

**TOWNSHIP OF KAUKAUNA, OUTAGAMIE COUNTY
ZONING ORDINANCE**

**CERTIFIED BY DATCP - ?
FURTHER AMENDED BY TOWN BOARD - SEP. 30, 2013
FURTHER AMENDED BY TOWN BOARD - SEP. 16, 2013
AMENDED BY TOWN BOARD - JUL. 8, 2013
ADOPTED BY TOWN BOARD - DEC. 9, 1991**

This page intentionally left blank.

INDEX

1.0	Introduction	1
1.1	Authority	1
1.2	Purpose	1
1.3	Intent	1
1.4	Abrogation and Greater Restrictions	2
1.5	Interpretation	2
1.6	Severability	2
1.7	Title	2
1.8	Adoption and Effective Date	2
2.0	General Provisions	3
2.1	Jurisdiction	3
2.2	Compliance, Violations, and Penalties	3
2.3	Permit Administrator Powers	3
2.4	Town Planning Commission and Board of Appeals	4
2.5	Use Regulations	6
2.6	Site Regulations	7
2.7	Public Streets	9
2.8	Sanitary Regulations	9
2.9	Pet and Animal Restrictions	10
2.10	Reduction of Joint Use	10
2.11	Regulation Lagooning, Dredging, and Excavating	10
2.12	Non-Conforming Uses	11
2.13	Site Plan Review	12
2.14	Uniform Dwelling Code	17
2.15	Planned Unit Development	19
3.0	Zoning Districts	23
3.1	Establishment	23
3.2	Zoning Map	23
3.3	Exclusive Agricultural/Farmland Preservation District	24
3.4	General Agricultural District	30

3.5	Transitional Residential District	33
3.6	Rural Development District.....	37
3.7	Mobile Home Exception (when not in mobile home park)	39
3.8	Commercial District	39
3.9	Light Industrial District.....	41
3.10	Heavy Industrial District	44
3.11	Resource Conservation Overlay	44
3.12	Critical Areas Overlay	46
3.13	Mixed Commercial/Light Industrial Overlay.....	53
4.0	Applications and Approvals	54
4.1	Conditional Use Permits.....	54
4.2	Rezone Request.....	56
4.3	Non-Conforming Uses, Structures, and Lots	57
5.0	Definitions.....	59
5.1	Applicability	59
Appendices A: Ordinance Regulating Disposition of Waste Material		73
Appendices B: Minimum Road Specifications		75

Section 1.0 Introduction

1.1 Authority

- A. This Ordinance is adopted under the authority granted by Wisconsin Statutes Chapter 60, 61, and 62, and amendments thereto. The Town Board of Supervisors of the Town of Kaukauna, Outagamie County, Wisconsin do ordain as follows:

1.2 Purpose

- A. The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Township.

1.3 Intent

- A. It is the general intent of this Ordinance to provide guidelines for the use of structures, lands and waters; to regulate lot coverage, population distribution and density, and the size and location of all structures so as to: promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town. It is further intended to secure safety from flooding, water pollution, contamination, and other hazards; prevent flood damage to persons and other property and minimize expenditures for flood relief and flood control projects; obtain the wise use, conservation, development, and wildlife resources according to their capabilities; further maintenance of safe and healthful water conditions; prevent and control erosion, sedimentation and other pollution of surface and sub-surface waters; preserve shore grown and cover and promote the natural beauty of the Town; protect fish and animal life, including their spawning, nestling, nursing, and feeding areas.

1.4 Abrogation and Greater Restrictions

A. 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 laws. However, wherever this ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Ordinance and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.6 Severability

A. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.7 Title

A. This Ordinance shall be known as, referred to, or cited as, the “Township of Kaukauna Zoning Ordinance,” Town of Kaukauna, Outagamie County, Wisconsin.

1.8 Adoption and Effective Date

A. This Ordinance shall be effective after a Township public hearing; recommendation by the Town Zoning Advisory Committee; adoption by the Town Board of Supervisors; review and adoption by the County Board of Supervisors; and publication or posting as provided by law.

2.0 General Provisions

2.1 Jurisdiction

- A. The provisions of these Ordinances shall apply to all structures and land within the Township of Kaukauna, Outagamie County, Wisconsin.

2.2 Compliance, Violations, and Penalties

- A. The provisions of this Ordinance shall be enforced by or under the direction of the Town Board. Any persons, firm or corporation who violates, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall upon conviction, forfeit not less than \$10.00 or more than \$500.00 for each offense, together with the cost of prosecution, shall be imprisoned until said forfeiture and cost are paid, but not to exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense. Compliance herewith may also be enforced by injunction order at the suit of the Township or the owner or owners or real estate within the district affected by the regulations of this Ordinance.
- B. No structure or land shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a land use permit, and without full compliance with the provisions of this Ordinance and all other applicable local, County and State regulations.
- C. Nothing herein contained shall require any changes in plans, construction, size, or designated use if any building, or part thereof, for which a landuse permit has been issued before and effective date of this Ordinance.

2.3 Permit Administrator Powers

- A. The permit Administrator shall accept all applications, issue or deny all land use permits, investigate all complaints, give notice of

violations, and enforce the provisions of this Ordinance, other than new Residents. All violations of this Ordinance shall be reported to the Town Board, who shall see to it that action is brought to enforce the provisions of this ordinance.

- B. The Town Board and their deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance.

2.4 Town Planning Commission and Board of Appeals

- A. There is hereby recommended an on-going Planning Commission, to preserve, protect, and promote the ideals set forth in this Ordinance, using the “Preserving Local Resources” booklet as a guide.

1. Town Planning Commission

- a. The Board shall establish and appoint a Town Planning Commission comprised of one member of the Board of Supervisors, one member of the Board of Appeals, and 5 Township citizens. Two alternates shall also be appointed by the Town Board to serve in the absence of any members. The Planning Commission shall at all times have seven members. The Town Supervisor will be appointed by a two-thirds vote of the Town Board and Elected at each annual Township meeting in April. The five citizens shall be appointed by the Town Board upon creation of the Town Planning Commission, to hold office; one (1) for one (1) year, two (2) for two (2) years and two (2) for three (3) years. The terms shall be from the succeeding May 1 and thereafter, annually during the Annual Town meeting expired terms shall be appointed for a three year term. The Board of Appeals shall be appointed as stated in the State Statutes (60.65).
- b. The functions of the Town Planning Commission shall be as specified in Wisconsin State Statute 60.61(3) and (4) as amended, at the enactment of this Ordinance.
- c. It shall be the duty of the Town Planning Commission to advise the Town Board on all zoning and related land use matters. A copy of the application for Conditional Use or rezone or Site

Plan Permit shall be provided to the Town Planning Commission at the time of the application. The Town Planning Commission shall advise the Town Board on any such application prior to action by the Town Board. Such action is merely advisory and is not binding upon the Town Board.

2. Board of Appeals

- a. The Town Board shall appoint a Board of Appeals consisting of five members. Two members from the Town Board, who shall serve for a two year term, one member from the Planning Commission, who shall serve for a one year term and two Township citizens, who shall serve for a three year term, 1 for a two year term and 1 for three year term. The Board of Appeals shall be compensated as fixed by the Town Board. The Board of Adjustment may employ a secretary for the purpose of keeping records and minutes during its meeting and public hearings. The Town Board may appoint, for a staggered term of three years, two alternate members of such Board of Appeals in addition to the five members. Annually the Town Board shall designate one of the alternates as the first alternate, and the other as the second alternate. The first alternate shall act with full power only when a member of the Board of Appeals refuses to vote because of conflict of interest or is absent. The second alternate shall act in like manner only if the first alternate so refuses or is absent or more than one member of the board so refuses for conflict or interest or is absent.
- b. The Board of Appeals shall function as specified in 60.65 of Wisconsin State Statutes, as amended, at the time of enactment of this Ordinance and according to any additional rules of procedure as fixed by this Ordinance or by the Board of Adjustment. The Board of Appeals has the power, in addition to those specified in the aforementioned statute and as otherwise enumerated in this Ordinance:
 - (1) To grant a permit for a temporary building for commerce or industry in a Residential or Agriculture district, consistent with Ch. 91 state statutes, which is incidental to the residential development, but no such permit shall be granted for a period of more than one year.

- (2) To grant a permit for the erection and use of a building or premises in any location to a public service corporation or for a public utility purpose which the Board of Adjustment finds reasonably necessary for the public convenience, safety, or welfare.
- (3) To grant a permit for the location of uses listed in the Light and Heavy Industrial district, when the Board of Adjustment determined that the proposed location and use will not be detrimental, hazardous or injurious to the community, nor noxious by reason of the emission smoke, dust, gas, noise or odors.
- (4) After public hearing, to designate areas in the General Agriculture District to be used for sanitary landfill. The boundaries of such area shall be defined and they shall be located not less than one-half mile from any residence and a reasonable distance from any Federal, State, County trunk highway or town road. The location of such public dumping grounds may be changed from time to time by the same method by which they were originally established.
- (5) To consider and rule upon requests for variances under the terms of this Ordinance and relevant State Statutes.
- (6) To consider and rule upon appeals of decisions made by the Town Board, Planning Commission, or any other duly designated representative of the Town of Kaukauna.

2.5 Use Regulations

- A. Only the following uses and their essential services may be allowed in any district:
 1. Permitted Uses specified for a district.
 2. Accessory Uses and structure is present or under construction. Uses accessory to residential developments may not involve the conduct of any business, trade, or industry except for home and professional occupations as provided herein.
 3. Conditional Uses and their accessory uses may be permitted in specified districts after review, public hearing, and approval by the Board of Adjustment in accordance with procedures and standards established in Sec. 4.0 of this Ordinance.

4. Uses Not Specified in this Ordinance may be permitted by the Town Board after the Town Planning Commission has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
5. Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning Commission provided such uses are treated as Conditional Uses in the “ Rural Development District.”

