



# **CITY OF FOND DU LAC**

**1984 Revised Zoning Code**

**Revised 12/2010**

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**SECTION 11.01**  
**PURPOSE AND INTENT**

11.01 A. PURPOSE

The provisions of this Ordinance shall be held to be minimum requirements adopted for the purpose of:

1. Promoting the health, safety, morals, and general welfare;
2. Securing adequate light, pure air, and safety from fire and other dangers;
3. Conserving the taxable value of land and buildings throughout the City of Fond du Lac; and
4. Preserving the enhancing aesthetic values generally throughout the City of Fond du Lac.

11.01 B. INTENT

This Ordinance is intended to establish and accomplish certain standards and objectives by:

1. Dividing the entire City of Fond du Lac into districts and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, or other specified uses;
2. Avoiding or lessening congestion in the public streets by adequate requirements for off-street parking and loading facilities;
3. Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected;
4. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or property lines;
5. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding such buildings;
6. Permitting in each of the zoning districts only those uses, buildings and structures that are compatible with the character of each district;
7. Providing controls over additions to and alterations and remodeling of existing buildings and structures;

**INTENT 11.01 B.8.**

8. Providing controls governing the continuation of those uses, buildings, and structures, which are incompatible with the character of the districts in which they are located;
9. Defining the powers and duties of the administrative officers and bodies for the administration and enforcement of this Ordinance; and
10. Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

**SECTION 11.02**  
**INTERPRETATION AND SEPARABILITY**

11.02 A. INTERPRETATION

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.
2. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than comparable standards imposed by any other provision of this Ordinance or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulation which is more restrictive or which imposed higher standards or requirements shall govern.
3. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.
4. No building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance. To the extent that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

11.02 B. SEPARABILITY

It is hereby declared to be the intention of the City Council of the City of Fond du Lac that the several provisions of this Ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment;
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

**SECTION 11.03**  
**DISTRICTS AND DISTRICT MAP**

11.03 A. ESTABLISHMENT OF DISTRICTS

In order to carry out the purpose and provisions of this Ordinance, the City of Fond du Lac is hereby divided into the following zoning districts:

1. R-1 Residential District
2. R-2 Residential District
3. R-3 Residential District
4. R-3.5 Residential District
5. R-4 Residential District
6. R-5 Residential District
7. B-2 Neighborhood Shopping District
8. B-3 Central Shopping District
9. B-4 Service Commercial District
10. B-5 Special Commercial District
11. B-6 Planned Commercial District
12. C-R Commercial-Recreation District
13. O Office District
14. M-1 and M-2 Manufacturing District
15. S Shoreland District
16. C Conservancy District
17. A-1 Exclusive Agricultural District
18. A-T Agricultural Transition District

11.03 B. DISTRICT MAP AND BOUNDARIES

1. Zoning District Map

The districts and their boundaries are shown on the accompanying map entitled Zoning District Map - City of Fond du Lac, Wisconsin - dated October 1966, which map and all amendments thereto and all notations, references and other information shown thereon are hereby incorporated into, and made a part of, this Ordinance. The original zoning district map, properly attached, is on file in the office of the City Clerk of Fond du Lac, Wisconsin.

## **DISTRICT MAP AND BOUNDARIES 11.03 B.2.**

### 2. Establishment of Boundaries

District boundary lines are the center lines of railroad, highway, street or alley rights-of-way, or lot lines, or such lines extended, unless otherwise indicated by dimensions on the map. All dimension lines are measured from the center of a right-of-way, or a section, quarter-section, or division line unless otherwise clearly indicated.

### 3. 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.

### 4. Determination of Exact Location

Questions concerning the exact locations of district boundary lines shall be resolved by the Board of Appeals.

**SECTION 11.04**  
**GENERAL PROVISIONS**

11.04 A. CONTROL OVER USE

1. 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 Schedule I, II or III 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.

2. Existing Uses or Building Permits

- a. 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 11.13 shall apply to such use.
- b. 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 Sec. 11.10 A of this Ordinance.

3. Special Uses

- a. 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.
- b. An application for a special use permit shall be processed in accordance with the procedures set forth in Section 11.10 of this Ordinance. The City Council 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 11.10 and additional regulations that the City Council considers necessary to protect the public health, safety and welfare.

## **CONTROL OVER BULK 11.04 B.**

- c. When a principal land use requires a special use permit any accessory use thereto, including but not limited to, such uses described in Section 11.04 C. of this Ordinance, shall also require a special use permit.

### 11.04 B. CONTROL OVER BULK

#### 1. New Structures

New structures shall conform with the bulk requirements established herein for the district in which each such structure is located (see Schedules I.A, II.A, III.A).

#### 2. 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 when conversion is permitted in accordance with Section 11.06 C. 11 and 11.13 B. 2 of this Ordinance.

#### 3. Existing Residential Lot of Record

In any district where there exists a legal lot of record at the time of the adoption of this Ordinance which does not meet the requirements of this Ordinance as to area, depth or width, such lot may be used for any use permitted in the district in which it is located, upon compliance with all other applicable requirements of this Ordinance. Additionally, the property owner shall 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.

#### 4. Height of Structure

- a. 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 that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, solar energy systems, or similar equipment required to operate and maintain the structure, and fire or parapet walls, skylights, steeples, flag-poles, chimneys, smokestacks, electric and telephone service poles, water tanks, silos, storage hoppers, elevators or similar structures, if permitted in the district, may be erected above the height limits herein prescribed.

## CONTROL OVER BULK 11.04 B.5

- b. 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 corners, the grade from which the building height is measured shall be at the uphill building line midway between the side lot lines.

### 5. Two or More Uses on One Lot

When two 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.

### 6. Lot Division

No lot shall hereafter be divided into two or more lots unless all lots resulting from each such division shall have lot area, depth and width as required in this Ordinance. In the case of a lot line adjustment between existing lots of record, the boundaries shall not be changed unless all lots resulting from such modification shall provide lot area, depth and width as required in this Ordinance.

### 7. Yards and Open Space

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. 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. In the case of an existing nonconforming setback for a building which is a permitted use in the district in which it is located, the following shall apply:

- a. Front Yard Setback. Where established front yard setbacks are less than required by this Ordinance, continuation of a non-conforming setback is allowed for the expansion of a building, provided:
  - (1) On a corner lot, the continuation of a nonconforming setback shall be not closer than 25 feet from the intersection of the rights-of-way lines of the intersecting streets nor interfere with the vision clearance triangle;

## CONTROL OVER BULK 11.04 B.7.a.(2)

- (2) In no case shall a garage or carport be located less than 20 feet from a street right-of-way;
  - (3) A building addition shall not exceed one story in height within the area of non-conformity and shall be constructed as an integral part of the existing structure.
  - (4) A building addition shall otherwise completely comply with all other requirements of this Ordinance.
- b. Side and Rear Yard Setbacks. Where established side and/or rear yard setbacks are less than required by this Ordinance, continuation of a non-conforming setback is allowed for the expansion of a building, provided:
- (1) A building addition shall not exceed one story in height within the area of non-conformity and shall be constructed as an integral part of the existing structure.
  - (2) A building addition shall otherwise completely comply with all other requirements of this Ordinance.

### 8. Through Lots

On through lots both street right-of-way lines shall be front lot lines and front yard setback requirements shall apply for all buildings and structures, including accessory structures such as fences, storage buildings, gazebos, playhouses and play equipment, etc. Where the established setback of a block for the yard area opposite the street address of the principal building is less than required by this Ordinance, an accessory building or structure may be sited in line with the nonconforming setback, provided:

- a. No visual obstruction of the public right-of-way is created for any abutting or nearby driveway.
- b. On a corner lot the continuation of a nonconforming setback shall be not closer than 25 feet from the intersection of the rights-of-way lines of the intersecting streets nor interfere with the vision clearance triangle.
- c. In no case shall a garage or carport be located less than 20 feet from a street right-of-way.

**CONTROL OVER BULK 11.04 B.9**

9. Mobile Homes

The installation or re-installation of a mobile home as a residence in a mobile home park shall require the issuance of a mobile home permit by the Building Inspector. No mobile home permit may be issued for an installation which does not meet the Manufactured Home Site Fire Safety Requirements (setback requirements) of the City of Fond du Lac Fire Protection Code. (#2613)

11.04 C. CONTROL OVER ACCESSORY STRUCTURES AND USES

1. Accessory buildings and uses 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.
2. Accessory uses shall not include the keeping, propagation or culture of poultry (except racing, homing, and show pigeons), rabbits, bees, 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.
3. The following accessory buildings and uses are permitted and may be obstructions in yards and courts. Accessory buildings and uses not included in the listing as set forth in this Section 11.04 C.3 or specially permitted by other provisions of this Ordinance shall not be permitted in required yards and courts.

F Denotes front yards and side yards adjoining streets

S Denotes interior side yards

R Denotes rear yards

C Denotes open courts

- a. Awnings or entry canopies which project not more than 25 percent of the width or depth of a yard or not more than 3 feet into a court S R C

**CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- |    |  |   |   |   |   |  |
|----|--|---|---|---|---|--|
| b. | Awnings, signs or entry canopies that project not more than 25 percent of the width or depth of a yard or not more than 3 feet into a court<br>(1) The minimum clearance from the bottom of the awning to grade shall be at least 8 feet;<br>(2) The awning or canopy shall not be situated within the vision triangle or in any way obstruct or impede the vision of pedestrians or motorist;<br>(3) No pole or support structure shall impede or impair public safety;<br>(4) An awning or canopy shall be continuously maintained in good condition.                      | F |   |   |   |  |
| c. | Arbors or trellises, detached  |   |   | R | C |  |
| d. | Arbors or trellises, attached  | F | S | R | C |  |
| e. | Bay windows projecting not more than 3 feet into a front yard and not more than 2 feet into a side yard or court.  | F | S | R | C |  |
| f. | Chimneys projecting not more than 2 feet into a yard or court.   | F | S | R | C |  |
| g. | Decks and balconies, aboveground (uncovered platform above the first floor elevation of a building). A projection of 4 feet from the building shall be permitted where the deck or balcony provides building egress. The projection shall be measured from the building wall to the outside face of the platform. This proviso shall apply only to the remodeling or rehabilitation of an existing building; the construction of a deck or balcony as part of a new building shall conform to setback requirements applicable to the principal structure.                    | F | S | R | C |  |
| h. | Decks and porches, ground level (uncovered platform at or below the first floor elevation of a building). A projection of 4 feet from the building, excluding steps, shall be permitted where the deck or porch provides building egress. The projection shall be measured from the building wall to the outside face of the platform. This proviso shall apply only to the remodeling or rehabilitation of an existing building; the construction of a deck or porch as part of a new building shall conform to setback requirements applicable to the principal structure. | F | S | R | C |  |

**CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| i. | Eaves and gutters projecting not more than 4 feet into a front and rear yard and not more than 2 feet into a side yard or court.   | F | S | R | C |
|    |  |   |   |   |   |
| j. | Fences, open   |   |   |   |   |
|    | (1) Residence Districts  |   |   |   |   |
|    | (a) Three feet maximum height within the vision clearance triangle.  | F |   |   |   |
|    | (b) Four feet maximum height.  | F |   |   |   |
|    | (c) Six feet maximum height.   |   | S | R |   |
|    | (d) Unlimited height adjacent to nonresidential uses.  |   | S | R |   |
|    | (2) Nonresidential districts, 10 feet maximum height.  |   | S | R |   |
|    | (3) Schools in any district, unlimited height.   | F | S | R |   |
|    | (4) When a fence over 7.5 feet in height is permitted in a commercial or industrial district, barbed wire may be used 7.5 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 overhang any lot line, sidewalk, street or alley. |   |   |   |   |
|    |  |   |   |   |   |
| k. | Fences, solid  |   |   |   |   |
|    | (1) Residence Districts  |   |   |   |   |
|    | (a) Six feet maximum height.   |   | S | R |   |
|    | (b) Ten feet maximum height adjacent to non-residential use or district, beginning at least 15 feet from the front lot line.   |   | S | R |   |
|    | (2) Nonresidential Districts   |   |   |   |   |
|    | (a) Four feet maximum height when used to screen permitted parking area.   | F |   |   |   |
|    | (b) Ten feet maximum height.   |   | S | R |   |
|    | (c) Ten feet maximum height when used to screen permitted open storage areas.  |   | S | R |   |
|    | (3) Where a fence over 7.5 feet in height is permitted in a commercial or industrial district, barbed wire may be used 7.5 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 it overhang any lot line, sidewalk, street or alley.            |   |   |   |   |

**CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- |    |  |   |   |   |   |
|----|--|---|---|---|---|
| l. | Fire escapes, open or enclosed, or fire towers required for egress for commercial buildings projecting into a front yard or side yard adjoining a street not more than 5 feet, and into an interior side yard or court not more than 3.5 feet.   | F | S | R | C |
| m. | Flagpoles  | F | S | R | C |
| n. | Garages or carports  |   | S | R |   |
|    | (1) Single family dwelling. One garage or carport, or combination thereof, attached to or detached from the residential building, is allowed for each dwelling.  |   |   |   |   |
|    | (2) Two-family dwelling. One garage or carport, or combination thereof, detached from the residential building is allowed for a lot <u>or</u> one garage or carport, or combination thereof, attached to the residential building is allowed for each dwelling unit.   |   |   |   |   |
|    | (3) Multifamily dwelling. One garage or carport, or combination thereof, detached from the residential building(s) is allowed for each building <u>or</u> one garage or carport, or combination thereof, attached to a residential building(s) is allowed for each dwelling unit.  |   |   |   |   |
| o. | Garage or carport, detached.   |   |   |   |   |
|    | (1) Single-family and two-family dwellings.  |   |   |   |   |
|    | (c) Maximum size: 650 square feet or cover a ground area not greater than that covered by the residential building, whichever is less, upon compliance with Sections (b) through (h) below.  |   |   |   |   |
|    | Where a property owner desires to consolidate the allowable garage area of 650 square feet and the allowable area of a storage building (100 square feet), a garage area of up to 750 square feet is permitted, provided that the area covered by the residential building is 750 square feet or greater, and upon compliance with Sections (b) through (j) below. |   |   |   |   |
|    | (b) Maximum height: 15 feet or one story, whichever is less.   |   |   |   |   |

### **CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- (c) Setbacks: Not less than 2 feet from any rear or side lot line.
  - (d) Building Separation: Follow fire separation requirements of the Uniform Dwelling Code.
  - (e) The front wall of a detached garage or carport shall not extend beyond the front wall of the residential building.
  - (f) The width of a detached garage shall not exceed more than one-half of the width of the lot.
  - (g) The general appearance and construction materials of garage and carport structures shall resemble the residence. The use of metal buildings is not allowed.
  - (h) Eavetroughs and downspouts shall be provided to direct roof water away from adjacent properties.
  - (i) Accessory buildings such as sheds, gazebos, playhouses, swimming pool maintenance buildings, etc. shall be prohibited. In the case of an existing accessory building, removal of such building shall be required upon completion of a new garage.
  - (j) The open parking or storage of recreational vehicles and equipment such as motor homes, travel trailers, campers, tent trailers, boats, water craft, snowmobiles, and cargo trailers shall be prohibited.
- (2) For two or more single family dwellings on one lot, see Section 11.06 E.2.
  - (3) For two or more two-family dwellings on one lot, see Section 11.06 B.4.
  - (4) Multifamily dwelling.
    - (a) Maximum size: A garage or carport shall not cover a ground area greater than that covered by the residential building(s).
    - (b) Maximum height: 15 feet or one story, whichever is less.
    - (c) Setbacks: Comply with yard requirements of the principal use.
    - (d) Building Separation: See Section 11.06 B.4.e.

### CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3

- (e) The general appearance and construction materials of garage or carport structure shall resemble the residential building. The use of metal buildings is not allowed.
- p. Garage or carport, attached.
  - (1) Single-family and two-family dwellings.
    - (a) Maximum size: Cover a ground area not greater than that covered by the residential building.
    - (b) Maximum height: one story.
    - (c) Setbacks: Comply with yard requirements of the principal use.
  - (2) For two or more single family dwellings on one lot, see Section 11.06 E.2.
  - (3) For two or more two-family dwellings on one lot, see Section 11.06 B.4.
  - (4) Multifamily dwelling.
    - (a) Maximum size: Cover a ground area not greater than that covered by the residential building(s).
    - (b) Maximum height: one story.
    - (c) Setbacks: Comply with yard requirements of the principal use.
- q. Gazebo. R
  - (1) Single-family and two family dwellings: One gazebo shall be permitted per lot, provided that the property does not include any other accessory building such as a storage shed, playhouse, swimming pool maintenance building, etc.
  - (2) For two or more single family dwellings on one lot, see Section 11.06 E.2.j.(2).
  - (3) For two or more two-family dwellings on one lot, see Section 11.06 B.4.h.
  - (4) For multifamily dwellings, see Section 11.06 B.4.h.
  - (5) Maximum area: Cover a ground area not to exceed 10% of the rear yard area, or not more than 200 square feet, whichever is less. The rear yard shall include the uncovered lot area behind the residence.
  - (6) Maximum height shall not exceed one story or 15 feet, inclusive of decorative architectural elements.

**CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- (7) Setbacks: Not less than 2 feet from any side or rear lot line, and not less than 5 feet from the residence or a detached garage.
- (8) Siting and construction of a gazebo shall not interfere with property drainage.
- (9) A gazebo shall be used for recreational purposes only. A gazebo shall not be used, or converted for use, for sleeping or living quarters, a workshop or studio, a home business, or for storage purposes.
- r. Lawn furniture, such as benches, sun dials, bird baths and similar architectural features. F S R C
- s. Open off-street loading spaces. See also Section 11.11 F. S R
- t. Open off-street parking space. All open off-street parking spaces and driveways shall be paved within one year of construction. If left unpaved for up to the permitted one year, a base course consisting of a minimum of four inches (4") of gravel is required prior to occupancy. (#2538)
  - (1) Single family: In addition to the driveway parking area, one uncovered parking space is permitted alongside the garage when such space is not located between the building and the street, and at least 8 feet from a side or rear lot line. Open off-street parking spaces must be screened with landscape plantings or fencing, and must be constructed so as to not interfere with lot drainage. Parking of vehicles shall be permitted only within driveway boundaries and paved off-street parking spaces. S R
  - (2) For two family and multiple dwelling units all standards of (1), above, apply, except that parking shall be located at least 5 feet from a side or rear lot line and the number of additional spaces is not limited by (1), above. See also Section 11.11 E.6, E.7, E.8 and E.9. S R C
  - (3) For business uses when located no less than 5 feet from any side or rear lot line and when the provisions of Section 11.11 E.6, E.7, E.8 and E.9. of this Ordinance have been complied with. S R
- u. Ornamental light standards. F S R C
- v. Outdoor wood burning furnace. R
 

Mechanical equipment designed and intended, through the burning of wood, for the purpose of heating a structure on the premises.

## CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3

- (1) Permit. A heating permit is required prior to installation. Only a furnace tested and listed by a recognized testing laboratory will be allowed. Electrical wiring to serve an outdoor furnace shall be installed in accordance with the Wisconsin Electrical Code. A site plan indicating the location of the furnace on the property, and information to determine compliance with applicable standards and codes, shall be filed with the permit application.
- (2) Location. One (1) outdoor furnace may be installed on a single-family residential lot, or on a lot used for single-family residential purposes, at least one-half (.5) acre in size. An outdoor furnace shall be restricted to the rear yard, located not closer than ten (10) feet to any structure on the premises, and located at least 150 feet from any door, openable window or air intake vent of a building regularly occupied by people on an adjoining lot. Where an adjoining lot is undeveloped, the outdoor furnace shall be located at least 50 feet from a side or rear lot line.
- (3) Chimney height. The maximum height of a chimney shall be not more than 10 feet in height.
- (4) Firewood storage. Firewood shall be stored in the rear yard only. Firewood may be temporarily stored in the front yard for a period of ten (10) days from the date of delivery. Firewood shall be neatly stacked and not higher than 4 feet. Not more than 4 cords of wood shall be stored in the open. A cord of wood is described as 4'x4'x8'. All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises. The open storage of scrap wood, pallets and similar materials shall not be allowed.
- (5) Existing Furnaces. An outdoor wood burning furnace installed prior to adoption of this ordinance may continue to be used indefinitely, except that replacement or modification may occur only upon compliance with all requirements of this ordinance. In the event that compliance with this section cannot be achieved for modification or replacement, the furnace shall be removed.

### CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3

- (6) Abandonment and discontinuance. Any outdoor wood-burning furnace that does not comply with the standards of this ordinance and is abandoned or discontinued for a period of twelve (12) months shall be removed by the property owner from the subject premises. No nonconforming furnace that has been damaged by natural causes to the extent of more than fifty percent (50%) of its assessed value shall be repaired or rebuilt.
- (7) Disconnection or removal. If an outdoor furnace or any part thereof is deemed unsafe, the City Heating Inspector may order that the furnace be permanently disconnected or removed.
- (8) Public nuisance. Dense smoke, noxious fumes, gas and soot, cinders, or live sparks produced by an outdoor furnace that interfere substantially with the comfortable enjoyment of life, health or safety of another person or the public may be declared a public nuisance by a properly designated authority and ordered abated.
- w. Playground and laundry-drying equipment. R C
- x. Rummage sales, yard sales, garage sales and similar sales events. Four sales in a calendar year are permitted for a residential property; each event not to exceed 3 consecutive calendar days in duration. See also Section 11.06 E.6.c.(2).
- y. Sheds, storage buildings for garden equipment and household items, playhouses, swimming pool maintenance buildings. S R C
- (1) Single-family and two-family dwellings. In addition to an attached or detached garage, one accessory building as described above is permitted for a lot, not to exceed 100 square feet in area for a lot 10,000 square feet or less in area. Where a lot is more than 10,000 square feet in area, an accessory building up to 200 square feet in area is permitted, provided the structure is complementary in design, materials and colors of the principal residential building. See also paragraphs p. and n(1). No accessory building shall be more than one story or 15 feet in height, whichever is less, be not less than 2 feet from any side or rear lot line and not less than 5 feet from the nearest residential building.

**CONTROL OVER ACCESSORY STRUCTURES AND USES 11.04 C.3**

- (2) For two or more single family dwellings on one lot, see Section 11.06 E.2.j.(1).
- (3) For two or more two-family dwellings on one lot, see Section 11.06 B.4.h.
- (4) Multifamily dwellings, see Section 11.06 B.4.h.
- z. Solar energy equipment. S R C
- aa. 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
- bb. 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 steps for access to and from a principal or accessory building. F S R C
- cc. Swimming pools, private - when conforming to other codes or ordinances. R
- dd. 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
- ee. Terraces, patios and outdoor fireplaces. S R
- ff. Tennis courts, private. R
- gg. 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. S R

11.04 D. CONTROL OVER CORNER-LOT SIGHT LINES

On corner lots and on the right-of-way within the vision clearance triangle, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed on any lot between 3 and 9 feet above the grade of the sidewalk adjacent to such streets and within the vision clearance triangle as defined in Section 11.15 C. of this Ordinance.

11.04 E. ONE-FAMILY DWELLING

In any residence district every one-family dwelling hereafter erected or structurally altered, and any building accessory thereto, shall be located on its own independent lot, and there shall be not more than one such principal building on one lot unless otherwise provided for elsewhere in this Ordinance.

## REGULATIONS GOVERNING AIRPORTS AND THEIR SURROUNDINGS 11.04 F.

### 11.04 F. 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 City 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.

### 11.04 G. MOBILE HOMES, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT, PROHIBITED VEHICLES AND EQUIPMENT

#### 1. Mobile Homes

Temporary parking and use of a mobile home shall be permitted when a temporary permit has been issued by the Building Inspector for the following purposes:

- a. Use for a temporary office or for storage incidental to a construction project, and only for the period of construction, provided such mobile home is located on the same or contiguous lot as said construction and moved promptly at the end of construction or upon notice by the Building Inspector.
- b. Use for a temporary office in a commercial or industrial district, or for temporary classroom space for a school, for a period not to exceed 12 months.
- c. Use as an interim dwelling in the event a permanent residence has been severely damaged or destroyed, for the period of repair or reconstruction. In all other cases, mobile homes shall not be occupied for dwelling purposes except in a lawfully established mobile home park or tourist camp.

#### 2. Recreational Vehicles and Recreational Equipment

- a. Recreational Vehicles. A "Recreational Vehicle" is defined as a self-propelled motorized, towed or hauled vehicle with sleeping facilities and primarily designed as a temporary living accommodation for recreational, camping and travel use such as a travel trailer, truck camper, tent trailer, motor home. The provisions of this subsection shall apply to any lot in a residence district or any lot used for residential purposes.

- (1) Not more than one recreational vehicle may be parked or stored outside of an enclosed building.

**MOBILE HOMES, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT,  
PROHIBITED VEHICLES AND EQUIPMENT 11.04 G.2**

- (2) The outdoor parking or storage of a motor home, travel trailer or truck camper shall be restricted to a paved parking area alongside of a garage, where additional paved parking per Section 11.04 C.3.r is provided, and provided that no major repair, disassembly or rebuilding operations are conducted thereon. A tent camper may be stored within the lawn area of a side or rear yard, provided such camper is not visible to neighboring properties by virtue of location, fencing or landscaping.
  - (3) The temporary outdoor parking of a recreational vehicle within a driveway or other yard area shall be allowed for the purpose of loading or unloading, washing or general maintenance, for a period not to exceed 72 consecutive hours.
- b. Recreational Equipment. "Recreational Equipment" is defined as towed or hauled vehicles for leisure use such as boats, snowmobiles, cargo trailers not more than 8 feet in length, water craft, and similar vehicles and equipment, except fishing shanties. The provisions of this subsection shall apply to any lot in a residence district or any lot used for residential purposes.
- (1) Not more than one item of recreational equipment shall be parked or stored outside of an enclosed building.
  - (2) Recreational equipment may be parked or stored outside of an enclosed building within the lawn area of a side or rear yard, or within the driveway when situated so as not to project in front of the front wall of the residence, provided such equipment is not visible to neighboring properties by virtue of location, fencing or landscaping, and provided that no major repair, disassembly or rebuilding operations are conducted thereon. The parking or storage of recreational equipment within any front yard area shall be prohibited.
  - (3) The temporary outdoor parking of recreational equipment within a driveway or other yard area shall be allowed for the purpose of loading, unloading, washing or general maintenance, for a period not to exceed 72 consecutive hours.

**MOBILE HOMES, TRAILERS, RECREATIONAL VEHICLES AND EQUIPMENT,  
PROHIBITED VEHICLES AND EQUIPMENT 11.04 G.2.b.(2)**

3. Prohibited Vehicles and Equipment

The following vehicles and equipment, as well as similar vehicles and equipment, shall not be parked or stored in any residence district or on a lot used for residential purposes, except for the purpose of servicing the premises:

Vehicles: Truck tractor, semi-trailer, independent trailer, commercial walk-in truck, dump truck, commercial flat bed truck, commercial or industrial trailer of any kind, carnival trailer, utility trailer greater than 8 feet in length, truck equipped with power attachments or tools (excluding tow truck), school bus, commercial bus, passenger carrying vehicle which exceeds 21 feet in length.  
Equipment: Any special mobile equipment such as ditch-digging apparatus, asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls, scrapers, power shovels, self-propelled cranes, earth moving equipment.

4. Inoperable Vehicles and Equipment

Any inoperable vehicle, any vehicle or equipment included in Subsections 1, 2 and 3 above which are not legally registered to operate on a public street, or any dismantled portions thereof shall not be parked or stored outside of an enclosed building on a lot in a residence district or on a lot used for residential purposes.

11.04 H. TEMPORARY USES OF LAND

A temporary land use is any use conducted on an intermittent basis not intended to become permanent. Such uses may include, but are not limited to, the sale of seasonal merchandise (fireworks, Christmas trees, pumpkins, etc.), circuses and carnivals, and outdoor retail sales. Temporary sales facilities shall be limited to commercial and industrial zoning districts, unless otherwise allowed by this Ordinance. Where tents, sales trailers or temporary structures are utilized for a temporary land use, the following shall apply:

- a. The Building Inspector shall issue a permit to allow the temporary land use for a period not to exceed 60 days. The outdoor sale of garden merchandise shall be allowed for a period not to exceed 120 days.
- b. The placement of any tent, sales trailer or temporary structure shall not encroach into the public right-of-way, be placed within the vision clearance triangle, or be situated to encourage unsafe traffic movements or compromise public safety.

