



A G E N D A
CITY OF WAUPUN PLAN COMMISSION
Waupun City Hall – 201 E. Main Street, Waupun WI
Wednesday, September 29, 2021 at 4:30 PM

VIDEO CONFERENCE AND TELECONFERENCE

The Waupun Plan Commission will meet virtually at 4:30 pm on Wednesday, September 29, 2021 via Zoom. The Public may access the conference meeting online or by phone. Instructions to join the meeting are provided below.

To Join Zoom Meeting

<https://us02web.zoom.us/j/82212782546?pwd=Wk56ejlhYm0rY0k4aDN4cmsyMnNXZz09>

Meeting ID: 822 1278 2546

Passcode: 602095

By Phone: +1 312 626 6799 US (Chicago)

CALL TO ORDER

ROLL CALL

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION--State name, address, and subject of comments. (2 Minutes)

No Public Participation after this point.

FUTURE MEETINGS AND GATHERING INVOLVING THE PLAN COMMISSION

CONSIDERATION - ACTION

1. Approve minutes of the August 25, 2021 meeting.
2. Public Hearing - Rezoning Petition of Charles Clover to rezone 129 N. Madison St. from the B-6 Neighborhood Commercial District to the R-4 Central Area Single Family Residential District.
3. Public Hearing - Ordinance to amend Chapter 16 of the Waupun Municipal Code
4. CSM Review - 310 E Main St.
5. CSM Review - Lot 25 Park Estates (1025 / 1027 Tanager St) and Lot 26 Park Estates (1029/1031 Tanager St)
6. CSM Review - Lot 29 Park Estates (1028 / 1030 Tanager St)

ADJOURNMENT

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact the City Clerk at 920-324-7915.



MINUTES
CITY OF WAUPUN PLAN COMMISSION MEETING
Waupun City Hall – 201 Main Street, Waupun, WI
Wednesday, August 25, 2021 at 4:30 p.m.

Plan Commission Members Present:

Jeff Daane
Jon Dobbratz
Mike Matouschek
Jerry Medema
Julie Nickel
Elton TerBeest

Plan Commission Members Absent:

Jill Vanderkin

Staff Present:

Susan Leahy Building Inspector/Zoning Administrator
Kathy Schlieve Administrator
Sarah Van BurenCommunity & Economic Development Coordinator

Other:

Patrick BeilfussCedar Corporation
Derek Drews Fox Valley Savings Bank
Chris McGuire

CALL TO ORDER:

Mayor Nickel called the meeting of the Plan Commission to order at 4:31 p.m.

ROLL CALL:

Roll call and quorum determined.

PERSONS WISHING TO ADDRESS THE PLAN COMMISSION:

None.

FUTURE MEETINGS AND GATHERINGS INVOLVING THE PLAN COMMISSION

CONSIDERATION-ACTION:

1. Approval of minutes of the July 28, 2021 meeting

A motion to approve the July 28, 2021 minutes was made by Mr. Matouschek and seconded by Mr. Dobbratz, passing unanimously.

2. Public Hearing – Rezoning Petition of Fox Valley Savings Bank – 409 E. Jefferson St.

A motion to approve the Rezoning Petition of Fox Valley Savings Bank, as presented, was made by Mr. TerBeest and seconded by Mr. Medema, passing unanimously.

3. Public Hearing – Zoning Ordinance Amendment – Adult Day Care Facilities and Group Child Care Centers in Residential District

A motion to approve the Zoning Ordinance Amendment, as presented, was made by Mr. Dobbratz and seconded by Mr. Matouschek, passing unanimously.

4. Site Plan Review – Culver’s Restaurant – 900 Kelly Avenue

A motion to approve the Site Plan for Culver’s Restaurant at 900 Kelly Avenue, as presented, was made by Mr. Matouschek and seconded by Mr. TerBeest, passing unanimously.

5. Residential Zoning District Amendments and Draft Accessory Dwelling Units

Mr. Beilfuss led the group in the review of the proposed changes that were discussed at the July meeting for

all residential district types. As it pertains to twin homes in R-1 and R-2, square footage will be amended to 4,000 sqft per side for a total of 8,000 sqft.

Mr. Beilfuss did bring up a question regarding varied lot widths within a single subdivision to assess how the city would manage a variety of lot widths in a neighborhood or if the small lots should be contained in one area. The group decided to incorporate language regarding this matter in the subdivision portion (Chapter 17) of the municipal code. Mr. Beilfuss will work with staff to make the appropriate edits. Mr. Beilfuss also made edits to other parts of the code that referred to the old R-4 designation.

Discussion occurred regarding the placement of ADU language in the ordinances. Some communities have a separate section regarding ADUs that outlines the various parameters. The Waupun municipal code contains a section regarding general provisions. This appears to be a place where the ADU language may fit best. No changes to ADU language, as presented, were recommended.

ADJOURNMENT

The motion to adjourn was made by Medema and seconded by Mr. Dobbratz, passing unanimously. The meeting adjourned at 5:18 p.m.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that at a meeting of the Plan Commission of the City of Waupun, will be held on Wednesday the 29th day of September, 2021, at 4:30 o'clock in the P.M. there will be considered an ordinance to amend Chapter 16 of the Municipal Code of the City of Waupun.

The meeting will be held via Zoom. Instructions to join the zoom meeting are below:

To Join Zoom Meeting

<https://us02web.zoom.us/j/82212782546?pwd=Wk56ejlhYm0rY0k4aDN4cmsyMnNXZz09>

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ORDINANCE # 21 - ____

AN ORDINANCE TO AMEND CHAPTER SIXTEEN OF THE MUNICIPAL CODE OF THE CITY OF WAUPUN ENTITLED "ZONING ORDINANCE."

THE COMMON COUNCIL OF THE CITY OF WAUPUN ORDAINS:

SECTION 1: Section 16.01 (10) of the Municipal Code of the City of Waupun entitled "Zoning Map" is amended so that real estate currently owned by Charles C & Carla A Clover at 129 N Madison St. presently zoned in the B-6 Neighborhood Commercial District is rezoned to the R-4 Central Area Single Family Residential District. The real estate to be rezoned is described as follows:

Parcel #: WPN-14-15-99-EA-236-00

S32 T14N R15E PLAT OF EAST WAUPUN N 6 RDS OF W 3 RDS OF LOT 3 & N 6 RDS OF LOT 4 BLK 23

SECTION 2: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted this ____ day of _____, 2021.

Julie Nickel
Mayor

ATTEST:

Angela Hull
City Clerk

PLEASE TAKE FURTHER NOTICE that the ordinance is on file in the office of the Zoning Administrator in the City Hall of the City of Waupun, Wisconsin and may be inspected during regular business hours.

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed ordinance in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Susan Leahy
Zoning Administrator
City of Waupun
(PUBLISH September 15 and September 22, 2021)



CITY OF WAUPUN
201 E. Main Street
WAUPUN, WISCONSIN 53963

pd ✓ # 10269

PETITION FOR REZONING

From: Charles Clover Phone: 608-234-2819
Carla Clover Fax:

chartman 53916@hotmail.com

The petition of Charles Clover respectfully alleges and petitions the Common Council
Owners Name:
of the City of Waupun as follows:

1. That the petitioner is owner of real estate which is situated in the City of Waupun,
Fond du Lac County, Wisconsin and legally described as follows:
129 N Madison St, City of Waupun.
S32 T14N R15E PLAT OF EAST WAUPUN N 6 RDS OF W 3 RDS OF LOT 3 & N 6 RDS OF LOT
4 BLK 23 (V931-745)

2. That the petitioner is the owner of the real estate described above which lies in the
B6 NEIGHBORHOOD COMMERCIAL District of the City of Waupun for zoning purposes.
DISTRICT

3. That the petitioner wishes that the above described real estate be rezoned and placed in the
Residential - R-4 CENTRAL AREA District of the City of Waupun for zoning purposes.
SINGLE-FAMILY RESIDENTIAL DISTRICT

Dated this 12th day of August, 2021

Petitioners Signature

Petitioners Signature

Petitioners Signature

\$150.00 Application fee payable upon filing. Date paid: _____

File Petition with: Zoning Administrator
City of Waupun
201 E. Main St.
Waupun, WI 53963

Zoning Map





engineering | architecture | environmental | surveying
landscape architecture | planning | economic development

MEMO

604 Wilson Avenue
Menomonie, WI 54751
715-235-9081
800-472-7372
FAX 715-235-2727
www.cedarcorp.com

DATE: September 21, 2021
TO: Sarah Van Buren and City of Waupun Plan Commission
FROM: Patrick Beilfuss, Seth Hudson
REGARDING: Residential and Related Zoning District Amendments

At our next meeting we will have a Public Hearing for the proposed amendments to residential districts in the Waupun zoning code. We will also review the comments from the City Attorney.

We look forward to our discussion on September 29th.

NOTICE OF PUBLIC HEARING

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ORDINANCE NUMBER 21-_____

AN ORDINANCE TO AMEND CHAPTER SIXTEEN THE MUNICIPAL CODE OF THE CITY OF WAUPUN

THE COMMON COUNCIL OF THE CITY OF WAUPUN, DO ORDAIN:

SECTION 1: CHAPTER 16, ZONING CODE (Index)

SECTION 4. Is amended to read:

R-4 Mixed Residential District

SECTION 5. Is amended to rescind:

(5) (a),(b),(c),(d),(e)

SECTION 6. Is amended to read:

R-5 Mobile Home District

SECTION 7. Is amended to read:

R-6 Single family Manufactured Home District

SECTION 2: CHAPTER 16, ZONING ORDINANCE

SECTION 16.01 GENERAL. Is amended to rescind:

(9) ZONING DISTRICTS - R-4 Central Area Single Family Residential

SECTION 16.01 GENERAL. Is amended to read:

(9) ZONING DISTRICTS - R-4 Mixed Residential, R-5 Mobile Home, and R-6 Single-Family Manufactured Home.

(SECTION 16.01 (11) GENERAL PROVISIONS. Is amended to add:

(k) ACCESSORY DWELLING UNITS (ADU).

- (i) An accessory dwelling unit is allowed on lots occupied by a single-family dwelling.
- (ii) Accessory dwelling units are subject to all applicable regulations of the zoning district in which it is located, unless otherwise expressly stated in this section.
- (iii) Only one accessory dwelling unit is allowed per lot.
- (iv) An accessory dwelling unit may be created by any one of the following methods.
 - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
 - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
 - c. Converting existing area above an attached garage into an ADU;

- d. Constructing a new principal dwelling unit and utilizing one of the options provided in a, b, or c.
- (v) The property owner shall occupy either the principal dwelling unit or the ADU;
- (vi) One off-street parking space shall be provided for the ADU;
- (vii) A Conditional Use Permit is required for an ADU;
- (viii) Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created.
- (ix) Any exterior changes or additions for an accessory dwelling unit shall be constructed of similar material and shall be architecturally compatible with the principal dwelling unit including but not limited to roof pitch and trim.
- (x) The floor area of an accessory dwelling unit may not exceed fifty percent of the gross floor area of the principal dwelling unit on the subject lot or six hundred fifty square feet, whichever is less. Gross floor area does not include garages, basements areas where the floor-to-ceiling height is less than seven feet, and any other areas of the building where the floor-to-ceiling height is less than five feet or not accessible by a stairway.
- (xi) Prior to establishment of an accessory dwelling unit, the building inspector shall certify that the principal dwelling unit meets applicable building codes, and the accessory dwelling unit shall comply with all applicable building codes.
- (xii) Both the principal dwelling unit and accessory dwelling unit shall be connected to municipal water and sanitary sewer.
- (xiii) Accessory dwelling units shall not be used for short term leases (less than 30 days) or vacation rentals.

SECTION 16.02 DEFINITIONS is amended to add:

(1a) ACCESSORY DWELLING UNIT. Additional living quarters on single-family lots that are independent of the principal dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities.