2.6 Site Regulations

- A. All lots shall front on a public street or other officially approved way; all principle structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot for residential use.
- B. All lots created for residential use shall have a minimum lot size of one-half acre of useable land in the Transitional Residential District and a minimum of one acre of useable land in the Rural Development District, except as otherwise provided in Sec. 3.3 and 3.4 of this Ordinance.
- C. Every Split or Division of Land in the Town ship of Kaukauna shall require a certified survey map and a copy of such survey map shall be filed with the Town Clerk and recorded in the office of the Outagamie County Registered of Deeds.
- D. A Subdivision is created when the division of a lot, parcel or tract of land creates more than four new parcels from the parent parcel. Subdivisions in the Town of Kaukauna currently fall under the jurisdiction of the Outagamie County Subdivision Ordinance. The Town may adopt its own land division and subdivision regulations in the future.
- E. Width and Area of all lots shall be as follows:

1. The width of all lots shall not be less than one hundred and fifty (150) feet with the exception of a lot on a cul-de-sac shall not be less than seventy five (75) feet frontage with rear lot minimum of 150 ft.
 2. The area of all such lots shall not be less than one (1) acre of useable land per single-family dwelling unit to be constructed on the lot.
 3. The side and rear yard of all lots shall not be less than twenty (20) feet in width.
 4. Set backs for unattached accessory building in the rural development district shall not be less than seven (7) feet from side and rear lot lines, but only if adequate vehicle access to the rear yard is provided.
- F. Setback Lines Established. For the purpose of this chapter, all highways in Outagamie County outside the limits of incorporated cities and Villages are divided into Class “A” highways and Class “B” highways.
1. All State, Federal and County highways are hereby designated as Class “A” highways.
 2. The setback for Class “A” highways shall not be less than fifty-five (55) feet from the highway right-of-way line or forty-five (45) from a service road right-of-way line, provided the service road runs parallel and is adjacent to the Class “A” highway.
 3. All highways not classified as Class “A” highways, except streets in platted subdivisions, are hereby designated as Class “B” highways.
 4. The setback for Class “B” highways shall not be less than sixty-five (65) feet from the centerline of the highway or thirty-two (32) feet from the right-of-way line, whichever is greater.
 5. The setback for streets in platted subdivisions shall be as specified for the district in which the street is located.
 6. Where the locations of two or more highways of different classifications are coincidental, the greater setback shall apply.

2.7 Public Streets

- A. All lots not of public record as of the effective date of this Ordinance shall abut upon a public street or other officially approved way. No Land Use Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width, and no Land Use Permit shall be issued for a lot which abuts a street which is not built to Town specifications and officially deeded to and accepted by the Town Board.
- B. All improvement costs necessary to bring proposed streets to Town specifications shall be borne entirely by the land developer.
- C. All dead end streets shall end in a cul-de-sac and said cul-de-sac shall have a minimum roadway radius of fifty (50) feet. No dead end street shall exceed one thousand (1000) feet in length.

2.8 Sanitary Regulations

- A. No private water supply or sewage disposal system or parts thereof shall be located, installed, moved reconstructed, extended, enlarged, converted, substantially altered or their use changed without a Sanitary Permit and without full compliance with the County Sanitary Ordinance.
- B. No Land Use Permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.
- C. Holding Tanks and Mound Type sewage absorption systems are allowed in the Town as approved by County Sanitary Ordinance.
- D. Disposition of Waste Material in the Town is restricted by the “Ordinance Regulating Disposition of Wastes Material,” contained in this Ordinance as Appendix A.

2.9 Pet and Animal Regulation

- A. Household Pets shall be permitted in all zoning districts; provided that not more than four dogs are kept on any one premises, and provided further that no animal, fowl, or pets are bred or reared on such premises for commercial purposes or sold therefore. Notwithstanding the foregoing, however, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight (8) months. A dog license must be applied for in the Town of Kaukauna for each dog owned and shall be applied for from the Town Treasurer. Proof of shots is required to apply for a dog license.
- B. All Animals Other Than Household Pets shall be permitted only in the Agricultural and Conservation Districts.

2.10 Reduction or Joint Use

- A. No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

2.11 Regulation of Lagooning, Dredging, and Excavating

- A. The regulation of lagoons, dredging, and excavation is necessary to protect the citizens of the Town of Kaukauna.
- B. Land Use Permits and Conditional Use Permits.
 - 1. A land use permit shall be required for all lagoons, dredging, or excavation within the Township.
 - 2. Extraction Operations and Land Reclamation
 - a. At the time of site operation and discontinuation or abandonment at a horizontal to vertical slope of 3:1 or flatter

must be stabilized to prevent erosion. The top of the slope should be ten (10) feet from the property line.

2.12 Non-Conforming Uses of Structures and Land

- A. **Applicability and Intent.** Any use of land or structures, or any lot or structure which existed legally 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 legally existing nonconformities to continue, subject to restrictions.
- B. **Nonconforming Uses of Land and Structures.** No such nonconforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of 12 consecutive months or for 18 accumulative months during any three-year period, any future use of such land or structure shall conform to the ordinance.
- C. **Nonconforming Structures.** No such structure shall be altered in any manner, which would increase the degree of nonconformity.
- D. **Non-conforming Lots of Record.** In any residential district, a single-family dwelling and customary accessory structure may be erected on a single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot size, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance and no portion of such parcel shall be used, divided or sold which does not

meet the lot size and lot width requirements for the district in which it is located.

- E. 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.
- F. Existing Conditional Uses. Any use or structure existing at the effective date of adoption or amendment of this ordinance which is classified as a conditional use in the district in which it is located shall be deemed to have been granted approval by the Plan Commission, subject to maintaining the character and intent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval of the Plan Commission as provided in this ordinance.

2.13 Site Plan Review

- A. Purpose. The Town Board recognizes that zoning, by itself, does not guarantee that new development will integrate into the community. Often, a legally allowable use may, nonetheless, be incompatible with its proposed environment due to various design factors. Site plan review provides the Town with an opportunity to regulate development to ensure that structures and sites fit harmoniously into the surrounding environment.
- B. Applicability. Except for buildings and accessory structures consistent with agricultural uses, a site plan permit shall be required for any of the following activities:
 - 1. New construction of a building or other structure, except as provided below.
 - 2. Expansion of an existing use that involves a floor space increase of twenty (20) percent or more within any 10-year period.
 - 3. Change of business or other activity that requires an increase of ten (10) percent or more in the number of off-street parking spaces.

4. Alteration or expansion of an existing parking lot that affects greater than ten (10) percent of the total number of parking spaces.
 5. Remodel or exterior alteration of any building or other structure, the cost of which exceeds five (5) percent of the structure's total fair market value as determined by the Permit Issuer.
- C. Initiation of Process; Payment of Fee. The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board's schedule of fees, shall be made at the time of the pre-application conference.
- D. Pre-application Conference. To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a pre-application conference with the Town Board Chair, Permit Issuer, and/or selected Planning Commissioners by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A pre-application conference need not include extensive field inspection or correspondence. The purposes of the pre-application conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:
1. Requirements for submittal, including any other types of permits necessary to complete the proposal.
 2. Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
 3. Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
 4. The discussion at the pre-application conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.

- E. Formal Application. Application for site plan review shall include the documents described under “Submission Requirements” below as may be required by the Planning Commission at its discretion. A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Commission may transmit copies of the site plan documents to the Permit Issuer, Zoning Administrator or other consultant(s), official(s) as deemed necessary, in order to solicit comments. The reviewing officials shall then submit written comments to the Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under “Standards of Review” below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.
- F. Submission Requirements. A site plan shall be prepared on standard 24” x 36” sheets, with continuation on 8 1/2” x 11” sheets as necessary for written narrative. The Permit Issuer or other decision-making body may require any of the following items as part of the formal site plan submission:
1. Name of the project, boundaries, and location maps showing the site’s location in the community, date, north arrow and scale of the plan.
 2. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 3. Names and addresses of all owners of record of abutting parcels and those within three hundred feet (300’) of the property line.
 4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within three hundred feet (300’) of the site.
 5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
7. Location, type, and screening details for all waste disposal containers shall also be shown.
8. The location, height, intensity and coverage area of all external lighting fixtures.
9. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
10. The location, height, size, materials, and design of all proposed signage.
11. The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
12. Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
13. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
14. Existing and proposed topography at two-foot (2') contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50') of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
15. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
16. Zoning district boundaries within five hundred feet (500') of the site's perimeter shall be drawn and identified on the plan.
17. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100') of the site.

18. For new construction or alterations to any existing building, a table containing the following information:
 - a. Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - b. Maximum number of employees.
 - c. Maximum seating capacity, where applicable.
 - d. Number of parking spaces existing and required for the intended use.
 - e. Elevation plans at a scale of 1/8" = 1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.

- G. Procedure. For proposals not requiring a Conditional Use Permit, the Commission shall issue its decision on the application within thirty (30) days after the determination that the application is complete. For proposals also requiring a Conditional Use Permit, the Commission shall issue its decision on the site plan application no later than seven (7) days after the hearing held by the Board of Appeals on the proposed Conditional Use Permit if such Conditional Use Permit is granted.

- H. Decision of Planning Commission. The Commission's decision shall consist of either:
 1. Approval of the site plan.
 2. Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.
 3. Disapproval of the site plan.

- I. Criteria for Review. During the site plan review process, the Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:
 1. Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Outagamie County and the Town.
 2. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

3. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
4. Services. Reasonable demands placed on community services and infrastructure.
5. Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
6. Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
7. Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
8. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.
9. Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these features harmonize with the surrounding built environment and natural landscape.

2.14 Uniform Dwelling Code

- A. Authority. These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes.
- B. Purpose. The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

- C. Scope. The scope of this ordinance includes the building structure of new construction and any HVAC, electrical or plumbing systems and shall comply with the Uniform Dwelling code.
- D. Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling code, Chs. SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- E. Building Inspector. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Sec. 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of Soil Erosion Inspector, UDC HVAC, UDC Electrical, and UDC Plumbing.
- F. Building Permit Required. No person shall alter, in excess of \$10,000 value in any twelve month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, normal repairs to maintain the structure, finishing of interior and exterior surfaces and installation of cabinetry shall be exempted from permit requirements.
- G. Building Permit Fee. The building permit fees shall be determined by resolution.
- H. Penalties. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance. Failure to obtaining a valid building

permit prior commencing any activity covered by this code will result in double fees being assessed.