## **SEWERAGE AND WATER SYSTEMS 11.04.I.**

### **11.04 I. SEWERAGE AND WATER SYSTEMS**

1. Each use hereafter established within the City of Fond du Lac which requires sewer and water facilities shall be served by public or community sewerage and water systems.
2. 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 City Council 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.
3. 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 City, County, and State, except that in no case shall leeching beds be located in a required side yard.

### **11.04 J. FLOODPLAIN REQUIREMENTS**

All use of floodplain land shall be in accordance with Chapter 21, the Floodplain Ordinance of the Fond du Lac Municipal Code.

### **11.04 K. EXEMPTION**

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 City regulations.

### **11.04 L. OUTDOOR STORAGE**

The open storage of junk, refuse, scrap, disabled or damaged motor vehicles, whether awaiting repair or not, is prohibited in all zoning districts. Enclosed outdoor storage of materials, inventory, equipment and vehicles, 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.

## **HEATING AND CENTRAL AIR-CONDITIONING EQUIPMENT 11.04 M.**

### 11.04 M. HEATING AND CENTRAL AIR-CONDITIONING EQUIPMENT

#### 1. Purpose and Intent

It is the intent of this Ordinance to regulate the location of outdoor heating and central air-conditioning units in residential zoning districts. With concern over noise levels, this Ordinance provides guidelines whereby homes with central air-conditioning units and those neighboring without such units will not provide unilateral annoyances.

#### 2. Placement in Yards

Heating and air-conditioning equipment shall be a permitted obstruction in yards and courts, provided:

- a. Front Yards: Such units shall be completely screened from view of the street by a berm, evergreen shrubbery, evergreen trees or decorative wood or masonry fence.
- b. Side Yards: Such units shall be not closer than 3 feet to a property line.
- c. Rear Yards and Open Courts: Such units shall be not closer than 15 feet to a property line. In the case of a through lot, such units shall be completely screened from view of the street by a berm, evergreen shrubbery, evergreen trees, or decorative wood or masonry fence.

#### 3. Permit Required

No heating or central air-conditioning unit shall be erected until a permit has been issued by the Heating Inspector.

### 11.04 N. SITE PLAN APPROVAL

Any land use activity, approval of which is contingent upon site plan approval, shall comply with the requirements of this Section 11.04 N unless contrary provisions related to specific uses are set forth elsewhere in this Ordinance. The site plan requirement is applicable to the first-time development of a property as well as to additions and expansions of existing buildings.

## SITE PLAN APPROVAL 11.04 N.1.

### 1. Site Plan Requirements

The purpose of a site plan is to illustrate existing property conditions and provide details of proposed construction. A suitable site plan shall address the following as a requisite for approval:

- 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 city drainage capacities. Special attention shall be given to the 100-year flooding level and compliance with drainage and grade provisions for same. Storm water management regulations pursuant to Chapter 23, Construction Site Erosion Control and Post Construction Storm Water Management Code, of the Fond du Lac Code of Ordinances, shall apply to the development and use of land within the incorporated boundaries of the City.
- 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 yard areas along and visible to public rights-of-way, 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.

## SITE PLAN APPROVAL 11.04 N.1.h.

- h. Any special requirements unique to a particular site or development which may be identified by the Plan Commission or City Council.

### 2. Plan Approval

The Building Inspector may not issue a building permit for the construction, establishment or expansion of a building or land use until a final site plan has been approved by the Planning Division of the City of Fond du Lac. Where a decision of the Planning Division is not agreeable to the applicant, the applicant may request in writing that the Plan Commission review the plans. Said written request shall also contain the applicant's reasons for making such request. The Planning Division shall submit in writing its justification and the reasons for not granting approval of the plan. The Plan Commission shall then review the decisions and approve or disapprove the plan.

### 11.04 O. SATELLITE EARTH STATIONS (#2070)

1. In any district, satellite dishes that are less than three feet in diameter can be located anywhere on a lot, except the front yard, or can be located on any principal or accessory building.
2. Within residential and office districts, dishes that are in excess of three 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.
3. Dishes in excess of 3 feet in diameter that are located in commercial and industrial zones may be erected on the roof of any principal or accessory buildings, and in side or rear yards; but shall not be located in front yards.
4. Dishes that are located in rear yards shall be screened from view by shrub plantings or fencing.
5. No advertising or graphic designs that exceed three inches in height are permitted on satellite dishes in any zoning district.
6. 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.

## ANTENNAS AND TOWERS 11.04 P.

### 11.04 P. 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.

1. 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 City of Fond du Lac in regulating local zoning; to permit towers and antennas without creating adverse aesthetic impacts, particularly in residential neighborhoods, by specifying the number and location of towers and antennas; 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 to reserve for the public benefits.
2. Definition. Any system of wires, poles, rods or similar devices used for the transmission or reception of electro-magnetic 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.
3. 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 shows 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.
4. Equipment Installation. Antennas and antenna towers shall be installed pursuant to the manufacturer's specifications. The combined windload area of an antenna and tower shall not exceed the manufacturer's recommendations.

## ANTENNAS AND TOWERS 11.04 P.4.a.(1)(a)

- a. Residential Zoning Districts:
    - (1) Number of Antennas and Antenna Towers.
      - (a) Single Family Dwellings: One roof mounted antenna per building and one antenna tower per lot.
      - (b) All Other Dwellings: One roof mounted antenna and one antenna tower per building.
    - (2) Height Restrictions.
      - (a) Roof mounted antenna: 30 feet, measured from the highest peak of the roof.
      - (b) Antenna tower: 70 feet, measured from finished grade. Antenna height is not restricted.
    - (3) Antenna Tower Siting. Antenna towers may be erected only within a side or rear yard.
  - b. 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.
5. Appurtenant Equipment.
    - a. No part of an antenna array shall extend beyond any property boundary.
    - b. Buried radials shall not encroach into a utility easement.
    - c. 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.
  6. 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 devices is prohibited. This regulation does not include weather devices.

## ANTENNAS AND TOWERS 11.04 P.7.

7. Variance 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 11.14 E. of the Revised 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 City in regulating local zoning and strive to make a reasonable accommodation between those two interests. The Board 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 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.

### 11.04 Q. WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Wireless telecommunications towers and antennas may be installed, erected and maintained pursuant to the provisions of this section. Telecommunication towers and antennas shall not be regulated or permitted as essential services, public utilities or private utilities.

1. Purpose. The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the City of Fond du Lac in regulating local zoning. The goals of this ordinance are to protect residential areas and land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the City of Fond du Lac shall give due consideration to the Comprehensive Plan, Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04.Q. 2.

2. Definitions. As used in this ordinance, the following terms shall have the meanings set forth herein:
- (a) **Alternative Tower Structure:** Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
  - (b) **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
  - (c) **Backhaul Network:** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
  - (d) **Collocation:** The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
  - (e) **FAA:** Federal Aviation Administration.
  - (f) **FCC:** Federal Communications Commission.
  - (g) **Height:** When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
  - (h) **Preexisting Towers/Antennas:** Any power or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.
  - (i) **Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04.Q. 3.

3. Applicability.
  - a. New Towers and Antennas: All new towers or antennas in the City of Fond du Lac shall be subject to these regulations, except as provided in Sections 3(b) and 3(c).
  - b. Amateur Radio Station Operators/Receive Only Antennas: This ordinance 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.
  - c. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 5(b).
4. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Inspector. The following shall be required as part of the application submittal:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Building Inspector to be necessary to assess compliance with this ordinance;
  - b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
  - c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the City of Fond du Lac, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;
  - d. Landscape plan showing specific plant materials;
  - e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening; and
  - f. Description of compliance with Section 5.

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04 Q.5.

5. General Requirements. In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:
  - a. Building Codes; Safety Standards. To ensure the structural integrity of towers, 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.
  - b. 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 ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within 6 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.
  - c. Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
  - d. Height. Antenna height shall not be restricted, provided 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 not be restricted when such structure is a permitted land use; where a special use permit is required, the provisions of Section 11.10 B.28(b) shall apply.

**WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04 Q.5.e.**

- e. Setbacks. A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
- f. Separation Between Land Uses. Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified herein.

<b>Land Use/Designated Area</b>	<b>Separation Distance</b>
Single family or two-family homes, including modular homes or mobile homes used for living purposes; vacant land zoned for residential use which has been platted or has unexpired preliminary subdivision plat approval.	200 feet or 300% height of tower, whichever is greater
Land designated by the Comprehensive Plan for future residential use.	100 feet or 200% height of tower, whichever is greater
Land zoned for business and manufacturing use, or non-residential use.	No separation requirement. Tower siting subject to zoning district setback requirements.
Multifamily dwellings	100 feet or 100% of height of tower, whichever is greater

- g. 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.
- h. 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.

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04 Q.5.i.

- i. 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.
- j. Fencing. A tower shall be enclosed by security fencing not less than 6 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.
- k. 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 5 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 tower sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- l. Appurtenant Equipment and Buildings.

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.

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 by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04 Q.6

### 6. Permitted Uses.

- a. Allowable Zoning Districts: The installation of a tower or antenna, including the placement of buildings or other supporting equipment used in connection with said tower or antenna, may be permitted in the M-1 and M-2 zoning districts.
- b. 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 owner, leased or otherwise controlled by the City of 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 City.
- c. Antennas or Towers on Existing Structures: An antenna or tower may be situated on the roof of a commercial, industrial, professional, or institutional structure 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.
- d. Antennas on Existing Towers: The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that (1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole; (2) An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within 50 feet of its existing location, but the relocation may only occur one time per communication tower; (3) After a tower is rebuilt to accommodate collocation, only one tower may remain on the site; and (4) the on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the City Council.
- e. Alternative Tower Structure: The use of an alternative tower structure may be permitted, where such use would be consistent with the goals set forth in Section 1 of this ordinance, as determined by the Director of Community Development.
- f. Cable Microcell Network: The installation of a cable microcell network may be permitted through the use of multiple low-powered

## WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS 11.04 Q.6

transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not required the use of towers.

7. Special Uses. The installation of towers and antennas, including the placement of appurtenant equipment or buildings, may be allowed by special use permit in the B-3, B-4, B-5, B-6, M-3 and M-4 zoning districts. An application for a special use permit shall be subject to the procedures and requirements of Sections 11.10 A. and 11.10 B.28. In addition, a special use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.
8. 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 City 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.
9. Nonconforming Uses.
  - a. Not Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
  - b. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

### 11.04 R. BUILDING RELOCATION

1. No person shall move a building into or within the city limits except in accord with conditions of this ordinance. The required conditions shall apply to any building to be moved, regardless of its intended use or the zoning classification of the property on which it will be sited.

## **BUILDING RELOCATION 11.04 R.1.a.**

- a. The relocation of a building shall be reviewed and approved by the Plan Commission prior to the issuance of a moving permit. Prior to Plan Commission review the permittee shall submit photographs of the building to be moved (all elevations, open space, views from the street), a description of proposed exterior changes and building rehabilitation, and a proposed site plan of the property on which the building will be sited. If the building is intended for non-residential use, information about its existing use and its proposed use should be included as part of the permittee's submittal.

The Plan Commission shall approve, conditionally approve or deny a proposal for relocation. Any person who is aggrieved or affected by the decision of the Plan Commission may appeal the decision to the City Council. Such appeal shall be within 30 days of the date of the Plan Commission's decision. Construction of a foundation for a relocated building shall begin within six (6) months from the date of Plan Commission approval, or the approval shall be null and void.

The Plan Commission shall not approve granting of a permit for building relocation unless it determines:

The building is compatible with the surrounding neighborhood and it will not detract from the character of the neighborhood. To determine neighborhood compatibility the Commission shall consider the intended use of the building, its architectural style, building materials, building size, building height, and number of stories.

Where covered parking is provided, the Commission shall require that the garage architecture, building materials and color match or closely resemble the principal residential building. The front wall of a garage shall not extend beyond the front wall of the main building façade; this requirement shall apply to an attached or detached garage.

The Commission shall require that effective landscaping be provided to enhance the appearance of the property and to screen uncovered parking areas.

The Commission shall require that adequate of-street parking be provided in accordance with Section 11.11 of this ordinance, and ingress and egress are designed so as to cause minimum interference with traffic on abutting streets.

## **BUILDING RELOCATION 11.04 R.1.b.**

- b. Community Development staff shall determine if the structure to be moved has historic or architectural significance, and if so, whether requirements of the Historic Preservation Ordinance apply. In areas of historic or architectural significance, the Historic Preservation Commission shall determine the suitability of the building to the neighborhood. Review by the Historic Preservation Commission shall occur prior to the Plan Commission review of a proposed building relocation.
- c. Relocation of a building into or within the city limits shall comply with the provisions of Section 14.10, Moving of Buildings, of the Fond du Lac Code of Ordinances.
- d. The permittee shall pay a cash deposit to the City of Fond du Lac pursuant to Section 14.10(5) of the Code of Ordinances. The cash deposit shall act as a completion bond to ensure that the relocated building will be properly secured and rehabilitated on its new site. Upon completion of all building and site improvements as required by this ordinance, the deposit shall be returned to the property owner. Failing completion of all required building and site improvements, the cash deposit shall be used towards building demolition, site clearing and property restoration by the City of Fond du Lac.
- e. Building siting shall comply with all requirements of Chapter 14 of the Fond du Lac Code of Ordinances pertinent to its use and occupancy, and all requirements of the property's underlying zoning district, to include setbacks, building height and lot coverage.
- f. The Site Plan Committee shall approve a detailed site plan prior to the issuance of a building permit to construct a foundation for the relocated structure.
- g. A building shall be placed on its new foundation within 30 days of relocation.
- h. Where the permittee intends to construct a basement for a relocation building, it shall complete this work within 30 days of building permit issuance for such construction. Failing such, incomplete basement construction shall be declared a public nuisance and shall be remedied by the City and the cost thereof charged against the property.

#### **BUILDING RELOCATION 11.04 R.1.i.**

- i. The permittee shall complete exterior building rehabilitation, the construction of paved on-site parking and/or driveway areas, and site landscaping within 3 months of building relocation.
- j. The permittee may request relief from a required timeline for the completion of work in accord with this ordinance. The permittee shall submit a written request to the Department of Community Development prior to the expiration of a required completion date. The permittee's written request shall set forth the facts that require an extension. The Principal Planner shall approve an extension if extenuating circumstances would preclude the timely completion of required work.
- k. The provisions of this ordinance shall not apply to a designated historic site significant in local history, architecture and culture, owned and operated for the public benefit by a county or local historical society.

**SECTION 11.05**  
**SHORELAND-WETLAND, SHORELAND OVERLAY,**  
**AGRICULTURAL, AND EAST BRANCH OVERLAY DISTRICTS**

11.05 A. INTENT

1. General

The general intent of this Section 11.05 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 uses which are allowed with special conditions and land uses which must receive a special use permit.

The Fond du Lac County shoreland zoning provisions in effect on the date of annexation of land are replaced by this Section, which shall be administered by the City of Fond du Lac for all areas annexed by the municipality after May 7, 1982.

2. S-W Shoreland-Wetland District

The intent of the Shoreland-Wetland 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 beauty adjacent to lakes, rivers and streams and other water bodies. All wetlands and portions of wetlands, regardless of size, which are designated as wetlands on the Wetland Inventory Maps and within the jurisdiction of this ordinance, shall be regulated. Wetlands of less than five acres, identified with a point symbol on the Wetland Inventory Maps, shall not be regulated under this section unless specific boundaries are approved for such areas and such boundaries are added to the Wetland Inventory Maps. The Shoreland-Wetland district is meant to comply with Sections 62.231 and 144.26 of the Wisconsin Statutes. The final Wetlands Inventory Map, dated September 18, 1986, is made part of this ordinance. (#2273)

3. S Shoreland Overlay District

The intent of the Shoreland Overlay 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. The Shoreland Overlay

**INTENT 11.05 A.3.S.**

district shall affect lands 1000 feet from the ordinary high-water mark of a lake, pond or flowage and lands 300 feet from the ordinary high-water mark from a river or stream or to the landward side of the floodplain, whichever distance is greater.

a. General Requirements

- (1) Minimum Lot Area: 10,000 square feet
- (2) Minimum Average Width: 65 feet
- (3) Minimum Setback: 75 feet from the ordinary high-water mark of an adjacent body of water to the nearest part of a building or structure, shall be required for all buildings and structures, except piers, boat hoists and boathouses. Where an existing pattern of development exists, a new home may be constructed closer than 75 feet from the ordinary high water mark at the same setback as the average setback of neighboring homes.

b. Trees and Shrubbery

The cutting of trees and shrubbery shall be regulated to protect the natural beauty, control erosion and reduce the flow of effluents, sediments and nutrients from the shoreland area. The tree and shrubbery cutting regulations required by this Section shall not apply to the removal of dead, diseased or dying trees or shrubbery.

- (1) In the strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 feet shall be clear-cut.
- (2) In shoreland areas more than 35 feet inland, tree and shrub cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.

4. A-1 Exclusive Agricultural District

The intent of the Exclusive Agricultural district is to preserve productive

**INTENT 11.05 A.5.**

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.

5. A-T Agricultural Transition District

The intent of the 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, and to insure that urban development is compatible with local land use plans and policies. 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.

6. EB-O East Branch Overlay District

The intent of the East Branch Overlay district is to protect water quality and mitigate potential development impacts along the East Branch of the Fond du Lac River extending from the route of the Proposed Highway 151 Bypass upstream to the corporate limits of Fond du Lac. The East Branch Overlay district shall include the area within 300 feet of the high water mark of the river or the landward side of the floodplain, whichever is greater.

a. General Requirements

- (1) A 150-foot Conservancy Strip shall be required for any development, extending from the ordinary high water mark of the East Branch of the Fond du Lac River. Land within the Conservancy Strip shall remain in a substantially undeveloped state in order to conserve natural resources and protect and preserve the amenities of the environment. No cutting or removal of vegetation, grading, filling, ditching or similar work shall be permitted within the Conservancy Strip.

**INTENT 11.05 A.6.a.**

- (2) When land is platted, the public dedication of a portion of shoreland/floodplain land areas shall be required for the development of property along the East Branch of the Fond du Lac River.
- (3) Minimum lot width requirement: 150 feet.
- (4) Minimum lot depth requirement: 300 feet.
- (5) Minimum lot area: 45,000 square feet.
- (6) Minimum building setback: 150 feet. The building setback shall be measured from the ordinary high water mark of the East Branch of the Fond du Lac River.
- (7) The development of public and/or private lands shall be subject to on-site stormwater detention and runoff control where:
  - (a) The land development activity exceeds a gross aggregate area of three (3) acres or more;
  - (b) The land development activity will be a development having a gross aggregate area of at least one (1) acre, but less than three (3) acres, having fifty percent (50%) or more of the area as impervious surfaces, including roads, buildings, parking facilities and other improvements; or
  - (c) In the opinion of the City Engineer or designee, the runoff from the development will exceed the safe capacity of the existing drainage facilities, or cause undue ditch erosion, or increase water pollution by scour and transport of particles, or endanger downstream properties, or drain surface or stormwater onto adjoining properties.
- (8) Reduction of the post-development runoff peaks will generally be done by maintaining large amounts of vegetation by various types of detention storage. Detention storage, when used, shall be designed by these criteria:

**INTENT 11.05 A.6.a.**

- (a) Design the outflow structure so that the post-development peak flow rates for the 2-year and 100-year storm do not exceed the predevelopment peak flows for the 2-year and 100-year storms. If the rounded 2-year pre-development peak flow equals zero, calculate the flow from the Unit Peak Discharge in the TR-55 output table.  
( $Q = U.P.D. \times D.A. \times \text{inches of runoff}$ ).
  - (b) Peak rates of flow, runoff volumes, and detention basin designs shall be done using the USDA, Soil Conservation Service, Technical Release No. 55, Urban Hydrology of Small Watersheds, commonly known as TR-55.
- (9) The rainfall duration shall be 24 hours.

<b>Frequency</b>	<b>Rainfall Amount in Inches</b>
2	2.6
5	3.4
10	3.9
25	4.5
50	5.0
100	5.6
500	6.5

- (10) Where on-site detention is used for runoff control, the detention facility shall safely detain the runoff volume of the peak discharge as outlined in this Section from a 100-year post-development storm. Runoff in excess of the 100-year development condition event must be safely passed.

If any portion of the detention area is going to be used for occasional storage of materials or parking, the detention volume must be increased by 10 percent. Use of a detention area for recurrent storage shall be prohibited.

7. WHP-O – Wellhead Protection Overlay District

The intent of the Wellhead Protection Overlay district is to protect the municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the City. The regulations of this district are based on the City of Fond du Lac Wellhead Protection Plan and shall apply in addition to all other regulations of any zoning district designated in the area. Whenever the regulations in the WHP-O and the underlying zoning regulations conflict, the

more restrictive regulation(s) shall apply.

a. Definitions

**AQUIFER.** A saturated, permeable geologic formation that contains, and will yield, significant quantities of water.

**CONE OF DEPRESSION.** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

**FIVE-YEAR TIME OF TRAVEL.** The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.

**MUNICIPAL WATER SUPPLY.** The municipal water supply of the City of Fond du Lac.

**RECHARGE AREA.** The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.

**THIRTY-DAY TIME OF TRAVEL.** The recharge area upgradient of a well, or its cone of depression, the outer boundary of which is determined or estimated that groundwater will take thirty days to reach a pumping well.

**WELL FIELD.** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**ZONE OF SATURATION.** The area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

b. Boundaries

The Wellhead Protection Overlay District shall encompass a circular area having the municipal well at its center and extending outward in a twelve hundred (1200) foot radius therefrom.

c. Wellhead Protection Zones

Each wellhead shall have two (2) zones of protection:

(1) WHP Zone A is defined by the 5-year time of travel (TOT) zone of concentration.

(2) WHP Zone B is the area within a twelve hundred (1200) foot radius around the well.

d. Permitted Uses

Any land use or activity allowed as permitted in the principal zoning district, except those uses listed as special uses by this ordinance.

e. Special Uses

If allowed in the principal zoning district as a permitted land use or activity, or as a special land use or activity, the following uses may be permitted after review by the Plan Commission and upon authorization of the City Council:

Asphalt products manufacture.  
Automotive service station.  
Bus, truck/motor freight terminal.  
Fertilizer and/or pesticide facility (storage, missing, loading).  
Cemetery.  
Chemical processing and manufacture.  
Chemical storage tanks.  
Dry cleaning establishment.  
Electroplating.  
Exterminating service (storage, mixing, loading).  
Hazardous and/or toxic waste facilities.  
Industrial pipeline.  
Landfill or waste disposal facility.  
Paint and coating manufacture.  
Petroleum storage tanks.  
Salvage/recycling yards and facilities.

- f. Land Use Review. The Community Development Department shall review any new land use, and the expansion, modification or replacement of an existing land use, in the Wellhead Protection Overlay District. A determination of suitability shall ensure that the use/activity is consistent with this ordinance and that the proposed use/activity will not be a threat to groundwater contamination.

Where a decision of the Community Development Department is not agreeable to the applicant, the applicant may request in writing that the Plan Commission review the proposed land use, activity and/or plans. Said written request shall describe the applicant's reason for the request. The Community Development Department shall submit in writing its justification and the reasons for not granting approval of the land use, activity, and or plans. The Plan Commission shall then review the decision and make a determination of suitability.

Land use review shall be based on the City of Fond du Lac Wellhead Protection Plan, and on the presence, use, or storage on the property of hazardous chemicals. Consideration will be given to factors including but not limited to whether the property is in Zone A or Zone B, effective storage or containment of particular hazardous chemicals, and the magnitude and/or frequency of use of the hazardous chemicals. A land use review shall consider:

- (1) The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.

**INTENT 11.05 A.7.f**

- (2) The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade groundwater in the City of Fond du Lac or the City's recharge area.
- (3) The economic hardship which may be faced by the landowner if the land use/activity is denied.
- (4) The availability of options to the applicant, and the cost, effect and extent of availability of such alternative options.
- (5) The proximity of the applicant's property to other potential sources of contamination.
- (6) The existing condition of the City's groundwater public water wells and well fields, and the vulnerability to further contamination.
- (7) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
- (8) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

## GENERAL PROVISIONS 11.05 B.1.

### 11.05 B. GENERAL PROVISIONS (#2273)

#### 1. Single-Family Detached Dwelling

Residential dwellings in Agricultural districts 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. Residential dwellings are not permitted within wetland areas.

#### 2. Open Space and Conservation Uses

The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas shall be permitted, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

#### 3. Public Utility Transmission and Distribution Lines

The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, are permitted in a shoreland-wetland district by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

**11.05 C. SCHEDULE I: LAND USES OR ACTIVITIES - SHORELAND-WETLAND,  
SHORELAND OVERLAY, AGRICULTURAL, AND EAST BRANCH  
OVERLAY DISTRICTS**

LAND USE OR ACTIVITY	S**	S-W*	A-1	A-T	Site Plan Approval Necessary 11.04 N.		REFERENCE
					Yes	No	
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		X	
Construction or maintenance of piers, docks or walkways built on pilings including limited excavating and filling necessary for such construction maintenance.	P	P				X	
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		X	
Hiking, fishing, swimming and boating.	P	P	P	P		X	
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.	P	SC	SP	SP		X	11.05.B.2.
Public and semi-public non-profit uses such as churches, schools, libraries.	P		SP	SP	X		
Sanitary Landfills.	P		SP	SP	X		
Single Family Detached Residential Dwellings.	P		SC	SC		X	11.05.B.1.
Utility transmission lines, including electric, gas, telephone, water and sewer lines.	P	SC	P	P		X	11.05.B.3.

\*Any use not listed in Schedule I is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this ordinance in accordance with the requirements of Section 62.23(7)(d)(2), Wisconsin Statutes.

\*\*Overlay District. Other uses shall be permitted in accord with the underlying zoning district.

**LAND USES OR ACTIVITIES - SHORELAND-WETLAND,  
SHORELAND OVERLAY, AGRICULTURAL,  
AND EAST BRANCH OVERLAY DISTRICTS 11.05 C.**

For all proposed text changes, variances, appeals, special exceptions and map amendment to the Shoreland district, the appropriate area office of the Department of Natural Resources shall be provided with the following:

- (1) A copy of every petition for a text or map amendment to the Shoreland district within 5 days of the filing of such petition with the City Clerk and Planning Division;
- (2) Written notice of the public hearing to be held on a proposed amendment, variance, appeal or special exception, at least 10 days prior to such hearing;
- (3) A copy of the Planning Division's findings and recommendations on each proposed amendment, variance, appeal or special exception, within 10 days after the submission of those findings and recommendations to the Plan Commission, and
- (4) Written notice of the City Council's decision on the proposed amendment, variance, appeal or special exception, within 10 days after it is issued.

A wetland, or a portion thereof, in the Shoreland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and flood water storage capacity;
- (2) Maintenance of dry season stream flow, 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.
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreland protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

If the Department of Natural Resources notifies the Planning Division that a proposed amendment to the Shoreland district may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the City Council, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the City Council's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the City Council that it will adopt a superseding shoreland ordinance for the City under Section 62.231(6) of the Wisconsin Statutes. If the Department does so notify the City Council, the effect of this amendment shall be stayed until the adoption procedure under Section 62.231(6) is completed or otherwise terminated." (#2273)

**SECTION 11.06**  
**RESIDENCE DISTRICTS**

11.06 A. INTENT

1. General

The general intent of this Section 11.06 is to set forth land uses or activities which are permitted in residential areas in the City of Fond du Lac, 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.

2. 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 substantial limitation on the use of 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 City's growth. Subsequent reclassification of some R-1 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.

3. 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 one-family housing development at a relatively low density is the desired predominant land use.

4. 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 one-family housing development at a moderate density is the desired predominant land use.

5. R-3.5 Residential District

The intent of the R-3.5 Residential district is to set forth those land uses and activities which are permitted in areas which can provide a transition between one-family and multiple-family residential districts and where one-family and two-family development at moderate density is the desired predominant land use. (#2790)

**GENERAL PROVISIONS 11.06 B.**

6. R-3.75 Residential District

The intent of the R-3.75 Residential District is to set forth those land uses and activities which are permitted in older, central areas of the city that have been developed with a variety of residential land uses. Generally these areas have smaller lots, and one and two-family homes are the predominate and most desirable land uses.

7. 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 a moderate-to-high concentration of residential dwellings, including multiple-family housing development, is the desired predominant land use.

8. 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 multiple-family housing development and other types of housing at a relatively high density is the desired predominant land use.

