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CHAPTER 21

ZONING

CODE

CHAPTER 21
ZONING CODE

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PART "A"

GENERAL INFORMATION

SECTION 21.01 INTRODUCTION

(1) Authority.

This Chapter is adopted under the authority granted by Sections 61.35, 61.351, and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sections 61.35 and 61.351, Wis. Stats.

(2) Title.

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of North Fond du Lac" and is hereinafter referred to as the "Code" or "Chapter."

(3) General Purpose.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of North Fond du Lac.

(4) Intent and Purposes.

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

(a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;

(b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;

(c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;

(d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;

(e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;

(f) Promote the development of a well-balanced diversity of housing types and densities;

(g) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

(h) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;

(i) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;

(j) Preserve and protect the beauty of the Village of North Fond du Lac;

(k) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;

(l) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

(m) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;

(n) Further the maintenance of safe and healthy water conditions;

(o) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;

(p) Provide for and protect a variety of suitable commercial and industrial sites;

(q) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;

(r) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village;

(s) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

(5) Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

(6) Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.

(7) Severability and Non-Liability.

(a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

(b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land or water not specifically included in said judgement.

(c) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

(8) Repeal and Effective Date.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

(for future use)

SECTION 21.02 GENERAL PROVISIONS

(1) Control Over Use.

(a) NEW USES.

Any use of a building, structure or lot established after the effective date of this Ordinance, or any amendment thereto, shall be for a use which is set forth in this Ordinance as a permitted use, or a use permitted with special conditions attached, or a use permitted by a special use permit, and shall comply with the regulations applicable to the district in which such building, structure or lot is located.

(b) EXISTING USES OR BUILDING PERMITS.

1. Where a building permit for a building or structure has been duly issued prior to the effective date of this Ordinance, and where construction has been begun within six (6) months of such effective date of such permit and is being prosecuted to completion, said building or structure may be completed in accordance with the approved plans, and further, may, upon completion, be occupied under a certificate of occupancy for the use originally designated when construction is completed according to approved plans.

2. Where the use of a structure or the use of land existing at the time of the adoption of this Ordinance is made nonconforming by the provisions of this Ordinance, the provisions of Section 21.16 shall apply to such use.

3. Where the use of a building, structure or lot lawfully exists on the effective date of this Ordinance, or any amendment thereto, and is classified by this Ordinance as a use permitted by special use permit in the district where it is located, such use shall be continued as a lawful special use. Any expansion or major alteration of such legally preexisting special use shall require a special use permit issued in accordance with the provisions of Section 21.11 of this Ordinance.

(c) SPECIAL USES.

1. To provide for the location of special classes of uses which are deemed desirable for the public welfare within a given district or districts, but which are potentially incompatible with typical uses specified as permitted uses in the various schedules of this Ordinance, a classification of special uses is hereby established and specific special uses are listed in the various schedules.

2. An application for a special use permit shall be processed in accordance with the procedures set forth in Section 21.11 of this Ordinance. The

Village Board may thereafter grant a special use permit when the proposed use is in accordance with such statutory requirements and in compliance with regulations herein set forth in Section 21.11 and additional regulations that the Village Board considers necessary to protect the public health, safety and welfare.

3. Development plans and specifications shall be submitted in accordance with the provisions for site plan review.

(2) Control Over Site.

(a) STREET FRONTAGE. To be buildable, a lot shall comply with the frontage requirements of the zoning district in which it is located.

(b) PRINCIPAL STRUCTURES. All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Plan Commission may permit as a special use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.

(c) DEDICATED STREET. Building permits shall only be issued for a lot which abuts a public street dedicated to its proposed width. Exceptions may be made in the following circumstances:

1. A dedicated access easement is provided;

2. The lot is legally combined under common ownership with another lot that does abut a public street dedicated to its proposed width.

(d) LOTS ABUTTING MORE RESTRICTIVE DISTRICTS. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be not less than the average of the street yards required in both districts.

(e) SITE SUITABILITY. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the

provisions of the Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Village Board.

(f) PRESERVATION OF TOPOGRAPHY. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1½) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Director of Public Works, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

(g) DECKS.

1. DEFINITIONS

a. Deck: An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor, but no roof.

b. Attached Deck: Any deck that is physically connected to the principal building or accessory structure.

c. Detached Deck: Any deck that is not physically attached to the principal building or accessory structure and is not more than 24 inches above the ground elevation adjacent to the deck as determined by the Building/Zoning Inspector.

d. Swimming Pool Decks: Any deck that serves a swimming pool. Refer to the Section 21.12(7) for swimming pool structure information.

2. SETBACK REQUIREMENTS

a. Attached Deck

	R1	R2	R3	R4	R5	R6	R7	R8
Front Yard	30	25	25	25	25	25	30	25
Side Yard	12 ½	10	6	6	6	12 ½	15	6
Rear Yard	15	15	15	15	15	20	50	15

• Corner lots will have the front yard set back applied to the side yard adjacent to the street.
• All areas zoned B1 (Business District), B2 (Business District),O (Office), BP (Business Park), I1 (Industrial), I2 (Industrial), MH (Mobile Home District), PUD (Planned Unit Development and C (Conservancy) will be reviewed using the bulk requirements listing in their specific zoning section.

b. Detached Deck.

	R1	R2	R3	R4	R5	R6	R7	R8
Front Yard	Not Allowed in the Front Yard Set Back Area.							
Side Yard	12 ½	10	6	6	6	12 ½	15	6
Rear Yard	15	15	15	15	15	20	50	15

• Corner lots will not have decks located in the front yard setback area. The front yard setback area will apply to all street sides of the lot.

• All areas zoned B1 (Business District), B2 (Business District), O (Office), BP (Business Park), I1 (Industrial), I2 (Industrial), MH (Mobile Home District), PUD (Planned Unit Development and C (Conservancy) will be require at least a 20 foot rear setback and must comply with all other bulk requirements of the zoning district.

• Any detached deck elevated more than 24 inches off will require plan commission approval.

c. Swimming Pool Deck. No part of the swimming pool deck shall be closer than ten (10) feet from any side or rear lot line or closer than the front setback line of the main building. Refer to the Section 21.12(7) for swimming pool structure information.

(3) Control Over Bulk.

(a) NEW STRUCTURES.

New structures shall conform with the bulk requirements established herein for the district in which each such structure is located.

(b) EXISTING STRUCTURES.

Existing structures shall not be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such structures are located, except under those conditions when conversion is permitted by this Ordinance.

(c) EXISTING RESIDENTIAL LOT OF RECORD.

A lot of record at the time of the adoption of this Ordinance, which lot is in a residential district and does not meet the requirements of this Ordinance as to area or width, may be used for a single-family detached dwelling provided it shall meet all other applicable requirements of this Ordinance and the following additional requirements.

1. The applicant shall furnish with the application for a building permit a drawing to scale showing the lot upon which he proposes to erect a single-family detached dwelling and also showing the lots on either side of the said lot with all improvements thereon and widths of adjoining side yards and any projections of buildings or structures therein duly plotted on said drawing. The applicant shall, by affidavit, certify that he is not, and has not been at any time since the effective date of this Ordinance, the owner of any interest, direct or indirect, in a contiguous lot or lots.

2. The Zoning Administrator shall issue a permit for erecting a single-family detached dwelling on the subject lot upon compliance with all other applicable provisions of this Ordinance.

(d) HEIGHT OF STRUCTURE.

1. No structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except as noted below.

   a. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.

   b. Special structures, such as elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, water storage towers or tanks, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this Chapter.

   c. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.

   d. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.

e. Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

f. Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

2. The grade from which structure height is measured shall be the existing or established grade at the building setback line midway between the side lot lines. Where the buildable area has a slope between any two (2) corners, the grade from which the building height is measured shall be at the uphill building line midway between the side lot lines.

(e) TWO OR MORE USES ON ONE LOT.

When two (2) or more permitted or special uses are provided in the same building or on the same lot the required minimum lot area, setback and yard requirements shall be the largest which would be required for any of the uses individually. Minimum off-street parking requirements shall be the total of that required for each use on the lot.

(f) LOT DIVISION.

No lot shall hereafter be divided into two or more lots for the purpose of transfer of ownership unless all lots resulting from each such division shall have lot areas and widths as required in this Ordinance, have complied with the subdivision control ordinance, and have paid a public site fee in accordance with Section 8.96.

(g) YARDS AND OPEN SPACE.

1. All yards and open space required by this ordinance shall be located on the same lot as the principal structure or use and shall not be less than the minimum specified for the district and the applicable schedule of bulk requirements, unless a special exception has been granted by the Board of Appeals or the provisions of Section 21.02 (3)(i) or 21.12 are applicable.

2. No yard shall be less than the minimum specified in the application schedule of bulk requirements, unless a variance has been granted by the Board of Appeals, except that side and rear yard setbacks may conform with existing conditions.

3. Except as may be otherwise provided for in Section 21.16 of this ordinance, no yard allocated to a building, structure or use existing on the

effective date of this Ordinance shall be subsequently reduced so as to be less than the applicable yard requirements of this Ordinance. When a structure existing on the effective date of this Ordinance extends into a yard which adjoins a street, the setback line established by such structure may be extended provided that on a corner lot, no such extension is closer than twenty (20) feet from the intersection of the rights-of-way lines of the intersecting streets. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

(h) THROUGH LOTS.

On through lots both street right-of-way lines shall be front lot lines and front yard setbacks shall apply. For purposes of siting accessory buildings and other yard obstructions the requirements for rear yards may be applied to one front yard area, as determined by the Zoning Administrator, in each individual case. (O-2019-02)

(i) FRONT YARD SETBACK.

Where at least forty percent (40%) of the lots fronting on a street within a block have established front yard building setbacks which are less than required by this Ordinance for the zoning district in which such lots are located, the minimum setback requirement for new development in such block shall be no less than the front yard depth of the lot which has the least degree of nonconformity. In cases where established front yard setbacks are less than required by this ordinance, the minimum required setback shall be the average of the nearest adjacent nonconforming setbacks.

(j) SCREENS AND BUFFERS.

1. Required Screens and Buffers. Where screens or buffers are required by this Chapter or the Plan Commission to reduce the impact of proposed uses on adjacent properties, the following standards shall be followed. Buffer yards and screens may be required jointly or separately.

2. Buffer Yards. Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Plan Commission or Zoning Administrator. The minimum width shall be ten (10) feet.

3. Screens. Screens are barriers located in a limited space of ten (10) feet or less intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of

installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months.

(4) Control Over Corner-Lot Sight Lines.

(a) At all street intersections where there is no traffic light control, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed on any lot between two-and-one-half (2.5) and ten (10) feet above the grade of the sidewalk adjacent to such streets and within the vision clearance triangle as defined in Section 21.13 of this Ordinance.

(b) Allowable installations within the vision clearance triangle are: utility and street light poles when no safer alternative is available; trees with growth characteristics which develop no significant foliage which will obstruct view in the vision clearance area; official signs and signals; signs in accordance with Section 21.14; and on street parking when traffic controls exist which permit decreased sight lines.

(5) Regulations Governing Airports and Their Surroundings.

Airports and their surroundings are subject to the rules and regulations of the Wisconsin State Aeronautics Commission and where property within the Village is located within an area which has an officially approved approach plan, the height limitations of the approach plan shall, if more restrictive than those contained in this Ordinance, take precedence.

(6) Mobile Homes, Trailers, Boats, Snowmobiles, Semis, Buses.

(a) Except as otherwise set forth in this section, mobile homes, travel trailers or camping trailers shall not be occupied for dwelling purposes except in a lawfully established mobile home park or tourist camp. No more than one camping trailer, travel trailer or motor home may be parked or stored in the open on a lot in a residence district and then only at the side or rear of the principal building.

(b) Trailers shall not be permanently affixed to the ground as a principal or accessory structure on a lot in any district except that a business trailer meeting the requirements of the building code may be permitted by special permit.

(c) Temporary parking and use of a mobile home or trailer shall be permitted when a temporary permit has been issued by the Zoning Administrator for the following purposes:

1. Use for temporary lodging on a lot containing a dwelling, provided such mobile home is not parked or used thereon for more than four days in any consecutive 30-day period.

2. Use for a temporary office or for storage incidental to and only for the period of construction of a building development provided such mobile home or trailer is located on the same or contiguous lot as said building development and moved promptly at the end of construction or upon notice by the Zoning Administrator.

3. Use as an interim dwelling during construction of a permanent residence or in the event a permanent residence has been damaged or destroyed.

Any temporary permit issued under the provisions of this section shall expire in twelve (12) months from the date of issuance but may be extended for up to twelve (12) additional months, for cause, by the Zoning Administrator.

The request for extension must be made in writing and state the causes that require an extension; the Zoning Administrator's approval of the extension must also be made in writing.

(d) Tents shall not be erected, used or maintained on any lot, except such small tents as are customarily used for recreation purposes and are located on the same lot as a dwelling. Temporary use of tents for religious, amusement and recreation, business or manufacturing purposes shall be permitted by special permit.

(e) Boats, snowmobiles, cargo trailers, recreation vehicles and similar vehicles may be parked or stored in the open when customary in the operation of a lawfully established principal use, and one such vehicle may be stored or parked on a residential lot provided that it is not located in any required front yard and no major repair, disassembly or rebuilding operations are conducted thereon. Recreational vehicles and travel trailers under 35 feet in length and licensed where appropriate may be parked in a front yard driveway for loading, unloading, and maintenance reasons for no more than 48 hours per seven-day period. (O-2018-08)

(f) Vehicles and/ or equipment not normally associated with a residential use are specifically prohibited from being parked outdoors on a residential property include but are not limited to: semi-trucks, semi-trailers, walk-in trucks or vans, dump trucks, school buses, and passenger vehicles over twenty-one feet in length. EXCEPTION: a maximum of one (1) commercial vehicle per dwelling may be parked outdoors on a driveway in a residential property if it is used by the resident of the dwelling unit and has a gross vehicle weight of 12,000 pounds or less and is less than twenty-one feet in length. (O-2018-08)

(g) No more than one (1) vehicle at a time may be offered for sale by owner. Such vehicle may not be parked in any yard while advertised for sale.

(7) Sewerage and Water Systems.

(a) Each use hereafter established within the Village which requires sewer and water facilities shall be served by public or community sewerage and water systems.

(b) The above to the contrary notwithstanding, such uses, hereafter established on lots in areas that are not served with public sewer and/or water systems, may be served with individual sewage disposal systems and/or private wells, provided that the Village Board shall find after receiving recommendations of the Plan Commission that it is impracticable or unnecessary to require public sewerage and/or water systems or install community systems to serve the area.

(c) Installation of individual sewage disposal systems and private wells or community sewer and water systems shall be in accordance with standards and specifications set forth in applicable laws of the Village, County, and State, except that in no case shall leaching beds be located in a required side yard.

(8) Floodplain Requirements.

All use of floodplain land shall be in accordance with Chapter 9, the Floodplain Ordinance of the North Fond du Lac Municipal Code.

(9) Exemption for Public Utilities.

The following public utility installations are permitted in any district: poles, towers, wires, cables, conduits, underground vaults, laterals, pipes, mains, valves or any other similar distributing installations. However, such installations shall conform with applicable Federal, State, County and Village laws.

(10) Storage of Junk, Refuse, and Disabled or Damaged Motor Vehicles.

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. Enclosed storage, when permitted within a zoning district, shall be completely surrounded by a solid fence or wall which completely obscures vision of the storage from beyond the property.

(11) Mobile Service Facility(O-2020-03)

Mobile service towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities. The purpose of this section is to maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure, consistent with the Federal Telecommunications Act of 1996 and § 66.0404, Wis. Stats., are provided to serve the

community and further the legitimate interest of the Village of North Fond du Lac in regulating local zoning.

(a) Applicability.

1. New towers and antennas. Any new mobile service towers or antennas shall be subject to the provisions of this section, and North Fond du Lac 21.11(12) where applicable, except as provided in subsection (a)2 and (a)3.

2. Amateur radio station operators/receive-only antennas. This section shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas, see North Fond du Lac 21.12(8).

3. Exempt facilities. Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system for police, fire and other municipal services are exempt from this section.

4. Municipal sites. Antennas installed on a structure other than a new communication tower or antennas installed on an existing communication tower shall be permitted where located on property owned, leased or otherwise controlled by the Village of North Fond du Lac, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna or tower has been approved by the Village.

5. Antennas or towers on existing structures. An antenna or tower situated on the roof of a structure in a commercial or industrial district may be allowed, provided that such device is installed and maintained in accord with applicable state or local building codes and complies with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas.

(b) Special Use Permit Required. A special use permit is required for the siting and construction of any new mobile service support structure and facilities, and/or the substantial modification of an existing support structure and mobile service facilities (Class 1 co-location). An application shall be made to the Village on a form furnished by the Village and pursuant to the provisions of North Fond du Lac 21.11 and 21.11(12)(y).

(c) Mobile Service Zoning Permit Required for Class 2 Co-Location. A Class 2 co-location is subject to the same requirements for issuance of a building permit to which any other type of commercial development or land use development is

subject. An application for a mobile service zoning permit shall be made to the Village on a form furnished by the Village.

1. An application for a mobile service zoning permit (Class 2 co-location) shall contain all of the following information:

    a. The name, business address, phone number and e-mail address of the applicant and the contact individual.

    b. The location of the proposed or affected support structure.

    c. The location of the proposed mobile service facility.

2. If an applicant submits to the Village an application for a mobile service zoning permit to engage in a Class 2 co-location, which contains all of the information required under subsection (c)1, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant, in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

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

    a. Make a final decision whether to approve or disapprove the application.
    b. Notify the applicant, in writing, of its final decision.

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

(d) General requirements. In addition to compliance with all applicable regulations of this section, the following standards shall apply for the installation of any tower or antenna:

1. Building codes; safety standards. The owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30

days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

2. State or federal requirements. All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this section shall bring such tower and antenna into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. Height. Antenna height shall not be restricted, provided that such device is installed and maintained in accord with applicable state or local building codes and in compliance with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate antennas. Tower height shall be regulated pursuant to the provisions of North Fond du Lac 21.11(12).
4. Aesthetics. Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

6. Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

7. Fencing. A tower shall be enclosed by security fencing not less than six feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

8. Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

9. Mobile service support structure and equipment.

    a. Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with an antenna may be located on a roof, provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.

    b. Antennas mounted on utility poles, light poles or towers. The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view.

10. Removal of abandoned antennas and towers. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village of Fond du Lac notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(for future use)

SECTION 21.03 ZONING DISTRICTS AND DISTRICT MAP

(1) Establishment of Districts.

(a) DISTRICTS. For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of North Fond du Lac into the following basic zoning districts:

1.	S	Shoreland District
2.	C	Conservancy District
3.	A-1	Agricultural District
4.	A-T	Agricultural Transition District
5.	R-1	Residential District - Single Family, Low Density
6.	R-2	Residential District - Single Family, Moderate Density
7.	R-3	Residential District - Single Family, Medium Density
8.	R-4	Residential District - Single Family, High Density
9.	R-5	Residential District - Two Family
10.	R-6	Residential District - Multiple Family
11.	R-7	Residential District - Temporary Unclassified
12.	R-8	Residential District - Manufactured Housing
13.	B-1	Business District - General
14.	B-2	Business District - Highway
15.	I-1	Manufacturing District - General
16.	I-2	Manufacturing District - Limited
17.	O	Office/Institutional District
18.	MH	Mobile Home District
19.	PUD	Planned Unit Development District

(2) Annexed Land.

Any addition to the incorporated area of the Village by annexation or other means shall be automatically classified in the (R-7) Residential District - Temporary Unclassified for zoning purposes pending adoption of a permanent zoning ordinance designation.

The Fond du Lac County shoreland zoning provisions in effect on the date of annexation remain in effect but shall be administered by the municipality for all areas annexed by the municipality after the adoption of this Ordinance. These annexed lands are described on the municipality's official annexation records. The Fond du Lac County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Administrator.

(3) Vacation of Streets. Unless otherwise specified in the vacation action, vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(4) Zoning Map.

(a) The Village of North Fond du Lac is hereby divided into zoning districts as shown upon a map designated as the Official Zoning Map of the Village of North Fond du Lac, adopted and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Ordinance and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Zoning Administrator.

(b) The district boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Plan Commission shall interpret the map according to the reasonable intent of this ordinance. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

(5) Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(f) Boundaries indicated as parallel to, or extension of, features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

(6) Lot in Two or More Districts.

Where a district boundary line divides a lot in single ownership, the district regulations of either portion of the lot may, at the owner's discretion, extend into the other district after review and approval by the Board of Appeals.

(for future use)

PART "B"

ZONING DISTRICT REGULATIONS

SECTION 21.04 CONSERVANCY, AND AGRICULTURAL DISTRICTS

(1) Intent.

(a) GENERAL.

The General intent of this Section is to set forth land uses or activities which are permitted in areas which are environmentally sensitive, are of environmental concern, or are rural in character. This Section also sets forth the uses which are allowed with special conditions and land uses which must receive a special use permit.

(b) (C) CONSERVANCY DISTRICT.

The intent of the (C)-Conservancy District is to protect areas that are unsuitable for residential, commercial, or industrial development due to flooding, high water table, bad drainage, slope, adverse soil or geologic conditions, important natural habitat features or by reason of being designated a public park or a common open space area. Most of these areas contain valuable environmental qualities which should be retained in a substantially undeveloped state in order to conserve the area's natural resources while protecting and preserving the amenities of the area's environment. Further, the intent of this District is to protect ground water recharge areas, prevent overcrowding of land, curtail pollution, siltation, and alleviate flooding hazards.

(c) (A) AGRICULTURAL DISTRICT.

The intent of the (A)-Agricultural District is to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses, maintain a viable agricultural base to support agricultural processing and service industries, reduce costs of providing services to scattered non-farm uses, pace and shape urban growth, implement the provisions of the Fond du Lac County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible land owners to receive tax credits under Chapter 91 of the Wisconsin Statutes.

(d) (A-T) AGRICULTURAL TRANSITION DISTRICT.

The intent of the (A-T) Agricultural Transition District is to provide for the orderly transition of agricultural land to other uses in areas planned for eventual

urban expansion, defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost, insure that urban development is compatible with local land use plans and policies, provide periodic review to determine whether all or part of the land should be transferred to another zoning district. Such review shall occur: a) a minimum of every five (5) years; b) upon completion or revision or a County Agricultural Preservation Plan which affects lands in the district; or c) upon extension of public services such as sewer and water, necessary to serve urban development. Furthermore, the agricultural transition zoning classification is meant to comply with the provisions of the Farmland Preservation Law as set forth in Section 91.14 of the Wisconsin Statutes.

(e) (S) SHORELAND DISTRICT.

The intent of the (S) Shoreland Zoning District is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in Wis. Stat. sec. 61.35 and 61.353 or 62.23 and 62.233.

1.2 FINDING OF FACT AND PURPOSE

Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

A. Promote the public health, safety, convenience and general welfare;

B. Limit certain land use activities detrimental to shorelands; and

C. Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

2.0 GENERAL PROVISIONS

2.1 COMPLIANCE

The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

2.2 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. sec. 13.48(13) applies.

2.3 ABROGATION AND GREATER RESTRICTIONS

2.31 This ordinance supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.32 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

2.4 INTERPRETATION

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

2.5 SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

2.6 APPLICABILITY OF SHORELAND DISTRICT REGULATIONS

The Shoreland Zoning District regulations apply only to the following shorelands:

A. A shoreland that was annexed by the Village of North Fond du lac after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692; and

B. A shoreland that before incorporation by the Village of North Fond du Lac was part of a town that was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692 if the date of incorporation was after April 30, 1994.

2.6.1 DISTRICT BOUNDARIES

The Shoreland District areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the Village of North Fond du Lac that are:

A. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

B. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

C. Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.

D. Pursuant to Wis. Stat. sec. 61.353(7) or 62.233, the Shoreland Zoning District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

2.6.2. EFFECT OF EXISTING LAND DIVISION, SANITARY, ZONING AND OTHER REGULATIONS.

The lands within the Shoreland Zoning District are subject to all applicable provisions of the Village of North Fond du Lac Municipal Code. Where the provisions of this ordinance are more restrictive than other regulations in the Municipal Code, the provisions of this ordinance shall apply.

3.0. SETBACKS FROM THE WATER.

A. Principal Building Setbacks.

1. All principal buildings shall be set back at least 50 feet from the ordinary high-water mark.

2. Adjustment of Shore Yards. A setback less than that required by subsection A.1. may be allowed if all of the following apply:

   a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building; and

   b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

4.0. VEGETATIVE BUFFER ZONE.

Pursuant to Wis. Stat. sec. 61.353(3) or 62.233, a landowner must maintain a vegetative buffer zone, as follows:

A. A person who owns shoreland property that contains vegetation must maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in sub. B.

B. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

C. A person who is required to maintain or establish a vegetative buffer zone under sub. A may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and extends no more than 35 feet inland from the ordinary high-water mark.

5.0 Definitions

In this ordinance:

5.1 “Principal building” means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

5.2 “Shorelands” has the meaning given in Wis. Stat. sec. 59.692(1)(b).

5.3 “Shoreland setback area” has the meaning given in Wis. Stat. sec. 59.692(1)(bn)

(2) Single-Family Detached Dwellings.

Residential dwellings must have been constructed prior to the effective date of the adoption of this ordinance or be constructed on lots of record existing prior to the effective date of this ordinance unless they are clearly accessory to or associated with agricultural uses. Residential single-family detached dwellings shall be considered accessory to agricultural uses provided such dwellings are occupied by a person or a family at least one of which earns a substantial part of his or her livelihood from farming operations on the farm parcel or parents or children of the farm operator.

(3) Open Space and Conservation Uses and Public Utilities.

(a) Any private development shall be exclusively for a permitted use and applicant shall receive a permit or license under Chapter 29, Wisconsin Statutes, where applicable.

(b) The construction and maintenance of launching ramps, roads, and public utility transmission lines are permitted provided that:

1. The road or utility cannot, as a practical matter, be located outside the wetland;

2. The road or utility is designed and constructed to minimize the adverse impact upon the natural functions of the wetlands;

3. The roads shall be designed and constructed with the minimum cross-sectional area practical to serve the intended use;

4. Road construction activities are carried out in the immediate area of the roadbed only; and

5. Only limited filling, dredging, ditching, tilling or excavating necessary for the construction or maintenance of the road or utility is permitted.

(c) Ditching, excavating, dredging, dike and dam construction, other than that allowed for roads or utilities above, is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(for future use)

(for future use)

SECTION 21.041 SHORELAND - WETLAND DISTRICT

(1) Statutory Authorization, Findings of Fact, Statement of Purpose and Title.

(a) STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization given in sections 61.35, 6 1.351, 87.30, and 144.26, Wisconsin Statutes.

(b) FINDING FACT AND PURPOSE

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the Village would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

1. Promote the public health, safety, convenience and general wetlands;

2. Maintain the storm and flood water storage capacity of wetlands;

3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

5. Prohibit certain uses detrimental to the shoreland-wetland area; and

6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other moving activities.

(2) General Provisions.

(a) COMPLIANCE

The use of wetlands and the alteration of wetlands within the shoreland areas of the Village shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see section (4) of this ordinance, for the standards applicable to nonconforming uses.) All permitted development in the (S)-Shoreland-Wetland District shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

(b) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wisconsin Statues, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wisconsin Statutes, applies.

(c) ABROGATION AND GREATER RESTRICTIONS

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under sections 6 1.35, 62.23 or 87.30, Wisconsin Statutes, which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 117, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(e) SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(f) ANNEXED AREAS

The Fond du Lac County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. .The Fond du Lac County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Administrator.

(3) (S)-Shoreland-Wetland Zoning District.

(a) INTENT

The intent of the (S)-Shoreland-Wetland Zoning District is to: prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, the placement of structures and land uses; and to preserve shore cover and the natural environment adjacent to lakes, rivers and streams and other water bodies.

(b) SHORELAND-WETLAND ZONING MAPS

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Village Clerk:

1. Wisconsin Wetland Inventory maps stamped "FINAL" on June 2, 1993.

2. Floodplain zoning maps titled Village of North Fond du Lac and dated December 4, 1979.

3. United States Geological Survey maps dated November, 1986.

4. Zoning maps titled Village of North Fond du Lac Official Map and dated April 18, 1994.

(c) DISTRICT BOUNDARIES

1. The (S)-Shoreland-Wetland Zoning District includes all wetlands in the municipality which are five (5) acres or more in size and are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:

   a. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

   b. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps

which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in section (3)(b)2 shall be used to determine the extent of floodplain areas.

2. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources (DNR) for a final determination of navigability or ordinary high-water mark.

3. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the DNR to determine if the shoreland-wetland district boundary as mapped is in error. If DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in section (3)(c)4 and (3)(c)5, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

4. Filled Wetlands. Wetlands which are filled prior to June 2, 1993, the date on which the village received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

5. Wetlands Landward Of A Bulkhead Line. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30. 11, Statutes are not subject to this ordinance.

(d) PERMITTED USES

The following uses are permitted subject to the provisions of chapters 30 and 31, Wisconsin Statutes, and the provisions of other local, state and federal laws, if applicable:

1. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

   a. Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;

b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

c. The practice of silviculture, including the planting, thinning, and harvesting of timber;

d. The pasturing of livestock;

e. The cultivation of agriculture crops; and

f. The construction and maintenance of duck blinds.

2. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

c. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section (6)(a)3 of this ordinance; and

g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3. Uses which are allowed upon the issuance of a special use permit and which may include wetland alterations only to the extent specifically provided below:

a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section (3)(d) of this ordinance, provided that:

(1) The road cannot, as a practical matter, be located outside the wetland;

(2) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in section 6.13 of this ordinance;

(3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

(4) Road construction activities are carried out in the immediate area of the roadbed only; and

(5) Any wetland alteration must be necessary for the construction or maintenance of the road.

b. The construction and maintenance of nonresidential buildings provided that:

(1) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

(2) The building cannot, as a practical matter, be located outside the wetland;

(3) The building does not exceed 500 square feet in floor area; and

(4) Only limited filling and excavating necessary to provide structural support for the building is allowed.

c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

(1) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

(2) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

(3) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section (3)(d)3a of this ordinance; and

(4) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines, and related facilities and the construction and maintenance of railroad lines, provided that:

(1) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(2) Only limited filling or excavating necessary for such construction or maintenance is allowed; and

(3) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section (6)(a)3 of this ordinance.

(e) PROHIBITED USES

1. Any use not listed in section (3)(d) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section (6) of this ordinance.

2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(4) Nonconforming Structures and Uses.

(a) The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

1. The shoreland-wetland provisions of this ordinance authorized by s. 61.351, Wisconsin Statutes, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wisconsin Statutes, which limits total lifetime structural repairs and alterations to 50% of current fair market value.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

(c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 62.351 or 62.231, Wisconsin Statutes, may be continued although such does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

(d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wisconsin Statutes.

(e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(5) Administrative Provisions.

(a) ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers when administering and enforcing this ordinance.

1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

2. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

3. Keep records of all permits issued, inspections made, work approved and other official actions.

4. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.

5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the DNR.

6. Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney or municipal attorney.

(b) ZONING PERMITS

1. When Required. Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in section (8)(b)6, of this ordinance, or any change in the use of an existing building or structure is initiated.

2. Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the village and shall include, for the purpose of proper enforcement of these regulations, the following information:

a. General Information

(1) Name, address, and telephone number of applicant, property owner and contractor, where applicable.

(2) Legal description of the property and a general description of the proposed use or development.

(3) Whether or not a private water supply or sewage system is to be installed.

b. Site Development Plan

(1) Dimensions and area of the lot;

(2) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;

(3) Description of any existing or proposed on-site sewage systems or private water supply systems;

(4) Location of the ordinary high-water mark of any abutting navigable waterways;

(5) Boundaries of all wetlands;

(6) Existing and proposed topographic and drainage features and vegetative cover;

(7) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

(8) Location of existing or future access roads; and

(9) Specifications and dimensions for areas of proposed wetland alteration.

3. Expiration. All permits issued under the authority of this ordinance shall expire twelve (12) months from the date of issuance.

(c) CERTIFICATES OF COMPLIANCE

1. Except where no zoning permit or special use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.

b. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

c. The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or special use permit, providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

2. The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

3. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(d) SPECIAL USE PERMITS

1. Application. Any use listed as a special use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a special use permit has been granted by the Plan Commission and the Village Board following the procedures in section 21.11 of this ordinance.

2. Conditions. Upon consideration of the permit application and the standards applicable to the special uses designated in section (3)(d)3 of this ordinance, the Plan Commission and Village Board shall attach such conditions to a special use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed in section (l)(b). Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setback; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Plan Commission and Village Board may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is

necessary to determine if the proposed use is consistent with the purpose of this ordinance.

(e) FEES

The Village Board may adopt fees for the following:

1. Zoning permits.

2. Certificates of compliance.

3. Public hearings.

4. Legal notice publications.

5. Special use permits.

6. Rezoning petitions.

(f) RECORDING

Where a zoning permit or special use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

(g) REVOCATION

Where the conditions of a zoning permit or special use permit are violated, the permit shall be revoked by the Plan Commission and the Village Board.

(h) BOARD OF APPEALS

Village President shall appoint a Board of Appeals in accordance with Section 21.19 of this ordinance. The Board of Appeals shall have the powers and duties to enforce this ordinance as enumerated therein.

