

PLAN COMMISSION AGENDA

February 19, 2024

5:30 PM

Meeting Room A

City-County Government Center

160 South Macy St
Fond du Lac, Wisconsin

I. OPENING CEREMONIES

A. Attendance

B. Declaration Quorum Present

II. CONSENT AGENDA

A. December 11, 2023

III. PUBLIC HEARING

A. Special Use Permit 2024-01

Location: 269 North Main Street

Applicant: Marcela Banuelos Gonzalez

Request: Allow for the use as automotive sales, which may include repair, detailing or related services.

B. Zoning Code Amendments

Initiator: Community Development Director

IV. ACTION

A. Granting of Easement

Effect: Granting of Easement to Alliant Energy

Location: Plamore Park

Initiator: City Engineer

V. ADJOURN

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
December 11, 2023**

Subject:

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

PC_Minutes_12.11.23.pdf

PLAN COMMISSION MINUTES

Monday, December 11, 2023
5:30 P.M.

Meeting Room A
City-County Government Center

160 South Macy Street
Fond du Lac, Wisconsin

OPENING CEREMONIES

Attendance

Present

Alicia Hans
Bradley Leonhard
Craig Much
Dan Nielsen
Anne Pierce
Derek TerBeest

Absent

Antonio Godfrey, Sr.

Administrative Staff

Dyann Benson, Community Development Director

Declaration Quorum Present

Chair Hans declared a quorum present at 5:30 p.m.

CONSENT AGENDA

November 13, 2023 Minutes

A Motion was made by Leonhard to approve the November 13, 2023 minutes and seconded by Much, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Hans, Leonhard, Much, Nielsen, Pierce, TerBeest
 Nay – None

Carried.

PUBLIC HEARING

Rezone

Request: Rezone property from C-2 (General Business District and R-1 (Single Family Residential District) to ENTIRELY C-2 (General Business District)

Location: 188 Chestnut Street (FDL-15-17-10-32-311-00)

Applicant: Russ Wendt

Spoke in Support of Rezoning:

PLAN COMMISSION MINUTES

December 11, 2023

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Chris Solberg, Project Representative, 79 S Marr St

Spoke in Opposition of Rezoning:

Ardell VanBuren, 170 Walnut St

Susie Reschke, 170 Walnut St

Benson explained the concerns regarding commercial use adjacent to a residential use are addressed through other zoning code provisions and the site plan review process. A Motion was made by TerBeest to recommend to City Council approval of the rezoning of 188 Chestnut Street from C-2 (General Business District and R-1 (Single Family Residential District) to ENTIRELY C-2 (General Business District) and seconded by Leonhard, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Hans, Leonhard, Much, Nielsen, Pierce, TerBeest
Nay – None

Carried.

Rezone

Request: Rezone property from C-2 (General Business District and R-1 (Single Family Residential District) to ENTIRELY C-2 (General Business District)

Location: 187 Walnut Street (FDL-15-17-10-32-340-00)

Applicant: Russ Wendt

Spoke in Support of Rezoning:

Chris Solberg, Project Representative, 79 S Marr St

Spoke in Opposition of Rezoning:

Ardell VanBuren, 170 Walnut St

Susie Reschke, 170 Walnut St

Benson explained the concerns regarding commercial use adjacent to a residential use are addressed through other zoning code provisions and the site plan review process. A Motion was made by TerBeest to recommend to City Council approval of the rezoning of 187 Walnut Street from C-2 (General Business District and R-1 (Single Family Residential District) to ENTIRELY C-2 (General Business District) and seconded by Nielsen, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Hans, Leonhard, Much, Nielsen, Pierce, TerBeest
Nay – None

Carried.

Rezone

PLAN COMMISSION MINUTES

December 11, 2023

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Request: Rezone property from R-1 (Single Family Residential District) to C-2 (General Business District)

Location: 183 Walnut Street (FDL-15-17-10-32-339-00)

Applicant: Russ Wendt

Spoke in Support of Rezoning:

Chris Solberg, Project Representative, 79 S Marr St

Spoke in Opposition of Rezoning:

Ardell VanBuren, 170 Walnut St

Susie Reschke, 170 Walnut St

Benson explained the concerns regarding commercial use adjacent to a residential use are addressed through other zoning code provisions and the site plan review process. A Motion was made by Leonhard to recommend to City Council approval of the rezoning of 183 Walnut Street from R-1 (Single Family Residential District) to C-2 (General Business District) and seconded by Pierce, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Leonhard, Much, Nielsen, Pierce, TerBeest
Nay – Hans

Carried.

INPUT

Zoning Code Amendments - Neighborhood Mixed Use & Office Districts

Community Development Director Benson discussed zoning code amendments for the Neighborhood Mixed Use & Office Districts.

ADJOURN

A Motion was made by TerBeest to adjourn at 6:30 p.m. and seconded by Pierce, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Hans, Leonhard, Much, Nielsen, Pierce, TerBeest
Nay – None

Carried.

DB/ss

COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Special Use Permit 2024-01

Subject: Location: 269 North Main Street
 Applicant: Marcela Banuelos Gonzalez
 Request: Allow for the use as automotive sales, which
 may include repair, detailing or related services.

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

PC_Memo_269_N_Main_Street.pdf

SUP_Application_redacted.pdf

Public_Notice.pdf

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: February 14, 2023

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Special Use Permit – 269 North Main Street

Applicant: Marcela Banuelos Gonzalez

Request: Allow for the use as automotive sales, which may include repair, detailing or related services.

Zoning:

Site:	C-2 (General Business)
North:	C-2
South:	C-2
East:	R-1 (Single Family Residential)
West:	C-2

Land Use:

Site:	Automotive Sales/Repair
North:	Retail
South:	Tavern
East:	Residential
West:	Office, Automotive Related Use

Analysis

The property is the former site of an automotive sales business that has been vacant. The new tenants will be re-opening the business as ReyCars Trucks and More. They have an existing location in Oshkosh and are opening another location in Fond du Lac. The hours of operation are Monday through Saturday, 10:00am until 7:00 p.m. They are closed on Sundays. The business sells used cars, works with a selection of finance companies to assist their customers and a repair garage to service their vehicles. No alterations or expansion of the existing building are proposed.