SECTION 16.03(1) R-1 SINGLE FAMILY RESIDENTIAL DISTRICT. Is amended to read:

(c)(i) Have a minimum lot size of 7,500 square feet per family and a minimum lot width of 60 feet; (Am. #05-07)

SECTION 16.03(2) R-2 TWO-FAMILY RESIDENTIAL DISTRICT. Is amended to read:

(b)(ii) Two-family dwellings, split two-family dwellings; and

(c)(i) For a two-family dwelling, have a minimum lot size of 8,000 square feet per family and a minimum lot width of 90 feet; (Am. #05-07)

SECTION 16.03(2) R-2 TWO-FAMILY RESIDENTIAL DISTRICT. Is amended to add:

(c)(iii) For a split two-family dwelling, provided that the requirements shall be as provided in subsection (2)(c), except as specifically listed below: (Ord. 00-19A)

- a. The lot area shall be no less than 4,000 square feet for each individual lot;
- b. The attached side yard setback shall be zero feet;
- c. Restrictive covenants regarding property maintenance, in such form as is approved by the Building Inspector, shall be recorded and maintained with regard to each lot.

SECTION 16.03(2) R-2 TWO-FAMILY RESIDENTIAL DISTRICT. Is amended to rescind:

(d)(iii)(a)(b)(c)

SECTION 16.03(3) R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. Is amended to read:

(b)(i) Two-family dwellings and Multiple-family dwellings; and

SECTION 16.03(3) R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. Is amended to rescind:

(d)(iv)

SECTION 16.03(4) Is amended to read:

R-4 MIXED RESIDENTIAL DISTRICT

(a) Purpose. The R-4 District is intended to provide for single-family dwellings and two-family dwellings in areas of older subdivisions with smaller lot sizes. The District is also intended to provide an area protected from traffic hazards.

(b)(i), Single-family dwellings and two-family dwellings; and

(d)(vii)(a), The lot shall be no less than 4,000 square feet for each individual lot;

(d)(vii)(d), Restrictive covenants regarding property maintenance, approved in form by the Building Inspector, shall be recorded and maintained with regard to each lot.

SECTION 16.03(4) Is amended to add:

(d)(vii)(c) The architecture of a split two-family home must be consistent with the architecture of the neighborhood it is located and shall be approved by City Council.

SECTION 16.03(5) R-5 MIXED RESIDENTIAL DISTRICT. Is rescinded:

SECTION 16.03(6) is amended to read:

R-5 MOBILE HOME DISTRICT

(a) Purpose. The R-5 District is intended to provide delineated areas for mobile homes and mobile home parks that are served by public sewers. The District is also intended to provide an area protected from traffic hazards.

(b) Permitted Uses. The following are permitted within an R-5 District:

(c) Requirements. In order to be considered a conforming lot or structure within an R-5 District, a lot or structure must:

(d) Conditional Uses. The following uses shall be considered conditional uses within an R-5 District:

(e) Special Conditions. The following special conditions shall apply with an R-5 District:

(e)(iii)(a) No person shall park or occupy any mobile home on any premises which is outside the R-5 Mobile Home District.

SECTION 16.03(7) is amended to read:

R-6 SINGLE-FAMILY MANUFACTURED HOME DISTRICT

(a) Purpose. The R-6 District is intended to provide delineated areas for mobile homes and mobile home parks that are served by public sewers. The District is also intended to provide an area protected from traffic hazards.

(b) Permitted Uses. The following are permitted within an R-6 District:

(c) Requirements. In order to be considered a conforming lot or structure within an R-6 District, a lot or structure must:

(d) Conditional Uses. The following uses shall be considered conditional uses within an R-6 District:

(e) Prohibited Uses. The following special conditions shall apply with an R-6 District:

SECTION 16.10(1) LOT AND BUILDING REQUIREMENTS. Is amended to rescinded R-4, 6,000, 42, 30, 6, 25, 35 from the schedule.

SECTION 16.10(1) LOT AND BUILDING REQUIREMENTS. The schedule is amended to read

R-1, 7,500, 60, 25, 6, 25, 35

R-2, (Two Family) 8,000, 90, 25, 6, 25, 35

R-2, (Split Family) 4,000, 90, 25, 6 and 0, 25, 35

R-4, 6,000, 42, No less than both adjoining structures, 6, 25, 35

R-5, 6,000, 50, 20, 5, 10, 25

R-6, 8,000, 80, 30, 6, 25, 35

SECTION 3: This Ordinance shall be in full force and effect upon its passage and publication as provided by law.

Enacted this _____ day of _____, 2021

Julie Nickel
Mayor

ATTEST:

Angie Hull
City Clerk

PLEASE TAKE FURTHER NOTICE that the ordinance is on file in the office of the Zoning Administrator in the City Hall of the City of Waupun, Wisconsin and may be inspected during regular business hours.

PLEASE TAKE FURTHER NOTICE that all persons desiring to be heard on the proposed ordinance in support thereof or in opposition thereto, must appear at the said meeting of the Plan Commission of the City of Waupun.

Susan Leahy
Zoning Administrator
City of Waupun
(PUBLISH September 15 and September 22, 2021)

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16.01 - GENERAL.

- (1) **AUTHORITY AND PURPOSE.** In accordance with the authority granted by §62.23, Wis. Stats., and for the purpose listed in said Section, the City Council of the City of Waupun, Wisconsin, repeals the Zoning Code Regulations under Chapter 16 of the Municipal Code and adopts this Comprehensive Zoning Ordinance effective as of December 13, 1988. The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the City of Waupun.
- (2) **INTENT.** It is the general intent of the Ordinance to regulate and restrict the use and development of all structures, lands, and waters; to regulate and restrict lot coverage, population distribution and density, tree cutting, dredging, and lagooning in shoreland areas and the size and location of all structures, so as to: lessen congestion in, and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; prevent water pollution; protect spawning grounds; fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the City; and implement the City's Comprehensive Plan and plan components. It is further intended to provide penalties for its violation.
- (3) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easement, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

- (4) INTERPRETATION. The provisions of this Ordinance shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation of appeal of any other power granted by the Wisconsin Statutes.
- (5) SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.
- (6) REPEAL. Chapter 16 of the Municipal Code and all other Ordinances or parts of Ordinances of the City inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (7) TITLE. This Ordinance shall be known and referred to, or cited as the "Zoning Ordinance, City Of Waupun, Wisconsin."
- (8) EFFECTIVE DATE. This Ordinance shall be effective after a Public Hearing, adoption by the City Council and publication or posting as required by law.
- (9) ZONING DISTRICTS. (Ord. 94-13) Zoning Districts are provided as follows:

R-1	Single-Family Residential
R-2	Two-Family Residential
R-3	Multiple-Family Residential
R-4	Central Area Single-Family Residential
R-5-4	Mixed Residential
R-6-5	Mobile Home
R-7-6	Single-Family Manufactured Home
B-1	Business/Professional Offices
B-2	Central Business
B-3	Shopping Center Business
B-4	Interchange Business
B-5	Warehousing/Business
B-6	Neighborhood Commercial
M-1	Closed Storage/Light Industrial

M-2	Open Storage/Heavy Industrial
MHO	Manufactured Home Overlay
C	Conservancy
PD	Planned Development
A	Agricultural
IN	Institutional

- (10) **ZONING MAP.** The revised official Zoning Map is an integral part of this Ordinance. A copy of this map titled, "Zoning Map, Waupun, Wisconsin" together with a copy of this Ordinance, shall be available in the Building Inspector's office for public inspection during office hours. Any changes in zoning district boundaries shall be recorded on the Map. The district boundaries are the center lines of either streets or alleys unless otherwise shown, and where the designation on the Map indicates that the various districts are approximately bounded by a street or alley, the center line of the street or alley shall be construed to be the district boundary line. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the Map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district. In unsubdivided property, the district boundary shown on the Map shall be determined by Township or Range line, $\frac{1}{4}$ Sections, and divisions thereof, property lines, by scale, or by dimensions shown on said Map. (Ord. 92-2, 92-9, 92-33, 94-32, 95-09, 95-10, 95-14, 95-21, 95-22, 96-08, 96-09, 96-10, 96-11, 96-13, 96-20, 96-21, 97-18, 97-10, 98-19, 00-03, 01-11, 02-09, 03-07, 05-04, 05-12, 06-05, 06-12, 10-08, 10-10, 12-02, 12-07, 12-11; Ord. No. 14-07, § 1, 10-28-2014; Ord. No. 15-10, § 1, 9-8-2015; Ord. No. 17-07, § 1, 5-23-2017; Ord. No. 19-02, § 1, 6-11-2019; Ord. No. 19-07, § 1, 2019; Ord. No. 19-10, § 1, 12-3-2019)
- (11) **GENERAL PROVISIONS.** Excepted as otherwise provided:
- (a) **Nonconforming Uses and Structures.**
- (i) *Present Uses of Buildings and Premises.* Present uses of buildings and premises may be continued even though they do not conform to the restrictions of this Ordinance. However, structural repairs or alterations of such buildings or premises shall not exceed 50% of their equalized assessed value at the time they become nonconforming unless a building or premises conforming to this Ordinance results. Any nonconforming use that is abandoned for one year shall be discontinued permanently.
- (ii) *Existing Nonconforming Uses.* The lawful nonconforming use of structure, land, or water 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; however, only the portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance. Total lifetime structural repairs or alterations, shall not exceed 50% of the municipality's current assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

- (iii) *Abolishment or Replacement.* If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance. When a nonconforming use is damaged by fire, explosion, flood, public enemy, or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- (iv) *Existing Nonconforming Structures.* The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, setback, parking and loading, and access provisions of this Ordinance.

Additions and enlargements to existing nonconforming structures are permitted and shall conform with the required building setback lines along streets, water and highways and the yard, height, parking, loading and access provisions of this Ordinance. The provisions of this section with respect to additions or enlargements are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by a public sanitary sewer.

Existing nonconforming structures which are damaged or destroyed by fire, explosion, flood or other calamity, may be reconstructed and insofar as is practicable shall conform with the required building setback lines along streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this section with respect to reconstruction are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

Existing nonconforming structures may be moved and insofar as is practicable shall conform with the required building setback lines along streets or highways and the yard, height, parking, loading and access provisions of this section with respect to moving are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

- (v) *Changes and Substitutions.* Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

(b) Amendments.

- (i) *Authority.* Pursuant to the provisions of §62.23(7), Wis. Stats., the City Council may, after first submitting the proposal to the Plan Commission for report and recommendation and after notice and public hearing as hereinafter provided, amend the regulation of this Ordinance or change the district boundaries.
- (ii) *Initiation of Petition.* A proposal to amend the text or change the district mapping of this Ordinance may be initiated by the City Council on its own motion, by recommendation of the Plan Commission, or by petition of one or more property owners.
- (iii) *Petitions.* Petitions for any change in the district boundaries of amendments to the regulations shall be filed with the Zoning Administrator, shall describe the premises to be rezoned or the regulations to be amended, shall list the reasons justifying the petition, and shall include the following:
 - a. Plot plan drawn to scale of 1" = 100' showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and

the location and existing use of all properties within two hundred feet of the area proposed to be rezoned.

- b. Owners' names and addresses of all properties lying within 100 feet of the area proposed to be rezoned.
 - c. Additional information required by the Plan Commission or the City Council.
- (iv) *Official Public Hearing.* The Plan Commission shall hold a Public Hearing on such petition, after giving a Class 2 notice, under Ch. 985, Wis. Stats., of the proposed amendment, giving an opportunity to any person interested to be heard. Notice of the Public Hearing shall be mailed to the owners of all lands within 100 feet of any part of land included in such proposed change at least 10 days before such hearing. (Ord. 90-12)
 - (v) *Informal Hearings.* Nothing herein shall prevent the Plan Commission from scheduling and holding informal hearings as deemed necessary by the Plan Commission.
 - (vi) *Referral and Recommendations.* The petition shall be referred to the Plan Commission without delay. The Plan Commission shall conduct a study and investigation and where deemed desirable, an informal hearing, and report its recommendation to the City Council within 60 days, unless a longer period is stipulated by the City Council.
 - (vii) *Action.* As soon as possible after such Public Hearing the City Council shall act to approve, modify and approve or disapprove the proposed amendment. The City Council shall not take action without having first heard the recommendation of the Plan Commission provided said recommendations have been timely made.
 - (viii) *Protest.* In case of protest against such change duly signed and acknowledged by the owners of 20% or more of either of the areas of land included in such proposed amendment, supplement or change, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such apposite land, such amendment, supplement or change shall not become effective except by the favorable vote of three-fourths of the members of the City Council.
 - (ix) *Fees.* A fee of \$150.00 shall be paid to the Zoning Administrator upon the filing of all petitions for amendment(s) of the Zoning Ordinance. (Am. #06-04)
- (c) Annexation. All territory annexed to the City shall become part of the R-1 District unless the petition for annexation requests the property become a part of another district in which case, recommendation for annexation by the Plan Commission shall specify the Zoning District to which that property will be annexed.
 - (d) Compliance.
 - (i) No lot shall be occupied by more than one permitted principal building, but in the case of public, institutional, industrial or commercial buildings, a group of principal buildings under the same ownership may be considered as occupying the same lot if in the opinion of the Plan Commission such buildings and uses are compatible.
 - (ii) No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any building, structure, or land be designed or designated for any use other than the uses permitted in the district in which such building, structure or land is located.
 - (iii) The provisions of this Ordinance shall not prohibit the erection of a single-family dwelling and customary accessory uses in any district in which single-family dwellings are so permitted, on a lot which is smaller than required, provided such a lot is separately recorded by deed in the Office of the Register of Deeds prior to date of adoption of December 13, 1988; and provided further that the owner of any such lot did not own sufficient adjoining land at the effective date of the adoption of this Ordinance to conform therewith. All structures erected on such lot must be designed and erected in conformance with the provisions of this Ordinance.