(6) Amending Shoreland-Wetland Zoning Regulations.

(a) The Village Board may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23(7)(d)2, Wisconsin Statutes, NR 117, Wisconsin Administrative Code, and the following:

1. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the DNR within five (5) days of the submission of the proposed amendment to the municipal planning agency;

2. All proposed text or map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2, Wisconsin Statutes. The appropriate district office of the DNR shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

3. In order to insure that this ordinance will remain consistent with the shoreland protection objective of section 144.26, Wisconsin Statutes, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

   a. Storm and flood water storage capacity;

   b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

   c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

   d. Fish spawning, breeding, nursery or feeding grounds;

   e. Shoreline protection against erosion;

   f. Wildlife habitat; or

   g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

4. Where the district office of the DNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section (6)(a)3 of this ordinance, the DNR shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

5. The appropriate district office of the DNR shall be provided with:

a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.

b. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

6. If the DNR notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section (6)(a)3 of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the DNR, as required by section (6)(a)5b of this ordinance. If within the thirty (30) day period, the DNR notifies the municipality that it intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.23l(6) and 61.351 (6), Wisconsin Statutes, the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.23l(6) or 61.351(6), Wisconsin Statutes, is completed or otherwise terminated.

(7) Enforcement and Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the municipal planning agency and the district attorney or municipal attorney who shall prosecute such violations. Any person, firm association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than $50.00 nor more than $500.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wisconsin Statutes.

(8) Definitions.

(a) For the purpose of administering and enforcing this ordinance, the terms of words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory,

not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(b) The following terms used in this ordinance mean:

1. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

2. "Boathouse" as defined in section 30.121(1), Wisconsin Statutes, means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

3. "Class 2 public notice" means publication of a public hearing notice under chapter 985, Wisconsin Statutes, in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.

4. "Department" means the Wisconsin Department of Natural Resources.

5. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

6. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

7. "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

8 "Fixed houseboat" as defined in section 30.121(1), Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in

place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

9. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wisconsin Statutes, not withstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221 Wisconsin Statutes and chapter NR 117, Wisconsin Statutes and chapter NR 117 Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if;

   a. Such lands are not adjacent to a natural navigable stream or river;

   b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

   c. Such lands are maintained in nonstructural agricultural use.

   "Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wisconsin 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wisconsin 2d 936(1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

10. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

11. "Planning agency" means the Plan Commission of the Village of North Fond du Lac.

12. "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

13. "Shoreland-Wetland District" means the zoning district created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

14. "Special use" means a conditional use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Plan Commission and the Village Board.

15. "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setback, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

16. "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

17. "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

18. "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

(9) Schedule 21.041-A Land Uses or Activities
Shoreland, Conservancy and Agricultural Districts

(S) - Shoreland **(C)** - Conservancy **(A)** - Agricultural **(A-T)** - Agricultural Transition	**P** = Permitted **SC** = Permitted with Special Conditions **SP** = Special Use Permit Required **X** = Site Plan Approval Necessary

LAND USE OR ACTIVITY	S	C	A	A-T
Agricultural uses including general farming, dairying, raising grain, grass and seed crops, vegetable farming, orchards, horticulture, plant greenhouses and nurseries, forest and game management and other uses of a similar nature.		P	P	P
Construction or maintenance or piers, docks or walkways built on pilings including limited excavating and filling necessary for such construction maintenance.	P	P		
Harvesting of wild crops such as marsh hay, ferns, berries, tree fruits and seeds in a manner that is not injurious to the natural reproduction of such crops.	P	P	P	P
Hiking, fishing, swimming and boating.	P	P	P	P
Open space areas and conservation uses including public and private parks, historic and scientific areas, outdoor education areas, wildlife refuges and public boat launching ramps and attendant access roads.	SC	SC	SP	SP
Public and semi-public non-profit uses such as churches, schools, libraries.			SP, X	SP, X
Sanitary Landfills.			SP, X	SP, X
Single Family Detached Residential Dwellings.			SC	SC
Utility transmission lines, including electric, gas, telephone, water and sewer lines.	SC	SC	P	P

SECTION 21.05 RESIDENTIAL DISTRICTS

(1) Intent.

(a) GENERAL.

The general intent of this Section is to set forth land uses or activities which are permitted in residential areas in the Village, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special use permit has been granted, and to establish density and bulk regulations within each district.

(b) (R-1) RESIDENTIAL DISTRICT.

The intent of the (R-1) Residential District is to set forth those land uses and activities which are permitted in areas where limitation on the use of land and density of development is necessary to minimize environmental impacts and where low density, single family housing is the desired land use.

(c) (R-2) RESIDENTIAL DISTRICT.

The intent of the (R-2) Residential District is to set forth those land uses and activities which are permitted in areas where single family housing development at a moderate density is the desired predominant land use.

(d) (R-3) RESIDENTIAL DISTRICT.

The intent of the (R-3) Residential District is to set forth those land uses and activities which are permitted in areas where single family housing development at a medium density is the desired predominant land use.

(e) (R-4) RESIDENTIAL DISTRICT.

The intent of the (R-4) Residential District is to set forth those land uses and activities which are permitted in areas where single family housing development at a high density is the desired predominant land use.

(f) (R-5) RESIDENTIAL DISTRICT.

The intent of the (R-5) Residential District is to set forth those land uses and activities which are permitted in areas where a moderate to high concentration of residential dwellings, including two family and single family semi-detached dwellings, is the desired predominant land use.

(g) (R-6) RESIDENTIAL DISTRICT.

The intent of the (R-6) Residential District is to set forth those land uses and activities which are permitted in areas where a moderate to high concentration of residential dwellings, including multiple-family housing development, is the desired predominant land use.

(h) (R-7) RESIDENTIAL DISTRICT.

The intent of the (R-7) Residential District is to set forth those land uses and activities which are permitted in areas where substantial limitation on the use of the land and density of development is necessary to preserve present uses or protect such land for efficient future use. Such areas include newly annexed land, land which is characterized by agricultural and other open space uses, and land which is awaiting future urban type development in response to the Villages growth. Subsequent reclassification of some (R-7) land to other districts is anticipated when this can be accomplished in accordance with a program of orderly and efficient growth which is coordinated with the extension of basic utilities, streets and community facilities.

(i) (R-8) MANUFACTURED HOUSING DISTRICT.

The intent of the (R-8) Residential District is to set forth those land uses and activities which are permitted in areas where manufactured housing would be the predominant housing type. (R-8) Residential Districts would typically be permitted in areas where a transition is desirable from a mobile home, business, or (R-5) or (R-6) district to an area where high density, single family land uses prevail or are planned for the future.

(2) General Provisions.

(a) SCHEDULE OF REGULATIONS.

Restrictions and controls for land uses or activities permitted in residential districts, or land uses or activities having special conditions attached to them or requiring a special use permit, are set forth in Schedule 21.05-A. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule 21.05-B. Both said schedules are hereby adopted and made part of this Ordinance.

(b) EXCLUDED USES OR ACTIVITIES.

A land use or activity not set forth in the attached schedule is not permitted in residential districts in the village except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

(c) REQUIRED OPEN SPACE.

In all single-family residential districts, the total area of all structures on a lot shall not exceed the maximum percentage of lot coverage as specified in the attached schedule. At least sixty-five percent (65%) of any required front yard area shall remain open space and shall not be used for parking and driveways. In two-family residential districts the driveway or driveways may exceed 35% of the front yard area only by widening the driveway or driveways to a width of the garage or garages after the sidewalk.

Exception: Trapezoidal or triangular one and two-family lots with a narrowing frontage and front lot width of less than 75' are exempt from the front yard 65% open space requirement for driveways; and may have driveways which widen after the sidewalk to the width of the garage. (2023-4)

(d) SPACING BETWEEN STRUCTURES.

When two (2) or more multiple-family dwelling structures are located on a single lot the following separations between exterior walls shall be maintained:

1. Front or rear wall of one structure facing front or rear wall of another: not less than 60 ft. separation.

2. End wall of one structure facing end wall of another: not less than 30 ft. separation.

3. End wall of one structure facing front or rear wall of another: 45 ft. separation.

   The above minimum separations may be modified by the Department of Public Works when site plan review determines that building design, site layout, landscaping treatment or unusual site conditions warrant such modification. When buildings are not parallel, the average separation shall be as specified above but in no case shall the closest separation of non-parallel buildings be less than half of the required separation.

(e) SITE PLAN APPROVAL.

When the attached schedule indicates that site plan approval is necessary for a land use or activity in a Residential District the Zoning Administrator may not issue a building permit for such land use or activity until a final site plan has been approved by the Department of Public Works in accordance with this Ordinance.

(f) ONE AND TWO FAMILY DWELLINGS. (O-2000-23)

(1) All single-family dwellings located in R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 must be at least twenty-four feet wide and have a length equal to or greater than the width. All single-family dwellings must be at least 900 square feet. The 900 square feet does not include garages, unenclosed porches, or unfinished areas.

(2) All two-family dwellings must be at least twenty-four (24) feet wide and have a length equal to or greater than the width. All two-family dwellings must have at least 900 square feet for each dwelling. The 900 square feet does not include garages, unenclosed porches, or unfinished areas.

(3) The Plan Commission will establish the square foot requirements for single-family dwellings located in cluster housing developments or similar developments. The developer may request less than 900 square feet per single family dwelling, but it must be supported by historical data of comparable developments. The Plan Commission may request preliminary plans and other information prior to approving the minimum square foot requirements.

(g) LIGHTING (O-2015-01)

Site lighting shall utilize fixtures that reflect the architectural style of the building(s). Freestanding lights shall not exceed 12 feet in height. Lighting shall be confined to the site and shall not produce glare or wash onto adjacent properties or public rights-of-way. Glare or wash which exceeds 0.50 footcandles above ambient lighting conditions on a cloudless night measured at the property line shall be considered a nuisance.

(3) Special Conditions for Certain Land Uses or Activities in Residential Districts.

Land uses or activities listed in Schedule 21.05-A as being "Permitted with Special Conditions" shall not be considered permitted, and the Zoning Administrator shall not issue a zoning certificate for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

(a) NURSERY, GREENHOUSE, TRUCK GARDEN.

Permitted when:

1. No offensive odors and dust are created.

2. Retail sales are limited to products grown on the premises and sold in the open or from a structure that is removed at the end of the growing season.

(b) DWELLING, MULTIPLE FAMILY ABUTTING (R-1), (R-2), OR (R-3) DISTRICT.

Permitted when:

1. A lot in the (R-6) District abuts or is across a street from a lot in an R-1, (R-2), or (R-3) District, the building setback requirements of the (R-1), (R-2), or (R-3) District shall be applicable in the (R-6) District and a landscaped buffer strip at least 10 feet wide (see Definitions) shall be established adjacent to the (R-1), (R-2), or (R-3) lot line and approved as part of site plan approval.

2. Trash receptacles are located not less than five (5) feet from any property line and are appropriately screened.

3. Approved facilities are provided for the outdoor or indoor storage of seasonal vehicles, recreation equipment, and similar items.

(c) DWELLING, EFFICIENCY.

One efficiency dwelling (see Definitions) is permitted when such dwelling is included within the structure of an owner-occupied one family dwelling and does not occupy more than 30 percent of the total usable floor area not to exceed 375 square feet of such one family dwelling.

(d) DWELLING, MOBILE HOME.

Mobile homes, except those covered by a temporary permit in Section 21.02 (6)(c), are permitted only in a mobile home park approved by the Village Board.

(e) CONVERSION OF EXISTING DWELLINGS INTO ADDITIONAL DWELLING UNITS.

Permitted when:

1. The area of the lot is at least 50 percent of the minimum lot area which would be required for construction of an equivalent number of new dwelling units in the district.

2. At least 80 percent of the setback and yards requirements of the district, which would be required for new construction, can be complied with.

3. Minimum frontage of fifty (50) feet can be provided.

4. Parking and open space requirements of the district are complied with.

5. Each of the dwellings thus created contains not less than 350 square feet of habitable floor area.

(f) HOME OCCUPATIONS.

Permitted when:

1. The home occupation is conducted only within the enclosed area of the dwelling unit or an attached garage. If such occupation is conducted in an attached garage it cannot displace the enclosed storage of property maintenance and recreational equipment.

2. There are no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.

3. No storage or display of materials, goods, supplies or equipment related the operation of the home occupation is visible outside any structure located on the premises.

4. No use creates smoke, odor, glare, noise, dust, vibration, fire hazard, environmental hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.

5. Only one (1) sign is used to indicate the type of occupation or business. The sign may not exceed 200 square inches in size and may not be illuminated. The appearance and content of the sign shall be subject to the approval of the Zoning Administrator.

6. The use does not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

7. The occupation or activity is conducted by the person or persons residing in the dwelling and not more than one additional person.

8. The space required by the occupation or activity is no greater than 25 percent of the gross floor area of the dwelling on the lot or one half of an attached garage.

(g) PLACES OF RELIGIOUS WORSHIP.

Permitted when:

1. No structure is located less than thirty (30) feet from any residential lot line.

2. A heavily landscaped buffer strip at least twelve (12) feet wide is provided along all adjacent residential lot lines.

(h) EXCAVATION, GRADING OR FILLING.

Normally permitted only when such activity is carried out in conjunction with the construction of a building, subdivision, planned development, recreation area or parking area. No topsoil shall be stripped from any lot for commercial purpose and no non-construction related excavation, grading, or filling may be undertaken except by Special Permit.

(i) TEMPORARY BUILDING OR FENCE.

Permitted when such building or fence is related to a construction project and located on the same lot where such construction is being undertaken or on a lot contiguous thereto.

(j) SIGNS.

Permitted when they are in compliance with Section 21.14 of this Ordinance.

(k) BUSINESS USE.

Requirements: Within multifamily developments of eighty (80) or more units or within multifamily buildings for the elderly of fifty (50) or more units, ten percent (10%) of the first floor area of any one building may be devoted to commercial use designed to serve only the residents of the complex. (Examples of such commercial uses might include beauty or barber shop, laundry, snack bar, etc.)

(l) LODGING OR ROOMING HOUSE.

Permitted when:

1. Cooking facilities are not in the lodging room (see Definitions).

2. Bathroom facilities must conform to all Village housing and health Codes.

3. One (1) on-site, off-street parking space shall be required per lodging room. If on-site parking spaces cannot be provided, required parking may be provided within 200 feet of the property where the lodging rooms are located.

4. All Wisconsin Administrative Code requirements shall be met and are hereby adopted by reference.

5. Lodging rooms shall be permitted at a density not to exceed one unit for each 2,000 square feet of lot area.

(for future use)

(4) Schedule 21.05-A Land Uses or Activities Residential Districts

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required
X = Site Plan Approval Necessary

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
1. Agriculture on a 10 acre minimum lot.							P	
2. Alternate energy installations.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
3. Art gallery and museum.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
4. Bed & Breakfast establishment.	SP	SP	SP	SP	SP	SP	SP	SP
5. Business use.						SP, X		
6. Cemetery, crematoriums.	SP, X						SP, X	
7. Central air conditioning equipment.	SC	SC	SC	SC	SC	SC	SC	SC
8. Cluster housing.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
9. College and university.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
10. Convent, monastery, seminary.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
11. Conversion of existing dwelling into less than 4 dwelling units.			SP, X	SC, X	SC, X	SC, X		SC, X
12. Conversion of existing dwelling into 4 or more dwelling units.						SC, X		
13. Day care facility.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
14. Day care home.	P	P	P	P	P	P	P	P
15. Duly authorized philanthropic and/or charitable institution.						SP, X		

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required
X = Site Plan Approval Necessary

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
16. Dwelling, one-family.	P	P	P	P	P	P	P	P
17. Dwelling, two-family.					P	P		
18. Dwelling, multiple family.						SC, X		
19. Dwelling, efficiency.	SC	SC	SC	SC	P	P	SC	SC
20. Dwelling, town house.					SC, X	SC, X		
21. Dwelling, mobile home.								
22. Dwelling for community living arrangement.	SC	SC	SC	SC	SC	SC	SC	SC
23. Excavation, grading or filling.	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X
24. Family care home.	P	P	P	P	P	P	P	P
25. Fraternity and sorority for university or college.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
26. Funeral and undertaking parlor.						SP, X		
27. Garage, private detached.	SC	SC	SC	SC	SC	SC	SC	SC
28. Golf course.							SP, X	
29. Government service.	P	P	P	P	P	P	P	P
30. Home occupation.	SC	SC	SC	SC	SC	SC	SC	SC
31. Hospital.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required
X = Site Plan Approval Necessary

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
32. Housing for the elderly and handicapped.			SP, X	SP, X	SC, X	SC, X		SP, X
33. Landfilling.		SC, X	SC, X	SC, X	SC, X	SC, X		SC, X
34. Library, public.	P, X	P, X	P, X	P, X	P, X	P, X		P, X
35. Lodging or rooming house.						SC, X		
36. Lodge.						SP		
37. Mobile home park.								
38. Noncommercial garden.	P	P	P	P	P	P	P	P
39. Nursery, greenhouses, truck garden.	SC						SC	
40. Nursing home (intermediate care).	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X		SP, X
41. Nursery school.		SP, X	SP, X	SP, X	SP, X	SP, X		SP, X
42. Parks and playgrounds (private, not-for-profit).	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X		SC, X
43. Parks and playgrounds (public).	P, X	P, X	P, X	P, X	P, X	P, X	P, X	P, X
44. Places of religious worship.	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X
45. Planned unit development.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
46. Private garage accessory to a dwelling.	P	P	P	P	P	P	P	P

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required
X = Site Plan Approval Necessary

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8
47. School, boarding.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
48. School, elementary and secondary.	P, X	P, X	P, X	P, X	P, X	P, X	P, X	P, X
49. School, vocation and technical.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
50. Sign.	SC	SC	SC	SC	SC	SC	SC	SC
51. Temporary building or fence.	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X	SC, X
52. Utility, local service.	P	P	P	P	P	P	P	P
53. Utility, substation.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
54. Utility, transmission line.	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X	SP, X
55. Zero lot line units.						SP, X		

(5) Schedule 21.05 - B Bulk Requirements Residential Districts*

DIST.	USE OR ACTIVITY	MINIMUM LOT AREA (SQ.FT.)*	MINIMUM LOT WIDTH (FT)*	YARDS* FRONT	YARDS* ONE SIDE	YARDS* TOTAL SIDE	YARDS* REAR	MAX. BLDG. HEIGHT*	MAX. % OF LOT COVERED*
R-1	All permitted uses.	15,000	125	30	10	25	35	35	25
R-2	All permitted uses.	12,000	100	25	8	20	35	35	25
R-3	All permitted uses.	9,000	75	25	6	12	35	35	35
R-4 & R-8	All permitted uses.	7,200	60	25	6	12	35	35	35
R-5	Conversion of existing dwelling.	See Sec. 21.05 (3)(e)	--	--	--	--	--	--	--
	1-family dwelling or 2-family dwelling with one unit over the other.	1-family - 7,200 2-family - 9,000	1-family - 60 2-family - 75	25	6	12	35	35	35
	2-family dwelling with side-by-side semi-detached units:	4,500 for each dwelling unit	75	25	6	12	35	35	35
R-6	1 and 2-family dwelling.	7,200	60	25	6	15	35	35	35
	Town House	15,000 or 3,000 per dwelling unit, whichever is greater.	25 for each dwelling unit. Maximum required - 125 ft.	25	10	25[a]	20	35	50
	Multiple-family dwelling.	15,000 or 3,000 per dwelling unit, whichever is greater.	25 for each dwelling unit. . Maximum required - 125 ft.	25	6	15	20	None	50
	Conversion of existing dwelling.	See Sec. 21.05(3)(e)	--	--	--	--	--	--	--
	Nonresidential.	6,000	60	20	6	15	20	40	50
R-7	All permitted uses.	40,000	140	30	15	40	75	35	10

(SEE NOTES NEXT PAGE)

* Bulk requirements for uses permitted with special conditions or requiring a special use permit might vary from this schedule. Requirements for such uses are as may be specified in Sec. 21.05(3) or by Village Board in its consideration of the special use permit.

a. Side yards required only for end units in the row. All interior units have zero side yard requirements.

SECTION 21.06 BUSINESS DISTRICTS

(1) Intent.

(a) GENERAL.

The general intent of this Section is to set forth land uses or activities which are permitted in business and commercial areas in the Village, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special permit has been granted, and to establish bulk regulations for lots within each district.

(b) (B-1) BUSINESS DISTRICT.

The intent of the (B-1) Business District is to set forth those land uses and activities which are permitted to provide a wide range of shopping, convenience goods, personal services, and entertainment businesses located through the Village.

(c) (B-2) BUSINESS DISTRICT.

The intent of the (B-2) Business District is to set forth those land uses and activities which are permitted to provide a wide range of shopping, convenience goods, personal services, and entertainment businesses located near or along the Hwy. 41 corridor. Because of their high visibility location, however, businesses in the (B-2) Business District are required to meet higher design standards to ensure that development is efficient and attractive.

(2) General Provisions.

(a) SCHEDULE OF REGULATIONS.

Restrictions and controls for land uses or activities permitted in Business Districts, or land uses or activities having special conditions attached to them, or requiring a special permit, are set forth in Schedule 21.06-A. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule 21.06-B. Both schedules are hereby adopted and made part of this Ordinance.

(b) EXCLUDED USES OR ACTIVITIES.

A land use or activity not set forth in Schedule 21.06-A is not permitted in Business Districts in the Village except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

(c) DWELLING UNITS.

Other provisions of the Ordinance to the contrary notwithstanding, a dwelling unit may be permitted in a business district as follows:

1. In the (B-1) District one (1) attached dwelling unit or lodging room shall be permitted when located above the ground floor, or, if on the ground floor, not less than 50 feet from the front line.

2. In a (B-1) District in accordance with Sec. 21.11 (12) (u).

3. In a permitted hotel, motel, convent, monastery, parsonage or rectory.

(d) ENCLOSURE OF OPERATION.

All business, servicing or processing shall be conducted within completely enclosed buildings except for:

1. Off-street parking or loading.

2. Drive-in type operations when conducted as a lawful permitted special use.

3. Outdoor display or sales activity which is normally associated with the operation of a permitted use or for which a special use permit has been issued.

4. The temporary sale of Christmas trees and Christmas greenery may be conducted in open lots in all Business Districts for a period not to exceed 30 days.

(e) PERFORMANCE STANDARDS.

1. Performance standards for noise, vibration, smoke and particulate matters, noxious odors, fire and explosion hazard, glare, lighting, heat and radiation shall be as established and enforced by the Village.

2. When doubt exists as to conformance with such standards, a professional opinion shall be obtained before a zoning certificate is issued.

(f) PARKING LIMITATIONS.

1. Parking of trucks when accessory to the conduct of a permitted use shall be limited to vehicles having not over one and one-half (1½) tons capacity, except for pick-up or delivery services during normal business hours.

2. When a commercial activity requires that a truck in excess of one and one-half (1½) tons capacity be parked in the open within 150 feet of an adjacent residence district line, such parking area shall be screened from view from the residential property by a dense barrier of evergreens which will grow to a height of at least eight (8) feet.

(g) SCOPE OF OPERATIONS.

All business establishments shall be retail trade or service establishments dealing directly with consumers. Any assembly or production shall be clearly incidental to the basic use.

(h) SITE PLAN APPROVAL.

The Zoning Administrator may not issue a building permit for the development or expansion of any commercial or business establishment until a final site plan has been approved by the Department of Public Works in accordance with Section 21.17 (5) (b).

(3) Special Conditions for Certain Land Uses or Activities in Business Districts.

Land uses or activities listed in Schedule 21.06-A "Permitted with Special Conditions" shall not be considered permitted, and the Zoning Administrator shall not issue a zoning certificate for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

(a) SALE OF CONVENIENCE GOODS; VARIETY STORE.

Permitted when the total floor area devoted to any single establishment does not exceed 5,000 square feet except that the floor area of a grocery store may be increased to not more than 20,000 square feet and a drug store and variety store to not more than 7,000 square feet.

(b) SPECIFIED RETAIL SALES OR SERVICE ESTABLISHMENT.

Permitted when the total floor area devoted to any single establishment does not exceed 5,000 square feet.

(c) HOBBY SHOP.

Permitted when:

1. Total floor area does not exceed 5,000 square feet.

2. Testing or use of items sold or displayed occurs only within the shop.

(d) BUSINESS OR PROFESSIONAL OFFICE.

Permitted when the total ground floor area of any new construction does not exceed 2,000 square feet.

(e) RENTAL SERVICE FACILITY INCLUDING VEHICLES.

Permitted when:

1. Outdoor storage areas are located no less than ten (10) feet from any property line.

2. A landscaping plan has been approved for outdoor storage and parking areas.

3. Access drives are clearly defined by curbs and are no wider than 24 feet.

(f) PERSONAL SERVICE FACILITY.

Permitted when:

1. Not more than 5,000 square feet of floor area is devoted to dry cleaning, pressing or laundering processes which are not self-service.

(g) BATTERY AND TIRE SALES AND SERVICE.

Permitted when:

1. All storage and servicing occurs within a building and vehicles are not parked outdoors overnight.

2. Access drives to parking and service areas are clearly defined by curbs and are no wider than 24 feet.

3. All outside storage is screened from public view.

(h) DRIVE-IN RESTAURANT INCLUDING DRIVE-THRU FACILITIES.

Such facilities shall provide adequate parking and stacking space so that vehicles are not standing in any public street. The number, size and location of access and egress points shall be approved by the Director of Public Works.

(i) BAKERY.

Permitted when goods processed and prepared on the premises are sold only on the premises.

(j) CLUB OR LODGE.

Permitted when required off-street parking is not located in any front yard nor closer than five (5) feet from any property line. Landscaping around parking areas and access drives shall be provided.

(k) FEED STORES.

Permitted when there is no outside storage of feed supplies or equipment. Landscaping of all parking areas shall be provided.

(l) SECONDHAND STORE AND RUMMAGE SALE.

Permitted when there is no outside, overnight storage of furniture, appliances or any other type of material or rummage.

(m) SIGNS.

Permitted when they are in compliance with Section 21.14 of this Ordinance.

(n) BOAT SALES AND REPAIR.

Permitted when:

1. Parking areas and access thereto are paved and clearly defined by curbing and are landscaped according to district standards or not less than a five (5) foot landscape area.

2. A five (5) foot buffer strip (see Definitions) is planted along all property lines adjacent to a residential district.

(o) MACHINE, SHEET METAL AND WELDING SHOP.

Permitted when any building used for such purposes shall be not more than 5,000 square feet or gross floor area, and operations are within the enclosed building, and glare from the welding operation is not visible from outside the building.

(p) PUBLIC UTILITY FOR TRANSMISSION OF LOCAL SERVICE.

Such utilities shall be placed underground whenever feasible or, when not so placed, shall be located along rear lot lines or in a manner which will cause the minimum adverse visual impact on the Village's streetscape. Approval of the sitting or such utility lines shall be given by the Department of Public Works.

(q) TEMPORARY GREENHOUSES.

Temporary greenhouse construction shall conform to all appropriate setback requirements. Temporary greenhouse permits must be obtained from the Zoning Administrator. Temporary permits shall be in effect for a period not to exceed six months.

(r) WHOLESALE AND WAREHOUSE FACILITY.

There shall be no outside storage of materials.

(4) Design Standards for Land Uses in (B-2) Business District.

No building or use shall be constructed or established in a (B-2) District unless it conforms to the following design standards:

(a) LOT SIZE: Minimum one acre.

1. No business may be established on a parcel less than one acre.

2. No parcel shall be divided without Village approval.

(b) LOT WIDTH: Minimum 170 feet, measured at the setback line.

(c) ROAD FRONTAGE: All lots must front on a public road or street, and must have at least 100 feet of frontage on said road.

(d) SETBACKS/YARDS: Front - minimum 50 feet. Rear - minimum 50 feet. Side - minimum 20 feet on each side. The space within the setback shall be used for lawns and landscaped areas and parking lots and shall not be used for buildings, structures, or loading areas. If front is used for parking, there must be 30 feet of green area.

(e) PARKING AND LOADING AREAS: On street parking and loading is not permitted within this district. All customer parking and loading areas shall be paved with asphalt or concrete within two years of occupancy.

(f) OUTSIDE STORAGE: No outside storage is allowed on the side of the lot abutting the street and/or Highway "41". All outside storage areas and items stored outside, other than vehicles, shall be completely screened from view with a fence of attractive design.

(g) PARKING: All customer parking areas and driveways shall be paved with asphalt or concrete and may be located within the setback lines provided there is a minimum of 30' of green area as outlined in (d). No on-street parking is allowed. The number of spaces provided shall be adequate for the proposed use as

determined by the Plan Commission, but in no case shall spaces provided total less than:

1. One (1) space for every 200 square feet of building area for retail establishments.

2. One (1) space for every 800 square feet of building area for manufacturing and wholesale establishments.

(h) LANDSCAPING: At least one 2" caliper tree shall be provided in the front yard for each 50 feet of road frontage. Buildings and parking areas shall be landscaped with trees and shrubs.

(i) EXTERNAL LIGHTING: No operation, activity, or facility that is illuminated with reflecting lights shall cause glare to vehicles traveling in an adjacent street right-of-way or on any adjacent residential land.

(for future use)

(5) Schedule 21.06-A Land Uses or Activities
Business Districts

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	B-1	B-2
1. Antique and craft shop.	SC	SC
2. Antique and used furniture sales.	P	P
3. Automotive car wash.	SP	SP
4. Automobile engine repair, service garage, and vehicle body shop.	SP	SP
5. Automotive parts and accessories.	P	P
6. Automobile service station.	SP	SP
7. Bakery.	SC	SC
8. Bank and financial institution, including branch bank and drive-in.	P	P
9. Battery and tire sales and service.	SC	SC
10. Bicycle sales, rental and repair.	P	P
11. Blueprinting and photostating.	P	P
12. Boat sales and repair.	SP	SP
13. Bottling and distribution.	SP	SP
14. Bulk fuel and ice sales.	SP	SP
15. Business machine and equipment sales and service.	P	P
16. Catering establishment.	P	P
17. Church, chapel, temple, convent, monastery, rectory.	SC	SC
18. Club or lodge.	SC	SC
19. Cocktail lounge; tavern.	P	P
20. Day care facility.	P	P
21. Drive-in restaurant including drive-thru facilities, i.e., bank, laundry, bakery, etc.	SC	SC
22. Dry cleaning and laundry facility including linen, towel or diaper service.	SC	SC

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	B-1	B-2
23. Dwelling units.	SC	
24. Eating and drinking establishments except drive-in restaurants.	P	P
25. Feed store.	SC	SC
26. Fraternal, philanthropic and eleemosynary institution.	P	P
27. Frozen food and locker facility.	P	P
28. Funeral and undertaking parlor.	SP	SP
29. Furrier shop.	P	P
30. Governmental service.	P	P
31. Greenhouse.	SC	SC
32. Hobby shop.	SC	SC
33. Household appliance, radio, and TV sales and service.	P	P
34. Indoor amusement and recreation facility.	P	P
35. Indoor cinema or theater.	P	P
36. Interior decorating.	P	P
37. Landfill.	SC	SC
38. Library.	P	P
39. Liquor store.	P	P
40. Loan office.	P	P
41. Machine, sheet metal and welding shop.	SC	SC
42. Meat and fish market.	P	P
43. Medical, dental and optical clinic.	P	P
44. Meeting and exhibition hall.	SC	SC
45. Motel and hotel; bed & breakfast establishment.	SP	SP
46. New and used automobile sales.	SP	SP

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	B-1	B-2
47. Newspaper office.	P	P
48. Newsstand.	P	P
49. Nursery school.	P	P
50. Outdoor amusement and recreation facility.	SP	SP
51. Parcel delivery.	P	P
52. Personal service facility i.e.; barber & beauty shop, tailor shop, self-service laundromat, shoe and clothing repair.	SC	SC
53. Pet shop.	P	P
54. Photography studio.	P	P
55. Planned unit development.	SP	SP
56. Physical culture and health facility; spa.	P	P
57. Printing and publishing shop.	P	P
58. Private parking facility not accessory to another use.	SP	SP
59. Public utility for transmission of local service.	SC	SC
60. Professional or business office including optical and dental laboratory.	P	P
61. Radio and TV studio.	P	P
62. Rental service facility.	SP	SP
63. Research laboratory.	P	P
64. Sale and display of art objects, art and school supplies, candy, ice cream; gift shop; picture framing shop.	P	P
65. Sales and service of plumbing, electrical or heating fixtures and appliances.	P	P
66. Sales and service of recreation vehicles, motorcycle and similar vehicles.	SP	SP
67. Sales of building materials.	SP	SP

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY		B-1	B-2
68.	Sale of convenience goods such as groceries, pharmaceutical, sundries, photographic supplies, variety.	P	P
69.	Secondhand store and rummage sale.	P	P
70.	Sign.	SC	SC
71.	Supermarket, department store, variety store; sale of clothes, shoes, furniture, hardware, flowers, jewelry, toys, china and glassware, carpet and floor coverings, luggage and leather goods, dry goods, paint and wallpaper, office supplies, sporting goods.	P	P
72.	Tent and awning sales and production.	P	P
73.	Ticket and travel agency.	P	P
74.	Upholstering shop.	P	P
75.	Utility transmission line and substation.*	SC	SC
76.	Veterinary office and animal hospital or grooming shop.	SP	SP
77.	Wholesale and warehouse facility.	SC	SC

* Transformers not to be in front yard.