The land use schedule for the C-2 General Business District identifies automotive, engine repair, body shop, detail shop, painting, and service garage as a Special Use within the zoning district.

The purpose of a special use permit is to ensure the suitability of a land use in consideration of nearby development and uses. In this case, the use of as an automotive sales business with the ability to undertake repairs in the C-2 District. The issuance of

the Special Use Permit will enable the repairs of their vehicles offered for sale as well as the ability to repair customer cars.

A conditional approval of the special use permit is recommended.

Criteria for Special Use Permit Approval

A special use permit is an opportunity to determine if a use can be accomplished within the standards identified by the zoning code. A decision for approval or denial of a special use permit must be based on substantial evidence, i.e. facts and information. While public input is encouraged, personal opinion, speculation or uncorroborated hearsay does not meet the test for substantial evidence to support or oppose a special use permit proposal.

Zoning Code Requirements – Special Use Permit Approval

- (1) The land use or activity is to be designed, located and operated so as to protect the public health, safety, welfare and convenience.
- (2) The land use or activity will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (3) 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) Effective landscaping and visual screening are provided as may be required by the zoning code.
- (5) Adequate off-street parking and loading are provided in accordance with the zoning code and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.
- (6) The land use or activity conforms to all applicable regulations governing the zoning district where it is to be located, except as may be otherwise set forth elsewhere in the zoning code.
- (7) Any conditions determined to be necessary to accomplish the purposes of the zoning code.

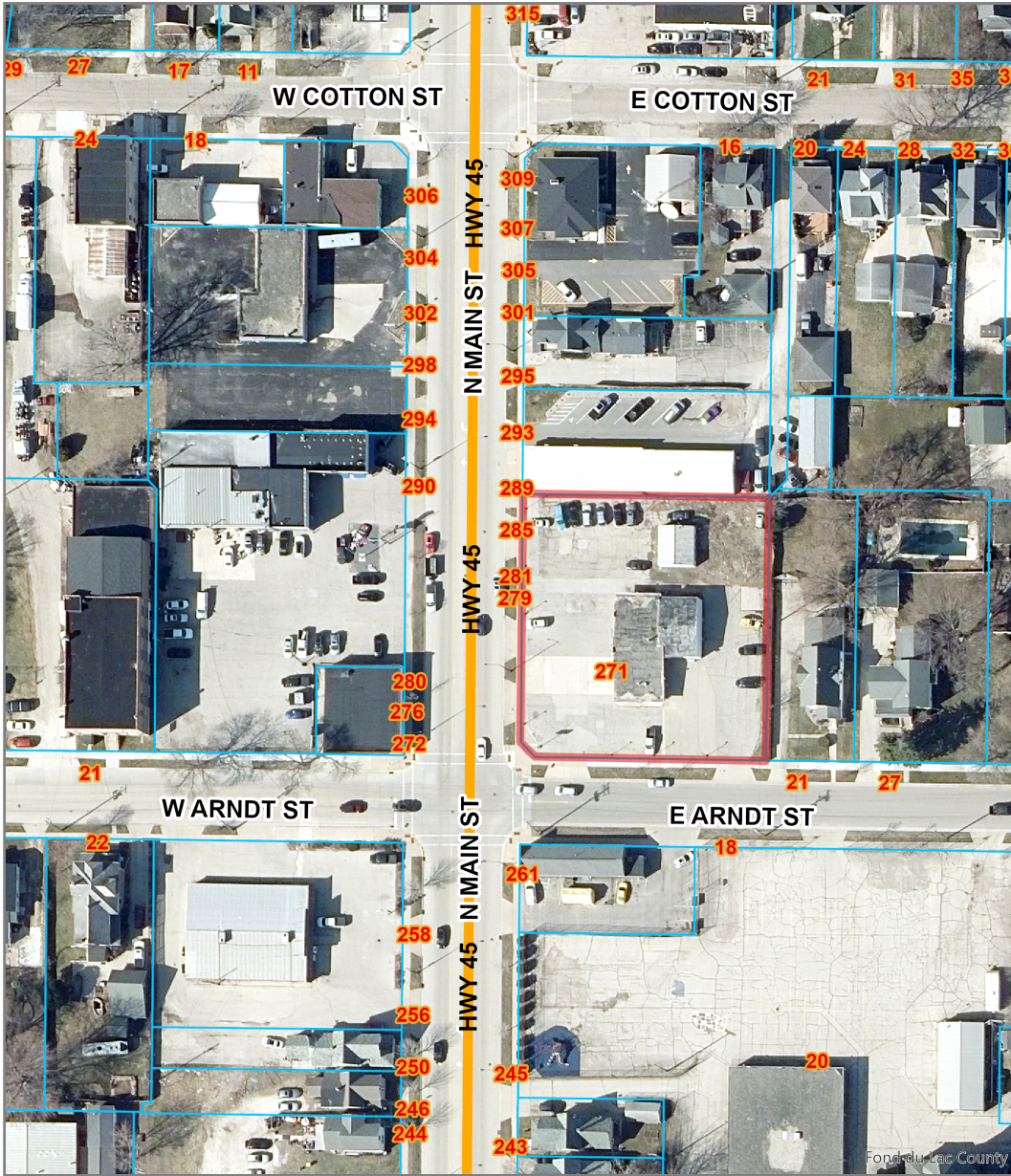
Recommendation

Community Development staff recommends the Plan Commission approve the Special Use Permit, subject to the following conditions:

1. Any deviation to the proposed use as presented will require a resubmittal for a Special Use Permit, including any change in business hours. No automotive repairs will be undertaken before 10:00am or after 7:00pm.

2. No maintenance work or repairs shall be undertaken outside of the building.
3. No outdoor storage of tires, vehicle parts or related items.
4. All vehicles parked outside on the lot will be maintained in good condition and operable.
5. Failure to comply with the conditions may result in revocation of the Special Use Permit.