- I. Effective Date. This ordinance shall be effective upon passage and publication as provided by law.

2.15 Planned Unit Development (PUD)

- A. Intent. The intent of the planned unit development provisions is to encourage quality and desirable development by allowing for greater flexibility and design freedom than that permitted under basic district regulations. These regulations are established to permit and encourage diversification, variation and imagination in layout of development; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.
- B. Unified Control. All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of this chapter. The applicant shall state agreement to:
 1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the Conditional Use for PUD.
 2. Provide agreements, contracts and deed restrictions necessary for completion of the development according to the approved plans.
 3. Bind their successors in title to any commitments made in the approval process.
- C. Permitted Uses. All the permitted uses of the Rural Development District, Transitional Residential District, Commercial District, Light

Industrial District, and Heavy Industrial District in which the PUD is located, to allow for additional development flexibility.

- D. General Requirements. All permitted uses shall be subject to the accessory use and structure, sign, height, and parking requirements of the district in which it is located.
- E. Area and Density Requirements. A tract of land proposed for development as a planned unit development shall contain a minimum area of five acres and a maximum density of two dwelling units per net acre.
- F. Internal Lots and Frontage. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located closer to any peripheral property line than a distance equal to the height of such structure.
- G. Access. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrianway, court or other area dedicated to public or private use or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.
- H. Engineering Design Standards. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, streetlighting and similar environmental design criteria shall not be mandatory in a planned unit development, but precise standards shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- I. Procedures for Approving Planned Unit Developments.
 - 1. Pre-application review.
 - a. Before submitting an application for a PUD, an applicant shall confer with the Planning Commission and Zoning Administrator in connection with the preparation of the application for a planned unit development.
 - b. The purpose of the pre-application conference shall be to familiarize both the applicant and the Planning Commission with each other's intentions with respect to the PUD before the applicant enters into binding commitments or incurs substantial expense.

- c. At the pre-application conference, the Planning Commission shall familiarize the applicant with the PUD process and explain to the applicant issues that should be considered in planning the project. The applicant shall inform the Planning Commission of his development concept through general outlines and sketch plans. Any statement made by either the Planning Commission or the applicant concerning potential disposition of a PUD application or the final form of the development shall not be legally binding.
2. Development plan. A development plan shall accompany the application for a Conditional Use permit and contain the following information:
 - a. Names of the owners and developer.
 - b. Scale, date, North arrow.
 - c. Existing streets, buildings, watercourses, easements and utility lines.
 - d. Proposed pattern of public and private streets, accessways and parking areas.
 - e. Locations and arrangements of lots,
 - f. Buildings by dwelling types, open space areas and recreational facilities, if any.
 - g. Architectural drawings and sketches illustrating the design and character of the various buildings proposed.
 - h. Appropriate statistical data on the size of the development, number of dwellings by type, percentage of open space and other data pertinent to review.
 - i. General outline of deed restrictions and other documents pertaining to the development, operation and maintenance of the project.
3. Plan approval. Upon approval of a development plan, a Conditional Use permit shall be issued. All terms, conditions and stipulations made at the time of approval shall be binding upon the applicant or any successors in interest.
4. Preliminary and final plans. Approval of a development plan for a Conditional Use does not constitute preliminary or final plat approval. Preliminary and final plats shall be submitted and processed in accordance with standard subdivision review procedures.

5. Changes in plan. Minor changes in plans shall be made by application. Minor changes shall not be considered a reapplication for Conditional Use permit. Substantial changes in plans shall be made by application and processed as a new application for a Conditional Use permit.
 6. Deviations from approved plans. Deviations from approved plans or failure to comply with any requirement, condition or safeguard during approval or platting procedures shall constitute a violation of these zoning regulations.
- J. Building Permits. Final approval does not constitute approval for the construction of individual buildings or structures in the development. Application for building permits shall be submitted and processed in accordance with standard procedures.

3.0 Zoning Districts

3.1 Establishment

- A. For the purpose of this Ordinance, the Township of Kaukauna, Outagamie County, State of Wisconsin, outside the limits of incorporated villages and cities is hereby divided into the following six zoning districts, namely:
1. Exclusive Agricultural Land District
 2. General Agricultural District
 3. Transitional Residential District
 4. Rural Development District
 5. Mobile Home Exception
 6. Commercial District
 7. Light Industrial District
 8. Heavy Industrial District
 9. Resource Conservation Overlay
 10. Critical areas Overlay
 11. Mixed Commercial/Light Industrial Overlay
- B. The boundaries of these districts are hereby established as shown on maps entitled “Kaukauna Zoning Maps, Township of Kaukauna, Outagamie County, Wisconsin” which accompanies and is a part of this Ordinance. All notations, references and other information shown upon the said zoning map shall be as much a part of this Ordinance as if the matter and things set forth by the said map were fully described herein.
- C. The Resource Conservation District shall be an overlay District over the districts. The Zoning maps shall indicate the underlying zoning of the Resource Conservation overlay where appropriate.

3.2 Zoning Map

- A. The official copy of the Kaukauna Zoning Maps shall be adopted as part of this Ordinance and shall be available to the public through the Town Clerk. The Town Planning Commission shall from time to

time update the Town of Kaukauna Zoning Map as necessary to reflect changes in zoning district boundaries brought about by rezoning proceedings.

3.3 Exclusive Agricultural/Farmland Preservation District

A. Purpose. The purpose of the Exclusive Agricultural/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 service costs.
3. To maintain a viable agricultural base to support agricultural processing and service industries.
4. To prevent conflicts between incompatible uses.
5. To reduce costs of providing services to scattered non-farm uses.
6. To pace and shape growth.
7. To implement the provisions of the county agricultural plan as adopted and revised.
8. To comply with the provisions of the Working Lands Program to permit eligible landowners to receive tax credits under the appropriate sections of the law.

B. Permitted Uses. Within the Exclusive Agricultural/Farmland Preservation District the following uses are permitted:

1. Agricultural uses.
2. The following accessory uses occurring on a farm:
 - a. A building, structure or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence.
 - d. A business, activity, or enterprise whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in Sec. 3.3B.2.A or

3.3 B.2.C, 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.

- e. Roadside stand, consistent with Sec. 2.2B.2.
 - (1) Not to exceed 200 square feet in size.
 - (2) Products must be produced on site.
 - f. Horse boarding, consistent with Sec. 2.2B.2.d.
 - g. Bed and Breakfast, consistent with Sec. 2.2B.2.d.
 - h. Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under Sec. 3.3C.2.
- 3. Agriculture-related uses.
 - 4. Undeveloped natural resource and open space areas.
 - 5. 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. Other uses that may be identified by the Wisconsin Department of Agriculture, Trade, and Consumer Protection by rule.

C. Conditional Uses. Within the Exclusive Agricultural/Farmland Preservation District the following uses may be allowed through a conditional use permit:

- 1. The following accessory uses:
 - a. Agri-tourism related businesses.
- 2. Nonfarm residences consistent with Sec. 3.3.D.
- 3. Nonfarm residential clusters that qualify under Sec. 3.3.E.
- 4. Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Sec. 3.3.F.
- 5. Governmental, institutional, religious, or nonprofit community use consistent with Sec.3.3.G.
- 6. Nonmetallic mineral extraction consistent with Sec. Sec. 3.3.H.
- 7. Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.

8. Other uses that may be allowed by the Wisconsin Department of Agriculture, Trade, and Consumer Protection by rule.
 9. Fish hatcheries.
 10. Artificial lakes or ponds.
- D. Nonfarm Residences. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of Sec 3.3.C.2 if the Planning Commission determines that all of the following apply:
1. 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.
 2. 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.
 3. 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.
 4. Nonfarm parcels created from a base farm tract shall be no smaller than 1 acre in size.
- E. Nonfarm Residential Cluster. The Planning Commission may issue one conditional use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of Sec. 3.3.C.3 if all of the following apply:

1. The parcels on which the nonfarm residences would be located are contiguous.
 2. Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Sec. 3.3D.
- F. Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of Sec. 3.3.C.4 if the Planning Commission determines that all of the following apply:
1. The use and its location in the Exclusive Agricultural/Farmland Preservation district are consistent with the purposes of the Exclusive Agricultural/Farmland Preservation district.
 2. The use and its location in the Exclusive Agricultural/Farmland Preservation district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- G. Governmental, Institutional, Religious, or Nonprofit Community Use. A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of Sec. 3.3.C.5 if the Planning Commission determines that all of the following apply:
1. The use and its location in the Exclusive Agricultural/Farmland Preservation District are consistent with the purposes of the Exclusive Agricultural/Farmland Preservation district.
 2. The use and its location in the Exclusive Agricultural/Farmland Preservation District are reasonable and appropriate, considering

alternative locations, or are specifically approved under state or federal law.