6) Schedule 21.06-B Bulk Requirements Business Districts

DIST.	LAND USE OR ACTIVITY	MIN. LOT WIDTH	MINIMUM YARDS* FRONT	SIDE	REAR	MAXIMUM BUILDING HEIGHT
B-1	All permitted uses except when special conditions or Special Permit provisions state otherwise.	None	None or compati-ble with adjacent residence district yard require-ments.	None required except: 1. If side yard is provided it shall be at least 6 feet. 2. 20 feet from an existing street right-of-way. 3. 20 feet when adjacent to a residence district.	25′	3 stories or 45 feet, whichever is less.
B-2	All permitted uses except when special conditions or Special Permit provisions state otherwise.	170′ at setback line plus 100′ of road front-age	50′	20 feet on each side	50′	3 stories or 45 feet, whichever is less.

* Bulk requirements for uses permitted by Special Permit may be modified as Village Board deems appropriate in its review of a proposal.

SECTION 21.07 INDUSTRIAL DISTRICTS

(1) Intent.

(a) GENERAL.

The general intent of this Section is to set forth land uses or activities which are permitted in industrial areas in the Village, to specify the zoning district in which each use or activity will be permitted, with or without special conditions, or after a special permit has been granted, and to establish bulk regulations for lots within each district.

(b) (I-1) AND (I-2) INDUSTRIAL DISTRICTS.

The intent of the Industrial Districts is to set forth those land uses and activities which are permitted to provide for industrial and related development within the framework of industrial and manufacturing growth goals of the Village. It is further intended that regulations in Industrial Districts be such as to prevent intrusion of structures and uses that are inimical to and not compatible with the use of land for desired industrial development.

In addition, it is intended that performance standards be established to provide specific controls for governing tolerable levels of emission of noise, smoke, and particulate matter, odors and other potential nuisances and for providing adequate landscaped yards and other open areas in order to maintain the desired environmental qualities within the Industrial Districts and the entire Village and its environs.

The distinction between the (I-1) and (I-2) Industrial Districts involves differences in permitted land uses and allowable densities.

(2) General Provisions.

(a) SCHEDULE OF REGULATIONS.

Restrictions and controls for land uses or activities permitted in Industrial Districts, or land uses or activities having special conditions attached to them, or requiring a special permit, are set forth in Schedule 21.07-A. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule 21.07-B. Both said schedules are hereby adopted and made part of this Ordinance.

(b) EXCLUDED USES OR ACTIVITIES.

A land use or activity not set forth in Schedule 21.07-A is not permitted in an Industrial District in the Village except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

(c) ENCLOSURE OF OPERATION.

All operations shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading when conforming with regulations set forth in this Ordinance.

2. Establishments of the drive-in type offering goods and services to customers waiting in parked automobiles.

3. Servicing, repairing, testing, cleaning and other operations of railroads and other transportation facilities customarily conducted out-of-doors.

4. Storage and testing areas located not less than 500 feet from a Residential District. Such areas, when located within 500 feet of a Residential District, shall be completely enclosed behind a solid fence or wall or chain-link fence faced with dense plantings of trees or shrubs which in the case of a wall or fence shall be not less than six (6) feet or more than eight (8) feet in height.

5. Other uses customarily conducted in the out-of-doors such as open sales lots for retail sales and out-of-doors recreation facilities. Such facilities shall be clearly incidental and secondary to the manufacturing use.

(d) SETBACKS ALONG DISTRICT LINES.

1. In an (I-1) or (I-2) District no building or structure, the principal use of which is manufacturing, fabricating, assembly, repairing, cleaning, servicing or testing of materials, products or goods, shall be located less than 50 feet from a Residential or Mobile Home District boundary line or residential property line. All buildings and accessory uses shall be setback at least 50 feet from street rights-of-way.

2. Off-street parking and permitted outdoor storage may be located in such setback areas except that no parking or storage shall be located less than 30 feet from a lot line adjoining a street.

3. From an interior lot line, which line is also a boundary of a Residential or Mobile Home District or residential property line, all off-street parking or outdoor storage shall be effectively screened from its residential neighbors by a buffer strip at least twelve (12) feet wide and planted with trees and shrubs that provide an effective visual screen.

4. When industrial buildings or structures which exist on the effective date of this Ordinance have setbacks from a Residential or Mobile Home District or residential property line of less dimension than is required herein, any

expansion of said buildings or structures shall, in lieu of the above requirements, be required to provide setbacks from its residential neighbors as determined by the Department of Public Works in its site plan review.

(e) SITE PLAN APPROVAL.

No land use or activity in an Industrial District may be developed or expanded without a building permit issued by the Zoning Administrator under the rules and regulations contained in this Section. The Zoning Administrator may not issue a building permit for the development or expansion of any permitted use in any Industrial District until a final site plan has been approved by the Department of Public Works in accordance with this Ordinance.

(f) EXISTING SETBACK LINES.

Where existing setback lines are less than required by this code, such setbacks may be continued so long as all parking, loading, and screening requirements can be met for the total development.

(3) Special Conditions for Certain Land Uses or Activities in Industrial Districts.

Land uses or activities listed in Schedule 21.07-A as being "Permitted with Special Conditions" shall not be considered permitted, and the Zoning Administrator shall not issue a building permit for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

(a) TEMPORARY BUILDING OR FENCE.

Permitted for construction purposes for a period not to exceed such construction and hen located on the same lot where such construction is being undertaken or a lot contiguous thereto.

(b) SIGN.

Permitted when they are in compliance with Section 21.14 of this Ordinance.

(c) MANUFACTURING, FABRICATING, ASSEMBLY, REPAIR, STORAGE, PROCESSING, CLEANING, SERVICING AND TESTING ESTABLISHMENTS.

Permitted in an (I-1) or (I-2) District only when:

1. Such land use or activity is in compliance with applicable performance standards for noise, vibration, smoke and particulate matter, toxic matter,

noxious and odorous matters, fire and explosion hazard, glare and heat, radiation hazard and similar standards as administered by the Village.

2. Any use involving the storage, use or manufacture of materials or products which decompose by detonation has been specifically licensed by the Village Board or is customarily incidental to the operation of a principal use and in conformance with applicable performance standards set by the Village.

(d) ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS OR MATERIAL.

Permitted by special use in the (I-1) and (I-2) Districts only when such use has been reviewed and approved by the North Fond du Lac Fire Department.

(e) WATCHMAN'S DWELLING.

Permitted in an (I-1) and (I-2) District if such dwelling is located on the premises where the said watchman is employed.

(f) LABOR HALL AND OFFICE.

Off-street parking shall be provided for each four (4) seats or ninety (90) lineal inches of seating space in the main assembly hall.

(for future use)

(4) Schedule 21.07-A Land Uses or Activities Industrial Districts

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	I-1	I-2
1. Above ground storage of flammable liquids or materials.	SP	SP
2. Ambulance service.	P	P
3. Asphalt, coal, or tar manufacture.	SP	
4. Archery range, golf driving range, ice skating rink.	SP	SP
5. Bottling works.	P	P
6. Car wash.	P	P
7. Cement, lime, gypsum manufacture.	SP	P
8. Cemetery monument creation and sales.	SP	P
9. Contractor's facility, including material and equipment storage.	P	P
10. Express and parcel delivery.	P	P
11. Feed manufacture.	P	P
12. Fuel and ice retail sales	P	P
13. Governmental service.	SP	SP
14. Greenhouse and nursery.	P	P
15. Heliport.	SP	SP
16. Knitting mills.	SC	SC
17. Labor hall and office.	SC	SC
18. Landfilling.	SC	SC
19. Laundry.	P	P
20. Lumberyard, mill work.	P	P
21. Mail order house.	P	P

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	I-1	I-2
22. Manufacturing, fabricating, assembly, repair, storage, processing, cleaning, servicing and testing establishment.	SC	SC
23. Milk distribution sales.	P	P
24. Miniature or par-3 golf, Go-kart track.	SP	SP
25. Mining, quarrying or extraction of sand, gravel, soil or other aggregate.	SP	SP
26. Motor freight terminal, air and rail freight terminal.	SP	SP
27. Offices with accessory research, testing, warehousing, fabricating or assembly.	SP	SP
28. Off-street parking.	P	P
29. Packing and crating.	P	P
30. Painting and enameling.	P	P
31. Planned unit development.	SP	SP
32. Plumbing and heating shops.	P	P
33. Public or private park or playground.	SP	
34. Public utility.	SP	SP
35. Publishing and printing.	P	P
36. Railroad switching and repair facility.	P	
37. Sheet metal working, tinsmithing, blacksmithing.	P	P
38. Sign.	SC	SC
39. Slaughterhouse, stockyard.	SP	
40. Smelting.	SP	
41. Storage or use of materials which decompose by detonation.	SP	SP
42. Swimming pool, tennis court, shuffleboard courts and similar facilities.	SP	SP
43. Temporary building or fence.	SC	SC
44. Trade school.	P	P

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	I-1	I-2
45. Vehicle repair including painting, body and motor work.	P	P
46. Warehouse.	SP	SP
47. Watchman's dwelling.	SC	SC
48. Wholesale or jobbing establishment.	P	P
49. Sales and service of recreational vehicles, motorcycles, and similar vehicles. (O-2000-07)	P	P

(5) Schedule 21.07 – B Bulk Requirements Industrial Districts*

DIST	LAND USE OR ACTIVITY	MINIMUM LOT AREA (SQ. FT.)	MIN. LOT WIDTH (FT.)	FLOOR AREA RATIO	MINIMUM YARDS *			MAXIMUM BUILDING HEIGHT
					FRONT	SIDE	REAR	
I-1	All permitted uses except when special conditions or Special Permit requirements state otherwise.	None		0.6	30′	**1.** Two required, each at least 15 ft. **2.** 30 ft. when adjacent to a street. **3.** None required when adjacent to a railroad right-of-way.	25 ft. except none required when adjacent to a railroad right-of-way.	75′
I-2	All permitted uses except when special conditions or Special Permit requirements state otherwise.	None	None	0.8	30′	**1.** Two required, each at least 15 ft. **2.** 30 ft. when adjacent to a street. **3.** None required when adjacent to a railroad right-of-way.	25 ft. except none required when adjacent to a railroad right-of-way.	60′

* Bulk requirements for uses permitted by Special Permit may be modified as Village Board deems appropriate in its review of a proposal.

SECTION 21.071 (BP) BUSINESS PARK DISTRICT

(1) Intent.

(a) GENERAL.

The general intent of this Section is to set forth land uses or activities which are permitted in business park areas of the Village, to specify the uses and activities that will be permitted, with or without special conditions, or after a special permit has been granted, and to establish bulk regulations for lots within the district.

(b) (BP) BUSINESS PARK DISTRICT.

The intent of the (BP) Business Park District is to combine in one zoning district light industrial, office and commercial uses.

(2) General Provisions.

(a) SCHEDULE OF REGULATIONS.

Restrictions and controls for land uses or activities permitted in a (BP) Business Park District, or land uses or activities having special conditions attached to them, or requiring a special permit, are set forth in Schedule 21.071-A. Regulations for lot size, yards and similar bulk requirements for uses specified in Schedule 21.071-A are set forth in Schedule 21.071-B. Both said schedules are hereby adopted and made part of this Ordinance.

(b) EXCLUDED USES OR ACTIVITIES.

A land use or activity not set forth in Schedule 21.071-A is not permitted in the (BP) Business Park Districts in the Village except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

(c) ENCLOSURE OF OPERATION.

All operations in a (BP) District shall be conducted within completely enclosed buildings except:

1. Off-street parking and off-street loading when conforming with regulations set forth in this Ordinance.

2. Establishments of the drive-in type offering goods and services to customers waiting in parked automobiles.

3. Servicing, repairing, testing, cleaning and other operations customarily conducted out-of-doors.

4. Other uses customarily conducted in the out-of-doors such as open sales lots for retail sales and out-of-doors recreation facilities.

5. Storage areas located not less than 50 feet from a Residential District. Storage areas, when located within 50 feet of a Residential District, shall be completely enclosed behind a solid wall or fence, or a fence faced with plantings of trees or shrubs that provide an effective visual screen.

(d) PERFORMANCE STANDARDS

Performance standards for noise, vibration, smoke and particulate matters, noxious odors, fire and explosion hazard, glare, lighting, heat and radiation shall be as established and enforced by the Village.

(e) SITE PLAN APPROVAL.

The Zoning Administrator may not issue a building permit for the development or expansion of any building in a (BP) District until a final site plan has been approved by the Department of Public Works in accordance with Section 21.17 (5) (b).

(3) Special Conditions for Certain Land Uses or Activities in Business Districts.

Land use or activities listed in Schedule 21.071-A "Permitted with Special Conditions" shall not be considered permitted, and the Zoning Administrator shall not issue a zoning certificate for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

(a) BATTERY AND TIRE SALES AND SERVICE

1. Permitted when all storage and servicing occurs within a building and vehicles are not parked outdoors overnight.

2. All outside storage is screened from public view.

(b) DRIVE-IN RESTAURANT INCLUDING DRIVE-THRU FACILITIES

Such facilities shall provide adequate parking and stacking space so that vehicles are not standing in any public street. The number, size and location of access and egress points shall be approved by the Director of Public Works.

(c) FEED STORE

Permitted when there is no outside storage of feed supplies or equipment.

(d) TEMPORARY GREENHOUSE

Temporary greenhouse construction shall conform to all appropriate setback requirements. Temporary greenhouse permits must be obtained from the Zoning Administrator. Temporary permits shall be in effect for a period not to exceed six months.

(e) MACHINE, SHEET METAL AND WELDING SHOP

Permitted when operations are within the enclosed building and glare from the welding operation is not visible from outside the building.

(f) PUBLIC UTILITY FOR TRANSMISSION OF LOCAL SERVICE.

Such utilities shall be placed underground whenever feasible or, when not so placed, shall be located along rear lot lines or in a manner which will cause the minimum adverse visual impact on the Village's streetscape. Approval of such utility lines shall be given by the Department of Public Works.

(g) SIGNS

Permitted when they are in compliance with Section 21.14 of this Ordinance. (Ord. 2002-13)

(h) TEMPORARY BUILDING OR FENCE

Permitted for construction purposes for a period not to exceed such construction and when located on the same lot where such construction is being undertaken or a lot contiguous thereto.

(for future use)

(5) Schedule 21.071-A Land Uses or Activities (BP) Business Park Districts

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required
N = Prohibited

LAND USE OR ACTIVITY:		BP
1.	Antique and craft shop	P
2.	Antique and used furniture sales.	P
3.	Automotive car wash.	SP
4.	Automobile engine repair, service garage, and vehicle body shop.	SP
5.	Automotive parts and accessories.	P
6.	Automobile service station.	SP
7.	Bakery.	P
8.	Bank and financial institution, including branch bank and drive-in.	P
9.	Battery and tire sales and service.	SC
10.	Bicycle sales, rental and repair.	P
11.	Blueprinting, photocopying, and Photostatting.	P
12.	Boat sales and repair.	SP
13.	Bottling and distribution.	SP
14.	Bulk fuel and ice sales.	SP
15.	Business machine and equipment sales and service.	P
16.	Catering establishment.	P
17.	Church, chapel, temple, convent, monastery, rectory.	N
18.	Club or lodge.	N
19	Cocktail lounge; tavern.	P
20	Day care facility.	P
21.	Drive-in restaurant including drive-thru facilities, i.e., bank, laundry, bakery, etc.	SC
22.	Dry cleaning and laundry facility, including linen, towel or diaper service.	P
23.	Eating and drinking establishments, including drive-in restaurants.	P
24.	Feed store.	SC
25.	Fraternal, philanthropic and eleemosynary institution.	N
26.	Frozen food and locker facility.	P
27.	Funeral and undertaking parlor.	SP
28.	Furrier shop.	P
29.	Governmental service.	P
30.	Hobby shop.	P
31.	Temporary Greenhouse	SC
32.	Household appliance, radio, and TV sales and service.	P
33.	Indoor amusement and recreation facility.	P
34.	Indoor cinema or theater.	P
35.	Interior decorating.	P
36.	Landfill.	N
37.	Library.	P

LAND USE OR ACTIVITY:		BP
38.	Liquor store.	P
39.	Loan office.	P
40.	Machine, sheet metal and welding shop.	SC
41.	Meat and fish market.	P
42.	Medical, dental and optical clinic.	P
43.	Meeting and exhibition hall.	SP
44.	Motel and hotel; bed and breakfast establishment; extended stay hotel.	SP
45.	New and used automobile sales.	SP
46.	Newspaper office.	P
47.	Newsstand.	P
48.	Nursery school.	P
49.	Outdoor amusement and recreation facility.	SP
50.	Parcel delivery.	P
51.	Personal service facility, i.e., barber and beauty shop, tailor shop, self-service, Laundromat, shoe and clothing repair.	P
52.	Pet shop.	P
53.	Photography studio.	P
54.	Planned unit development.	SP
55.	Physical culture and health facility; spa.	P
56.	Printing and publishing shop.	P
57.	Private parking facility not accessory to another use.	SP
58.	Public utility for transmission of local service.	SC
59.	Professional or business office including optical and dental laboratory.	P
60.	Radio and TV studio.	P
61.	Rental service facility.	SP
62.	Research laboratory.	P
63.	Sale and display of art objects, art and school supplies, candy, ice cream; gift shop; picture framing shop.	P
64.	Sales and service of plumbing, electrical or heating fixtures and appliances.	P
65.	Sales and service of recreation vehicles, motorcycle and similar vehicles.	SP
66.	Sales of building materials.	SP
67.	Sale of convenience goods, such as groceries, pharmaceutical, sundries, photographic supplies, vanity.	P
68.	Secondhand store and rummage sale.	P
69.	Sign.	SC
70.	Supermarket, department store, variety store; sale of clothes, shoes, furniture, hardware, flowers, jewelry, toys, china and glassware, carpet and floor coverings, luggage and leather goods; dry goods, paint and wallpaper, office supplies, sporting goods.	P
71.	Tent and awning sales and production.	P
72.	Ticket and travel agency.	P
73.	Upholstering shop.	P
74.	Utility transmission line and substation.	SP
75.	Veterinary office and animal hospital or grooming shop.	SP
76.	Wholesale and warehouse facilities, excluding mini-warehouse.	P

LAND USE OR ACTIVITY:		BP
77.	Above ground storage of flammable liquids or materials.	SP
78.	Ambulance service.	P
79.	Asphalt, coal, or tar manufacture.	N
80.	Archery range, golf driving range, ice skating rink.	SP
81.	Bottling works.	P
82.	Mini-warehouse	N
83.	Cement, lime, gypsum manufacture.	N
84.	Cemetery monument creation and sales.	SP
85.	Contractor's facility, including material and equipment storage.	P
86.	Express and parcel delivery.	P
87.	Feed manufacture.	P
88.	Fuel and ice retail sales.	P
89.	Governmental service.	SP
90.	Greenhouse and nursery.	P
91.	Heliport.	SP
92	Knitting mills.	P
93.	Labor hall and office.	P
94.	Land filling.	N
95.	Laundry.	P
96.	Lumberyard, mill work.	P
97.	Mail order house.	P
98.	Manufacturing, fabricating, assembly, repair, storage, processing cleaning, servicing and testing establishment.	P
99.	Milk distribution sales.	P
100.	Miniature or par-3 golf, Go-cart track	SP
101.	Mining, quarrying or extraction of sand, gravel, soil or other aggregate.	N
102.	Motor freight terminal, air and rail freight terminal.	P
103.	Offices with accessory research, testing, warehousing, fabricating or assembly.	P
104.	Off-street parking.	N
105.	Packing and crating.	P
106.	Painting and enameling.	P
107.	Planned unit development.	SP
108.	Plumbing and heating shops.	P
109.	Public or private park or playground.	SP
110.	Public utility.	SP
111.	Publishing and printing.	P
112.	Railroad switching and repair facility.	N
113.	Sheet metal working, tinsmithing, blacksmithing.	P
114.	Slaughterhouse, stockyard.	N

LAND USE OR ACTIVITY:	BP
115. Smelting/foundry.	N
116. Swimming pool, tennis court, shuffleboard courts and similar facilities.	SP
117 Temporary building or fence.	SC
118. Trade school.	P
119. Vehicle repair including painting, body and motor work.	P
120. Warehouse.	SP
121. Wholesale or jobbing establishment.	P

Schedule 21.071-B

Bulk Requirements - (BP) Business Park District

DIST.	LAND OR USE ACTIVITY	MINIMUM LOT AREA (SQ. FT.)	MIN. LOT WIDTH (FT.)	FLOOR AREA RATIO	MIN. BUILD. SETBACK FRONT	MIN. BUILD. SETBACK SIDE	MIN. BUILD. SETBACK REAR	MAXIMUM BUILDING HEIGHT
BP	All permitted uses except when special conditions or Special Permit requirements state otherwise	None	None	0.8	30' (a)	20' (a)	25' (a)	75' (b)

(a) Side yards may be reduces to 0' when two sites are developed with recorded cross-easements and shared parking agreements as approved by the Plan Commission.

(b) Building height subject to Fire Chief approval if greater than 36'

(for future use)

SECTION 21.08 OFFICE/INSTITUTIONAL DISTRICT

(1) Intent.

The intent of the (O) Office/Institutional District is to set forth those land uses and activities which are permitted to provide for the specialized business, office, educational, institutional and cultural needs of the Village and surrounding region and which often have unique site and locational requirements.

(2) General Provisions.

(a) SCHEDULE OF REGULATIONS.

Restrictions and controls for land uses or activities permitted in an (O) Office/Institutional District, or land uses or activities having special conditions attached to them, or requiring a special permit, are set forth in Schedule 21.08-A. Regulations for lot size, yards and similar bulk requirements are set forth below. Schedule 21.08-A is hereby adopted and made part of this Ordinance.

(b) EXCLUDED USES OR ACTIVITIES.

A land use or activity not set forth in Schedule 21.08-A is not permitted in Office/Institutional Districts in the Village except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

(c) SCOPE OF OPERATION.

All operations shall be conducted wholly within enclosed buildings, except for accessory off-street parking and off-street loading facilities and signs. Goods and merchandise, if any, stored on the premises shall not be offered for sale or sold to the public except as may be allowed as accessory to a permitted or special use.

(d) PERMITTED ACCESSORY USES AND STRUCTURES.

Uses and structures which are necessary and desirable adjuncts to permissible principal uses and structures and are under the management or control of the responsible for the principal use and structure.

(e) PERMITTED ACCESSORY SIGNS.

Identification, informational or directional signs erected entities in connection with permissible principal uses and structures or for other public purposes. No sign shall be erected within ten (10) ft. of any side or rear lot line.

(f) OFF-STREET PARKING REQUIREMENTS.

1. Offices: One (1) space per every 300 square feet of floor space.

2. Hospitals: 1.1 spaces for each bed.

3. Exhibits, museums, libraries: One (1) space for each 500 square feet of gross floor area.

(g) BULK REQUIREMENTS.

There are no minimum lot requirements. Any lot adjacent to a public street or Residential District shall have a yard at least 25 ft. in width if at the side and 25 ft. in depth if at the front or rear. Maximum lot coverage shall not exceed 30%. Maximum height of any structure within 40 ft. of a Residential District shall not exceed 45 ft.

(3) Special Conditions for Certain Land Uses or Activities in Office/Institutional District.

Land uses or activities listed in Schedule 21.08-A as being "Permitted with Special Conditions" shall not be considered permitted, and the Zoning Administrator shall not issue a zoning certificate for such uses or activities, until applicable conditions, as set forth below, have been complied with or a variance has been granted.

(a) DWELLING, WHEN LOCATED IN AN EXCLUSIVELY RESIDENTIAL BUILDING.

Permitted in an (O) District when such residential building is developed in conformance with the residential requirements of the (R-6) Residential District.

(b) TEMPORARY BUILDING OR FENCE.

Permitted for construction purposes for a period not to exceed such construction and when located on the same lot where such construction is being undertaken or a lot contiguous thereto.

(c) SIGN.

Permitted when they are in compliance with Section 21.14 of this Ordinance.

(d) LABOR HALL AND OFFICE.

Off-street parking shall be provided for each four seats or ninety lineal inches of seating space in the main assembly hall.

(for future use)

(for future use)

(4) Schedule 21.08-A Land Uses or Activities Office/Institutional Districts

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	O
1. Arboretum.	P
2. Archery range, golf driving range, ice skating rink.	P
3. Art gallery, museum.	P
4. Automobile parking lot or garage.	SP
5. Cemetery.	SP
6. Dwelling unit, when located in an office building.	SP
7. Dwelling, when located in an exclusively residential building.	SC
8. Educational Institutions.	P
9. Flood control works.	P
10. Fraternal, philanthropic or eleemosynary use.	P
11. Golf course.	P
12. Governmental service.	P
13. Hospitals, clinics.	SP
14. Labor hall and office.	SC
15. Library.	P
16. Lumberyard mill work.	P
17. Manufacturing, fabricating, assembly, repair, storage, processing, cleaning, servicing and testing establishment.	P
18. Mining, quarrying or extraction of sand, gravel, soil or other aggregate.	P
19. Motel and hotel; bed & breakfast establishments.	SP
20. Museum.	P
21. Nursing home.	SP

P = Permitted
SC = Permitted with Special Conditions
SP = Special Use Permit Required

LAND USE OR ACTIVITY	O
22. Offices: governmental, business or professional including medical, dental or optical clinics.	P
23. Offices with accessory research, testing, warehousing, fabricating or assembly.	SP
24. Off-street parking.	P
25. Places of religious worship, convents.	P
26. Planned unit development.	SP
27. Public or private park or playground.	SP
28. Public utility installations.	SP
29. Restaurant, except drive-in type.	SC
30. Sign.	SC
31. Temporary building or fence.	SC
32. Zoo.	P

SECTION 21.09 MOBILE HOME DISTRICT

(1) Intent.

(a) It is the intent of this ordinance that mobile homes be parked or used only within (MH) Mobile Home Districts as herein provided. It shall be unlawful for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the Village on any property outside an approved licensed mobile home park as herein specified.

(b) It shall be unlawful for any person to place, establish, operate or maintain a mobile home on property except that zoned for mobile home park residence districts.

(c) Subject to the terms, conditions and limitations set forth herein, it shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property within the Village, a mobile home park which is not in compliance with this Ordinance.

(2) Permitted Uses.

The (MH) Mobile Home District provides for single-family residential development served by municipal sewer and water.

(a) PERMITTED USES: Mobile home parks.

(b) CONDITIONAL USES: None.

(3) General Provisions.

(a) MASTER PLAN: At the time of application for rezoning to the (MH) District and application for a mobile home park license under this Code, the applicant shall submit a preliminary master plan to the Village containing the following:

1. The names and addresses of all owners and developers of the proposed mobile home park.

2. The legal description and size, in acres, of the proposed mobile home park.

3. The location and approximate sizes of all mobile home sites, storage areas, recreation areas and facilities, and proposed roadways and their width, sidewalks and permanent buildings.

4. Existing landscaping features and proposed landscaping concepts.

5. The location and size of all public roadways abutting the mobile home park and all street and sidewalk accesses from such streets and sidewalks to the mobile home park.

6. A drawing of a typical mobile home site showing the placement of the home, parking area, garage, setbacks, lighting, and a typical landscaping plan.

7. Other pertinent information pertaining to the proposed mobile home park as required by the Plan Commission or Director of Public Works.

(b) AREA REQUIREMENTS: Each mobile home park shall comply with the following standards:

1. A mobile home park shall have a minimum of ten (10) acres in area.

2. The minimum setback for a mobile home park building, structure or unit shall be 50 feet from the right of way line of a street or highway which abuts the development.

3. Except for public utility structures, no structure or pavement of any type shall be placed closer than twenty (20) feet from the exterior property line.

(c) SITE REQUIREMENTS: Each mobile home site shall have:

1. A minimum of 6,000 sq. ft. of land area for a single mobile home for the exclusive use of the residents of the mobile home located on the site with an average width of 60 feet and a minimum depth of 100 feet.

2. A minimum of 6,500 sq. ft. of land area for a double mobile home for the exclusive use of the residents of the mobile home located on the site with an average width of 65 feet and a minimum depth of 100 feet.

3. A minimum frontage for cul-de-sac sites shall be twenty (20) feet measured along the pavement edge.

4. Mobile home sites with their long axis parallel to the roadway ("parallel lots") shall be a minimum 100 feet wide and 60 feet deep for a single unit, and 100 feet wide and 65 feet deep for a double-wide unit.

5. Each space shall be numbered.

(d) YARD REQUIREMENTS: All mobile homes shall comply with the following yard requirements:

1. No mobile home shall be parked closer than fifteen (15) feet to the front site line nor ten (10) feet to the rear site line. Cul-de-sac lots shall provide a minimum 15-foot setback from the roadway edge.

2. There shall be an open space of at least twenty (20) feet between adjacent mobile homes and twenty (20) feet between adjacent mobile homes on the rear of the site lines.

(e) PARKING: The following are minimum parking requirements for mobile home parks:

1. Each mobile home site shall have hard-surfaced off-street parking space for two (2) automobiles. The parking spaces shall total a minimum of 360 sq. ft. in area.

2. Access drives off roads to all parking spaces and mobile home spaces shall be hard-surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.

(f) UTILITIES: The following minimum requirements for utilities shall be maintained:

1. There shall be no permanent obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment or blocking or impeding access and egress from the front or rear doors of a mobile home.

2. Garbage, waste, and trash disposal plans must conform to all State and local health and pollution control regulations.

3. The owner of a mobile home park shall pay all required sewer and utility fees or assessments to the Village Clerk or appropriate utility.

4. The owner of a mobile home park may elect to either have the mobile home park master metered or to have each mobile home individually metered for water service subject to the following:

a. Should the owner elect to have the Village meter each mobile home individually, the water mains and laterals shall be installed in accordance with the Village specifications and located in accordance with the specifications acceptable to the Director of Public Works. Such mains and laterals, to the curb box, shall be conveyed to the Village by such document approved by the Village. The mains and laterals shall become part of the Village's utility distribution system.

b. Should the owner elect to locate the water mains and laterals in locations that are not acceptable to the Director of Public Works, the ownership of such mains and laterals shall remain with the mobile home park owner. The mobile home park shall, however, be metered at a strategic location approved by the Director of Public Works. The meter pit or manhole shall be installed in accordance with the specifications of the Village. The maintenance of the mains and laterals shall be the sole responsibility of the mobile home park owner. The mobile home park owner may purchase, install and bill each tenant directly for the water used and such meters shall be owned, read and maintained by the mobile home park owner.

5. Each mobile home site shall be provided with a sewer receptacle at least four (4) inches in diameter which shall be connected to receive the waste from the shower, bath, tub, flush toilet, lavatory and kitchen sink of the mobile home harbored on such site having any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances. Each unit shall be subject to a sewer service charge according to the license agreement with the Village Board.

6. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home sites within the park, to meet the requirements of the park.

(g) INTERNAL STREETS: All internal streets shall meet the following minimum requirements:

1. Streets shall be hard surfaced with bituminous concrete or portland cement concrete to conform to the structural requirements of Village streets as approved by the Plan Commission.

2. All streets shall be developed with a street surface of not less than 24 feet in width. On-street parking on one side may be allowed (except at park entrance) if the street width is at least 28 feet wide. Streets shall be at least 32 feet wide if on-street parking is permitted on both sides.

3. Streets shall be designed to provide suitable drainage without on-street ponding of stormwater. The Village Engineer may require curb, gutter, and/or storm sewers based on the natural characteristics of the site and the public health, safety and welfare.

(h) SIDEWALKS: A 36-inch wide portland cement concrete sidewalk shall be built and maintained by the owner or operator providing access from roadways to all recreational areas, common use buildings, and common storage areas.

(i) LIGHTING: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupant's use. The mobile home park, streets, and pedestrian areas shall be lighted from sunset to sunrise. Entrance roads intersecting with adjacent public streets shall be lighted with either public street lights or private entrance lights or a combination of both as required by the Plan Commission.

(j) RECREATIONAL AREAS: All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational areas shall be based on a ratio of providing a minimum of one and one-half (1½) acres of recreational area for each one-hundred (100) mobile home sites. At least one-half (½) of the recreational area shall be concentrated in one site, and the remaining balance may be distributed throughout the park in several smaller sites. All recreational equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his expense.

(k) LANDSCAPING: The following minimum landscaping requirements shall be maintained in all mobile home parks:

1. Each space shall be properly landscaped with at least two (2) trees. All yards shall be sodded or planted in grass. Trees, grass and landscape materials shall be properly maintained and replaced as needed to conform to the initially approved landscaping.

2. All mobile home parks constructed under this ordinance shall have a greenbelt or buffer strip at least twenty (20) feet wide along all boundaries. This area shall be landscaped with permanent plantings and/or berms to establish a screening effect. Where the adjoining property is also a mobile home park, such screening or buffer strip shall not be required on that side of the property.

3. All areas shall be landscaped and the landscaping shall be shown on a typical mobile home individual site plan, and also shall be shown in concept on the overall master plan.