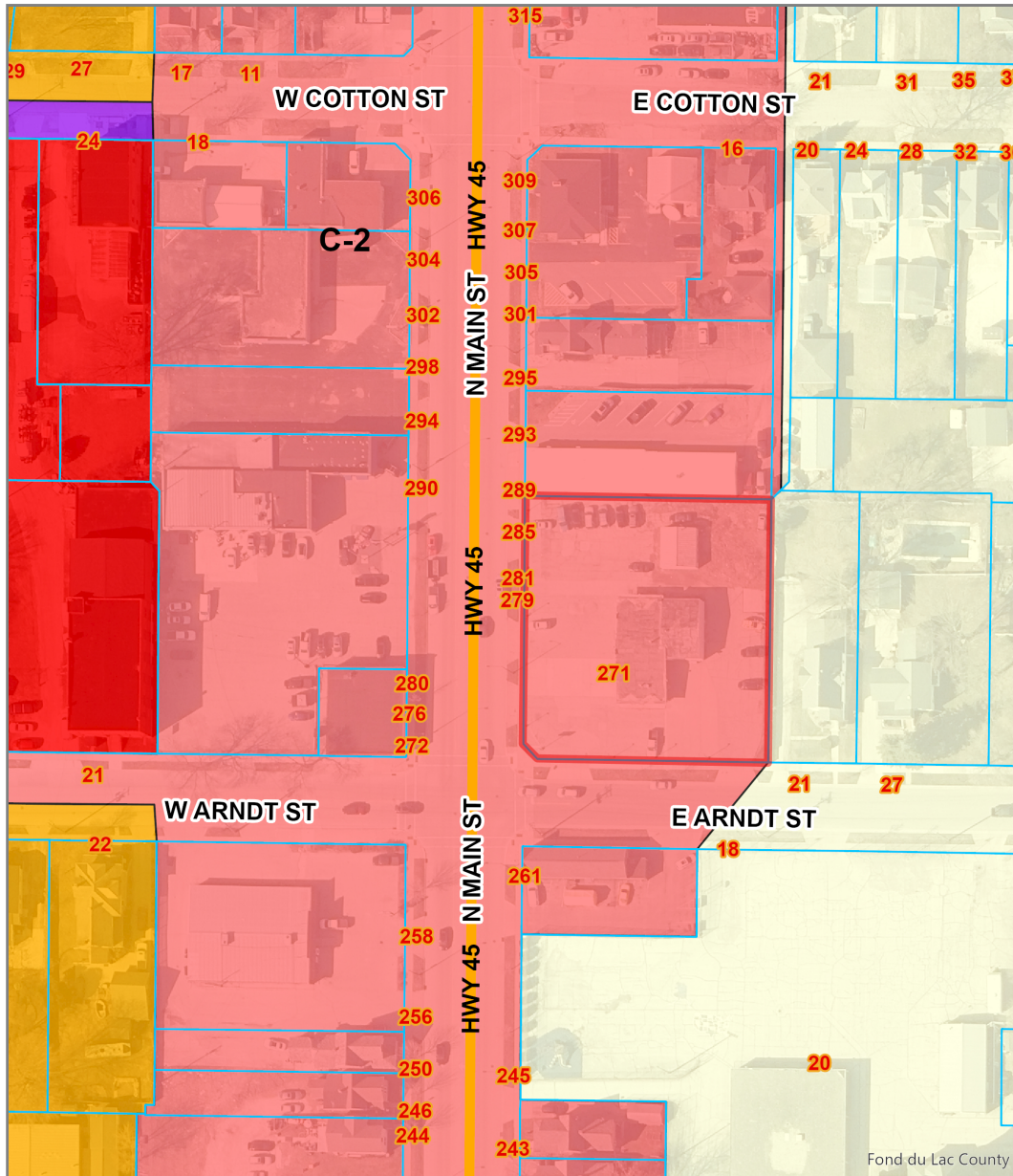
269 N Main Street - Aerial



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

Map Scale
1 inch = 100 feet
2/14/2024

269 N Main Street - Zoning



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

Map Scale
1 inch = 100 feet
 2/14/2024



City of Fond du Lac
SPECIAL USE PERMIT
Application

PROPERTY LOCATION: 269 North Main St. Fond Du Lac 54935

Tax Key Number (Vacant Land): FDL- - - - -

Project Applicant			
Name <u>Marcela Bañuelos Gonzalez</u>			
Mailing Address <u>1235 Murdock Ave</u>	City <u>Oshkosh</u>	State <u>WI</u>	ZIP Code <u>54801</u>
Email Address <u></u>	Phone Number <u></u>		
Landowner (Complete this information if the project applicant is not the property owner.)			
Name <u>Sergio Bañuelos Muñoz</u>			
Mailing Address <u>311 Edwards Ave</u>	City <u>Liberal</u>	State <u>Ks</u>	ZIP Code <u>67901</u>
Email Address <u></u>	Phone Number <u></u>		
Landowner Certification			
If the person requesting the special use permit is not the owner of the property affected by the proposal, the consent of the landowner is necessary. Refer to the LANDOWNER AUTHORIZATION form included with the special use permit application packet.			

Description of present use of property:

Vacant

Description of proposed use of property and/or proposed site development:

Dealer

Time schedule for use and/or development of the property: _____

PROJECT APPLICANT SIGNATURE _____

LANDOWNER AUTHORIZATION

TO: City of Fond du Lac

Community Development Department

Re: SPECIAL USE PERMIT PROPOSAL

LOCATION: 289 North Main St

PROPERTY ADDRESS AND/OR TAX KEY NUMBER

The undersigned Sergio Bafuelos Muñoz is the owner of property
NAME OF PROPERTY OWNER (PLEASE PRINT)

referenced above. The undersigned authorizes Marcela Bafuelos Gonzalez

to sign and file an application for a Special Use Permit that affects the referenced property.