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

H. Nonmetallic Mineral Extraction. Nonmetallic mineral extraction qualifies for the purposes of Sec. 3.3.C.6 if the Planning Commission determines that all of the following apply:

1. The operation complies with subchapter I of Chapter 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 Wisconsin Department of Transportation, Outagamie County, and/or East Central Wisconsin Regional Planning Commission concerning the restoration and reclamation of nonmetallic mining sites.
2. The operation and its location in the Exclusive Agricultural/Farmland Preservation District are consistent with the purposes of the Exclusive Agricultural/Farmland Preservation District.
3. The operation and its location in the Exclusive Agricultural/Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the Exclusive Agricultural/Farmland Preservation District, or are specifically approved under state or federal law.
4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6. The owner must restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.
- I. Standards for Rezoning.
 1. By March 1st of each year the Town of Kaukauna shall provide to DATCP and the Outagamie County Zoning Department the following:
 - a. A report of the number of acres zoned out of the Exclusive Agricultural/ Farmland Preservation District during the previous year.
 2. Decisions on petitions for rezoning areas zoned for farmland preservation use shall be made following a public hearing and shall be based on findings which consider the following:
 - a. The land is better suited for a use not allowed in the Exclusive Agricultural/Farmland Preservation District.
 - b. The rezoning is consistent with any applicable comprehensive plan.
 - c. The rezoning is substantially consistent with the county certified farmland preservation plan.
 - d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- J. Height.
 1. The maximum height of a farm dwelling shall be thirty-five (35) feet.
 2. The maximum height of other structures shall be two times their distance from the nearest lot line.
- K. Yards.
 1. The maximum side yard and setback for farm dwellings shall be as specified by the Town of Kaukauna Ordinances for residential development.
 2. The minimum rear yard for farm accessory structures shall be twenty-five (25) feet from the nearest lot line. Side yards shall be

fifty (50) feet from the nearest lot line.

3. Highway setbacks for farm dwellings and structures shall be as specified in sec 2.6 of the Township of Kaukauna Zoning Ordinance.

3.4 General Agricultural District

A. Purpose. The intent 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 uses; the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small-scale, family-oriented businesses on a case-by-case basis.

B. Permitted Uses.

1. Permitted uses within Exclusive Agricultural/Farmland Preservation District.
2. Public and semi-public non-profit institutional uses of a similar nature.
3. Floriculture (cultivations of ornamental flowering plants).
4. Grazing.
5. Livestock raising (maximum of one animal unit per acre).
6. Poultry raising.
7. Plant nurseries and orchards.
8. Raising of grain, grass, mint, seed crops.
9. Raising of tree fruit, nuts and berries.
10. Sod Farming.
11. Vegetable raising.
12. Viticulture.
13. Forest and game management.
14. Nature trails and walks.
15. Greenhouses.
16. One roadside stand per farm, or not more than three hundred square feet, used solely for the sale of products on the premises or adjoining premises.

17. Facilities used in processing of agricultural products including creameries, cheese factories, canneries, sawmills, and alcohol manufacturing.
18. Drainage.
19. Flood overflow, movement of water, and stream bank protection.
20. Wilderness and wildlife preservations areas.
21. Parks, preserves and golf courses.

C. Permitted accessory uses.

1. One garage or carport.
2. One garden shed.
3. General farm buildings, including: barns, silos, sheds, and storage bins.
4. Home occupations as defined in Sec. 5.0 WW.
5. Forest and game management.
6. Roadside stand.
 - b. Not to exceed 200 square feet in size.
 - c. Products must be produced on site.

D. Conditional Uses.

1. Agricultural uses.
2. Accessory uses, including:
 - a. Uses specified in Sec. 3.3.B.2.
 - b. Agri-tourism related businesses.
3. Agriculture-related uses.
4. Two family dwellings.
5. Cemeteries.
6. Veterinary offices.
7. Outdoor commercial recreational uses including recreational camps, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
8. Commercial exhibits of historical or natural significance.
9. The following uses provided the owner or proprietor resides on the premises: Automobiles, farm equipment and small engine repair shops; offices and/or shops in connection with skilled tradesman including plumbers, electricians, carpenters, welders

and the like; and production and/or sales of crafts produced on the premises provided mechanical or chemical processes are incidental or non-existent.

10. Taverns existing before the effective date of adoption of this ordinance.
11. Sales of lawn and garden equipment in connection with a plant nursery.
12. Airports, public or private.
13. Dog Kennels.
14. Bed and breakfast establishments.
15. Boarding stables (maximum one animal unit per acre).
16. Fish hatcheries and aquaculture.
17. Artificial lakes or ponds.
18. Charitable institutions.
19. Microwave radio relay structures and mechanical appurtenances.
20. Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a Residential District.
21. Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
22. Storage garage or parking lot in connection with a housing development project.
23. Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
24. Sanitary landfill.
25. Nonmetallic mineral extraction consistent with Sec. Sec. 3.3.H.

E. Regulations and Standards.

1. Minimum lot area - Five (5) acres.
2. Minimum lot width - 200 feet.
3. Minimum front yard - 25 feet.

3.5 Transitional Residential District

- A. Purpose. The Transitional Residential District is intended to serve as a buffer between the more densely developed southeast section of the Town and the less densely areas to the northwest. Residential development within the Transitional Residential District will occur exclusively through conservation design for subdivision plats and individual parcels created through a certified survey map.
- B. Permitted Uses. The following uses are permitted in the Transitional Residential District.
1. One-family dwellings.
 2. Two-family dwellings.
 3. Manufactured homes, subject to the following requirements:
 - a. The minimum ground floor area shall be 800 square feet.
 - b. Each manufactured home must be built in compliance with either American National Standards Institute or Housing and Urban Development Codes as enforced by the Wisconsin Department of Industry, Labor and Human Relations.
 - c. Foundation base. A base of concrete or crushed rock at least six inches thick, concrete blocks or other properly engineered design which meets the standards of Housing and Urban Development for the proper support of a manufactured home shall be installed.
 - d. Any manufactured home, which has been previously occupied as a dwelling, must have a current fair market value of not less than 60% of its original list price.
 - e. For the purposes of this ordinance, mobile homes shall not be considered manufactured homes.
 4. Public parks, playgrounds.
 5. Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
 6. Conversion of any existing building to a permitted use.
 7. Home occupations, provided that no more than 1 sign not illuminated and not exceeding 2 square feet in area which refers to the home occupation is placed on the premises.

8. Swimming pools, provided that all pools shall maintain a minimum side yard and rear yard clearance of 20 feet from the adjoining property.

C. Conditional Uses.

1. Bed and breakfast establishments.
2. Rest homes, nursing homes, clinics, and commercial childcare facilities.
3. Multiple family dwelling subject to the standards below:
 - a. Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit 700 square feet; for each 2-bedroom unit 800 square feet; for each 3-bedroom unit, 1,000 square feet -- exclusive of common use hallways.
 - b. Off-street parking space. Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, located not less than 5 feet from any side or rear lot line; 1.5 spaces for each 1-bedroom unit; 1.5 spaces for each 2-bedroom unit; and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises. Parking area shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may re-enter the public highway in a forward direction.
 - c. Dimension of Building Sites.
 - (1) Minimum area and width for a 3-family unit shall be a minimum of 1.5 acres (65,340) square feet with a minimum lot width of 200 feet.
 - (2) For more than a 3-family unit, 1.5 acres (65,340) square feet plus 7,500 square feet per family unit in excess of 3, with a minimum lot width of 250 feet.
 - (3) Side yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 60 feet; no single side yard shall be less than 40% of the required total.
 - d. Site Improvements.

- (1) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard service driveway.
 - (2) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic value of the area and to protect adjacent property.
 - (3) Such fencing as may be necessary for the safety of the occupants and the public generally.
- D. Regulations and Standards. The following regulations and standards shall apply to all dwellings.
1. Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than two roomers or boarders.
 2. Location. Dwellings shall be located so as to abut a public road and have a minimum of 150 feet of frontage thereon.
 3. Ground Floor Area. The minimum ground floor area per dwelling unit shall be 850 square feet for 1-story, 800 square feet for split level, and 700 square feet for 2-story plus dwellings; 1/2 of the vertical measurement of the first story must be above ground level.
 4. Off-Street Parking Space
 - a. Each dwelling unit shall be provided with a minimum of 2 off-street parking spaces located on the same lot or tract of land as the dwelling served;
 - b. Such off-street parking space shall total at least 300 square feet for each space required;
 - c. Location: such space shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.
 5. Preserved Open Space. A minimum of forty percent (40%) of each new parcel created through a certified survey map and a minimum of forty percent (40%) of the gross tract area of any subdivision created through a plat shall be permanently preserved as open space.
- E. Dimensions of Building Sites for Unsewered 1 and 2 Family Units.

1. The minimum lot area shall be ½-acre for each parcel created within a conservation design subdivision.
2. The floor area for a garage(s) on a lot with a single family use shall not exceed 750 square feet in area for any single garage nor 900 square feet in area for a combined total of a detached garage and one other outbuilding.
3. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383 and/or ch. SPS 385, Wisconsin Administrative Code or the appropriate regulations of Outagamie County then such larger lot sizes shall be considered as required by the zoning ordinance.
4. Buildings may not to exceed 35 feet or 2½ stories in height.
5. For buildings not over 1½ stories in height, the sum of the width or the required side yards shall not be less than 25 feet and no single side yard shall be less than 10 feet.
6. For buildings from 1½ to 2½ stories in height, the sum of the width of the required side yards shall not be less than 30 feet and no single side yard shall be less than 12 feet.
7. A minimum rear yard depth of 25 feet and a water setback of 75 feet on riparian lots, riparian lot setbacks shall comply with applicable county ordinance and state law.
8. Road setbacks:
 - a. Along town and private roads, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater. Within platted subdivisions, 30 feet from the right-of-way line as shown on the recorded subdivision plat.
 - b. Along state and federal highways, no less than 100 feet from the centerline of the road or 65 feet from the right of way line, whichever is greater and including subdivisions.
9. Vision corners shall be reserved at all road intersections. In each quadrant of every public or private street intersection, there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them 300 feet from a Class 1 highway intersection, and 200 feet from a Class 2 highway intersection.

10. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a town building permit.

F. Substandard Lots.

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

3.6 Rural Development District

- A. Purpose. The Purpose of the Rural Development District is to designate those areas where unsewaged home sites could be developed on a scattered basis.