(l) MOBILE HOME STANDS REQUIRED: All manufactured home installations shall comply with SPS 321.40 and homes manufactured prior to April 1, 2007 shall use the *Manufactured Home Installation Manual for Manufactured Homes Produced on or After April 1, 2007* as a guide to installation. (O-2012-2)

(m) TIE DOWNS AND ANCHORS REQUIRED: All manufactured home installations shall comply with SPS 321.40 and homes manufactured prior to April 1, 2007 shall use the *Manufactured Home Installation Manual for Manufactured Homes Produced on or After April 1, 2007* as a guide to installation. (O-2012-2)

(n) SKIRTING: All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable materials and shall be of a permanent color, or painted to match the appropriate mobile home so as to enhance the general appearance thereof.

(o) ACCESSORY STORAGE BUILDINGS OR GARAGES: Any accessory storage building or garage in a mobile home park shall comply with other applicable Village codes. Accessory storage buildings shall be anchored.

(p) SERVICE BUILDINGS:

1. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

2. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials which may be painted woodwork as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1st to May 1st. The floors of the service buildings shall be of water impervious materials. Washing and drying machines may be installed according to needs of the park.

3. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(q) FIRE PROTECTION: Service buildings shall be equipped with fire extinguishers and the park with water hydrants of such type, size and number and so located within the park to comply with the North Fond du Lac Water Department rules and all of standard size and fitness of this department and the regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. All municipal codes regulating open fires shall be enforced.

(r) REGISTER OF OWNERS: The manager of a mobile home park shall keep a registration list of mobile home owners available to the Village or its agents for inspection at reasonable times.

(s) INSPECTION AND OCCUPANCY PERMIT: All mobile homes shall comply with State and Village fire, health, building and plumbing regulations. Before a mobile home unit may be occupied, the mobile home owner or licensed selling agent must secure the inspection and approval of the Building Inspector regarding compliance with such regulations including the provisions of this ordinance. An occupancy permit must be issued by the Building Inspector prior to occupancy of the mobile home unit.

(4) Declaration of Restrictions/Restrictive Covenants.

The Village may accept a declaration of restrictions or restrictive covenants filed by the applicant petitioning for rezoning concerning the uses of the proposed parcel to be rezoned establishing lot sizes, setbacks, roadways, recreational areas, location of mobile homes, buildings, structures, and landscaping and other physical features as specified in this ordinance. Such declaration of restrictions or restrictive covenant shall run with the land and shall contain the following requirements:

(a) A subscription clause.

(b) The legal description of the property and master plan.

(c) The names of the persons having an interest in the property who shall also execute the restrictive covenant or declaration of restrictions.

d) The names and addresses of all persons holding a security interest in the property who shall also execute the restrictive covenant or declaration of restrictions.

(e) The declaration of restriction or restrictive covenant shall run with the land and be binding upon the property owners, grantees, successors, heirs or assigns of the property.

(f) Contain the condition that as long as the property is zoned Mobile Home Park District that should buildings or the property be used for other than that specified in the declaration of restriction or restrictive covenant, that any building permit issued by the Village shall be null and void or that the occupancy of such building(s) or use of the property shall be considered to be in violation of the zoning ordinance of the Village.

(g) Such declaration of restrictions or restrictive covenant running with the land shall be recorded in the Register of Deeds office for Fond du Lac County and shall be considered a restrictive covenant running with the land or declaration of restrictions running with the land and shall ensure to the benefit of all abutting and contiguous properties to that of the subject property, as well as the residents of the Village of North Fond du Lac.

(5) Detailed Site Plans and Information Required.

After (MH) District zoning has been granted, detailed plans and information covering that portion of the total project which is intended for construction shall be submitted for approval by the Plan Commission prior to the start of construction of the subject mobile home park. The detailed plans and information shall conform substantially to the preliminary plans and to all other conditions required at the time of zoning approval. All required detailed plans and information shall be submitted to the Plan Commission at least ten (10) business days prior to the requested date of approval. The detailed plans and information shall include:

(a) A master plan showing the entire mobile home park area including plan elements as approved by the Plan Commission.

(b) Plans and specifications for:

1. Sanitary sewer service.

2. Water service.

3. Stormwater drainage facilities.

4. Roadway construction.

5. Permanent buildings and support structures.

(c) Operational plans including:

1. Method of garbage and refuse disposal.

2. Grounds maintenance procedures.

3. Staging and timing of construction.

(d) The square footage of each mobile home site shall be depicted on the site plan. Verification of the mobile home site square footage shall be the responsibility of the mobile home park owner.

(e) Other plans and information as required by the Plan Commission.

(6) Management.

(a) In every mobile home park, there shall be located the office of the person in charge of said mobile home park. In instances where the mobile home park is owned by the same persons owning other mobile home parks within the Village, only one (1) office shall be required.

(b) The licensee or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park and its facilities and equipment in a clean, orderly and sanitary condition.

(c) It is the duty of the mobile home park owner or operator, together with any attendants or person in change of a mobile home park, to:

1. Keep a register of all principal occupants of mobile homes to be open at all times to inspection by federal, state and local officials.

2. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.

3. At the time of entry into the mobile home park, obtain a signed application form, stating year in which mobile home was new, together with size and make, last prior address and current employer, plus number of and ages of children in family.

4. Inform new residents of the location of the nearest available public tornado shelter(s).

(7) Licenses.

(a) LICENSE REQUIRED.

It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of North Fond du Lac unless he holds a valid license issued by the Village in the name of such person for the specific construction, alteration, or extension proposed. All applications for licenses shall contain the following:

1. Name and address of applicant.

2. Location and legal description of the mobile home park.

3. A complete plan of the park in the conformity with the requirements of this ordinance.

4. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

5. Application for initial mobile park license shall be filed with the Village Clerk and, subject to approval, be issued by the permit issuing authority. The application shall be in writing, signed by the applicant.

6. An annual renewal of the license shall be obtained as described below.

(b) LICENSE FEES.

1. The annual license fee for each mobile home lot, site or park shall be in accordance with the approved schedule of fees on file in the office of the Village Clerk.

2. A fee shall be charged for transfer of a license.

(c) APPLICATION FOR RENEWAL OR TRANSFER OF LICENSE.

1. Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, and upon review, the issuing authority shall issue a certificate renewing such license for another year.

2. Upon application in writing for transfer of a license and payment of the transfer fee, the issuing authority shall issue a transfer.

(d) REVOCATION OF LICENSES OR PERMITS.

The issuing authority may, following an administrative hearing, revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this ordinance. After such revocation, the license may be re-issued if the circumstances leading to revocation have been remedied and the mobile home park is being maintained and operated in full compliance with this ordinance.

(e) POSTING OF LICENSE OR PERMIT.

The license certificate or special permit shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

(8) Definitions.

As used herein, the following definitions shall have the terms ascribed to them:

(a) DEPENDENT MOBILE HOME: A mobile home without inside toilets and bath are prohibited in a mobile home park as defined in this ordinance.

(b) ISSUING AUTHORITY: The person, board or committee who has been authorized to issue respective permits.

(c) LICENSEE: Any person licensed to operate and maintain a mobile home park under the provisions of this ordinance.

(d) (MH): The abbreviation MH means Mobile Home District.

(e) MOBILE HOME: A manufactured transportable, single family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical services.

(f) MOBILE HOME LOT OR SITE OR SPACE: A plot of ground within a mobile home park designed for the accommodation or placement of (1) mobile home and the exclusive use of its occupants.

(g) MOBILE HOME OWNER: The person in whose name the mobile home is titled by the State Department of Transportation.

(h) MOBILE HOME PARK: Any site, plot, parcel or tract of land used or intended to be used for the purpose of providing a location or accommodations for mobile homes and shall include all buildings used or intended to be used as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities. The term "mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection for the purposes of sale.

(i) PERMITTEE: Any person to whom a special permit is issued to maintain or operate a mobile home park under the provisions of this ordinance.

(j) PERSON: An individual, partnership, firm, corporation, association, trust, affiliation or any other type of business association or combination, whether owner, lessee, licensee or their agent, heir or assign.

(k) UNIT: Any mobile home dwelling unit.

(for future use)

SECTION 21.10 (PUD) PLANNED UNIT DEVELOPMENT DISTRICT

(1) Purpose of the Planned Unit Development District.

The Planned Unit Development (PUD) District is established to encourage and promote improved environmental design in the Village by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance to the basic intent of the zoning ordinance and the general plan for community development. The (PUD) District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive, unified projects. It is further intended to encourage more rational and economic development in regard to public services and encourage and facilitate preservation of open land.

(2) Types of Planned Unit Developments.

This Section contemplates that there may be residential, commercial, and industrial planned unit developments and also mixed compatible use developments.

(3) Permitted Uses.

Uses permitted in a planned unit development may consist of one or a mixture of land uses clearly designated by type on the approved final development plan. Mixed uses may occur among or within buildings as long as the uses are compatible with each other and with planned and existing uses surrounding the planned unit development. Mixed uses may include any combination of residential, commercial, or agricultural uses planned and developed in an orderly and compatible relationship to one another.

(4) Special Uses.

Any land use not clearly designated by type on the approved final development plan shall be permitted in a (PUD) only upon issuance of a special use permit.

(5) District Standards.

The District Standards shall be as follows:

(a) ACCESS. All land uses shall abut on a public street or have adequate access to a public street by means or a private drive. All streets and drives must tie in effectively with the Village's existing street system and with those arterial and collector streets proposed in its future land use plan.

(b) ARCHITECTURAL STYLE. The architectural style of individual structures shall be compatible with other structures in the planned unit development, with the overall site design and with surrounding land uses.

(c) COMMON OPEN SPACE. Whenever possible, common open space shall be linked to the open space areas of surrounding developments. Common open space shall be of a size, shape, location and usability for its proposed purpose.

(d) DENSITY. Density shall be governed by the standards of the zoning district most similar in function of the proposed use. A residential planned unit development may function to the proposed use. A residential planned unit development may provide up to a 25% increase in the number of units per acre if the planned unit development provides substantially more site amenities than are found in a conventional residential development. The character, use of existing landscape, design variation and environmental concern of a planned unit development shall govern the amount of density increase which may be approved. Where previous zoning exists, density shall be computed based on such zoning. Where no zoning exists or where changes in zoning are proposed, a preliminary zoning request and sketch plan shall be presented.

(e) DETERMINING STANDARDS. Standards for lot area, coverage, setbacks, parking and screening shall be governed by the standards of the zoning district most similar in function to the proposed planned unit development use, as determined by the Plan Commission. Deviation from those standards may be permitted only if such deviation is consistent with the total design of the development, encourages a desirable living environment and is not detrimental to the welfare of the Village.

(f) EXTERIOR BOUNDARY SETBACK. No principal building shall be set back less than 25 feet or the height of the building, whichever is greater, from the exterior of a planned unit development or a public street right-of-way. No commercial or industrial structure shall be nearer than 50 feet to its side or rear property lines where such line abuts a single family use.

(g) PROPERTY OWNER'S ASSOCIATION. Membership in a property owner's association shall be mandatory for all owners of property within the planned unit development. The property owner's association shall own and maintain all common open space and private interior drives.

(h) MINIMUM PUD DEVELOPMENT AREA. Ten (10) acres of land in single ownership or control. A land use of less than ten (10) acres may qualify if one or more of the following conditions exist.

1. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;

2. The land is adjacent to or across the street from property which has been developed as a planned unit development and is to be developed in relationship to such prior development; or

3. The planned unit development process is desirable to insure compatibility and careful consideration of the effect of a development on surrounding land uses.

4. Detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or others may also justify consideration of as a planned unit development in order to give the design flexibility needed to deal with site constraints.

(i) DESIGNATED RECREATIONAL AREA. At least ten percent (10%) of the area of the residential portion of a planned unit development shall be designated as common recreational area(s).

(j) SIGNS. In the (PUD) District, signs shall be permitted in accordance with the requirements of the sign regulations of the Village, and such requirements as are made a part of an approved recorded development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Ordinance.

(k) OFF-STREET PARKING. In the (PUD) District, off-street parking facilities shall be provided as set forth in an approved recorded precise development plan which shall be, along with the recorded plan itself, construed to be and enforced as part of this Ordinance.

(l) DIVISION OF LAND. Each (PUD) District shall be considered as one (1) tract, lot or parcel, and the legal description must define said planned unit development as a single parcel, lot or tract and be so recorded with the County Register of Deeds.

The subsequent division of any land or lands within a planned unit development for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village when such division is contemplated.

(6) Preliminary Development Plan Application.

Before the Plan Commission may review a preliminary development plan, the plan and an application shall be submitted to the Director of Public Works at least 30 days prior to the Plan Commission meeting.* The preliminary plan shall include the following items:

(a) Existing trees over 6" in trunk diameter measured at two feet above grade, streams, marshes and other predominant natural features;

(b) Phasing schedule stating the geographical phasing and approximate construction timing of the planned unit development or portions thereof;

(c) Preliminary drainage plan;

(d) Preliminary utility plan for all public utilities;

(e) Site plan showing the lot lines, building locations, street system, parking spaces, drives, common open space areas, recreational improvements and structures and proposed park or school sites;

(f) Summary sheet indicating the area of land in each land use, number of units proposed, density of development, percentage of land in usable open space, number of acres of common recreational open space and number of parking spaces provided; and

(g) Vicinity map showing sufficient area surrounding the proposed planned unit development to demonstrate the development's relationship to the adjacent land uses and street system.

* The applicant is strongly encouraged to meet with the Director of Public Works to review a concept sketch plan prior to submitting the preliminary development plan application.

(7) Procedure for Review of a Preliminary Planned Unit Development.

Six (6) copies of an application development plan along with items below shall be submitted to the Department of Public Works which shall transmit copies to other agencies as appropriate.

(a) The application shall include a written explanation of the character and purpose of the proposed planned development including: the type and density of any housing proposed; the nature and purpose of any nonresidential development; proposed method for preserving and maintaining open space, streets and parking areas; and, a general statement of proposed financing for the project.

(b) Each proposal for planned development should be accompanied by a schedule showing the times within which each phase or segment of the planned unit development will be completed. Approval of any planned unit development by the Village Board shall carry with it approval of the time schedule for completion of each phase or segment thereof as contained in the proposal and any changes or amendment thereto. In the event that any portion of such time schedule is not met, the Village Board -- upon written request of the developer for an extension of time, delivered to the Village Board at least twenty (20) days prior to the expiration of the completion date for which such extension is requested -- may, for good cause, extend the said completion date. There shall be no limit upon the number of time extensions which may be requested. Upon failure of the developer to satisfactorily meet any phase or segment of the completion schedule

within twenty (20) days of the expiration date thereof, or within thirty (30) days of denial by the Village Board for extension thereof, the special use permit shall become null and void for all of the tract of land subject to such or any portion thereof, at the discretion of the Village Board.

If final development plan approval is given to a developer and thereafter he wishes to abandon the plan, the developer shall notify the Village in writing, of this action. The Village, at its discretion, may retain a portion of he required security instrument to complete improvements to terminate the development or the phase of development in an orderly manner.

(c) Within 45 days from receipt of an application for a planned unit development the Department of Public Works shall schedule a conference with the developer to jointly review the proposal and consider any modifications or conditions which will be included in a report to the Plan Commission.

(d) Within 45 days from receipt of Department of Public Works report on the proposed development, the Plan Commission shall make a recommendation to the Village Board to approve, approve with modifications or disapprove the proposal.

(e) After receipt of the Plan Commission report the Village Board shall approve conditionally or disapprove the proposed planned unit development. Conditional approval shall be valid for one year and shall be subject to acceptance by the Plan Division of a final plan for all or for a portion of the development. The final plan shall incorporate all condition as and modifications imposed by the Village Board.

(f) Upon approval of final plans a special use permit shall be issued by the Department of Public Works. When construction is completed according to final plans approved by the Department of Public Works and so certified in writing, an Occupancy Permit for such completed portion shall be issued by the Building Inspector.

(g) After an Occupancy Permit has been issued no changes may be made in any part of the completed development except upon procedures set forth in this Section.

(h) If part of the planned unit development involves the subdivision of land into parcels for sale to individual owners, the site plan review required pursuant to this Section shall suffice for Plan Commission review in accordance with Village subdivision regulation and the regulations and the public hearing held by the Village Board shall suffice for a public hearing on the subdivision.

(8) Environmental Review and Design Standards.

In reviewing a proposed planned development the Department of Public Works shall apply the following general standards and the Plan Commission shall recommend

approval of such planned development only when it determined that the said standards have been reasonably satisfied.

(a) The proposal shall demonstrate an effective and unified treatment of the development possibilities on the project site, making appropriate provision for the preservation of scenic features and physical amenities of the site and the surrounding areas.

(b) The project shall be planned and developed to harmonize with any existing or proposed development in areas surrounding the project site.

(c) Individual buildings shall be related to each other in design, mass, placement and connection to provide a visually and physically integrated development.

(d) Treatment of the sides and rear of all buildings within the project shall be comparable in amenity and appearance to the treatment given to street frontage of these same buildings.

(e) All buildings shall be arranged so as to be accessible to service and emergency vehicles.

(f) Landscape treatment for open spaces, roads, paths, service and parking areas shall be designed as integral part of a coordinated landscape design for the entire project area.

(g) Primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Whenever possible, existing trees shall be conserved and integrated into the landscape design plan.

(h) All streets bordering the project area shall be planted at regular intervals with street trees.

(i) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, trash removal facilities and outdoor storage areas. All such facilities shall be designed to Village specification.

(j) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc. shall be of good appearance, easily maintained, and consistent with their function.

(k) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design. To reduce unsightliness and the visual monotony of parking cars such facilities shall be screened from public view.

(l) Any above-grade loading facility should be screened from public view to the extent necessary to reduce unsightliness.

(9) Action by the Village Board on the Preliminary Development Plan Application.

The decision of the Plan Commission shall be reviewed by the Village board for compliance with Subsection (8).

(10) Application for Final Development Plan Approval.

The application for final development plan approval shall include the following items.

(a) Final site plan with all pertinent dimensions shown to the nearest foot;

(b) Final grading, drainage, utility, lighting and landscape plans;

(c) Sign plan specifying design, height, location, size and illumination;

(d) Deed restrictions and instruments dedicating all right-of-way, easements and public lands drafted to the satisfaction of the Village Attorney, insuring the preservation and maintenance of the common open space areas;

(e) By-laws of the proposed property owner's association;

(f) Building elevation drawings, including specifications, except for detached single family dwellings meeting required Residential District standards. This requirement may be waived by the Department of Public Works.

(g) Before a building permit may be issued, the developer shall file with the Village a security instrument (i.e., a performance bond or irrevocable letter of credit acceptable to the Village) in an amount equal to 150% of the estimated cost of public utilities and infrastructure, paved parking, landscaping, walkways, recreational equipment and lighting in accordance with final development plans. Such security instrument shall be posted for each phase as it is proposed for development. The estimated cost for termination of each phase shall be retained by the Village until subsequent phases are under construction.

(h) Such other information that may be requested to fully represent the intent of the development plan or to determine if the plan meets the conditions for approval in Subsection (12).

(11) Final Development Plan Approval.

Within sixty (60) days after the final development plan is submitted, the Plan Commission shall make a recommendation to the Village Board on such plan as to its

conformity with the preliminary development plan, fulfillment of all required items and continued compliance with findings required for preliminary development plan approval. Upon receiving the Plan Commission's recommendation, the Village Board shall either grant, grant subject to conditions or deny the final development plan. If approval is granted, a planned unit development special use permit shall be issued to the developer by the Director of Public Works, which permit shall contain any conditions attached by the Village Board.

(12) Basis for Approval of the Final Development Plan.

(a) REQUIREMENTS. The Plan Commission, in making recommendations for approval and the Village Board, in making a determination approving the final development plan for a planned unit development, shall find as follows:

1. That the applicable physical requirements made and provided for in this Section will be met;

2. That the requirements as to public services and facilities made and provided for in this Section will be met.

(b) PROPOSED CONSTRUCTION SCHEDULE. The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed planned unit development, commencement of the physical development within one (1) year of approval being deemed reasonable.

(c) RESIDENTIAL PLANNED UNIT DEVELOPMENT, CONSIDERATIONS. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:

1. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.

2. The total net residential density within the planned unit development will be compatible with the Village master plan, neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.

3. Structure types will be generally compatible with other structural types permitted in the underlying basic use district.

4. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.

5. Provision has been made for adequate, continuing fire and police protection.

6. The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.

7. Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

(d) COMMERCIAL PLANNED UNIT DEVELOPMENT, CONSIDERATIONS. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:

1. The economic practicality of the proposed development can be justified.

2. The proposed development will be served by off-street parking and truck service facilities in accordance with this Ordinance.

3. The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

4. The locations of entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.

5. The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(e) INDUSTRIAL PLANNED UNIT DEVELOPMENT, CONSIDERATIONS. The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:

1. The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect on the property values of the surrounding neighborhood.

2. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.

3. The proposed development will include provision for off-street parking and truck services areas in accordance with this Chapter and will adequately serviced by easy-access rail and/or arterial highway facilities.

4. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(f) MIXED USE PLANNED UNIT DEVELOPMENT, CONSIDERATIONS. The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further reconsider whether:

1. The proposed mixture of uses presents a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.

2. The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character.

3. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire an police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

(13) Filing of Final Development Plan.

Upon approval, the Village Clerk shall certify two (2) copies of such plan and have them filed in the Department of Public Works. Such plan shall be drawn to a scale of 40 feet to one inch or larger. The dimensions of such plan shall not exceed three (3) feet by six (6) feet. In case of a large plan, two (2) or more sheets may be required. If so, the sheets shall be numbered.

(14) Official Map Designation.

After approval, the (PUD) District shall be designated on the Village's Official Zoning Map.

(15) Final Development Plan Changes.

Any significant changes in the approved final development plan may be made only after a public hearing by the Plan Commission and approval by the Village Board. No changes in the final development plan may be made unless they are shown by the developer to be required by changes in conditions or circumstances not foreseen at the time of the final plan approval. Any significant changes shall be recorded as amendment to the approved final development plan. Minor changes must be approved by the Director of Public Works.

(16) Termination of Final Development Plan Approval.

If final development plan approval is given to a developer and thereafter he wishes to abandon the plan, the developer shall notify the Village in writing. If the developer fails to commence the development within twelve (12) months or upon a finding by the Plan Commission that there has not been substantial development (as indicated by installation of utilities or completion of five percent of the proposed floor area) within the site area within eighteen (18) months after final development plan approval has been granted, such approval shall be terminated after public hearing by the Plan Commission and upon approval by the Village Board. Such time period may be extended by the Village Board upon written application by the developer for up to, but not to exceed, six (6) months.

(17) Extended Staged Planned Unit Development.

It is recognized that certain planned unit developments may involve construction over an extended period of time. If it is proposed to develop a project during a period exceeding two years, the developer may request concept approval from the Plan Commission and Village Board for the entire project and permission to submit application for preliminary development plan approval on the first stage of the project.

A public hearing shall be required by the Plan Commission for consideration of concept approval as well as for each stage of development in the extended staged planned unit development. Each stage of the planned unit development shall require both preliminary and final development plan approval.

(18) Building Permit Approval.

No building permit shall be issued for a building in a planned unit development until the plans have been reviewed and approved by the Director of Public Works.

(for future use)

PART "C"

SUPPLEMENTARY REGULATIONS

SECTION 21.11 SPECIAL USE PERMITS

(1) Statement of Purpose - Special

The development and execution of this Section is based upon the division of the Village into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as special uses.

(2) Authority of the Plan Commission and Village Board; Requirements.

(a) The Village Board may, by resolution, authorize the Zoning Administrator to issue a special use permit for either regular or limited conditional use after review, public hearing and advisory recommendation from the Plan Commission, provided that such special use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited special use permit, the Village Board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such Board resolution, and the resulting special use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a special use permit, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.

(b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (½) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.

(c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.

(d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

(3) Initiation of Special Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a special use permit is sought may file an application to use such land for one (1) or more of the special uses provided for in this Section in the zoning district in which such land is located.

(4) Application for Special Use Permit.

An application for a special use shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use shall conform to the standards set forth hereinafter. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations. A non-refundable fee shall be paid at the time of application.

(5) Hearing on Application.

All requests for special use permits shall be to the Plan Commission or the Plan Commission can, on its own motion, apply special uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board, on its own motion, from referring the request for a special use permit to the Plan Commission. Upon receipt of the application and statement referred to above, the Plan Commission shall hold a public hearing on each application for a special use permit at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

(6) Notice of Hearing on Application.

(a) HEARING. Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

(b) REPORT OF PLAN COMMISSION. The Plan Commission shall report its advisory recommendations to the Village Board within thirty (30) days after a matter has been referred to. If such action has not been reported by the Plan Commission within thirty (30) days, the Village Board can act without such recommendation.

(7) Standards for Special Use Permits.

No application for a special use permit shall be recommended for approval by the Plan Commission or granted by the Village Board unless such Commission and Board shall find all of the following conditions are present:

(a) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the special use and the proposed use is compatible with the use of adjacent land.

(c) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(f) That the special use shall, except for yard requirements, conform to all applicable regulations of the zoning district in which it is located.

(g) That effective landscaping and visual screening is provided as may be required herein.

(h) That the proposed use does not violate flood plain regulations governing the site.

(i) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

(j) That, in addition to passing upon a special use permit, the Plan Commission and Board shall also evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution, including sedimentation.

3. Existing topographic and drainage features and vegetative cover on the site.

4. The location of the site with respect to floodplains and floodways of rivers and streams.

5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

6. The location of the site with respect to existing or future access roads.

7. The need of the proposed use for a shoreland location.

8. Its compatibility with uses on adjacent land.

9. The amount of liquid waste to be generated and the adequacy of the proposed disposal systems.

10. Any other unusual circumstances not addressed above.

(8) Denial of Application for Special Use Permit.

When an advisory recommendation of denial of a special use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met. The Plan Commission can also recommend

any special conditions that should be attached before any reapplication would be considered.

(9) Conditions and Guarantees.

The following conditions shall apply to all special use permits:

(a) CONDITIONS. Prior to the granting of any special use, the Plan Commission may review and recommend to the Village Board that it stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified above. In all cases in which special uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

1. Landscaping
2. Type of construction
3. Construction commencement and completion dates
4. Sureties
5. Lighting
6. Fencing
7. Operational control
8. Hours of operation
9. Traffic circulation
10. Deed restrictions
11. Access restrictions
12. Setbacks and yards
13. Type of shore cover
14. Specified sewage disposal and water supply systems

15. Planting screens

16. Piers and docks

17. Increased parking

18. Any other requirements necessary to fulfill the purpose and intent of this Chapter.

(b) SITE REVIEW. In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

(c) ALTERATION OF SPECIAL USE. No alteration of a special use permit shall be permitted unless approved by the Village Board after recommendation from the Plan Commission.

(d) ARCHITECTURAL TREATMENT. Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

(e) SLOPED SITES; UNSUITABLE SOILS. Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

(f) SPECIAL USES TO COMPLY WITH OTHER REQUIREMENTS. Special uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading.

(10) Validity of Special Use Permit.

Where the Village Board has approved or conditionally approved an application for a special use permit, such approval shall become null and void within twelve (12) months of the date of the Board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed

unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

(11) Complaints Regarding Special Use Permits.

The Village Board shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously approved special uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved special use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official and after seeking an advisory recommendation from the Plan Commission, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject special use is in violation of either one (1) or more of the standards set forth in Subsection (7) above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Subsection (6) above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject special use into compliance with the standards set forth in Subsection (7) or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject special use. In the event that no reasonable modification of such conditional use can be made in order to assure that applicable standards will be met, the Village Board may revoke the subject special use permit and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the special use in writing stating the reasons therefore.

(12) Specific Requirements for Certain Land Uses and Activities.

Those land uses or activities set forth in Part "B" of this Ordinance as requiring a special use permit are considered to be sufficiently distinctive in terms of their nature, location and impact on the surrounding area as to warrant special evaluation of each individual case.

In addition to the general requirements for special use permits set forth in Subsection (7) above, other specific requirements shall pertain, as applicable, to the following uses and activities.

(a) HOME OCCUPATIONS.

Permitted when:

1. The home occupation is conducted only within the enclosed area of the dwelling unit or an attached garage. If such occupation is conducted in an attached garage it cannot displace the enclosed storage of property maintenance and recreational equipment.

2. There are no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.

3. No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation is visible outside any structure located on the premises.

4. No use creates smoke, odor, glare, noise, dust, vibration, fire hazard, environmental hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.

5. Only one (1) sign is used to indicate the type of occupation or business and may not be illuminated. The sign may not exceed 200 square inches in size. The appearance and content of the sign shall be subject to the approval of the Zoning Administrator.

6. The use does not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.

7. The occupation or activity is conducted by the person or persons residing in the dwelling and not more than one additional person.

8. The space required by the occupation or activity is no greater than 25 percent of the gross floor area of the dwelling on the lot or one half of an attached garage.

All other home occupations shall require a special use permit and may be subject to these additional regulations:

1. The Plan Commission may determine the percentage of the property that may be devoted to the occupation.

2. The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of times or products on the premises.

3. The types and number of equipment or machinery may be restricted by the Plan Commission.

4. Sale or transfer of the property shall cause the special use permit to be null and void.

(b) HOUSING FOR THE ELDERLY.

Requirements:

1. Yard setback as per District requirements.

2. Maximum height shall be as per District requirements.

3. A minimum of one (1) parking space for every one (1) dwelling unit plus one (1) space for every two (2) daytime employees. No more than 50 percent of any front yard area shall be used for access drives.

4. Landscaping and site lighting plan to be required as part of site plan review.

(c) COMMUNITY LIVING ARRANGEMENTS; FAMILY CARE HOME.

Requirements: A structure similar to a residential home that has four or less residents will be allowed in residential districts permitting single-family homes. Five to eight residents will be allowed in districts permitting duplexes. Parking must be provided on site for each staff member on shift and at least one visitor parking stall must be provided for each four residents living on site. All parking stalls must be on the property and cannot be street parking or garage parking. All other residential requirements will apply. (O-2003-01)

(d) NURSING HOME.

Requirements:

1. Minimum lot of 40,000 square feet for a home containing beds or other accommodations for 25 or less persons plus 800 square feet of lot area for each bed or accommodation over 25.

2. Adequate off-street parking and provisions for access by service vehicles must be provided. One (1) off-street parking space for each two (2) beds in such home shall be considered a minimum.

(e) GOLF COURSE.

Requirements:

1. No clubhouse or other building shall be located less than 200 feet from the nearest lot line.

2. No course shall be artificially lighted for night play or include a commercially operated miniature golf or commercial driving range if located within 500 feet of a Residential District.

(f) VOCATIONAL AND TECHNICAL SCHOOLS; COLLEGE OR UNIVERSITY.

Requirements:

1. Minimum lot area of three (3) acres.

2. No structure shall be located less than 50 feet from any lot line.

3. No more than 30 percent of any front yard area shall be use for parking and access drives.

4. Night lighting of any parking areas shall not produce glare on adjacent residential lots.

5. A landscaping and lighting plan shall be approved as part of site plan review.

(g) FUNERAL AND UNDERTAKING PARLOR.

Requirements:

1. Minimum lot area of 60,000 sq. ft.

2. No structure shall be located less than 40 feet from any lot line.

3. Structures shall have an exterior compatible with the architecture of the surrounding area.

4. Consideration shall be given to vehicular stacking to insure that adequate provisions are made for procession assembly in the parking lot.

(h) NEW AND USED AUTOMOBILE SALES.

Requirements:

1. Vehicular access to any open sales lot or service garage shall be from an alley or service drive at the rear of the lot.

2. Driveways and parking areas shall be drained and paved.

3. A landscaped area at least (5) feet wide shall be provided along all streets adjacent to any sales or display areas.

4. All such uses locating next to a residential district shall be screened by a landscaped strip which is dense enough and high enough to screen out objectional views.

5. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.

(i) AUTOMOBILE SERVICE STATION.

Requirements:

1. All fuel pump and other outdoor services shall be located at least twenty (20) feet from the street property line and forty (40) feet from other property lines.

2. Driveways and curb cuts shall be clearly defined, no wider than twenty-six (26) feet, and located so as not to interfere with traffic at intersections.

3. All such uses locating next to a residential district shall be screened by a landscaped strip which is dense enough and high enough to screen-out outside storage and other objectionable views.

4. Exterior light sources shall be no more than eighteen (18) feet above the ground and shall not produce glare on adjacent properties.

(j) EATING AND DRINKING ESTABLISHMENT EXCEPT DRIVE-IN.

Requirements:

1. Layout, architectural design and landscaping shall be compatible with the surrounding neighborhood.

2. Off-street parking areas shall be paved and drained and not located in required front yards.

3. Exterior and interior lighting arrangements shall not produce glare on adjacent properties.

4. No such establishment shall have an outdoor area where alcohol beverages are served or consumed.

(k) MOTEL AND HOTEL.

Requirements:

1. No building shall be located less than fifty (50) feet from an adjacent Residential or Mobile Home District or residential property line.

2. All required off-street parking spaces shall be landscaped in accordance with an approved landscaping plan.

3. Exterior light sources shall be not more than eighteen (18) feet above the ground and shall not produce glare on adjacent properties.