11.06 B. GENERAL PROVISIONS (#2790)

1. Schedule of Regulations

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

2. Excluded Uses or Activities

A land use or activity not set forth in Schedule I is not permitted in residential districts in the City of Fond du Lac except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

3. Required Open Space

- a. In all residence districts the total area of all structures on a lot shall not exceed the maximum percentage of lot coverage as specified in Schedule I.A.

**GENERAL PROVISIONS 11.06 B.4.**

- b. At least 65 percent of any required front yard area shall remain open space and shall not be used for parking and driveways.

4. Residential Development: R-3.5, R-3.75, R-4, R-5 Districts

In addition to the standards for site plan approval described in Section 11.04 N., the following standards for project approval shall apply. These standards are applicable for all multifamily development and for the grouping of two or more two-family dwelling units on a single lot.

- a. When a lot in a R-3.5, R-3.75, R-4, or R-5 district abuts property in a R-2 district, a landscape buffer strip at least 10 feet wide shall be established along the length of the adjacent R-2 lot line where the adjacent R-2 land is developed or planned for single family use. A buffer strip is not required when the adjacent R-2 district property is occupied by existing public, institutional or other non-residential uses.
- b. No multifamily structure closer than 200 feet from a R-2 district shall be more than two stories or 35 feet in height where the adjacent R-2 land is developed or planned for single family use. The height limitation is not applicable when the adjacent R-2 district property is occupied by existing public, institutional or other non-residential uses.
- c. Density reductions for multifamily dwellings closer than 200 feet from an R-2 district shall not apply when the R-2 property is occupied by existing public, institutional or other non-residential uses.
- d. The front facade of a building shall be oriented to face a public street, except in the case of a through lot.
- e. Spacing Between Structures. The following minimum separations between exterior walls shall be provided, measured at the closest point between structures:

Front/rear wall facing front/rear wall: 60 feet

End wall facing end wall: 30 feet

End wall facing front/rear wall: 45 feet

## GENERAL PROVISIONS 11.06 B.4.f.

The minimum separations may be modified by the Planning Division when site plan review determines that building design, site layout, landscaping treatment or unusual site conditions warrant such modification.

- f. Outdoor trash receptacles shall be confined within an enclosed area located not less than 5 feet from any property line. The building materials of such enclosure shall match the materials of the principal residential building(s).
  - g. Fences. Fences and walls should be designed to compliment the style, materials and color of dwelling units. Acceptable materials include wood, wrought iron, stone or brick. The use of chainlink and similar materials is strictly prohibited.
  - h. Accessory Buildings. In addition to allowable garage and carport structures, clubhouse, recreation building, pool house or gazebo structures shall be permitted for the common use of the property residents and guests. Any such building may also provide for the enclosed storage of property maintenance vehicles and equipment, provided such storage area does not exceed 25% of the building area. The design and construction materials of an accessory building shall compliment the principal residential building(s). Building size is not restricted; siting shall comply with setback requirements of the principal residential structures.
  - i. Outdoor Storage. The open storage or long-term parking of boats, trailers, fishing shanties, snowmobiles, recreation vehicles, and other similar vehicles shall be prohibited.
  - j. Landscaping. Existing natural site topography and mature plantings should be considered in developing a landscape plan. A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, groundcover and seasonal flowers. Required components of the landscape plan shall include: foundation plantings, groupings of plantings at the entryways to the property, open parking screening, front yard setback areas along a public right-of-way, and along interior lot lines to provide a transition to adjoining properties.
5. Site Plan Approval

When Schedule I indicates that site plan approval is necessary for a land use or activity in a Residential district the Building Inspector may not issue a building permit for such land use or activity until a final site plan has been approved by the Planning Division of the City of Fond du Lac in accordance with Section 11.04 N of this Ordinance.

**11.06 C. SCHEDULE I: LAND USES OR ACTIVITIES -  
RESIDENTIAL DISTRICTS**

**P = Permitted**  
**SC = Permitted with Special Conditions (11.06 E)**  
**SP = Special Use Permit Required (11.10)**

**Site Plan  
Approval  
Necessary  
11.04 N**

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-3.5	R-3.75	R-4	R-5	YES	NO	REFERENCE
1. Agriculture on a 10-acre minimum lot	P									
2. Alternate energy installations	SP	SP	SP	SP	SP	SP	SP	X		11.10.A
3. Art gallery and museum		SP	SP	SP	SP	SP	SP	X		11.10.A
4. Bed and breakfast establishment	SP	SP	SP	SP	SP	SP	SP	X		(#2599)
5. Cemetery, crematoriums	SP	SP						X		11.10.A
6. Central air conditioning equipment	SC	SC	SC	SC	SC	SC	SC		X	11.04.L
7. Christmas tree sales	SC	SC	SC	SC	SC	SC	SC		X	11.06.E.3
8. College and university	SP	SP	SP	SP	SP	SP	SP	X		11.10.B.6
9. Convent, monastery, seminary	SP	SP	SC	SC	SC	SC	SC	X		11.10.A
10. Conversion of existing dwelling into less than 4 dwelling units.		SP	SC	SC	SC	SC	SC	X		11.10.A for R-2 11.06.E.5 for other districts
11. Conversion of existing dwelling into 4 or more dwelling units.						SC	SC	X		11.06.E.5
12. Day care center	SP	SP	SP	SP	SP	SP	SP	X		(#2599)
13. Day care home	P	P	P	P	P	P	P		X	
14. Duly authorized philanthropic and eleemosynary institution						SP	SP	X		11.10.A (#2079)
15. Dwelling, one-family	P	P	P	P	P	P	P		X	11.06.E.2 (for R-2)
16. Dwelling, two-family				P	P	P	P		X	11.06.B.4
17. Dwelling, multiple family					SP	P	P	X		11.06.B.4
18. Dwelling, mobile home	SC									11.06.E.4
19. Dwelling for community living arrangement and adult family home A. Capacity of up to 8 persons	SC	SC	SC	SC	SC	SC	SC		X	11.06.E.12

**11.06 C. SCHEDULE I: LAND USES OR ACTIVITIES -  
RESIDENTIAL DISTRICTS**

**P = Permitted**  
**SC = Permitted with Special Conditions (11.06 E)**  
**SP = Special Use Permit Required (11.10)**

**Site Plan  
Approval  
Necessary  
11.04 N**

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-3.5	R-3.75	R-4	R-5	YES	NO	REFERENCE
B. Capacity of 9 to 15 persons	SP	SP	SP	SP	SC	SC	SC	X		11.06.E.12 (SC) 11.10.B.3 (SP) (#2503)
C. Capacity of 16 or more persons	SP	SP	SP	SP	SP	SP	SP	X		11.10.B.3 (#2503)
20. Excavation, grading or filling	SC	SC	SC	SC	SC	SC	SC	X		11.06.E.8
21. Fraternity and sorority for university or college	SP	SP	SP	SP	SP	SP	SP	X		11.10.A
22. Funeral and undertaking parlor						SP	SP	X		11.10.B.7
23. Garage, private detached	SC	SC	SC	SC	SC	SC	SC		X	
24. Golf course	SP									11.10.B.5
25. Government Service	P	P	P	P	P	P	P		X	
26. Home occupation	SC	SC	SC	SC	SC	SC	SC		X	11.06.E.6
27. Hospital	SP	SP	SP	SP	SP	SP	SP	X		11.10
28. Housing for the elderly and handicapped			SP	SC	SC	SC	SC	X		11.10.B.2
29. Landfill		SC	SC	SC	SC	SC	SC	X		11.10.B.27
30. Library, public		P	P	P	P	P	P	X		
31. Lodging or rooming house					SP		SC	X		11.06.E.11 (#2079)
32. Lodge							SP		X	11.10.A
33. Mobile home park	SP									11.10.B.1
34. Noncommercial garden	P	P	P	P	P	P	P		X	
35. Nursery, green-house, truck garden	SC								X	11.06.E.1
36. Nursing home (intermediate care)		SP	SP	SP	SP	SP	SP	X		11.10.B.4
37. Nursery school		SP	SP	SP	SP	SP	SP	X		11.10.A
38. Parks and play-grounds (private, not-for-profit)	SC	SC	SC	SC	SC	SC	SC	X		11.10.A
39. Parks and playgrounds (public)	P	P	P	P	P	P	P	X		
40. Places of religious worship	SC	SC	SC	SC	SC	SC	SC	X		11.06.E.7

**11.06 C. SCHEDULE I: LAND USES OR ACTIVITIES -  
RESIDENTIAL DISTRICTS**

**P = Permitted**  
**SC = Permitted with Special Conditions (11.06 E)**  
**SP = Special Use Permit Required (11.10)**

**Site Plan  
Approval  
Necessary  
11.04 N**

LAND USE OR ACTIVITY	R-1	R-2	R-3	R-3.5	R-3.75	R-4	R-5	YES	NO	REFERENCE
41. Planned development	SP	SP	SP	SP	SP	SP	SP	X		11.10.B.8
42. Private garage accessory to a dwelling	P	P	P	P	P	P	P		X	11.04.C.4 11.04.C.5
43. School, boarding	SP	SP	SP	SP	SP	SP	SP	X		11.10.A
44. School, elementary and secondary	P	P	P	P	P	P	P	X		
45. School, vocation and technical	SP	SP	SP	SP	SP	SP	SP	X		11.10.B.6
46. Shelter facility		SP	SP	SP	SP	SP	SP			11.10 B.30
47. Sign	SC	SC	SC	SC	SC	SC	SC		X	11.06.E.10
48. Temporary building or fence	SC	SC	SC	SC	SC	SC	SC	X		11.06.E.9
49. Traditional Neighborhood Development (TND)	SC	SC	SC	SC	SC	SC	SC	X		11.06 E.13
50. Utility, local service	P	P	P	P	P	P	P		X	
51. Utility, sub-station	SP	SP	SP	SP	SP	SP	SP	X		11.10.A
52. Utility, transmission line	SP	SP	SP	SP	SP	SP	SP	X		11.10.A

**11.06 D. SCHEDULE IA: BULK REQUIREMENTS\* - RESIDENTIAL DISTRICTS**

DIST.	LAND USE OR ACTIVITY	MINIMUM LOT AREA (SQ. FT.)*	MINIMUM LOT WIDTH (FT.)*	MINIMUM LOT DEPTH*	YARDS* (See Sec. 11.04B)			MAX. BLDG. HEIGHT*	MAX % OF LOT COVERED	
					FRONT	SIDE				REAR
						ONE	TOTAL			
R-1	All permitted uses.	40,000	140	115	30	15	40	20	35	10
R-2	All permitted uses.	10,000	80	125	30	6	18	20	35	35
R-3	All permitted uses.	6,000	50	115	25	5	14	20	35	35
R-3.5	1-family dwelling	8,400 and 6,000 for lot of record on July 1, 1967.	70 and 50 for a permitted lot of less than 8,400 sq. ft.	115	25	6	18	20	35	35
	2-family dwelling	5,000 for each dwelling unit.	80 (#2128)	115	25	6	18	20	35	35
R-3.75	1 and 2-family dwelling: when any part of the lot is closer than 200 ft. from an R-2 district.	8,400	70	115	30	6	18	20	35	35
R-4	1 and 2-family dwelling: all other locations	6,000	50	115	25	5	14	20	35	35
	Multiple-family dwelling: when any part of the lot is closer than 200 ft. from an R-2 district.	25,000 or 4,500 per dwelling unit, whichever is greater.	30 for each dwelling unit. Maximum required: 150 ft.	115	35	30	70	20	35	40
	Multiple-family dwelling: all other locations.	20,000 or 3,500 per dwelling unit, whichever is greater.	25 for each dwelling unit. Maximum required: 125 ft.	115	25	12	30	20	45	40
	Nonresidential/other permitted uses.	6,000	50	115	25	5	14	20	35	--
	1 and 2-family dwelling.	6,000	50	115	25	5	14	20	35	35
R-5	Multiple-family dwelling.	15,000 or 3,000 per dwelling unit, whichever is greater.	25 for each dwelling unit. Maximum required: 125 ft.	115	20	10	25	20	NONE	50
	Nonresidential/other permitted uses.	6,000	50	115	20	5	14	20	40	50

\*Bulk requirements for uses permitted with special conditions or requiring a special use permit might vary from this Schedule IA.

Requirements for such uses are as may be specified in Sec. 11.06 E. or by City Council in its consideration of the special use permit.

Lot Depth - Minimum lot depth shall be measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing several evenly separated lines from the front to rear lot lines, at right angles to the front lot line, and averaging the length of these lines.

Lot Width - Minimum lot width shall be measured at the front yard setback line. Corner lots shall be increased in width by 25% over the minimum required width of interior lots.

Lot Area - In the R-2 district, 20% of the lots in a subdivision may utilize a minimum lot area of 8,750 square feet (minimum dimensions of 70x125). This provision shall not be applicable to lots situated on a cul-de-sac street greater than 500 feet in length.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.**

11.06 E. SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
RESIDENTIAL DISTRICTS

Land uses or activities listed in Schedule I as being "Permitted with Special Conditions" shall not be considered permitted, and the Building Inspector 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.

1. Nursery, Greenhouse, Truck Garden

Permitted when:

- a. No offensive odors and dust are created.
- b. 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.

2. Single Family Condominium Dwellings: R-2 District

In addition to the standards for site plan approval described in Section 11.04 N., the following standards for project approval shall apply:

- a. Minimum lot area per dwelling unit: 10,000 square feet.
- b. Setback and Building Separation Requirements:
  - (1) Front Yard Setback: The area between the front of a building and the public right-of-way line and/or the area between the front of a building and a private roadway. Minimum 30 feet.
  - (2) Interior Yard Setback: The area extending from the front yard to the rear yard between a building and the side lot line. Minimum 18 feet.
  - (3) Rear Yard Setback: The area extending across the full width of the lot between a building and the rear lot line. Minimum 20 feet.
  - (4) Spacing Between Structures. The following minimum separations between exterior walls shall be maintained, measured at the closest point between structures:

Front/rear wall facing front/rear wall: 40 feet

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.2.c.**

End wall facing end wall: 20 feet

End wall facing front/rear wall: 35 feet

- c. On-Site Parking: Two spaces for each dwelling unit, and at least 1 visitor/guest parking space for each dwelling unit, shall be provided. No parking shall be permitted in any yard between the buildings and the street, except within the driveway.
  
- d. Driveways
  - (1) Common Driveway: the paved area of private roadway to serve the condominium development. Driveways shall be no wider than 24 feet at the public right-of-way line within the required front yard area, with a maximum width elsewhere of 20 feet. The 20' width may be increased where the Fire Department determines a modification is necessary for public safety. Parking shall be prohibited along all common driveways.
  
  - (2) Individual Driveway: the paved area extending from the common driveway to each dwelling unit. The maximum width may correspond to the garage width, not to exceed the width of such garage, for a linear distance of 30 feet whereupon the driveway shall taper to a width of 20 feet at the point of intersection with the common driveway.
  
- e. Sidewalks. Sidewalk shall be installed along all property boundaries which abut a public street. Sidewalk construction shall comply with city standards.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.2.f.**

- f. Lighting. Freestanding ornamental lights not to exceed 12 feet in height shall be provided to illuminate and delineate private roadways and internal pedestrian walkways. Lighting shall be confined to the property and shall not produce glare or wash onto adjacent properties or public rights-of-way.
- g. Fencing. Fences and walls shall be designed to compliment the style, materials and color of dwelling units. Acceptable materials include wood, wrought iron, stone or brick. The use of chainlink and similar materials is strictly prohibited.
- h. Buffer Between Land Uses. A landscape buffer strip at least 10 feet wide shall be established and maintained along all property boundaries that abut areas of R-2 zoning planned or developed for traditional single family residential uses. Such buffer strip is not applicable when the adjacent R-2 property is occupied by existing public, institutional or other non-residential uses.
- i. Landscaping. Existing natural site topography and mature plantings should be considered in developing a landscape plan. A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, groundcover and seasonal flowers. Required components of the landscape plan shall include: foundation plantings, groupings of plantings at the entryways to the property, open parking screening, front yard setback areas along a public right-of-way, and along interior lot lines to provide a transition to adjoining properties.
- j. Accessory Buildings.
  - (1) One storage building for the condominium development shall be permitted, not to exceed 400 square feet in area, for property maintenance vehicles and equipment. The design and construction materials of such building shall compliment the residential buildings; metal buildings are not permitted. Building siting shall comply with setback requirements of the principal residential structures, except that a storage building may not be located within any required front yard setback or front yard area.
  - (2) Clubhouse, recreation building, pool house or gazebo structures shall be permitted for the common use of the condominium residents and their guests. The design and construction materials of such structures shall compliment the residential buildings. Building size is not restricted; siting shall comply with setback requirements of the principal residential structures.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.3.**

- k. Outdoor Storage. The open storage or long-term parking of boats, trailers, fishing shanties, snowmobiles, recreation vehicles, and other similar vehicles shall be prohibited.
  
- l. Site Design and Architectural Techniques. There is no particular architectural "style" required for condominium dwellings but the focus should be on the development of a high quality residential environment. Site and building designs must consider compatibility with the surrounding area, particularly adjacent traditional single family subdivisions. Site design requirements shall include:
  - (1) The front facade of a building shall be oriented to face a public street where practical, except in the case of a through lot. Where the front facade does not face a public street, the front yard area shall be provided with landscaping and other suitable materials to buffer the use from the public right-of-way.
  - (2) Utilize reverse building plans and vary building placement to add variety of building orientations and to avoid the monotony of garage door corridors.
  
- 3. Christmas Tree Sales

The temporary seasonal sale of Christmas trees and Christmas greenery is permitted in residential districts for the period November 1 through December 31, upon issuance of a permit from the Building Inspector, provided:

- a. Convenient parking shall be available for customer use. Parking and loading activities shall not interfere with traffic movements within the public right-of-way or in any way create a negative impact on the surrounding neighborhood.
- b. Hours of operation shall not continue past 9:00 p.m.
- c. Lighting shall be confined on-site and shall not be directed to beam onto the properties of neighboring residences or onto a public right-of-way to create a nuisance or traffic hazard.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.4.**

- d. The provision of outdoor amplified music is subject to approval of a separate permit as required by the Fond du Lac Code of Ordinances.
- e. One sign to identify the sales lot is permitted, not to exceed 32 square feet in area. Such sign shall be situated on the premises and shall not be posted off-site or within the public right-of-way. Signage shall not be attached to traffic signs, directional signs or utility poles, or be situated to obstruct or impair vision or traffic in any way.

4. Dwelling, Mobile Home

Mobile homes are permitted only in a mobile home park approved by City Council except as may be specified in Sec. 11.04 G.1 of this Ordinance. See also Section 11.10 B.1.

5. Conversion of Existing Dwellings into Additional Dwelling Units

Permitted when:

- a. The area of the lot is equal to the minimum lot area which would be required for construction of an equivalent number of new dwelling units in the district.
- b. At least 80 percent of the setback and yard requirements of the district, which would be required for new construction, can be complied with.
- c. Minimum frontage of 50 feet can be provided.
- d. Parking and open space requirements of the district are complied with.
- e. Each of the dwellings thus created contains not less than 500 square feet of habitable floor area.

6. Home Occupation (Home Business)

- a. Definition. An occupation or business activity conducted within a residence that is clearly subordinate to the residential use of the building and which is not detrimental to the residential character of the lot on which said home business is located or of the surrounding neighborhood.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.6.b.**

- b. A home business may be conducted within a residence located in a residential zoning district, provided that all of the following conditions are met:
- (1) The home business is conducted within a one-family dwelling. The home business may be conducted within a two-family or multi-family dwelling if no customer/client traffic is generated.
  - (2) The use of an existing garage for a home business may be permitted if the property has suitable on-site parking in accordance with Section 11.11 E. of this ordinance. Total floor space utilized by the home business within the garage shall be not more than 50 percent. The use of an accessory building such as a shed, utility building, gazebo, etc. for a home business shall be prohibited.
  - (3) Total floor space utilized by the home business shall be not more than one room or 25 percent of the gross floor area of the dwelling, whichever is less.
  - (4) The home business is conducted by the person(s) who reside in the dwelling.
  - (5) There shall be no exterior evidence of the conduct of a home business, including signs or symbols, outside storage, or the visible display of merchandise for sale or for services available.
  - (6) No alterations to the dwelling are necessary for the purpose of supporting the home business such as a second kitchen, special equipment or additional furnishings that are not typical for residential use, or additional plumbing, cooling/heating, etc. The appearance of the dwelling or garage shall not be altered in a manner that causes the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises, vibrations.
  - (7) No exterior entryways separate from entryways to serve the dwelling shall be created and/or provided solely for the conduct of the home business.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.6.b.(12)**

- (8) The occupation or activity shall not generate pedestrian or vehicular traffic beyond that common to a single-family dwelling. Parking to serve a home business shall be provided on-site within an existing driveway. The alteration of an existing driveway or the construction of uncovered parking to serve a home business shall be prohibited.
  - (9) The occupation or activity does not produce offensive noise, smoke, dust, odor, heat glare or electronic disturbance beyond the property it occupies.
  - (10) There shall be no use of materials or mechanical equipment not recognized as being part of normal household or hobby uses.
  - (11) Dispatching of persons or equipment from the property shall be prohibited.
  - (12) There shall be no commodities sold or services rendered that require receipt and delivery of merchandise, goods or equipment by other than passenger motor vehicle or by U.S. Mail Service. The delivery of goods not more than twice weekly via UPS, FedEx and similar delivery services that utilize vehicles not exceeding two and one-half tons in capacity shall be permitted.
- c. The following home occupations or businesses, as well as similar businesses and services shall be prohibited:
- (1) Retail sales or rental shop.
  - (2) Rummage sales, yard sales, garage sales and similar sales events more than four times in a calendar year, and/or where each such event exceeds more than 3 consecutive calendar days in duration. See also Section 11.04 C.3.x.
  - (3) Personal services such as a beauty shop, barber shop, tanning salon, nails, massage, and similar uses.
  - (4) Automotive repair, small engine repair, paint and body shop.
  - (5) Automotive sales, exclusive of the sale of the resident's personal vehicle(s).
  - (6) Animal grooming, boarding and care.
  - (7) Professional health care office/clinic.
  - (8) Limousine, taxi and/or bus service.
  - (9) Automotive towing and/or wrecking service.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.6.d.**

- d. Permit Required. The use of a residence for home occupation purposes as set forth in this section shall require a permit from the Community Development Department.

Application for a Home Occupation Permit shall be made to the Principal Planner or the Chief Building Inspector on a form provided by the Department. The Community Development Department may void any Home Occupation Permit for noncompliance with the criteria set forth in this section.

The Community Development Department shall grant, conditionally grant or deny a permit for a home occupation within 10 business days. The permittee may appeal the denial of a permit to the Board of Appeals within 30 days of the date of the denial.

Persons with disabilities recognized under the Americans with Disabilities Act and related state laws may be accommodated by special exception of the Board of Appeals. The applicant may request waiving of one or more, or a portion thereof, of the requirements of this section. The special request may be granted by the Board of Appeals after a public hearing and notification of property owners within 300 feet of the subject property. In reviewing the request, the Board of Appeals may grant a waiver if the applicant's physical disability prevents the applicant from conducting a home occupation within the requirements of this section and granting such a waiver is not unduly burdensome on the City, the neighborhood, or its residents.

Approval of a Home Occupation Permit shall be specific to the permittee and shall remain valid for the duration of the permittee's occupancy in the affected residence.

7. Places of Religious Worship

Permitted when:

- a. No structure is located less than 30 feet from any residential lot line.
- b. A heavily landscaped buffer strip at least 12 feet wide is provided along all adjacent residential lot lines.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.8.**

8. Excavation, Grading or Filling

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 except by Special Permit.

9. 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 a lot contiguous thereto.

10. Signs

Permitted when they are in compliance with Section 11 of this Ordinance.

11. Lodging or Rooming House

Permitted when:

- a. Cooking facilities are not in the lodging room (see definitions).
- b. Bathroom facilities must conform to all City Housing and Inspection Codes.
- c. One 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.
- d. All Wisconsin Administrative Code requirements shall be met and are hereby adopted by reference.
- e. Lodging rooms shall be permitted at a density not to exceed one unit for each 2,000 sq. ft. of lot area. (#2079)

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.12.**

12. Dwelling for Community Living Arrangement; Adult Family Home

Requirements:

- a. Must comply with applicable State Statutes and Administrative Codes, including Sec. 62.23(7)(i), Wis. Stats. (see also Sec. 11.15 Definitions)
- b. An exception to Section 62.23 (7)(i)(1) of the Wisconsin Statutes shall be required from the City Council, after review by the Plan Commission, if a Community Living Arrangement or Adult Family Home is proposed to be located within 2500 feet of another such facility, except where compliance with all of the following is possible:
  - (1) The proposed facility is at least 500 feet from an existing facility;
  - (2) Not more than 8 residents will occupy the premises;
  - (3) On-site parking for guests, staff and residents shall be provided at the rate of 1 parking space for each 4 residents and 1 space for each staff person;
  - (4) The facility is intended for residential purposes only;
  - (5) Two facilities may be adjacent if both facilities comprise essential components of a single program.

13. Traditional Neighborhood Development (TND)

- a. Statutory Authorization. This ordinance is adopted pursuant to the authority contained in Sections 62.23 and 66.1027 of the Wisconsin Statutes and as authorized and required by 1999 Smart Growth legislation.
- b. Definition and Purpose. A Traditional Neighborhood Development (TND) is a compact, mixed use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

The purpose of this ordinance is to allow the development and redevelopment of land consistent with the design principles of traditional neighborhoods. A traditional neighborhood: is compact; is designed for the human scale; provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity; provides a mix of housing styles, types and sizes for households of all ages, sizes and

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR  
ACTIVITIES IN RESIDENTIAL DISTRICTS 11.06 E.13.c.**

incomes; incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways and transit that offers multiple routes for motorists, pedestrians and bicyclists, and provides for the connections of those streets to existing and future developments; retains existing buildings with historical or architectural features that enhance the visual character of the community; incorporates significant environmental features into the design; and is consistent with the Fond du Lac Comprehensive Plan.

- c. Applicability. The Traditional Neighborhood Development ordinance is a set of standards for new development of 15 acres or more contiguous to existing development, or for infill or redevelopment of five acres or more.
  
- d. Plan Submittal Requirements and Approval Process. An Implementation Plan shall be prepared to establish the intent, density and intensity for a TND. The Implementation Plan shall be submitted to the Community Development Department for review and comment by the Site Plan Review Committee. The Implementation Plan will be forwarded with comments to the Plan Commission. The Plan Commission shall approve, conditionally approve or deny the Implementation Plan. Any party who is aggrieved or affected by the decision of the Plan Commission may appeal the action to the City Council within 30 days of the date of the Plan Commission's decision. The Implementation Plan shall include the following:
  - (1) A written report that describes site conditions and development objectives and provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development.
  
  - (2) A general location map of suitable scale that shows the location of the property within the community and adjacent parcels including public streets, railroads, major streams or rivers and other major features within 1,000 feet of the site.
  
  - (3) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands, utility easements for high-tension electrical transmission lines, steep slopes greater than 15% and brownfields.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.d.(4)**

- (4) A conceptual development plan to include building footprints, location of streets, drives and parking areas, pedestrian and bicycle paths, proposed and existing landscape features and open space areas.
  - (5) A conceptual storm water management plan identifying the proposed pattern of stormwater runoff, locations of stormwater infiltration areas and other significant stormwater management practices.
  - (6) Identification of the architectural style of the TND shall be conveyed with drawings of proposed building elevations, including dimensions of building height and width, and façade treatment.
  - (7) Any other information deemed necessary by the City of Fond du Lac in order to evaluate plans.
- e. Amendments to the Implementation Plan. Minor changes to an approved Implementation Plan may be authorized by the Community Development Department, provided that the changes do not involve:
- (1) Increases or decreases of less than 10% in floor area of structures or number of dwelling units.
  - (2) Change of exterior building material.
  - (3) Alteration of any conditions imposed by the Plan Commission.
- f. Subdivision of Land. Where a TND involves a division of land, the required documents shall be reviewed and approved in accordance with the requirements of Chapter 18, Subdivision and Platting, of the Subdivision Ordinance and Chapter 236 of the Wisconsin Statutes. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines for a TND, the provisions of this ordinance shall apply.
- g. Traditional Neighborhood Development Design Standards. A TND should consist of residential uses, a mixed use area, and open space uses.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.g.(1)**

- (1) Residential. A mix of residential uses to include single-family detached dwellings, single-family attached dwellings, multifamily dwellings, secondary dwelling units, and special needs housing such as community living arrangements and assisted living facilities. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the TND.
  - (2) Mixed Use. A mixed use area of commercial, residential, civic or institutional and open spaces uses. All residents should be within approximately 1/4 mile from existing or proposed commercial, civic and open space areas.
    - (i) Commercial uses. Refer to allowable business uses permitted in the B-2 and B-3 districts as specified in Section 11.08 C. Schedule II. Individual business should not exceed 6,000 square feet in size. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25% of the TND.
    - (ii) Residential uses. Single-family attached dwellings, multifamily dwellings, dwelling units located on upper floors above commercial uses or to the rear of storefronts, live/work units that combine a residence and the resident's workplace, and special needs housing such as community living arrangements and assisted living facilities.
    - (iii) Civic or institutional uses.
    - (iv) Open space uses.
- h. Development Units. The number of residential dwelling units shall be determined as follows:
- (1) In areas devoted to mixed residential uses:

The number of single-family attached and detached units permitted shall be 5-8 dwelling units per net acre.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.h.(2)**

The number of multifamily units shall be 15-40 dwelling units per net acre.