1. Permitted Uses. No building or premises shall be used and no building shall hereafter be erected or structurally altered, unless for one or more of the following uses:
 - a. Single Family Dwellings
 - b. Churches, schools, colleges, libraries, museums, hospitals, and community buildings
 - c. General farming and truck gardening, except farms operated for the disposal or reduction of garbage, sewage, rubbish or offal and fur farms.
 - d. Nurseries and greenhouses.
 - e. Parks, playgrounds, golf courses and private clubs, except those whose principal activity is a service customarily carried on as a business.
 - f. Telephone offices, telephone, telegraph, television and power transmissions lines and substations.
 - g. Accessory buildings.
 - h. Uses customarily incident to the above permitted uses when located on the same lot and not including the conduct of

business, including the office of a physician, lawyer, architect, engineer, surgeon, dentist, musician or similar profession, when situated with the dwelling provided that no name plate exceeding one square foot in area shall be permitted.

- i. Home occupations not involving the conduct of business on the premises.
- j. Signs pertaining to the lease, hire or sale of the premises, not more than two square feet in area.

B. Conditional Uses. The following uses, when the location of each use shall have been approved by the Board of Appeals, shall be a permitted Conditional Uses. Such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon the desirability or understandability for the proposed location from the standpoint of public interest because of such factors as, without limitation because of enumeration, smoke, dust, noxious or toxic gases and odors, noise, vibration, heavy vehicular traffic and increased traffic on public streets, such uses shall also be required to meet the specific conditions attached below.

1. A combination residence and professional office of a doctor, dentist, chiropractor, professional engineer, architect or similar profession provided:
 - a. No more than one principal and one assistant employed on the premises.
 - b. Off-street parking shall be provided for at least five cars. Such parking area shall be shielded from view of adjoining residences by a decorative fence at least five feet high.
 - c. One sign no more than four square feet in area may be permitted indicating the name and nature of the profession only. Such sign shall be attached to the building or shall comply with set-back regulations specified in Highway Setback Lines.
2. Two family residences.
3. Manufactured and/ or Mobile home.
4. Telecommunication Towers.

3.7 Mobile Home Exception when not in a Mobile Home Park

- A. Single Mobile Home may be parked in any district for a period not exceeding thirty (30) days without securing a permit from the Town Board provided that the location of such mobile home shall comply with the regulations for accessory buildings in that district. Single trailers parked for longer than thirty (30) days shall be considered a residence, and the owner thereof shall apply for a permit from the Town Board and comply with all the other regulations set out in this chapter.
- B. Under no circumstances, unless the owner of the mobile home owns the land on which the mobile home is located, may a mobile home be occupied as a residence for a period of more than ninety (90) days, without securing an extension of time from the Town Clerk, who will only issue such extension subject to the approval and conditions as determined by the Town Board.
- C. Mobile and/or manufactured homes must meet manufacture housing codes after 1976.

3.8 Commercial District

- A. Permitted Uses. In the Commercial District no building or premises shall be used, and no building shall hereafter be erected or structurally altered unless otherwise provided in this chapter, except for one or more of the following specified uses:
 - 1. All uses permitted in the Single Family Residence District.
 - 2. Two-family residences.
 - 3. Retail business and service establishments providing:
 - a. There shall be no manufacture, compounding or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises.
 - b. Such uses, operations or products shall not be objectionable due odor, dust, smoke, vibrations or other similar causes.

4. A temporary structure only on approval of the Town Board and a time element shall be placed on such structure for removal or completion.
 5. Contractor's storage yards employing not more than five persons.
 6. Motor vehicle sales, service and repairs provided that no entrance or exit from such establishment shall be located within two hundred feet (200') of an entrance to or exit from a public or a private school, park, playground, public library, church, hospital, home for children, or the aged or other similar public or semi-public institution.
 7. Billboards and signs providing such structures, regardless of size, comply with setback regulations.
 8. Clinic
- B. Conditional Uses. The following uses when the location thereof has been approved in writing by the Board of Appeals and such approval shall be consistent with the general purpose and intent of this chapter and shall be based upon such evidence as may be presented at the public hearing tending to show the desirability or undesirability of specific proposed use from the stand point of the public interest, because of such factors as, without limitation because of enumeration, dust, noise, glare, odor, vibration and increased traffic on the public streets:
1. Animal hospital, pet shop, veterinary.
 2. Auction house, provided that there is sufficient off-street parking.
 3. Automobile sales room, garage, service station and storage yard for vehicles, equipment or sales supplies, including used car lots, but not including automobile wrecking yards and truck yards.
 4. Dance hall, skating rink and commercial recreational center.
 5. Go-Kart and other similar race tracks.
 6. Taverns, beer depots, liquor stores.
 7. Wholesaler, distributor.
 8. Tourist camps when such camps provide not less than 3,800 square feet of lot area for each cabin, trailer, tent, or house car, provided however, that no person other than the owner shall occupy any tourist camp for more than ninety (90) days in any one year.

9. Telecommunication Towers.

C. Height and Area

1. Height. Buildings hereafter erected or structurally altered shall exceed neither four stories nor fifty (50) feet in height.
2. Setback. Shall not be less than twenty-five (25) from all roads, alleys, and service roads except for U.S. Highway "41" and all class "A" Highways which shall require a setback of fifty-five (55) feet from the highway right-of-way line unless such highways are provided with service roads, in which case the set back shall be twenty-five (25) feet from the service road right-of-way line, otherwise as provided in Highway Setback Lines. Set backs for on premise signs shall not be less than five (5) feet from the road right of way and seventy five (75) feet from an intersection and no less than ten (10) feet from the ground in Commercial and Light Industrial District. Bill Board signs shall refer to the Bill Board Ordinance.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet.
4. Side Yard. For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations of the Rural Development District shall apply. In all other cases a side yard of five feet is required unless adequate vehicle access to the rear yard is provided and is approved by the Town Board, in which case the Town Board may eliminate the side yard requirement.
5. Lot Area. For building or parts of buildings hereafter erected, moved or structurally altered for residential purposes, the lot area requirements of the Rural Development shall apply, otherwise there shall be no minimum lot area for this district.

3.9 Light Industrial District

- A. Permitted Uses. In the Light Industrial District no premises shall be used and no building shall be erected or structurally altered, unless otherwise provided in this chapter except for one or more of the following uses:

1. All uses permitted in the Commercial District.
2. Printing and Publishing.
3. Paper products manufacturing except for manufacture of paper.
4. Repair, service and assembly of vehicles.
5. Storage and warehousing, except the storage of old iron, bottles, rags or junk, or so called automobile wrecking garage or business of wrecking and parking automobile wrecks on the premises or in garages.
6. Bottling works and non-alcoholic beverage manufacture.
7. Food processing and packing.
8. Contractor's storage yards.
9. Fuel and material yards.
10. Wood products manufacture and repair.
11. Office, home appliance and sporting goods manufacture.
12. Wholesale business.
13. Leather goods manufacture.
14. Manufacture of products from woven goods.
15. Cleaning, dyeing, pressing and laundry establishments.
16. Laboratories.
17. Jewelry and cosmetic manufacture.
18. Telecommunication Towers.
19. Enameling and painting.
20. Sheet metal works and tinsmith.
21. Ice plant.
22. Warehousing.
23. Bakeries.
24. Any kind of processing or treatment which is clearly incidental to the conduct of a wholesale business conducted on the premises.
25. Power Plant.

B. Automotive Salvage yards. No automotive salvage on the property.

C. Height and Area. For buildings or parts of buildings hereafter erected, moved or structurally altered, the height and area requirements shall be the same as for the Commercial District.

D. Noise Ordinance. Loud Noises prohibited.

1. Purpose. Noise is a serious hazard to the public health, welfare, safety and quality of life. Continued exposure to noise above 85 decibels over time will cause hearing loss. In general, the louder the noise, the less time required before hearing loss will occur. According to OSHA standards, hearing loss begins to occur after eight (8) hours of exposure of sound at 85 decibels. In addition, noise pollution causes other health problems including increased heart rates, blood pressure, cholesterol, respiratory, digestive and mental health problems. It also negatively impacts real estate values, land use, wild life and farm animals. The citizens of the Town have a right to an environment free from excessive sound that may jeopardize their health, welfare, safety, and/or degrade their quality of life.
2. Maximum Permissible Sound Levels. No person shall exceed the maximum permissible sound levels:
 - a. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. 85 decibels.
 - b. All other times, 70 decibels.
3. Sound levels measurements.
 - a. Sound levels shall be measured by a Sound Level Pressure Meter or a Decibel Meter.
 - b. Sound measurements shall be made at the nearest lot line of the premise from which a sound complaint is received.
 - c. The Meter shall be placed at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions and all other sound reflexive surfaces.
4. Mitigation of Sound. Any person engaging in an industrial activity that produces more than 85 decibels must mitigate the sound. Methods of mitigation may include:
 - a. Design and fabrication of silencing devices for the sound producing equipment used.
 - b. Changing the design or operation of machines adding vibration control, soundproof enclosures, and/or use of sound absorbing materials.
 - c. Location of the sound producing machinery or operation as far away from the lot lines.

- d. Use of vegetative buffers such as shrubs, trees, berms to absorb sound.
 - e. Any other sound mitigation method approved by the Board of Appeals.
5. Exemption. This provision shall not be applicable to:
- a. Any Town vehicle while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the Town, County or State.

3.10 Heavy Industrial District

A. Permitted Uses. In the Heavy Industrial District a building or premises may be used for any use except the following:

- 1. Residential, educational and institutional uses.
- 2. Uses which are hazardous and uses which are noxious by reason of the emission of smoke, dust, gas, odors, or noise, unless the location of such use has been approved by the Board of Adjustment after a Public hearing.
- 3. Wrecking or storage yard, unless it shall be fenced in by a tight board fence or equal, at least eight (8) feet high and such fence shall comply with the setback regulations. The location shall be approved by the Plan Commission after a public hearing.
- 4. Telecommunication Towers shall be permitted.

B. Height and Area. Same as Commercial District.

- 1. Side and Rear Yards. Same as Commercial District.
- 2. Setback. Same as Commercial District.