SIGNATURE OF LAND OWNER OR AUTHORIZED AGENT

1-25-24
DATE

To the city of Fond Du Lac,

Greetings, we are a family owned business named " ReyCars Trucks and More". My name is Marcela Bañuelos and my business partners name is Reymundo Gamboa, we started out our business in Oshkosh where we have our first dealer on 3011 Jackson St. and have gratefully worked really hard to now be able to open our second dealer here in Fond Du Lac. We have worked very hard to provide our clients the best vehicles and the best service always attending with the best attitude and being open able to answer any questions. We are a used-vehicles dealer we sell from small cars to pickup trucks to SUV's we try our best to provide our clients a variation of vehicles so they have options to choose from. We work with 3 different finance companies which are Marine Credit Union, Credit Acceptance and Westlake Funding, they provide our clients with the help of being able to walk out with the vehicle of their dreams and giving them accesible payment. The DMV also provides us with a special system where we process titles and plates of the vehicles we sell, we send them out weekly through mail which is the paperwork required for our clients to be able to receive their title and plates. We count with our own website page reycarsbestdeal.com where we post weekly our new inventory, and each vehicle counts with their information regarding mileage, year, engine size and price. We are more than thrilled to be able to expand and be able to be closer to many of our clients taking in consideration that many are from here from Fond Du Lac. We have a secretary who is always ready to help with any questions that may pop up and who is also our sales associate. She is always on top of any paperwork needed in the dealer. We have a Shop where we work on and inspect our vehicles before we put them out for sale and have our own mechanic who is always aware and in charge of what is going in and on our vehicles. We will be open Mondays through Saturdays from 10 a.m to 7p.m, Sundays closed, we will count with a flyer-like poster upfront on our clear office door which the hours will be posted. We have a very spacious lot where we will have our vehicles lined up on display for sale that will have their own buyers guide and the price posted on a neon colored poster and will also provide part of the lot that is closer to the office entrance that will be a parking lot for our customers. On the shop side we will have lined up vehicles facing the back side of the building with a poster stating theyre not for sale yet, which will be the vehicles coming in new each week which will be going into the shop for inspection. In our offices we also provide our clients with a computer and desk where they will comfortably have the opportunity to fill out an application so they can take in consideration prices before their purchase. Our dealer has gained the trust of many clients and we have been recommend by them, We are very excited to be able to be part of the Fond Du Lac community.

Best regards, Marcela Bañuelos

Please let me know if you have any further questions or if I missed any information, my number is [REDACTED] Or my email address [REDACTED]





NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. on February 19, 2024 in Meeting Room A of the City-County Government Center, 160 South Macy Street, to consider a special use permit for the property identified as 269 North Main Street. The special use permit request is for the use as an automotive engine repair, body shop, detail shop, painting, service garage. The land use schedule for the C-2 General Business District identifies automotive, engine repair, body shop, detail shop, painting, service garage as a Special Use within the zoning district.

The meeting agenda for the Plan Commission can be accessed on the Calendar tab on the home page of the City's website; www.fdl.wi.gov. All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920) 322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this day of January 26, 2024

MARGARET HEFTER
City Clerk

Published: January 31, 2024 and February 4, 2024

Special Use Permit
269 North Main Street

PIN	Street_address	MailingAddress1	MailingCity	State	Zip
FDL-15-17-10-14-817-00	269 N MAIN ST	311 EDWARDS AVE	LIBERAL	KS	67901
FDL-15-17-10-13-557-00	18 W COTTON ST	N6633 RICHARDS RD	FOND DU LAC	WI	54937
FDL-15-17-10-13-611-00	244 N MAIN ST	24 HARRISON ST	N FOND DU LAC	WI	54937
FDL-15-17-10-13-563-00	21 W ARNDT ST	135 ROSE AVE	FOND DU LAC	WI	54935
FDL-15-17-10-13-559-00	298 N MAIN ST	290 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-560-00	294 N MAIN ST	290 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-820-00	40 E ARNDT ST	N8828 GLADSTONE BEACH RD	FOND DU LAC	WI	54935
FDL-15-17-10-14-776-00	20 E COTTON ST	20 E COTTON ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-608-00	256 N MAIN ST	N9053 US HIGHWAY 151	FOND DU LAC	WI	54937
FDL-15-17-10-14-819-00	37 E FOLLETT ST	242 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-558-00	306 N MAIN ST	306 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-782-00	300 MARQUETTE ST	300 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-773-01	293 N MAIN ST	3980 SUMMERVIEW DR	OSHKOSH	WI	54901
FDL-15-17-10-14-774-01		3980 SUMMERVIEW DR	OSHKOSH	WI	54901
FDL-15-17-10-14-771-00	307 N MAIN ST	8181 W RIVER RD	RIVER HILLS	WI	53217
FDL-15-17-10-13-562-00	272 N MAIN ST	21 E 2ND ST STE 103	FOND DU LAC	WI	54935
FDL-15-17-10-14-783-00	296 MARQUETTE ST	296 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-818-00	261 N MAIN ST	150 N BUTLER ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-775-00	16 E COTTON ST	16 E COTTON ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-874-00	239 N MAIN ST	239 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-556-00	24 W COTTON ST	2296 N GREEN BAY RD	GRAFTON	WI	53024
FDL-15-17-10-13-609-00	250 N MAIN ST	250 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-815-00	27 E ARNDT ST	27 E ARNDT ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-770-00	317 N MAIN ST	N7436 WINNEBAGO DR	FOND DU LAC	WI	54937
FDL-15-17-10-14-772-00	295 N MAIN ST	295 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-822-00	246 MARQUETTE ST	N6154 GRANDVIEW RD	FOND DU LAC	WI	54937
FDL-15-17-10-14-777-00	24 E COTTON ST	24 E COTTON ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-814-00	39 E ARNDT ST	39 E ARNDT ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-778-00	28 E COTTON ST	28 E COTTON ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-607-00	22 W ARNDT ST	22 W ARNDT ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-821-00	252 MARQUETTE ST	252 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-561-00	280 N MAIN ST	2727 N CENTRAL AVE	PHOENIX	AZ	85004
FDL-15-17-10-13-555-00	0 W COTTON ST	2727 N CENTRAL AVE	PHOENIX	AZ	85004
FDL-15-17-10-14-873-00	243 N MAIN ST	243 N MAIN ST	FOND DU LAC	WI	54935
FDL-15-17-10-13-610-00	246 N MAIN ST	N5981 NELSON RD	FOND DU LAC	WI	54937
FDL-15-17-10-14-779-00	32 E COTTON ST	601 S MAIN ST	WEST BEND	WI	53095
FDL-15-17-10-14-781-00	38 E COTTON ST	601 S MAIN ST	WEST BEND	WI	53095
FDL-15-17-10-14-780-00	36 E COTTON ST	601 S MAIN ST	WEST BEND	WI	53095
FDL-15-17-10-14-784-00	290 MARQUETTE ST	290 MARQUETTE ST	FOND DU LAC	WI	54935
FDL-15-17-10-14-816-00	21 E ARNDT ST	21 E ARNDT ST	FOND DU LAC	WI	54935