Secondary dwelling units shall be permitted in addition to the allowable number of dwelling units per net acre, except that the number of secondary dwelling units shall not be more than 10% of the total number of single-family attached and detached units.

For each affordable housing unit provided, one additional dwelling unit shall be permitted, up to a maximum 15% increase in dwelling units.

(2) In mixed use areas:

The number of single-family attached and detached units permitted shall be 5-8 dwelling units per net acre and the number of multifamily units shall be 15-40 dwelling units per net acre. An additional 10% of the permitted total of units is allowed.

Dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section, except that the total number of such units shall not be increased by more than 10% of the allowable total.

- i. Open Space. At least 20% of the gross acreage of the TND must be open space. Open space may include un-developable areas such as steep slopes and wetlands, and stormwater detention/retention basins. Public open space shall be provided in accord with subdivision ordinance requirements, the Comprehensive Plan and the Official Map.
- j. Stormwater Management. The design and development of a TND should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.k.**

k. Lot Standards and Setback Requirements.

- (1) Lot Size. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs. The minimum lot size for single-family and two-family homes is 5,000 square feet. The minimum lot size for multifamily development is 2,250 square feet of lot area for each dwelling unit.
- (2) Building Setbacks - Mixed Use Area. Structures in the mixed use area require no minimum front or side yard setback, and commercial and civic or institutional buildings should abut the public sidewalk. Where commercial, civic or institution buildings abut properties planned for residential use, a setback of 20 feet shall be provided.
- (3) Building Setbacks - Mixed Residential Uses. Single-family detached residences shall provide a front yard building setback between 0 and 25 feet. Single-family attached residences and multifamily residences shall provide a front yard building setback between 0 and 15 feet.

The minimum side yard setback for all dwellings shall be not less than five feet. A zero side yard setback for single-family dwellings shall be allowed, provided that a reciprocal access easement is recorded for each lot and townhouse or other attached dwellings, and provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

The minimum rear yard setback for all dwellings shall be not less than 20 feet.

1. Circulation. The circulation system shall allow for different modes of transportation. The circulation system shall provide adequate traffic capacity, connected pedestrian and bicycle routes on streets and/or on dedicated paths, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility. Where feasible, existing pedestrian and bicycle routes through the site

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.m.**

shall be preserved and enhanced. Traffic calming features such as queuing streets, curb extensions, traffic circles and medians may be used to encourage slow traffic speeds. The TND should maintain the existing street grid, where present, and restore any disrupted street grid where feasible.

- m. Parking Requirements. Parking areas for shared use should be encouraged. In addition:
- (1) In the mixed use area, parking lots shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 11.13 o.
  - (2) In the mixed use area, a commercial use shall provide one parking space for every 500 square feet of gross building area.
  - (3) Parking lots or garages shall provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
  - (4) Parking requirements for residential uses shall be met pursuant to Section 11.11 G. Schedule VI.
- n. Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- (1) New structures shall be no more than three stories for single-family residential or five stories for commercial, multifamily residential or mixed use.
  - (2) The architectural features, materials and the articulation of a façade of a building shall be continued on all sides visible from a public street.
  - (3) The front façade of the principal building on any lot shall face onto a public street.
  - (4) Porches, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES  
IN RESIDENTIAL DISTRICTS 11.06 E.13.n.(5)**

- (5) For commercial buildings, a minimum of 50% of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
  - (6) Garages and secondary dwelling units: A detached garage and/or a secondary dwelling unit may be provided on a single-family detached residential lot in addition to an accessory building provided that the garage and/or second dwelling unit do not exceed 750 square feet.
  - (7) Exterior signage: A comprehensive sign program is required for the entire TND to establish a uniform sign theme. Signs shall share a common style (e.g. size, shape, material).
  - (8) Guidelines for lighting: Street lights shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used.
- o. Landscaping, Screening and Parking Design Standards. Refer to Section 11.11 E.6 (Area and Access), Section 11.11 E. 8 (Driveways) and Section 11.11 E.9 (Design and Maintenance). Overall composition and location of landscaping shall complement the scale of the development and its surroundings.
- (1) Parking area landscaping and screening. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses shall provide a landscaped area at least five feet wide along the public street or sidewalk. One tree for each 25 linear feet of parking lot frontage is required.
  - (2) Required screening shall be at least three feet in height and it shall be at least 50% opaque throughout the year.
  - (3) Maintenance and replacement of landscape materials shall be the responsibility of the property owner.

**SECTION 11.07**  
**RESERVED**

Regulations related to Office district have been combined in Sec. 11.09 with other districts.

**SECTION 11.08**  
**BUSINESS DISTRICTS**

11.08 A. INTENT

1. General

The general intent of this Section 11.08 is to set forth land uses or activities which are permitted in business and commercial areas in the City of Fond du Lac, 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.

2. B-2 Neighborhood Shopping District

The intent of the B-2 Neighborhood Shopping district is to set forth those business land uses and activities which are permitted to provide those convenience goods and personal services which meet the day-to-day living needs of the immediate neighborhood.

3. B-3 Central Shopping District

The intent of the B-3 Central Shopping district is to set forth those land uses and activities which are permitted to provide a wide range of shopping, personal service, entertainment and cultural facilities of city-wide and regional significance, located primarily within the core of Fond du Lac's downtown area.

4. B-4 Service Commercial District

The intent of the B-4 Service Commercial district is to set forth those land uses and activities which are permitted to provide for a variety of business and service needs of the City and surrounding region but which are usually incompatible in scale or function with the development and character of the City's residential neighborhoods or central shopping district.

5. B-5 Special Commercial District

The intent of the B-5 Special Commercial district is to set forth those land uses and activities which are permitted to provide for the specialized business needs of a regional trade area, including highway oriented services and comprehensive shopping centers.

## GENERAL PROVISIONS 11.08 B.

### 6. B-6 Planned Commercial District

The intent of the B-6 Planned Commercial district is to provide locations and design controls for efficient and attractive commercial centers. To achieve this goal, such centers should be designed as a unit and have access to arterial streets. Businesses that would disrupt the center or its circulation pattern should be excluded.

## 11.08 B. GENERAL PROVISIONS

### 1. 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 II. Regulations for lot size, yards and similar bulk requirements are set forth in Schedule II.A. Both said schedules are hereby adopted and made part of this Ordinance.

### 2. Excluded Uses or Activities

A land use or activity not set forth in Schedule II is not permitted in business districts in the City of Fond du Lac except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

### 3. Dwelling Units

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

- a. In the B-2, B-3, and B-4 districts in accordance with Sec. 11.10 B.20 of this Ordinance. (#2662)
- b. In a permitted hotel, motel, convent, monastery, parsonage or rectory.

## GENERAL PROVISIONS 11.08 B.4.

### 4. Enclosure of Operation

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

- a. Off-street parking or loading.
- b. Drive-in type of operations when conducted as a lawful permitted special use.
- c. 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.
- d. 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. Outdoor storage. Outdoor storage areas shall be maintained in a neat and orderly manner and effectively screened by opaque fencing not less than six feet in height. Storage areas shall not be located in a required front yard setback area, nor in or across any utility or drainage easements.
- f. All trash and recycling containers, including dumpsters, shall be enclosed by a wall of solid materials such as chainlink fencing with slats, or wood or masonry fencing, to provide an opaque visual screen.

### 5. Performance Standards

- a. Performance standards for noise, vibration, smoke and particulate matters, noxious odors, fire and explosion hazard, glare, heat and radiation shall be as established by the Building Inspection Division of the City of Fond du Lac and shall be enforced by said Division.
- b. When doubt exists as to conformance with such standards, Building Inspection Division review shall be obtained before a zoning certificate is issued.

### 6. Parking Limitations

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

**GENERAL PROVISIONS 11.08 B.6.b.**

- b. When a commercial activity requires that a truck in excess of one and one-half ton 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 8 feet.

7. 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. Exceptions to these provisions are contained in the B-5 Special Commercial district where specific wholesale sales or processing and fabricating are permitted.

8. Site Plan Approval

The Building Inspector 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 Planning Division of the City of Fond du Lac in accordance with Section 11.04 N of this Ordinance.

## 11.08 C. SCHEDULE II: LAND USES OR ACTIVITIES - BUSINESS DISTRICTS

P = Permitted  
 SC = Permitted with Special Conditions (11.08 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	B-2	B-3	B-4	B-5	B-6	REFERENCE
1. Adult-oriented establishment				SC	SC	11.08 E.18
2. Amplified music/sound		SC SUP	SC SUP			11.08 E.19 11.10 B.29
3. Antique and craft shop	SC	SC	SC	SC	SC	11.10.B.21
4. Antique and used furniture sales	SC	P	P	P		11.08.E.2
5. Automotive car wash			SP	SP		11.10.A
6. Automobile engine repair and service garage		SP	SP	P		11.10.A
7. Automotive parts and accessories		SP	P	P	P	11.10.A
8. Automobile service station			SP	SP	SP	11.10.B.11
9. Bakery	SC	SC	SC	P	P	11.08.E.9
10. Bank and financial institution including branch bank and drive-in	SC	P	P	P	P	11.08.E.2
11. Battery and tire sales and service			SC	SC	P	11.08.E.7
12. Bed and breakfast establishment	SP	SP	SP			(#2599)
13. Bicycle sales, rental and repair	SC	P	P	P	P	11.08.E.2
14. Blueprinting and photostating		P	P	P	P	
15. Boat sales and repair		SP	P	P		11.08.E.14
16. Bottling and distribution facility			SP	SP		11.10.A
17. Business machine and equipment sales and service		P	P	P	P	
18. Catering establishment		P	P	P		
19. Church, chapel, temple, convent, monastery, rectory		SC	SC	SC		11.06.E.7
20. Cleaning establishment	SP	SP	P	P		(#2599)
21. Club or lodge		SC	P	P		11.08.E.10
22. Cocktail lounge; tavern		P	P	P	P	11.08 E.19 and 11.10 B.29 for B-3 and B-4
23. Day care center, nursery school	SP	SP	SP	SP	SP	(#2599)
24. Drive-in restaurant including drive-thru facilities, i.e., bank, laundry, bakery, etc.	SP	SC	SC	SC	SC	11.10.A for B-2 11.08.E.8 for B-4 & B-5
25. Dry cleaning and laundry facility including linen, towel or diaper service	SC	SP	SC	P		11.08.E.6 for B-2 & B-4 11.10.A for B-3
26. Dwelling units	SC	SC	SC			11.08.B.3(#2662) 11.10.B.20
27. Eating and drinking establishments except drive-in restaurants	SP	P	P	P	P	1.10.B.12 11.08 E.19 and

**11.08 C. SCHEDULE II: LAND USES OR ACTIVITIES - BUSINESS DISTRICTS**

P = Permitted  
 SC = Permitted with Special Conditions (11.08 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	B-2	B-3	B-4	B-5	B-6	REFERENCE
						11.10 B.29 for B-3 and B-4
28. Feed store			SC	SC		11.08.E.11
29. Fraternal, philanthropic and eleemosynary institution		P	P	P		11.10.A (#2079)
30. Frozen food and locker facility			SP	P		11.10.A
31. Funeral and undertaking parlor			SP	SP		11.10.B.7
32. Furrier shop		P	P	P	P	
33. Greenhouse			P	P	SC	11.08.E.17 (#2079)
34. Hobby shop	SC	P	P	P	P	11.08.E.3
35. Household appliance, radio and TV sales and service		P	P	P	P	
36. Indoor amusement and recreation facility		P	P	P	P	11.08 E.19 and 11.10 B.29 for B-3 and B-4
37. Indoor cinema or theater		P	P	P	P	
38. Interior decorating	SC	P	P	P	P	11.08.E.2
39. Landfill	SC	SC	SC	SC	SC	11.10.B.27
40. Library	P	P	P	P		
41. Liquor store	SP	P	P	P	P	11.10.A
42. Loan office		P	P	P	P	
43. Machine, sheet metal and welding shop			SP	SP		11.08.E.15
44. Meat and fish market	SC	P	P	P	P	11.08.E.1
45. Medical, dental and optical clinic		P	P	P	P	
46. Meeting and exhibition hall		SC	P	P		11.08.E.10
47. Motel and hotel		SP	SP	SP		11.10.B.13
48. New and used automobile sales		SP	P	P		11.10.B.10
49. Newspaper office		P	P	P		
50. Newsstand	P	P	P	P	P	
51. Outdoor amusement and recreation facility			SP	SP		11.10.B.14
52. Parcel delivery		P	P	P		
53. Personal service facility; i.e., barber & beauty shop, tailor shop, self-service Laundromat, shoe & clothing repair	SC	P	P	P	P	11.08.E.6
54. Pet shop		P	P	P	P	
55. Photography studio	P	P	P	P	P	
56. Physical culture and health facility; spa		P	P	P	P	

**11.08 C. SCHEDULE II: LAND USES OR ACTIVITIES - BUSINESS DISTRICTS**

P = Permitted  
 SC = Permitted with Special Conditions (11.08 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	B-2	B-3	B-4	B-5	B-6	REFERENCE
57. Printing and publishing shop		SC	P	P		11.10.B.15
58. Private parking facility not accessory to another use		SP	SP	SP		11.10.A
59. Public utility for transmission of local service	P	P	P	P	P	
60. Professional or business office including optical and dental laboratory	SC	P	P	P	P	11.08.E.4
61. Radio and T.V. studio		P	P	P		
62. Rental service facility		SP	SC	SC		11.08.E.5 (#2128)
63. Research laboratory			P	P	SP	11.10.A
64. Sale and display of art objects, art and school supplies, candy, ice cream; gift shop; picture framing shop	P	P	P	P	P	
65. Sales and service of plumbing, electrical or heating fixtures and applicants		P	P	P	P	
66. Sales and service of recreation vehicles, motorcycle and similar vehicles		SP	P	P		11.10.A
67. Sales of building materials			SP	SP		11.10.B.18
68. Sale of convenience goods such as groceries, pharmaceuticals, sundries, photographic supplies, variety store	SC	P	P	P	P	11.08.E.1
69. Secondhand store and rummage sale		SC	SC	SC		11.08.E.12
70. Shelter facility	SP	SP	SP	SP	SP	11.10 B.30
71. Sign	SC	SC	SC	SC	SC	11.08.E.13
72. 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	SC	P	P	P	P	11.08.E.1
73. Tent and awning sales and production			P	P		
74. Ticket and travel agency	SC	P	P	P	P	11.08.E.4
75. Upholstering shop	SC	SC	P	P		11.08.E.4
76. Utility transmission line and substation		SC	SC	SC	SC	11.10.B.19
77. Vehicle body shop			SP	SP		11.10.A
78. Veterinary office and animal hospital or grooming shop			SC	SC	SP	11.10.B.16
79. Wholesale and warehouse facility		SP	SP	SP		11.08.E.18 (#2599)
80. Wireless telecommunications towers and antennas		SP	SP	SP	SP	11.04 Q.11.10.B.29

**11.08 D. SCHEDULE IIA: BULK REQUIREMENTS - BUSINESS DISTRICTS**

DIST.	LAND USE OR ACTIVITY	MIN. LOT WIDTH	MINIMUM YARDS* (see Sec. 11.04 C.5)			MAXIMUM BUILDING HEIGHT
			FRONT	SIDE	REAR	
B-2	All permitted uses except when special conditions or Special Permit provisions state otherwise.	30'	25' or compatible with adjacent residence district yard requirements	None required except: 1. If side yard is provided it shall be at least 5 feet. 2. 30 feet from an existing street right-of-way. 3. 20 feet when adjacent to a residence district.	25	2 stories or 30 feet whichever is less.
B-3	All permitted uses except when special conditions or Special Permit provisions state otherwise.	None	None	None required except: 1. If side yard is provided it shall be at least 5 feet. 2. 20 feet when adjacent to a residence district.	None required except: 25 feet when adjacent to a residence district.	None
B-4	All permitted uses except when special conditions or Special Permit provisions state otherwise.	None	20 <sup>a</sup>	None required except: 1. If side yard is provided it shall be at least 5 feet. 2. 20 feet from an existing street right-of-way. 3. 20 feet when adjacent to a residence district.	25	4 stories or 50 feet whichever is less.
B-5	All permitted uses except when special conditions or Special Permit provisions state otherwise.	None	15	Two required, each not less than 10 feet, except: 1. 15 feet from an existing street right-of-way. 2. 20 feet when adjacent to a residence district.	25	2.5 stories or 35 feet whichever is less.
B-6	All permitted uses except when special conditions or Special Permit provisions state otherwise.	None	150	Two required, each not less than 25 feet in width, except a side yard adjoining a street or residence district shall not be less than 50 feet in width.	60	None

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

<sup>a</sup> Along Main Street no front yard shall be required except that no structure shall be less than 40 feet from the center of the existing right-of-way.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.**

11.08 E. SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS

Land uses or activities listed in Schedule II as being "Permitted with Special Conditions" shall not be considered permitted, and the Building Inspector 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.

1. 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.

2. Specified Retail Sales or Service Establishment

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

3. Hobby Shop

Permitted when:

- a. Total floor area does not exceed 5,000 square feet.
- b. Testing or use of items sold or displayed occurs only within the shop.

4. Business or Professional Office

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

5. Rental Service Facility Including Vehicles

Permitted when:

- a. Outdoor storage areas are located no less than 10 feet from any property line.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.6.**

- b. A landscaping plan has been approved for outdoor storage and parking areas.
- c. Access drives are clearly defined by curbs and are no wider than 35 feet.

6. Personal Service Facility

Permitted when:

- a. In a B-2 district, no dry cleaning and laundry processing, other than self-service, is conducted on the premises. Such businesses shall not have a floor area exceeding 2,500 square feet.
- b. In a B-4 district, not more than 5,000 square feet of floor area is devoted to dry cleaning, pressing or laundering processes which are not self-service.

7. Battery and Tire Sales and Service

Permitted when:

- a. All storage and servicing occurs within a building and vehicles are not parked outdoors overnight.
- b. Access drives to parking and service areas are clearly defined by curbs and no wider than 25 feet.
- c. All outside storage is screened from public view.

8. 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 Planning Division.

9. Bakery

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

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.10.**

10. Club or Lodge

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

11. Feed Stores

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

12. Secondhand Store and Rummage Sale

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

13. Signs

Permitted when they are in compliance with Section 11.12 of this Ordinance.

14. Boat Sales and Repair

Permitted when:

- a. Parking areas and access thereto are paved and clearly defined by curbing and are landscaped according to district standards or not less than a 5 foot landscape area.
- b. A 5 foot buffer strip (see Definitions) is planted along all property lines adjacent to a residential district.

15. Machine, Sheet Metal and Welding Shop

Permitted as a special use for reuse of an existing structure provided that all operations are conducted within the enclosed building.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.16.**

16. Temporary Greenhouses

Temporary greenhouse permits must be obtained from the Building Inspector of the City of Fond du Lac. Temporary permits shall be in effect for a period not to exceed six months.

17. Wholesale and Warehouse Facility

There shall be no outside storage of materials. (#2079)

18. Adult Oriented Establishment

a. Definitions:

Adult Oriented Establishment. Any premises including, but not limited to, adult bookstore, adult motion picture theater, adult entertainment, adult cabaret, or any other place of business of any similar purpose, operation or function regardless of whether any other use is also conducted on the premises.

(1) Adult Bookstore. A building or structure that has a facility, or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment", including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined in this Section.

(2) Adult Motion Picture Theater. A building or structure used for presenting material in the form of motion picture film, video tape or other similar means, substantially devoted to the depiction of the specified anatomical areas or specified sexual activities as defined in this Section.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.18.a.(3)**

- (3) Adult Entertainment. A building or structure regularly used for presenting live performances which are substantially devoted to the exhibition of the specified anatomical areas or specified sexual activities as defined in this Section, for the observation and viewing by patrons therein.
- (4) Adult Cabaret. A building or structure which features topless dancers, strippers, male or female impersonators, or similar entertainers that display specified anatomical areas or engage in specified sexual activities as defined in this Section.
- (5) Booths/Cubicles/Rooms/Compartments/Stalls. Enclosures that are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment", or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any person other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.
- (6) Specified Anatomical Areas. Less than completely and opaquely covered human genitals, human buttocks and human female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (7) Specified Sexual Activities. Human genitals in a simulated or actual state of sexual stimulation or arousal; acts of sexual intercourse, masturbation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; fondling or other erotic touching or sexual stimulation of human genitals, pubic region, buttocks, or female breast.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.18.b.**

b. Locational Criteria.

- (1) An Adult Oriented Establishment shall be allowed only where specifically permitted by the applicable zoning district of a property.
- (2) No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy or exercise control of any building, structure, premises, or portion or part thereof, for an Adult Oriented Establishment within 500 feet of any other adult oriented establishment, child care facility, school (whether pre-school, elementary, middle, high school or college, whether public or private), park or playground, recreation facility, church or chapel, library, or residentially zoned property.

For the purpose of determining the distance between an Adult Oriented Establishment and any use set forth in Subsection a. above, the measurement shall be from the nearest lot line, that is the legal boundaries of a parcel of property, of the parcel upon which the use is located and then along the nearest public street or streets to the nearest lot line of the use being measured.

In the B-6 district, for the purpose of determining the distance between an Adult Oriented Establishment and any use set forth in Subsection a. above, the measurement shall be from the nearest building wall of the commercial building space of the parcel upon which the use is located, to the nearest building wall of the principal use being measured.

- (3) Prior to the issuance of any building permit, a determination for compliance with Subsection b. above shall be made by the Community Development Department.

c. Severability.

In the event that any section, subsection, clause, phrase or portion of this ordinance or of Section 11.08 C. Schedule II of the 1984 Revised Zoning Code of the City of Fond du Lac, or of Section 11.12 D.1 of the 1984 Revised Zoning Code of the City of Fond du Lac, is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction,

**SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN  
BUSINESS DISTRICTS 11.08 E.19.**

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of this ordinance or of Section 11.08 C. Schedule II of the 1984 Revised Zoning Code of the City of Fond du Lac, or of Section 11.12 D.1 of the 1984 Revised Zoning Code of the City of Fond du Lac. It is the legislative intent of the City Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

19. Amplified Music/Mechanically or Electronically Produced Sound

A land use that utilizes amplified music or mechanically or electronically produced sound as a regular part of business operations where such use is not located adjacent to a building that includes one or more residential living units (including apartments, hotel, bed & breakfast inn or similar residential-type use) is permitted, subject to the following requirements:

- a. Land uses regulated by this section shall include taverns, restaurants, arcades and teen clubs, nightclubs (alcoholic or non-alcoholic), and similar uses on property located in the Business Improvement District, the boundaries of which may be amended from time to time.
- b. This section shall apply to the new use of a building or property for a sound-generating use and/or expansion of an existing use.
- c. Special events that occur two or fewer times in a calendar year (i.e., grand opening, business anniversary, community/charitable fundraising, etc.) are exempt from this section.
- d. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for normal exit/entry of persons.
- e. Sound shall be muffled or controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The installation of physical barriers to prevent amplified sound and vibration intrusion to nearby residential properties may be required.

**SECTION 11.09**  
**COMMERCIAL-RECREATION, OFFICE, MANUFACTURING DISTRICTS**

11.09 A. INTENT

1. General

The general intent of this Section 11.09 is to set forth land uses or activities which are permitted in commercial-recreation, office and manufacturing areas in the City of Fond du Lac, 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.

2. C-R Commercial-Recreation District

The intent of the C-R Commercial-Recreation district is to set forth those specialized land uses and activities which are permitted to provide for appropriate development of the recreation potential of land adjoining Lake Winnebago while protecting its value and amenity as a natural resource.

3. O Office District

The intent of the O Office 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 City and surrounding region and which often have unique site and locational requirements.

4. M-1 and M-2 Manufacturing Districts

The intent of the manufacturing districts is to set forth those land uses and activities which are permitted to provide for industrial and allied development within the framework of industrial growth goals of the City of Fond du Lac. It is further intended that regulations in manufacturing 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.

**INTENT 11.09 A.5.**

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 manufacturing districts and the entire City and its environs.

5. M-3 Planned Manufacturing and Office District

The intent of this district is to allow unobtrusive manufacturing, research, testing, servicing, storing or cleaning of material goods or products as well as freestanding office uses. These uses will be allowed to mix within this zoning district provided that specific performance and site design standards are met.

a. Permitted Uses

- (1) Businesses, the principal use of which is manufacturing, research, testing, servicing, storing or cleaning of materials, goods or products.
- (2) General office uses including business, professional and governmental offices.

b. Accessory Uses

- (1) Off-street parking and loading.

c. Lot Area

Lot area shall be a minimum of one hundred twenty thousand (120,000) square feet.

d. Lot Widths

Not less than two hundred fifty (250) feet except as may be otherwise recommended by the Plan Commission to a minimum of two hundred (200) feet.

e. Floor Area Ratio

Not to exceed 0.5.

**INTENT 11.09 A.5.f.**

f. Yards

Front - not less than fifty (50) feet.  
Side - not less than thirty (30) feet.  
Rear - not less than fifty (50) feet.

g. Off-Street Parking and Loading

In accordance with applicable regulations set forth in Section 11.11. In addition the following standards must be met:

- (1) All parking/loading areas and drives shall be curbed.
- (2) Landscape islands shall be constructed with appropriate curbing within all parking areas. There shall be at least one two-inch caliper tree planted within parking areas for each five parking stalls.
- (3) All parking/loading areas shall be screened by berms not less than three (3) feet in height. Berms shall be landscaped with appropriate landscape groupings to include both trees and shrubs.

h. Development Plan and Specifications

The design features and standards of development within the M-3 district shall, in addition to the regulations set forth in this ordinance, conform to a development plan, including details and specifications as may be required, which is reviewed and approved by the Plan Commission. The development plan, shall include, as a minimum, the following:

- (1) An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.
- (2) The pattern of public and private roads, driveways, and parking facilities, lawn areas, and intended design standards.
- (3) The size, arrangement, and location of proposed building groups.

**INTENT 11.09 A.5.i.**

- (4) The design of off-street parking and loading areas, traffic aisles, entrances, and exits.
- (5) Location, type, and size of all plant material.
- (6) The use, type, size and location of structures, including fences, walls and landscape features.
- (7) The location of sewer and water facilities.
- (8) Architectural drawings and sketches illustrating the design and character of proposed structures.
- (9) Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes.
- (10) Statistical data on total size of project area, floor area, height of buildings, number of off-street loading spaces.

i. Outside Storage

Outside storage of materials used in any process or outside storage of finished products is specifically forbidden within this district.

6. M-4 Planned Manufacturing and Business District (#2547)

The M-4 district is established to reserve and develop industrial sites to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of manufacturing establishments, national or regional headquarters office facilities, research and development facilities, and medical facilities, all of an unobtrusive non-nuisance type. The intent is to allow the above use types to mix within the district in a planned park-like setting, provided that performance, site design and aesthetic standards are met.

a. General Requirements (#2547)

- (1) All developments shall be designed and sized in a manner which is architecturally, aesthetically and operationally harmonious with other development within the district.
- (2) No above-ground utilities are permitted, except for temporary installations during construction, limited to a maximum of twelve (12) months.

**INTENT 11.09 A.6.b.**

- (3) No use shall be conducted so as to cause offensive odors, smoke, fumes, dust, vibration, noise, pollution, fire or explosive hazard, or any nuisance of any kind.
- (4) All operations, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- (5) No outside storage is permitted.
- (6) No on-street parking or loading is permitted.

b. Permitted Uses

- (1) Manufacturing, research/development and testing facilities.
- (2) National or regional headquarters office facilities.

c. Uses Requiring Special Use Permit. In addition to the Special Use Permit requirements set forth in Section 11.10 of this ordinance, no Special Use Permit may be granted in the M-4 district which would result in less than fifty (50) percent of the land use in a Tax Increment district meeting the definition of "industrial sites" found in s.66.52, Wis. Stats.