4. All retail sales, except for the serving of food and beverage on the premises, shall be customarily incidental to the operation of the motel or hotel and such sales areas shall be accessible only from inside the lobby.

(l) BED AND BREAKFAST ESTABLISHMENTS.

1. Definitions.

a. "Bed and Breakfast Establishment" means any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

b. "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Village Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.

2. Regulations.

a. Compliance with State Standards. All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wisconsin Administrative Code HSS 195 relating to hotels, motels, and tourist rooming houses.

b. Registry. Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a Village representative for a period of not less than one (1) year.

3. Permit Required.

   a. Village Permit Required. In addition to the permit required by Chapters HSS 195 or HSS 197, Wisconsin Administrative Code, before opening for business every bed and breakfast establishment shall obtain a permit from the Zoning Administrator by application made upon a form furnished by said officer and shall obtain a conditional use permit.

4. Off-Street Parking Required. Permits shall be issued only to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.

5. On-site Signs. On-site signage shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.

(m) OUTDOOR AMUSEMENT AND RECREATION FACILITY.

Requirements:

1. Exterior light sources shall be no more than eighteen (18) feet above the ground and shall not produce glare on adjacent properties.

2. Required off-street parking areas shall be landscaped to screen views form adjacent streets and residential property.

(n) PRINTING AND PUBLISHING SHOP.

Requirements: Must demonstrate that adequate space and facilities are provided for the unloading of raw materials and shipping of finished products.

(o) VETERINARY OFFICE AND ANIMAL HOSPITAL.

Requirements:

1. Such facility shall be completely enclosed with no open boarding or exercise facilities.

2. There shall be no outside storage of refuse, feces, or other material and no on-site incineration of refuse.

3. An odor absorbing air filtration system shall be used.

4. Developer shall demonstrate that adequate sound absorption shall be used.

(p) OUTDOOR SALES.

Requirements: No sales area shall be located less than five (5) feet from any property line and such five (5) foot strip shall be landscaped with trees, shrubs and grass in accordance with approved plan.

(q) SALE OF BUILDING MATERIALS.

Requirements: Outdoor storage shall generally be located behind any structure on the property and a ten (10) foot wide, landscaped buffer strip of evergreen trees shall be planted along all property lines adjacent to a residence district.

(r) UTILITY TRANSMISSION LINE AND SUBSTATION.

Requirements:

1. Shall be located so as to cause the least disruption in the neighborhood.

2. Substations shall be attractively landscaped to screen objectionable views form adjacent streets and properties.

3. Transformers are not allowed in front yards.

(s) OFFICES WITH ACCESSORY RESEARCH, TESTING, WAREHOUSING, FABRICATING OR ASSEMBLY.

Requirements:

1. Such accessory activities shall be in the principal office building and occupy not more than 20 percent of the gross floor area of said office building.

2. Operations of such accessory activities shall conform at least with applicable performance standards as are applied to uses in an Industrial District and approved by the Department of Public Works.

(t) DWELLING UNIT WHEN LOCATED IN AN OFFICE BUILDING.

Requirements:

1. Any such dwelling unit shall be an efficiency or one (1) bedroom, except that in those cases where the operator of the office business lives in such dwelling unit, more than one (1) bedroom is permitted.

2. Any such dwelling unit shall have access which is separate from the office use access.

3. The parking requirements of this ordinance for both office use and dwelling use are met.

(u) DWELLING UNIT WHEN LOCATED IN A COMMERCIAL BUILDING.

1. No residential lot area requirements will apply.

2. No ground floor shall be used exclusively for dwelling units, nor shall ground floor dwelling units face a public street.

3. All dwelling units shall conform to all housing, building, heating, electrical and plumbing codes which are presently in effect and apply to new construction.

4. Required fire walls between buildings shall not be altered. If any such required fire wall has been previously altered it shall be brought into compliance.

5. The commercial activity shall not involve the use, storage or sale of large quantities of explosive or highly flammable materials.

6. No dwelling shall be located above a commercial establishment unless the dwelling occupancy, and exits therefrom, are separated from the commercial occupancy by construction having a fire resistance of at least one (1) hour, or unless the commercial occupancy is protected by automatic sprinklers.

7. All dwelling units shall have all required accesses separate from commercial accesses.

8. Off-street parking spaces required in this ordinance shall be provided. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may lease parking in any for-lease parking lot to satisfy the requirements of this ordinance. It shall be the responsibility of the owner of the dwelling units to provide such leased parking space on a continuing basis and such owner shall provide proof at time of approval that the leased parking area shall always remain available for parking.

Failure to maintain the required number of parking spaces shall necessitate the vacation of all living units for which no parking is provided.

(v) MOTOR FREIGHT TERMINAL.

Requirements: Shall be located on a lot of at least one and one-half (1½) acres.

(w) MINING, QUARRYING OR EXTRACTION OF SAND, GRAVEL, SOIL OR OTHER AGGREGATE.

Requirements:

1. Application shall contain:

   a. Plans showing proposed restoration of the area including topography, land area, finished grade, and storm water drainage.

   b. A statement indicating the type and source of fill to be used in the restoration program, proposed use of land upon completion of the restoration program, a restoration timetable and an agreement to seed the restored area with grass or other crop until the proposed reuse is accomplished.

2. The Village Board may require a completion bond to assure satisfactory storm water drainage disposal and installation of green cover crop.

(x) LANDFILL.

Requirements:

1. Material used for fill shall be limited to earth, stone, rubble and similar material and shall not contain trees, brush, lumber, garbage or refuse or any type. Maximum size of this material shall be 2′ x 2′ x 2′.

2. Application shall contain:

   a. Plans showing the area to be filled, the final elevation and slopes of such landfill, the uses of adjacent parcels, any existing drainageway, wetland and large trees that would be affected by the fill, and the proposed surface drainage and landscaping of the filled area.

   b. A statement indicating the reasons for such landfill, the type, amount and source of fill to be used, and the anticipated impact on the surrounding neighborhood while the landfill is in process and after it is completed.

c. A plan for preventing erosion of slopes and final ground surfaces.

d. Plans must be acceptable to the Department of Public Works.

(y) MOBILE SERVICE FACILITY.(O-2020-04)

Requirements:

1. Application. An application for a special use shall contain all of the following information:

   a. The name, business address, phone number and e-mail address of the applicant and the contact individual.

   b. The location of the proposed or affected support structure.

   c. The location of the proposed mobile service facility.

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

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

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

2. Application process.

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

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

   i. Review the application to determine whether it complies with the building code and this chapter, subject to the limitations of this section.

   ii. Make a final decision whether to approve or disapprove the application, pursuant to North Fond du Lac 21.11 and North Fond du Lac 21.11(12)(y).

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

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

c. The Village may deny an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under 21.11(12)(y)1e.

d. Tower height. Tower height shall not exceed 200 feet and shall comply with current standards of the FAA, FCC and any other agency of the state or federal government with the authority to regulate mobile service facilities.

e. Setbacks. The minimum setback of a tower shall comply with requirements of the zoning district in which the tower is located. Guy wires, anchors, supporting equipment and structures shall comply with requirements of the zoning district in which the tower is located.

f. Co-location. Any proposed tower shall be structurally and electrically designed to accommodate one or more antennas for multiple users.

(for future use)

(for future use)

SECTION 21.12 ACCESSORY USES AND STRUCTURES.

1. General.

(a) Accessory buildings shall be compatible with, and incidental to, the principal building or use and shall not be established prior to establishment of the principal building or use.

(b) When a principal use requires a special use permit (see schedule) an accessory use to such principal use shall also require a special use permit.

(c) Accessory uses shall not include the keeping, propagation or culture of poultry, bees, chickens (as allowed by Section 14.05(11)), livestock or other non-household animals whether or not for profit, except on such lots where the pursuit of agriculture is a permitted principal or accessory use.

(d) Accessory buildings shall be classified as attached garages, detached garages or utility buildings. All garages and utility buildings must meet fire separation codes per the Wisconsin 1 and 2 family dwelling code or the Wisconsin Commercial Building Code as applicable. The temporary and/or permanent use of a steel shipping container as a structure is not allowed. (O-2025-01)

(e) The general appearance and construction materials of a garage and/or carport structure shall resemble the residence. The use of metal structures is not allowed. (0-2008-02)

(f) A Garage shall be required for all new one and two family dwelling units. Either a single attached or detached type garage is acceptable. There shall not be more than one detached or attached garage per lot without the Board of Appeals granting permission to build an additional garage. If an attached type is chosen, the garage is part of the principle structure and the requirements of Section 21.12(1)(g)(2) shall apply. If a detached type is constructed the requirements of Section 21.12(l)(g)(1) shall apply. The minimum size requirements are:

District	Minimum Size
R-1 Single Family	440 sq. ft. and a minimum of 20 feet wide
R-2 Single Family	440 sq. ft. and a minimum of 20 feet wide
R-3 Single Family	440 sq. ft. and a minimum of 20 feet wide
R-4 Single Family	308 sq. ft. and a minimum of 14 feet wide
R-5 Two Family	308 sq. ft. and a minimum of 14 feet wide (each unit)

(g) Setback and size requirements:

1. Detached garages:

a. Shall not be more than one story or 15 feet in height.

b. Shall not be located less than three (3) feet from the rear or interior side lot line (The wall of the structure to the lot line). The eves may infringe as close as one (1) foot from the lot line as long as the setback is agreed upon with the neighbor and a written agreement is filed with the Building Inspector stating permission is granted.

c. Shall not extend in front of the principal building's setback line except with the Board of Appeals approval

d. The area of the principal structure and the area of the accessory buildings cannot take up more than 35% of the lot area

e. Shall not exceed 720 square feet or not larger than the ground area covered by the dwelling. A garage of up to 864 square feet may be allowed if there are no other accessory storage structures. A garage over 720 square feet eliminates the potential for any additional accessory storage structures in the future.

2. Attached garages:

a. Shall not be higher than the principal building, or 22 feet, whichever is less.

b. Shall comply with the yard requirements applicable to the principle building.

c. The area of the principal structure and the area of the accessory buildings cannot take up more than 35% of the lot area.

d. Shall not exceed 50% of the finished square footage of the principal structure.

3. Utility Buildings:

a. Shall not exceed 144 square feet (12 ft x 12 ft).

b. The area of the principle structure and the accessory buildings cannot take up more than 35% of the lot area.

c. Shall not be more than one utility building per lot without the Board of Appeals granting permission to build an additional building.

d. Shall not be located less than three (3) feet from the rear or side lot line (The wall of the structure to the lot line). The eves may

infringe as close as one (1) foot from the lot line as long as the setback is agreed upon with the neighbor and a written agreement is filed with the Building Inspector stating permission is granted.

(h) The following accessory buildings and uses are permitted and may be obstructions in yards and courts as follows:

F Denotes front yards and side yards adjoining streets
S Denotes interior side yard
R Denotes rear yard
C Denotes open courts

1.	Awnings or canopies which project not more than 25% of the width or depth of a yard or not more than three (3) feet into a court.	F	S	R	C
2.	Arbors or trellises, detached.			R	C
3.	Arbors or trellises, attached.	F	S	R	C
4.	Air conditioning equipment subject to the provisions of this Ordinance				
	a. Residential Districts.	F	S	R	
	b. Non-Residential Districts			R	C
5.	Balconies and sundecks.	F	S	R	C
6.	Bay windows projecting not more than three (3) feet into a front yard and not more than two (2) feet into a side yard or court.	F	S	R	C
7.	Chimneys projecting not more than two (2) feet into a yard or court.	F	S	R	C
8.	Eaves and gutters projecting not more than four (4)feet into a front and rear yard and not more than two(2) feet into a side yard or court.	F	S	R	C
9.	Fallout shelters, attached or detached.			R	
10.	Fences, open.				

a. Non-residential districts.

1. Ten (10) feet maximum height.		S	R	
2. When fences of a height over 7 ½ feet are permitted, barb wire may be used at a point on the fence where such barbed wire is 7 ½ feet above surrounding grade. In no case shall the barbed wire increase the height of the fence beyond the maximum height permitted, and in no case shall the barbed wire be placed so that it overhangs any lot line, sidewalk, street, or alley.	F	S	R	C

11. Fences, solid.

a. Non-residential districts.

1. Six (6) feet maximum height when used to screen permitted parking areas as required by this Ordinance.	F			
2. Ten (10) feet maximum height.		S	R	
3. Ten (10) feet maximum height when used to screen permitted open storage areas.	F	S	R	
4. When fences of a height over 7 ½ feet are permitted, barb wire may be used at a point on the fence where such barbed wire is 7 ½ feet above surrounding grade. In no case shall the barbed wire increase the height of the fence beyond the maximum height permitted, and in no case shall the barbed wire be place so that it overhangs any lot line, sidewalk, street, or alley.	F	S	R	C

12.	Fire escapes, open or enclosed, or fire	F	S	R	C

	towers projecting into a front yard or side yard adjoining a street not more than five (5) feet into an interior side yard or court not more than 3½ feet.				
13.	Flagpoles.	F	S	R	C
14.	Garages or carports, detached.		S	R	
15.	Growing of farm and garden crops in the open.		S	R	
16.	Gazebos. A roofed structure with walls 50% or more open to the air, screened, or windowed. One and two-family dwellings may have one gazebo or pergola per dwelling unit in addition to any detached garage, shed, or chicken coop that may be allowed. Gazebos may be located no less than 3' from a side or rear lot line and not be located in any front yard. Gazebos shall be no larger than 200 square feet and no taller than 15' tall. Gazebos shall not be used for sleeping or living quarters, a workshop, studio, home occupation, vehicle storage, or for storage of items not associated with gazebos use. (O-2024-05)		S	R	C
17.	Lawn furniture, such as benches, sun dials, bird baths and similar architectural features.	F	S	R	C
18.	Open off-street loading spaces.		S	R	
19.	Open off-street parking space.				
	a. For one-family dwelling units when such space is located no less than five (5) feet from any street right-of-way line and two (2) feet from a side or rear lot line and driveway thereto is no wider than 20 feet.	F	S	R	
	b. For two-family and multiple family dwelling units when located not less	F	S	R	C

	than five (5) feet from any lot line and no parking shall be permitted in any front yard. Driveways to such parking shall be no wider than 24 feet.				
	c. For business uses when located no less than five (5) feet from any lot line and when the provisions of this Ordinance have been complied with. No parking in front yards, except on unsurfaced portions of the front yard, shall be permitted.	F	S	R	
20.	Ornamental light standards.	F	S	R	C
21.	Pergola. An open sided structure that supports some type of open overhead structure meant to provide shade and not designed to shed water. One and Two-family dwellings may have one gazebo or detached pergola per dwelling unit in addition to any detached garage, shed, or chicken coop that may be allowed. attached pergolas shall comply with deck setback requirements. Detached pergolas may be located no less than 3’ from side or rear lot line and not be located in any front yard. detached pergolas shall be no larger than 200 square feet and no taller than 15’ tall.(O-2024-08)	F	S	R	C
22.	Playground and laundry-drying equipment.			R	C
23.	Playhouses and open-sided summer houses.		S	R	C
24.	Sheds and storage buildings for garden equipment and household items accessory to the pursuit of agriculture.			R	
25.	Solar energy equipment.		S	R	C
26.	Sills, belt courses, cornices and ornamental features of the principal building, projecting not more than 18 inches into a yard or court.	F	S	R	C

27.	Steps, open - necessary for access to and from the dwelling or an accessory building, steps as access to the lot from the street, and in gardens or terraces, provided there are no more than eight (8) steps for access to and from a principal or accessory building.	F	S	R	C
28.	Swimming pools, private – when conforming also with other codes or ordinances.			R	
29.	Television aerial and antenna when not in a yard facing a public street.		S	R	C
30.	Temporary buildings and fences for construction purposes for a period not to exceed such construction and in accordance with plans approved by the Building Inspector.	F	S	R	C
31.	Terraces, patios and outdoor fireplaces.		S	R	
32.	Tennis courts, private.			R	
33.	Windmills as an alternative source of energy when in compliance with applicable performance standards and when located so that, in the event of collapse, they will not fall on an adjacent property or public right-of-way or open space. [See sound level standards in Section 21.12 (3)(c)].		S	R	
34.	Keeping of chickens.			R	

a. Permit required. See Section 14.05(11).

b. The maximum size of a henhouse shall not exceed 15 square feet. The area of a henhouse shall include the footprint of the structure and any cantilevered area that extends beyond the footprint.

c. The maximum size of a covered run shall not exceed 15 square feet.

d. The maximum height of a henhouse, including the area of a covered run, shall not exceed eight feet.

e. Henhouse construction shall utilize a building design and materials suitable for a residential district. The use of corrugated metal, sheet metal, plastic, pallets, scrap materials, and/or similar materials shall be prohibited. The reuse of storage containers, vehicles or parts thereof, and similar objects for a henhouse shall be prohibited.

f. No henhouse or henhouse and outdoor run shall be located within 15 feet of any side and/or rear lot line, and/or be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.

g. Any henhouse or henhouse and outdoor run that is abandoned or its use discontinued for the keeping of chickens for a period of 12 months shall be removed from the premises by the property owner. Modification of a henhouse or henhouse and outdoor run for some other use shall not be permitted.

(i) Accessory buildings and uses not included in the listing as set forth above or specifically permitted by other provisions of this Ordinance shall not be permitted in required yards and courts.

(2) Satellite Earth Station (Satellite Dish).

(a) PERMIT REQUIRED.

No person, firm, partnership, corporation, trust or other legal entity whatsoever shall construct a satellite dish without a permit, nor shall construction commence before a permit is issued pursuant to this Chapter.

(b) APPLICATION FOR PERMIT.

The owner, or occupant with written permission of the owner, of any lot, premises or parcel of land within the Village of North Fond du Lac, who desires to construct a satellite dish on said lot, premises or land parcel, must first obtain a permit to do so from the Building Inspector. The Building Inspector shall issue such permit provided the applicant submits a written application on forms provided and approved by the building inspector and pays the required permit fee.

(c) GENERAL REQUIREMENTS FOR SATELLITE DISHES.

1. No satellite dish shall exceed eight (8) feet in diameter.

2. All satellite dishes shall comply with the side and rear lot line dimensions and setback requirements for accessory structures as specified in the zoning district where the satellite dish is located.

3. All satellite dishes shall comply with the height requirements specified in the zoning district where the satellite dish is located.

4. In any zoning district, satellite dishes that are less than three (3) feet in diameter can be located anywhere on a lot, except in any front yard or in the side yard that abuts the street of a residential corner lot, or can be located on any principal or accessory building.

5. Within residential and office/institutional zoning districts, dishes that are in excess of three (3) feet in diameter shall only be located in rear yards or on the roof of a detached garage, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.

6. Dishes in excess of three (3) feet in diameter that are located in business and industrial zoning districts may be erected in rear yards only or on the roof of any principal or accessory buildings.

7. No advertising or graphic designs that exceed three (3) inches in height are permitted on satellite dishes in any zoning district.

8. No satellite dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as the satellite dish.

9. All satellite dishes must be bonded to a grounding wire.

10. All satellite dishes shall be designed and erected so as to reduce the visual impact from surrounding properties and streets and shall be screened from view by shrub plantings or fences.

(d) TEMPORARY PLACEMENT OF SATELLITE DISHES.

The owner or occupant, with written permission from the owner, of any lot, premises or parcel of land within the Village who desires to place a satellite dish on said lot, premises, or land parcel, on a temporary basis for the purpose of testing whether or not to install a satellite dish on a permanent basis may do so without obtaining a permit under this section. Such temporary placement shall be limited, however, to a maximum period of ten (10) days in any calendar year.

Any satellite dish temporarily erected shall conform to the setback, side and rear lot line requirements specified in the zoning district wherein located. No sign or other advertisement shall be placed on or near the satellite dish unless the sign complies with applicable zoning laws.

(e) APPEALS.

In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this code, the Board of Appeals may grant a variance to allow the placement of a satellite dish in any location except a front yard.

(f) PENALTY.

Any person failing to comply with the provisions of this ordinance shall forfeit not less than $50.00 nor more than $200.00. Each day of violation shall be deemed to constitute a separate offense.

(3) Central Air-Conditioning Equipment.

(a) PURPOSE AND INTENT.

It shall be the purpose of this Ordinance to regulate and broaden the location of central air-conditioning units in residential zoning districts and to provide a flexible framework which can be easily followed. With the growing concern over noise levels, this Ordinance provides explicit guidelines whereby homes with central air-conditioning units and those neighboring without such units will not provide unilateral annoyances.

(b) DEFINITIONS APPLICABLE IN THIS SECTION.

SOLID BARRIER: Any obstruction of dense material and composition.

SOUND LEVEL METER: Shall meet the requirements of the current American National Standard S1.4 for General Purpose Sound Level Meter.

(c) MEASUREMENT OF SOUND.

1. Sound levels of outdoor air-conditioning units shall not exceed 65 dB at the evaluation point at the property line.

    a. Evaluation point shall be a point five (5) feet above the grade level at the property line and no closer than three (3) feet to any wall.

    b. Where a building wall is contiguous to the property line, the evaluation point shall be outside of the nearest window to the unit location, not more than three (3) feet from any other surface.

c. A minimum of three readings shall be taken at two (2) minute intervals. The sound level shall be the average of these readings. Sound level shall be measured with an approved sound level meter.

2. Where such equipment exceeds the above sound level with the equipment in operation, additional measurements shall be taken with the equipment not operating.

a. If the difference between the equipment operating and not operating is greater than five (5) decibels, appropriate modifications shall be made.

b. Modifications may include a solid barrier of dense shrubbery or a solid fence to be located between the equipment and the evaluation point. Barriers shall be twice the length of the equipment and at least five (5) feet in height.

c. Where the decibel rating is above 65 dB at three (3) feet, the minimum setback shall be increased in accordance with the calculations outlined in paragraph 3 below.

3. A minimum setback of three (3) feet shall be required where such equipment is calculated to produce 65 decibels or less of sound. Calculation shall be made in accordance with the Calculation Form for Application of Sound Rated Outdoor Unitary Equipment published by the Air-Conditioning and Refrigeration Institute, 1815 N. Fort Myer Drive, Arlington, VA 22209, (c) 1971.

(d) PLACEMENT IN YARDS.

Air-conditioning equipment shall be a permitted obstruction in yards and courts, subject to calculations and conditions as follows:

1. Front Yards - Such units shall be completely screened from view of the street by a dense hedge, and placed in conformance with the provisions of this ordinance.

2. Side Yards - Such units shall be completely screened from view of the street by a dense hedge or other solid barrier, and placed in conformance with the provisions of this ordinance.

3. Rear Yards and Open Courts - Such units shall be placed in conformance with the provisions of this ordinance.

(e) PERMIT REQUIRED.

No central air-conditioning unit shall be erected until a permit has been issued by the Building Inspector.

(4) Outside Storage - General.

No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any residential district when the same may be construed as a menace to the public health or safety or may be held to have a depressing influence upon property values in the area. Junk shall be placed in properly zoned junkyards only.

(5) Outside Storage of Firewood.

(a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of fifteen (15) days from the date of its delivery.

(b) Firewood should be raised off the ground and neatly stacked not closer than one (1) foot to any lot line and not higher than five (5) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

(c) All brush, debris and refuse from processing of firewood shall be disposed of within seven (7) days and shall not be allowed to remain on the premises.

(d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.

(e) Not more than ten percent (10%) of the side or rear yard may be used for storage of firewood at any given time.

(f) Firewood may not be stored in any area determined to lie within the boundaries of a designated floodplain.

(6) Fences and Hedges.

(a) DEFINITIONS. These definitions are identical to the definitions listed in Chapter 21, Part "E". These definitions listed below are provided here to give quick access to the most commonly used definitions for this section. If additional definitions are needed to clarify a particular situation, refer to Chapter 21, Part "E".

1. FENCES: For the purpose of this Section, a "fence" is herein defined as an enclosed barrier consisting of vegetation, wood, stone, metal or similar material intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials, which would constitute a nuisance.

2. VEGETATION BARRIER: For the purposes of this Section, a planting, shrub, or hedge intended to limit ingress or egress.

3. LOT LINE, FRONT: The boundary of a lot, which abuts a street line. On a corner lot, the front lot line would be determined by using the official village address map. The address assigned would designate the front lot line of the property.

4. LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

5. LOT LINE, SIDE: Any boundary of a lot that is not a front lot line or a rear lot line.

6. FENCE, OPEN: A fence, including gates, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area is open spaces which afford a direct view- through the fence.

7. FENCE, CLOSED: Any fence that does not meet the criteria to be defined open.

8. VISION TRIANGLE: At all street intersections where there is no traffic light control, no fence, wall, parking, vegetation, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between the height of two and one-half (2 %) feet and ten (10) feet above the grade of the sidewalk adjacent to the intersecting streets in the area bonded by the street lines of such corner lots and line joining the points along said street lines twenty (20) feet from the point of intersection.

(b) FENCE CATEGORIES. Fences shall be categorized into two (2) classifications:

1. BOUNDARY FENCE: A fence placed on or within two (2) feet of property lines of adjacent properties.

2. NUISANCE PREVENTION FENCE: A fence constructed to prevent an area from being utilized by animals, human beings, or vehicular traffic.

Examples: Fences erected around gardens, fences located in front yards of corner lots to prevent corner cutting.

(c) PERMITS REQUIRED.

1. No fence, except for plantings, shall hereafter be built, enlarged or altered within the village unless the owner or his agent first obtains a permit from the Building/Zoning Inspector. A sketch or design of the proposed fence shall be submitted to the Building/Zoning Inspector for approval before construction begins. The Building/Zoning Inspector may allow a fence to be moved from one location on a lot (tax parcel) to another location on the same lot (tax parcel) without a permit being required.

2. No permit is required for vegetation barriers. The vegetation barriers must be installed according to the appropriate zoning classification and fence category. The vegetation barrier must be classified as open or closed based on the desired full growth of the plants. In most cases, the vegetation barrier will be classified as closed.

3. No repairs or replacements exceeding ten percent (10%) of existing nonconforming fences shall be made without obtaining a permit.

(d) GENERAL PROVISIONS. Fence, stone walls, or similar structures anchored to the ground shall be considered permanent structures and subject to the following:

1. Shall be placed a minimum of two (2) feet off the side and rear lot lines for maintenance reasons. Exception One: Fences located adjacent to street right-of-ways may be placed on the lot line. The street must be improved for this to apply. Exception Two: If the adjoining property owners file a joint permit application, a fence may be placed on the lot line. If the joint application is filed, the adjoining property owners are both responsible for maintaining the fence.

2. Shall have the finished or decorative side of the fence face the adjoining property.

3. Shall be maintained in a good state of repair.

4. Shall be safe to all by passers.
5. Shall not be electric.

6. Shall not be made of barbed wire. Exception: Barbed wire is allowed in nonresidential districts for specified purposes as defined in this code. The Building/Zoning Inspector must approve its use and may require a written statement from the owner to document the need for it.

7. Anytime a fence is located in the vision triangle, the fence cannot exceed two and one-half (2 1/2) feet in height above the grade of the intersection of street centerline adjacent thereto.

8. Construction hazards require temporary fences. Examples of construction hazards are open basement excavations & open ditches.

9. Electronic dog fences must comply with this chapter as well as Chapter 14.05(1)(9)(d). (O-2012-3)

(e) PERMITTED OPEN FENCES (RESIDENTIAL DISTRICTS)

1. Front Yard

a. Corner lots - If the fence is not located in the vision triangle, the maximum height of the fence is four (4) feet.

b. Non-Corner lots - The maximum height of the fence is four (4) feet.

2. Rear Yard

a. Corner lots - If the fence is not located in the vision triangle, the maximum height of the fence is six (6) feet.

b. Non-Corner lots - The maximum height of the fence is six (6) feet.

3. Side Yard(s)

a. Corner lots - If the fence is not located in the vision triangle, the maximum height of the fence is six (6) feet. Exception: The fence cannot exceed four (4) feet in height in the established front yard setback area.

b. Non-Corner lots - The maximum height of the fence is six (6) feet. The fence cannot exceed four (4) feet in height in the established front yard setback area.

(f) PERMITTED CLOSED FENCES (RESIDENTIAL DISTRICTS)

1. Front Yard - No closed fence of any type is allowed.

2. Rear Yard

a. Corner lots - If the fence is not located in the vision triangle, the maximum height of the fence is six (6) feet.

b. Non-Corner lots - The maximum height of the fence is six (6) feet.

3. Side Yard(s)

a. Corner lots - If the fence is not located in the vision triangle, the maximum height of the fence is six (6) feet. Exception: In cases where a first floor of a home is elevated more than 30 inches above the ground elevation adjacent to the home as determined by the Building/Zoning Inspector, an additional two feet may be added to the six (6) feet fence to provide privacy. The Building/Zoning Inspector may require the property owner requesting the additional two (2) feet of fence to provide elevations as needed. No closed fence will be allowed in the established front yard setback area.

b. Non-Corner lots - The maximum height of the fence is six (6) feet. Exception: In cases where a fist floor of a home is elevated more than 30 inches above the ground elevation adjacent to the home as determined by the Building/Zoning Inspector, an additional two feet may be added to the six (6) feet fence to provide privacy. The Building/Zoning Inspector may require the property owner requesting the additional two (2) feet of fence to provide elevations as needed. No closed fence will be allowed in the established front yard setback area.

(g) PERMITTED NUISANCE FENCES. The owner placing this type of fence cannot use single strands of rope, cable, clothesline or anything similar unless it is marked properly. All single strands, including chain links, must be at least ½ inch in diameter. To be considered marked properly, the installer of the fence must use colored streamers or something similar connected at four (4) foot intervals and must be visible at night. The fence must be safe to all by passers. Bare wire is prohibited. All nuisance fences must meet this code regardless of the date the fence was constructed.

(h) VEGETATION BARRIERS.

1. Must meet all requirements of the fence ordinance, unless otherwise stated in a subsection.

2. Shall not be able to grow to a height and width that causes by passers to be unable to utilize the full width of the sidewalk.

(i) TEMPORARY FENCES. Fences erected for the purpose of keeping people away from construction hazards, preventing snow drifts in unwanted areas, or for any

other reasonable use as defined by the Building/Zoning Inspector shall meet all requirements set for in this chapter. No permit is needed for a temporary fence and temporary fences shall not be erected for more than forty-five (45) days in a year unless approved by the Building/Zoning Inspector. The Village of North Fond du Lac does require any contractor or property owner that digs a hole three (3) feet or deeper to fence it in after twenty-one (21) days of being open. The only alternative to fencing the excavation after the hole is open for twenty-one (21) days is to slope the sides of the hole to a one to pitch. For basement excavations, the hole is considered open until the hole is backfilled and decking material is placed on the foundation. The Village of North Fond du Lac will give the property owner who has the excavation open for more than twenty-one (21) days one notice to fence it in. The notice will give the property owner twenty-four (24) hours to get a fence in place. If the twenty-four (24) hours expires and the hole is not fenced, the Village will fence it and charge the cost of labor and a fence rental fee. Failure to pay the charges will result in the charges being placed on the taxes as a special assessment.

(7) Swimming Pools.

(a) SCOPE. This Section shall apply to all new, remodeled, altered and relocated private swimming pools in the Village, except that the protective enclosure requirements shall be retroactive to all existing swimming pools. Decorative pools and pools used for animals will be treated in the same manner as pools used for human use.

(b) DEFINITION. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth of water at any point greater than one (1) foot located above or below the surface of the ground elevation, used or intended to be used by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(c) EXEMPT POOLS. Storable swimming or wading pools intended for human use that are constructed in such a way that disassembly and reassembly can be done readily and meet all of the following criteria are exempt from the provisions of 21.12(7):

1. A maximum dimension of fifteen (15) feet.

2. A maximum wall height of eighteen (18) inches.

3. Have less than twelve (12) inches of water in it.

(d) PERMIT REQUIRED. A permit is required and shall be obtained prior to the installation, alteration, or addition of a private swimming pool. The application for a swimming pool permit shall be accompanied (as a minimum) by the following information:

1. The dimensions (size and shape) of the lot and the swimming pool (size and shape).

2. A scaled plot plan including all buildings, structures, fences, or easements.

3. A sketch of over head and underground power lines, gas service, cable services, water service, and sewer service.

4. Any proposed underground electrical branch circuits. All electrical codes and ordinance must be followed.

5. Any plumbing required to serve the swimming pool. All plumbing codes and ordinances must be followed.

6. Drainage method of the swimming pool.

(e) CONSTRUCTION REQUIREMENTS. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (d), unless the following construction requirements are observed:

1. All materials and methods used in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.

2. All plumbing work shall be in accordance with all applicable Village ordinances and State building codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system or onto lands of other property owners adjacent to that on which the pool is located.

3. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.

(f) SETBACKS AND OTHER REQUIREMENTS.

1. Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

2. The swimming pool and any pool accessory building structure and any pool equipment or structure shall not exceed fifteen percent (15%) of the total lot area of the lot on which it is located. No part of the swimming pool, pool accessory structure or pool equipment or structure shall be closure than ten (10) feet to any side lot line or rear lot line or closer to the street than the front setback line of the main building.

(g) FENCES.

