

ORDINANCE NO. 2016 - _____
AN ORDINANCE RENUMBERING SECTION 425-3-1A (6)(14) AND CREATING SECTION 425-3-1A (6), AMENDING SECTIONS 425-3-1B, D, E, G, J(1)(e), CREATING SECTION 425-3-3O, AMENDING SECTIONS 425-4-2B(2)(b) AND C(1) AND AMENDING TOWN OF FULTON APPENDIX A, TOWN OF FULTON – PERMITTED AND CONDITIONAL USES (6) AND (7) 4., OF THE CODE OF ORDINANCES OF THE TOWN OF FULTON

WHEREAS, the Plan Commission of the Town of Fulton having held a duly noticed public hearing on an Ordinance Renumbering Section 425-3-1A (6)(14) and Creating Section 425-3-1A (6), Amending sections 425-3-1B, D, E, G, j(1)(e), Creating Section 425-3-3O, Amending Sections 425-4-2B(2)(b) and C(1) and Amending Town of Fulton Appendix A, Town of Fulton – Permitted and Conditional Uses (6) and (7) 4., of the Code of Ordinances of the Town of Fulton, and, following said public hearing, having recommended the approval of the Creation of Section 425-3-1A (6) and 425-3-3O as well as the above described amendments to Chapter 425 of the Code of the Ordinances of the Town of Fulton, pertaining to the creation of the Residential – General Sewered (R-GS) Zoning District; and

WHEREAS, the Town Board of the Town of Fulton having determined that it is appropriate to provide for an additional residential sewer district for those parcels for which, due to topography and other reasons, are not appropriate for the Residential - Low Density (R-L) Zoning District.

NOW, THEREFORE, the Town Board of the Town of Fulton hereby ordain as follows:

SECTION I. Section 425-3-1A (6) through (14) is hereby renumbered (7) through (15).

SECTION II. Section 425-3-1A (6) is hereby created to read as follows:

(6) Residential – General Sewered (R-GS)

SECTION III. Section 425-3-1B is hereby amended to read as follows:

B. Underlying and overlay zoning districts. Zoning districts identified in § 425-3-1A(1) through ~~(12)~~ (13) of this chapter shall be designated as “underlying zoning districts,” with uses of all land, water, and air, and siting and construction of buildings and other structures and use thereof, subject to the standards and requirements for the designated underlying zoning district as identified herein. Zoning districts identified in § 425-3-1A ~~(13)~~ (14) through ~~(14)~~ (15) shall be designated as “overlay zoning districts,” with all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof, subject to the standards and requirements of both the designated underlying and overlay zoning district as identified herein. (If conflicts exist between underlying and overlay standards and requirements, the more restrictive standards and requirements shall apply.)

SECTION IV. Section 425-3-2D of the Code of Ordinances of the Town of Fulton is hereby amended to read as follows:

D. Lot size. Any lot created or modified after the effective date of this chapter shall contain minimum lot size standards and requirements as identified in § ~~425-3-3A~~ through ~~N~~ herein Section 425-3-3 of this chapter.

SECTION V. Section 425-3-2E of the Code of Ordinances of the Town of Fulton is hereby amended to read as follows:

- E. Principal building allowance. More than one principal building shall be allowed on lots in all zoning districts in the Town insofar as the maximum lot coverage for the applicable zoning district is not exceeded, with the exception of any lot located in the R-RL, R-RS, R-L or R-GS Zoning Districts, or a residential lot in the PD Zoning District, on which a single-family or two-family residence is located, in which case no more than one principal building, not to exceed the maximum lot coverage for said zoning district, shall be allowed.

SECTION VI. Section 425-3-2G (Introduction) of the Code of Ordinances of the Town of Fulton is hereby amended to read as follows:

- G. Building setback lines and right-of-way width by road (street) classification. Building setback lines and minimum right-of-way widths for roads (streets) are hereby classified according to the Wisconsin Department of Transportation Functional Classification System and, except as otherwise provided in Section 425-3-3 of this chapter, are identified in and subject to the following:

SECTION VII. Section 425-3-2J(1)(e) of the Code of Ordinances of the Town of Fulton is hereby amended to read as follows:

- J. Pools and sport/play areas shall have a ten-foot minimum distance from the side or rear lot line (measured from edge of water or sport/play area) unless the applicant has obtained a signed and notarized affidavit of consent from the adjacent lot owners, recorded against the subject and adjacent lots with the Rock County Register of Deeds, identifying and allowing a lesser distance, with said affidavit to run with the land. All permanent pools within the R-RS, R-L, and R-GS Zoning Districts, or a residential lot in the PD Zoning District, shall be fenced.