C. Noise Ordinance. Loud Noises prohibited. Same as 3.9(D).

3.11 Resource Conservation Overlay

A. Purpose. The Purpose of the overlay is to preserve, protect, enhance, and restore all significant woodlands, streams, lakes, wetlands, related scenic areas, sub marginal farm lands, and abandoned

mineral extraction lands within the Township. Regulation of these areas will serve to control erosion and sedimentation; and will promote and maintain the natural beauty of the Township, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the Town.

- B. Lands Included within the Wetlands District consists of those lands in the Township of Kaukauna which are mapped as floodway or floodplain areas on the U.S. Department of Housing and Urban Development's Flood Boundary and Floodway Maps which are on file in the office of the Outagamie County Zoning Administration Office. In addition to these lands, the Wetlands District also includes wetlands as delineated by type according to categories developed in the U.S. Fish and Wildlife Service's Circular 39 and mapped by East Central Wisconsin Regional Planning Commission.
- C. The Resource Conservation Overlay is an overlay over the Prime Agricultural Land District and the other districts. Where the Resource Conservation Overlay overlays the Rural Development, Commercial, Light Industrial, or Heavy Industrial District, only the Resource Conservation Overlay permitted uses, exceptions and requirements apply. Where the Resource Conservation Overlay overlays the Prime Agricultural Land District, the most restrictive provisions of either of these two districts apply.
- D. Permitted Uses. The following uses are permitted in this district provided that such uses are conducted in accordance with acceptable conservation standards and such use would not substantially disturb or impair the natural fauna, flora water courses, water regimen or topography:
 - 1. Farming and related agricultural uses in accordance with the S.C.S. Conservation Standards.
 - 2. Boat Landing Sites.
 - 3. Fish Hatcheries.

4. Flood overflow and movement of water.
5. Forest and Game management.
6. Hunting and fishing clubs.
7. Navigation.
8. Park and Recreation areas.
9. Stream bank protection.
10. Swimming beaches.
11. Wilderness areas and wildlife preservation and refuges.
12. Hiking and Nature trails.
13. Wild crop harvesting.

E. Conditional Uses

1. Building and structures when related to permitted uses.
2. Drainage.
3. Impoundment.
4. Telecommunication Towers.

3.12 Critical Areas Overlay

- A. Purpose. The Critical Areas Overlay is intended to protect the public health and safety by minimizing development in areas prone to unwanted soil erosion and groundwater contamination, and on sites difficult to develop in a safe manner, and promote the general welfare by preserving unique and valuable geologic and other natural resource features of the Town of Kaukauna. The regulations of the Critical Areas Overlay are premised, in part, on a shared community vision, discovered and detailed through the comprehensive planning process, that calls for protection of natural resources and unique geologic features found within the Town.
- B. General Protection Policies. It is the policy of the Town of Kaukauna that the beneficial functions, structures, and values of critical areas be protected, and, further, that potential dangers or public costs associated with inappropriate use of such areas be eliminated or reduced by reasonable regulation. The standards of the Critical Areas Overlay represent a reasonable balance between individual and collective interests. In striking that balance, the Town recognizes

that, because of the wide variety of types of developments, and the relationships between them and their natural environments, it is neither possible nor advisable to establish inflexible critical areas protection standards. The standards set forth in this section are presumptive requirements. The reviewing body may permit deviations from these presumptive standards whenever it is determined that such deviations will satisfy the purposes of Sec. 3.12. In considering the appropriate course of action to follow when allowing deviations from the standards, the preferences set forth below are established to guide development actions; they are in no particular order, and may be mixed to achieve maximum critical areas protection while facilitating reasonable use of property:

1. Avoid the impact altogether by not allowing a particular action unless no reasonable, noncritical area alternatives are available.
2. Avoid the impact by directing the particular action to noncritical areas on the same site, which may require deviation from the physical or dimensional requirements of this Ordinance (such as setbacks or lot dimensions).
3. Minimize the impact by limiting the degree or magnitude of the action.
4. Rectify the impact by repairing, rehabilitating or restoring the affected critical area.

C. Triggering applications. The regulations of Sec. 3.12 apply in all zoning districts, and are triggered whenever an application for any of the following actions is filed (hereinafter referred to as “triggering applications”) and it is found that such action is taking place on a parcel of real property containing a designated critical area or its buffer:

1. Any permit or action set forth in this Ordinance.
2. Any permit required by Outagamie County Subdivision Regulations.
3. Clearing and grading permits or permits for any other development activity.

D. Exemptions. The following activities are specifically exempt from the provisions of Sec. 3.12, whether or not such activity requires the submission of a triggering application:

1. Existing and ongoing agricultural activities, including all lands zoned Exclusive Agriculture/Farmland Preservation.
2. Normal and routine maintenance and operation of existing irrigation and drainage ditches, swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons and livestock water ponds; provided that such activities do not involve conversion of any critical areas not being used for such activities to another use;
3. Construction, maintenance, operation and repair or replacement of existing utility facilities and associated rights-of-way, including reasonable access roads;
4. Site investigative work in conjunction with the preparation of a land use application submittal, such as surveys, soil logs, percolation tests and other related activities;
5. Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways;
6. Any projects for which application(s) have been submitted prior to the adoption of this Ordinance.

E. Application of Standards. No application involving a designated critical area shall be approved unless it is determined to be in compliance with Sec. 3.12 of this Ordinance. The standards of Sec. 3.12 of this Ordinance shall be applied in addition to other applicable requirements of this Ordinance. Whenever other requirements of this Ordinance conflict with the requirements of Sec. 3.12, the most stringent requirements shall govern. In instances where a proposal involves a parcel of real property with more than one critical area the standards that pertain to each identified critical area shall apply. Compliance with Sec. 3.12 shall not remove any obligations with respect to applicable provisions of any other federal, state, county or Town regulation.

F. Identification of Critical Areas. Upon submittal of triggering application, the Permit Issuer shall determine the probable existence of critical areas on the parcel involved in the application. The Permit Issuer shall review and consider the most appropriate, publicly available information in determining the probable existence of critical areas, including, but not limited to, the following:

1. Large scale (1" = 200') Outagamie County topographic maps.
2. USGS 7.5-minute topographic quadrangle maps.
3. 1" = 400' aerial photographs.
4. Wisconsin Wetland Inventory maps prepared by the Wisconsin Department of Natural Resources.
5. Town of Kaukauna Comprehensive Plan.

G. Requirements of Access and Additional Studies. The Permit Issuer may also conduct field investigations with permission of the landowner, and may require private studies be conducted by the applicant, including, but not limited to, the following:

1. Topographic surveys prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
2. Field surveys of trees and/or plant material compiled by a landscape architect, forester, arborist, biologist or botanist with a professional degree in one of those fields of endeavor.

H. Application Process.

1. Conditional Use Permit Required. Any action taking place on a parcel of real property containing a designated critical area requires that the applicant apply for, and be granted a Conditional Use Permit. If the triggering application is an application for a Conditional Use Permit, such application shall be sufficient to satisfy this requirement.
2. Submission Requirements. Applicants shall submit the following information along with the application for a Conditional Use Permit:

- a. Ten (10) full size copies of a "Critical Areas Protection Plan" prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate that correctly shows the following information:
 - (1) A drawing legend at appropriate scale with the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two (2) foot contour interval.
 - (2) The location of the proposed development activity.
 - (3) The names, addresses and telephone numbers of the owners, Subdividers, lessee and/or developer(s) of the property and of the designer of the plan.
 - (4) The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
 - (5) The location of any existing or proposed lot lines, right-of-way lines and easements.
 - (6) The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
 - (7) The location and extent of any existing critical areas features defined and described in Sec. 3.12 J-K below. Each individual resource area on the site shall be graphically and numerically shown on the Critical Areas Protection Plan.
 - (8) Graphic and numeric illustration shown on the Critical Areas Protection Plan of those existing critical areas features (in square feet or acres) that will be disturbed and those that will be preserved. Numeric data may be shown in tabular form with labeled reference to specific areas designated on the Critical Areas Protection Plan.
 - (9) Graphic illustration and notes relating to how the protection/mitigation measures will be achieved.
3. Application Processing. If the procedures governing the triggering application require Planning Commission or Board of Appeals review, the Critical Areas Protection Plan shall be reviewed, and protection standards applied, by the applicable decision-making body concurrent with the triggering application. In all other

cases, the Critical Areas Protection Plan shall be reviewed, and protection standards applied, by following the procedures for Site Plan Review set forth in Sec. 2.13 of this Ordinance.

- I. Required Findings. In addition to addressing the decision criteria of the underlying triggering application, the decision-making body shall also determine how the Critical Areas Protection Plan meets the protection standards set forth in Sec.3.12 or, when deviation from the standards is permitted, how the plan achieves maximum critical areas protection while facilitating reasonable use of property.

- J. Critical Area #1: Woodlands.
 1. Purpose. The woodlands of the Town of Kaukauna significantly contribute to the scenic attractiveness of the town and provide habitat for numerous species of plant and animal life. The purpose of these regulations is to perpetuate the existence of woodlands.
 2. Regulated Area. Mature woodlands wherein twenty-five (25) percent or more of the trees have a diameter-at-breast-height (DBH) of twenty (20) inches or more. Commercial tree farms shall not be considered woodlands for the purposes of Sec. 3.12.
 3. Prohibited or Regulated Activities.
 - a. Clearing of trees shall be permitted for building footprints, driveways and sites for onsite sewage disposal systems. Building footprints may be cleared a distance of twenty-five (25) feet from the exterior walls of principal buildings and fifteen (15) feet from accessory buildings. Selective pruning of remaining trees shall be permitted, provided that seventy (70) percent of the original canopy is left intact. (b) Selective pruning of woodlands shall be permitted, provided that seventy (70) percent of the original canopy is left intact.
 - b. Clear cutting on contiguous land under single ownership shall be permitted, provided that the clear-cut area not exceed the lesser of ten (10) acres or thirty (30) percent of woodlands in any ten-year period. An area clear-cut for commercial purposes shall not be converted or developed for another use

within seven (7) years from the date clear cutting was completed.