1. All private residential swimming pools not excluded under section (7)(c) of this ordinance and less than forty-eight (48) inches above grade, whether in-ground or above-ground types, shall be enclosed with an adequate and secure fence at least forty-eight (48) inches high above adjoining grade to prevent straying into the pool area. Fence requirements as set forth in Section 21.12(6) shall apply. Required fences shall be constructed to prohibit the passage of a six (6) inch sphere between fence members. Any gate installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above ground level. Pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible person. SUBSTITUTES FOR FENCING: A pool dome or pool top fencing attached to the pool to extend at least forty-eight (48) inches above the ground.

2. Above grade pools with walls that are at least forty-eight (48) inches in height high at all points around said pool or have platforms and railings that are forty-eight (48) inches or more in height above grade are not required to be enclosed as provided in 7(g)1, but the ladders and stairways providing access to said pool shall be adequately secured to prevent entry whenever the pool is not in use.

(h) COMPLIANCE. All swimming pools existing prior to January 1, 2001 that meet the previous ordinance's 42 inch wall height requirement (Measured at the top of wall to ground adjacent to the swimming pool), will not be required to meet the new fence requirements. If a swimming pool was purchased prior to January 1, 2001 it also may be grandfathered. (O-2001-10)

(i) DRAINING AND APPROVAL THEREOF. No private swimming pool shall be constructed so as to allow water to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be

made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector. In all cases where a private swimming pool is to be constructed on premises served by a private sewage disposal system, approval of the State Board of Health shall be necessary before the construction of any such pool may commence.

(j) FILTER SYSTEM REQUIRED. All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

(k) DIRT BOTTOMS PROHIBITED. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(l) LIGHTING. Any area lighting for swimming pools shall be shielded to prevent the lighting of neighboring properties.

(m) WATER CLARITY. The swimming pool must be maintained and the water must be clear enough that someone on the surface of the water will be able to see bottom of the pool.

(8) Antennas and Towers.

Antennas and towers may be installed, erected and maintained within all zoning districts pursuant to the provisions of this section. Unless allowed as a principal land use in a zoning district, the use of such equipment shall be incidental to the permitted land use.

(a) PURPOSE. It is the intent of this ordinance to strike a balance between the federal interest in promoting amateur operations and the legitimate interest of the Village of North Fond du Lac in regulating local zoning; to permit antennas and towers without creating adverse aesthetic impacts, particularly in residential neighborhoods, by specifying the number, location, and size of antennas and towers; to protect the health, safety and general welfare of the community through the issuance of a building permit to assure installations as recommended by the antenna and/or tower manufacturer; to preserve the rights of property owners by confining appurtenant equipment within the boundaries of the property on which the antenna and/or tower is located; to protect the integrity of public utility installations by prohibiting the installation of appurtenant equipment within easements so reserved for the public benefit.

(b) DEFINITION OF ANTENNA. Any system of wires, poles, rods or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally

horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

(c) PERMIT REQUIRED. No radio or television antenna or tower shall be installed unless a permit therefore is first obtained by the owner or his agent from the Building Inspector. The owner shall provide a drawing(s) which illustrates the proposed method of installation, the manufacturer's specifications (if any), and a site plan which depicts the location of the proposed antenna and/or antenna tower, any existing antenna or tower, property lines and all buildings. The permit fee shall be based on the value of the proposed installation, except that no additional fee shall be charged if the installation of the antenna or tower is done in conjunction with the construction of a new structure and completed prior to occupancy of the structure. If construction of the antenna or tower is not completed prior to occupancy, a separate permit is required.

Existing antennas and towers may be taken down for repair or replacement (if the new system complies with the regulations of this ordinance) if re-installation is completed within 60 days. A permit shall be required for the re-installation but no fee shall be charged for the permit.

(d) EQUIPMENT INSTALLATION. Antennas and antenna towers shall be installed pursuant to the manufacturer's specifications. The combined wind load area of an antenna and tower shall not exceed the manufacturer's recommendations.

1. Residential Zoning Districts:

a. Number of Antennas and Antenna Towers

(1) Single Family Residence: One roof mounted antenna per building and one antenna tower per lot.

(2) Two Family Residence: One roof mounted antenna per building and one antenna tower per dwelling unit.

(3) All other dwellings: One roof mounted antenna and one antenna tower per building.

b. Height Restrictions.

(1) Roof mounted antenna: Maximum 30 feet, measured from the highest peak of the roof.

(2) Antenna tower: Maximum 70 feet, measured from finished grade. Antenna height is not restricted.

c. Antenna Tower Siting. Antenna towers may be erected only within a side or rear yard.

2. All Other Zoning Districts:

The installation of antennas and antenna towers shall be in accord with applicable development regulations set forth in this ordinance for such zoning districts.

(e) APPURTENANT EQUIPMENT.

1. No part of an antenna array shall extend beyond any property boundary.

2. Buried radials shall not encroach into a utility easement.

3. Guy wires shall not be anchored within a front yard and shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.

(f) PROHIBITED SIGNS OR DEVICES. The attachment to an antenna or antenna tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving device is prohibited. This regulation does not include weather devices nor stationary seasonal decorations which are displayed for less than 45 days.

(g) VARIANCES AND EXCEPTIONS. A permit for any proposed antenna or antenna tower not conforming to the requirements of this ordinance may be granted with the approval of the Board of Appeals pursuant to Section 21.19 of the Zoning Code. When considering a permit, the Board of Appeals shall strike a balance between the federal interest in promoting amateur operations as stated by the Federal Communications Commission in its declaratory ruling entitled PRB-1 and the legitimate interest of the Village in regulating local zoning and strive to make a reasonable accommodation between those two interests. The Board of Appeals shall also explore alternatives to a blanket denial of a permit by means of seeking a compromise, whenever possible, with the amateur operator and the local zoning authority. The Board of Appeals shall deny a request for a variance or special exception only in cases where it makes a specific finding that this ordinance constitutes the minimum practicable regulation necessary to protect the health, safety and welfare of the public and to avoid creating adverse aesthetic impacts on the neighborhood.

(h) EXISTING ANTENNAS AND TOWERS GRANDFATHERED. All antenna and tower systems that exist at the time of adoption of this ordinance shall be considered to be "grandfathered in" and therefore not subject to the regulations of this ordinance. Such existing systems may be taken down for repair if set up again within a sixty (60) day period, but may not be replaced by a similar non-

complying system without approval of the Board of Appeals. A permit shall be required for the re-installation but no fee shall be charged for the permit.

SECTION 21.13 TRAFFIC VISIBILITY, PARKING, AND LOADING

(1) Vision Clearance Triangle.

(a) At all street intersections where there is no traffic light control, no fence, wall, parking, vegetation, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the grade of the sidewalk adjacent to the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty (20) feet from the point of intersection.

(b) Allowable installations within the vision clearance triangle are: utility and street light poles when no safer alternative is available; trees with growth characteristics which develop no significant foliage which will obstruct view in the clearance area; official signs and signals; signs in accordance with Section 21.14; and on street parking when traffic controls exist which permit decreased sight lines.

(2) Highway Access.

(a) No direct private access shall be permitted to the existing or proposed right-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed right-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

(b) Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

(c) Temporary access to the above right-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

(3) General Parking and Loading Regulations.

(a) SCOPE OF REGULATIONS. The off-street parking and off-street loading provisions of this Ordinance shall apply as follows:

1. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this Section of all buildings and structures. However, where a building permit has been issued prior to the effective date of this Section, as it may be amended, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any additional amounts that may be required by this Section.

2. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement, such additional parking and loading facilities as required by this Section shall also be provided.

3. Whenever the existing use of a building or structure shall hereafter be changed to a new use which requires more off-street parking or loading than would have previously been required, additional parking and loading shall be provided in an amount equal to the difference between the uses.

4. Except as provided in Subsection 3 above, if a building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the event the floor area of the building or structure is increased and then only to the extent required by such added floor area.

(b) EXISTING PARKING FACILITIES. Off-street parking facilities in existence on the effective date of this Ordinance, and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this Section.

(c) PERMISSIVE PARKING AND LOADING FACILITIES. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking and loading facilities to serve any use of the land or buildings, provided that all regulations herein governing the design and operation of such facilities are observed.

(d) DAMAGE OR DESTRUCTION. When a building or use, which is nonconforming in terms of the parking and loading requirements of this Section, is destroyed or damaged by any cause, restoration or reconstruction of such building or use shall include sufficient off-street parking and loading to bring it into compliance. The Board of Appeals may waive this provision entirely or reduce the parking and loading requirements as appropriate.

(e) CONTROL OF OFF-SITE PARKING FACILITIES. Where all or part of required parking facilities are to be provided on private land, other than the lot on which is located the building or use to be served, the Zoning Administrator shall

approve the use of such off-site parking only when written assurance is made that the said private off-site parking will continue to be available to the building or use it is intended to serve.

(4) Off-Street Parking.

(a) REQUIRED SPACES. The minimum number of off-street parking spaces required for land uses or activities permitted by this Ordinance shall be as set forth in Schedule 21.13 which Schedule is hereby adopted and made a part of this Ordinance. Notwithstanding the above, in the (B-1) District off-street parking space shall not be required, except for buildings containing dwelling units or lodging rooms hereafter erected, enlarged or structurally altered or converted.

(b) USE. Off-street parking facilities provided in accordance with the requirements of Schedule 21.13 shall be used solely for the parking of automobiles of patrons, occupants or employees.

(c) EXEMPTION. When application of the provisions of Schedule 21.13 results in a requirement of three (3) or less spaces on a single lot in (B-1) Districts, such parking spaces need not be provided if approved by the Board of Appeals. However, where two (2) or more uses are located on a single lot only one of these uses shall be eligible for the above exemption. This parking exemption shall not apply to dwelling units in commercial zones.

(d) COMBINED FACILITIES. Off-street parking facilities for separate uses may be combined if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing such location of the side parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Appeals.

(e) AREA AND ACCESS. Each required off-street parking space shall have a size of not less than 9 x 18 feet, exclusive of access drives or aisles, and shall be provided with appropriate means of vehicular access to a street or alley. Up to 25 percent of the required parking spaces may be sized for small cars with a size of 8 x 16. Off-street parking shall include handicapped parking spaces per state code.

(f) YARDS. Off-street parking space, open to the sky, may be located in a yard except that:

1. No parking shall be permitted in any front yard on unpaved surfaces. Existing approved gravel parking is exempt. (2023-6)

2. In a (B-1) District no parking shall be permitted in any required front yard but access drives in a front yard are permitted.

3. In a (B-1) District no parking shall be permitted closer than five (5) feet from any street right-of-way line.

(g) DESIGN AND MAINTENANCE.

1. Drainage. All parking lots must be constructed in accordance with an approved drainage plan.

2. Screening and Landscaping. Off-street parking areas shall be screened on all sides except when a side of rear yard abuts another parking lot. Screening shall consist of a dense hedge not less than five (5) feet high, planted in a buffer strip a minimum of five (5) feet wide. When a side or rear yard abuts another parking lot the five (5) strip shall contain trees a maximum of 40 feet apart. Any parking area accommodating more than 60 vehicles shall provide landscape islands containing trees and shrubs at the beginning and end of each row. Any double row having more than 50 cars or single row having more than 25 cars shall be broken up by a planting island containing two (2) trees for a double row or one (1) tree for a single row. Islands shall be the approximate size of a parking stall per tree, curbed or railroad tied, and trees shall be a minimum two (2) inch caliper.

3. Wheelstops. Wheelstops of masonry, steel, or timber, or similar stopping device shall be used to prevent vehicles from parking closer to a street line than permitted by this Ordinance.

4. Lighting. Illumination of an off-street parking area shall be 0.5 watts per SF maximum and arranged so as not to reflect direct rays of light into adjacent residential districts and streets.

5. Repair and Service. No motor vehicle repair work of any kind shall be permitted in any required off-street parking area. No gasoline or motor oil shall be sold in conjunction with any off-street parking area or facility unless such operation has been designed to be part of said area or facility and the site plan has been approved by the Department Public Works.

(h) LOCATION. All required off-street parking spaces in Residential Districts shall be located on the same lot as the building or use to be served. In other districts required off-street parking spaces may be provided in a private or public parking facility located within 500 feet walking distance from the building or use they are intended to serve.

(i) EXTENSION INTO ADJACENT DISTRICTS. Other provisions of this Ordinance to the contrary notwithstanding, a commercial parking area located in a (B-1) or (B-2) District may extend into an adjacent Residential District by a

distance of 300 feet if a plan for such extension is approved by special use permit. The periphery of such extension shall be heavily landscaped to provide visual screening from the Residential District.

(5) Off-Street Loading.

There shall be provided off-street loading berths not less than the minimum requirements specified in this Section in connection with any building or structure which is to be erected or enlarged, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

(a) LOCATION. All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located less than 25 feet from the nearest point of intersection of any two (2) streets, nor shall it be located in a required front yard or side yard adjoining a street.

(b) SIZE. Unless otherwise specified in this Ordinance, a required off-street loading berth shall be at least ten (10) feet in width by at least 65 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

(c) ACCESS. Each required off-street loading berth shall be provided with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements and shall be subject to approval of the Director of Public Works.

(d) SURFACING. After January 1, 1996, all open off-street loading berths that have entrances and/or exits from an improved street shall be improved with a compacted base and asphaltic or concrete surface which complies with Wisconsin Highway Department standards and recommendations for the anticipated traffic classification subject to approval by the Director of Public Works.

(e) REPAIR AND SERVICE. No storage nor motor vehicle repair/service work of any kind shall be permitted within any required loading berth area.

(f) SPACE ALLOCATION. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(g) SPACE REQUIREMENTS.

1. The minimum number of off-street loading spaces required for non-residential uses in all but Industrial Districts shall be: One (1) loading space for buildings containing 10,000 to 100,000 square feet of gross floor

area, plus one (1) additional loading space for each additional 100,000 square feet of gross floor area or major fraction thereof.

2. The minimum number and size of off-street loading spaces in manufacturing districts shall be in accordance with the following schedule:

Floor Area of Establishments	Required Number	Minimum Size	Minimum Vertical Clearance
5,000 to 25,000	1	10’ x 35’	12 feet
25,000 to 50,000	2	10’ x 35’ ea.	12 feet
50,000 to 100,000	3	12’ x 50’ ea.	15 feet
100,000 to 150,000	4	12’ x 65’ ea.	15 feet

For each additional 100,000 square feet of gross floor area, or major fraction thereof over 150,000, one additional loading space shall be provided. Such additional loading space shall be at least 12 feet in width by 65 feet in length, and have a vertical clearance of not less than 15 feet.

(for future use)

(6) Schedule 21.13 Minimum Off-Street Parking Requirements

	Land Use or Activity	* Spaces Required
1.	Dwelling, one and two family: for each dwelling unit.	2.0
2.	Dwelling, town house; for each dwelling unit.	2.0
3.	Dwelling, multiple family: for each dwelling unit	2.0 **
4.	Boarding and rooming house, apartment hotel: for each structure.	1.0
5.	Hotel and motel: for each room or suite. Plus: for each lodging room, or suite, and each dwelling unit.	1.0 1.0
6.	School, auditorium, church: for each 5 seats or for each 90 lineal inches of seating space in the main auditorium for assembly hall.	1.0
7.	Colleges, junior colleges, universities: for each 3 students based on the design capacity of the institution.	1.0
8.	*Gymnasium, grandstand, meeting hall and similar places of public assembly: for each 5 seats or 90 lineal inches of seating space. (See note a)	1.0
9.	Hospital: for each bed.	1.1
10.	Library: for each 500 square feet of gross floor area.	1.0
11.	Museum, art gallery and similar uses: for each 500 square feet of gross floor area.	1.0
12.	Nursing home and similar type of establishment: for each 5 beds, 2 lodging accommodations, and each full-time employee.	1.0
13.	Private club and lodge: for each such structure and each 5 seats based on the design seating capacity of the main meeting room.	1.0
14.	School - commercial or trade, music, dance or business: for each two employees and for each 7 students based on the design capacity of the facility.	1.0
15.	School - high: for each faculty member and each 4 students based on the design capacity of the facility.	1.0

*When totals indicate that a partial space is required, a full space shall be provided.

**Enclosed garages that are not included as part of the basic apartment rent will not count toward the required spaces.

	Land Use or Activity	Spaces Required
16.	School - nursery, elementary, or junior high: for each faculty member and each full-time, non-faculty employee.	1.0
17.	Bowling alley: for each lane plus: for any ancillary uses such as restaurants.	7.0
18.	Health salon, swimming pool, skating rink, dance hall: for each 3 persons based on maximum design capacity of the facility and for each employee.	1.0
19.	Park, recreation area, community center: for each employee and spaces to serve the public as determined by the Plan Commission.	.5
20.	*Car wash: for each employee. (See note b)	.75
21.	Automobile service station: for each pumping island and for each service stall.	1.0
22.	Bank: for each 300 square feet of gross floor area.	1.0
23.	Beauty parlor: for each 200 square feet of gross floor area.	1.0
24.	Office: for each 300 square feet of gross floor area.	1.0
25.	Restaurant, bar, night club: for each 100 square feet of gross floor area.	1.0
26.	Furniture and appliance sales and repair: for each 400 square feet of gross floor area and one per employee.	1.0
27.	Motor vehicle sales: for each 400 square feet of gross floor area.	1.0
28.	Medical and dental clinic: for each 50 square feet of gross floor area in any waiting or reception room. Plus for each treatment room, examination room and doctor's office.	1.0 1.5
29.	Manufacturing, fabricating, cleaning, testing, assembling, repairing or servicing establishments: For each 800 square feet of gross floor area or for each two employees, whichever is greater.	1.0
30.	Theater: for each 4 seats, up to 400 seats and for each 6 seats over 400.	1.0
31.	*Theater (drive-in): (see note c)	0
32.	Funeral Parlor: for each 100 square feet of gross floor area.	1.0
33.	Warehouse, storage, wholesale, and mail order establishment: for each establishment. Plus for each 1,500 square feet or fraction thereof of gross floor area over 4,500 square feet, or for each two employees, whichever is greater.	4.0 1.0

Land Use or Activity	Spaces Required
34. Public utility and public service: for each employee.	.5
35. All other business and commercial establishments: for each 150 square feet of gross floor area.	1.0
36. *Other uses: (see note d)	1.0

(7) Remarks for Schedule 21.13

(a) When facilities for public assembly are accessory to a school, and when approved by the Plan Commission, the required number or parking spaces may be reduced by the number of spaces provided, as required herein for the applicable school.

(b) In addition to the required parking spaces, reservoir standing space to accommodate automobiles waiting to be washed shall be provided in an amount equal to five (5) times the number of automobiles undergoing some phase of laundering at the same time.

c) Reservoir standing space at the theater entrance shall be provided equal to ten percent (10%) of the vehicle capacity of the theater.

(d) Parking spaces for other permitted uses not listed above shall be provided in accordance with requirements designated by the Plan Commission and in the case of special uses, as recommended by the Plan Commission and required by the Village Board.

Section 21.14 Sign Regulations.

(1) PURPOSE.

The intent of this ordinance is to acknowledge that the reasonable display of signs is appropriate as a public service and necessary to the conduct of competitive commerce and industry. Provisions of the ordinance are intended to establish minimum standards which regulate the design, erection and display of signs based on land use, public safety, neighborhood values and aesthetic quality.

(2) GENERAL PROVISIONS.

(a) Permit Required. No sign shall be erected, replaced, relocated or structurally modified unless a permit therefor is first obtained by the owner or his agent from the Building Inspector. However, as specified in Section 21.14(3). of this ordinance, a permit shall not be required for real estate signs, construction and subdivision development signs, building nameplates, window signs, flags, community event and political signs.

(b) Exceptions. The provisions of this Section 21.14 shall not apply to signs erected and maintained pursuant to and in discharge of any function of government, or required by law, including public or quasi-public signs which are intended to welcome visitors to the Village of North Fond du Lac or advertise the Village, provided that such signs are designed, erected and maintained in a manner so as to be compatible with the surrounding development.

(c) Number of Signs. The total number of signs permitted on any lot shall be as set forth in Column 2 of Schedule 21.14-A.

(d) Sign Area.

1. Maximum permitted size of signs shall be as set forth in Columns 3 and 4 of Schedule 21.14-A.

2. When more than one sign of any type (ground, wall, projecting) is permitted, the aggregate area of all signs shall not exceed the maximum gross surface area as specified in Columns 3 and 4 of Schedule 21.14-A.

3. Ground signs and wall signs: Sign area shall be calculated as the surface area defined by the smallest rectangle or rectangles to be inclusive of all accessory pictorial matter, ornamentation, corporate logos and changeable copy devices.

4. Individual letters and/or pictorial matter: Sign area shall be calculated as the surface area defined by the smallest rectangle to encompass

advertising or identification text and/or pictorial matter or devices not to exceed total square feet allowed in Schedule 21.14-A.

5. Double-faced and multiple-sided signs: Sign area shall include the surface area of only one sign face, where the surface area is the same on each face.

(e) Sign Height. Sign height shall be measured to the top of the sign, inclusive of all ornamental, architectural or structural elements, as set forth in Column 6 of Schedule 21.14-A.

(f) Sign Projections.

1. All Signs: A sign shall not extend beyond a property line. A sign shall not encroach into and/or over the public right-of-way except as may be approved by the Plan Commission.

2. Projecting Signs: A projecting sign shall be not less than 8 feet above the ground and shall not extend above the highest point of the building wall.

3. Wall Signs, Individual Letters and Pictorial Matter: Signage shall not extend above a building wall except where integrated into the building design as a structural element or architectural feature.

(g) Painted Signs. Signs shall not be painted on the exterior wall of any building. Existing painted wall signs shall not be repainted and shall be removed upon a change of building occupant or as new signage is installed.

(h) Illumination. An illuminated sign or lighting device shall not employ flashing, rotating or moving light. In no event shall an illuminated sign or lighting device be situated to direct or beam light onto adjacent residential land or onto a public right-of-way, waterway or air corridor, or premises adjacent to any of these, so as to cause glare or reflection that may constitute a nuisance or traffic hazard.

(i) Vision Clearance Triangle. Ground signs within the vision triangle shall include not more than two posts or standards 8 inches or less in diameter. The minimum clearance for all signs (ground, wall, projecting) shall be not less than 8 feet above the grade of the intersection of the street centerlines and shall be situated so as not to obscure the vision of motorists approaching the street intersection.

(j) Roof Signs. Roof signs shall not be permitted in any zoning district.

(k) Off-Premises Advertising Sign.

1. Not Allowed. (O-2023-01)

(l) Removal. In any district all signs and/or sign structures must be removed when the business or activity identified or advertised by such signs has not been conducted for a period of 6 months or more, or when a sign structure remains unused for a period of 6 months or more. The owner or lessee of the premises on which said signs and/or sign structures are located shall accomplish removal within 60 days from the date of mailing of a notice by the Building Inspector. If not removed within the said period, such signs may be removed by the Village at the owner's expense.

(3) SPECIAL SIGNS AND DEVICES.

(a) Real Estate. One sale or lease sign per street frontage is permitted for a property. Signs shall not exceed 6 square feet in size for properties in residential zones and 32 square feet in all other zones. Signing shall be located entirely on the property to which it relates and shall not encroach into and/or over a public right-of-way.

(b) Construction. Three signs to identify a project and list pertinent information about the project shall be permitted, to be removed upon completion of construction. Aggregate sign area shall not exceed 96 square feet. All signs shall be located entirely on the property to which they relate and shall not encroach into and/or over a public right-of-way.

(c) Subdivision Development. Two signs to advertise a new subdivision or residential development shall be permitted, the aggregate area of which shall not exceed 64 square feet. Signs shall be removed within two years following the first occupancy within the development. All signs shall be located entirely on the property to which they relate and shall not encroach into and/or over a public right-of-way.

(d) Subdivision Identification. A subdivision of more than 20 lots, or an identified neighborhood, may erect one permanent sign to identify the development or area. The sign shall not exceed 20 square feet in area and shall be placed in a landscaped area situated at least 5 feet from a lot line.

(e) Building Identification. Nameplates to denote the name and address of occupants of the premises shall not exceed 168 square inches in area per tenant or resident space.

(f) Directional and Instructional. Signs to provide information such as "entrance", "exit", "parking", etc. may be utilized provided that signage is located entirely on the property to which it relates, with no encroachment into and/or over a public right-of-way. A maximum of four signs are permitted, each not to exceed 3 square feet in area, 4 feet in height and not more than 30 percent of the sign area dedicated to advertise a business, logo or project.

(g) Memorial Plaques. A building name and construction date may be cut into a masonry surface or permanently affixed to an exterior wall when said sign is constructed of bronze or a noncombustible material. Memorial signs shall not exceed 4 square feet in area.

(h) Marquees. Permitted when accessory to a hotel, theater, restaurant or transportation terminal. A marquee structure shall be set back at least 24 inches from the vertical line of any curb face and maintain a minimum height of 10 feet. Plan Commission approval is required for encroachment into and/or over a public right-of-way.

(i) Awnings. Signs area for lettering and/or pictorial matter affixed to the facade of an awning to advertise or identify a place of business shall constitute a wall sign and shall comply with the provisions of Section 21.14(2) of this ordinance. Such sign area shall be charged to the total area permitted for a use. Where awning signage is limited to one line of non-illuminated lettering on the awning fascia and a logo on the awning facade, such sign area shall not be charged to the total permitted for a use.

(j) Freestanding Canopy. One business name and one logo may be situated within the fascia area of a canopy structure. Such signage shall be limited to canopy facades which face a public right-of-way and shall not exceed fifty percent of the fascia to which the signs are affixed. Canopy signage shall not be charged to the allowable sign area of a use.

(k) Window Signs. Signs attached to or painted on window surfaces shall not exceed more than twenty-five percent of the window area. No window signs shall be affixed to the outside surface of any window.

(l) Special Community Events and Political Signs. Temporary signs and banners and sign devices may be erected for a period not to exceed 40 days, upon consent of the property owner or occupant of the premises where such signing is placed. No sign shall encroach into and/or over a public right-of-way. Signage shall not be attached to fences, trees, traffic signs, directional signs or utility poles. Temporary signs shall not be illuminated or situated so as to obstruct or impair vision or traffic, or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public. The temporary signs and banners and sign devices must be removed within 72 hours after the event.

(m) Grand Opening Displays. To advertise the opening of a new business, outdoor advertising devices may be utilized on the property where the business is located. An outdoor display shall be permitted for one 15-day period, upon issuance of a permit from the Building Inspector. An outdoor display may include two of the following elements: streamers, pennants, one banner, one portable sign, one inflatable or 3-dimensional product sign. Advertising devices shall not be mounted on a roof or attached to fences, trees, traffic signs, directional signs or

utility poles. No part of a display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic, or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.

(n) Banners, Pennants, Streamers, Inflatables, Portable Signs. To advertise a special sale or event for a business, a temporary outdoor display may be utilized on the property where the business is located. An outdoor display shall be permitted quarterly for a 15-day period, upon issuance of a permit from the Building Inspector. An outdoor display may include two of the following elements: streamers, pennants, one banner, one portable sign, one inflatable or 3-dimensional product sign. Advertising devices shall not be mounted on a roof or attached to fences, trees, traffic signs, directional signs or utility poles. No part of a display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic, or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.

(o) Commercial Flags. Decorative flags to advertise or identify a business are permitted on the property where the business is situated when pole-mounted on a building wall, or affixed to a freestanding flag pole or privately owned light pole. Flags shall be maintained in good condition. No part of a flag display shall encroach into and/or over the public right-of-way or be situated so as to obstruct or impair vision or traffic.

(p) Electronic Message Center. A permanent sign whose informational content can be changed or altered by electronic means to denote time, day, date, temperature, public service information, or to display commercial messages that pertain to on-site products or services for a business. An electronic message center shall be allowed to contain a static graphic display which does not change with the message. The changing sign message shall consist of letters and numerals only. The minimum interval between copy changes shall be not less than 2 seconds. Electronic Message Centers shall be allowed as an accessory use to allowable signage as permitted by Section 21.14-A. Electronic Message Centers shall be permitted in residential districts only upon Village Board approval of a Special Use Permit.(Ord. 2005-02)

(4) PROHIBITED SIGNS.

Prohibited in the Village of North Fond du Lac are signs which:

(a) Exhibit or convey statements, words or pictures of an obscene or pornographic nature.

(b) Display advertising matter which is untruthful.

(c) Employ visible moving parts or any portion of which moves, or gives the illusion of motion.

(d) Emit audible sound, odor or visible matter.

(e) Imitate or resemble an official traffic sign or signal, or bear the words "Stop", "Go Slow", "Caution", "Danger", or similar commands.

(f) Billboards and off premise advertising signs are not permitted in any district. Existing billboards and off premise advertising sign shall be treated as nonconforming structures. (O-2009-06) (O-2023-01)

(5) SPECIAL SIGN DISTRICT.

(a) Purpose. The purpose of this section is to establish special regulations for signs related to B-1 and B-2 land uses along U.S. Highway 41 and Prospect Avenue. The provisions of this district reflect special requirements of non-local traffic, a characteristic which makes this corridor unique and different from all other areas in the city. (O-2023-01)

(b) Boundaries. To be included under the special provisions of this section is all B-1 and B-2 zoned land within 1,000 feet either side of the center line of U.S. Highway 41 and within a circle with a radius of 1,500 feet centered upon the U.S. 41 interchange or overhead. The Prospect Avenue Sign District boundary is from the Lincoln Street right of way south 900 feet and 75 feet either side of the centerline of Prospect Avenue. (O-2023-01)

(c) Sign Height.

1. Properties not included in interchange zones, located in an area 500 feet either side of the center line of U.S. 41: 35 feet.

2. Properties not included in interchange zones, located in an area 1,000 feet either side of the center line of U.S. 41: 45 feet.

3. Properties included in interchange zones: 55 feet.

4. Properties included in the Prospect Avenue zone: 20 feet (O-2023-01)

(d) Sign Area.

1. Ground signs: Freestanding signs shall be allowed on lots which have at least 100 feet of frontage. One square foot of sign area for each lineal foot of lot frontage is permitted, with a maximum sign area not to exceed 200 square feet. Exception: The Prospect Avenue Sign District will have to meet all ground sign requirements specified in Schedule 21.14-A for B-1 Zoned Districts. (O-2023-01)

2. Wall signs: The size and number of signs permitted on any lot shall be as set forth in Schedule 21.14-A. (O-2023-01)

(6) CONSTRUCTION AND MAINTENANCE.

(a) Construction Standards.

1. Ground signs shall be self-upporting and permanently attached to a foundation. For signs over 8 feet in height, foundations shall be installed below the frost line.

2. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.

3. Ground signs and projecting signs shall be installed to withstand wind loads of at least 30 pounds per square foot of the largest exposed surface.

(b) Maintenance.

1. All signs shall be kept clean, in good order and repair, and maintained in a safe condition so as not to be detrimental to the public health or safety.

2. In the event the Building Inspector determines that any sign regulated by this Section 21.14 is unsafe or is a hazard to the public, the owner of the sign and the owner of the premises upon which the sign is erected shall be served notice to remove or repair the said sign. Removal or repair shall be accomplished within 14 days from the mailing date of the Building Inspector's notice. If not removed or repaired by the owner within the said 14 day period, such signs may be removed by the Village at the owner's expense.

The Building Inspector may cause any sign which is a source of immediate peril to person or property to be removed summarily and without notice. If not removed by the owner, such sign may be removed by the Village at the owner's expense.

(7) REVOCATION.

In the event of a violation of any of the foregoing provisions, the Building Inspector shall give written notice specifying the violation to the named owner of the sign and the named owner of the premises on which the sign is located. The sign shall thereupon be brought into conformance by the owner or removed within 30 days from the mailing date of said notice. In the event the violation is not corrected within said 30 day period, the sign shall be removed by the owner or by the Village at the owner's expense.