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Zoning Code Amendments**

Subject: Initiator: Community Development Director

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

PC_Memo_Zoning_Code_Updates02.19.24.pdf

Zoning_Amendments_February_2024.pdf

PH_Notice_Zoning_Code_Amendment.pdf

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: January 23, 2024
To: Plan Commission
From: Dyann Benson, Community Development Director
Re: Public Hearing - Zoning Code Amendment- Neighborhood Mixed Use & Office District

In March 2022, Plan Commission recommended approval of the creation of the Neighborhood Mixed Use District and its associated regulations. The Neighborhood Mixed Use District was a recommendation of the 2040 Comprehensive plan. Zoning codes are often reevaluated after there has been time for their implementation to make adjustments to enhance their clarity or further define their intent and application.

The pandemic and work from home model has impacted many businesses, specifically those businesses that would typically be found in the O (Office) District. As a result, many businesses realized that maintaining a bricks and mortar presence was not cost effective and either reduced their square footage to smaller offices spaces; consolidated operations or moved out of office buildings entirely. The proposed changes to the O District create flexibility to redevelop those properties and buildings for different uses that are still appropriate for the district and adjacent properties.

The attached code changes were reviewed as an input item at the December Plan Commission meeting. In addition to the NMU and Office District changes, the attached zoning code update includes changes to the section pertaining to Board of Appeals and aligning it with the language within the State Statute. Code language has been added to allow residential units on the first floor within the C-1 Central Business District (downtown) as a Special Use Permit with certain standards. The proposed change further supports increasing housing opportunities within the community.

Excerpts of the proposed language are attached to this memo.

Recommendation

Community Development staff is seeking a recommendation from the Plan Commission on the proposed zoning code language updates. The public hearing on the actual amendments to the zoning code is a statutory requirement. The proposed amendments to the zoning code will go to the City Council for review and approval at the February 28, 2024 meeting.

Article VII Business Districts

§ 720-41.1 Neighborhood Mixed Use District.

The intent of this district is to set forth those land uses and activities which are permitted in areas with activity centers with retail, **office**, restaurant, service, institutional and civic uses primarily serving nearby residents. Residential is a component of this district, both in mixed-use developments and as standalone multi-unit residential developments.

§ 720-42.1 Neighborhood Mixed Use Design Overlay District.

The following site and building design standards shall be met to ensure the coordinated design of new buildings and changes to existing buildings; minimize adverse impacts on adjacent properties from buildings that may detract from the character and appearance of the district; and aid in improving the overall economic viability of the district.

- A. **Applicability and Submittal Requirements.** The standards of the district shall apply to new construction and to the restoration, replacement, expansion or modification of any property (such as roofing, siding, signage, and architectural component substitution). Alteration of an existing building not visible from a public street or alley and/or the interior remodeling of an existing structure shall not cause the exterior of the building to be subject to the architectural design standards. All other projects are subject to the following:
- (1) **Minor projects.** Permits for minor projects consisting of additions of less than 50% of building area or remodeling of existing building facades of less than 50% per individual facade shall be reviewed and approved by the Community Development Department. The Community Development Department may, at his or her discretion, refer the permit approval to the Plan Commission. A complete application includes the following:
- (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
 - (b) A clear depiction of the proposed appearance of the property. Paint charts and/or color photographs of replacement architectural components are recommended.
- (2) **Major projects.** Permits for major projects consisting of new construction, expansions of existing buildings in excess of 50% in building area, or remodeling of more than 50% of any existing building facade shall be reviewed and approved by the Plan Commission. A complete application includes the following:
- (a) A clear depiction of the existing appearance of the property. Color photographs are recommended, including adjoining and nearby properties.
 - (b) Site plan to depict the existing building(s), proposed building addition(s) and/or new building(s).
 - (c) Front and side building elevations drawn to scale.
 - (d) Material samples and/or photographs of siding, brick type, roof shingles, paint chips, doors and windows, ornamentation and other exterior materials.
 - (e) Details of exterior lighting.
- B. **Procedure.** The applicant submits an application to the Community Development Department for review. The Building Inspector shall not issue a permit for the modification, expansion or addition to an existing building, for the construction of any new structure, or for the replacement or installation of new signage prior to approval by the Community Development Department or Plan Commission (if required). Where an applicant wishes to contest a decision, the applicant may submit a written appeal to the Board of Appeals. The Board of Appeals shall consider the regulations of this chapter, City of Fond du Lac Comprehensive Plan, and the particular circumstances of a proposed project as it relates to the property and surrounding area, to affirm, modify or deny an appeal of a decision.
- C. **Architectural Standards.** To provide criteria for implementation of the Neighborhood Mixed Use District, the following architectural review standards apply:
- (1) Buildings should utilize details or changes in materials to create a discernible base and top. Multi-storied buildings should have a horizontal expression line between the first and upper floors.
 - (2) Buildings should establish vertical proportions for the street facade through expression of structural bays, variation in material, and/or variation in building plane, and vertical proportions in the design for the elements within that facade, including windows and doors.