- (e) Reduction of Joint Use. No lot area shall be so reduced that the dimensions and yard requirements imposed by this Ordinance cannot be met. However, where existing lots do not satisfy such requirements, the Board of Appeals may grant a variance.
- (f) Modification.
 - (i) No part of yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required for another building.
 - (ii) Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the projection of sills, cornices, and ornamental features which shall not exceed 12 inches, except that in commercial areas a permanent awning and its accessory columns or struts may project not more than 5 feet into a required front or side yard. Fire escape may project in a yard area not more than 5 feet.
 - (iii) Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, hospitals, smoke stacks, storage tanks, water towers, ornamental towers, communication towers, electric power transmission towers, masts, or aerials and necessary mechanical appurtenances are exempted from the height regulations of this Ordinance, but are subject to the provisions of the Building Code.
 - (iv) Any object which obstructs the vision clearance triangle as set forth in §16.02(46m) of the Zoning Code of the City of Waupun is prohibited. (Ord. 99-15)
 - (v) In required yards or other open areas in all residential districts, the parking or storage of trucks, machinery, unlicensed or junk automobiles, vehicles used for garbage collection or hauling livestock is prohibited. Licensed pick-up trucks or vans of less than a ton and a half capacity are excepted from this provision and may be parked in driveways.
 - (vi) Any property owner requesting a variance from the provisions of this Ordinance shall file with such request a written consent to such variance from the affected adjoining property owners, or a statement that such a consent was requested but could not be obtained.
- (g) Swimming Pools. Swimming pools shall be considered an accessory use and shall observe all side yard and rear yard setbacks as required by this Ordinance. All swimming pools with more than 12 inches of water and sides of more than 18 inches shall be fully enclosed by barrier sides or fencing or, in the alternative, shall be equipped with a lockable, powered safety cover that complies with the ASTM F1346-91 specifications, as may be amended from time to time. The safety cover must be fully closed at all times when the pool is not in use. Swimming pool barrier sides or fencing, where not exempt, shall fully surround the pool with a minimum height of 48 inches above ground level, constructed as not to have voids, holes or openings larger than 4 inches in one dimension, and all gates or doors shall be constructed so as to be capable of being locked, and shall be closed and secured so as to prevent unlatching by persons outside the pool at all times when the pool is not in use. Anyone wishing to install a swimming pool must submit a plan or sketch of the installation to the Building Inspector and obtain the appropriate permit(s) prior to proceeding with the installation.
- (h) Community Based Residential Facilities. Community-based residential facilities, formerly known as community living arrangements, must be located at least 2,000 feet from any existing community-based residential facilities, but said distance shall be measured along the center of the public right-of-way or rights-of-way between the community-based residential facilities, on the most direct route possible.
- (i) Storage and Parking of Recreational Vehicles. (Ord. 04-06)
 - (i) Parking of recreational vehicles in all residential zoning districts shall be permitted if said vehicles are stored or parked in the side and rear yard and shall not be located within any required front yard setback.
 - (ii) At no time shall a recreational vehicle be used for permanent living, sleeping, materials storage or other purpose.

- (iii) No recreational vehicle shall be permanently connected to water, gas electric, or sanitary sewer.
- (iv) The temporary parking of a recreational vehicle within a street front yard shall be allowed for the purpose of loading or unloading, washing or general maintenance, for a period not to exceed 48 consecutive hours.

(j) Fences. (Ord. 01-08)

- (i) A Building Permit for fences shall be required when any one section exceeds 20 feet in length.
- (ii) Rear or side yard fences may be placed immediately adjacent to, but not across the property lines, and shall be placed so that the most aesthetic side is facing adjoining lots.
- (iii) Fences shall not exceed 72 inches in height, in all but industrial districts. No fence shall be less than 30 inches in height.
- (iv) Fences may be placed or erected in the front yard building setback line provided they do not exceed 4 feet in height and are 90% see-through.
- (v) A fence may encroach upon a vision triangle provided it does not exceed 4 feet in height, is 90% see-through, and does not obstruct the vision of either pedestrians or motorists.
- (vi) Fences may be constructed of wood, wire, metal, stone, or a combination thereof. Wire fences shall be of a mesh or woven design. No single strand wire fences are permitted. No barbed wire shall be used in fence construction.
- (vii) All fences shall be kept in good repair and condition.
- (viii) All fences shall meet the structural and permit requirements of the Building Code.
- (ix) Any person constructing a fence shall be required to contact Digger's Hotline before placing fence posts.

(k) Accessory Dwelling Units (ADU).

- (i) An accessory dwelling unit is allowed on lots occupied by a single-family dwelling.
- (ii) Accessory dwelling units are subject to all applicable regulations of the zoning district in which it is located, unless otherwise expressly stated in this section.
- (iii) Only one accessory dwelling unit is allowed per lot.
- (iv) An accessory dwelling unit may be created by any one of the following methods.
 - a. Converting existing area within the interior of a principal dwelling unit (e.g., attic or basement) to an ADU;
 - b. Adding floor area to an existing dwelling unit to accommodate an ADU;
 - c. Converting existing area above an attached garage into an ADU;
 - d. Constructing a new principal dwelling unit and utilizing one of the options provided in a, b, or c.
- (v) The property owner shall occupy either the principal dwelling unit or the ADU;
- (vi) One off-street parking space shall be provided for the ADU;
- (vii) A Conditional Use Permit is required for an ADU;
- (viii) Only one entrance to a principal dwelling unit containing an accessory dwelling unit may be located on a façade that faces a street unless the principal dwelling unit contained an additional street-facing entrance before the accessory dwelling unit was created.

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- (ix) Any exterior changes or additions for an accessory dwelling unit shall be constructed of similar material and shall be architecturally compatible with the principal dwelling unit including but not limited to roof pitch and trim.
- (x) The floor area of an accessory dwelling unit may not exceed fifty percent of the gross floor area of the principal dwelling unit on the subject lot or six hundred fifty square feet, whichever is less. Gross floor area does not include garages, basements areas where the floor-to-ceiling height is less than seven feet, and any other areas of the building where the floor-to-ceiling height is less than five feet or not accessible by a stairway.
- (xi) Prior to establishment of an accessory dwelling unit, the building inspector shall certify that the principal dwelling unit meets applicable building codes, and the accessory dwelling unit shall comply with all applicable building codes.
- (xii) Both the principal dwelling unit and accessory dwelling unit shall be connected to municipal water and sanitary sewer.
- (xiii) Accessory dwelling units shall not be used for short term leases (less than 30 days) or vacation rentals.

(Ord. No. 19-09, § 2, 11-12-2019)

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16.02 - DEFINITIONS.

For the purpose of this Ordinance, certain words and terms are defined as listed below. Also, 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 and City Building Codes.

- (1) **ACCESSORY BUILDING OR STRUCTURE.** (Ord. 01-08) Any detached building or structure subordinate to the main building or structure, and used for a purpose customarily incidental to the permitted use of the main building, structure or the use of the premises, not including detached garages as defined herein. Accessory buildings and structures include, but are not limited to, utility storage buildings less than 144 square feet in area, carports, greenhouses, screened enclosures, decks, swimming pools, bathhouse and filter equipment sheds, playhouses, gazeboes and satellite dish antennas.
 - (a) [Utility Buildings.] Utility buildings exceeding 144 square feet in area will require a building permit and shall be included in the calculation of the allowable square footage for a detached private garage.
 - (b) Outdoor Wood Burning Furnaces. (Cr. #05-06) Includes an accessory structure or appliance designed for location ordinarily outside the principal structure and to transfer or provide heat via liquid or other means, by burning wood, corn, pellets or other solid fuels for heating any principal or accessory structure on the premises. Does not include fire pits, barbecues, fryers or chimneys.
 - (i) Prohibited in all districts.
- (1a) ACCESSORY DWELLING UNIT. Additional living quarters on single-family lots that are independent of the principal dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities.
- (2) **BOARDING HOUSES.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 6 persons and not open to transient customers.
- (3) **BOATHOUSE.** An accessory building designed for the protection or storage of boats, which shall not be used for either temporary or permanent dwelling purposes, and shall not exceed 8 feet in height, but this shall not prohibit the erection of a temporary flexible covering or sunshade over flat roofs or decks not to exceed 15 feet in height.
- (4) **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 unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (5) **BUILDING HEIGHT.** 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 or a gambrel, hip or pitch roof.
- (6) **DWELLING, ONE-FAMILY.** (Ord. 89-19; 94-13) A detached building designed for or occupied exclusively by one family, and excluding manufactured homes. A building with any of the following shall be presumed not be designed for one family:
 - (a) A separate entry way to the outside without convenient open and usable interior passages way between them.
 - (b) Separate electric or utility services.
 - (c) Separate cooking facilities.
 - (d) Separate post office addresses.

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- (e) Other factors on a case by case basis that show an intent for occupancy by more than one family.
- (7) DWELLING, MULTIPLE. (Ord. 94-13) A building or portion thereof designed for and occupied by more than 2 families, including row houses, apartment houses and condominiums, and excluding manufactured homes.
- (7m) DWELLING, SPLIT TWO-FAMILY. (Ord. 00-19A) A building designed for or occupied exclusively by a single-family, which is attached on one side to another one-family dwelling, provided that:
 - (a) The dwelling is not a manufactured home as defined in this Code;
 - (b) The dwelling complies with the State of Wisconsin One-and Two-Family Dwelling Code as codified in §101.60-60, Wis. Stats.;
 - (c) The dwelling maintains a minimum one-hour-fire rated wall assembly division between the 2 dwelling units separating all areas from the lowest level to flush against the underside of the roof.
 - (d) No more than 2 one-family dwellings are so attached, and each one-family dwelling is located on an individual lot.
- (8) DWELLING, TWO-FAMILY. (Ord. 89-19; 94-13) A detached or semi-detached building designed for or occupied exclusively by 2 families, and excluding manufactured homes. A building with any of the following shall be presumed to be designed for more than 2 families.
 - (a) More than 2 separate entry ways to be out-side without convenient open and usable interior passage ways between them.
 - (b) More than 2 separate electrical or utility services.
 - (c) More than 2 separate cooking facilities.
 - (d) More than 2 separate post office addresses.
 - (e) Other factors on a case by case basis that show an intent for occupancy by more than 2 families.
- (9) 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, electricity, steam, water, sanitary sewage, stormwater 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.
- (10) FAMILY. Any number of persons related by blood, adoption, or marriage, not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.
- (11) FARMING. The raising of crops and keeping of farm animals including, but not limited to cattle, fowl, rabbits, sheep, goats and horses.
- (12) FENCES. Any barrier constructed of wood, wire, metal, stone, or a combination thereof, excluding single strand or barbed wire fences. Such fences shall not exceed 72 inches in height except in industrial districts in the side or rear yard or 48 inches in height in the front yard. All fences in the front yard or a vision triangle shall not exceed 48 inches in height, shall be 90% see-through, and shall not obstruct the vision of pedestrians or motorists.
- (13) FRONTAGE. All the property abutting on one side of a road or street, between 2 intersecting roads or streets or all of the property abutting on one side of a road or street and the dead end of a road or street.
- (14) GARAGE, PRIVATE (ATTACHED). (Ord. 01-08) A building in residential areas for the storage of motor-driven vehicles that is physically attached to the principal building. Commercial vehicles except for cars, pickup trucks and vans may not be parked in a private attached garage and parking of such vehicles on a residential lot is prohibited in residential areas.
 - (a) Attached private garage shall comply with the same setback requirements as for principal buildings.