- c. Other sound forestry practice techniques (as defined in Chapter 46, Wisconsin Administrative Code) recommended by a qualified forester are permitted if designed to protect or enhance the woodlands.
- 4. Exceptions. Exceptions to these restrictions may be granted upon a showing of special needs or circumstances of the landowner.

K. Critical Area #2: Riparian Corridors.

- 1. Purpose. The purposes of regulating riparian corridors are to promote safe conditions by preventing land uses inconsistent with preserving and protecting surface waters from the negative affects of nonpoint water pollution; protect important aquatic species and habitat; and maintain lower water temperatures in area streams.
- 2. Regulated Area. A protective buffer extending 100 feet from the high water mark of any perennial stream.
- 3. Prohibited of Regulated Activities.
 - a. Any activity that permanently alters the landscape within the regulated area including, but not limited to: plowing, gardening, planting of turf grass, and non-native landscaping.
 - b. Artificial hardening of stream banks utilizing concrete embankments, riprap, or similar methods.
 - c. Removal of existing mature vegetation and existing native species shall be minimized to the greatest extent possible.
- 4. Exceptions.
 - a. For Existing Lots of Record. Nothing in Sec. 3.12 shall prevent one one-family detached home from being built on any legal lot existing on the effective date of this Ordinance, provided it complies with the other development standards of this Ordinance, any grading ordinances presently in effect, and the development standards of the underlying zone. Where provisions may conflict, the most restrictive shall apply.
 - b. Outagamie County Drainage Districts. Nothing in Sec. 3.12 conflict with the rules and regulations of the Outagamie County Drainage District.

3.13 Mixed Commercial/Light Industrial Overlay

- A. Purpose. To allow for a mixture of commercial and light industrial uses, when compatible, within the areas identified on the Town of Kaukauna Comprehensive Plan Future Land Use Map as Mixed Commercial/Light Industrial Nodes.
- B. Permitted Uses. There are no permitted used within the Mixed Commercial/Light Industrial Overlay.
- C. Conditional Uses. All uses identified as permitted or conditional in the Commercial District and the Light Industrial District.
- D. The Mixed Commercial/Light Industrial overlay may not be applied to lands within the Exclusive Agricultural/Farmland Preservation District unless those lands are first rezoned out of the Exclusive Agricultural/Farmland Preservation District.

4.0 Applications and Approvals

4.1 Conditional Use Permits.

- A. Ten (10) copies of the Application for Conditional Use permits shall be submitted to the Town Clerk for distribution to the Planning Commission and Town board, and shall include the following where pertinent and necessary for proper review by the Planning Commission:
1. Name and Address of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners on record.
 2. Description of the subject site; by lot, block, and recordable subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Plat of Survey Prepared by a land surveyor registered in Wisconsin or other map drawn to scale showing the location of property boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat if survey shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines; mean and historic high water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.
 4. Any Additional Information may be required by the Planning Commission which is pertinent and necessary for proper review.
 5. Fee shall be set by the Town Board.
- B. Review and Approval.
1. The Planning Commission shall review the site, existing and proposed structures, architectural plans, neighboring land and

water uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the efforts of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shore land cover, natural beauty and wildlife habitat, and shall hold a public hearing after publishing a Class 2 notice thereof under Chapter 985, Wisconsin Statutes. Following the public hearing, the Planning Commission shall make a recommendation to the Town Board to approve, approve with conditions, or deny the application for a Conditional Use Permit.

2. Approval shall be granted by the Town Board provided that such Conditional Use and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive or otherwise not adverse to the environmental quality, water quality, shore land cover or property values in the Township.
 - a. Condition such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood proofing, ground cover, diversions, setting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the Planning Commission and Town Board upon finding that these are necessary to fulfill the purpose and intent of this Ordinance, the State Water Resources Act of 1965, and to meet the provisions of the Wisconsin and Outagamie County Floodplain and Shoreland Management Programs.
 - b. Compliance with all other provisions of this ordinance, such as lot, width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.
3. Existing Uses all uses existing at the effective date of this Ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be

established after the effective date of this ordinance, are hereby declared to be conforming Conditional Uses to the extent of the existing operation only. Any addition, alteration, extension or other proposed change in the existing operation shall be subject to the Conditional Use procedures as if such use were being established anew.

4.2 Rezone Request

- A. Application for rezoning shall be made in triplicate to Town Board, with one copy furnished to the Town Planning Commission, and shall include the following where pertinent and necessary for proper review by the Town Board.
1. Name and Address of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners on record.
 2. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Plat of Survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale showing the location of property boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the locations, elevations, and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines; mean and historic high water lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping.
 4. Any Additional Information may be required by the Town Board which is pertinent and necessary for proper review.
 5. Fees Receipt fees shall be set by the Town Board.

- B. The Planning Commission shall make its recommendation to the Town Board at the public hearing. This recommendation is advisory only. If no recommendation is made at the public hearing, the Town Board may act without it. If the rezone application is approved by the Town Board, a resolution shall accordingly be adopted. The applicant shall thereafter pay all filing fees and expenses required for a petition to the County Board for approval of the rezone application, the zoning ordinance and town zoning maps shall be amended accordingly effective upon the date of approval by the County Board.
- C. All rezones of Exclusive Agricultural/Farmland Preservation District parcels must be consistent with Sec. 3.3 I-N and Ch. 91 state statutes.

4.3 Non-Conforming Structures

- A. An ordinance enacted under this section may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure, per Sec. 60.61(5e)(b), state statutes.
- B. The lawful non-conforming use of the structure, existing at the time of the adoption or amendment of this ordinance, may be continued although the use does not conform with the provisions of this ordinance, except that:
 - 1. Only that Portion of the Structure in actual use may be so continued and the non-conforming use may not be extended, enlarged, substituted or moved except existing commercial and industrial uses may be enlarged to fifty percent (50%) of their square footage at the time of adoption of this ordinance.
 - 2. Repair and Alterations permitted under the provisions of this ordinance to non-conforming structures on flood lands shall be flood proofed.
 - 3. If Such Non-Conforming Use is Discontinued or terminated for a period of twelve (12) months, any future use of a structure, land or water, shall conform to the provisions of this ordinance.

4. Once a Non-Conforming Use of Structure has been Changed or Altered so as to comply with the provisions of this ordinance, it shall not revert back to a non-conforming use or structure.
5. No such structure shall be altered in any manner which would increase the degree of nonconformity. No such structure shall be extended or enlarged. Any nonconforming structure which is damaged or destroyed on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size, location and use that it had immediately before the damage or destruction occurred. Any other non-conforming structures which are hereafter destroyed or damaged beyond repair may not be replaced unless the new structure conforms to the existing zoning regulations.

5.0 Definitions

5.1 Applicability. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.

A. Accessory Use or Structure - 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. Adjacent - 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.

B. 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.

C. Agriculture-related Use - 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 Exclusive Agricultural/Farmland Preservation district.
2. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Exclusive Agricultural/Farmland Preservation district.
 3. Slaughtering livestock, including livestock from farms in the Exclusive Agricultural/Farmland Preservation district.
 4. Marketing livestock to or from farms, including farms in the Exclusive Agricultural/Farmland Preservation district.
 5. Processing agricultural by-products or wastes received directly from farms, including farms in the Exclusive Agricultural/Farmland Preservation district.
- D. Airport, Public - Any airport which complies with the definition contained in Sec. 114.002 (7), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- E. Animal Units - Has the meaning that was given in s. NR 243.03(3) as of April 27, 2004.
- F. Aquaculture - See Fish Hatchery, 00.
- G. Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
- H. Base Farm Tract - all land whether one parcel or two or more contiguous parcels, that is in the Exclusive Agricultural/Farmland Preservation district and that is part of a single farm on **insert date DATCP certifies ordinance** regardless of any subsequent changes in the size of the farm.
- I. Basement - A story partly underground which, if occupied as living quarters, shall be counted as a story for purposes of height measurements.

- J. Boarding House - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for five or more persons not members of a family.
- K. Building - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by solid walls extending from the ground up, each part shall be deemed a separate building.
- L. Building, Accessory - A building or portion of a building subordinate to the main Eldorado building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- M. 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.
- N. Building, Main - A building constituting the principal use of a lot.
- O. Center Line - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- P. Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.
- Q. Common ownership - Ownership by the same person or persons, or by persons that are all 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.

- R. Community Based Residential Facility (CBRF) - A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A CBRF is subject to State-level licensing and operational limitations as set forth in Chapter 50, Wis. Stats.
- S. Conditional Uses - Uses of a special nature that make it impractical to predetermine as a permitted use in a district.
- T. Contiguous - 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.
- U. Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- V. Developers Agreement - An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Code apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town.
- W. Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one (1) residential dwelling/unit, commercial building, or property.
- X. Dwelling, One Family - A detached building designed for or occupied exclusively by one family.
- Y. Dwelling, Two Family - A detached or semidetached building designed for and occupied exclusively by two families.

- Z. Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- AA. Election Campaign Period - In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- BB. Encroachment - Any fill, structure, building, use or development in the floodway.
- CC. Erosion - The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- DD. Essential Services - Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- EE. Family - For the purposes of the Town of Kaukauna zoning ordinance, a family shall be considered any of the following:
1. An individual.
 2. 2 or more persons related by blood, marriage, or adoption.
 3. A maximum of 5 persons not so related, maintaining a common household in a dwelling unit or lodging unit.

- FF. Farm - All land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
 2. A majority of the land area is in agricultural use.
- GG. Farm acreage - The combined total acreage of all of the following in the base farm tract:
1. Farms.
 2. Open space parcels of more than 10 acres
- HH. Farm Operator - Any person who owns land and raises crops or livestock on that land or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation or a person who lives on land that he has historically farmed. For the purpose of this chapter, any person who has farmed land for 5 consecutive years is deemed to have farmed it historically.
- II. Farm residence - Any of the following structures located on a farm:
1. A single-family [or duplex] residence that is the only residential structure on the farm.
 2. A single-family [or duplex] residence that is occupied by any of the following:
 3. An owner or operator of the farm.
 4. A parent or child of an owner or operator of the farm
 5. An individual who earns more than 50 percent of his or her gross income from the farm.
 6. A migrant labor camp that is certified under s. 103.92, Wis. Stats.
- JJ. Farmers' Market - The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than 5 bushels per day of farm produce grown off the premises is not considered a

farmers market.