(for future use)

(8) SCHEDULE 21.14-A DESIGN STANDARDS AND SPECIFICATIONS FOR SIGNS

1		2	3	4	5	6	7		8		9	
			Maximum Gross Surface Area Permitted (square feet)[1]			Projecting Sign	Ground Sign (Feet)				Lighting Permitted	
Zoning District	Use	Allowable Signage Total Number of Signs Permitted on Any Lot	Wall and/or Projecting Sign	Ground Sign	Electronic Message Center[2]	Maximum Projection From Wall (inches)	Height Max.	Height Min.[3]	Minimum Setback Front	Minimum Setback Side	Yes	No
All Districts	Home Occupation	1 ground sign or 1 wall sign	3 square feet	3 square feet	-		5		5	5		X
	Educational and Institutional	1 ground sign and 1 wall sign per street frontage	1 per linear foot of building façade; 50 square feet maximum	1 per linear foot of lot frontage; 80 square feet maximum	1 EMC per property; ground sign only; see NFDL 21.14(3)(p)	-	10		5	5	X	
	Private Parking Lot	1 ground sign per street frontage	-	0.1 per linear foot of lot frontage; 25 square feet maximum	-	-	20	8	5	5	X	
	Non-conforming land use	1 wall sign	0.5 per linear foot of main building facade; 25 square foot maximum	-	-	-						X
R-6 MH	Multiple Family Mobile Home	1 ground sign and 1 wall sign per street frontage	15 square feet	0.5 per dwelling unit; 25 square feet maximum	-	-	10		10	10	X	
B-1	Business	1 wall sign or projecting sign per street frontage per tenant plus 1 ground sign total	0.5 per linear foot of main building facade; 25 square foot maximum per tenant space; side wall signs shall in no case exceed the square footage allowed on the main building façade	1 per linear foot of main building façade; 75 square feet maximum; for lots with a street frontage of 150 or more, 120 square feet maximum. See NFDL 21.45(5)	-	40	20	8	5	5	X	
B-2	Business	1 wall sign per street or parking lot frontage plus 1 ground sign per street frontage	2 per linear foot of main building façade; each side not to exceed the main building façade	See NFDL 21.14(5) Special Sign District	1 EMC per property; ground sign only; see NFDL 21.14(3)(p)	-	20	8	5	5	X	
BP	Business Industrial	1 wall sign per street frontage or parking lot frontage per tenant plus 1 ground sign; buidings with over 300 linear feet of frontage and multiple entrances allowed 2 ground signs per frontage	0.5 per linear foot of main building facade; 25 square foot maximum per tenant space; for main facades over 200 linear feet, 80 square feet maximum; side wall signs shall in no case exceed the square footage allowed on the main building façade	1 per linear foot of main building façade; 75 square feet maximum; for lots with a street frontage of 150 or more, 120 square feet total maximum.	-	-	20	8	5	5	X	
O	Business	1 projecting sign or 1 wall sign per street frontage for each tenant space plus 1 ground sign total	0.5 per linear of main building façade; 50 square feet maximum per tenant space	0.5 per linear foot of main building façade; 25 square feet maximum per tenant space	1 EMC per property; ground sign only; see NFDL 21.14(3)(p)	18	20	8	5	5	X	
I-1 I-2	Industrial	1 ground sign plus 1 wall sign per street or parking lot frontage	1 per linear foot of main building façade; each side not to exceed the main building façade	1 per linear foot of lot frontage; 150 square feet maximum	1 EMC per property; ground sign only; see NFDL 21.14(3)(p)	-	20	8	10	10	X	
Special Highway 41 District[4] See Section 21.14(5)		1 ground sign for each street frontage maximum of two; plus 1 wall sign for each street or parking lot frontage	1 per linear foot of main building façade; each side not to exceed the main building façade.	1 per linear foot of lot frontage; 200 square feet maximum; only 1 may comply with 21.14(5)	1 EMC per property; ground sign only; see NFDL 21.14(3)(p)	-	35[5] 45[6] 55[7]	8	10 20 20	10 20 20	X	

NOTES:

1 Ground signs: Area shall be based on the linear dimension of the exterior wall of a building or structure that directly abuts a public street; where sign area is based on lot frontage, the allowable total shall be based on the linear dimension of the lot line of the property for which the sign will be sited. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face.
Wall signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. Wall signage is allowed on a facade that directly abuts a public street, the private parking lot that serves the affected property, or the shared driveway of a shopping center. Signage, including individual letters and pictorial matter, shall not extend above the top of a building wall except where integrated into the building design as a structural element or an architectural feature. Where signage has no background frame or cabinet, sign area shall be calculated as the surface area defined by the smallest rectangle or combination of rectangles to encompass the outer limits of the advertising message, announcement, logo or decoration; for signs with multiple areas of text, advertising or decoration, each area of signage may be calculated separately.
Projecting signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. A projecting sign is allowed on a facade that directly abuts a public street, parking lot, or the shared driveway of a shopping center. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face.

2 See also SECTION 21.14(3)P Electronic Message Center

3 Minimum height to bottom of sign within the vision triangle: the bottom of all signs must be a minimum of eight feet above ground. Outside of the vision triangle there shall be no height minimum except that any ground sign located within 10 feet of a driveway shall have a clearance of eight feet above ground.

4 The boundaries of the district include all commercially zoned land within 1,000 feet of either side of the center line of U.S. Highway 41 and within a radius of 1,500 feet centered upon U.S. Highway 41 interchange or overhead. The County Highway Prospect Avenue Sign District boundary is from Lincoln Street right of way south 900 feet and 75 feet either side of the centerline of Prospect Avenue.

5 Allowable height for properties within 500 feet of either side of the center line of U.S. Highway 41.

6 Allowable height for properties in the area between 500 feet and 1,000 feet of either side of the center line of U.S. Highway 41.

7 Allowable height for properties within a circle of a 1,500 foot radius centered on the U.S. Highway 41 interchange or overhead.

(for future use)

SECTION 21.15 PERFORMANCE STANDARDS - INDUSTRIAL DEVELOPMENTS

(1) Intent.

It is the intent of this Section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects.

(2) Noise.

No operation or activity shall transmit any noise exceeding 85 dB from 7:00 a.m. to 10:00 p.m. and 75 dB from 10:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

(a) Noises not directly under the control of the property owner.

(b) Noises from temporary construction or maintenance activities during daylight hours.

(c) Noises from emergency, safety or warning devices.

(3) Vibration.

(a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

(b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

(4) External Lighting.

No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the boundary of an Industrial District.

(5) Odor.

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

(6) Particulate Emissions.

No operation or activity shall emit into the ambient air form any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11, Wisconsin Administrative Code.

(7) Visible Emissions.

No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.

(8) Hazardous Pollutants.

No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.

SECTION 21.16 NONCONFORMING BUILDINGS, STRUCTURES AND USES

(1) Intent.

The regulations of this Section are intended to provide controls over nonconforming uses, buildings, and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued or shall be discontinued when the nonconforming use ceases by discontinuance or abandonment, in accordance with the authority granted by Wisconsin Statutes. Nonconforming uses located within the (S)-Shoreland District shall be regulated by the applicable sections of 62.231 of the Wisconsin Statutes.

(2) Authority to Continue Existing Nonconforming Buildings, Structures and Uses.

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance, at the time of annexation to the Village of the property on which located, or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

(a) REPAIRS AND ALTERATIONS.

Ordinary repairs, maintenance and interior alterations may be made to a nonconforming building or structure provided that the provisions of this Section are complied with. Ordinary repairs and maintenance shall be determined by the Building Inspector and shall include painting, repair of roof or steps, residing, landscaping and similar activities up to 50% of equalized full value.

(b) ADDITIONS AND ENLARGEMENTS.

1. Except as otherwise set forth in this Section a nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure is made to conform to the regulations of the district in which it is located or a variance has been granted by the Board of Appeals.

2. A building or structure which is a permitted use but is nonconforming as to lot size, setback, coverage, height, or parking requirements, may be added to or enlarged provided that any such addition complies with yard, height and parking requirements of this Ordinance.

3. An attached or detached garage may be constructed on a lot which contains a nonconforming dwelling unit provided that such garage complies with the height and yard requirements for the district in which it is located.

(3) Moving Nonconforming Building or Structure.

No nonconforming building or structure may be moved in whole or in part to any other location unless every portion of such building or structure and the use thereof is designed and used or intended for a use permitted in the district to which it is moved and there is conformance with all other regulations of such district.

(4) Restoration Of Damaged Nonconforming Buildings or Structures.

A nonconforming building or structure which is partially destroyed to not more than 50% of equalized value or damaged by any cause may be rebuilt or restored with the same, or less, floor area and cubic content and with the same, or an improved, general site layout as that of the original structure. Board of Appeals approval of reconstruction or restoration plans shall be required and the Board may impose conditions on such approval if such conditions would improve an otherwise bad situation and bring the nonconforming building or structure more in conformity with the regulations for the district in which it is located.

Application for Board of Appeals approval for reconstruction or restoration shall be made within three (3) months from the date of damage or destruction and work commenced within six (6) months, and completed within 18 months, from the date of Board of Appeals approval. Failure to meet these time limits shall terminate the nonconforming use except that a six (6) month extension to any of the time limits may be granted by the Board of Appeals.

(5) Discontinuance of Use of Nonconforming Building or Structure.

When use of a nonconforming building or structure has been discontinued or abandoned for a period of 12 consecutive months it shall not thereafter be reestablished, occupied or used except for a use which conforms to the regulations in which it is located. One six (6) month extension to the time limit may be granted by the Board of Appeals.

(6) Change of Use in Nonconforming Building or Structure.

The use of a nonconforming building or structure may be changed to a use permitted in the district in which the buidling or structure is located, or to another nonconforming use when authorized by the Board of Appeals, and the nonconforming use of a part of such a building may be extended to the remaining parts of the building.

(7) Nonconforming Use of Land.

The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

(a) Such nonconforming use of land and incidental accessory buildings or structures thereon shall not be expanded, extended, or enlarged to another lot or beyond the area it occupies on the effective date of this Ordinance, or any applicable amendment thereto, except that a residential accessory building or structure may be enlarged, expanded or rebuilt on a larger area if, after such expansion, extension or enlargement, the accessory building structure clearly remains accessory to the principle use of the land and is approved by the Board of Appeals.

(b) If such a nonconforming use of land is discontinued or abandoned for a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of such land shall conform to the regulations of the district in which it is located.

(c) A nonconforming use of land shall not be changed to another nonconforming use without variance granted by the Board of Appeals.

(8) Signs and Billboards.

Notwithstanding any other provision of this Section to the contrary, no nonconforming advertising sign or identification sign shall be replaced or restored, if damaged or destroyed by any cause greater than 50% of equalized value except in compliance with the applicable provisions of this Ordinance.

(for future use)

PART "D"

ADMINISTRATION AND ENFORCEMENT

SECTION 21.17 GENERAL ADMINISTRATIVE SYSTEM

(1) Intent. This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" or "Building Inspector" to administer and enforce the same. In this Chapter, the two titles are used interchangeably. Certain considerations, particularly with regard to granting of permitted special uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Board of Appeals is also provided for to assure proper administration of the Chapter and to avoid arbitrariness.

(2) Zoning Administrator.

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

(a) Maintain records of all permits issued, inspections made, work approved and other official actions.

(b) Record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts.

(c) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.

(d) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.

(e) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Administrator in a manner specified by him.

(f) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.

(g) Issue stop, cease, and desist orders requiring the correction of all conditions found to be in violation of the provisions of this ordinance. Such written orders shall be

served personally or by certified mail upon persons deemed by the Building Inspector to be in violation of the provisions of this ordinance. It shall be unlawful for any persons to violate any such order issued by the Building Inspector.

(h) Revoke by order, any building permit approved under a misstatement of fact or contrary to the law or provision of this ordinance.

(i) Maintain permanent and current records of the administration and enforcement of this Ordinance, including, but not limited to, applications, processing and decisions for all amendments, special uses, variations, and appeals, and designate on the Zoning District Map each amendment and special use granted by the Village Board.

(j) Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

(k) Receive, file, and forward to the Board of Appeals all applications for variance, special exceptions, or other matters on which the Board of Appeals is required to act under this Ordinance.

(l) Forward to the Village Clerk all applications initially filed with the Building Inspector for special uses, amendments, and other matters under this Ordinance upon which the Village Board is required to act and forward to the Plan Commission copies of such applications upon which it is required to submit reports and recommendations thereto to the Village Board.

(m) Forward to the Police Department all matters that require law enforcement or citation actions.

(n) Permits that authorize "reasonable accommodations" for a handicapped person. The zoning administrator will use a zoning permit which may or may not have conditions that waives specified zoning ordinance requirements, if the zoning administrator determines that both of the following conditions have been met. (O-2010-08)

1. The requested accommodation (i.e., the requested waiver of zoning restrictions), or another less-extensive accommodation is necessary to afford handicapped or disabled persons equal housing opportunity or equal access to public accommodations and the minimum accommodations that will give the handicapped or disabled persons adequate relief.
2. The accommodation will not unreasonably undermine the basic purposes the zoning ordinance seeks to achieve.

(3) Role of Specific Village Officials in Zoning Administration.

(a) PLAN COMMISSION. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.

(b) VILLAGE BOARD. The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.

(c) BOARD OF APPEALS. A Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Section 21.19 of this Chapter for additional provisions.

(4) Certification of Compliance.

(a) CERTIFICATION REQUIRED. Except as hereinafter provided, no permit pertaining to the use of land or permit as required by building codes for the erection, enlargement or structural alteration of a building or structure shall be issued by an officer, department, or employee of the Village unless the applications for such permit has been examined by the Zoning Administrator, indicating that the application complies with the provisions of this Ordinance. Any building permit or occupancy permit, issued for an application that is in conflict with the provisions of this Ordinance, shall be null and void.

(b) EXISTING USES. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

(c) NONCONFORMING USES.

1. No nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator.

2. Certificates of compliance for the continued occupancy of nonconforming uses existing at the time of the passage of this Chapter shall be issued by the Zoning Administrator and the certificate shall state that the use is a nonconforming one and does not conform with the provisions of this Chapter. The Zoning Administrator shall notify the owner(s) of the property being used as nonconforming use.

(5) Plan Review and Approval.

(a) BUILDING PERMITS.

All applications for building permits shall be accompanied by plans in duplicate, drawn to an appropriate scale, showing the shape and dimensions of the lot to be built upon, the size and location of buildings and accessory buildings existing and proposed and the lines within which the building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of dwelling units or lodging rooms the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Administrator.

(b) SITE PLAN APPROVAL.

Any land use activity, approval of which is contingent upon site plan approval, shall comply with the requirements of this Section unless contrary provisions related to specific uses are set forth elsewhere in this Ordinance. The Zoning Administrator may not issue a building permit for the construction, establishment or expansion of such land use activity until a final site plan has been approved by the Public Works Department.

1. Preliminary Site Plan Requirements.

Prior to the submission of a final site plan the applicant shall prepare a preliminary plan and meet with the Department of Public Works to consider preliminary features of the site and the proposed development. Such preliminary plans shall include the proposed general layout, the location of existing land uses, structures, parking and access, both on the immediate property and on all abutting properties, proposed parking and landscaping proposals. In preparation of such plan all applicable

ordinances and official plans, maps and regulations of the Village and the State of Wisconsin shall be consulted.

2. Final Site Plan Requirements.

Five copies of the final site plan shall be submitted to the Department of Public Works for review. Unless waived by the Department of Public Works the final site plan shall be prepared by a licensed architect or civil engineer, a practicing land planner or a practicing designer.

Unless otherwise determined by the Plan Commission, such final plan shall contain the following information:

a. Name, location, owner and designer of the proposed development.

b. Location sketch of site in the Village.

c. Location of the site and building situation in relation to all abutting properties and buildings, including the means of ingress and egress to such properties and any screening or buffers on such properties.

d. Date, north arrow and graphic scale (not less than 1 inch equals 50 feet).

e. Location of all property lines, existing streets, existing easements and utilities, including dimensions of same.

f. Present zoning.

g. Proposed utility system including easements.

h. Any features proposed in the official map not existing, such as increased right-of-way, open space, etc.

i. Floodable area included in the 100-year flood mapping.

j. Proposed driveway, parking spaces and building layout including scaled dimensions between buildings.

k. Indication of drainage system for entire property including drainage flow diagram. This should include the proposed grading of the property with building and lot elevations noted in U.S.G.S. datum.

l. Acreage within the site and proposed square footage of buildings.

m. Landscape treatment including screening of parking areas and existing features to be retained.

n. Architectural drawings and sketches which illustrate the design and character of the proposed structure(s) and indicating building material to be used.

o. Erosion control plan.

p. Any other information required by the Department of Public Works to illustrate the proposal.

3. Plan Approval. (O-2012-4)

a. One and Two Family Homes

(1) The Department of Public Works shall be responsible for reviewing and approving the site and drainage plans for all one (1), and two (2) family homes. The Department of Public Works will also seek input from the Village Police, Fire, and EMS Departments or from public utilities as appropriate in the review of these plans.

(2) The Department of Public Works shall have ten (10) days for review and approval of the final site plan.

b. All Other Developments

(1) The Site Plan Review Committee shall be responsible for reviewing and approving residential developments of three (3) or more units and all office, commercial, industrial, or institutional projects.

(2) The Site Plan Review Committee shall be comprised of the following people:

Director of Public Works

Building Inspector/Zoning Administrator

Police Chief

Fire Chief/EMS Director

4. Standards for Plan Approval.

In the exercise of authority under this Section the Department of Public Works shall determine that the following requirements are met:

a. Conformance to the Zoning Ordinance and Official Map with attention to density and any proposed rights-of-way. Proposed rights-of-way should be provided for and proper district setback regulations applied from such proposed right-of-way.

b. Ingress and egress to the property, off-street parking areas and proposed structures thereon with reference to automotive and pedestrian safety, traffic flow and control, provision of services, and access in case of fire or emergency. Special consideration shall be given to consolidation of access whenever possible on major traffic arteries.

c. Manner of drainage of the property, if applicable, with reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall Village drainage capacities. Special attention shall be given to the 100-year flooding level and compliance with drainage and grade provisions for same.

d. Utilities with reference to hook-in locations.

e. When applicable, recreation and open space with attention to the size, suitability, development and continued maintenance of the area and the impact on any adjacent living areas.

f. Landscaping of site with attention to screening of parking areas and the provision of street trees. Location, size and species of all plant material shall be specified and approved.

g. General nature of the development with attention to the design features and appearance of the development so that it will be compatible and harmonious with properties in the general area and will not be so at variance with other developments in the general area as to cause substantial depreciation in property values or aesthetic quality.

h. Any special requirements unique to a particular site or development which may be identified by the Plan Commission through discussion of the preliminary site plan.

5. Effect on Municipal Services.

Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Village Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has entered into an agreement with the applicant regarding the development of such facilities.

(6) Occupancy Permit.

(a) Any land, vacant on the effective date of this Ordinance, and any building, structure, or addition or major alteration thereto, constructed after the effective date of this Ordinance shall not be used or occupied until an occupancy permit has been issued by the Zoning Administrator. No new use shall be made of any land, building, or structure until an occupancy permit has been issued.

(b) Every application for a building permit shall also be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land or existing building or structure where no zoning certificate is required shall be made to the Zoning Administrator.

(c) An occupancy permit shall be issued only after the Zoning Administrator has inspected the premises and finds:

1. It is to be in compliance with all applicable regulations of the zoning district in which it is located; and

2. That the use of building or structure is in conformance with the plans and specifications for which the zoning certificate was issued.

(d) Every occupancy permit shall be dated, shall state that the use or occupancy complies with the provisions of this Ordinance and shall be signed by the Zoning Administrator.

(e) The occupancy permit shall be issued, or written notice shall be given to the applicant specifying the reasons why a conditional or permanent certificate cannot be issued, not later than seven (7) days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.

(f) Conditional Occupancy Permit.

1. A conditional occupancy permit may be issued if, in the opinion of the Zoning Administrator, an unavoidable situation exists that would cause undue hardship to a homeowner. At the time a conditional permit is

issued, a compliance date will be set for completion of each remaining requirement.

2. As a condition of approval and issuance of a conditional permit, the Village may require the applicant to execute a waiver of special assessments to guarantee a good faith completion of the permit conditions. This waiver would allow the Village to levy special assessments and/or special charges without notice and hearing if the Village is required to complete the required improvements and the homeowner refuses to pay the costs incurred.

   The cost of work performed by Village staff or other authorized agents plus interest and administrative charges at a rate approved by the Village Board shall be billed to the homeowner. In the event a homeowner fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect as a special assessment or special charge against the property pursuant to section 66.60(18), Wisconsin Statues.

(for future use)

SECTION 21.18 SPECIAL EXCEPTIONS

(1) General.

A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which if controlled as to number, area, location, or relation to neighborhood would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception if specific provision for such special exception is made in the district. A special exception shall not be issued for any other use or structure.

(2) Procedure.

All applications for a special exception shall be considered first by the Plan Commission. The application should include material necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or adjacent properties, or otherwise detrimental to the public welfare. Such material may include but is not limited to: information required for a building permit under this ordinance; findings required under (4) below; site plans; and special studies.

(3) Public Hearing.

Upon the filing of an application for a special exception, the Plan Commission shall notify the Village Board of such application and shall fix a reasonable time (not more than sixty days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985 Wisconsin Statutes shall be published in the official newspaper of the Village specifying the date, time and place of hearing and the matters to come before the Plan Commission. Notice shall also be mailed to the parties at interest, as determined by the Plan Commission.

(4) Findings.

Before any special exception shall be recommended for approval, the Plan Commission shall make findings that the granting of a special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the applicant. No special exception shall be recommended for approval unless the Plan Commission shall find:

(a) That the establishment, maintenance or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or properties in the immediate vicinity.

(b) That the special exception is compatible with the adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.

(c) That adequate public facilities and services are available to the development.

(d) That adequate measures are taken to provide for drainage.

(e) That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion.

(f) That adequate parking and loading areas are provided.

(5) Conditions and Safeguards.

In addition to the conditions and requirements specified in this ordinance, the Plan Commission may recommend appropriate additional conditions and safeguards as deemed necessary to insure the proposed use or structure will secure the objectives of this ordinance and promote the public health, safety, comfort, convenience and general welfare. Violation of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance.

(6) Plan Commission Recommendation.

The Plan Commission may recommend to the Village Board to approve, disapprove or approve subject to stipulated conditions and safeguards a request for a special exception. If the Plan Commission shall recommend disapproval of a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in Subsection 4 above, or such of them as may be applicable to the action of disapproval, and the particular regulations relating to the special exception requested, if any. The report and recommendations of the Plan Commission shall be advisory only and shall not be binding on the Village Board.

(7) Village Board Approval.

The Village Board shall act on the Plan Commission recommendation at its next regularly scheduled meeting. No public notice and hearing is required for the Village Board action on the recommendation and request, but the matter shall be handled in a public session as part of a previously prepared agenda. All matters relating to Village Board consideration of a request for a special exception and Plan Commission recommendation shall be a public record and require formal action of the Village Board.

(8) Fees.

Any application for a special exception shall be accompanied by a fee in an amount established by the Village to compensate it for the costs of publication of notices and other expenses. No action shall be taken until such fee has been paid.

(for future use)

SECTION 21.19 BOARD OF APPEALS

(1) Establishment of Board.

In order that the objectives of this ordinance may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals for the Village of North Fond du Lac.

(2) Membership and Terms of Office.

(a) BOARD MEMBERS. The Board of Appeals shall have five (5) citizen members of recognized experience and qualifications. The President shall designate one of the members as chairman. Members shall be removable by the Village President for cause upon written charges and after a public hearing. A secretary, who does not have to be a Board of Appeals member, shall be appointed by the Board of Appeals. (O-2004-03)

(b) ALTERNATE MEMBER. The Village President shall appoint two (2) alternate members, for staggered terms of three years, to the Board of Appeals. The alternates shall act, with full power, only when a member of the Board of Appeals is absent or disqualifies himself from a vote due to a conflict of interest. The provisions for removing members shall also apply to the removal of the alternate. (O-2004-03)

(c) TERMS. The citizen members of the Board of Appeals shall be nominated by the Village President and confirmed by the Village Board. Effective May 1, 2004, the terms of office shall be staggered for three (3) years commencing the first Monday in May in the year of appointment. (O-2004-03)

(d) VACANCIES. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

(3) Procedures, Meetings, Records and Decisions.

(a) PROCEDURES. The Board of Appeals shall be governed by the provisions of Chapter 62.23(7) of the Wisconsin Statutes, this zoning ordinance, and rules and procedures adopted by the Board of Appeals. The Board of Appeals shall have power to adopt rules and regulations for its own government consistent with law and with the provisions of this or of any other ordinance of the Village.

(b) Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.

(c) All meetings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing the action of the Board of Appeals and the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

(d) The presence of four (4) members shall constitute a quorum. The Board of Appeals shall act by motion. The concurring vote of four (4) members of such Board of Appeals shall be necessary to reverse any order, decision of determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to effect any variation of this Ordinance. (O-2004-3)

(e) The Board of Appeals may call on other Village departments for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance to the Board of Appeals as may be reasonably required.

(f) All variances granted by the Board of Appeals shall be valid for a period of six (6)months from the date of the meeting at which such action was taken. If no building permit is applied for within such six (6) month period, the action of the Board of Appeals shall be null and void, and a new variance or special use permit must be granted under the normal procedures outlined in this section. A six (6) month extension may be granted by the Board of Appeals upon submission of a written request setting forth the facts which require an extension.

(4) Jurisdiction.

In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have jurisdiction in the following matters:

(a) ERRORS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, or other administrative official in the enforcement of the Zoning Code or any ordinance adopted under Sections 61.35, 62.23, 62.231 (wetlands), 87.30 or 144.26 (flood plains) or Chapter 91 (farmland preservation), Wis. Stats.

(b) VARIANCES. To hear and grant appeals for variances as will not be contrary to the public interest where, owning to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured.

(c) INTERPRETATIONS. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(d) SUBSTITUTIONS. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. When ever the Board permits such a substitution, the use may not thereafter be changed without application.

(e) UNCLASSIFIED USES. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.

(f) TEMPORARY USES. To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

(5) General Powers.

In exercising its jurisdiction in matters described under Subsection (4), the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

(6) Application Procedures.

(a) PROCEDURES. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Village affected by any zoning-related decision of an administrative official within thirty (30) days of the decision involved by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for a hearing on the appeal and give public notice thereof as well as due notice to parties in interest, and shall decide the same within a reasonable time.

(b) PRELIMINARY REVIEW. The secretary of the Board of Appeals shall as promptly as possible inform the Board of Appeals concerning the appeal, and the Board of Appeals may either discuss the matter with the applicant if the applicant desires or proceed directly to order public notice of hearing. If the applicant elects to withdraw the appeal any time before final determination is made by the

Board of Appeals, this fact shall be noted on the application with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the Board of Appeals, to the Zoning Administrator and to the applicant. If the appeal is not withdrawn, the Board of Appeals may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing on the case.

(c) AMENDMENTS. Amendments of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the chairman shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for the deferral.

(d) FEES. Any application for an appeal or variance shall be accompanied by the current established fee to compensate the village for publication of notices and other expenses. No action shall be taken until such fees have been paid.

(e) RECONSIDERATION.

1. Resubmission. No appeal or application which has been dismissed or denied shall be considered again without material alteration or revision within one (1) year of the Board's decision, except pursuant to court order or by motion to reconsider made by a member voting with the majority or as provided below.

2. Rehearing. No rehearing shall be held except upon the affirmative vote of four (4) or more members of the Board upon finding that substantial, new evidence is submitted which could not reasonable have been presented at the previous hearing. Requests for rehearing shall be in writing, shall state the reasons for the request, and shall be accompanied by necessary data and diagrams. Rehearings shall be subject to the same notice requirements as original hearings.

(7) Appeals from Administrative Decisions.

(a) POWERS. The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or other administrative official

in the enforcement of this ordinance. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the administrative official, and may issue or direct the issue of a permit.

(8) Appeals for a Variance.

(a) POWERS. The Board of Appeals shall have the power to grant a variance by varying the strict application of any requirement or this ordinance where the strict application of such requirements would result in practical difficulty and unnecessary hardship depriving the owner of reasonable use of land or buildings.

(b) REQUIREMENTS FOR A VARIANCE. In general, the power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this ordinance. Variances shall only be granted when the Board finds that:

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

2. The variance will not permit the establishment of a use which is not permitted in the district and will not be unduly detrimental to adjoining properties and will not alter the essential character of the neighborhood.

3. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district and there is no practical way for the applicant to accomplish the intended objective by observing bulk requirements specified in this ordinance (yard size, frontage, coverage, building height, etc.).

4. The literal interpretation of the provisions of this ordinance would deprive the applicant of a right commonly enjoyed by other properties in the same district.

5. The hardship is not shared generally by other land or buildings in the area.

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

(c) PROHIBITED VARIANCES. The Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a special use permit, if applicable, and upon a showing that

no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.

(d) DOCUMENTATION OF DECISION. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" exists and the records of the Board shall clearly show in what particular and specific respect an "unnecessary hardship" or "practical difficulty" would be created by the literal application of such regulations.

Variances or conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in the building, special use or occupancy permit issued under that order by the Zoning Administrator. A permit shall be valid only as long as the conditions upon which it is granted are observed. Whenever the board grants an application or appeal affecting the use of any premises, such authorization shall be deemed revoked unless the owner, occupant or his agent shall, upon request, file with the Board Secretary a written report certifying that all conditions or limitations imposed by the Board have been conformed to and maintained. Variances, substitutions or conditional use permits approved by the Board shall expire six (6) months after issuance if the performance of work is required and substantial work has not commenced.

(9) Appeals for Interpretations.

The Board of Appeals shall have the power to hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(10) Public Hearings.

(a) TIME PERIOD. Upon filing with the Board of Appeals an application for an appeal or variance, the Board of Appeals shall fix a reasonable time (not more than sixty (60) days from the filing date) for public hearing.

(b) NOTICE OF HEARING. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published in the official newspaper of the Village specifying the date, time and place of the hearing and matters to come before the Board of Appeals. Notices shall also be mailed to the parties at interest, as determined by the Board of Appeals.

(11) Appeal of Board of Appeals Decisions.

Any person or persons aggrieved by any decision of the board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

(for future use)

SECTION 21.20 AMENDMENTS

(1) Power of Amendments.

The Village Board may from time to time on its own motion or on petition, amend, supplement, or change this ordinance, including the Official Zoning Map.

(2) Initiation.

Amendments may be proposed by the Village Board or any member thereof, the Plan Commission, Board of Appeals, or any person, firm, corporation, or organization.

(3) Procedures.

The Village Board shall refer every proposed amendment to the Plan Commission for report and recommendation. If the Village board does not receive a report and recommendation from the Plan commission within sixty (60) days of submitting the proposed amendment, the Village Board may proceed with the necessary hearing.

(4) Public Hearing and Notice.

No amendment of this ordinance shall become effective until a public hearing is held before the Village Board where parties in interest and citizens shall have the opportunity to be heard. A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the official newspaper of the Village once during each of the two weeks prior to such hearing. At least ten (10) days before the public hearing, a written notice of such hearing shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

(5) Final Approval.

An amendment shall become effective upon a majority vote of the members of the Village Board voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment or by owners of 20 percent or more of the area immediately adjacent extending 100 feet therefrom, or by owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of three-fourths of the members of the Village Board voting on the proposal.

No amendment concerning the Floodway, Flood Fringe, or General Flood Plain District shall become effective until also being approved by the Department of Natural Resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.

(for future use)

SECTION 21.21 ENFORCEMENT, REMEDIES, PENALTIES

(1) Enforcement.

It shall be the duty of the Zoning Administrator to enforce this ordinance.

(2) Remedies.

In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained; or any building, structure or land is or is proposed to be used in violation or this ordinance, the appropriate authorities of the Village, or any adjacent or neighboring property owners who would be damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(3) Razing, Removal, Demolition Orders.

Pursuant to Wisconsin State Statute Section 66.05(1) thru (10) is hereby adopted by reference.

(4) Penalties.

Whenever a person shall have been notified in writing by the Zoning Administrator that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within seven (7) days after notice, and shall correct all violations within thirty (30) days after notice. If corrections are not commenced within seven (7) days of written notice or not corrected within thirty (30) days of written notice, each day that a violation continues shall be considered a separate offense.

Any person, firm, corporation, or organization which violates, disobeys, omits, neglects or refuses to comply with, or resists the provisions of the ordinance, shall upon conviction thereof be punished by a fine of not less than fifty dollars ($50.00) or more than five hundred dollars ($500.00) together with the costs of prosecution, and in default of payment thereof by imprisonment in the County Jail until such fine and costs are paid but not to exceed thirty (30) days.

(for future use)

PART "E"

DEFINITIONS

SECTION 21.22 DEFINITIONS

(1) Application.

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

(2) Rules.

Words used in the present tense shall include the future tense; the singular number shall include the plural number and the plural number the singular number. The word "building" shall include the word "structure". The word "shall" is mandatory and not directory; the word "may" is permissive.

(3) Definitions.

ABUTS, ABUTTING: Having a common property line or district line.

ACCESSORY STRUCTURE: A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same lot as the main building.

ACCESSORY USE: See USE, ACCESSORY.

ADJACENT: To lie near or close to; in the neighborhood or vicinity of.

ADJOINING: Touching or contiguous, as distinguished from lying near or adjacent.

AGRICULTURE: The growing of crops, plants, vines, trees or shrubs for commercial sale and accessory uses customarily incidental to such activities. (Also see GARDEN.)

AIR RIGHTS EASEMENT: A negotiable right to use the air space extending upward from a lot, building, body of water or right-of-way.

ALLEY: A public right-of-way, with a width of not more than 24 feet, which affords a secondary means of vehicular access to abutting properties. A street shall not be considered an alley.

ALTERATION: A change in size, shape, or use of a building or structure. (See also STRUCTURAL ALTERATION.)

ANIMAL HOSPITAL: A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

AREA, LAND: The term "land area", when referring to a required area per dwelling unit, means "net land area", the area exclusive of public rights-of-way and other public open space.

ARTERIAL STREET: A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.

AUTOMOBILE LAUNDRY: A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production-line methods.

AUTOMOBILE SERVICE STATION: A building or portion thereof or premises used for offering for sale at retail to the public of fuels, lubricating oil, grease, tires, batteries and accessories for motor vehicles, where repair service is incidental. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage. Automobile service stations do not include open sales lots.

AUTOMOBILE WRECKING YARD: See SALVAGE YARD.

AWNING: A roof-like mechanism, retractable in operation, which projects from the wall of a building.