- (14a) GARAGE, PRIVATE (DETACHED). (Ord. 01-08) A building in residential areas for the storage of motor-driven vehicles. Commercial vehicles except for cars, pickup trucks and vans may not be parked in a private detached garage and parking of such vehicles on a residential lot is prohibited in residential areas. Detached private garages shall comply with subsections (a), (b), (c), (d) and (e).
- (a) A detached private garage shall not occupy more than 1,400 square feet of area. (Am. #04-11)
 - (b) Reserved. (Rep. #04-11)
 - (c) No detached private garage shall be constructed on a residential lot until a principal structure is present or under construction.
 - (d) Detached private garages shall comply with the setback requirements for accessory buildings.
 - (e) Detached private garages shall be separated from the principal building by not less than 3 feet.
- (15) GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, painted, serviced, hired, sold or stored.
- (15a) GROUP CHILD CARE CENTER. (Ord. 14-09) A group child care center is licensed under DCF 251, Wisconsin Administrative Code, to provide care and supervision to 9 or more children for less than 24 hours a day. A group child care center can also be certified under DCF 202, Wisconsin Administrative Code, to provide care and supervision to school-age children 7 and older.
- (16) HOME OCCUPATIONS. Any occupation for gain or support conducted entirely within buildings by resident occupants, which occupation is customarily incidental to the principal use of the premises, is allowed provided the proposed home occupation meets the requirements of this Ordinance.
- (17) HOTEL. A building where rooms, with or without meals, are supplied to transient public, or to anyone who may apply, for compensation.
- (18) JUNKYARD. An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, but not including the purchases or storage of used furniture or household equipment or used cars in operable condition.
- (19) KENNEL. The use of land with related buildings and structures for the breeding, rearing, boarding, or training of more than 4 dogs and/or cats over 5 months of age.
- (20) LOT. A parcel of land having frontage or legal access to a public street, occupied, or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.
- (21) LOT, CORNER. A lot abutting on 2 or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
- (22) LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.
- (23) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.
- (24) LOT LINES. The lines bounding a lot as defined herein.
- (25) LOT WIDTH. The width of a parcel of land measured at the rear of the specified setback lines.
- (25m) MANUFACTURED HOME. A structure certified and labeled as a manufactured home under 42 U.S.C. §§5401—5426, which, when placed on the site: (Ord. 94-13)
- (a) Is installed in accordance with the manufacturer's instructions.
 - (b) Is properly connected to utilities.
 - (c) Is set on an enclosed foundation in accordance with §70.043(1), Wis. Stats., and subchapters III, IV, and V of Ch. ILHR 21, Wis. Adm. Code, or be set on a comparable enclosed foundation system approved by the City Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

- (26) **MOBILE HOME.** Any vehicle or structure transportable in one or more sections, which is over 400 square feet in size intended for or capable of human dwelling or designed primarily for sleeping purposes with or without a permanent foundation, and said vehicle or structure shall contain the required utilities.
- (27) **MOBILE HOME PARK.** Any park, court, plot, parcel, or tract of land of at least 5 acres in size owned by a person, state government or a local government and is designed, maintained, intended, or used for the purpose of accommodating more than one mobile home, and shall include all buildings used or intended for use in conjunction therewith; however, mobile home parks shall not include automobile motor home or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale. Also excluded are farms where the occupants of the mobile homes work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.
- (28) **MOBILE HOME LOT.** A parcel of land in a mobile home park of not less than 6,000 square feet and designed for the placement of one mobile home.
- (29) **MOTEL.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (30) **NONCONFORMING STRUCTURE.** Any structure lawfully used, occupied, or erected at the time of the effective date of this Ordinance or amendments thereto, which structurally does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (31) **NONCONFORMING USE.** A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or amendments thereto.
- (32) **OCCUPANCY.** The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.
- (33) **OCCUPANT.** The individual or individuals in actual possession of a premises.
- (34) **PARKING AREA.** An area other than a street used for the temporary parking of motor vehicles.
- (35) **PRINCIPAL USE OF BUILDING.** The main use of the land or building(s) as distinguished from an incidental and subordinate accessory use of land or building(s).
- (36) **PROFESSIONAL OFFICE.** The office of a doctor, surveyor, planner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or a member of a recognized profession.
- (36m) **RECREATIONAL VEHICLE.** Recreational vehicle means any of the following: (Ord. 04-06)
- (a) Travel Trailer. A vehicular, portable structure built on a chassis and on wheels; that is, between 10 and 36 feet long, including the hitch, and 8 feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
 - (b) Pick-up Coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - (c) Motor Home. A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 - (d) Camping Trailer. A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
 - (e) Chassis Mounts, Motor Homes and Mini-Motor Homes. Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.

- (f) Converted and Chopped Van. Recreational structures that created by altering or changing an existing auto van to make it a recreational vehicle.
 - (g) Boat. Every description of watercraft used or capable of being used as a means of transportation on water.
 - (h) Boat, Snowmobile or All-Terrain, Utility Trailer. A vehicle on which a boat, ATV or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this section is termed an unmounted boat or snowmobile.
- (37) **SETBACK**. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.
- (38) **SETBACK LINES**. Lines established along highways and streets at specified distances from the right-of-way, which 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 line means between the setback lines and the highway or street.
- (39) **SIGN**. Any identification, description, illustration, or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business, or solicitation; including permanently installed, or situated merchandise or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information with the exception of window displays and flags. For the purpose of removal, signs shall also include all sign structures.
- (40) **STORY**. That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.
- (41) **STORY, HALF**. The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.
- (42) **STREET**. All property dedicated or intended for public street purposes.
- (43) **STREET LINE**. A dividing line between a lot, tract, or parcel of land and a contiguous street.
- (44) **STRUCTURE**. Anything constructed or erected which is not readily or usually relocated and moved, the use of which requires permanent location on the ground or attached to something having a permanent location.
- (45) **STRUCTURAL ALTERATIONS**. Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
- (46) **SWIMMING POOL**. A container either temporarily or permanently constructed upon or within the ground so designed as to contain water exceeding 12 inches in depth and having an area greater than 150 square feet which is used primarily for swimming.
- (46m) **VISION CLEARANCE TRIANGLE**. (Ord. 99-15; Ord. No. 16-05) In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the property lines and a line connecting them 25 feet from their intersection. Within the triangle, no obstruction shall be allowed above a height of 2½ feet above the street if it obstructs the view across the triangle as determined by the Zoning Administrator or Public Works Director. This restriction shall not apply to posts, wire fences, or where the required setback is less than 30 feet.
- (47) **YARD**. An open space on the same lot with or without a structure, unoccupied and unobstructed from the ground upward except for vegetation and as otherwise provided herein. The street and rear yards extend the full width of the lot.
- (48) **YARD, STREET FRONT**. (Ord. 01-08) A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps. See Explanatory Figures #4 and #5.

- (48a) YARD, STREET SIDE. (Ord. 01-08) A second yard on the side of a corner lot abutting 2 or more streets at their intersection. See Explanatory Figure #4. No driveway may be placed or constructed from the lot line to the building setback line on a street side yard less than 20 feet in length.
- (49) YARD, REAR. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps.
- (50) YARD, SIDE. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.
- (51) TRUCK/CAR STOP. (Ord. 96-03) A truck/car stop shall be defined as any business comprised of one or more of the following activities: Provision of fuel, repairs of cars, trucks, and other vehicles, sales of groceries and incidentals, restaurants and drive-ins, car washes, or similar related services.

(Ord. No. 14-09, § 1, 12-17-2014)

16.03 - RESIDENTIAL DISTRICT REQUIREMENTS.

(1) R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

- (a) Purpose. The R-1 District is intended to provide for single-family residential land uses in urban areas served by public sewers. The District is also intended to provide an area for development on larger lots protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-1 District:
 - (i) Single-family dwellings; and
 - (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
 - (iii) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
 - a. Trailers may be parked in a private garage.
 - b. Trailers must be of enclosed type trailers.
 - c. No outside storage of wood or building materials is allowed.
 - d. If trailers are stored outside, they must be placed on a hard surface area i.e. asphalt, concrete.
 - e. No trailer may be parked beyond the front yard setback line of the principal building.
 - (iv) Off-street parking of motor vehicles not defined as a recreation vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:
 - (i) Have a minimum lot size of ~~10,000~~ 7,500 square feet per family and a minimum lot width of ~~90.60~~ feet; (Am. #05-07)
 - (ii) Have a front yard setback of 25, feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
 - (iii) Not exceed a maximum principal building height of 35 feet; and
 - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-1 District:
 - (i) Churches, public and parochial schools, and libraries;
 - (ii) Recreational and community center buildings and grounds and county fairgrounds; and
 - (iii) Public parks and playgrounds.
- (e) Prohibited Uses. The following uses shall be prohibited in and R-1 District: (Ord. 02-03)
 - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

(2) R-2 TWO-FAMILY RESIDENTIAL DISTRICT.

- (a) Purpose. The R-2 District is intended to provide for two-family residential land use in urban areas served by public sewer. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-2 District: (Ord. 94-22A)
- (i) Single-family dwellings;
 - (ii) Two-family dwellings, split two-family dwellings; and
 - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
 - (iv) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
 - a. Trailers may be parked in a private garage.
 - b. Trailers must be of enclosed type trailers.
 - c. No outside storage of wood or building materials is allowed.
 - d. If trailers are stored outside, they must be placed on a hard surface i.e. asphalt, concrete.
 - e. No trailer may be parked beyond the front yard setback line of the principal building.
 - (v) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-2 District, a lot or structure must:
- (i) For a two-family dwelling, Have a minimum lot size of 10,000 square feet per family and a minimum lot width of 90 feet; (Am. #05-07)
 - (ii) Have a front yard setback of 25 feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
 - (iii) Not exceed a maximum principal building height of 35 feet; and
 - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
- (iii) For a split two-family dwelling, provided that the requirements shall be as provided in subsection (2)(c), except as specifically listed below: (Ord. 00-19A)
- a. The lot area shall be no less than 4,000 square feet for each individual lot;
 - b. The attached side yard setback shall be zero feet;
 - c. Restrictive covenants regarding property maintenance, in such form as is approved by the Building Inspector, shall be recorded and maintained with regard to each lot.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-2 District:
- (i) Churches;
 - (ii) Public parks and playgrounds;
 - ~~(iii) Split two-family dwelling, provided that the requirements shall be as provided in subsection (2)(c), except as specifically listed below: (Ord. 00-19A)~~
 - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

(3) R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

- (a) Purpose. The R-3 District is intended to provide appropriate areas for only multifamily land use in urban areas served with public sewers. The District is also intended to provide rental housing in an area protected from traffic hazards.
- (b) Permitted Uses. The following uses are permitted within an R-3 District:
 - (i) Two-family dwellings and Multiple-family dwellings; and

- (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of business.
- (iii) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-3 District, a lot or structure must:
 - (i) Have a minimum lot size of 3,000 square feet per family up to and including 4 families, and 1,500 square feet per family thereafter and a minimum lot width of 90 feet; (Am. #05-07)
 - (ii) Have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 15 feet;
 - (iii) Not exceed a maximum principal building height of 45 feet; and
 - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 20 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-3 District:
 - (i) Charitable institutions, rest homes or nursing homes, private nonprofit clubs and lodges;
 - (ii) Churches; and
 - (iii) Public parks and playgrounds.
 - ~~(iv) Split-family dwelling provided that the requirements shall be provided in section (2)(c), except as specifically noted below (Ord. 00-19A)~~
 - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

(4) ~~R-4 CENTRAL AREA SINGLE-FAMILY RESIDENTIAL DISTRICT, R-4 MIXED RESIDENTIAL DISTRICT.~~

- (a) Purpose. The R-4 District is intended to provide for single-family dwellings and two-family dwellings in areas of older subdivisions with smaller lot sizes. The District is also intended to provide an area protected from traffic hazards, and protection from conversions to two-family or multifamily units.
- (b) Permitted Uses. The following uses are permitted within an R-4 District:
 - (i) Single-family dwellings and two-family dwellings; and
 - (ii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
 - (iii) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
 - a. Trailers may be parked in a private garage.
 - b. Trailers must be of enclosed type trailers.