- (1) Printing and publishing plants.
- (2) Medical facilities.
- (3) Hotels and conference/trade centers.
- (4) Banks and financial institutions.
- (5) Above-ground utility and telecommunication installations.
- (6) Above-ground storage tanks.
- (7) Business service uses.
- (8) Professional offices.
- (9) Wireless telecommunications towers and antennas.

d. Accessory Uses (#2547)

- (1) Off-street parking and loading.

**INTENT 11.09 A.6.e.**

- (2) Day care centers, restaurants, and similar personal service facilities, if accessory to a principal permitted or special use and if located in the same building as the principal use.

e. Construction Materials (#2547)

All buildings, principal and accessory, shall be constructed with exterior walls consisting entirely of masonry, brick, stone, glass or decorative concrete, and may include architectural steel, iron, copper, or aluminum.

f. Lot Area, Width (#2547)

Lot area shall be a minimum of one hundred twenty thousand (120,000) square feet. Lots abutting state or federal highways, or the future route of the Highway 151 Bypass, shall be a minimum of five (5) acres in size.

Lot width shall be a minimum of two hundred fifty (250) feet.

g. Size of Building (#2547)

No principal building shall be constructed which is less than ten thousand (10,000) square feet of gross floor area in size. Buildings on lots abutting state or federal highways shall be a minimum of forty thousand (40,000) square feet of gross floor area.

h. Maximum Lot Coverage (#2547)

The maximum total lot coverage for principal and accessory buildings is thirty percent (30%). The maximum total lot coverage for buildings, parking and loading areas shall be seventy percent (70%). Remaining areas must be planted in grass and other landscape materials.

i. Yards (#2547)

**INTENT 11.09 A.6.j.**

Front	minimum fifty (50) feet.
Side	each, minimum thirty (30) feet, or forty-five percent (45%) of building height, whichever is greater.
Rear	minimum thirty (30) feet, or forty-five percent (45%) of building height, whichever is greater.
Along Highways	any yard abutting state or federal highways, or the future route of the Highway 151 Bypass, shall be a minimum of one hundred (100) feet in depth.

j. Off-Street Parking and Loading (#2547)

Off-street parking and loading areas must be constructed in accordance with the applicable regulations set forth in Section 11.11. In addition, the following standards must be met:

- (1) No parking or loading areas may be constructed in any required yard.
- (2) All parking and loading areas and drives shall be curbed and paved.
- (3) Landscape islands shall be constructed and curbed within all parking areas. There shall be at least one (1) two-inch caliper tree planted within and alongside parking areas every fifty (50) feet. Where the number of parking spaces in any one parking lot exceed sixty (60), or where any double row of spaces exceeds fifty (50) spaces, or where any single row exceeds twenty-five (25) spaces, the provisions of Section 11.11 E.9 shall apply.
- (4) All parking and loading areas shall be screened by berms not less than three (3) feet in height. Berms shall be landscaped with appropriate landscape groupings to include both trees and shrubs.
- (5) Loading areas and loading docks are not permitted on the side of a building adjacent to a street or a highway, or the future route of the Highway 151 Bypass.

**INTENT 11.09 A.6.k.**

k. Development Plan, Aesthetic Controls (#2547)

A development plan, which includes the site plan information required in Section 11.04 N, shall be submitted and is subject to the review and approval of the Planning Division, per Section 11.04 N. In addition to the requirements of Section 11.04 N, the development plan shall include:

- (1) Architectural drawings and sketches illustrating the design and character of all proposed structures, including materials and colors, and elevation drawings of all sides of the building.
- (2) Location, type and size of all plant material.
- (3) Statistical data on total size of property, total gross and net floor area, lot coverage, height of buildings, proposed uses within the building, and number of off-street parking and loading spaces.

In addition to the standards for approval found in Section 11.04 N, the following additional standards for approval shall apply:

- (1) Fences. For the purpose of this section, fences shall be considered structures, and are subject to the site plan review process. No fences greater than six (6) feet in height shall be permitted. No chain-link or wire fences shall be permitted. Fences shall be constructed of materials compatible with the landscape and with existing and proposed buildings and structures within the M-4 district.
- (2) Lighting. No lighting structure shall exceed eighteen (18) feet in height. No flashing, blinking, moving, intermittent, festoon or string lighting shall be permitted. No lighting may be permitted which causes significant glare, wash or spill-over onto adjoining streets, highways or properties. No unshielded lighting shall be permitted.
- (3) Mechanical, Utility and Communication Equipment. All roof-mounted and ground-mounted mechanical equipment must be screened from view. Satellite dishes, other telecommunications equipment, solar collectors and other ancillary equipment or structures must be placed as unobtrusively as possible, and be screened from view and/or landscaped extensively where possible.

## GENERAL PROVISIONS 11.09 B.

### 11.09 B. GENERAL PROVISIONS

#### 1. Schedule of Regulations

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

#### 2. Excluded Uses or Activities

A land use or activity not set forth in Schedule III is not permitted in a commercial-recreation, office or manufacturing district in the City of Fond du Lac except that uses and activities which are similar to those which are permitted in a district may be permitted by special use permit.

#### 3. Scope of Operation

In a Commercial-Recreation district all business establishments shall be retail or trade service establishments dealing directly with consumers, and all goods produced on the premises shall be sold on the premises where produced.

#### 4. Enclosure of Operation

- a. Commercial-Recreation District. All business, servicing, processing or storage shall be within completely enclosed buildings except those necessary activities conducted in connection with a lawfully established outdoor recreational use or a drive-in use.
- b. Office District. 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.
- c. Manufacturing District. All operations shall be conducted within completely enclosed buildings except:

## GENERAL PROVISIONS 11.09 B.4.c.(1)

- (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 Residence district. Such areas, when located within 500 feet of a Residence 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 feet or more than eight 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. Outdoor storage. Outdoor storage areas shall be maintained in a neat and orderly manner and effectively screened by opaque fencing not less than six feet in height. Storage areas shall not be located in a required front yard setback area, nor in or across any utility or drainage easement.
- e. All trash and recycling containers, including dumpsters, shall be enclosed by a wall of solid materials such as chainlink fencing with slats, or wood or masonry fencing, to provide an opaque visual screen.

### 5. Setbacks Along District Lines

- a. In an M-1, M-2 and M-3 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 30 feet from a Residence district boundary line. All buildings and accessory uses shall be setback 30 feet from street rights-of-way.
- b. 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.

## GENERAL PROVISIONS 11.09 B.5.c.

- c. From an interior lot line, which line is also a boundary of a Residence district, all off-street parking or outdoor storage shall be effectively screened from such Residential district by a buffer strip at least 12 feet wide and planted to provide an effective visual screen.
- d. When industrial buildings or structures which exist on the effective date of this Ordinance have setbacks from a Residence district 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 a Residence district as determined by the Planning Division in its site plan review.

### 6. Site Plan Approval

No land use or activity in a Manufacturing district may be developed or expanded without a building permit issued by the building inspector under the rules and regulations contained in this Section 11.09. The Building Inspector may not issue a building permit for the development or expansion of any permitted use in any Commercial-Recreation, Office and Manufacturing district until a final site plan has been approved by the Planning Division of the City of Fond du Lac in accordance with Section 11.04 N of this Ordinance.

### 7. 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.

### 11.09 C. SCHEDULE III: LAND USES OR ACTIVITIES - OTHER DISTRICTS

P = Permitted  
 SC = Permitted with Special Conditions (11.09 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	C-R	O	M-1	M-2	M-3	REFERENCE
1. Above ground storage of flammable liquids and materials			SP	SP		11.09.E.6
1a. Aircraft hangars and other aircraft service facilities			P	P		(#2444)
2. Ambulance service			P	P		
3. Antique and craft shop	SP					11.10.B.21
4. Archery range, golf driving range, ice skating rink	SP		SP	SP		11.10.A
5. Art gallery, museum	P	P				
6. Automobile parking lot or garage		SP				11.10.A
7. Bathhouse and cabana	SP					11.10.A
8. Boat docks and harbors for pleasure craft	SP					11.10.A
9. Bottling works			P	P		
10. Bowling alley	P					
11. Car wash			P	P		
12. Cemetery monument creation and sales			P	P		
13. Charter, excursion and sight-seeing boat	SP					11.10.A
14. Contractor's facility, including material and equipment storage			P	P		
15. Dwelling unit, when located in an office building		SP				11.10.B.25
16. Dwelling, when located in an exclusively residential building		SC				11.09.E.2
17. Express and parcel delivery except motor freight terminal			P	P		
18. Fraternal, philanthropic or eleemosynary use		P				
19. Fuel and ice retail sales			P	P		
20. General marine sales and service including the sale and storage of fuel	SP					11.10.A
21. Governmental service	SP	P	SP	SP	P	11.10.A for C-R
22. Greenhouse and nursery			P	P		
23. Heliport			SP	SP		11.10.A

### 11.09 C. SCHEDULE III: LAND USES OR ACTIVITIES - OTHER DISTRICTS

P = Permitted  
 SC = Permitted with Special Conditions (11.09 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	C-R	O	M-1	M-2	M-3	REFERENCE
24. Hospitals		SP				11.10.A
25. Ice cream, candy, gift, souvenir and similar retail store	P					
25a. Indoor recreation facilities		SP				11.10.A
26. Labor hall and office		SC	SC	SC		11.09.E.8
27. Landfill			SC	SC		11.10.B.28
28. Laundry			P	P		
29. Library		P				
30. Lumberyard mill work			P	P		
31. Mail order house			P	P		
32. Manufacturing, fabricating, assembly, repair, storage, processing, cleaning, servicing and testing establishment			SC	SC	P	11.09.E.5
33. Marine sales and service (excluding sale and storage of fuel)	P					
34. Milk distribution sales			P	P		
35. Miniature or par-3 golf, Go-kart track	SP		SP	SP		11.10.A
36. Mining, quarrying or extraction of sand, gravel, soil or other aggregate			SP	SP		11.10.B.27
37. Motel and hotel	P	SP				11.10.B.22 for O district
38. Motor freight terminal, air and rail freight terminal			SP	SP		11.10.B.26
39. Nursing home		SP				11.10.B.3
40. Offices: governmental, business or professional including medical, dental or optical clinics		P			P	
41. Offices with accessory research, testing, warehousing, fabricating or assembly		SP	SP	SP	P	11.10.B.24
42. Off-street parking	P	P	P	P		
43. Outdoor theaters			SP			11.10.A
44. Packing and crating			P	P		
45. Places of religious worship		P				

### 11.09 C. SCHEDULE III: LAND USES OR ACTIVITIES - OTHER DISTRICTS

P = Permitted  
 SC = Permitted with Special Conditions (11.09 E)  
 SP = Special Permit Required (11.10)

LAND USE OR ACTIVITY	C-R	O	M-1	M-2	M-3	REFERENCE
46. Planned development		SP				11.10.B.8
47. Public and private clubs, lodges or fraternal organizations	P					
48. Public or privately owner resort	SP					11.10.A
49. Public or private park or playground	SP	SP	SP			11.10.A
50. Public utility	P	P	P	P		
51. Publishing and printing			P	P		
52. Railroad switching and repair facility			P			
53. Restaurant, drive-in or outdoor	SP					11.10.A
54. Restaurant, except drive-in type	P	SC				11.09.E.1
55. Shelter facility		SP	SP	SP		11.10 B. 30
56. Sign	SC	SC	SC	SC		When in compliance with 11.12
57. Sporting goods, camera and photographic store	P					
58. Storage or use of materials which decompose by detonation			SP	SP		11.10.A
59. Swimming pool, tennis court, shuffleboard courts and similar facilities	SP		SP	SP		11.10.A
60. Temporary building or fence	SC	SC	SC	SC		11.09.E.3
61. Theaters, except drive-in	P					
62. Trade school			P	P		
63. Vehicle repair including painting, body and motor work			P	P		
64. Warehouse			P	P	P	#2599
65. Watchman's dwelling			SC	SC		11.09.E.7
66. Wholesale or jobbing establishment			P	P		
67. Wireless telecommunications towers and antennas			P	P	SP	11.04 Q 11.10.B.29

**11.09 D. SCHEDULE IIIA: BULK REQUIREMENTS\* - COMMERCIAL-RECREATION, OFFICE, MANUFACTURING DISTRICTS**

DIST.	LAND USE OR ACTIVITY	MINIMUM LOT AREA (Sq. Ft.)	MIN. LOT WIDTH (Ft.)	FLOOR AREA RATIO	MINIMUM YARDS* (See Sec. 11.04 D.)			MAXIMUM BUILDING HEIGHT
					FRONT	SIDE	REAR	
C-R	All permitted uses except when special conditions or Special Permit requirements state otherwise.	10,000	80	0.8	20	5 ft. or 20 ft. when adjacent to a street or residential district	20	3 stories or 40 feet whichever is less
O	All permitted uses except when special conditions state otherwise.	6,000	50	2.0	20	5 ft. plus 0.5 ft. for each 1 foot of building height over 30 ft. or 20 ft. when adjacent to a street or residential district	25	None
	Uses permitted by Special Permit	10,000 or more as may be required by City Council						
M-1 M-2	All permitted uses except when special conditions or Special Permit requirements state otherwise	None		0.6 for M-1; 0.8 for M-2	30**	15 ft. or 30 ft. when adjacent to a street; none required when adjacent to a railroad right-of-way	25 ft. except none required when adjacent to a railroad right-of-way	None
M-3	All permitted uses	120,000	250	0.5	50	30 feet or 50 ft. when adjacent to a street	50 ft.	None
M-4	See 11.09 A.6.d(2) (#2547)							

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

\*\*See also Sec. 11.09 B.5.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES  
OR ACTIVITIES IN COMMERCIAL-RECREATION,  
OFFICE, MANUFACTURING DISTRICTS 11.09 E.**

11.09 E. SPECIAL CONDITIONS FOR CERTAIN LAND USES OR ACTIVITIES IN COMMERCIAL-RECREATION, OFFICE, MANUFACTURING DISTRICTS

Land uses or activities listed in Schedule III as being "Permitted with Special Conditions" shall not be considered permitted, and the Building Inspector 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.

1. Restaurant Except Drive-in

Permitted in a C-R district when dancing or live entertainment is not permitted in the Office district in an office building when over 60 percent of the first floor is in office use.

2. 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-5 Residence district. (See Schedules I and I A.)

3. 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.

4. Sign

Permitted when they are in compliance with Sec. 11.12 of this Ordinance.

5. Manufacturing, Fabricating, Assembly, Repair, Storage, Processing, Cleaning, Servicing and Testing Establishments

Permitted in an M-1, M-2 and M-3 district only when:

- a. 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 Fond du Lac Division of Building Inspection.

**SPECIAL CONDITIONS FOR CERTAIN LAND USES  
OR ACTIVITIES IN COMMERCIAL-RECREATION,  
OFFICE, MANUFACTURING DISTRICTS 11.09 E.6.**

- b. Any use involving the storage, use or manufacture of materials or products which decompose by detonation has been specifically licensed by the City Council or is customarily incidental to the operation of a principal use and in conformance with applicable performance standards of the Fond du Lac Division of Building Inspection.

6. Above Ground Storage of Flammable Liquids or Material

Permitted by special use in the M-1 and M-2 districts only when in compliance with appropriate performance standards of the Fond du Lac Division of Building Inspection and the Fond du Lac Fire Department and when such use has been approved by said Building Inspection and Fire Departments.

7. Watchman's Dwelling

Permitted in an M-1 and M-2 district if such dwelling is located on the premises where the said watchman is employed.

8. Labor Hall and Office

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

**SECTION 11.10**  
**SPECIAL USE PERMITS**

11.10 SPECIAL USE PERMITS

Those land uses or activities set forth in Schedules I, II, and III 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.

Special Use Permits shall be issued by the Planning Division only upon authorization by the City Council, after review by the Plan Commission. Authorization by the City Council shall be based on a determination that the land use or activity requiring a Special Use Permit complies with specific requirements for certain land uses and activities as may be set forth in Section 11.10 B of this Ordinance.

A. GENERAL REQUIREMENTS

1. That the land use or activity is to be designed, located and operated so as to protect the public health, safety, welfare and convenience.
2. That the land use of activity will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
3. That the land use or activity will be compatible with existing adjoining development and the implied character of the zoning district where it is to be located.
4. That effective landscaping and visual screening is provided as may be required herein.
5. That adequate off-street parking and loading are provided in accordance with Sec. 11.11 of this Ordinance and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.
6. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, except as may be otherwise set forth elsewhere in this Section. 11.10.
7. That any conditions thought to be necessary by the City Council to accomplish the purposes of this Ordinance can be complied with by the applicant for a Special Use Permit.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.**

8. That construction of the land use or activity shall begin within six (6) months from the date the permit was granted by the City Council, shall continue with due diligence, and shall be completed within two (2) years, or the permit shall be null and void. (#2191)

11.10 B. SPECIFIC REQUIREMENTS FOR CERTAIN LAND USES AND ACTIVITIES

In addition to the above General Requirements, other specific requirements shall pertain, as applicable, to certain land uses and activities as follows:

1. Mobile Home Park

No mobile home park may be built or expanded until a proposal meeting the requirements of this subsection has been approved by the City Council subject to site plan approval by the Planning Division.

a. Procedure

- (1) Six copies of a preliminary plan showing overall park design in accordance with Subsection 11.10 B.1.c shall be submitted to the Planning Division which shall transmit copies to other agencies as appropriate. After review, Planning Division and Plan Commission comments shall be available at the public hearing on the preliminary plan to be held by City Council. The City Council shall conditionally approve or disapprove the preliminary plan within (45) days from the date of the public hearing.
- (2) Conditional approval of the preliminary plan shall authorize the applicant to proceed with final plans incorporating any conditions attached to said approval. Final plans for the proposed mobile home park or expansion shall be submitted to the Planning Division for approval within one year from the date of conditional approval of the preliminary plan or the conditional approval may be withdrawn.
- (3) Upon City Council approval of the final plan a Special Use Permit shall be issued by the Planning Division. When construction is completed according to the final plans approved by the Planning Division a Certificate of Occupancy shall be issued by the Building Inspector.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.1.b.**

b. Contents of a Final Site Plan

Final plans for mobile home parks or expansions shall be prepared at a scale of 50 feet or less to the inch and shall show:

- (1) The area and dimensions of the proposed mobile home park.
- (2) The street, lot and auto parking layout.
- (3) The location of water lines, sewer lines, and fire hydrants.
- (4) A drainage plan for the mobile home park prepared by a registered engineer or registered architect.
- (5) Location and dimensions of all buffers, office structures, utility buildings, recreation areas, etc.
- (6) Description of the type and size of mobile homes and the nature of the anticipated occupancy of the park (i.e., leased units, privately owned units, transient units, etc.)

c. Environmental Standards

- (1) Size and Density. The minimum area allowable for a new park shall be 10 acres and the maximum density of mobile homes within the park shall be 7 mobile homes per gross acre. (Gross acreage includes all areas within the approved mobile home park boundaries). Additions, regardless of size, may be made to any existing mobile home park provided the proposal has had the approval of the City Council in accordance with this section.
- (2) Site Preparation. The mobile home unit shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features shall be preserved to the extend practical.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.1.c.(3)**

- (3) Mobile Home Space. Each mobile home space shall be clearly defined and shall abut on a street or driveway of not less than 22 feet in width, with unobstructed access to a public street, and each mobile home space shall contain no more than one mobile home and accessory structures. Each mobile home space shall contain a minimum of 4,000 square feet and shall be at least 40 feet wide at the front building line.
- (4) Separation. Mobile home units may be positioned in a variety of ways within a park provided that an average separation of at least 20 feet is maintained between units.
- (5) Setback. No mobile home shall be located less than 15 feet from the pavement edge of a private street or 15 feet from the right-of-way of any public street within the mobile home park. A minimum of 30 feet shall be maintained between mobile home units and all park boundary lines except that at least 50 feet shall be maintained between all units and any park boundary abutting an existing public road or highway.
- (6) Tie-Down. Each mobile home shall be placed on a pad, piers or a foundation and shall be secured to the ground by well anchored tie-downs at least on each corner of the unit. See Wisconsin Administrative Code, Section Ind. 14.01.
- (7) Mobile Home Skirting. All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal, masonry, or other suitable durable material within 90 days of occupancy.
- (8) Parking. Two off-street parking spaces shall be provided for each mobile home space. Such parking areas may be located on each individual mobile home space or grouped to serve two or more mobile spaces.
- (9) Streets, Driveways and Parking Areas. All streets shall be at least 22 feet wide and shall consist of a 6 inch base of crushed limestone and a running surface of 2 inches of asphaltic concrete, or equal. Driveways and parking areas shall be constructed of at least 4 inches of crushed limestone surfaced with 1 inch asphaltic concrete or similar hard-surface material.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.1.c.(10)**

- (10) Street Lighting. All streets or driveways within the park shall be lighted at night with a minimum average illumination of 0.2 foot candles.
- (11) Placement of Utility Lines. All power, telephone and television cable lines shall be located beneath the finished grade of the mobile home park in accordance with the State Electrical Code.
- (12) Required Recreation Area. A minimum of 8 percent of the gross site area shall be devoted to recreation. Recreation areas shall be conveniently located to serve all park residents and shall contain not less than 2,500 square feet, nor a dimension of less than 50 feet.
- (13) Required Buffers. Mobile home parks shall be surrounded by buffer strips at least 15 feet in depth on the sides and rear and 50 feet in depth along the front; provided, however, that no side or rear buffer is required between adjacent mobile home developments. Buffers shall be attractively landscaped and maintained, and shall otherwise be unoccupied except for permitted utility facilities, signs or entrance ornamentations. The inside 35 feet or a 50 foot front buffer may be used for street or driveways or recreational facilities.

All parking shall be paved.

d. Expansion of Existing Mobile Home Parks

Plans for expansion of existing mobile home parks shall be submitted and approved in the same manner as plans for new parks. Environmental standards for new mobile home parks as set forth in Subsection 11.10 B.1c shall not be retroactive and shall not be applied to existing mobile home parks operating within the City of Fond du Lac at the time of the adoption of this Subsection 11.10 B.1, nor shall this section govern existing parks annexed to the city.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.1.e.**

e. Guidelines for Conditional Approval of Plans

In considering conditional approval of a proposed mobile home park or expansion of an existing park the City Council shall be guided by the following considerations:

- (1) Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe.
- (2) Off-street loading and parking area, with particular attention to noise, glare, or effects of the location of such areas on adjoining properties and properties generally in the district.
- (3) Refuse and service areas, with particular reference to health, safety and appearance.
- (4) Manner of drainage of the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall city drainage capacities.
- (5) Screening and buffering, with reference to the type, dimensions, and character to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
- (6) Signs and proposed exterior lighting with reference to glare, traffic safety, economic effects of the same on properties in the district and compatibility and harmony with nearby properties.
- (7) General amenities and convenience with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with properties in the general area as may be, and will not be so at variance with other uses in the general area as to cause a substantial depreciation of property values.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.2.**

2. Housing for the Elderly

Requirements:

- a. Yard setback as per district requirements.
- b. Maximum height shall be as per district requirements.
- c. A minimum of 1 parking space for every 1 dwelling unit plus 1 space for every 2 daytime employees. No more than 50 percent of any front yard area shall be used for access drives.
- d. Landscaping and site lighting plan to be required as part of site plan review.

3. Dwelling for Community Living Arrangement; Adult Family Home

Requirements:

- a. Must comply with applicable State Statutes and Administrative Codes, including Sec. 62.23(7)(i), Wis. Stat. (see also Sec. 11.15 Definitions)
- b. An exception to Section 62.23 (7)(i)(1) of the Wisconsin Statutes shall be required from the City Council after review by the Plan Commission, if a Community Living Arrangement or Adult Family Home is proposed to be located within 2500 feet of another such facility, except where compliance with all of the following is possible.
  - (1) The proposed facility is at least 500 feet from an existing facility;
  - (2) Not more than 8 residents will occupy the premises;
  - (3) On-site parking for guests, staff and residents shall be provided at the rate of 1 parking space for each 4 residents and 1 space for each staff person.
  - (4) The facility is intended for residential purposes only;
  - (5) Two facilities may be adjacent if both facilities comprise essential components of a single program.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.4.**

4. Nursing Home

Requirements:

- a. 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.
- b. Adequate off-street parking and service must be provided. One off-street parking space for each two beds in such home shall be considered a minimum.

5. Golf Course

Requirements:

- a. No clubhouse or other building shall be located less than 200 feet from the nearest lot line.
- b. Clubhouse facilities and services, including refreshments and food, are for use only by persons securing daily fee permits for playing a public or semi-public course, or persons who are bona fide members, and their guests, of a private course.
- c. No course shall be artificially lighted for night play or include commercially operated miniature golf or commercial driving range.

6. Vocational and Technical; College and University

Requirements:

- a. Minimum lot area of 3 acres.
- b. No structure shall be located less than 50 feet from any lot line.
- c. No more than 30 percent of any front yard area shall be used for parking and access drives.
- d. Night lighting of any parking areas shall not produce glare on adjacent residential lots.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.7.**

- e. A landscaping and lighting plan shall be approved as part of site plan review.

7. Funeral and Undertaking Parlor

Requirements:

- a. Minimum lot area of 60,000 sq. ft.
- b. No structure shall be located less than 40 feet from any lot line.
- c. Structures shall have an exterior compatible with the surrounding area.
- d. Consideration shall be given to vehicular stacking to insure that adequate provisions are made for procession assembly in the parking lot.

8. Planned Unit Development

a. Intent

This chapter is intended to encourage residential and commercial planned unit developments offering greater creativity and flexibility in site plan design than is provided under the strict application of zoning regulations, while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the City of Fond du Lac. Planned unit developments may include one or a variety of land uses. Mixed uses may include any combination of residential, commercial, or agricultural uses planned and developed in an orderly and compatible relationship to one another.

b. 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 PUD.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.c.**

c. 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.

d. District Standards

The District Standards shall be as follows:

- (1) Access. All land uses shall abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives must tie in effectively with the City's existing street system and with those arterial and collector streets proposed in its future land use plan.
- (2) Architectural Style. The architectural style of individual structures shall be compatible with other structures in the PUD, with the overall site design and with surrounding land uses.
- (3) 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.
- (4) Density. Density shall be governed by the standards of the zoning district most similar in function to the proposed use. A residential PUD may provide up to a 25% increase in the number of units per acre if the PUD 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 PUD 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.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.d.(5)**

- (5) 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 PUD 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 City.
- (6) 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 PUD 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.
- (7) Property Owner's Association. Membership in a property owner's association shall be mandatory for all owners of property within the PUD. The property owner's association shall own and maintain all common open space and private interior drives.
- (8) Minimum PUD Development Area. 10 acres of land in single ownership or control. A land use of less than 10 acres may qualify if one or more of the following conditions exist:
  - (a) Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features;
  - (b) The land is adjacent to or across the street from property which has been developed as a PUD and is to be developed in relationship to such prior development; or
  - (c) The PUD process is desirable to insure compatibility and careful consideration of the effect or a development on surrounding land uses.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.e.**

(d) 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 an area as a PUD in order to give the design flexibility needed to deal with site constraints.

(9) Designated Recreational Area. At least (10%) of the area of the residential portion of PUD shall be designated common recreational area(s).

e. Preliminary Development Plan Application

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

- (1) Existing trees over 6" in trunk diameter measured at two feet above grade, streams, marshes and other predominant natural features;
- (2) Phasing schedule stating the geographical phasing and approximate construction timing of the PUD or portions thereof;
- (3) Preliminary Drainage Plan;
- (4) Preliminary utility plan for all public utilities;
- (5) 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;

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.e.(6)**

- (6) 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
- (7) Vicinity map showing sufficient area surrounding the proposed PUD to demonstrate the development's relationship to the adjacent land uses and street system.

\* The applicant is strongly encouraged to meet with the Planning Division prior to application for PDPA with a concept sketch plan showing the information in 2, 3, 8, 9 & 11 below.

f. 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 Planning Division which shall transmit copies to other agencies as appropriate.

- (1) 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.
- (2) 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 City Council 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

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.f.(3)**

portion of such time schedule is not met, the City Council -- upon written request of the developer for an extension of time, delivered to the City Council at least 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 20 days of the expiration date thereof, or within 30 days of denial by the City Council 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 City Council.

