

# CHAPTER 21

## ZONING CODE

### TABLE OF CONTENTS

Section	Title	Page
<b>PART "A" - GENERAL INFORMATION</b>		
<b>21.01</b>	<b>INTRODUCTION</b>	
(1)	Authority	1
(2)	Title	1
(3)	General Purpose	1
(4)	Intent and Purposes	1
(5)	Abrogation and Greater Restrictions	2
(6)	Interpretation	2
(7)	Severability and Non-Liability	3
(8)	Repeal and Effective Date	3
<b>21.02</b>	<b>GENERAL PROVISIONS</b>	
(1)	Control Over Use	4
(2)	Control Over Site	5
(3)	Control Over Bulk	5
(4)	Control Over Corner-Lot Sight Lines	9
(5)	Regulations Governing Airports and Their Surroundings	9
(6)	Mobile Homes, Trailers, Boats, Snowmobiles, Semis, Buses	9
(7)	Sewerage and Water Systems	10
(8)	Floodplain Requirements	10
(9)	Exemption For Public Utilities	10
(10)	Storage of Junk, Refuse, and Disabled or Damaged Motor Vehicles	11
<b>21.03</b>	<b>ZONING DISTRICTS AND DISTRICT MAP</b>	
(1)	Establishment of Districts	12
(2)	Annexed Land	12
(3)	Vacation of Streets	12
(4)	Zoning Map	12
(5)	Rules For Interpretation of District Boundaries	13
(6)	Lot in Two or More Districts	13

Section	Title	Page
<b>21.04</b>	<b>SHORELAND, CONSERVANCY, AND AGRICULTURAL DISTRICTS</b>	
(1)	Intent	14
(2)	Single-Family Detached Dwellings	15
(3)	Open Space and Conservation Uses and Public Utilities	15
(4)	Amendments to Shoreland District	16
(5)	Schedule 21.04-A Land Uses or Activities in Shoreland, Conservancy and Agricultural Districts	18

**PART "B" - ZONING DISTRICT REGULATIONS**

<b>21.05</b>	<b>RESIDENTIAL DISTRICTS</b>	
(1)	Intent	19
(2)	General Provisions	20
(3)	Special Conditions for Certain Land Uses or Activities In Residential Districts	21
(4)	Schedule 21.05-A Land Uses or Activities	25
(5)	Schedule 21.05-B Bulk Requirements in Residential Districts	29

<b>21.06</b>	<b>BUSINESS DISTRICTS</b>	
(1)	Intent	31
(2)	General Provisions	31
(3)	Special Conditions for Certain Land Uses or Activities In Business Districts	33
(4)	Design Standards for Land Uses In (B-2) Business District	35
(5)	Schedule 21.06-A Land Uses or Activities in Business Districts	38
(6)	Schedule 21.06-B Bulk Requirements in Business Districts	42

<b>21.07</b>	<b>INDUSTRIAL DISTRICTS</b>	
(1)	Intent	43
(2)	General Provisions	43
(3)	Special Conditions For Certain Land Uses or Activities In Industrial Districts	45
(4)	Schedule 21.07-A Land Uses or Activities in Industrial Districts	46
(5)	Schedule 21.07-B Bulk Requirements in Industrial Districts	49

<b>21.08</b>	<b>OFFICE/INSTITUTIONAL DISTRICT</b>	
(1)	Intent	50
(2)	General Provisions	50
(3)	Special Conditions For Certain Land Uses or Activities In Office/Institutional District	51
(4)	Schedule 21.08-A Land Uses or Activities in Office/Institutional District	52

**Section****Title****Page****MOBILE HOME DISTRICT**

(1)	Intent	54
(2)	Permitted Uses	54
(3)	General Provisions	54
(4)	Declaration of Restrictions/Restrictive Covenants	59
(5)	Detailed Site Plans and Information Required	60
(6)	Management	60
(7)	Licenses	61
(8)	Definitions	62

**21.10****PLANNED UNIT DEVELOPMENT DISTRICT**

(1)	Purpose of the Planned Unit Development District	64
(2)	Types of Planned Unit Developments	64
(3)	Permitted Uses	64
(4)	Special Uses	64
(5)	District Standards	64
(6)	Preliminary Development Plan Application	66
(7)	Procedure for Review of a Preliminary Planned Unit Development	67
(8)	Environmental Review and Design Standards	68
(9)	Action by the Village Board On The Preliminary Development Plan Application (PDPA)	69
(10)	Application for Final Development Plan Approval	69
(11)	Final Development Plan Approval	69
(12)	Basis for Approval of the Final Development Plan	70
(13)	Filing of Final Development Plan	72
(14)	Official Map Designation	72
(15)	Final Development Plan Changes	72
(16)	Termination of Final Development Plan Approval	72
(17)	Extended Staged Planned Unit Development	73
(18)	Building Permit Approval	73

**PART "C" - SUPPLEMENTARY REGULATIONS****21.11****SPECIAL USE PERMITS**

(1)	Statement of Purpose - Special	74
(2)	Authority of the Plan Commission and Village Board; Requirements	74
(3)	Initiation of Special Use	75
(4)	Application For Special Use Permit	75
(5)	Hearing On Application	75
(6)	Notice of Hearing On Application	75
(7)	Standards for Special Use Permits	76
(8)	Denial of Application For Special Use Permit	77
(9)	Conditions and Guarantees	77
(10)	Validity of Special Use Permit	78
(11)	Complaints Regarding Special Use Permits	78
(12)	Specific Requirements for Certain Land Uses and Activities	79