- c. No outside storage of wood or building materials is allowed.
- d. If trailers are stored outside, they must be placed on a hard surface area i.e. asphalt, concrete.
- e. No trailer may be parked beyond the front yard setback line of the principal building.
- (iv) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (v) Museums, exclusive of outdoor exhibits. (Cr. #12-01-A)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-4 District, a lot or structure must:
 - (i) Have a minimum lot size of 6,000 square feet per family and a minimum lot width of 42 feet;
 - (ii) Have a front yard setback, which is no less than that of both adjoining structures, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
 - (iii) Not exceed a maximum principal building height of 35 feet; and
 - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 18 feet. (Ord. 16-06)
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-4 District:
 - (i) Churches, public and parochial schools, and libraries;
 - (ii) Recreational and community center buildings and grounds, county fairgrounds, and armories;
 - (iii) Boarding and rooming houses where meals or lodging are provided for not more than 6 persons not members of the same family;
 - (iv) Optometrists offices and funeral homes;
 - (v) Bed and breakfast services; and
 - (vi) Public parks and playgrounds.
 - (vii) Split two-family dwelling, provided that the requirements shall be as provided in subsection (4)(c), except as specifically listed below: (Ord. 00-19A)
 - a. The lot ~~are~~ shall be no less than 4,000 square feet for each individual lot;
 - b. The attached side yard setback shall be zero feet;
 - c. The architecture of a split two-family home must be consistent with the architecture of the neighborhood it is located and shall be approved by City Council.
 - ed. Restrictive covenants regarding property maintenance, approved in form by the Building Inspector, shall be recorded and maintained with regard to each lot.
 - (viii) Accessory uses including outdoor exhibits, parking, offices, storage areas, banquet facilities, conference rooms, antique shops and retail as accessory to and clearly incidental to a museum on the premises. (Cr. #12-01-A)
- (e) Prohibited Uses. The following uses shall be prohibited in an R-4 District: (Ord. 02-03)
 - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.

~~(5) — R-6 MIXED RESIDENTIAL DISTRICT.~~

(56) R-6-5 MOBILE HOME DISTRICT.

- (a) Purpose. The R-6-5 District is intended to provide delineated areas for mobile homes and mobile home parks that are served by public sewers. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following are permitted within an R-6-5 District:
 - (i) Mobile homes;
 - (ii) Manufactured homes; and
 - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

- (iv) The parking of commercial trailers (job trailers) provided that: (Ord. 02-02)
 - a. Trailers may be parked in a private garage.
 - b. Trailers must be of enclosed type trailers.
 - c. No outside storage of wood or building materials is allowed.
 - d. If trailers are stored outside, they must be placed on a hard surface i.e. asphalt, concrete.
 - e. No trailer may be parked beyond the front yard setback line of the principal building.
- (v) Off-street parking of motor vehicles not defined as a recreational vehicle is permitted in the street front yard in the Residential Districts on a hard surface area, providing the drive area and such parking does not intrude into a required vision triangle. (Ord. 04-06)
- (c) Requirements. In order to be considered a conforming lot or structure within an R-6-5 District, a lot or structure must:
 - (i) Have a minimum lot size of 6,000 square feet and minimum lot width of 50 feet;
 - (ii) Have a front yard setback of 20 feet, a rear yard setback of 10 feet, and a side yard setback of 5 feet; (Ord. 98-07)
 - (iii) Not exceed a maximum principal building height of 25 feet; and
 - (iv) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 8 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-6-5 District:
 - (i) Mobile home parks of at least 5 acres in size;
 - (ii) Churches; and
 - (iii) Parks.
- (e) Special Conditions. The following special conditions shall apply with an R-6-5 District:
 - (i) Definitions:
 - a. "Accessory structure" shall mean detached structures and buildings such as tool sheds, garages, and storage buildings.
 - b. "Court", "mobile home court", "mobile home park", and "park" shall be deemed synonymous, and shall be defined as any plot or plots of ground owned by a person, state government, or a local government upon which 2 or more mobile homes occupied for dwelling or sleeping purposes are located regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile homes work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother or sister.
 - c. "Hard surface" shall mean concrete or asphalt concrete or similar material acceptable to the Department of Public Works Director.
 - d. "Licensee" means any person licensed to operate and maintain a court under the provisions of this Ordinance.
 - e. "Mobile home" means a structure, transportable in one or more sections, which is over 400 square feet in area excluding the hitch, built on a permanent chassis, and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in it. In computing square footage, length is multiplied by width. In this subsection, "length" means the distance from the exterior of the front wall, that is,

the wall nearest to the exterior of the drawbar and coupling mechanism, to the exterior of the rear wall at the opposite end of the home where the walls enclose living or other interior space, and that distance includes expandable rooms, but not bay windows, porches, drawbars, couplings, attachments. In this subsection, "width" means the distance from the exterior of one side wall to the exterior of the opposite side wall where the walls living or other interior space, and that distance includes expandable rooms, but not bay windows, porches, wall and roof extensions, or other attachments.

- f. "Mobile home lot" means a parcel of land designed for the exclusive use of the occupants of a single mobile home.
- g. "Mobile home stand" means that part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures or additions.
- h. "Occupant" means any individual who resides in a mobile home.

(ii) *Procedures and Applications:*

- a. License Required: No person shall construct, expand, or operate a mobile home court within the City of Waupun unless he or she holds a valid license issued by the City Clerk. The City Clerk shall issue a license only after the following actions have taken place:
 - The land intended for use a mobile home court has been duly zoned for such purpose;
 - The application for such license or renewal thereof shall be approved by the City Plan Commission and the Board of Public Works and the City Council, the City Council shall not approve said license until after it receives a recommendation from the Waupun Public Utility Commission as to the feasibility of serving the proposed park with utilities.
 - The applicant completes an application form and submits it to the City Clerk together with the required license fee; and
 - Final development plans meet the standards of this Ordinance and the requirements thereof.
- b. Fees and Expiration Date (per §66.058, Wis. Stats.) are as follows:
 - Annual mobile home court license shall be \$100.00 for each 50 spaces or fraction thereof;
 - Mobile home court license transfer fee shall be \$10.00;
 - Surety bond in the sum of \$2,000.00, this bond shall guarantee the collection by the licensee of the monthly parking permit provided for in this Ordinance and the payment of such fees to the City Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed or levied against said licensee for a violation of this section, and shall also be for the use and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this section; and
 - Expiration: All such licenses are to expire on the 30th day of June of each year and shall be renewed annually, there shall be no proration of fees.
- c. Application for Mobile Home Court License:
 - The application for a permit or renewal thereof shall be made on forms furnished by the City Clerk and shall be made on forms furnished by the City Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by him to construct or maintain the mobile home court and make the application), and such

legal description of the premises upon which the mobile home court is or will be located as will readily identify and definitely locate the premises; and

- Application for an existing, new or revised mobile home court shall be accompanied by 4 copies of the court plan showing the following either existing or proposed: the extent and area for park purposes; the location, number and dimensions of all mobile home court lots; the location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas; the location of automobile parking areas; the location of utility easements; and plans and specifications of all buildings and other improvements constructed or to be constructed within the court.

(iii) *Location Outside of Mobile Home District:*

- a. No person shall park or occupy any mobile home on any premises which is outside the R-~~56~~ Mobile Home District.

(iv) *Inspection and Enforcement:*

- a. No mobile home court permits shall be issued until the City Clerk shall notify the Chief of Police, Health Department, Chief of the Fire Department and the Building Inspector, or their authorized agents of such application. These officials shall inspect or cause to be inspected each application and the premises to determine whether the applicant and the premises on which mobile homes will be located comply with the regulations, ordinances and laws applicable thereto.
- b. These officials shall furnish to the City Plan Commission and the Board of Public Works in writing the information derived from such investigation, and a statement as to whether the applicant and the premises meet the requirements of the department for whom the office is certifying.
- c. No permit shall be renewed without a reinspection of the premises.
- d. For the purpose of making inspections and securing enforcement, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.
- e. Violations of the provisions of this section are punishable under §18.04 of the General Code of the City of Waupun.

(v) *Duty of License Holder:*

- a. It shall be the duty of the license holder to file with the City Clerk a monthly report containing the following information on a form sheet:
 - Name of mobile home court, name and address of owner, agent or operator; and
 - A tabulation of mobile home court occupancy listing, lot designation, occupants names, monthly tax and date of departure and arrival.
- b. Within 5 days of the arrival of each new mobile home occupant, the owner or operator shall submit in duplicate to the City Assessor, a form from the Wisconsin Department of Revenue entitled Statement of Monthly Parking Permit Fee-Mobile Home.
- c. Monthly parking permit fee shall be imposed.
 - There is hereby imposed on each owner or occupant of a mobile home a monthly mobile home parking permit fee to be determined in the manner hereinafter set forth; and
 - Effective January 1 of each year hereafter, the City Assessor shall determine the total fair market value of each mobile home subject to this Ordinance. The fair market value, minus the value of the exempt household furnishings, shall be

equalized to the general level of assessment on other real and personal property in the City. The value of each mobile home assessed shall be multiplied by the tax rate established for the preceding annual assessment of general property. The resulting amount shall be reduced by the credit allowed under §79.10, Wis. Stats., and the amount thus computed shall be divided by 12, which amount shall represent the monthly mobile home parking permit fee. A new fee rate and a new valuation shall be established each January 1 and shall continue for that calendar year.

- d. The fee shall be applicable to occupied mobile homes moving into the City of Waupun any time during the calendar year. Liability for the fee shall begin on the first date of the month next succeeding the month in which the mobile home was moved into the City.
 - e. The monthly mobile home permit parking fee for mobile homes located outside of a court shall be paid to the City Treasurer on or before the 10th day of the month for which such fee is due.
 - f. The operator of a mobile home court shall be obligated to collect the monthly parking fee from the owner or occupant of the mobile home. Such fees for mobile homes located in a mobile home court shall be paid to the City Treasurer on or before the 15th day of the month for which such fee is due. The operator of the trailer park shall have no obligation to collect such monthly parking fees until the operator has been advised by the City Clerk of the amount of such monthly permit fee to be collected.
 - g. Mobile home licenses may elect to pay the permit fees on an annual or semiannual basis.
 - h. The operator of a mobile home court shall be liable for the monthly parking permit fee for any mobile home occupying space in the mobile home court should the owner or occupant of the mobile home fail to pay the permit fee when required.
 - i. The owner of the real estate upon which any mobile home is situated outside of a mobile home court shall be liable for the monthly parking permit fee for any mobile home situated on his or her real estate should the owner or occupant of the mobile home fail to pay the permit fee when required.
 - j. Any owner or occupant of a mobile home, mobile home court licensee or owner of real estate upon which a mobile home is located shall forfeit to the City such sum as may compensate the City for legal or collection fees and costs.
 - k. Failure to timely pay the parking permit fees as herein provided shall result in the permit fee becoming a lien upon the real estate upon which the mobile home is situated.
 - l. Parking permit fees shall be paid and distributed to the appropriate school district as provided by §66.059(8), Wis. Stats.
- (vi) *Mobile Home Court Parking:*
- a. General provisions:
 - Only one mobile home shall be placed on a lot; and
 - Each mobile home lot shall abut upon a roadway within an approved court.
 - b. No part of any court shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of court residents and for the management and maintenance of the court as approved by the City Council.
 - c. No signs shall be permitted except the following:
 - One nonflashing identification sign stating only the name of the court and services available may be permitted provided the sign does not project into the public right-of-way; and

- Any necessary regulatory signs such as street name signs, entrance and exit signs, etc.

(vii) *Standards:*

- a. Court size:
 - Mobile home court minimum acreage: 5 acres.
- b. Length of residential occupancy. No lot shall be rented for residential use of a mobile home in any such mobile home court except for periods of 30 days or more.
- c. Compliance with code standards. No mobile home shall be admitted to any mobile home court unless it can be demonstrated that it meets the requirements of American Standards of Installation in Mobile Homes of Electrical, Heating and Plumbing Systems; or M.H.A. (Mobile Home Manufacturing Association) Mobile Homes Standards for Plumbing, Heating and Electrical Systems.
- d. Minimum lot width and setback standards:
 - Setback Standards—Mobile Home Courts

	Mobile Home	Accessory Street
1. Front setback	20 ft.	20 ft.
2. Sideyard setback	10 ft.	5 ft.
3. Rearyard setback	10 ft.	5 ft.
4. Corner street sideyard	10 ft.	10 ft.
5. From any public street	20 ft.	20 ft.

- Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary: Mobile Home, 50 feet; Accessory Street, 30 feet.
 - Minimum lot area: 6,000 square feet.
- e. Parking. At least 2 off-street hard surface parking spaces shall be provided for each mobile home lot. The size of each space must be at least 9 feet by 20 feet. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.
 - f. Screening. There shall be provided a screening buffer strip along the boundary of the mobile home court where it abuts a residential district. Such screening shall be at least 5 feet in width and 5 feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier.
 - g. Recreation requirements. Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the court is designed to

serve. Not less than 10% of the total gross court area shall be devoted to recreational facilities and open space.

- h. Tenant storage. One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 144 square feet, and does not exceed 8 feet in height.
 - i. Additions and alterations:
 - Permit Required. A permit by the Building Inspector shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, windows, doors, or tenant storage structures;
 - Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile homes shall exceed in height the height of the existing mobile home;
 - Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall conform to the setback requirements as the existing mobile home; and
 - Skirting Required. Vented skirting of mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage or environment for rodents or create a fire hazard.
 - j. Mobile home stand and tie downs:
 - A mobile home stand shall be continuous 4-inch concrete single slab or an approved alternate to support the mobile home; and
 - The mobile home stand shall be provided 6 anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors, or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner and middle of each side of a mobile home stand, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
 - k. Roadways:
 - All roadways created by a mobile home court shall be hard surfaced as specified by the City Engineer;
 - The minimum pavement width of roadway shall be 30 feet. The minimum pavement diameter of cul-de-sacs shall be 40 feet; and
 - The alignment and gradient shall be properly adapted to topography, to save movement or types of traffic anticipated and satisfactory control of surface water and ground water.
 - l. Lot markers. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.
 - m. Fences and hedges shall comply with the requirements of this Ordinance.
- (f) Prohibited Uses. The following uses shall be prohibited in an R-56 District: (Ord. 02-03)
- (i) The parking of commercial vehicles except for cars, pickup trucks and vans in a residential zoned district is prohibited.

(7) **R-7-6 SINGLE-FAMILY MANUFACTURED HOME DISTRICT. (Ord. 94-13)**

- (a) Purpose. The R-7-6 District is intended to provide single-family residential manufactured home land uses in urban areas served by public sewers. The District is also intended to provide an area protected from traffic hazards.
- (b) Permitted Uses. The following are permitted within an R-7-6 District:
 - (i) Single-family manufactured homes;
 - (ii) Single-family dwellings;
 - (iii) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

- (c) Requirements. In order to be considered a conforming lot or structure within an R-~~7-6~~ District, a lot or structure must:
 - (i) Have a minimum lot size of 8,000 square feet per family and a minimum lot width of 80 feet;
 - (ii) Have a front yard setback of 30 feet, a rear yard setback of 25 feet, and a side yard setback of 6 feet;
 - (iii) Not exceed a maximum principal building height of 35 feet;
 - (iv) Be aesthetically compatible with other structures in the District and compatible with the overall site design; and
 - (v) Have an accessory building side yard setback of 3 feet and not exceed a maximum accessory building height of 15 feet.
- (d) Conditional Uses. The following uses shall be considered conditional uses within an R-~~7-6~~ District:
 - (i) Churches, public and parochial schools, and libraries;
 - (ii) Recreational and community center buildings and grounds and county fairgrounds; and
 - (iii) Public and private parks and playgrounds.
- (e) Prohibited Uses. The following uses shall be prohibited in an R-~~7-6~~ District: (Ord. 02-03)
 - (i) The parking of commercial vehicles except for cars, pickup trucks and vans in residential zoned district is prohibited.
- (f) Site Plan Review. No manufactured home shall be located within the District unless site development plans have been prepared and approved by the Plan Commission, using a procedure substantially in accordance with §16.17 of this Zoning Code. At least 10 days prior written notice of this site plan review shall be given, either personally or by mail, to all owners of real estate within 100 feet of the boundaries of the real estate on which location of the Manufactured Home is sought.

(Ord. No. 18-06, § 1, 10-9-2018)

16.10 - LOT AND BUILDING REQUIREMENTS .

- (1) No lot shall be used and no building shall be erected except in conformance with the following schedule. (Ord. 98-07)

	Lot Area (sq.ft.)	Lot Width (ft.)	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Max. Bldg** Height (ft.)
R-1	8,000 7,500	80-60	30-25	6	25	35
R-2	12,000 Two-Family 8,000	80-90	30-25	6	25	35
R-2	Split Two-Family 4,000	45	25	6 and 0 on attached	25	35
R-3	A	80-90	30	15	25	45
R-4	6,000	42	30 no less than both adjacent structures	6	25	35
R-5	6,000	42	30	6	25	35
R-6-5	6,000+	50	20	5	10	25
B-1	8,000	80	25	9	25	30
B-2	8,000	40	0	0	0	60
B-3	2***	150	25	20	40	50
B-4	1***	120	40	20	20	60
B-5	20,000	100	15	15	15	65
B-6	8,000	60	25	10	10	45
M-1	1***	100	15	15	15	65
M-2	1***	100	15	15	15	65

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C	6,000	42	-	-	-	-
PD	B	80	25	8	15	45
A	10***	150	30	6	25	35
IN	5***	100	100	25	25	65

A = 3,000 square feet per family up to and including 4 families and 1,500 square feet per family thereafter.

B = 8,000 square feet for 1 family, 6,000 square feet per family for 2 families; 3,000 square feet per family for multifamily up to and including 4 families; and 1,500 square feet per family thereafter.

* Accessory building side yard in Residential and Business District 3 feet; in Manufacturing District 5 feet.

** Accessory building height in R-1, R-2, R-4, R-5 15 feet; R-3 and PD 20 feet; in R-6 8 feet; in Business 25 feet.

*** Lot area measured in acres.

+ Mobile home park must contain a minimum of 5 acres.

(2) In addition, the following setback requirements apply for all lots that abut on the Rock River:

- (a) There shall be setbacks from both the streets and water.
- (b) All buildings and structures, except piers, wharfs, and boathouses shall be setback at least 75 feet from all points along the normal highwater line and two (2) feet above the normal highwater elevation unless otherwise specified by this Ordinance. Seepage pits and soil absorption fields shall be setback at least 50 feet from the normal highwater elevation.
- (c) The Zoning Administrator shall determine the normal highwater elevation or line where not established.
- (d) A setback from water less than the setback required may be permitted where there are at least 5 existing main buildings within 500 feet of the proposed site that are built to less than the required setback. In such case the setback shall be the average of the nearest main buildings on each side of the proposed site or if there are no buildings on one side, the average of the setback from the main building on one side, and the required setback.



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PROJECT NO. 212056

DRAWN BY: B. BUCHDA

SURVEYOR: K. LORD

FILE NO. Basemap.DWG

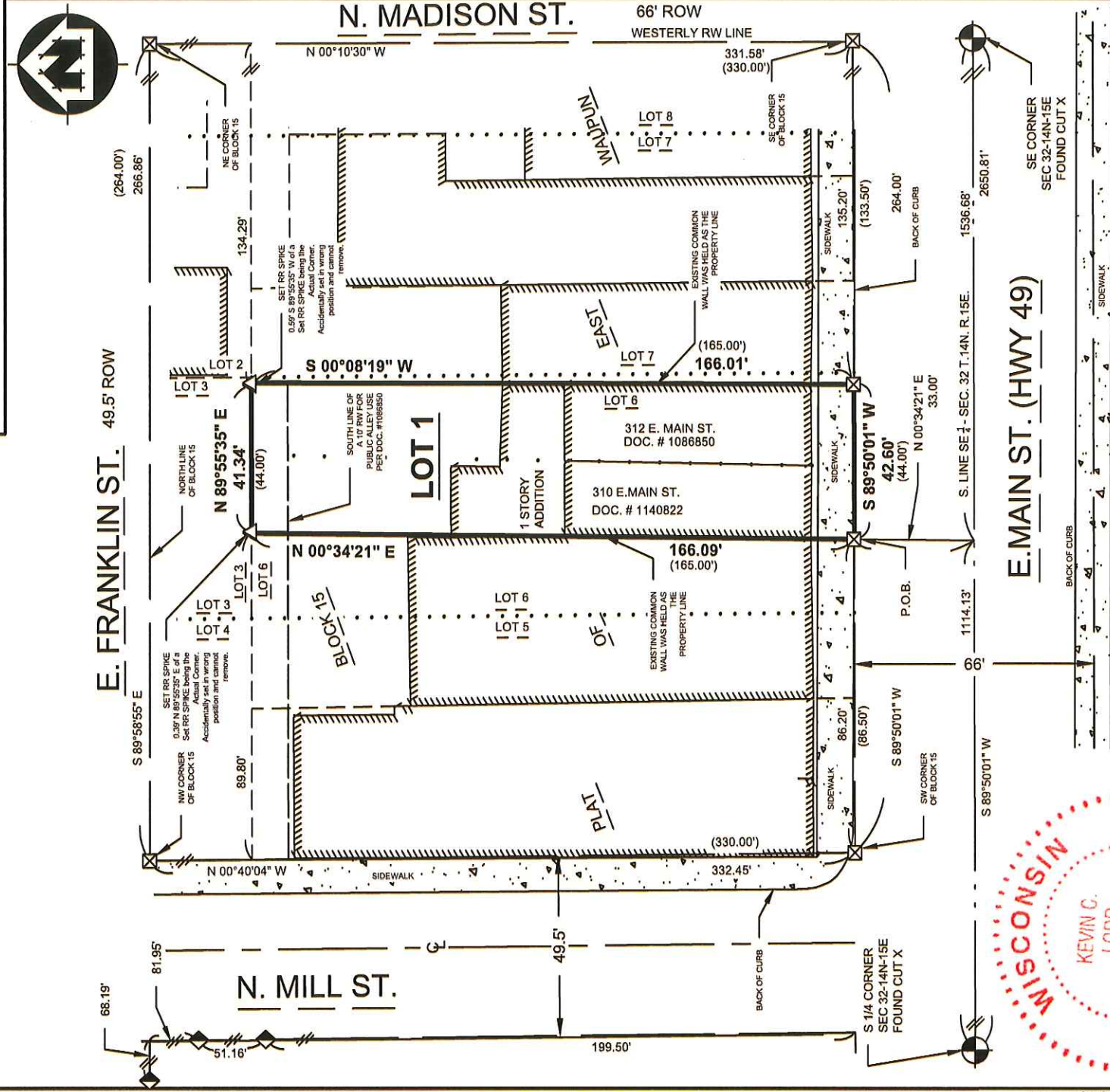
SHEET NO. 1 of 2

OWNER:

ABB & J INVESTMENTS LLC.
310 & 312 MAIN ST.
WAUPUN, WI 53963

FOND DU LAC COUNTY CERTIFIED SURVEY MAP

A RESURVEY OF A PART OF LOT 6, BLOCK 15 OF THE PLAT
OF EAST WAUPUN AND BEING PART OF THE SW 1/4 - SE 1/4
OF SECTION 32, T.14N., R.15E., CITY OF WAUPUN, FOND DU
LAC COUNTY, WISCONSIN.



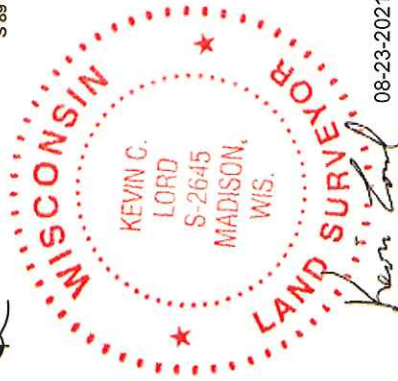
LEGEND
FD. SECTION CORNER
SET CUT X
SET RR SPIKE
FD. 1" IRON PIPE
RECORDED AS

SAID PARCEL IS SUBJECT TO ALL EASEMENTS
AND AGREEMENTS RECORDED AND UNRECORDED.