- KK. Fence, Open - A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.
- LL. Fence, Ornamental - A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.
- MM. Fence, Security - A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.
- NN. Fence, Solid - A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
- OO. Fish Hatchery - The establishment, operation, and maintenance of a facility for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 19.
- PP. Frontage - All the property abutting on a road or street.
- QQ. Game Farm - The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 16 and 19.
- RR. Garage, Private - An accessory building or space for the storage of not more than two motor-driven vehicles.
- SS. Garage, Public - Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped,

repaired, serviced, hired, sold or stored.

- TT. 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.
- UU. Gross Farm Revenue - Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the landowner.
- VV. High-water Mark or Elevation - The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- WW. Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no mechanical equipment is used other than such as is ordinarily used for domestic purposes, that no sign other than one unlighted name plate no more than 2 feet square is installed, and that no person other than a member of the immediate family living on the premises is employed.
- XX. 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.
- YY. 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.
- ZZ. Kennel - A use of land in which more than 3 dogs over 6 months of age are kept on the premises.
- AAA. Landmark - Any structure or improvement which has a special

character or special historic interest or value as part of the development, heritage or cultural characteristics of the community, State, or nation and which has been designated as a landmark pursuant to the provisions of this chapter.

- BBB. Landmark Site - Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site pursuant to the provisions of this chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- CCC. Land Owner - Any person holding title to or having an interest in land.
- DDD. Land User - Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his land.
- EEE. Livestock - Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- FFF. Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
- GGG. Lot, Zoning - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by 1 or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.
- HHH. Lot, Corner - A lot located (a) at the junction of and abutting 2 or more intersecting streets; or (b) at the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin; or (c) at the junction of and abutting 2 or more storm or flood water runoff channels or basins; or (d) at and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.

- III. Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- JJJ. Lot, Interior - A lot other than a corner lot.
- KKK. Lot Width - The distance between sides of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot at both the building line and the waterline.
- LLL. Mobile or Manufactured Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
- MMM. Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- NNN. Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- OOO. Nonconforming Structure - A dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance." Wis. Stat. § 60.61(5e)(a)2.
- PPP. Nonconforming Use - A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. Wis. Stat. § 60.61(5)(ab).
- QQQ. Nonfarm Residence - Any residence other than a farm residence.
- RRR. Nonfarm Residential Acreage - The combined total acreage of all parcels on which nonfarm residences are located, all parcels on

which the Town of Eldorado has approved nonfarm residences, all parcels of 10 acres or less that do not qualify as farms, and the parcel to which the conditional use permit application pertains. If a residence is located or proposed to be located on an undivided farm, but does not qualify as a farm residence, the size of the residential parcel is deemed to be 10 acres.

- SSS. Overlay District - Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirement shall apply.
- TTT. Person - An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- UUU. Planned Unit Development - The PUD Planned Unit Development is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code.
- VVV. Prime Farmland - All of the following:
1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 2. Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
- WWW. Principal Use or Structure - The main use of land or structures as distinguished from a secondary or accessory use.

- XXX. 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.
- YYY. Protected Farmland - Land that is any of the following:
1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
 2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
 3. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
 4. Otherwise legally protected from nonagricultural development.
- ZZZ. 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.
- AAAA. Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- BBBB. Setback - Lines established along highways at specified distances from the center line, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.
- CCCC. Shorelands - Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.

- DDDD. 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.
- EEEE. Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- FFFF. Stable - "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.
- GGGG. Street - All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21 feet or more in width.
- HHHH. Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- IIII. Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- JJJJ. Temporary Structure - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- KKKK. Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from 1 location or position to another.
- LLLL. Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- MMMM. 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, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

- NNNN. Variance - An authorization granted by the Board of Zoning Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this chapter.
- OOOO. Yard - An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- PPPP. 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.
- QQQQ. 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.
- RRRR. 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.

APPENDIX A: ORDINANCE REGULATING DISPOSITION OF WASTE MATERIAL

The Town Board of the Town of Kaukauna, Outagamie County, Wis. does ordain as follows:

That it shall be unlawful for any person, corporation, partnership, or other type of organization to deposit waste on lands in the Township of Kaukauna, Outagamie County, Wisconsin unless there is first obtained from the Town Board of Kaukauna, a permit authorizing such disposition. A separate permit must be obtained by each property owner upon whose land such disposal of waste shall take place and such permit shall be valid for three (3) months after date of issuance. The Town Board reserves the right to revoke and permit with due cause. A permit shall not be required for deposit of waste on a duly licensed landfill site.

Waste defined for the purposes of this Ordinance shall mean garbage, sludge from waste water treatment plants, sludge from paper mills, and other organic wastes but excluding from this definition animal manure commonly used by farmers for fertilizer. The permit shall be obtained by applying to the Town Board of Kaukauna and such application shall be in writing and shall state the dates that the disposal shall take place; and adequate description of the lands upon which such disposal shall take place; the source from which the waste material is acquired; the name and address of the party transporting or delivering such waste material to the property owner in the event the property owner is not such transporting party. A fee of twenty dollars (\$20.00) shall be charged for each permit. No permit shall be issued until the fee has been first paid to the Town Board. Applications for permit shall be made by the property owner upon whose land the disposal is to take place. A permit so acquired shall be displayed publicly on the premises upon which the waste disposal is being applied.

It shall be unlawful for the property owner upon whose land such disposal of waste occurs to store or stockpile such waste delivered to the property. The application of the waste upon the property shall be not over two (2) inches in depth in anyone place and may not be applied on the same property more often than once every four years. The property owner must work such waste into the soil within the time limits as may be prescribed by any regulations by the Department of Natural Resources of the State of Wisconsin but in no event shall said waste be on the property without being worked into the soil for a period of longer than twenty-four (24) hours after the same has been applied.

The property owner, for the purposes of this Ordinance, is defined as being any person, partnership, corporation, or other type of organization owning, renting, or otherwise using or controlling the use of lands within the boundaries of the Township of Kaukauna, Outagamie County, Wisconsin and upon whose land waste is disposed of or distributed requiring a permit under the terms of this Ordinance.

A transporter, for the purposes of this Ordinance, is defined to be any person, partnership, corporation or other type of organization who, by truck or other conveyance, hauls waste subject to the provisions of this Ordinance within the boundaries of the Township of Kaukauna, Outagamie County, Wisconsin.

The Township of Kaukauna may require any transporter of waste materials in the Township of Kaukauna, for dispositions on lands in the Township of Kaukauna pursuant to this Ordinance, to present an adequate analysis of the waste material so being transported for disposition so as to enable the determination as to whether bacteria or material harmful or injurious to the general public exists in such wastes. Failure on the part of a transporter to produce an adequate analysis upon request of the Town Board of the Township of Kaukauna shall constitute a violation of this ordinance. The Township of Kaukauna reserves the right to take random samples of waste disposed of on lands in the Township of Kaukauna pursuant to this Ordinance, at any time, and if such samples disclose bacteria or material harmful or injurious to the health of the general public, then the transporter of said waste material shall be in violation of this Ordinance and subject to prosecution hereunder.

The storage and disposition of solid animal manure commonly used by farmers for fertilizer shall not be regulated by this Ordinance. It is hereby declared to be the intention of the Town Board of the Township of Kaukauna that the several provisions of this Ordinance are separable in accordance with the following:

- (a). If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provision of this Ordinance not specifically included in this judgement.
- (b) If any court of competent jurisdiction shall adjudge any invalid the application of any provision of this Ordinance to a particular property, such judgment shall not affect the application of said provision to any other property not specifically included in said judgment.

Any person, partnership, corporation or other entity, convicted of a violation of any section of this Ordinance, shall be fined not less fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) together with the costs of prosecution for each offense and when in default of the payment of such forfeiture and costs of prosecution, shall be confined in the county jail until said forfeiture and costs are paid but for a period not exceeding thirty (30) days. Every calendar day of violation shall be deemed to be a separate offense.

APPENDIX B: MINIMUM ROAD SPECIFICATIONS

Right of Way - No less than four (4) rods or 66 feet wide

Pavement Design - Asphaltic Surface - 2-1/2"
3/4" Crushed Aggregate - 6"
2-1/2" Breaker Run - 6"

Roadway - Stone width of 30 feet. Stone width of 90 feet for cul-de-sac

Road Surface - Minimum specifications shall be 22' wide pavement, gradation 3, constructed according to the Wisconsin Department of Transportation "Standard Specifications for Road and Bridge Construction", latest edition. The pavement must be installed in a minimum of one 2-1/2" lift.

Shoulders - Must be no less than four (4) feet wide from road bed to top edge of ditch.

Drainage/Ditching - One ditch on each side of road properly dug to drain road. Side slopes at a minimum of 3:1. Open ditch flow line grade 0.25% or 3" per 100' minimum slope.

Drainage/Culverts - Permit must be obtained from the Town Board for proper size cover installation and maintenance of culverts.

Special Notes - The base shall be brought to an acceptable grade as set forth in the plans submitted by the landowner.

The developer is responsible for obtaining a permit to access onto a public highway from the appropriate maintaining authority. It will also be the developer's responsibility to conform to all regulations of the approved permit.

Surface layer shall be applied not less than nine (9) months, nor more than one and one-half (1-1/2) years after the Town Board accepts the street with all costs of such work born by the developer.

The developer must pay all costs of road engineering, construction, street lighting, street signing, etc. and must dedicate road by Certified Survey Map or plat with Chapter 6.16(e) performance guarantee included for road and/or Cul-De-Sac at the time the road is accepted.

Approved by the Town Board this _____ day of _____, 2013.

Town of Kaukauna, Outagamie County, State of WI.

Town Chair

Supervisor 1

Supervisor 2

Clerk