BASEMENT: A story having part but not more than half of its floor to clear-ceiling height below grade. When a basement is used for storage, parking, or other facilities for the common use of occupants of the rest of the building, it shall not be counted as a story in determining building height. (See also CELLAR.)

BED & BREAKFAST ESTABLISHMENT: Any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

BILLBOARD: See SIGN, ADVERTISING.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, or other lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the Village.

BOARDING HOUSE: See ROOMING HOUSE.

BUFFER STRIP, BUFFERING: A strip of land, generally adjacent to a property line, in which a screen of plantings is installed. Such screen shall be planted with deciduous or evergreen trees and shrubs in any combination deemed appropriate which is dense enough and high enough to be a visual buffer between properties.

BUILDABLE LOT AREA: That portion of a lot remaining when all required yard space has been excluded.

BUILDING: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

BUILDING, ACCESSORY: See ACCESSORY BUILDING.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls, pierced only by windows and normal entrance and exit doors.

BUILDING, DETACHED: A building surrounded by open space.

BUILDING, HEIGHT OF: The vertical distance from finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard rood, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING, PRINCIPAL: See PRINCIPAL BUILDING.

BUILDING, TEMPORARY: Any building not designed to be permanently located at the place where it is, or where it is intended to be temporarily placed or affixed.

BUILDING SETBACK LINE: A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.

BULK: The term used to indicate the size and setback of buildings or structures, and the location of same with respect to one another, and includes the following: (a) size and height of buildings; (b) location of exterior walls; (c) floor area ratio; (d) open space allocated to buildings; and (e) lot area and lot width.

BUSINESS: An occupation, employment, or enterprise which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold, or where services are offered.

CARPORT: A roofed automobile shelter, with two or more open sides.

CELLAR: A space having more than one-half of its floor to clear-ceiling height below average finished grade. A cellar is not counted as a story in determining building height. For purposes of

this Ordinance, a dwelling unit designed to be partially underground shall not be considered as a cellar space. (See also BASEMENT.)

CHANNEL: Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

CLINIC, MEDICAL OR DENTAL: A building or portion thereof, the principal use of which is for offices of physicians or dentists, or both, for examination and treatment of persons on an outpatient basis.

CLUB OR LODGE, PRIVATE: A nonprofit association of persons who are bonafide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises, provided they are secondary and incidental to the principal use.

CLUSTER HOUSING: Development of one-family dwellings on lots which are smaller than would customarily be permitted by this Ordinance; where the density of development is no greater than would otherwise be permitted by conventional lot regulations; and where residual land produced by the smaller lot size is used for common recreation and open space.

COMMUNITY LIVING ARRANGEMENT: The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, the Wisconsin Administrative Code, and the provisions of this Ordinance.

CONFORMING BUILDING: A building which: (a) is designed or intended for a permitted or special use as allowed in the district in which it is located; and, (b) complies with all the regulations of this comprehensive amendment or of any amendment thereof governing bulk of the district in which said building or structure is located.

CONSERVATION STANDARDS: Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for Outagamie and Calumet Counties, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

CONTIGUOUS: In actual contact.

CONTROLLED ACCESS ARTERIAL STREET: The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

DAY CARE FACILITY: A licensed facility for the care and supervision of children for less than 24 hours a day.

DAY CARE HOME: A licensed facility for the care and supervision of up to eight (8) children for less than 24 hours a day in any one family dwelling in a residential district.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

DISTRICT, BASIC: A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.

DISTRICT, OVERLAY: Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basin zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

DRIVE-IN ESTABLISHMENT: An establishment or part thereof in which are provided facilities for serving patrons sitting in automobiles on the premises.

DWELLING: A building or portion thereof designed, used or intended to be used exclusively for residential purposes, including efficiency, duplex, one-family, two-family, multiple family, mobile home, and town house dwelling units but not including trailers or lodging rooms in hotels, motels, or lodging houses.

DWELLING UNIT: One or more rooms, located in a dwelling, which are arranged, used or designed to be used as living quarters for one family only. A dwelling unit shall include an independent entrance and individual bathroom and kitchen facilities permanently installed to serve only the family occupying such unit.

DWELLING, ONE-FAMILY: A dwelling containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY: A dwelling containing only two (2) dwelling units side by side and joined by a party wall or one above the other, designed for occupancy by not more than two (2) families.

DWELLING, MULTIPLE FAMILY: A dwelling containing three (3) or more dwelling units including rental apartments and cooperative and condominium ownership arrangements, with the number of families in residence not to exceed the number of dwelling units provided.

DWELLING, TOWN HOUSE: A dwelling containing three (3) or more dwelling units, each of which has one (1) or two (2) side walls in common with side walls of adjoining dwelling units, and are party or lot line walls. May provide rental or sales housing.

DWELLING, EFFICIENCY: A dwelling unit consisting of one principle room, an individual bath, kitchen facilities and an independent entrance and not exceeding 375 square feet in net floor area, exclusive of halls and entryways.

DWELLING, MOBILE HOME: A prebuilt, one-family dwelling designed and constructed to accommodate a single family, located in a mobile home park, and having the following additional characteristics:

(a)Manufactured as a relocatable dwelling unit for year-round occupancy and for installation on a mobile home stand on a foundation with or without a basement;

(b)Designed to be transported on its own chassis and connected to utilities after placement on a stand or foundation;

(c)Designed to be installed as a complete single-wide or double-wide unit with only incidental unpacking, expanding and assembling needed.

DWELLING, MODULAR: A prebuilt, one-family dwelling which is manufactured in two or more sections for transport to a site for final assembly on a foundation or basement, but does not have a chassis or its own wheels. A modular home is not a mobile home for purposes of this Ordinance.

ELECTRIC DISTRIBUTION CENTER: A terminal at which electric energy is received for the transmission system and is delivered to the distribution system only.

ELECTRIC SUBSTATION: A terminal at which electric energy is received from the transmission system and is delivered to other elements of the transmission system and, generally, to the local distribution system.

ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

ESTABLISHMENT, BUSINESS: A place of business carrying on a business operation, the ownership or management of which is separate and distinct from any other place of business located on the same or other lot.

EXTRA-TERRITORIAL AREA: Any unincorporated area within 1.5 miles of the corporate limits of the Village. [See Wisconsin Statutes 62.23 (7a)]

FALLOUT SHELTER: An accessory building and use which incorporate the fundamentals for fallout protection-shielding mass, ventilation, and space to live, and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout. Such shelter may also be a part of the principal building.

FAMILY: Any number of individuals related by blood, marriage or legal adoption, and including domestic servants living together in a dwelling unit. For purposes of this Ordinance family also includes not more than two (2) roomers, boarders, or permanent guests (whether or not gratuitous) in addition to related individuals and domestics. A group of not more than four (4) unrelated individuals living together as a single housekeeping unit shall also constitute a family.

FARMING -- GENERAL: General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

FARMSTEAD: A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

FENCE: A structure which is a barrier and used as a boundary or means of protection or confinement.

FENCE, OPEN: A fence including gates which as, for each one foot wide segment extending over the entire length and height of the fence, 50 percent of the surface area is open spaces which afford a direct view through the fence.

FENCE, SOLID: A fence, including gates, which conceals from view from adjoining properties, streets, or alleys, activities conducted behind it.

FLOOD-CREST ELEVATION: The elevation of the highest flood level as designated by the Village Engineer.

FLOODPLAIN AREA: That continuous area adjacent to a stream or stream bed, or any storm water retention area and its tributaries, whose elevation is equal to or lower than the floodcrest elevation including also land less than ten (10) acres in area having an elevation higher that flood-crest elevation and which is surrounded by land in a floodplain area, or land, less than five (5) acres in area having an elevation equal to or higher than flood-crest elevation and bordered on three (3) sides by land in a floodplain area.

FLOOR AREA: (for determining Floor Area Ratio) The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured form the exterior faces of the exterior walls, or from the center lines of walls separating two buildings. Floor area shall also include the horizontal areas on each floor devoted to: (a) elevator shafts and stairwells; (b)

mechanical equipment, except if located on the roof, when either open or enclosed - i.e. bulkheads, water tanks, and cooling towers; (c) habitable attic space as permitted by the Building Code; (d) interior balconies and mezzanines; (e) enclosed porches; and (f) accessory uses.

The floor area of structures used for bulk storage of materials - i.e. grain elevators, petroleum tanks, etc. shall be determined on the basis of the height of such structures with those being one floor for each ten (10) feet of structural height. If such structure measures less than ten (10) feet but not less than five (5) feet over such floor heights intervals, it shall be construed to have an additional floor.

The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities and the horizontal area of a cellar floor shall not be included in the floor area.

FLOOR AREA: (for determining Off-Street Parking and Loading Requirements) The sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

FLOOR AREA: (for determining Percentage of Lot Covered) The total ground floor area of principal and accessory buildings which is under a roof or enclosed by a solid fence greater than five (5) feet high. Terraces, patios, porches and steps not under a roof or so enclosed shall not be included in floor area calculations. An awning, trellis, or other open overhead structure shall not be considered a roof insofar as this definition is concerned.

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for appropriate districts, when multiplied by the lot area in square feet, shall determine the maximum permissible floor area for the building or buildings on the lot in such district.

FOSTER FAMILY HOME: The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.

FREIGHT TERMINAL: A building or area in which freight brought by motor truck or railroad freight cars is assembled or stored for routing in intra-state or inter-state shipment by motor trucks or railroad freight cars.

FRONTAGE: All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersection street and the dead end of a street.

GARAGE, PRIVATE, DETACHED: A building, not attached to a dwelling, designed and used for the storage of vehicles owned and used by the occupants of the dwelling to which it is accessory. Not more than one such vehicle may be a commercial vehicle of not more than 1½ ton capacity.

GARAGE, PUBLIC: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

GARAGE, STORAGE, OR OFF-STREET PARKING: A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

GARDEN: Growing of fruit, vegetables and flowers which are not to be sold commercially.

GRADE, ESTABLISHED: The established grade of the street or sidewalk is as prescribed by the Village.

GRADE, FINISHED: The required elevation of the finished surface of the ground adjoining the exterior walls of a building and at all portions of a parcel as shown on the approved grading/drainage plan.

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed, except that no animals shall be kept, boarded, etc., overnight.

GROSS DENSITY: The ratio between total number of dwelling units on a lot and total lot area in acres, the area to include all the land within the lot boundaries including any private roads, recreation areas and drainageways.

GROUP FOSTER HOME: Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

HOME OCCUPATION: Any gainful business, occupation or profession conducted within a dwelling, or on a residential lot containing a dwelling or lot for residential purposes and which is not detrimental to the residential character of the lot on which said home occupation is located or of the surrounding neighborhood.

HOTEL: A multiple story establishment containing lodging rooms, for occupancy by transient guests which provides customary hotel services and usually contains meeting rooms, dining facilities and small retail shops.

INSTITUTION: A building occupied by a nonprofit corporation wholly for public or semi-public use.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or use din conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNKYARD: See SALVAGE YARD.

KENNEL: An establishment wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.

LABORATORY: See RESEARCH LABORATORY.

LAND FILLING: The placing and compacting of dirt and rubble in any area that requires filling so as to be usable for a permitted land use activity. A special permit for a land filling operation must be obtained from the Village Board. The normal placement and grading of fill around the foundation of a structure or placement of less than one foot of topsoil for lawns and landscaping areas around a structure is not considered to be landfill as used in this Ordinance.

LAUNDERETTE: A business that provides coin-operated self-service type washing, drying, dry-cleaning, and ironing facilities, providing that no pick-up or delivery service is maintained.

LOADING SPACE: A space within the principal building or on the same lot as the principle building providing for the standing, loading or unloading of trucks and with access to a street or alley.

LODGING HOUSE: A building originally built for use as a one or two-family dwelling, all or a portion of which contain lodging rooms which are available to accommodate persons who are not members of the keeper's family. Facilities are available for providing lodging or meals or both for compensation for at least three (3) but not more than ten (10) persons.

LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, with or without an individual bathroom but without cooking facilities.

LOT: A parcel of land which, at the time of filing for a building permit, is designated by its owner or developed as a parcel to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "lot" may or may not coincide with a lot of record.

LOT AREA: The area of a horizontal plane bounded by lot line.

LOT, CORNER: A lot abutting two (2) or more streets at their intersection or adjacent to a curving street where the interior angle is less than 120 degrees.

LOT, INTERIOR: A lot that is not a corner lot.

LOT, SUBSTANDARD: A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a

principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.

LOT, THROUGH: A lot having a frontage on two (2) more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (See FLOOR AREA, for determining percentage of lot covered.)

LOT DEPTH: The mean distance between the front lot line and the rear lot line.

LOT LINE, FRONT: That boundary of a lot which abuts a street line. On a corner lot, the lot line having the shortest length abutting a street line shall be the front lot line.

LOT LINE, INTERIOR: A lot line which does not abut a street.

LOT LINE, REAR: That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line and in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE: Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD: A lot which is part of a subdivision, the map of which as been recorded in the office of the Register of Deeds of Fond du Lac County, Wisconsin; or a parcel of land, the deed of which was recorded in the office of the Register of Deeds of Fond du Lac County, Wisconsin prior to the effective date of this Ordinance.

LOT WIDTH: The distance between the side lot lines of a lot measured along the front yard setback line.

MAIN BUILDING FACADE: That portion of a building or structure which is parallel or nearly parallel to the abutting street. For buildings which front on two or more streets the main building facade shall contain the main entrance to such building.

MANUFACTURED HOME: A prefabricated home bearing either the "UDC" sticker signifying manufacturing compliance with the Wisconsin Uniform Dwelling Code or a "HUD" sticker signifying compliance with the National Manufactured Housing Construction and Safety Standards Act. The following restrictions will also apply to manufactured homes.

(a)The structure shall be of "double wide" construction and placed on an approved foundation.
(b)Exterior finishes and appearances shall be similar to and generally indistinguishable from a typical stick-built one-family dwelling.
(c)Lots shall be in individual ownership and not rented.
(d)A manufactured home bearing a "HUD" sticker may only be located in a (R-8) residential district.

MANUFACTURING ESTABLISHMENT: An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or resting of materials, goods, or products.

MARQUEE OR CANOPY: A roof-like structure of a permanent nature which projects from the wall of a building.

MOBILE HOME: See DWELLING, MOBILE HOME.

MOBILE HOME PARK: Any site, plot, parcel or tract of land used or intended to be used for the purpose of providing a location or accommodations for mobile homes and shall include all buildings used or intended to be used as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities. The term "mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection for the purposes of sale.

MOBILE HOME SUBDIVISION: A land subdivision, as defined by Chapter 236 of the Wisconsin Statutes and any Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.

MODULAR UNIT: A modular unit is a factor fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

MOTEL: An establishment consisting of attached or detached lodging rooms with separate bathrooms and separate entrances, and where more than 50 percent of the lodging rooms are occupied or designed for occupancy by transient.

MOTOR FREIGHT TERMINAL: A building or area in which freight brought by motor truck is assembled or stored for routing in intrastate or interstate shipment by motor truck.

MULTIPLE FAMILY: See DWELLING, MULTIPLE FAMILY.

NAMEPLATE: A sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of any permitted occupation therein.

NO-ACCESS STRIP: A strip of land within and along a rear lot line of a through lot adjoining a street which is designated on a recorded subdivision plat or property deed as land over which motor vehicular travel shall not be permitted.

NONCONFORMING USE: Any lawfully established use of a building or of land existing prior to, and at the time of adoption or amendment of this Ordinance and which does not comply with the permitted use provisions of this Ordinance as they apply to the district in which such building or land is located.

NOXIOUS MATTER OR MATERIAL: A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

NURSERY SCHOOL: A licensed facility for the care and supervision of nine (9) or more children for less than 24 hours a day in a one family dwelling, church, school, hospital or similar building.

NURSING HOME: A home for aged, chronically ill, care of children, infirm, or incurable persons, or a place of rest for those persons suffering bodily disorders, in which three (3) or more persons, not members of any family residing on the premises, are received and provided with food, shelter and care, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

OFFICIAL MAP: The Official Map of the Village of North Fond du Lac.

OPEN SALES LOT: Land used or occupied for the purpose of buying, selling, or renting merchandise stored or displayed out-of-doors prior to sale. Such merchandise includes automobiles, trucks, motor scooters, motorcycles, boats or similar commodities.

OPEN SPACE: That part of the lot area not used for buildings, parking, or service. Open space may include lawns, trees, shrubbery, garden areas, footpaths, play areas, pools, water courses, wooded areas and paved surfaces used as access drives but not used for vehicular parking of any kind. See also PERMANENT OPEN SPACE.

PARKING LOT: A structure or premises containing five (5) or more parking spaces open to the public.

PARKING SPACE: An area, enclosed in a building or unenclosed, reserved for the off-street parking of one motor vehicle and which is accessible to and from a street or alley.

PARTIES IN INTEREST: Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.

PARTY WALL: A common wall which extends from its footing below grade to, or through, the roof and divides buildings.

PERFORMANCE STANDARD: A criteria established to control smoke and particulate matter, noise, odor, toxic or noxious matter, vibration, fire and explosion hazards, glare or heat, or radiation hazards generated by or inherent in uses of land or buildings.

PERMANENT OPEN SPACE: A compact and contiguous land area that is designated on the Official Map for educational, religious, recreational, and other institutional uses or such land which is not so designated but which is recommended for designation by the Plan Commission

and approved by the Village Board at or before the time of approval of the subdivision or planned development.

PERSONAL SERVICE ESTABLISHMENT: A building or facility where personal services are available, for profit, including such services are dry cleaning, laundromat, barber shop, beauty parlor, health spa, or tailor.

PET SHOP: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, which buys, sells, or boards any species of animal.

PLAN COMMISSION: The Plan Commission of the Village of North Fond du Lac, Wisconsin.

PLANNED UNIT DEVELOPMENT: A tract of land in single ownership or controlled by a partnership, corporation or cooperative group, which is developed as a unit for residential purposes, or with a mix of residential and nonresidential buildings, with all required roadways, parking and loading areas, accessory buildings, open spaces and other site amenities. A planned unit development shall involve a detailed plan review and approval in accordance with standards and procedures as set forth in this Ordinance.

PRINCIPAL BUILDING: A non-accessory building in which the principal use permitted on the lot is conducted.

PUBLIC AIRPORT: Any airport which complies with the definition contained in Section 114.013(3), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport.

QUARRY, SAND PIT, GRAVEL PIT, TOPSOIL STRIPPING: A lot or land or part thereof, used for the purpose of extracting stone, sand, gravel, topsoil and similar material as an industrial or commercial operation, and exclusive of the process of excavation and grading in preparation for the construction of a duly authorized building, park or highway.

RAILROAD RIGHT-OF-WAY: A strip of land containing railroad tracks and customary auxiliary facilities for train operations. For the purposes of this Ordinance a "railroad right-of-way" does not include land used or intended to be used for siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESERVOIR STANDING SPACES: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

RETAIL: The sale of goods or merchandise in small quantities to the consumer.

ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.

ROOMING HOUSE: A building other than a hotel where meals, or lodging and meals, are furnished for compensation for persons that are not members of the resident family.

SALVAGE YARD: An open area of land and any accessory building or structure thereon which are used primarily for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials, including vehicles, machinery and equipment not in operable condition or parts thereof, and other metals, paper, rags, rubber tires, and bottles. A "salvage yard" does not include an establishment, located in the appropriate manufacturing district, engaged exclusively in processing of scrap iron or other metals to be sold only to establishments engaged in manufacturing of steel or metal alloys.

SANITARY LANDFILL: A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two (2) feet on the top surface and one (1) foot on the sides of the bank, which sides shall have a least 1:2 slope.

SETBACK: The minimum distance between a street line and the nearest wall of a building or side of a structure facing such street line.

SIGN: A name, identification, illustration, description, display or device, or anything else, illuminated or not, which is affixed to a building or sign structure and which directs attention to, promotes or identifies a product, place, name, activity, person, institution or type of business. For purposes of removal, signs shall also include sign structures.

SIGN, ADVERTISING: Any sign portraying information which promotes or directs attention to a person, place, business, product, service, entertainment or other activity not related to a use on the lot on which such sign is located. A billboard or off-premises sign.

SIGN, AREA: As set forth in Section 21.14 of this Ordinance.

SIGN, ELECTRONIC MESSAGE UNIT: Any sign whose message may be changed by electronic process, including such messages as copy, art, graphic, time, date, temperature, weather, or information concerning civic, charitable or the advertising or products or services for sale on the premises. This also includes traveling or segmented message displays.

SIGN, FLASHING: An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. Time-temperature signs are not flashing signs as considered in this Ordinance.

SIGN, GROUND AND/OR POLE: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign.")

SIGN, IDENTIFICATION: Any sign portraying information which promotes or directs attention to a person, place, business, product, service, entertainment or other activity located on the same lot where the sign is installed and maintained.

SIGN, MOVABLE: Any sign not permanently attached to the ground or a building.

SIGN, PROJECTING: Any sign extending more than twelve (12) inches, but less than five (5) feet from the face of a wall or building.

SIGN, ROOF: A sign erected on, against or above a roof and extending above the highest point of the roof. If the sign does not extend above the highest point of the roof, and is single faced, it is considered a wall sign.

SIGN, STRUCTURE: Any structure or material which supports, has supported or is intended to support or help maintain a sign in a stationary position, including any decorative covers or roofs or embellishments extending above such sign.

SIGN, WALL: A single faced sign which is affixed to the wall of any building or structure and projects in a plane parallel to such wall by 12 inches or less.

SIGN, WINDOW: A sign installed inside a window for purposes of viewing from outside the premises.

STORAGE, OUTDOOR: Land outside any building or roofed area and used for the keeping of goods, supplies, raw material or finished products.

SPECIAL EXCEPTION: Written authority to deviate from the requirements for this Ordinance, except the use of land or a building, as set forth and authorized by Section 21.18 of this Ordinance.

SPECIAL USE: See USE, SPECIAL.

STORY: That portion of a building included between the surface of any 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. The floor of a story may have split levels provided that there are not more than five (5) feet difference in elevation between the different levels of the floor. A mezzanine floor shall be counted as a story when it covers over one-third the area of the floor next below it, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. See also BASEMENT and CELLAR.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker of his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET: Any right-of-way in excess of 24 feet in width containing a roadway which affords the primary means of vehicular access to abutting properties. When such right-of-way is not an existing or dedicated public "street", it shall be not less than 40 feet in width, unless otherwise herein regulated. An alley or driveway shall not be considered a street.

STREET FRONTAGE: Property fronting on one side of street between two intersecting streets or along one side of a dead-end street between an intersecting street and the end of the cul-de-sac.

STREET LINE: The street right-of-way line separating the street from abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on, above or below the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, backstops for tennis courts and pergolas.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls, excepting such repair or replacement as may be required for the safety of the building as determined by the Building Inspector.

TAVERN: An establishment where liquors are sold to be consumed on the premises but not including restaurants where the principal business is the serving of food.

TEMPORARY STRUCTURE: A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

TOURIST HOME: A dwelling in which overnight accommodations are provided for no more than 12 transient paying guests.

TRAILER, BOAT or CARGO: A vehicle designed exclusively for the transportation of one boat or less than 10 foot beam and 30 foot length or, if used for the hauling of cargo, not over 70 sq. ft. in cargo floor area.

TRAILER, BUSINESS: Any vehicle or portable structure constructed for use as an accessory building or structure in the conduct of business, trade, or occupation, and which may be used as a conveyance on streets and highways, by its own or other motive power.

TRAILER, CAMPING: A trailer designed and constructed for temporary dwelling purposes which does not contain built-in sanitary facilities and has a gross floor area of less than 130 square feet.

TRAILER, TRAVEL: A trailer designed and constructed for temporary dwelling purposes which may contain cooking, sanitary and electrical facilities, and has a gross floor area of 130 square feet or more, but less than 220 square feet. A recreation vehicle.

USABLE OPEN SPACE: Space suitable for recreation, gardens, or household service activities, such as clothes drying. Such space must be at least 75 percent open to the sky, free of automobile traffic, parking, and undue hazards, and readily accessible by all those for whom it is intended.

USE: The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, and including any manner of performance of such activity with respect to the performance standards of the Village. Land use or activity.

USE, ACCESSORY: A use which is incidental and subordinate to the principal use of a premises or building and located on the same premises as the principal use or building.

USE, LAWFUL: The use of any building or land that conforms with all of the regulations of this Ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements, as existing at the time of the enactment of this Ordinance or any amendment thereto, for the building or land that is being examined.

USE, NONCONFORMING: See NONCONFORMING USE.

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and applicable performance standards of this Ordinance for the district in which such use is located.

USE, PRINCIPAL: The dominant use of land or buildings as permitted by this Ordinance and as distinguished from a subordinate or accessory use.

USE, SPECIAL: A use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular district or districts. After due process in accordance with the provisions of Section 21.11 of this Ordinance, a permit for such "special use" may be granted by the Village Board.

UTILITY: A public service for the provision of energy such as electricity, natural gas or heating oil. Utility shall include high voltage or high capacity transmission lines, whether above or below grade, substations and distribution lines, whether above or below grade.

VARIANCE: Written authority to deviate from any of the use requirements of this Ordinance as set forth and authorized by Section 21.19 of this Ordinance. See also SPECIAL EXCEPTION.

VEHICLE, MOTOR: Any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

VENDING MACHINE: A machine for dispensing merchandise or services designed to be operated by the customer.

VILLAGE: The Village of North Fond du Lac, Wisconsin.

VISION CLEARANCE TRIANGLE: On corner lots and on the right-of-way within the vision clearance triangle, it shall be unlawful to install, to set out, to park or maintain, or to allow such installation, setting out, parking or maintenance of any structures, vehicles, signs, hedges, shrubbery, natural growth or other obstruction of view between 2½ feet and 10 feet above the grade of the intersection of street centerline adjacent thereto. Allowable installations within the vision clearance area: utility and street light poles when no safer alternative location is available; trees, saplings or plant species with growth habits which develop no significant foliage which will obstruct view in the clearance area; official signs and signals; signs in accordance with Section 21.14; and on street parking when traffic controls exist which permit decreased sight lines.

WETLANDS: Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

YARD: An open area on a lot which is open to the sky and unoccupied except as may otherwise be provided in this Ordinance.

YARD, INTERIOR, SIDE: A side yard which adjoins the side yard of another lot or an alley separating such side yard from the side yard of another lot.

YARD LINE: An imaginary line on a lot which is parallel to the lot line along which a required yard extends and which is not nearer to said lot line than the required yard width or depth as set forth in this Ordinance.

YARD, FRONT: A yard extending across the entire width of a lot between the front line (street line) and the front yard line.

YARD, REAR: A yard extending across the entire width of the lot between the rear lot line and the rear yard line.

YARD, SIDE: A yard extending along the side lot line and bounded by the front yard, the rear yard and the side yard line.

ZERO LOT LINE: The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.

ZONING DISTRICTS: The districts into which the Village has been divided for zoning regulations as set forth on the Zoning District Map.

ZONING PERMIT: A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

(for future use)

HISTORY OF MODIFICATIONS

1999-04	Annexing (Braun Parcel)	
1999-05	Annexing (parcels 2 and 3 of conservancy strip)	
1999-09	Creating 21.071 Business Park (BP)	
1999-10	Annexation (Pinto)	
1999-11	Annexation (Riegert)	
1999-13	Annexation (Pinto Parcel II)	
1999-14	Annexation (Sieger)	
1999-15	Annexation (Schneider)	
1999-19	Amend 21.03(4) rezone R-7 to R-3 (Willis Et. al.)	
2000-03	Annexing (MLG)	
2000-06	Annexing (Westwood-Willis Addition parcel)	
2000-07	Amend schedule 21-07A land uses.	2-7-00
2000-13	Annexing (Fenske Parcel)	
2000-16	Annexing (Dee Parcel- N7529 Van Dyne Road)	
2000-17	Annexing (Streetar- W6659 Winnebago St)	
2000-20	Annexing (Willis Annexation)	
2000-22	Annexing (portion of Westwood Ave).	
2000-23	Repeal 21.05(2)(f) and recreate. Amend 21.12(1)(e and f).	
2000-27	Amend 21.03(a) rezone R-6 to BP(MLG).	
2001-01	Amend 21.12 Fencing	2-5-01
2001-04	Annexing (N7548, N7556, N7560, N7566)	4-2-01
2001-05	Annexing (Rebeusberg)	4-16-01
2001-10	Amend 21.12(7)h Swimming pools	6-4-01
2002-13	Sign ordinance 21.14, recre 21.07(3)g, rem 21.071(4) & 21.06(4)	10-7-02
2002-16	Annexation Athletic Fields School	12-2-02
2002-18	Annexation Tatro Development	11-18-02
2003-01	Amend 21.11(12)c Family Care Homes	1-6-03
2003-02	Annexation Village Owned Property	2-3-03
2004-03	Board of Appeals composition. 21.19	6-7-04
2004-04	Annexation N7717 Minnesota Ave (1716 Minnesota)	7-19-04
2004-05	Rezone 406 Winnebago St R-3 to R-6	8-16-04
2004-06	Rezone Blackbird Addition lots R-3 to R-5	10-4-04
2004-07	Rezone Northgate Estates BP to R-6	10-4-04
2004-08	Rezone 1716 Minnesota Ave R-7 to R-4	10-4-04
2005-01	Annexation N7430 Van Dyne Road	2-7-05
2005-02	Electronic message centers 21.14(C)16	2-7-05
2005-06	Rezone 925 Prospect Ave R-7 to R-3	4-18-05
2006-01	Annexation Braun	1-16-06
2006-04	Rezone Braun parcels to R-3 and R-5	3-6-06
2006-06	Comprehensive Plan amendment Future Land Use Map	5-15-06
2006-17	Annexation (Hopp) 421 Winnebago St	12-4-06
2006-18	Rezone (Blackbird Addition lots 2-10, 14, 15) to R-5	12-4-06
2006-20	Rezone 389 Winnebago Street to B-2	12-4-06
2006-21	Rezone School Athletic Field	12-18-06

2007-02	Annexation (N7775 Minnesota Avenue)	11-5-7
2008-01	Rezone 1824 Minnesota Ave R-7 to R-4	1-7-08
2008-02	Amend 21.12(1) to create (e) garage and carport appearance	1-7-08
2008-05	Annexation Winnebago project-Zabel	7-7-08
2009-06	Amend 21.14(D)6 Prohibited Signs	8-17-09
2010-03	Annexation for well house Creek Vu Dr	4-5-10
2010-07	Amend 21.12 Accessory Uses and Structures	12-6-10
2010-08	Amend 21.17 General Administrative system	12-6-10
2011-01	Rezone 1100 Prospect Ave R-3 to O	5-7-11
2011-02	Rezone 632 Florida Ave R-3 to R-5	5-7-11
2011-04	Annexing (N7452 Sunset Circle)	5-16-11
2012-02	Recreate 21.09(3)(l)and (m) Mobile Home General Provisions	4-2-12
2012-03	Recreate 21.12(6)(d)(9) Fences and Hedges General Provisions	4-2-12
2012-04	Recreate 21.17(5)(b)(3) Plan Approval	4-2-12
2012-05	Rezone 8 Lake Shore Dr. parcels R-7 to I-1	5-7-12
2012-06	Rezone 6 Lake Shore Dr. parcels R-7 to O	5-7-12
2012-07	Rezone 710-712 Lake Shore Dr. from I-1 to O	5-7-12
2014-01	Rezone 1 and 3 Winnebago St. from R-4 to I-1	3-3-14
2014-02	Amend 21.04 Shoreland Zoning	6-2-14
2015-01	Create 21.05(2)g Residential Light Pollution	9-8-15
2016-02	Rezone a parcel adj. 3 Winnebago Cardinal from R-4 to I-1	2-15-16
2018-02	Rezone 502 Prospect Ave Blacksmoke two parcels I-1 to B-1	2-19-18
2018-03	Rezone V05-16-17-99-FO-632-00 S. portion of 1 Winnebago St R-4 to I-1	4-16-18
	Rezone V05-16-17-32-08-003-00 R-7 to O School vacant land	4-16-18
2018-08	Amend 21.02(6)(e) and (f) Mobile Homes, Trailers, Boats…	7-2-18
2019-02	Amend 21.02(3)(h) Through Lots	5-1-19
2020-03	Created 21.02(11) Mobile Service Facility Zoning Requirements	2-18-20
2020-04	Created 21.11(12)(y) Special Use Mobile Service Facility	2-18-20
2020-07	Annexing 425(W6702) Winnebago Street (Haensgen)	11-17-20
2021-01	Create 21.12(1)(C) and 21.12(1)(h)32 Chicken Keeping	7-19-21
2023-01	Amend 21.14 Sign Regulations	3-6-23
2023-03	Amend 21.05(2)(c) Required Open Space	10-2-23
2023-06	Amend 21.13(4)(f)1 Yards	10-2-23
2024-01	Rezone 419 Blackbird Street R-7 to R-3	3-4-24
2024-02	Rezone 421 and 425 Winnebago Street R-7 to R-3	3-4-24
2024-03	Rezone 524 Prospect Ave from to R-7 to R-3	3-4-24
2024-05	Amend 21.12 Gazebo and Pergola	6-17-24
2024-07	Amend 21.05 required Open Space	9-26-24
2025-01	Amend 21.12 Steel Shipping Containers	3-17-25

rev. 7-9-25