BEARINGS ARE REFERENCED TO THE
FOND DU LAC COUNTY COORDINATE SYSTEM
SOUTH LINE OF THE SE 1/4 OF SECTION 32
WHICH BEARS S 89°50'01" W



LOT 1 AREA: 6968± SQ. FT.
0.160± ACRES



08-23-2021



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PROJECT NO. 212056
DRAWN BY: B. BUCHDA
CHECKED BY: K. LORD
FILE: Basemap.DWG
SHEET NO. 2 OF 2

FOND DU LAC COUNTY CERTIFIED SURVEY MAP # _____

SURVEYOR'S CERTIFICATION

I, Kevin C. Lord, Professional Land Surveyor of the State of Wisconsin do hereby certify that by order of the ABB & J Investments LLC, I have made a resurvey of a part of Lot 6, Block 15 of the Plat of East Waupun and being part of the SW 1/4 of the SE 1/4 of Section 32, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin and being more particularly described as follows:

LEGAL DESCRIPTION

COMMENCING at the SE Corner of Section 32, Town 14 North, Range 15 East in the City of Waupun; thence S 89°50'01" W, 1536.68 feet along the south line of the SE 1/4 of said Section 32 to the southerly extension of the west line of lands described in Doc. # 1140822; thence N 00°34'21" E, 33.00 feet along the southerly extension of aforementioned west line to the SW corner of lands described in Doc. # 1140822, the south line of Lot 6, Block 15 of the Plat of East Waupun, the northerly right of way of Main St. (Hwy 49) and **POINT OF BEGINNING**; thence continuing N 00°34'21 E, 166.09 feet along the west line of lands described in Doc. # 1140822 (also being the common wall between buildings) to the north line of Lot 6, Block 15 of the Plat of East Waupun and the NW corner of lands described in Doc. # 1140822; thence N 89°55'35" E, 41.34 feet along the north line of Lot 6, Block 15 of the Plat of East Waupun, the north line of lands described in Doc. # 1140822 and the north line of lands described in Doc. # 1086850 to the NE corner of lands described in Doc. # 1086850; thence S 00°08'19" W, 166.01 feet along the east line of lands described in Doc # 1086850 (also being the common wall between buildings) to the south line of Lot 6, Block 15 of the Plat of East Waupun, the northerly right of way of Main St. (Hwy 49) and the SE corner of lands described in Doc. # 1086850; thence S 89°50'01" W, 42.60 feet along the south line of Lot 6, Block 15 of the Plat of East Waupun, the northerly right of way of Main St. (Hwy 49), the south line of lands described in Doc. # 1086850 and the south line of lands described in Doc. # 1140822 to the **POINT OF BEGINNING**.

Said parcel contains 6968± sq. ft/ 0.160 acres more or less

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land, that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the City of Waupun Subdivision Control Ordinance in surveying and mapping the same to the best of my knowledge and belief.


Kevin C. Lord, PLS S-2645 08-23-2021

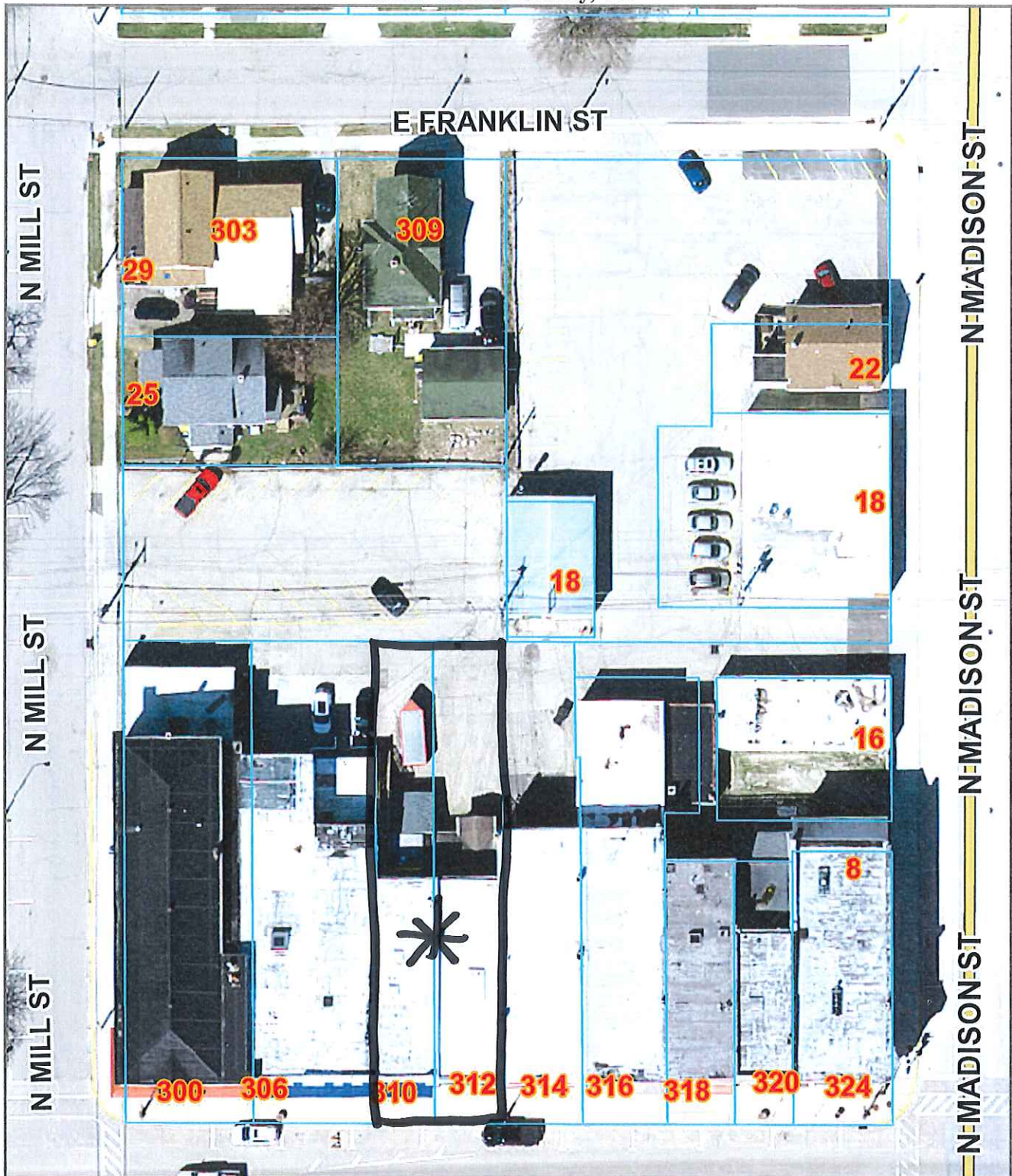


CITY OF WAUPUN APPROVAL

This Certified Survey Map is hereby approved by the City of Waupun.

JULIE NICKEL
MAYOR _____ Date _____

Fond du Lac County, WI



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 50 feet
9/23/2021



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PROJECT NO. 15987005

DRAWN BY: T. DAVIS

SURVEYOR: M. LAUE

FILE NO. TANAGER CSM.DWG

SHEET NO. 2 of 2

OWNER:

ACS RBHS LLC.
1027 TANAGER ST.
WAUPUN WI, 53963

FOND DU LAC COUNTY CERTIFIED SURVEY MAP #

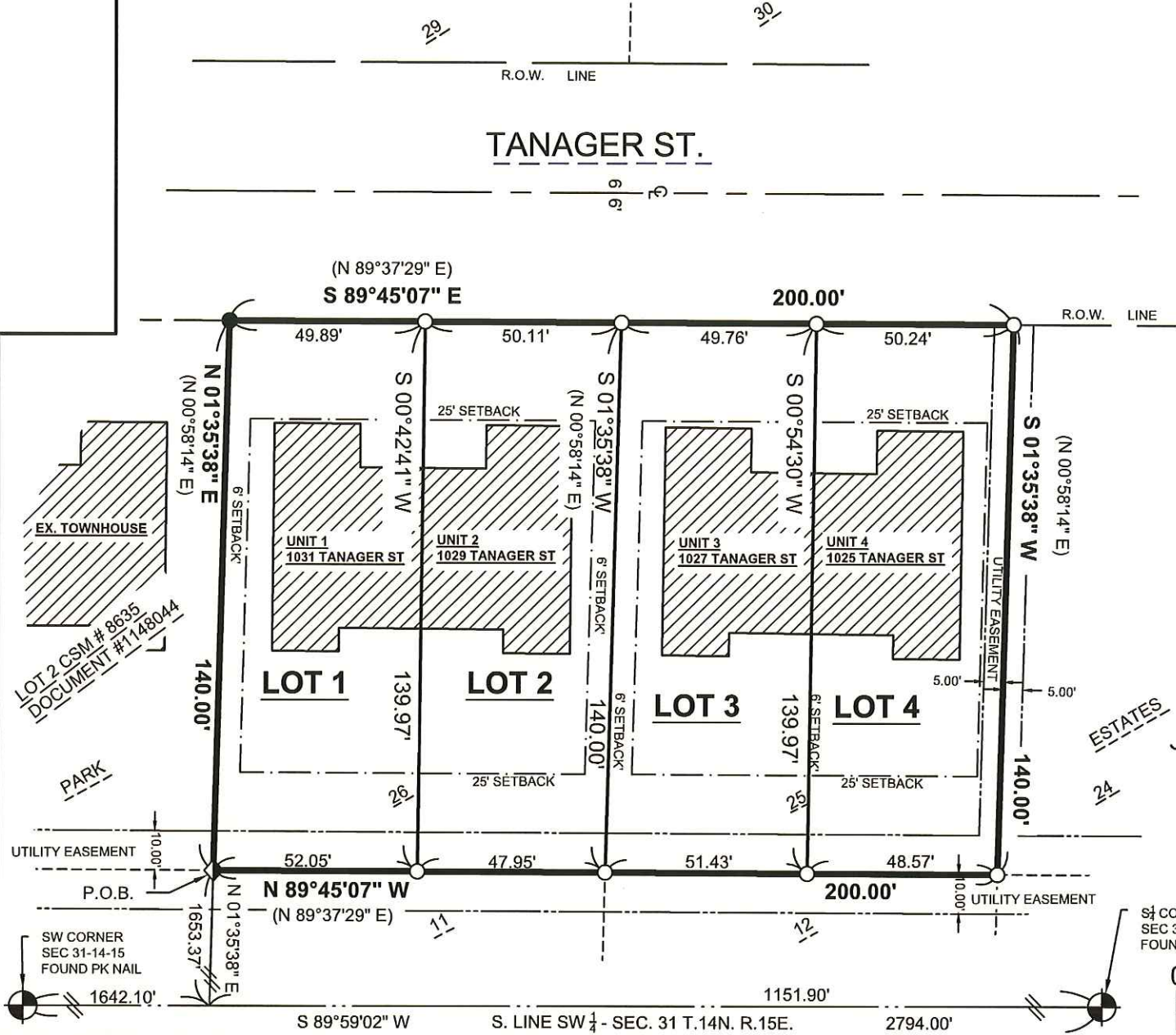
A RESURVEY OF LOTS 25 AND 26 OF PARK ESTATES SUBDIVISION AS
RECORDED IN VOLUME 13 PAGE 42 AND 43 IN THE FOND DU LAC
COUNTY REGISTER OF DEEDS OFFICE AND BEING PART OF THE NE 1/4
- SW 1/4 OF SECTION 31, T.14N., R.15E., CITY OF WAUPUN, FOND DU LAC
COUNTY, WISCONSIN.

SAID PARCEL IS SUBJECT TO ALL EASEMENTS
AND AGREEMENTS RECORDED AND UNRECORDED.