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

- (3) Within 45 days from receipt of an application for a Planned Unit Development the Planning Division 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.
- (4) Within 45 days from receipt of a Planning Division report on the proposed development, the Plan Commission shall make a recommendation to City Council to approve, approve with modifications or disapprove the proposal.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.f.(5)**

- (5) After receipt of the Plan Commission report the City Council shall hold a public hearing on the proposed development. Within 10 days after such public hearing the City Council 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 Planning Division of a final plan for all or for a portion of the development. The final plan shall incorporate all conditions and modifications imposed by City Council.
- (6) Upon approval of final plans a Special Use Permit shall be issued by the Planning Division. When construction is completed according to final plans approved by the Planning Division, and so certified in writing, a Certificate of Occupancy for such completed portion shall be issued by the Building Inspector.
- (7) After a Certificate of Occupancy has been issued no changes may be made in any part of the completed development except upon procedures set forth in this Sec. 11.10 B.8.
- (8) 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 Sec. 11.10 B.8 shall suffice for Plan Commission review in accordance with City subdivision regulations and the public hearing held by the City Council shall suffice for a public hearing on the subdivision.

g. Environmental Review Standards and Design Standards  
In reviewing a proposed planned development the Planning Division shall apply the following standards and the Plan Commission shall recommend approval of such planned development only when it determined that the said standards have been reasonably satisfied.

- (1) 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.

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USES AND ACTIVITIES 11.10 B.8.g.(2)**

- (2) The project shall be planned and developed to harmonize with any existing or proposed development in area surrounding the project site.
- (3) Individual buildings shall be related to each other in design, mass, placement and connection to provide a visually and physically integrated development.
- (4) 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.
- (5) All buildings shall be arranged so as to be accessible to service and emergency vehicles.
- (6) 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.
- (7) 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.
- (8) All streets bordering the project area shall be planted at regular intervals with street trees.
- (9) 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 City specification.
- (10) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc. shall be of good appearance, easily maintained, and indicative of their function.

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USES AND ACTIVITIES 11.10 B.8.h.**

- (11) 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 parked cars such facilities shall be screened from public view.
- (12) Any above-grade loading facility should be screened from public view to the extent necessary to reduce unsightliness.

h. Action by the City Council

The decision of the Plan Commission shall be reviewed by the City Council in accordance with Section 11.10 B.8(d).

i. Application for Final Development Plan Approval

Application Content. Application for final development plan approval shall include the following items:

- (1) Final site plan with all pertinent dimensions shown to the nearest foot;
- (2) Final grading, drainage, utility, lighting and landscape plans;
- (3) Sign plan specifying design, height, location, size and illumination;
- (4) Deed restrictions and instruments dedicating all rights-of-way, easements and public lands drafted to the satisfaction of the City Attorney, insuring the preservation and maintenance of the common open space areas;
- (5) By-laws of the proposed property owner's association;
- (6) Building elevation drawings, including specifications, except for detached single family dwellings meeting required R-1 or R-2 Single Family Residential district standards. This requirement may be waived by the Planning Division.

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USES AND ACTIVITIES 11.10 B.8.j.**

- (7) Before a building permit may be issued, the developer shall file with the Planning Division, a security instrument i.e., a performance bond acceptable to the City in an amount equal to 150% of the estimated cost of public utilities and infrastructure in accordance with the Subdivision Regulations, paved parking, landscaping, walkways, recreational equipment and lighting in accordance with final development plans. Such bond 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 City until subsequent phases are under construction.
- (8) 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 Section 11.10 B.8(i).

j. Final Development Plan Approval

Within 60 days after the final development plan is submitted, the Plan Commission shall make a recommendation to the City Council 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 City Council shall either grant, grant subject to conditions or deny the final development plan. If approval is granted, a Planned Unit Development permit shall be issued to the developer by the Planning Division, which permit shall contain any conditions attached by the Council.

k. Filing of Final Development Plan

Upon approval, the City Clerk shall certify two copies of such plan and have them filed in the Community Development Department. 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 feet by six feet. In case of a large plan, two or more sheets may be required. If so, the sheets shall be numbered.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.8.1.**

l. Official Map Designation

After approval, the PUD shall be designated on the City's Official Zoning Map.

m. 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 City Council. 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 amendments to the approved final development plan. Minor changes must be approved by the Planning Division.

n. 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 City in writing. If the developer fails to commence the development within 18 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 24 months after final development plan approval has been granted, such final development plan approval shall be terminated after public hearing by the Plan Commission and upon approval by the Council. Such time period may be extended by the Council upon written application by the developer for up to, but not to exceed, six months.

o. Extended Staged PUD

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 City Council for the entire project and permission

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.9.**

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 PUD. Each stage of the PUD shall require both preliminary and final development plan approval.

p. Building Permit Approval

No building permit shall be issued for a building in a PUD until the plans have been reviewed and approved by the Planning Division and chief building official.

9. Commercial Shopping Center

a. Intent

The intent of the Commercial Shopping Center regulations is to accommodate a wide range of retail trade and service activities, of regional significance, on large tracts of land initially under unified ownership or control; to facilitate the design and construction of totally planned commercial centers where there is a separation of vehicular and pedestrian traffic and where adequate parking can be provided on the site.

b. General Requirements

- (1) Location. A Commercial Shopping Center may be approved by City Council only in a (B-6) Business district.
- (2) Minimum Area. Shall include at least 60,000 sq. ft. initially under single ownership or control. When any portion of a lot submitted as part of a Planned Shopping Center is subsequently subdivided to provided for individual lots, the minimum lot area, if any, of such lots shall be determined by the Plan Commission.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.9.c.**

- (3) Floor Area Ratio. Not to exceed 0.6 for the area under initial unified development. If the development is subsequently divided into lots, permitted floor expansion for each lot shall be specified on the application for a zoning certificate and recorded as a restrictive covenant, and the total permissible expansion for all lots so created shall not cause the total floor area ratio of the shopping center to exceed 0.6.
- (4) Off-Street Parking and Loading. Shall be provided in accordance with applicable regulations as set forth in Sec. 11.11, except that:
  - a) 5.5 parking spaces shall be provided for each 1,000 feet of gross leasable area.

c. Development Plan and Specifications

The design features and standards of development within a Planned Shopping Center district shall, in addition to the regulations set forth in this ordinance, conform to a development plan, including details and specifications as may be required, which is reviewed by the Plan Commission and approved by the City Council. The development plan, shall include, as a minimum, the following:

- (1) An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.
- (2) The pattern of public and private roads, driveways, and parking facilities, lawn areas, and intended design standards.
- (3) The size, arrangement, and location of proposed building groups.
- (4) The design of off-street parking and loading areas, traffic aisles, entrances, and exits.
- (5) Location, type and size of all plant materials.

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USES AND ACTIVITIES 11.10 B.9.d.**

- (6) The use, type, size and location of structures, including fences, and walls.
- (7) The location of sewer and water facilities.
- (8) Drawings and sketches illustrating the design and character of proposed structures.
- (9) Existing storm drainage pattern and proposed storm drainage system showing basic topographic changes.
- (10) Statistical data on total size of project area, floor area, height of buildings, number of off-street parking and loading spaces.
- (11) Aspects of the maintenance of open space areas and of the provisions relating to the future use of private property (additions, expansion, changes in use, etc.) shall be fully set forth.
- (12) The type, number, location and size of signs to be used by the Center and any specific sign controls to be placed on individual occupants of the Center.

d. Procedure for Review of a Commercial Shopping Center

- (1) Six (6) copies of a proposed shopping center shall be submitted to the Planning Division which shall transmit copies to other agencies as appropriate.
- (2) Within 21 days from receipt of an application the Planning Division 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.
- (3) Within 50 days from receipt of a Planning Division report on the proposed development, the Plan Commission shall make a recommendation to City Council to approve, approve with modifications or disapprove the proposal.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.10.**

- (4) After receipt of the Plan Commission report the City Council shall hold a public hearing on the proposed development. Within 10 days after such public hearing the City Council shall approve conditionally or disapprove the proposed planned development. Conditional approval shall be valid for one year and shall be subject to acceptance by the Planning Division of a final plan for all or for a portion of the development. The final plan shall incorporate all conditions and modifications imposed by City Council.

10. New and Used Automobile Sales

- a. Vehicular access to any open sales lot or service garage shall be from an alley or service drive at the rear of the lot.
- b. Driveways and parking areas shall be drained and paved.
- c. A landscaped area at least (5) feet wide shall be provided along all streets adjacent to any sales or display areas.
- d. 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.
- e. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.

11. Automobile Service Station

- a. All fuel pump and other outdoor services shall be located at least 20 feet from the street property line and 40 feet from other property lines.
- b. Driveways and curb cuts shall be clearly defined, no wider than 35 feet, and located so as not to interfere with traffic at intersections. (#2538)
- c. 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.
- d. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.

12. Eating and Drinking Establishment Except Drive-in

- a. Layout, architectural design and landscaping shall be compatible with the surrounding neighborhood.
- b. Off-street parking areas shall be paved and drained and not located in required front yards.
- c. Exterior and interior lighting arrangements shall not produce glare on adjacent properties.
- d. No such establishment shall have an outdoor area where alcohol beverages are served or consumed. (#2199)

13. Motel and Hotel

- a. No building shall be located less than 50 feet from an adjacent residential property line.
- b. All required off-street parking spaces shall be landscaped in accordance with an approved landscaping plan.
- c. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.

14. Outdoor Amusement and Recreation Facility

- a. Exterior light sources shall be no more than 18 feet above the ground and shall not produce glare on adjacent properties.
- b. Required off-street parking areas shall be landscaped to screen views from adjacent streets and residential property.

15. Printing and Publishing Shop

Must demonstrate that adequate space and facilities are provided for the unloading of raw materials and shipping of finished products.

16. Veterinary Office and Animal Hospital

- a. Such facility shall be completely enclosed with no open boarding or exercise facilities.
- b. There shall be no outside storage of refuse, feed or other material and no on-site incineration of refuse.
- c. An odor absorbing air filtration system shall be used.
- d. Developer shall demonstrate that adequate sound absorption shall be used.

17. Outdoor Sales

No sales area shall be located less than 5 feet from any property line and such 5 foot strip shall be landscaped with trees, shrubs and grass in accordance with approved plan.

18. Sale of Building Materials

Outdoor storage shall generally be located behind any structure on the property and a 10 foot wide, landscaped buffer strip of evergreen trees shall be planted along all property lines adjacent to a residence district.

19. Utility Transmission Line and Substation

- a. Shall be located so as to cause the least disruption in the neighborhood.
- b. Substations shall be attractively landscaped to screen objectionable views from adjacent streets and properties.
- c. Transformers are not allowed in front yards.

20. Dwelling Units

Requirements for dwelling units in the B-2, B-3 and B-4 districts:

- a. Dwelling units shall be located above the ground floor; (#2662)
- b. Dwelling units shall conform to all housing, building, heating, electrical, plumbing and fire protection codes which are presently in effect and apply to new construction. (#2662)
- c. Off-street parking spaces required in Section 11.11 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 to satisfy the requirements of this ordinance. Leased parking shall be secured within a convenient distance from the dwelling unit, to be approved by the Planning Division prior to occupancy. It shall be the responsibility of the owner of the dwelling units to provide such leased parking space(s) on a continuing basis. Failure to maintain the required number of parking spaces will necessitate the vacation of all/any living units for which no parking is provided.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.21.**

21. Antique and Craft Shop

- a. Antique shops - may include the renting of household and decorative or antique farm accessories and utensils.
- b. Craft shops - no more than three people may produce goods at any one craft, including related services and facilities.

22. Motel and Hotel

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.

23. Offices with Accessory Research, Testing, Warehousing, Fabricating or Assembly

- a. 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.
- b. Operations of such accessory activities shall conform at least with applicable performance standards as are applied to uses in a Manufacturing district and approved by the Fond du Lac Division of Building Inspection.

24. Dwelling Unit when Located in an Office Building

- a. Any such dwelling unit shall be efficiency or one bedroom, except that in those cases where the operator of the office business lives in such dwelling unit, more than one bedroom is permitted.
- b. Any such dwelling unit shall have access which is separate from the office use access.
- c. The parking requirements of Sec. 11.11 E and 11.11 G for both office use and dwelling use are met.

25. Motor Freight Terminal

Shall be located on a lot of at least one and one-half acres.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.26.**

26. Mining, Quarrying or Extraction of Sand, Gravel, Soil or Other Aggregate

- a. Application shall contain:
  - (1) Plans showing proposed restoration of the area including topography, land area, finished grade, and storm water drainage.
  - (2) 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.
- b. The Council may require a completion bond to assure satisfactory storm water drainage disposal and installation of green cover crop.

27. Landfill

- a. Material used for fill shall be limited to earth, stone, rubble and similar material and shall not contain trees, brush, lumber, garbage or refuse of any type. Maximum size of this material shall be 2'x2'x2'. (#2128)
- b. Application shall contain:
  - (1) 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.
  - (2) 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.
  - (3) A plan for preventing erosion of slopes and final ground surfaces.
  - (4) Plans must be acceptable to the City Planning Division.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.28.**

28. Wireless Telecommunications Towers and Antennas

- a. Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

<b>New Tower Type</b>	<b>Existing Tower Type</b>			
	<b>Lattice</b>	<b>Guyed</b>	<b>Monopole 75' in Height or Greater</b>	<b>Monopole Less than 75' in Height</b>
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole 75' in Height or Greater	1500	1500	1500	750
Monopole Less than 75' in Height	750	750	750	750

- b. Tower Height. The following criteria shall apply in determining the maximum height of a tower:

- 1) For a single user, up to 90 feet.
- 2) For two users, up to 120 feet.
- 3) For three or more users, up to 150 feet.

- c. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to the City Council to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (1) No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.28.c.(3)**

- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

29. Amplified Music/Mechanically or Electronically Produced Sound

A Special Use Permit is required for a land use that utilizes amplified music or mechanically or electronically produced sound as a regular part of business operations where said use is located adjacent to a building that includes one or more residential living units (including apartments, hotel, bed & breakfast inn or similar residential-type use). Land uses regulated by this section shall include taverns, restaurants, arcades and teen clubs, nightclubs (alcoholic or non-alcoholic), and similar uses on property located in the Business Improvement District, the boundaries of which may be amended from time to time.

- a. This section shall apply to the new use of a building or property for a sound-generating use and/or expansion of an existing use.
- b. Special events that occur two or fewer times in a calendar year (i.e., grand opening, business anniversary, community/charitable fundraising, etc.) are exempt from this section.

**SPECIFIC REQUIREMENTS FOR CERTAIN LAND  
USES AND ACTIVITIES 11.10 B.29.c.**

- c. Exterior doors, and interior doors that open into a common hallway, shall not be propped open and shall remain closed except for normal exit/entry of persons.
- d. Sound shall be muffled or controlled so as not to become objectionable due to volume, intermittence, duration, beat frequency, impulse character, periodic character or shrillness. No activity shall emit vibration that is discernible without instruments at or beyond the property line of the premises. The use of soundproofing and/or other measures to prevent sound and vibration intrusions to adjacent properties may be required.
- e. The verification and documentation of a substantial number of complaints for amplified sound or other activity that intrudes upon the neighborhood shall constitute grounds for violation of the special use permit. Complaints shall be verified and documented with the Police Department and brought to the attention of the offending business owner/operator in writing. If the terms of the special use permit have been violated, or if the use is substantially detrimental to persons or property in the neighborhood, the Plan Commission shall recommend to the City Council revocation of the special use permit.

30. Shelter Facility

- a. Definition. A shelter facility is a temporary place of lodging for homeless individuals or families.
- b. No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy or exercise control of any building, structure, premises, or portion or part thereof, for a shelter facility within 300 feet of any elementary school (whether public or private).  
For the purpose of determining distance, the measurement shall be from the nearest exterior wall of the building which the shelter will occupy, to the nearest exterior building wall of the elementary school being measured.

**SECTION 11.11**  
**OFF-STREET PARKING AND LOADING**

11.11 A. SCOPE OF REGULATIONS

The off-street parking and off-street loading provisions of this Ordinance shall apply as follows: (#2803)

1. Accessory off-street parking and off-street loading facilities shall be provided as required by the regulations of this Section for all buildings and structures.
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 11.11 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 two uses.
4. Where a building or structure was erected prior to the effective date of this Ordinance, the provision of 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.

11.11 B. EXISTING PARKING FACILITIES (#2803)

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 11.11.

11.11 C. DAMAGE OR DESTRUCTION (#2803)

When a building or use, which is nonconforming in terms of the parking and loading requirements of this Section 11.11, 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.

## CONTROL OF OFF-SITE PARKING FACILITIES 11.11 D.

### 11.11 D. CONTROL OF OFF-SITE PARKING FACILITIES (#2803)

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, such off-site parking shall be permitted upon written assurance that said parking will continue to be available to the building or use it is intended to serve. The form of such assurance shall be determined by the Fond du Lac City Attorney.

### 11.11 E. OFF-STREET PARKING (#2803)

#### 1. 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 VI which Schedule is hereby adopted and made a part of this Ordinance. Notwithstanding the above, in the Central Business 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. The Central Business district shall be defined as that area bounded by Marr Street on the East, Merrill Street on the north, the East Branch of the Fond du Lac River on the west and Western Avenue and Fourth Street on the south.

#### 2. Use

Off-street parking facilities provided in accordance with the requirements of Schedule VI shall be used solely for the parking of automobiles of patrons, occupants or employees.

#### 3. Location

All required off-street parking spaces in residential districts shall be located on the same lot as the use to be served. In other districts required off-street parking spaces shall be provided on the same site, or off-site in a private or public parking facility as may be allowed by this ordinance.

#### 4. Combined Facilities

Off-street parking facilities for separate uses on a single property or within adjacent contiguous properties 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 said parking spaces, in relation to the use served, are adhered to. No parking space shall serve as a required space for more than one use.

**OFF-STREET PARKING 11.11 E.5.**

5. Extension into Adjacent Districts

A commercial parking area located in a B-2, B-3 or B-4 district may extend into an adjacent residential district when approved by special use permit. The periphery of such parking lot shall be heavily landscaped to provide visual screening from adjacent residential uses.

6. 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. The maximum size of a parking space alongside a garage as allowed by Section 11.04 C.+(1) shall not exceed 9 x 18 feet. Each parking space shall be independently accessible to an aisle and/or driveway, and shall be provided with appropriate means of vehicular access to a street or alley. An arrangement of tandem parking to include the area of a garage or carport and an adjacent open/driveway parking area shall be permitted only for residential uses as individual property conditions may allow. 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.

7. Setbacks

a. Landscape Plantings: Shall be provided in all parking lot setback areas. Refer to Section 11.11 E.9.b.

b. Front Yards:

B-2 District:	25 feet	O District:	5 feet
B-3 District:	5 feet	M-1 District:	30 feet
B-4 District:	15 feet	M-2 District:	30 feet
B-5 District:	15 feet	M-3 District:	50 feet
B-6 District:	15 feet	M-4 District:	50 feet
Residential: Refer to front yard setback requirements of individual zoning districts. (See Section 11.04 C.r and Section 11.06 D, Schedule IA)			

## OFF-STREET PARKING 11.11 E.8.

- c. Side and Rear Yards: Minimum 5 feet.
- d. Exceptions:
  - (1) No setback shall be required along a public alleyway.
  - (2) Where the interior (along side or rear lot lines) of a parking lot abuts the building wall of an adjacent property no side or rear yard setback shall be required, provided that curbing, wheel stops or other similar measures are employed to prevent vehicles from rolling across a property line.
  - (3) Where the interior (along side or rear lot lines) of a parking lot abuts a parking lot of an adjacent property no side or rear yard setback shall be required, provided that curbing, wheel stops or other similar measures are employed to prevent vehicles from rolling across a property line.
  - (4) Notwithstanding setback requirements of this ordinance, the more restrictive shall apply.

### 8. Driveways

- a. Single-Family and Two-Family Residences: Driveways shall be no wider than 24 feet at the front lot line, but may increase to any width between the front lot line and the garage, not exceeding the width of the garage. In no case shall any part of the driveway exceed the width of the garage except where additional parking is located alongside the garage pursuant to Section 11.04 C.r(1). Where the driveway width at the garage exceeds the allowable maximum width at the front lot line, the driveway shall be so tapered between the garage and the front lot line.

Where no garage exists the maximum driveway width shall not exceed 20 feet. Said driveway shall be situated so as not to create a front yard parking area.

Circular Driveways: Circular, horseshoe and similar type driveways shall be permitted where the minimum lot width is at least 100 feet. The maximum width of such a driveway shall not exceed 13 feet, except for the area of allowable paving in front of or alongside of a garage. The maximum curb opening shall not exceed 17 feet. For driveways with two curb openings, the spacing shall provide a minimum dimension of 50 feet between the inside driveway edges, measured at the front lot line.

## OFF-STREET PARKING 11.11 E.9.

- b. Single-Family Condominium Residences: Refer to Section 11.06 E.2(d).
- c. Multifamily: No driveway shall be wider than 24 feet at the public right-of-way line within the required front yard area, with a maximum width elsewhere of 20 feet. The 20' width may be increased where the Fire Department determines a modification is necessary for public safety. Parking shall be prohibited along all common driveway area.
- d. Commercial: No driveway shall be wider than 24 feet at the public right-of-way line. Exceptions to maximum driveway width shall be considered in the instance of shared ingress/egress between adjacent properties and land uses, and for certain street types such as high volume streets and highways.
- e. Industrial: Maximum driveway width shall be determined on a case-by-case basis and shall consider specific circumstances of the individual property and land use.

### 9. Design and Maintenance

- a. Surfacing. Off-street parking areas and driveways shall be provided with a compacted base at least 4 inches thick and shall be paved with 4 inches of concrete, 3 inches of asphalt, or a similar material acceptable to the City Engineer. (#2538)
- b. Screening and Landscaping. Off-street parking areas shall be screened on all sides except when a side or rear yard abuts another parking lot, or the side or rear building wall of an adjacent property situated at or near the common property line, or a public alleyway. Screening shall consist of a mix of deciduous and evergreen trees and shrubbery, planted in a buffer strip a minimum of 5' wide. The minimum caliper of a tree shall be not less than 2".

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 2 trees for a double row or 1 tree for a single row. Islands shall be the approximate size of a parking stall. (#2079)

- c. Wheelstops and Curbs. Curbing or wheelstops of masonry, steel or timber, or similar stopping device shall be used where parking is situated at an angle or perpendicular to a public street to prevent vehicles from parking closer to a street line than permitted by this Ordinance.

## OFF-STREET LOADING 11.11 F.

- d. Lighting. Illumination of an off-street parking area shall be 0.5 watts per SF maximum arranged so as not to reflect direct rays of light onto adjacent residential districts and streets.
- e. Repair and Service. No motor vehicle repair work of any kind shall be permitted in any required off-street parking area.

### 11.11 F. OFF-STREET LOADING (#2803)

Off-street loading berths shall be provided 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.

#### 1. Location

All required off-street loading berths and access thereto shall be located entirely on the same lot as the use to be served. Suitable property area shall be provided for on-site turning and maneuvering of vehicles. No portion of any 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 streets, nor shall it be located in a required front yard or side yard adjoining a street.

#### 2. Size

Unless otherwise specified in this Ordinance, a required off-street loading berth shall be at least 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 feet.

#### 3. 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 City Engineer.

#### 4. Surfacing

All open off-street loading berths 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 City Engineer.

**OFF-STREET LOADING 11.11 F.5.**

5. Repair and Service

No storage of any kind nor motor vehicle repair work or service of any kind shall be permitted within any required loading berth area.

6. 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.

7. Space Requirements

- a. The minimum number of off-street loading spaces required for nonresidential uses in all but manufacturing districts shall be: One loading space for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading space for each additional 100,000 square feet of gross floor area or major fraction thereof.
- b. The minimum number and size of off-street loading spaces in manufacturing districts shall be in accordance with the following schedule:

<b>Floor Area of Establishments</b>	<b>Req. Number</b>	<b>Minimum Size</b>	<b>Minimum Vertical Clear.</b>
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.

**11.11 G. SCHEDULE VI: MINIMUM OFF-STREET PARKING REQUIREMENTS**

	<b>Land Use or Activity</b>	<b>Spaces Required*</b>	<b>Remarks**</b>
1.	Automobile service station: for each pumping island ..... <b>plus:</b> for each service stall .....	1.00 1.00	
2.	Bank: for each 300 sq. ft. of gross floor area .....	1.00	
3.	Beauty parlor: for each 200 sq. ft. of gross floor area .....	1.00	
4.	Boarding and rooming house, apartment hotel: for each structure..... <b>plus:</b> for each lodging room, or suite, and each dwelling unit.....	1.00 1.00	
5.	Bowling alley: for each lane..... <b>plus:</b> for any ancillary uses such as restaurants .....	3.00 as required	
6.	Car wash: for each employee .....	0.75	See Note 2
7.	Colleges, junior colleges, universities: for each 7 students based on design capacity of the institution .....	1.00	
8.	Day care center, nursery school: for each employee .....	1.00	
	<b>plus:</b> for each five children .....	1.00	
9.	Dwelling, one and two family: for each dwelling unit.....	2.00	
10.	Dwelling, multiple family: for each efficiency and one-bedroom dwelling unit..... for each two- and three-bedroom dwelling unit..... for each four- or five-bedroom dwelling unit..... <b>plus:</b> for visitors, add 10% to the required total. Such spaces shall be designated for guest parking only.	1.00 1.50 2.00	
11.	Furniture and appliance sales and repair: for each 800 sq. ft. of gross floor area .....	1.00	

**11.11 G. SCHEDULE VI: MINIMUM OFF-STREET PARKING REQUIREMENTS**

	<b>Land Use or Activity</b>	<b>Spaces Required*</b>	<b>Remarks**</b>
12.	Funeral parlor: for each 100 sq. ft. of gross floor area.....	1.00	
13.	Gymnasium, grandstand, meeting hall and similar places of public assembly: for each 5 seats or 90 lineal inches of seating space .....	1.00	
14.	Health salon, swimming pool, skating rink, dance hall: for each 3 persons based on maximum design capacity of the facility .....	1.00	
15.	Hospital: for each bed .....	1.10	
16.	Hotel and motel: for each room or suite .....	1.00	
	<b>plus:</b> for each 100 sq. ft. of retail sales and dining areas .....	1.00	
17.	Library, museum, art gallery and similar uses: for each 1,000 sq. ft. of gross floor area .....	1.00	
18.	Manufacturing, fabricating, cleaning, testing, assembling, repairing or servicing establishments: for each 1,000 sq. ft. of gross floor area or for each employee, whichever is greater .....	1.00	
19.	Medical and dental clinic: for each 50 sq. ft. of gross floor area in any waiting or reception room .....	1.00	
	<b>plus:</b> for each treatment room, examination room and doctor's office .....	1.50	
20.	Motor vehicle sales: for each 400 sq. ft. of gross floor area .....	1.00	
21.	Nursing home and similar type of establishment: for each five beds .....	1.00	
	<b>plus:</b> for each two lodging accommodations .....	1.00	
	<b>plus:</b> for each full-time employee .....	1.00	
22.	Office: for each 300 sq. ft. of gross floor area .....	1.00	

**11.11 G. SCHEDULE VI: MINIMUM OFF-STREET PARKING REQUIREMENTS**

	<b>Land Use or Activity</b>	<b>Spaces Required*</b>	<b>Remarks**</b>
23.	Park, recreation area, community center: for each employee ..... <b>plus:</b> spaces to serve the public as determined by staff	0.50	
24.	Private club and lodge: for each such structure..... <b>plus:</b> for each 5 seats based on the design seating capacity of the main meeting room .....	1.00 1.00	
25.	Public utility and public service: for each employee.....	1.00	
26.	Restaurant, bar, night club: for each 100 sq. ft. of gross floor area .....	1.00	
27.	School auditorium, church: for each 5 seats or for each 90 lineal inches of seating space in the main auditorium or assembly hall .....	1.00	
28.	School - commercial or trade, music, dance or business: for each two employees..... <b>plus:</b> for each 7 students based on the design capacity of the facility .....	1.00 1.00	
29.	School - high: for each 7 students based on the design capacity of the facility .	1.00	
30.	School - nursery, elementary or junior high: for each faculty member and each full-time, non-faculty employee.....	1.00	
31.	Shopping Center, department stores, and building supply and home improvement centers containing at least 25,000 gross square feet: for each 250 square feet. ....	1.00	
32.	Theater: for each 4 seats, up to 400 seats..... <b>plus:</b> for each 6 seats over 400 .....	1.00 1.00	
33.	Theater (drive-in) .....	0	See Note 3

**11.11 G. SCHEDULE VI: MINIMUM OFF-STREET PARKING REQUIREMENTS**

	<b>Land Use or Activity</b>	<b>Spaces Required*</b>	<b>Remarks**</b>
34.	Warehouse, storage, wholesale and mail order establishment: for each establishment..... <b>plus:</b> for each 3,000 sq. ft. or fraction thereof of gross floor area over 4,500 sq. ft., or for each employee, whichever is greater.....	4.00  1.00	
35.	All other business and commercial establishments: for each 200 sq. ft. of gross floor area.....	1.00	
36.	Other uses.....		See Note 4

\*When the totals indicate that a partial space is required, a full space shall be provided. Example: A multiple-family dwelling containing 5 three-bedroom dwelling units would require 7.50 parking spaces. Eight should be provided.