- (3) Large, undifferentiated building walls visible from a public street are prohibited. Walls visible from a public street greater than one-hundred (100) feet should incorporate one or more of the following design features: variation in materials and colors, projecting and recessed bays, and variation in building heights.
- (4) Materials.

The following characteristics are required as part of the design of buildings within this district.

- (a) Street-facing facades should use durable and high-quality building materials. Acceptable materials include architectural metal panels, glass, brick, ceramic tile, terra cotta, cultured stone, cut stone, carved stone, stucco, EIFS, wood, and decorative concrete block. The use of nondecorative exposed concrete block, pre-engineered metal building systems, and sheet metal is discouraged. The use of plywood or oriented strand board (OSB) or similar materials is prohibited. Other building materials may be considered when appropriate to a property.
 - (b) All sides of the building should include materials and design characteristics consistent with the front facade.
 - (c) Use of lesser-quality materials for the sides and rear facades should be minimized.
 - (d) Vulnerable materials may not be used at the base of the building within three (3) feet from the ground.
- (5) Awnings and canopies are strongly encouraged on ground floor facades of commercial, mixed use and multi-family residential buildings. Awning colors should relate to and complement the primary colors of the building facade. Awnings that are backlit or that cast light through the material are prohibited.
 - (6) All service, refuse, garage doors, mechanical equipment and loading dock areas should be screened from public view through strategic placement, landscaping, and/or architectural design integration. For sites with dual frontage configurations, these features should be located along a side yard, and not prominently visible from the primary street.

D. Compatibility Standards. These standards provide a proper transition and compatibility between low-intensity residential development and more intense multifamily residential, office and mixed-use development. For purposes of this section, developments within 200 feet of R-1 and R-2 zoned properties should meet the following standards.

- (1) **Building Height.** To ensure that new buildings are compatible in scale with surrounding properties, building height shall not exceed thirty-five (35) feet in height for portions of the structure within sixty (60) feet of a R-1 or R-2 zoned property.
- (2) **Bulk and Mass.** Primary facades should be in scale with that housing by employing the strategies identified in subsection (a) and (b) below. *The average lot width is determined by averaging all R-1 and R-2 lots within 200 feet of said property.*
 - (a) Varying the building plane setback a minimum of two (2) feet at an interval equal or less than the average lot width of the applicable low-intensity residential uses.
 - (b) Providing a gable, dormer, or other change in roof plane at an interval equal to or less than the average lot width of the applicable low-intensity residential uses.
- (3) **Roof Pitch.** For new residential buildings, any pitched roof should have a slope between 6:12 and 12:12. Flat roofs are allowed.
- (4) **Garages.** Attached garages should not face or open towards the street. If this is not attainable, garages should be sufficiently screened and face the street with the highest intensity of adjacent uses.

E. Parking

- (1) Parking should be located in the side yard and rear yard, or beneath buildings.
- (2) Parking lots should be landscaped along their edges and within each parking island. Front yard parking should be screened behind a planted buffer strip of at least ten (10) feet from the public right-of-way.

(3) Refer to Schedule IX for off-street parking requirements.

F. Signage and Lighting

- (1) Appropriately scaled signage is critical and should complement the building and site. Wall, projecting, and ground signs should be integrated within the overall building design in color, style and articulation.
- (2) Where freestanding ground signs are proposed, the use of monument signs is preferred over pole or post mounted signs. Shrubs and/or perennial planting beds should be planted around freestanding signs.
- (3) Lighting on exterior signs should be mounted externally, above the sign, and directed downward, or internally lit for freestanding signs.
- (4) Site lighting should utilize fixtures that reflect the architecture and style of the building(s). Freestanding lights should not exceed 12 feet in height. Lighting should be confined to the site and should not produce glare or wash onto adjacent properties or public rights-of-way.
- (5) Full cut-off (dark-sky compliant) exterior lighting should be used in all locations to reduce glare and light pollution.

G. Landscaping

- (1) A suitable planting scheme will provide a mix of deciduous and coniferous trees and shrubbery, lawn, ground cover and seasonal flowers and include foundation plantings, groupings of plants at the entryways to the property, open parking screening, and front yard setback areas along a public right-of-way and along interior lot lines to provide a transition to adjoining properties.

§ 720-50 Dwelling units; C-1 Zoning District.

- A. A dwelling unit(s) in a C-1 district may be allowed, provided that such dwelling unit(s) is located entirely above the ground floor of a building and is distinctly and physically separate from a nonresidential use(s) in the building. A dwelling unit(s) shall conform to all housing, building, heating, electrical, plumbing and fire protection regulations in effect and which apply to new construction.
- B. A first floor residential unit may be permitted with a Special Use Permit if it meets the following standards:
 1. A residential unit cannot be located along Main Street frontage. Residential units must be placed at the rear of a building with commercial space along Main Street.
 2. A residential unit cannot be located along the frontage of these primary commercial streets within the C-1 Central Business District: Division Street, Forest Avenue, 1st Street and 2nd Street.
 3. Exit from the rear of the principal structure
 4. Have a main street access which must be through a common entryway used by a nonresidential use.
 5. Not occupy more than seventy percent of the first floor.

§ 720-50.1 Dwelling units; Neighborhood Mixed Use District (NMU).

A dwelling unit(s) in an NMU District may be allowed, provided that such dwelling unit(s) is distinctly and physically separate from a nonresidential use(s) in the building. Dwelling units may be allowed on any floor. Single- and two-family dwelling units are permitted subject to Subsection B. Off-street parking spaces required in Article X should be provided.

~~A. For lots less than five acres, residential densities may be five to 12 units per net acre.~~

~~B. For lots five acres or greater, residential densities may be 12 to 40 units per net acre.~~

A. Residential densities. A minimum of 1,000 square feet of lot per residential unit, except in the following conditions.

- (1) Within 200 feet of R-1 and R-2 zoned properties, minimum of 3,000 square feet of lot per residential unit.
- (2) Within 200 feet of single-family or two-family residential lots in R-3 zoning district, minimum of 1,500 square feet of lot per residential unit.

