, owned or leased before the effective date of this Ordinance without prior extraction activity.

16.75 Operator. Any person who is engaged in a mineral extraction operation or who applies for or holds a mineral extraction permit issued under this section whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors.

Section 17.0 Conditional Uses.

17.1 Definition. 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. 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 here, 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.

- 17.2 Authorizing Conditional Use Permits. The Town, based on a recommendation from the Plan Commission, may authorize Conditional Use Permits in accordance with the procedure set forth in this section when it appears.
- 17.21 That it is reasonably necessary for the public convenience at that location.
- 17.22 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.
- 17.23 That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.
- 17.24 That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.
- 17.3 Development Plan Requirements. Submission of a Conditional Use Permit request will need to include a development plan that has the following information:
- 17.31 North arrows, date of preparation, and scale on 8 ½” x 11” size paper.
- 17.32 Name(s) of all adjacent or surrounding streets and right-of-way width(s) and recorded property lines and their dimensions.
- 17.33 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.
- 17.34 Dimensions of existing and proposed yard setbacks for buildings and structures.
- 17.35 Dimensions of existing and proposed parking, loading, and unloading areas, and size of existing and proposed driveways.
- 17.36 The location of proposed and existing signage and the location and type of all proposed and existing exterior lighting fixtures.
- 17.37 The location, height and materials of all proposed and existing fences or retaining walls.

17.38 Other additional information that may be deemed appropriate by the Town.

17.4 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:

17.41 Zoning. The proposed use conforms to the general purposes and intent of the Springvale Zoning Ordinance.

17.42 Comprehensive Plan. The proposed use is consistent with the goals and objectives of the Springvale Comprehensive Plan.

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

17.44 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.

17.45 Sanitary Facilities. The sanitary facilities will be sufficient for the intended conditional use being applied for.

17.5 Optional Standards for Granting Conditional Use Permits.

The Plan Commission and Town Board may require the following additional standards when approving a Conditional Use Permit:

17.51 Increased setbacks and yards.

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

17.53 Sureties, operational controls, erosion prevention measures.

17.54 Location of the use.

17.55 Other requirements found necessary to fulfill the purpose and intent of this Ordinance.

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

17.57 Violation of these conditions shall constitute a violation of this Ordinance.

17.6 Conditions, Guarantees and Validity Period.

The following conditions, guarantees and validity period may be imposed upon the granting of a Conditional Use Permit:

17.61 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 this Ordinance. 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).

17.62 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.

17.63 A Conditional Use Permit shall expire if the use is discontinued for a period of twelve (12) 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.

17.64 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 the Town. Such notification shall be submitted to the Town Clerk thirty (30) days prior to the Conditional Use Permit expiration date.

17.65 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.

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

Section 18.0 Zoning Board of Appeals.

Under the provisions of Section 62.23(7)(3) Wisconsin Statutes, there is hereby established a Board of Appeals

18.1 Organization of Board of Appeals. The Board of Appeals shall consist of five members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of three 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.

18.2 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 or her 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.

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

18.31 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.

18.311 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 the complained-of occurrence by filing with the Board of Appeals a notice of appeal stating the grounds thereof.

18.312 The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class I notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation and by posting in three public places, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

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

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

18.34 To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest, except that no use variances shall be granted. A variance for the purpose of this Ordinance shall not be granted unless:

18.341 A written application for a variance is submitted demonstrating:

18.3411 That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.

18.3412 That literal enforcement of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this Ordinance.

18.3413 That the special conditions and circumstances do not result from the actions of the applicant.

18.3414 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.

18.35 No non-conforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.

18.36 The application is in proper form and the applicable fee has been paid. The Board shall hold a public hearing on such matter. 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.

18.4 Exercise of Power.

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

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

Section 19.0 Enforcement

- 19.1 Duty to Enforce. It shall be the duty of the Building Inspector to enforce the provisions of this Ordinance.
- 19.2 Permit Needed. No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefor shall have been applied for and issued. No permit shall be issued until the Building Inspector has satisfactory proof that the premises is in full compliance with this Ordinance, the Fond du Lac County Subdivision, Shoreland Zoning, and Flood Plan Zoning Ordinances, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- 19.3 Application. All applications for a building permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Ordinance.
- 19.4 Survey and Staking. All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

Section 20.0 Fees.

- 20.1 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.
- 20.2 Fee – Board of Appeals. A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefor filed with the application. This fee shall not be required of any township officer acting in his official capacity.

- 20.3 Fee – Zoning Amendment. A fee in an amount determined by the Town Board is required for any petition for the amendment of this Zoning Ordinance, which fee shall be paid to the Town Treasurer and receipt therefor filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Town Zoning Committee.
- 20.4 Fees – Other. The Town Board may establish other fees from time to time by resolution.
- 20.5 Reimbursement of Town Expenses. The Town Board may utilize the services of such professionals as it deems appropriate to advise and assist the Town Board, Town Plan Commission, and Board of Appeals regarding a development. Before final approval of an application for development, the Town Board may require the developer to reimburse all fees, charges and costs incurred by the Town for such professional services, including but not limited to plan review, inspection, engineering, legal and administrative. The Town Board may, from time to time, establish a schedule of such professional charges by resolution. The Town Board may require that the estimated cost for such professional services be included in the bond, letter of credit, or cash deposit to be provided to the Town.

Section 21.0 Violations and Penalties.

- 21.1 Violations. Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this Ordinance shall be deemed an unlawful building, structure, mobile home or use. The Building Instructor shall promptly report all such violations to the Town Board, which may instruct the attorney for the Town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or mobile home or the establishment of such use, or to cause such building, structure, mobile home or use to be removed.
- 21.2 Penalties. In the event of a violation of this Ordinance, the violator shall be subject to forfeitures of not less than \$200 nor more than \$500 for each offense, together with costs of prosecution (including reasonable attorneys' fees) and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the County Jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense. The Town may also seek injunctive relief and abatement orders as necessary.

Section 22.0 Changes and Amendments.

22.1 Amendments. When any amendment of the District boundaries or of the regulations contained in this Ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Plan Commission shall formulate a tentative draft of such amendment and recommend the same to the Town Board. Before action on such amendment by the Town Board, the Town Board shall give a Class II notice of a public hearing on such amendment, specifying the time and place of such hearing.

Section 23.0 Validity and Conflicts.

23.1 Validity. 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.

23.2 Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 24.0 Effective Date and Repeal of Previous Zoning Ordinance.

24.1 This Ordinance shall be in force from and after its passage, approval, and publication according to law. The previous Town of Springvale Zoning Ordinance is hereby repealed.

Dated this _____ day of _____, 2014.

TOWN OF SPRINGVALE

Town Chairperson

Attest:

Town Clerk