\*\*See notes at end of Schedule VI.

Note also that when standards are listed per employee, the standard refers to maximum employees on the premises at any given time (per shift).

## REMARKS FOR SCHEDULE VI

1. When facilities for public assembly are accessory to a school, and when approved by the Plan Commission, the required number of parking spaces may be reduced by the number of spaces provided, as required herein for the applicable school.
2. 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 5 times the number of automobiles undergoing some phase of laundering at the same time.
3. Reservoir standing space at the theater entrance shall be provided equal to 10 percent of the vehicle capacity of the theater.
4. 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 Common Council.

**SECTION 11.12**  
**SIGNS**

11.12 A. 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.

11.12 B. DEFINITIONS

**ANIMATED SIGN:** A sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation to show action or to create a special effect or scene. This does not include changeable copy signs.

**BANNER:** Any sign of lightweight fabric or similar material mounted by the edges to a pole or building. National flags, state or municipal flags, the official flag of any institution or business, or streetscape features celebrating the seasons, holidays or a recognized neighborhood or district shall not be considered banners.

**BILLBOARD:** A wall mounted or ground sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**BUILDING MARKER:** Any sign indicating the building name, date or any incidental information about its construction that is engraved into a masonry surface or made of bronze or other permanent material.

**CHANGEABLE COPY SIGN/ELECTRONIC MESSAGE CENTER:** A permanent sign whose informational content can be manually or electronically changed or altered to display messages and advertising that pertain to on-site products or services of a business or use, public service and community event information, and/or denote time, day, date and temperature.

**DIRECTIONAL SIGN:** An on-premises sign providing general information secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “exit”, and similar directives.

## **DEFINITIONS 11.12 B.**

**FLASHING SIGN:** An illuminated sign where the direct or indirect illumination is not maintained constant or stationary in intensity or color at all times when such sign is in use. This does not include changeable copy signs.

**GROUND SIGN:** Any sign supported by freestanding frame or structure, a pedestal structure, or one or more masts or poles placed on or anchored in the ground and independent from any building or other structure.

**HEIGHT:** The vertical distance measured from the normal grade to the highest point of the sign, inclusive of all ornamental, architectural or structural elements.

**LOT:** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**MOVABLE SIGN:** A sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

**MURAL:** A work of art or painting that is applied to and made an integral part of an exterior wall. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representations of any person, product or service that identify or advertise a business. Signatures shall be allowed and limited to a maximum of two square feet in size. The decorative embellishment of architectural elements of a building is not considered a mural.

**OFF-PREMISES SIGN:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**PROJECTING SIGN:** A sign, normally double faced, attached to a structure or building perpendicular to the wall and extending more than twelve (12) inches. The area of a projecting sign is calculated on one (1) face only.

**PROPERTY:** A lot, parcel, or tract of land together with the building and structures located thereon.

## **DEFINITIONS 11.12 B.**

**ROOF SIGN:** A sign mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**SANDWICH SIGN:** A hinged or unhinged A-frame sign that is temporary in nature and used to promote goods or services provided by the business occupying the site for which the sign serves.

**SHOPPING CENTER:** A group of commercial establishments planned and constructed as a total entity, inclusive of one or more lots and one or more buildings.

**SHOPPING MALL:** A shopping center with commercial tenant spaces situated in an enclosed building, inclusive of one or more lots and one or more buildings.

**SIGN:** Any object, device, display or structure, or part thereof, situated indoors or outdoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. National or state flags, window displays (but not window signs), graffiti, athletic scoreboards, or the official announcements or signs of government are not considered signs as defined by this ordinance. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

**SIGN AREA:** Allowable sign area as specified in Section 11.12 H. Schedule X of this ordinance shall be calculated as the surface area of the sign frame or cabinet, inclusive of a changeable copy device, and including any frame or structure that forms an integral part of the display. Sign area does not include the necessary supports or uprights of a sign structure. Where a sign has no background frame or cabinet or is irregular in shape, the area for individual text letters and symbols, logos and/or pictorial matter shall be calculated as the surface area defined by the smallest rectangle or square to encompass the outer limits of the advertising message, announcement or decoration.

**SIGN STRUCTURE:** Any structure or material that supports, has supported, or is capable of supporting or helping maintain a sign in a stationary position, including decorative covers, roofs or embellishments extending above the sign.

## DEFINITIONS 11.12 B.

**TEMPORARY SIGN:** Banners, streamers, pennants, balloons and inflatable figures, and similar items used for a limited time and not permanently mounted.

**WALL SIGN:** A single faced sign attached parallel to, and within twelve (12) inches of, an outside wall of a building.

**WINDOW SIGN:** A permanent or temporary sign placed inside a window for the purpose of viewing from outside the premises. A window sign does not supersede the transparent purpose of the window.

### 11.12 C. GENERAL PROVISIONS

1. Permit Required. No sign shall be erected, replaced, relocated or structurally modified unless a permit is first obtained by the owner or his agent from the Building Inspector. A permit shall not be required for real estate signs, construction and subdivision development signs, building nameplates, building markers, window signs, flags, and political signs.
2. Exceptions. The provisions of this Section 11.12 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 City of Fond du Lac or advertise the City, provided that such signs are designed, erected and maintained in a manner so as to be compatible with the surrounding development.
3. Sign Projections. No sign and/or awning shall extend beyond a property line. A sign and/or awning shall not encroach into and/or over the public right-of-way except as specified by Section 11.04 C.3.b.
4. 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 at such time as new signage permitted by this ordinance is installed.
5. 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

## GENERAL PROVISIONS 11.12 C.

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.

6. 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.
7. Removal. In any district all signs and/or sign structures must be removed when the business or activity identified or advertised by such sign(s) 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 sign(s) 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 City at the owner's expense.

### 11.12 D. DOWNTOWN SIGN DISTRICT

1. Purpose. The purpose of this section is to establish special regulations for signs within the B-3 zoning district, plus property located in the North Main Street Historic District and the South Main historic District, the boundaries of which may be amended from time to time. The provisions of this sign district are intended to reflect the need to preserve, protect and promote the unique historic character and architecture of Downtown Fond du Lac. The regulations shall apply to any new sign, and/or the restoration, relocation, replacement or modification of any existing sign or sign area.
2. Approval. The business owner, property owner, and/or sign contractor shall submit photographs and/or a rendering of the affected building, details of the proposed sign including design, size, location, materials and color, to the Community Development Department for review and approval prior to the issuance of a building permit as may be required by this section. Where an applicant wishes to contest the decision of the Community Development Department, the applicant may submit a written appeal to the Board of Appeals.

## DOWNTOWN SIGN DISTRICT 11.12D.

3. Sign Design. Sign shape, color, materials and illumination shall be complimentary to the character and architecture of the building for which it is affixed. Signage shall reflect, to the extent practical and appropriate, the *Design Guidelines for Downtown Fond du Lac*, as may be amended from time to time by the Downtown Fond du Lac Partnership.
4. Projecting Signs
  - a. Sign area shall not exceed 8 square feet in area; the supporting arm shall be decorative in design.
  - b. On the main façade of a building, one projecting sign and one wall sign may be permitted. The combined area of the projecting sign and the wall sign shall not exceed the maximum allowed by Section 11.12 H. Schedule X. Where an awning with signage and a projecting sign are utilized, wall signage is not allowed on that particular façade.

### 11.12 E. SPECIAL SIGNS AND DEVICES

1. Real Estate. One sale or lease sign or banner per street frontage is permitted for a property. No other type of advertising or promotional device, including pennants, streamers, flags, etc. shall be permitted. Signs shall not exceed 6 square feet in size for properties in one- and two-family residential zones and 32 square feet in all other zones. Allowable signage in a multi-family residential zone is limited to a banner maintained in good repair, or rental information incorporated into a permanent ground sign as may be otherwise permitted by this code. Maximum height for a ground sign or ground mounted banner shall not exceed 10 feet. Signage shall be located entirely on the property to which it relates and shall not encroach into and/or over a public right-of-way.
2. 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.
3. Subdivision Development. Two signs to advertise a new subdivision or residential development shall be permitted, the aggregate area of which

## **SPECIAL SIGNS AND DEVICES 11.12E.4.**

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.

4. Subdivision Identification. A subdivision of more than 20 lots may erect two permanent signs to identify the development. Each sign shall not exceed 20 square feet in area, and 6 feet in height, and shall be placed in a landscaped area situated at least 10 feet from a lot line. Lighting shall be external.
5. 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.
6. 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 4.5 square feet in area and 4 feet in height.
7. Building Marker. 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, up to 4 square feet in area.
8. Awnings and Canopies. Lettering and/or pictorial matter affixed to the facade of an awning, or the canopy that is structurally attached to and is an integral component of a building, to advertise or identify a place of business shall constitute a wall sign; such sign area shall be charged to the total area permitted for a use. Where signage is limited to one line of lettering on the awning sign band and/or only the business logo on the awning facade, such area shall not be charged to the total permitted for a use.
9. 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.

## **SPECIAL SIGNS AND DEVICES 11.12E.10.**

10. Window Signs. Signs affixed to the interior of a window surface shall not exceed more than twenty-five percent of the window area. No sign shall be affixed to the outside surface of any window, except for signage as may be allowed by this ordinance.
11. Special Community Events. Temporary signs, banners and sign devices to provide information for community and civic events may be erected for a period not to exceed 40 days upon issuance of a permit from the Building Inspector. Aerial banners that extend over a public right-of-way shall be allowed only in the Central Business District or in other locations where approved by the City. The Central Business District shall include that portion of Main Street between Merrill Avenue and Western Avenue.
12. Political Signs. Temporary signs and banners and sign devices for political purposes may be erected for a period not to exceed 40 days. 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.
13. 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.
14. Banners, Pennants, Streamers, Inflatables, Portable Signs. To advertise a special sale or event, a temporary outdoor display may be utilized on the property where the event is located. A portable changeable copy or electronic message center sign to advertise a community or charitable event may be utilized off-site on private property that is not occupied by a residential use. An outdoor display shall be permitted quarterly for a 15-day period, upon issuance of a permit from the Building Inspector.

## **SPECIAL SIGNS AND DEVICES 11.12E.14.**

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.

15. 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.
16. Electronic Message Center. One (1) electronic message center may be allowed per property, integral to and part of an allowable ground sign or wall sign as permitted by Section 11.12 H. Schedule X. The use of an electronic message center as a primary sign is not permitted. The total area of a message center shall not exceed 50% of the allowable area of a ground or wall sign; where a proposed sign is less in area than the allowable permitted, the message center shall not exceed 50% of the total sign area proposed.
  - a. The minimum interval between copy changes shall be not less than 2 seconds. Video displays are prohibited.
  - b. No part of a message or background shall in any way be similar to traffic signals and/or emergency signals.
  - c. The use of an electronic message center as part of a permanent ground or wall sign for a property shall prohibit the use of a temporary portable electronic sign on that site.
  - d. An electronic message center shall not display off-premise commercial advertising.
  - e. Electronic Message Centers may be permitted in residential districts only upon City Council approval of a Special Use Permit.

## **SPECIAL SIGNS AND DEVICES 11.12E.17.**

17. Sandwich Board Sign. Sandwich board signs shall be allowed only in the downtown Business Improvement District (BID), where a property is not otherwise entitled to a permanent ground sign. Such signs shall require a permit (no fee) from the Building Inspector and are subject to the following:
  - a. One sign per property is allowed, for display during business hours. For a corner lot, one sign per street frontage is allowed. Signs shall be stored within the interior of the building at the close of business each day.
  - b. The sign/supporting structure's overall dimensions shall not exceed 30" wide by 4 feet high. Height shall be measured from the sidewalk to the top of the structure when the sign is in place.
  - c. A 5' clearance shall be provided to allow unobstructed use of the sidewalk. The sign shall not hinder the ability of persons to exit/enter vehicles parked along the curb and/or hinder exit/entry to a building.
  - d. No sign shall have moving parts or illumination.
  - e. The sign shall have no more than two sides, it shall be neat in appearance, constructed of finished all-weather materials, and well maintained.
  - f. The sign shall not be secured, tethered or installed on traffic devices, utility equipment, street trees, street furniture, street lights, parking meters, or any other public fixture.
  
18. Murals. All proposed murals shall be subject to review and approval of the City Plan Commission; following Plan Commission approval, a sign permit is required. The business owner and/or property owner submit photographs and/or a rendering of the affected building, along with a rendering of the proposed mural, to the City of Fond du Lac Community Development Department; City staff will facilitate the review by the Plan Commission. The Plan Commission shall approve, conditionally approve or deny a proposal for a mural. Any person who is aggrieved or affected by the decision of the Plan Commission may appeal the decision to the City Council. Such decision shall be within 30 days of the date of the Plan Commission's decision. Commencement of a mural shall begin within six (6) months from the date of Plan Commission approval, or the approval shall be null and void.

## **SPECIAL SIGNS AND DEVICES 11.12E.18.a.**

The following shall apply to any mural, whether existing at the time of adoption of this ordinance, or proposed:

- a. The mural has attributes that enhance visual enjoyment.
- b. The mural exemplifies high artistic quality;
- c. The mural does not create a public safety issue, such as a distraction to drivers.
- d. The mural content will not adversely affect the public welfare or morals, or include hostile or negative connotations or representations.
- e. The content of a mural may not include graphics or text to advertise a business, product, brand, or service, except for the bona fide historic recreation of vintage advertising.
- f. The location of the mural shall consider the nature of adjacent land uses.
- g. Lighting in any manner shall be prohibited.
- h. The mural shall be kept in good condition for the life of same, taking care to address color fading, degradation of materials, and vandalism. Where a mural becomes marked with graffiti, the property owner is responsible for the prompt removal of the graffiti as required by City Code Section 9.17. The mural shall be removed when it becomes unsightly and/or is not maintained. Where the mural is not maintained, the City of Fond du Lac can require that the mural be covered with opaque paint in a color complementary to the building on which the mural is located or some other appropriate material.

### 11.12 F. PROHIBITED SIGNS

1. No sign shall exhibit or convey statements, words, photographs, silhouettes, drawings or other pictorial representations of any manner of an obscene or pornographic nature, or that depict specified anatomical areas or specified sexual activities as described in Section 11.08 E.18.a.(6) and (7).

## **PROHIBITED SIGNS 11.12F.2.**

2. No sign shall display advertising matter which is untruthful.
3. No sign shall employ visible moving parts or any portion of which moves.
4. No sign shall emit audible sound, odor or visible matter.
5. No sign shall imitate or resemble an official traffic sign or signal, or bear the words "Stop", "Go Slow", "Caution", "Danger", or similar commands.
6. Roof signs are not permitted in any district.
7. Billboards are not permitted in any district.
8. No person shall park any vehicle or trailer on a property so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. This does not include vehicles used in the day-to-day operations of a business, grand opening displays, temporary advertising, or portable signs as described in Section 11.12 D.13 and 14.

### **11.12 G. CONSTRUCTION AND MAINTENANCE**

1. Construction Standards
  - a. Ground signs shall be self supporting and permanently attached to a foundation. For signs over 8 feet in height, foundations shall be installed below the frost line.
  - b. 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.
  - c. 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.

## CONSTRUCTION AND MAINTENANCE 11.12G.2.

### 2. Maintenance

- a. 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.
- b. In the event the Building Inspector determines that any sign regulated by this Section 11.12 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 City 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 City at the owner's expense.

### 3. Nonconforming Signs

The replacement or restoration of a nonconforming sign shall comply with the requirements of Section 11.13 of this ordinance, except as may be otherwise specified by Section 11.12 D. Altered, replaced, restored or reconstructed shall not include normal maintenance, the changing of surface sign space or advertising message, or the addition, construction, installation or changing of electrical wiring or electrical devices.

## 11.12 H. 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 City at the owner's expense.

### 11.12 I. SCHEDULE V: DESIGN STANDARDS AND SPECIFICATIONS FOR SIGNS.

Zoning District	Allowable Signage Total Number of Signs Permitted on any lot	Maximum Gross Surface Area Permitted (In Square Feet) <sup>A</sup>			Projecting Sign Maximum Projection From Wall	Ground Sign			
		Wall and/or Projecting Sign	Ground Sign	ELECTRONIC MESSAGE CENTER <sup>B</sup>		Height		Minimum Setback	
						Max.	Min. <sup>C</sup>	Front	Side
All Districts Educational Hospital	1 ground sign per street frontage PLUS: 1 wall sign per building.	0.5 per lineal foot of building façade; 50 SF maximum.	0.1 per lineal foot of lot frontage; 80 SF maximum.	1 EMC per property; area integral to ground sign.		10'		5'	5'
All Districts Institutional Religious	1 ground sign PLUS: 1 wall sign facing each street.	0.5 per lineal foot of building façade; 50 SF maximum.	0.5 per lineal foot of building façade; 40 SF maximum.	1 EMC per property; area integral to ground sign.		6'		5'	5'
R-2 Condominium Development, more than 8 buildings	1 ground sign		25 SF			6'		10'	10'
R-4 and R-5 Multifamily Dwelling Mobile Home Park	1 ground sign PLUS: 1 wall sign.	15 square feet	0.5 per lineal foot of main building façade; 25 SF maximum.			10'		10'	10'
O C-R	1 wall sign for each tenant space PLUS: 1 ground sign.	0.5 lineal foot of building façade; 25 SF per tenant space maximum.	0.5 per lineal foot of main building façade; 50 SF maximum..	1 EMC permitted, except for a residential land use; area integral to ground sign.		20'	8'	5'	5'
B-2	1 wall sign for each tenant space.	1.0 per lineal foot of building façade; 25 SF per tenant space maximum.			40"				
B-3	1 projecting sign PLUS: wall signs.	2.0 per lineal foot of building façade.			40"				
B-4 B-5	1 projecting sign OR wall signs for each tenant space PLUS: 1 ground sign for each lot.	1.0 per lineal foot of building façade.	1.0 per lineal foot of main building facade with a maximum of 75 SF. For lots with a frontage 150 feet or more, 150 SF maximum.  1.0 per lineal foot of main building façade with a maximum of 350 SF for multi-tenant commercial buildings greater than 25,000 SF in size.	1 EMC permitted; area integral to wall sign or ground sign	40"  40"	20'  40'	8'  8'	5'  5'	5'  5'
B-6	Wall signs PLUS: 1 ground sign per shopping center/plaza/property.	1.0 per lineal foot of building façade.	1.0 per lineal foot of main building façade; 350 SF maximum.	1 EMC permitted; area integral to wall sign or ground sign		40'	8'	10'	10'

### 11.12 I. SCHEDULE V: DESIGN STANDARDS AND SPECIFICATIONS FOR SIGNS.

Zoning District	Allowable Signage Total Number of Signs Permitted on any lot	Maximum Gross Surface Area Permitted (In Square Feet) <sup>A</sup>			Projecting Sign	Ground Sign			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center <sup>B</sup>		Maximum Projection From Wall	Height		Minimum Setback
					Max.		Min. <sup>C</sup>	Front	Side
M-1 M-2	1 ground sign per street frontage PLUS: wall signs.	1.0 per lineal foot of building façade.	1.0 per lineal foot of main building façade; 150 SF maximum.	1 EMC permitted; area integral to wall sign or ground sign		20'	8'	10'	10'
M-3	1 wall sign facing each street.	0.5 per lineal foot of building façade; 200 SF maximum.							
M-4	Wall signs OR 1 ground sign, on the side where wall sign is not utilized.	0.5 per lineal foot of building facade on a side facing a street or highway; 100 SF maximum.	50 SF			20'	8'	10'	10'
Special Highway 41 District <sup>D</sup>	1 ground sign for each property PLUS: wall signs.	1.0 per lineal foot of building façade.	1.0 per lineal foot of lot frontage; 200 SF maximum.	1 EMC permitted; area integral to ground sign.		35' <sup>E</sup> 55' <sup>F</sup>	8'	10' 20'	10' 20'
Downtown Sign District	See Section 11.12 D.	See Section 11.12 D.	See Section 11.12 D.	See Section 11.12 E.16					

- A **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 linear dimension of the lot line of the property area 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 façade to which the sign is affixed. Wall signage is allowed on a façade that directly abuts a public street, parking lot, 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.
- Projecting signs:** Allowable sign area shall be based on the linear dimension of the building façade to which the sign is affixed. A projecting sign is allowed on a façade 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.
- B See also Section 11.12 E.16.
- C Minimum height to bottom of sign within the vision triangle the bottom of all signs must be a minimum of 8' above ground. Outside of the vision triangle there shall be no height minimum except that any ground sign located within ten feet (10') of a driveway shall have a clearance of eight feet (8') above ground.
- D The boundaries of the district include all commercially zoned land within 500 feet of either side of the centerline of U.S. Highway 41.
- E Allowable height for properties within 500 feet of either side of the centerline of U.S.H. 41
- F Allowable height for properties located within the interchange zones of USH 41 and STH 23, Military Road, Hickory Road. The interchange zone is land located within a 1500' radius of the centerline of the interchange.

**SECTION 11.13**  
**NONCONFORMING BUILDINGS, STRUCTURES AND USES**

11.13 A. 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. Non-conforming uses located within the S-Shoreland district shall be regulated by the applicable sections of 62.231 of the Wisconsin Statutes. (#2273)

11.13 B. 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 or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

1. 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 11.13 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.

2. Additions and Enlargements

- a. Except as otherwise set forth in this Section 11.13 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 Zoning Board of Appeals.
- b. 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.

**MOVING OF NONCONFORMING BUILDING OR STRUCTURE 11.13 C.**

- c. 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.

11.13 C. MOVING OF A 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 in which it is moved and there is conformance with all other regulations of such district.

11.13 D. 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 3 months from the date of damage or destruction and work commenced within 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 6 month extension to any of the time limits may be granted by the Board of Appeals.

11.13 E. 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 6 month extension to the time limit may be granted by the Board of Appeals.

**CHANGE OF USE IN NONCONFORMING  
BUILDING OR STRUCTURE 11.13 F.**

11.13 F. 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 building 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.

11.13 G. 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:

1. 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 Zoning Board of Appeals.
2. 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.
3. A nonconforming use of land shall not be changed to another nonconforming use without boa special or variance.

11.13 H. SIGNS AND BILLBOARDS

Notwithstanding any other provision of this Section 11.13 to the contrary, no nonconforming advertising sign or identification sign shall be replaced or restored, if damaged or destroyed by any cause greater than fifty (50) percent of the assessed value except in compliance with the applicable provisions of this Ordinance. (See Sec. 11.12 I). (#2541)

**SECTION 11.14**  
**ADMINISTRATION AND ENFORCEMENT**

11.14 A. THE OFFICE OF THE BUILDING INSPECTOR

The Building Inspector of the City of Fond du Lac, or his designee, is hereby authorized to do all things necessary to administer and enforce the provisions of this ordinance, including but not limited to, the inspection of properties, issuance of permits, and maintenance of appropriate records of all such official actions. (#2599)

11.14 B. BUILDING PERMIT

1. 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 City of Fond du Lac unless the applications for such permit has been examined by the Building Inspector, indicating that the application complies with the provisions of this Ordinance. Any building permit or certificate of occupancy, issued for an application that is in conflict with the provisions of this Ordinance, shall be null and void.
2. An application for a building permit for any building, structure or use which requires compliance with the provisions of Section 11.09 E.5 and E.6 of this Ordinance, shall contain a written statement from the Fond du Lac Fire Department, that the said proposed building, structure or use will comply with all required performance standards currently in force. Upon receipt of such written statement the Building Inspector shall approve and authorize the issue of the appropriate permit provided there is compliance with all other relevant provisions of this Ordinance. (#2613)
3. The installation or re-installation of a mobile home as a residence in a mobile home park shall require the issuance of a mobile home permit by the Building Inspector. No mobile home permit may be issued for an installation which does not meet the Manufactured Home Site Fire Safety Requirements (setback requirements) of the City of Fond du Lac Fire Protection Code. (#2613)

11.14 C. BOARD OF APPEALS

1. Creation and Membership

The Board of Appeals under this Ordinance is the Board of Appeals which has been duly created by the City of Fond du Lac.

## BOARD OF APPEALS 11.14 C.2.

### 2. Organization

- a. The board 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 City of Fond du Lac.
- b. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board 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 shall be public. The Board shall keep minutes of its proceedings showing the action of the Board 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 and shall be a public record.
- d. The presence of four members shall constitute a quorum. The Board shall act by motion. The concurring vote of a majority of members present of such Board shall be necessary to reverse any order, decision or determination of the Building Inspector, 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.
- e. The Board of Appeals may call on other city 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 as may be reasonably required.
- f. All variances or special exceptions granted by the Board of Appeals shall be valid for a period of 6 months from the date of the meeting at which such action was taken. If no building permit is applied for within such 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 month extension may be granted by the boa upon submission of a written request setting forth the facts which require an extension.

### 3. Jurisdiction

- a. To hear and decide appeals where it is alleged there is error in order, requirement, decision or determination made by the Building Inspector in the enforcement of this Ordinance.

**BOARD OF APPEALS 11.14 C.3.b.**

- b. To hear and authorize, upon appeal in specific cases, a variance or special exception as hereinafter set forth.
- c. To hear and decide applications for special exceptions for establishment at any location of buildings, structures, and land improvements for public utility uses as defined by Wisconsin Statutes.
- d. To hear and decide all other matters referred to it upon which it is required to act under this Ordinance.

4. Appeals from Order of Building Inspector

- a. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an administrative order, requirement, decision, or determination under this Ordinance by the Building Inspector.
- b. An appeal shall be filed with the Building Inspector and the Board of Appeals and thereafter processed as prescribed by applicable Wisconsin Statutes.

5. Appeal for a Use Variance

Where there is unnecessary hardship in the way of carrying out the strict letter of this Ordinance the Board of Appeals may, upon appeal, vary or modify the application of any of the use regulations of this Ordinance so that the spirit of the Ordinance shall be observed. No use variance shall be granted by the Board of Appeals, however, unless it finds:

- a. That, for reasons set forth in writing in the findings of the Board of Appeals, no permitted use of the land in question will yield a reasonable return to the owner.
- b. That granting the variance requested will be in harmony with the general purpose and intent of this Ordinance and will not alter the essential character of the neighborhood, endanger public health or safety or substantially diminish or impair property values within the neighborhood.

In granting any use variance the Board of Appeals shall prescribe any conditions that it deems necessary or desirable. No use variance may be granted within the S-Shoreland district. (#2273)

## BOARD OF APPEALS 11.14 C.6.

### 6. Appeal for a Special Exception

Where there are practical difficulties or special conditions which make regulations governing lot size, yard size, building height, and all other regulations pertaining to bulk and not specifically related to use of land or building, unreasonable or impossible to comply with, the Board of Appeals shall have the authority to grant a special exception to those regulations as long as the spirit of the regulation to be altered is observed. In granting a special exception the Board of Appeals shall find:

- a. That 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.).
- b. That the special exception requested will not be unduly detrimental to adjoining properties and will not alter the essential character of the neighborhood.
- c. That the alleged difficulty or condition for which a special exception is sought has not been created by any person presently having an interest in the property.

In granting any special exception the Board of Appeals shall prescribe any conditions that it deems necessary or desirable.

### 7. Procedure

- a. An application for a variance, special exception or other applicable matters may be made by any person, firm, corporation, organization or any governmental office, department, board, bureau, or commission, who has or is intending to file an application for a Zoning Certificate under this Ordinance.
- b. An application for a variance, special exception, or other applicable matters shall be filed in the office of the Building Inspector and thereafter forwarded to the Board of Appeals for processing and decision in a manner prescribed by Wisconsin Statutes.
- c. Where an application for a variance, special exception or other applicable matter is denied by the Board of Appeals, the petitioner may not submit the same application less than one year from the date of denial.