B. For existing lots of record less than 20,000 square feet, single- and two-family dwelling units are permitted.

C. Density Bonus. Plan Commission may approve, at their discretion, a density bonus of up to twenty percent (20%) increase above the allowable units for designs meeting 3 or more of the following criteria:

- (1) High-quality landscaping and site design to hide parking and utility areas.
- (2) Excellent bike amenities, including bike parking and storage.
- (3) Excellent pedestrian amenities, including wide sidewalks and robust pedestrian connections between sidewalks and building entrances.
- (4) Unique public spaces and enhancements, such as plazas, outdoor seating areas, public art installations, etc.
- (5) Installation of renewable energy systems
- (6) Includes 15% affordable housing units. "Affordability" determined by the local housing market.

Article VIII Commercial-Recreation, Office and Industrial Districts

§ 720-53 O Office ~~Conversion~~ District.

The intent of the O Office ~~Conversion~~ District is to set forth those land uses and activities ~~in existing office districts~~ 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. ~~This district also allows for re-use of structures for residential use in areas surrounded by other residential uses.~~

Article IX Special Use Permits

§ 720-63 General provisions.

- A. Those land uses or activities set forth in this chapter 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 upon authorization by the Plan Commission. Approval of a special use permit 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 this article. The City's decision to approve or deny a special use permit must be supported by substantial evidence [§ 62.23(7)(de)2.b., Wis. Stats.]. ~~Where any person aggrieved wishes~~ ~~Where an applicant wishes~~ to contest the decision of the Plan Commission, the applicant may submit a written appeal to the Board of Appeals.

§ 720-76.2 Dwelling units; Office Zoning District.

A dwelling unit(s) may be allowed in a nonresidential building, provided that such dwelling unit(s) ~~is located entirely above the ground floor of a building and is~~ distinctly and physically separate from a nonresidential use(s) in the building, ~~and provided that such building and dwelling unit(s) is adjacent to or in the near vicinity of other similar development.~~ A non-residential building may be converted to a residential building with ground floor dwellings provided that such building is adjacent to or in the near vicinity of other residential uses. Off-street parking spaces required in Article X shall be provided on the same lot.

Article X Off-Street Parking and Loading

§ 720-79 Off-street parking.

A. Required spaces. [Amended 4-27-2016 by Ord. No. 3604]

- (1) The minimum number of off-street parking spaces required for land uses or activities permitted by this chapter shall be as set forth in Schedule IX, which schedule is hereby adopted and made part of this chapter.[1]
- (2) Off-street parking shall not be required for uses in the Central Business District except for buildings constructed or used for residential living units as the principal land use. 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.
 - (a) Off-street parking for a building constructed or used for residential living units as the principal land use shall be provided as required in Article X. If any or all of the required parking cannot be provided on the same lot, the owner of the dwelling units may secure off-site parking to satisfy the requirements of Article X. Off-site parking shall be provided within a convenient distance from the dwelling unit(s), and approved by the Community Development Department prior to the issuance of a building permit. It shall be the responsibility of the owner of the dwelling unit(s) to provide leased parking space(s) on a continuing basis.
- (3) The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use District shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.
- (4) ~~-(3)~~ The determination of required off-street parking shall be based on the gross square footage of a building, exclusive of basements and crawl space areas used exclusively for the operation of a building.

Article XI Signs

§720-87 Construction and Maintenance

A. Construction standards.

- (1) Ground signs shall be self-supporting and permanently attached to a foundation. For signs over eight feet in height, foundations shall be installed below the frost line.
- (2) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members.
- (3) Ground signs shall be installed to withstand wind of at least 90 miles per hour.
- 4) All signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials that is installed in a workman like manor.
- 5) Sign materials shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign. Sheet metal, plastic and thin plywood (less than 3/4 inch thick) and other thin, flat materials, including adhesive vinyl lettering except when such material is used as backing panels are prohibited.

Article XIII Administration and Enforcement

§ 720-95 Board of Appeals

C. Jurisdiction. The Board of Appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination or Special Use Permit made by an administrative official or Plan Commission in the enforcement of this chapter or of any ordinance adopted pursuant thereto.
- (2) To hear and decide special exception to the terms of the chapter.

(3) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done.

(4) Hear and decide all other matters referred to it upon which it is required to act under this chapter.

(5) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of floodplain zoning regulations as provided in § 690-11C of Chapter 690, Floodplain Zoning.

(6) The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

D. Appeals.

(1) An appeal to the Board of Appeals may be taken by any person, firm or corporation, or by any office, department, board, bureau, or commission, aggrieved by an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the **Plan Commission, administrative official, Building Inspector or his/her designee.**

(2) An appeal shall be filed with the **City Clerk ~~Building Inspector or his/her designee~~** and the Board of Appeals and thereafter processed as prescribed by applicable Wisconsin Statutes. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him/her, that by reason of facts started in the certificate, a stay would in his/her opinion cause imminent peril to life or property.

(3) Time limit for filing an appeal. Any appeal to the Zoning Board of Appeals under the provisions of this section shall be made per the requirements of subsection (d), below, within a period not exceeding 45 days from the date of issuance of **an any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission, administrative official, Building Inspector or his/her designee's decision.**

(4) An application for an appeal of a any decision of the administrative order, requirement, decision, determination or Special Use Permit under this chapter by the Plan Commission, administrative official, Building Inspector or his/her designee will contain a written statement from the appellant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission, administrative official, Building Inspector and/or his/her designee. The statement will be dated and signed by the appellant with any supporting documents.