BEARINGS ARE REFERENCED TO THE
FOND DU LAC COUNTY COORDINATE SYSTEM
SOUTH LINE OF THE SW 1/4 OF SECTION 31
WHICH BEARS S 89°59'02" W

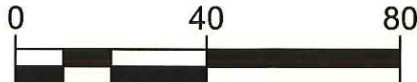


LOT 1 AREA:	7,134± SQ. FT. 0.164± ACRES
LOT 2 AREA:	6,862± SQ. FT. 0.158± ACRES
LOT 3 AREA:	7,082± SQ. FT. 0.162± ACRES
LOT 4 AREA:	6,914± SQ. FT. 0.159± ACRES
TOTAL AREA:	27,992± SQ. FT. 0.643± ACRES



LEGEND	
●	FD. SECTION CORNER
◆	FD. 1" IRON PIPE
○	SET. 3/4" BY 18" IRON ROD - 1.50 LBS / FT
●	FD. 3/4" IRON ROD

S4 CORNER
SEC 31-14-15
FOUND CUT CROSS





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PROJECT NO. 15987005
DRAWN BY: T. DAVIS
CHECKED BY: M. LAUE
FILE: TANAGER CSMS.DWG
SHEET NO. 2 OF 2

FOND DU LAC COUNTY CERTIFIED SURVEY MAP # _____


SURVEYOR'S CERTIFICATION

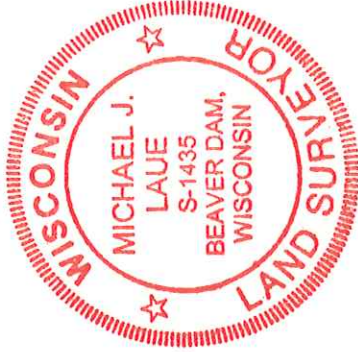
I, Michael J. Laue, Professional Land Surveyor of the State of Wisconsin do hereby certify that by order of the ACS RBHS LLC, I have made a resurvey of Lots 25 and 26 of Park Estates Subdivision as recorded in Document # 457223, Volume 13, Page 42 and 43, being part of the NE 1/4 of the SW 1/4 of Section 31, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin and being more particularly described as follows:

LEGAL DESCRIPTION

Lots 25 and 26 of Park Estates Subdivision Document #457223, Volume 13, Page 42 and 43, being part the NE 1/4 of the SW 1/4 of Section 31, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin.

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land, that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the City of Waupun Subdivision Control Ordinance in surveying and mapping the same to the best of my knowledge and belief.


MICHAEL J. LAUE



CITY OF WAUPUN APPROVAL

This Certified Survey Map is hereby approved by the City of Waupun.

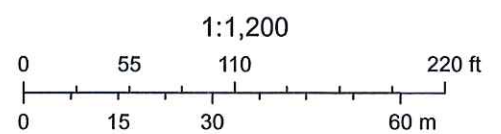
JULIE NICKEL
MAYOR

Date

Fond du Lac County, WI



September 22, 2021



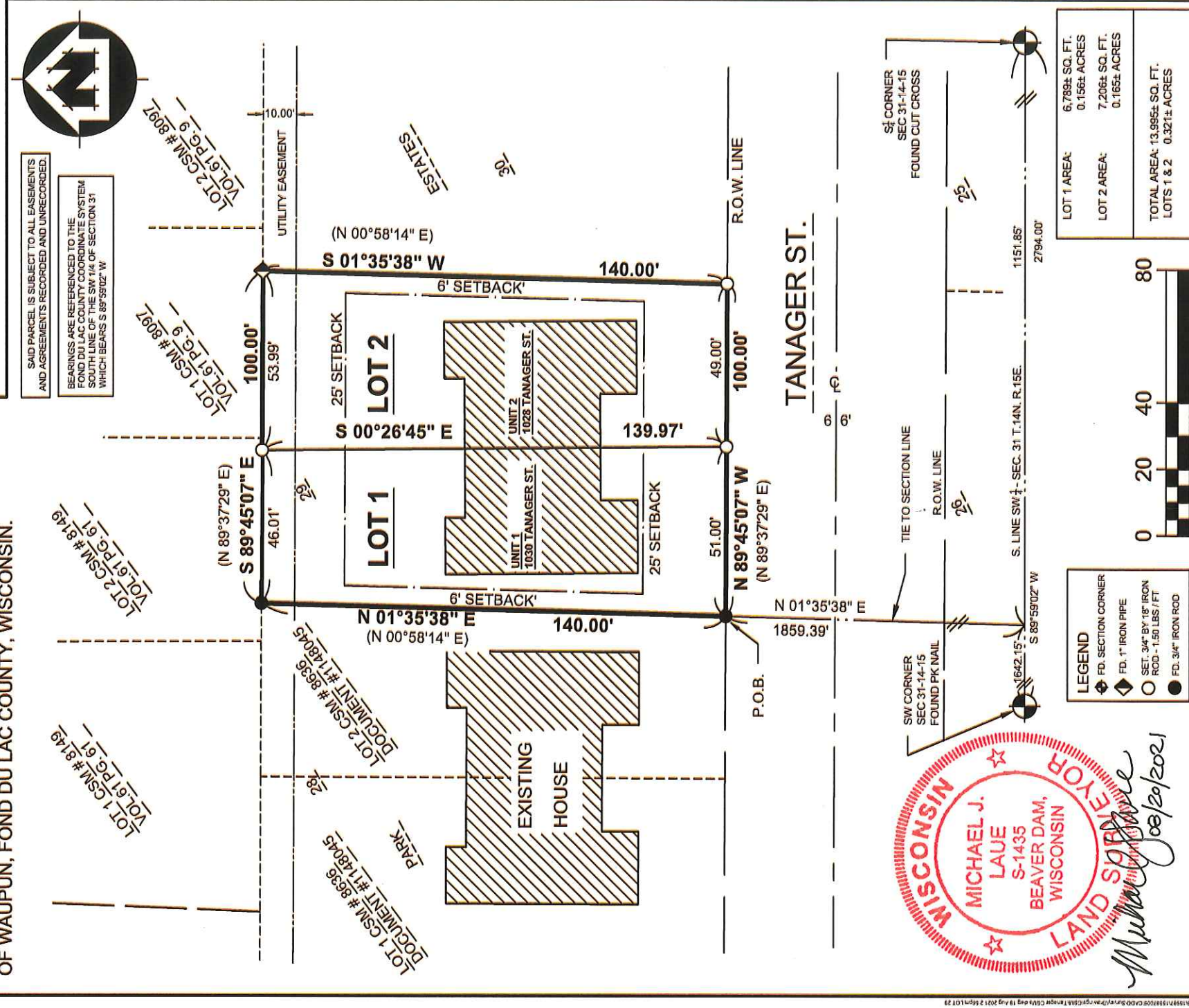
Fond du Lac County



SHEET NO. 1 OF 2

WAUPUN, WI 53963

A RESURVEY OF LOT 29 OF PARK ESTATES SUBDIVISION AS RECORDED IN VOLUME 13 PAGE 42 AND 43 IN THE FOND DU LAC COUNTY REGISTER OF DEEDS OFFICE AND BEING PART OF THE NE 1/4 - SW 1/4 OF SECTION 31, T. 14N., R. 15E., CITY OF WAUPUN, FOND DU LAC COUNTY, WISCONSIN.





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PROJECT NO. 15987005
DRAWN BY: T. DAVIS
CHECKED BY: MICHAEL LAUE
FILE: TANAGER CSMS.DWG
SHEET NO. 2 OF 2

FOND DU LAC COUNTY CERTIFIED SURVEY MAP # _____

SURVEYOR'S CERTIFICATION

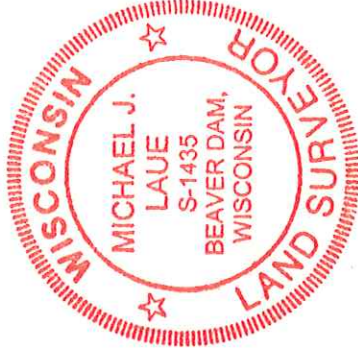
I, Michael J. Laue, Professional Land Surveyor of the State of Wisconsin do hereby certify that by order of the ACS RBHS LLC, I have made a resurvey of Lot 29 of Park Estates Subdivision as recorded in Document # 457223, Volume 13, Page 42 and 43, being part of the NE 1/4 of the SW 1/4 of Section 31, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin and being more particularly described as follows:

LEGAL DESCRIPTION

Lot 29 of Park Estates Subdivision Document #457223, Volume 13, Page 42 and 43, being part the NE 1/4 of the SW 1/4 of Section 31, Town 14 North, Range 15 East in the City of Waupun, Fond du Lac County, Wisconsin.

I further certify that this map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land, that I have complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the City of Waupun Subdivision Control Ordinance in surveying and mapping the same to the best of my knowledge and belief.


Michael J. Laue



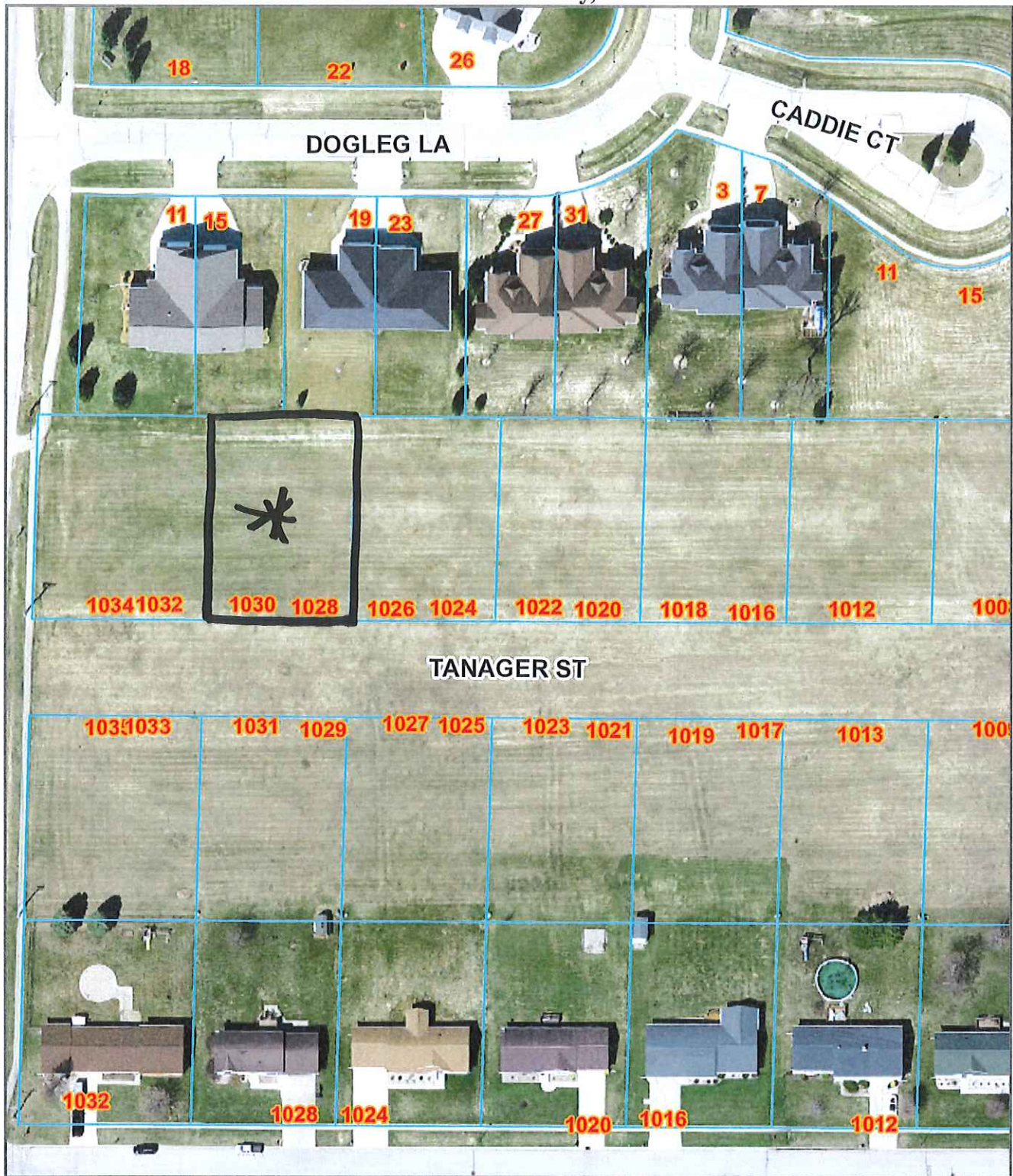
CITY OF WAUPUN APPROVAL

This Certified Survey Map is hereby approved by the City of Waupun.

JULIE NICKEL
MAYOR

Date

Fond du Lac County, WI



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
9/23/2021