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>21.12</b>	<b>ACCESSORY USES AND STRUCTURES</b>	
(1)	General	88
(2)	Satellite Earth Station (Satellite Dish)	93
(3)	Central Air-Conditioning Equipment	94
(4)	Outside Storage - General	96
(5)	Outside Storage of Firewood	96
(6)	Fences and Hedges	96
(7)	Swimming Pools	98
<b>21.13</b>	<b>TRAFFIC VISIBILITY, PARKING, AND LOADING</b>	
(1)	Vision Clearance Triangle	101
(2)	Highway Access	101
(3)	General Parking and Loading Regulations	101
(4)	Off-Street Parking	102
(5)	Off-Street Loading	104
(6)	Schedule 21.13: Minimum Off-Street Parking Requirements	106
(7)	Remarks For Schedule 21.13	108
<b>21.14</b>	<b>SIGNS AND BILLBOARDS</b>	
(1)	Intent	109
(2)	General Provisions	109
(3)	Signs Allowed In All Zoning Districts Without A Sign Permit	112
(4)	Prohibited Signs	113
(5)	Design Standards For Signs Requiring A Sign Permit	113
(6)	Signs In (B-2) Business District	113
(7)	Special Signs and Devices	113
(8)	Construction and Maintenance Standards	114
(9)	Nonconforming Signs	115
(10)	Revocation	116
(11)	Variance	116
(12)	Definitions	116
(13)	Schedule 21.14-A Permitted Signs by District and Category of Sign	119
(14)	Schedule 21.14-B Design Standards and Specifications for Signs	120
<b>21.15</b>	<b>PERFORMANCE STANDARDS - INDUSTRIAL DEVELOPMENTS</b>	
(1)	Intent	122
(2)	Noise	122
(3)	Vibration	122
(4)	External Lighting	122
(5)	Odor	122
(6)	Particulate Emissions	122
(7)	Visible Emissions	123
(8)	Hazardous Pollutants	123

Section	Title	Page
<b>21.16</b>	<b>NONCONFORMING BUILDINGS, STRUCTURES AND USES</b>	
(1)	Intent	124
(2)	Authority To Continue Existing Nonconforming Buildings, Structures and Uses	124
(3)	Moving Of A Nonconforming Building or Structure	124
(4)	Restoration Of Damaged Nonconforming Buildings or Structures	125
(5)	Discontinuance of Use of Nonconforming Building or Structure	125
(6)	Change of Use In Nonconforming Building or Structure	125
(7)	Nonconforming Use of Land	125
(8)	Signs and Billboards	126

**PART "D" - ADMINISTRATION AND ENFORCEMENT**

<b>21.17</b>	<b>GENERAL ADMINISTRATIVE SYSTEM</b>	
(1)	Intent	127
(2)	Zoning Administrator	127
(3)	Role Of Specific Village Officials In Zoning Administration	128
(4)	Certification of Compliance	129
(5)	Plan Review and Approval	129
(6)	Occupancy Permit	132
<b>21.18</b>	<b>SPECIAL EXCEPTIONS</b>	
(1)	General	134
(2)	Procedure	134
(3)	Public Hearing	134
(4)	Findings	134
(5)	Conditions and Safeguards	135
(6)	Plan Commission Recommendation	135
(7)	Village Board Approval	135
(8)	Fees	135
<b>21.19</b>	<b>BOARD OF APPEALS</b>	
(1)	Establishment of Board	136
(2)	Membership and Terms of Office	136
(3)	Procedures, Meetings, Records and Decisions	136
(4)	Jurisdiction	137
(5)	General Powers	138
(6)	Application Procedures	138
(7)	Appeals From Administrative Decisions	139
(8)	Appeals For A Variance	139
(9)	Appeals For Interpretations	140
(10)	Public Hearings	141
(11)	Appeal of Board of Appeals Decisions	141

<b>Section</b>	<b>Title</b>	<b>Page</b>
<b>21.20</b>	<b>AMENDMENTS</b>	
(1)	Power of Amendments	142
(2)	Initiation	142
(3)	Procedures	142
(4)	Public Hearing and Notice	142
(5)	Final Approval	142
<b>21.21</b>	<b>ENFORCEMENT, REMEDIES, PENALTIES</b>	
(1)	Enforcement	143
(2)	Remedies	143
(3)	Penalties	143
 <b>PART "E" - DEFINITIONS</b> 		
<b>21.22</b>	<b>DEFINITIONS</b>	
(1)	Application	144
(2)	Rules	144
(3)	Definitions	144

## PART "A"

### GENERAL INFORMATION

#### SECTION 21.01 INTRODUCTION

##### (1) Authority.

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

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

##### (2) Title.

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

##### (3) General Purpose.

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

##### (4) Intent and Purposes.

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

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Promote the development of a well-balanced diversity of housing types and densities;

- (g) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (h) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (i) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (j) Preserve and protect the beauty of the Village of North Fond du Lac;
- (k) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (l) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (m) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (n) Further the maintenance of safe and healthy water conditions;
- (o) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (p) Provide for and protect a variety of suitable commercial and industrial sites;
- (q) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (r) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village;
- (s) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

**(5) Abrogation and Greater Restrictions.**

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

**(6) Interpretation.**

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

**(7) Severability and Non-Liability.**

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land or water not specifically included in said judgement.
- (c) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

**(8) Repeal and Effective Date.**

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