11.14 D. PLAN COMMISSION

1. Creation

The Plan Commission referred to in this Ordinance is the Plan Commission which has been duly created by the City of Fond du Lac.

2. Jurisdiction

To submit reports and recommendations to the City Council on all applications for amendments to the zoning district map or regulations of this Ordinance and all applications for special uses that have been referred to the Plan Commission by the City Council except those concerned with a public utility installation. (See Sec. 11.14 E.3.)

3. Procedure

Procedures on matters pertaining to amendments and special uses under the jurisdiction of the Plan Commission in this Ordinance shall be in accordance with provisions of 62.23 (7) (d) of Wisconsin Statutes.

- a. All petitions and incidental information thereto relating to the Zoning Ordinance or Subdivision Ordinance for which the action of the Plan Commission is being sought shall be presented to the office of the City Clerk no later than the first day of the month in which the Plan Commission will hold its next regularly scheduled meeting.
- b. Where site plan approval or amendment thereto is required, the petitioner shall follow the requirements of paragraph "a" above and shall also present to the Planning Division no later than 10 days before the Plan Commission Meeting the required site plan for review by department heads.

11.14 E. AMENDMENTS

1. Authority

The City Council may, from time to time, in the manner set forth in applicable Wisconsin Statutes, amend the regulations imposed by this Ordinance, provided that due allowance shall be made for existing conditions, the conservation of property values, the directions of building development to the best advantages of the entire City and the uses to which property is devoted at the time of the adoption of such amendments.

**AMENDMENTS 11.14 E.2.**

2. Initiation

Amendments may be proposed by the City Council or any member thereof, the Plan Commission, Board of Appeals, or any person, firm, corporation, or organization.

3. Procedure

- a. Any proposed amendment shall be processed, and notices given, in accordance with the provisions of 62.23 (7) (d) of Wisconsin Statutes.
- b. The report and recommendation of the Plan Commission on any proposed amendment shall include an evaluation of the suitability of such change and the impact of such change on the environment and the Comprehensive Plan for the City of Fond du Lac.

11.14 F. FEES

Zoning fees shall be payable to the City Treasurer and shall accompany an application upon submittal of development requests as required by this Ordinance. Such fees shall be paid in an amount set by resolution of the City Council.

11.14 G. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

It shall be the duty of the Building Inspector, Planning Division or their designee, to enforce this Ordinance. Any person, firm, corporation or organization which violates, disobeys, omits, neglects or refuses to comply with or resists the provisions of this 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 of Fond du Lac County until such fine and costs are paid but not to exceed thirty (30) days. Each day a violation continues to exist shall constitute a separate offense. (#2128)

**SECTION 11.15**  
**DEFINITIONS**

11.15 A. APPLICATION

In the construction of this Ordinance, the rules and definitions contained in this Section 11.15 shall be observed and applied, except when the context clearly indicates otherwise.

11.15 B. 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.

11.15 C. DEFINITIONS

ABUTS, ABUTTING: Having a common property line or district line.

ACCESSORY BUILDING: 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. (See Sec. 11.04 C.)

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.

ADULT FAMILY HOME: A private residence where care and maintenance above the level of room and board, but not including nursing care, are provided in accordance with Section 50.01(i) of the Wisconsin Statutes. The operation of an Adult Family Home is subject to requirements for Section 62.23(7)(i) of the Wisconsin Statutes.

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.

## DEFINITIONS 11.15 C.

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.

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.

AUTOMOBILE LAUNDRY: A building or portion thereof containing facilities for washing more than two 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.

BALCONY: A landing, deck or porch projecting from the wall of a building at or above the second story.

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 as required by Schedule II. A. (See also Cellar.)

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 City of Fond du Lac.

## DEFINITIONS 11.15 C.

BOARDING HOUSE: See Lodging 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 AREA: That portion of a lot remaining when all required yard space has been excluded.

BUILDING: A structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When any portion by a solid party wall, then such portion shall be deemed to be a separate building.

BUILDING, ACCESSORY: See Accessory Building.

BUILDING, PRINCIPAL: See Principal 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, 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, 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 roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

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.

## DEFINITIONS 11.15 C.

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 as required by Schedule II. For purposes of this Ordinance, a dwelling unit designed to be partially underground shall not be considered as a cellar space. (See also Basement.)

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.

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.

CONTIGUOUS: In actual contact.

DAY CARE HOME: A licensed facility for the care and supervision of up to 8 children for less than 24 hours a day in any one family dwelling, church, school, hospital or similar building permitted by right or by special permit in a residential district.

DECK/PORCH: An unenclosed exterior structure attached to the exterior wall of a building, with direct access to or from a building.

DISTRICT: A portion of the City of Fond du Lac within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance, or within which certain yards and other open spaces are required, or within which certain lot areas, dwelling sizes and density requirements are established, or within which a combination of such aforesaid regulations are applied.

## DEFINITIONS 11.15 C.

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 units, one-family, two-family and multiple family residences, and mobile/manufactured/modular homes, but not including trailers or lodging rooms in hotels, motels, or lodging houses.

DWELLING, COMMUNITY LIVING ARRANGEMENT: A residential facility, licensed by the State of Wisconsin, providing community living arrangements as set forth in Section 46.03(22) of the Wisconsin Statutes, and operated in accordance with Section 62.23 (7)(i) of the Wisconsin Statutes. Community Living Arrangement does not include adult family homes, day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

DWELLING, CONDOMINIUM: An arrangement of buildings in which dwelling units or floor area are owned individually, and the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.

DWELLING, EFFICIENCY: A dwelling unit consisting of not more than one habitable room, an individual bath, kitchen facilities and an independent entrance.

DWELLING, ONE-FAMILY: A building containing only one dwelling unit.

DWELLING, TWO-FAMILY: A building containing only two dwelling units.

DWELLING, MULTIPLE FAMILY: A building containing three or more dwelling units.

DWELLING UNIT: One or more rooms designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family household.

ELECTRIC DISTRIBUTION CENTER: A terminal at which electric energy is received from 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.

## DEFINITIONS 11.15 C.

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: To be considered at a future date.

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 roomers, boarders, or permanent guests (whether or not gratuitous) in addition to related individuals and domestics. A group of not more than four unrelated individuals living together as a single housekeeping unit shall also constitute a family.

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 in 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 City Engineer of the City of Fond du Lac.

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 acres in area having an elevation higher than flood-crest elevation and which is surrounded by land in a floodplain area, or land, less than five acres in area having an elevation equal to or higher than flood-crest elevation and bordered on three sides by land in a floodplain area.

## DEFINITIONS 11.15 C.

**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 from 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 of the City of Fond du Lac; (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 feet of structural height. If such structure measures less than ten feet but not less than five 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. 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.

## DEFINITIONS 11.15 C.

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.

GARDEN: Growing of fruit, vegetables and flowers which are not to be sold commercially.

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 12 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.

GAZEBO: A structure used for the outdoor enjoyment of a property that is accessory to the principal use.

GRADE, ESTABLISHED: The established grade of the street or sidewalk is as prescribed by the City of Fond du Lac.

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.

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.

## DEFINITIONS 11.15 C.

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.

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.

LANDFILL: 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 landfill operation must be obtained from City Council. (See Sec. 11.10 B.27). 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 3 but not more than 10 persons. A rooming house.

LODGING ROOM: A room or suite of rooms rented as sleeping and living quarters, with or without an individual bathroom but without cooking facilities.

## DEFINITIONS 11.15 C.

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 or more streets at their intersection or adjacent to a curving street where the interior angle is less than 120 degrees.

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, INTERIOR: A lot that is not a corner lot.

LOT LINE, FRONT: That boundary of a lot which abuts a street 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 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 has 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, THROUGH: A lot having a frontage on two more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

LOT WIDTH: The distance between the side lot lines of a lot measured along the front yard setback line.

## DEFINITIONS 11.15 C.

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.

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: A contiguous parcel of land under one ownership or management upon which two or more mobile homes are placed for non-transient use and developed in accordance with Sec. 11.10 B.1 of this Ordinance.

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.

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 BUILDING OR LOT: Any building or lot lawfully established which does not comply with all the bulk and area regulations of this Ordinance, or of any amendment hereto, for the district in which such building or lot is located.

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.

## DEFINITIONS 11.15 C.

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 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 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 City of Fond du Lac, Wisconsin.

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 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.

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. Such performance standards are developed, administered and enforced by the Fond du Lac Building Inspection Division.

## DEFINITIONS 11.15 C.

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 City Council 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 as 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 City of Fond du Lac, Wisconsin.

PLANNED 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 Development shall involve a detailed plan review and approval in accordance with standards and procedures as set forth in Section 11.10 B.8 of this Ordinance.

PRINCIPAL BUILDING: A non-accessory building in which the principal use permitted on the lot is conducted.

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.

## DEFINITIONS 11.15 C.

RESERVOIR STANDING SPACES: Those off-street parking spaces allocated for temporary standing of automobiles awaiting entrance to a particular establishment.

ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.

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 feet on the top surface and one foot on the sides of the bank, which sides shall have a least 1:2 slope.

SETBACK: The distance between the nearest wall of a building and any lot line.

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 11.14 C.6 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 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 feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

## DEFINITIONS 11.15 C.

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.

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 of 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.

## DEFINITIONS 11.15 C.

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 City of Fond du Lac. 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. (See also Sec. 11.04 C.)

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 11.10 of this Ordinance, a permit for such "special use" may be granted by the City Council.

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.

## DEFINITIONS 11.15 C.

VARIANCE: Written authority to deviate from any of the use requirements of this Ordinance as set forth and authorized by Section 11.14 C.5 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.

VISION CLEARANCE TRIANGLE: On corner lots and on the right-of-way within the vision clearance triangle, it shall be unlawful to install, place, park or maintain, or to allow such installation, placement, parking or maintenance of any structures, vehicles, signs, hedges, shrubbery, natural growth or other obstruction of view between 3 feet and 8 feet above the grade of the intersection of street centerline adjacent thereto. The clearance triangle shall be determined by measuring 80 feet along the centerlines of intersecting streets from the point of intersection of same and connecting these points with a line, thus defining a triangular area including right-of-way and property 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 3 to 8 foot clearance area; official signs and signals; signs in accordance with Section 11.12; 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. (#2273)

YARD: An open space that lies between a building and the nearest lot line.

YARD LINE: A line parallel to a lot line at a distance therefrom equal to the depth of the required yard.

YARD, FRONT: A space extending across the entire width of a lot between any building and the lot line that abuts a public right-of-way. Corner lots and through lots have two front yards.

YARD, REAR: A space extending across the entire width of the lot between the building and the rear lot line. A corner lot will have a rear yard and one side yard; the designation of rear yard area shall be at the discretion of the property owner, contingent on compliance with the required side yard setback of the zoning district in which the property is located. A through lot will not have a rear yard..

## **DEFINITIONS 11.15 C.**

YARD, SIDE: A space extending from the front yard to the rear yard between the building and the side lot line. A corner lot will have one side yard and a rear yard; the designation of the side yard area shall be at the discretion of the property owner, contingent on compliance with the required rear yard setback of the zoning district in which the property is located. A through lot will have two side yards.

ZONING DISTRICTS: The districts into which the City of Fond du Lac, Wisconsin has been divided for zoning regulations as set forth on the Zoning District Map.

**SECTION 11.16**  
**HISTORIC PRESERVATION ORDINANCE**

11.16 A. PURPOSE AND INTENT

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

1. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City of Fond du Lac's cultural, social, economic, political, engineering and architectural history.
2. Safeguard the City of Fond du Lac's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
3. Stabilize and improve property values.
4. Foster civic pride in the beauty and noble accomplishments of the past.
5. Protect and enhance the City of Fond du Lac's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
6. Strengthen the economy of the City of Fond du Lac.
7. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City of Fond du Lac.

11.16 B. DEFINITIONS

In this section unless the context clearly requires otherwise:

1. Commission means the Historic Preservation Commission created under this section.
2. Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

### DEFINITIONS 11.16 B.3.

3. Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.
4. Historic district is an area designated by the City Council of the City of Fond du Lac on recommendation of the commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Fond du Lac, state or nation, and which has been designated as an historic district pursuant to the provisions of this chapter.
5. Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Fond du Lac, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
6. Historic site means any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

#### 11.16 C. HISTORIC PRESERVATION COMMISSION COMPOSITION

1. Members. A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, it is desirable that one be a registered architect; one historian qualified in the field of historic preservation; and one a licensed real estate broker. In addition, one shall be a councilman, and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. Members shall be appointed pursuant to Sec. 3.04 of the Fond du Lac Municipal Code. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

**HISTORIC STRUCTURES, SITES, AND  
DISTRICTS DESIGNATION CRITERIA 11.16 D.**

2. Officers. The Commission shall elect from its membership, a Chairman, and Vice-Chairman whose terms of office shall be fixed by the By-Laws. The Chairman shall preside over the Board and shall have the right to vote. The Vice-Chairman shall, in all cases of absence of the Chairman, perform the duties of the Chairman. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall adopt rules for the transaction of its business which shall provide for the time, place and manner of holding regular and special meetings. All meetings of the Commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and to be heard on any matter before the Commission before it reaches its decision.
3. Secretary and Staff. The Commission shall appoint a Secretary who shall keep a record of all minutes, resolutions and proceedings and other actions of the Commission.

11.16 D. HISTORIC STRUCTURES, SITES, AND DISTRICTS DESIGNATION  
CRITERIA

1. For purpose of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the City of Fond du Lac, such as historic structures, sites and districts which:
  - a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - b. Are identified with historic personages or with important events in national, state or local history; or
  - c. Embody the distinguishing characteristics of an architectural type or specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
  - d. Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his age.
2. The Commission may adopt specific operating guidelines for landmark sites designation providing such are in conformance with the provisions of this paragraph.

## POWERS AND DUTIES 11.16 E.

### 11.16 E. POWERS AND DUTIES

1. Designation. The Commission shall have the power, subject to Section F, to designate historic structures, historic sites and historic districts within the City of Fond du Lac limits. Such designations shall be made based on Section D. Once designated by the Commission, such historic structures, sites and districts shall be subject to all the provisions of this ordinance. Historic district designations must be approved by the City Council of the City of Fond du Lac.
2. Regulation of Construction, Reconstruction and Exterior Alteration.
  - a. Any application for a permit from the Building Inspector involving the exterior of a designated historic site or structure within an historic district shall be filed with the Historic Preservation Commission.
  - b. No owner or person in charge of an historic site or structure within an historic district shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an historic district or cause or permit any such work to be performed upon such property unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
  - c. Upon filing of any application with the Historic Preservation Commission, the Historic Preservation Commission shall determine:
    - (1) Whether, in the case of a designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
    - (2) Whether, in the case of the construction of a new improvement upon a historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

### **POWERS AND DUTIES 11.16 E.3.**

- (3) Whether, in the case of any property located in an historic district designated pursuant to the terms of Subsection D, hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the City Council of the City of Fond du Lac.
  - (4) In cases of a designated historic site which has had its principal structure completely destroyed by fire, demolition, other means, or conditions noted in Section 11.16I., the plan review requirements of 11.16 E.2 shall not apply unless there is a designated historic site, historic structure, or historic district within 200 feet of the historic structure that has been destroyed.
- d. If the Commission determines Subparagraphs (1), (2), and (3), of Paragraph c. above in the negative, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this decision within thirty (30) days of the filing of the application. Should the Commission refuse to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Board of Zoning Appeals, which may grant said Certificate by a three-fourths (3/4) vote only, and then only upon a clear showing of economic hardship by the applicant. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.
3. Regulation of Demolition.

No permit to demolish all or part of an historic structure, or improvement in an historic district, shall be granted by the Building Inspector except as follows:

- a. No person in charge of an historic structure, shall be granted a permit to demolish such property under any circumstances without first receiving the written approval of the Commission.
- b. At such time as such person applies for a permit to demolish such property, such application shall be filed with the Commission. Upon such application, the Commission may refuse to grant such written approval for a period of up to six (6) months from the time of such application for single-family homes and up to one (1) year for other types of structures, during which time Commission and the applicant shall undertake serious

## POWERS AND DUTIES 11.16 E.3.c.

and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At the end of the required time period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector may issue the permit to demolish the subject property without the approval of the Commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and available for disbursement within a period of sixty (60) days following the end of the required time period, the Building Inspector may issue the permit to demolish the subject property without the approval of the Commission.

- c. Standards. In determining whether to issue a Certificate of Appropriateness for any demolition, the Commission shall consider and may give decisive weight to any or all of the following:
- (1) Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Fond du Lac and the State;
  - (2) Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City of Fond du Lac and the State;
  - (3) Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Section I and to the objectives of the historic preservation plan for the applicable district as duly adopted by the City Council of the City of Fond du Lac.
  - (4) Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
  - (5) Whether retention of the building or structure would promote the general welfare of the people of the City of Fond du Lac and the

## POWERS AND DUTIES 11.16 E.3.d.

State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;

- (6) Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;
- (7) Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the buildings and environment of the district in which the subject property is located.

- d. Appeal. An appeal from the decision of the Commission to grant or deny a Certificate of Appropriateness, whether this determination is made upon receipt of the application for a demolition permit or at the end of the three (3) month period in a case where action on the application has been suspended, or to suspend action on a demolition application may be taken to the Zoning Board of Appeals of the City of Fond du Lac by the applicant for the demolition permit. Such appeal shall be initiated by filing a petition to appeal, specifying the grounds thereof, with the City Clerk within ten (10) days of the date the final decision of the Commission is made. The City Clerk shall file the petition to appeal with the Zoning Board of Appeals. After a public hearing the Zoning Board of Appeals may by favorable vote of three-fourths (3/4) of its members, reverse or modify the decision of the Commission if, after balancing the interest of the public in preserving the subject property and the interest of the owner in using it for his or her own purposes, the Zoning Board of Appeals finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Commission's decision.

#### 4. Recognition of Historic Structures and Historic Sites

At such time as a historic structure or site has been properly designated in accordance with subsections D. and F. hereof, the Commission may cause to be prepared and erected on such property, at public expense, a suitable plaque declaring that such property is an historic structure or site. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of an historic

## POWERS AND DUTIES 11.16 E.5.

structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed proper by the Commission. In the case of an historic site which is not the site of an historic structure, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

### 5. Sale of Historic Structures and Historic Sites

Any party who is listed as the owner of record of an historic structure on site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation he or she is unable to find a buyer willing to preserve such an historic structure or site, even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation. Following the filing of such petition with the secretary of the Commission:

- a. The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- b. If, at the end of a period not exceeding three (3) months from the date of such petition, and upon demonstration of reasonable and diligent marketing efforts, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property.
- c. In the event of such rescission, the Commission shall notify the City Clerk, the Building Inspector, and the City Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Fond du Lac County Register of Deeds.

### 6. Other Duties

In addition to those duties already specified in this section, the Commission shall:

- a. Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this section in order to encourage owners of historic properties to assist in carrying out the intent of the ordinance.
- b. Cooperate with the Historic Preservation Officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.

## PROCEDURES 11.16 F.

- c. Work for the continuing education of the citizens about the historic heritage of the City of Fond du Lac and the historic structures and sites designated under the provisions of this section.
- d. As it deems advisable, receive and solicit funds for the purpose of historic preservation in the City of Fond du Lac.

### 11.16 F. PROCEDURES

#### 1. Designation of Historic Structures, Historic Sites and Historic Districts

The Commission may, after notice published as a Class 1 Notice and public hearing, as well as due notice to the parties in interest and adjacent property owners, establish historic structures and sites and may recommend historic districts, or rescind such designation or recommendation, after application of the criteria in Section D above. The Commission shall also notify the following: Department of Public Works, Redevelopment Authority, Parks Division, Fire and Police Departments, Inspection Division, Zoning Board of Appeals, and Plan Commission. Each such department shall respond to the Commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission may designate the property as either an historic structure, an historic site, or recommend its inclusion in an historic district, or may rescind the designation. After the designation, recommendation or rescission has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City Clerk, Building Inspector and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds office, or the recommendation to be submitted to the City Council of the City of Fond du Lac as provided by subsection F.3. (#2455)

- 2. The City Plan Commission. The Plan Commission shall review the Historic District plan and make a recommendation to the City Council. The Plan Commission shall make its recommendation on the Historic District plan within thirty (30) days.
- 3. The City Council. The City Council, upon receipt of the recommendations from the Historic Preservation Commission and Plan Commission, shall hold a public hearing, notice to be given as noted in Subparagraph (1) above and shall following the public hearing either designate or reject the Historic District.

## CONFORMANCE WITH REGULATIONS 11.16 G.

Designation of the Historic District shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of said plan.

### 11.16 G. CONFORMANCE WITH REGULATIONS

Every person in charge of any historic structure, historic site or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section. The City Council may appoint the Building Inspector or other City employee to enforce this ordinance.

### 11.16 H. MAINTENANCE OF HISTORIC STRUCTURES, HISTORIC SITES AND HISTORIC DISTRICTS

1. Every person in charge of an improvement on an historic site or in an historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
2. Insofar as they are applicable to an historic structure, historic site or improvement in an historic district, designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Building Inspector, provided such variance or waiver does not endanger public health or safety.

### 11.16 I. CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on an historic site or in an historic district pursuant to order of any appropriate City or State governmental official or pursuant to any court order having jurisdiction, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

### 11.16 J. PENALTIES FOR VIOLATIONS

Any person violating any provision of this section shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each separate violation. Each and

## **PENALTIES FOR VIOLATIONS 11.16 K.**

every day during which a violation continues shall be deemed to be a separate offense.

### 11.16 K. SEPARABILITY

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

<b>Historical Updates</b>		
<b>Paragraph(s)</b>	<b>Ordinance No.</b>	<b>Date Adopted</b>
11.04 C.4.b(4); 11.04 C.4.a(5)	2062	11/28/84
11.04 N	2070	03/13/85
11.04 D; 11.15 C; 11.12 B.9	2074	03/27/85
11.08 C Schedule II; 11.12 F.4.(d); 11.06 C Schedule I; 11.11 F.7(b); 11.08 E.18; 11.08 E.19; 11.06 E.12	2079	05/22/85
11.12 L	2114	11/13/85
11.10 B.27.a; 11.14 I; 11.08 E.5; 11.06 D - Schedule IA; 11.08 C Schedule II	2128	11/26/85
11.05 Schedule I	2148	02/26/86
11.10 A.8	2191	07/23/86
11.10 B.12; 11.08 C Schedule II	2199	08/13/86
11.03 C; 11.13 A; 11.15; 11.05; 11.14 E.5	2273	08/12/87
11.14 H	2328	06/08/88
11.09	2444	02/14/90
11.15 C; 11.06 C Schedule I; 11.10 B.3	2452	05/09/90
11.12 C.7; 11.12 L Schedule X	2453	05/23/90
11.16 F.1	2455	06/13/90
11.03 C	2478	10/10/90
11.06 C Schedule I; 11.06 E.14; 11.10 B.3	2503	02/13/90
11.04 B.7.c; 11.04 C.n&r; 11.11 F.6.a&7.a; 11.10 B.11.b; 11.04 B.9	2538	07/10/91
11.12 I; 11.13 H; 11.12 L; 11.12 B.6	2541	08/14/91
11.04 M.4; 11.09.6	2547	08/28/91
11.14; 11.06 C Schedule I; 11.08 C Schedule II; 11.09 C Schedule III; 11.11 H Schedule VI	2599	03/23/92
11.04 B.10; 11.14 B.2&3	2613	04/22/92
11.08 C.24; 11.10 B.20; 11.08 B.3	2662	04/28/93
11.06 C Schedule I; 11.06 D Schedule IA; 11.06 E; 11.11 H Schedule VI (11); 11.15 C	2790	07/12/95
11.14 D; 11.14 E; 11.14 F; 11.14 G; 11.14 H; 11.14 I	2803	09/27/95

<b>Historical Updates</b>		
<b>Paragraph(s)</b>	<b>Ordinance No.</b>	<b>Date Adopted</b>
11.04	2813	11/21/95
11.06 D Schedule IA	2814	11/21/95
11.06 A.6, 1.10 B., 11.06 C Schedule I, 11.06 D Schedule IA	2844	06/26/96
11.08 C Schedule II, 11.10 B 28.	2846	06/26/96
11.06 E.12, 11.06 C.19, 11.10 B.3, 11.15 C	2855	07/24/96
11.04.Q,11.08 Schedule II, 11.09.A.6.c, 11.09.E Schedule III,11.10.B.29	2882	02/26/97
11.04 R.	2950	12/09/98
11.04 C.3, 11.11 E.8, 11.15 C	2998	03/22/00
11.06 E.6.h, 11.06 E.6.i, 11.15 C	3018	09/13/00
11.12 C.16	3057	06/27/01
11.06 C. Schedule I, 11.06 C.13	3083	12/12/01
11.05 A. Intent 6. EB-O East Branch Overlay District	3090	02/27/02
11.12 C.12. Signs	3095	03/27/02
11.06 E.6. Home Occupation (Home Business)	3104	05/22/02
11.04 N.1.c. Site Plan Requirements	3115	08/28/02
11.04 C.3.a. thru ee. Control Over Accessory Structures	3123	09/25/02
11.06 D. Schedule IA	3123	09/25/02
11.08 B.4 Enclosure of Operation	3123	09/25/02
11.08 C. Schedule II	3123	09/25/02
11.08 E.15 Machine, Sheet Metal & Welding Shop	3123	09/25/02
11.09 B.4.d. & e. Enclosure of Operation	3123	09/25/02
11.09 C. Schedule III	3123	09/25/02
11.11 E.7.b. Off-Street Parking	3123	09/25/02
11.11 G. Schedule VI	3123	09/25/02
11.14 C.7 Board of Appeals	3123	09/25/02
11.15 C. Definitions	3123	09/25/02
11.12.C.1. Special Signs and Devices, Real Estate	3139	01/22/03

<b>Historical Updates</b>		
<b>Paragraph(s)</b>	<b>Ordinance No.</b>	<b>Date Adopted</b>
11.12.C.17. Special Signs and Devices - Electronic Message Ctr	3139	01/22/03
11.16 E.3. Regulation of Demolition	3153	04/23/03
11.04 R.1.d. & g. Building Relocation	3162	05/28/03
11.08 E.18 Adult Oriented Establishments	3171	08/27/03
11.10 B.28 Adult Oriented Establishments - (removal)	3171	08/27/03
11.12 D. Prohibited Signs	3171	08/27/03
11.03 C. Annexed Land - (removal)	3180	10/22/03
11.05 A., B. Shoreland-Wetland, Shoreland Overlay, Agricultural, and East Branch Overlay Districts	3180	10/22/03
11.05 Schedule I - Land Uses or Activities - Shoreland-Wetland, Shoreland Overlay, Agricultural, and East Branch Overlay Districts	3180	10/22/03
11.04 B.8 - Control Over Bulk, Through Lots	3197	01/28/04
11.12 C.18 - Sandwich Board Signs	3222	08/25/04
11.04 C.3.v. - Outdoor Wood Burning Furnace	3246	05/25/05
11.14 C.2.d. - Board of Appeals Voting	3265	10/26/05
11.08 C. Schedule II, 11.08 E.19, 11.10 B.29 - Amplified Music/ Mechanically or Electronically Produced Sound	3278	04/26/06
11.04 C.3.x - Rummage sales, yard sales, garage sales and similar sales events	3311	11/21/06
11.06 E.6.c.(2) - Rummage sales, yard sales, garage sales and similar sales events	3311	11/21/06
11.16 E.2.c.(4) – Designated Historic Sites destroyed by fire etc.	3341	10/10/07
11.12 – Signs (including the Schedule thereto)	3363	08/27/08
11.15 – Definitions (deleted)	3363	08/27/08
11.15 – Definitions (amended)	3363	08/27/08
11.04 C.3.b. and 11.04 C.3.b (1) – Awnings, signs or entry canopies	3363	08/27/08
11.09 A.5.b.(2) Repealed	3363	08/27/08
11.09 A.6.d(2) Repealed 11.09 A.6.d(3) Renumbered	3363	08/27/08

<b>Historical Updates</b>		
<b>Paragraph(s)</b>	<b>Ordinance No.</b>	<b>Date Adopted</b>
11.04 N.1.c Amended	3385	11/25/08
11.06 C. Schedule I Amended	3424	1/13/10
11.08 C. Schedule II Amended	3424	1/13/10
11.09 C. Schedule III Amended	3424	1/13/10
11.10 B. 30 Created	3424	1/13/10
11.16 E. Amended	3439	10/27/10
11.05 A Amended	3440	10/27/10