SECTION VIII. Section 425-3-3O of the Code of Ordinances of the Town of Fulton is hereby created to read as follows:

- O. Residential – General Sewered (R-GS)
 - (1) Purpose and intent. The purpose of the Residential – General Sewered Zoning District is to provide a means of achieving the housing goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-GS Zoning District is to allow for low-density residential land uses on lots served by a public sanitary sewer system, in and around existing or potential future low, medium, or high-density residential areas in accordance with the Existing Land Use Map and Future Land Use Map, or similarly named maps as contained in the Comprehensive Plan, which, due to topography or other reasons, are not appropriate for the R-L District.
 - (2) Permitted uses. The following uses are allowable as permitted uses in the R-GS Zoning District:
 - (a) All those uses designated with the “P” in the R-GS column of Appendix A;

- (b) Any use not identified in Appendix A and proposed in the R-GS District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A.
- (3) Conditional uses. The following uses are allowable as conditional uses in the R-GS Zoning District, requiring a CUP in accordance with Section 425-4-3F of this chapter prior to establishment of said use:
- (a) All those uses designated with a "C" in the R-GS column in Appendix A;
 - (b) Any use not identified in Appendix A and proposed in the R-GS Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A.
- (4) Prohibited uses. Any use other than those identified in Section O (2) and (3) of this section shall be prohibited in the R-GS Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the R-GS Zoning District.
- (a) Lot:
 - [1] Minimum size:
 - [a] Residence: single-family, 10,000 square feet.
 - [b] Residence: two-family, 12,000 square feet.
 - [2] Maximum size: Less than 40,000 square feet:
 - [a] Minimum width: 80 feet.
 - [b] Public road frontage: 80 feet.
 - [c] Building line: 80 feet.
 - (b) Building:
 - [1] Minimum size:
 - [a] Residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Section O(5)(b)[1][a][i] and [ii].)
 - [i] Single-family, living area: 1,000 square feet
 - [ii] Two-family, living area: 1,600 square feet
 - [b] Any building other than a residence: none.

- [2] Maximum size: none, but not to exceed the requirement of Subsection O(5)(b)[6], Maximum lot cover;
- [3] Maximum height:
 - [a] Principal building: 35 feet.
 - [b] Accessory building: 20 feet and not forward of the front face of the principal building.
- [4] Minimum width:
 - [a] Residence: 24 feet.
 - [b] Any building other than a residence: none.
- [5] Maximum number:
 - [a] Residence (single-family or two-family): one.
 - [b] Any building other than a residence: None, but not to exceed the requirement of Subsection O(5)(b)[6], Maximum lot cover.

(c) Building setback line:

- [1] Road-yard: 25 feet from road right-of-way line.
- [2] Rear-yard:
 - [a] Principal building: 25 feet;
 - [b] Accessory building: eight feet
- [3] Side-yard:
 - [a] Principal building: eight feet and 20 feet total on both sides.
 - [b] Accessory building: eight feet

(d) Parking:

- [1] Off-street: residential, two two-hundred-square-foot (minimum) spaces and a two-car garage (minimum) per residence;
- [2] Off-street: public gathering: one two-hundred-square-foot (minimum) space per five seats or per 200 square feet of building.
- [3] Off-street: home occupation and professional office: one two-hundred-square-foot (minimum) space per 200 square feet of commercial/business floor area in building.

SECTION IX: Section 425-4-2B (2) (b) of the Code of Ordinances of the Town of Fulton is amended to read as follows:

- (b) Consistency of the activity identified in the application with the Comprehensive Plan and the Future Land Use Map contained therein or any similar plan or map, the Town of Fulton Use Map contained therein or any similar plan or map, the Town of Fulton Agriculture Resources – Farmland Preservation Map as contained in the Rock County Agriculture Plan, or any similar and other relevant plan, the purpose and intent of this chapter as stated § 425-1-3 herein, the purpose and intent of the applicable zoning district in accordance with ~~§ 425-3-3A through N~~ 425-3-3 of this chapter, and the public interest.

SECTION X: Section 425-4-2C (1) of the Code of Ordinances of the Town of Fulton is hereby amended to read as follows:

- (1) The reviewing bodies shall take action and approve, approve with conditions, or deny with findings a zoning and land use activity application after review and consideration of the factors identified in § 425-4-3B of this chapter and the specific standards and requirements for individual zoning and land use activities as identified in ~~§ 425-3-3A through N~~ 425-3-3 of this chapter, in accordance with the process identified in said section. If the zoning and land use activity application or other formal documentation requires a Town Plan Commission (hereafter, "Commission") recommendation to the Town Board (hereafter "Board") in accordance with § 425-4-3A through J of this chapter, and said Commission does not make a recommendation within 45 days of submission of the application to the Town or such longer period as may be authorized by the Board, the Board may take final action without said recommendation.

SECTION XI. Town of Fulton Code - Appendix A for the Town of Fulton – Permitted and Conditional Uses subparts (6) and (7) 4., of the Code of Ordinances of the Town of Fulton are hereby amended to read as follows:

- (6) The following identifies the abbreviations utilized to identify Town Zoning Districts in the following table (7)

A-E:	Agricultural-Exclusive
A-G:	Agricultural-General
R-RL:	Residential-Rural Density-Large
R-RS:	Residential-Rural Density-Small
R-L:	Residential-Low Density
<u>R-GS:</u>	<u>Residential – General Sewered</u>
C-L:	Commercial-Local
C-H:	Commercial-Highway Interchange
C-R:	Commercial-Recreational
I-L:	Industrial-Light
SU:	Special Use
PD:	Planned Development
NR-OS:	Natural Resource-Open Space
EC-L:	Environmental Conservation-Lowland – Overlay
EC-H:	Environmental Conservation-Highland – Overlay

- (7) 4. (see attached)

SECTION XII: This Ordinance shall take effect upon passage and publication as provided by law.

Approved by the Town Board of the Town of Fulton this _____ day of _____, 2016.

TOWN OF FULTON

By: _____
Evan Sayre, Town Chairperson

ATTEST:

By: _____
Connie Zimmerman, Clerk/Treasurer

Date passed: _____

Date published: _____