Schedule IV Land Use or Activities Business and Neighborhood Mixed Use Districts

Add offices: government, business or professional as a permitted use for C-2 and NMU Districts

Schedule VIII Design Standards and Specifications for Signs

Create design and specifications for signage for NMU District; ground, wall and projecting signs

Schedule IX Minimum Off Street Parking Requirements

16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: 1.00; for 2+ bedroom dwelling unit: 2.00; ~~plus:~~
~~visitor parking, 1.00 space for each 6 units~~

In Remarks column add: See Note 5

**** Remarks for Schedule IX**

- (1) Requirement based on building size. Parking for a convenience store and other accessory uses shall be provided in designated spaces independent of fuel islands.
- (2) In addition to the required parking spaces, reservoir standing space to accommodate vehicles waiting for service shall be provided in an amount equal to five times the number of automobiles undergoing some phase of laundering at the same time.
- (3) A takeout restaurant shall be considered a retail business, provided there is no in-house dining and food items are intended for consumption off premises.
- (4) When facilities for public assembly are accessory to a school, parking shall be based on the greater requirement of the individual uses.
- (5) The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use and Central Business Districts shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.

ZONING

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City of Fond du Lac

Schedule IV

Land Uses or Activities

Business and Neighborhood Mixed Use Districts

[Amended 5-14-2014 by Ord. No. 3547; 6-25-2014 by Ord. No. 3553; 7-22-2015 by Ord. No. 3586; 4-27-2016 by Ord. No. 3604; 11-28-2018 by Ord. No. 3680; 5-27-2020 by Ord. No. 3708; 3-23-2022 by Ord. No. 3750]

KEY:

P = Permitted

SC = Permitted with special conditions (Article VII)

SP = Special use permit required (Article IX)

Land Use or Activity	C-1	C-2	NMU	Reference
1. Adult-oriented establishment		SC		§ 720-48
2. Alternate energy installations		SP	SP	
3. Amplified music/sound, indoor	SC	P	SC	§ 720-49
4. Animal hospital, boarding facility, day care, kennel, crematory	SP	SP		§ 720-70
5. Art gallery, artist or photography studio	P	P	P	
6. Automotive, car wash		SP		§ 720-68
7. Automotive, engine repair: body shop, detail shop, painting, service garage		SP		
8. Automotive, sales: new and used, including vehicles, trucks, motorcycles, all-terrain vehicles		P		
9. Automotive, fuel center		SP		§ 720-67
10. Banks and financial institutions	P	P	P	
11. Billboard, off-premises advertising		SP		§ 720-75, § 720-85
12. Boat sales and repair; recreational vehicles sales and repair		P		
13. Brew pub, including bottling and distribution	SP	SP	SP	
14. Church, chapel, place of worship	P	P	P	
15. Commercial cleaning service, professional janitorial establishment		P		
16. Club or lodge, private	P	P	P	
17. Cocktail lounge, tavern, bar, teen club, nightclub, arcade	P	P	P	
18. Community garden		SP	SP	§ 720-19.1
19. Crematory	SP	SP		
20. Day care, adult	SP	SP	SP	
21. Day care, group	SP	SP	SP	
22. Dwelling units	SC	SP	P, SC	§ 720-50, 720-50.1, 720-76.3
23. Fitness center, spa, gymnasium	P	P	P	
24. Funeral home	P	P	P	
25. Greenhouse, retail plant nursery		P		

Land Use or Activity	C-1	C-2	NMU	Reference
26. Government service, including municipal utility facilities	P	P	P	
27. Health service and medical offices, clinics, hospital	P	P	P	
28. Hotel	P; SC	P; SC	P; SC	§ 720-38.3
29. Indoor amusement and recreation facility, cinema, theater, performing arts	P	P	P	
30. Library	P	P	P	
31. Meeting and exhibition hall	P	P	SP	
32. Mobile service facility	SP	SP		§ 720-18, § 720-72
33. Offices: government, business or professional		P	P	
33. 34. Outdoor amusement and recreation facility	SP	SP		§ 720-69
34. 35. Payday lenders	SP	SP	SP	§ 720-76.1
35. 36. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment	P	P	P	
36. 37. Planned development	SP	SP	SP	§ 720-66
37. 38. Printing and publishing shop, copy and duplicating	P	P	P	
38. 39. Private parking garage or parking lot not accessory to another use	SP	SP	SP	
39. 40. Professional or business offices	P	P	P	
40. 41. Radio and television studio	P	P	P	
41. 42. Rental service facility, rental trucks/trailers		SP		
42. 43. Restaurant	P	P	P	
43. 44. Retail businesses and services	P	P	P	
44. 45. Shelter facility	SP	SP		§ 720-74
45. 46. Shopping center, multi-tenant commercial center, home improvement center, building supply		P		
46. 47. Utility transmission line and substation	SP	SC		§ 720-71
47. 48. Veterinary clinic	P; SC	P; SC	P; SC	§ 720-38.4
48. 49. Mini warehouse < 100 units		SP		

ZONING

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City of Fond du Lac

Schedule VIII

Design Standards and Specifications for Signs

[Amended 5-14-2014 by Ord. No. 3547; 6-25-2014 by Ord. No. 3553; 2-24-2016 by Ord. No. 3598; 4-27-2016 by Ord. No. 3604; 425-2018 by Ord. No. 3663; 5-27-2020 by Ord. No. 3708; 8-26-2020 by Ord. No. 3721]

Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) ¹			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center ²	Maximum Projection from Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum ³	Front	Side
All districts: Educational Hospital Institutional Religious	1 ground sign per street frontage plus 1 wall sign per building	1.0 per linear foot of building facade; 50 square feet maximum	1.0 per linear foot of lot frontage; 80 square feet maximum; for lots with a frontage of 200 feet or more, 150 square feet maximum	1 EMC per property; ground sign only		10		10	10
R-1 Condominium development, more than 8 buildings	1 ground sign		25 square feet			6		10	10
R-3 and R-4 Multifamily dwelling Mobile home park	1 ground sign or 1 wall sign	15 square feet	0.5 per linear foot of main building facade; 25 square feet maximum			10		10	10
O C-R	1 wall sign for each tenant space plus 1 ground sign	0.5 linear foot of building facade	0.5 per linear foot of main building facade; 50 square feet maximum	1 EMC permitted per property, except for a residential land use		20	8	10	10

Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) ¹			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center ²	Maximum Projection from Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum ³	Front	Side
C-1	1 projecting sign plus wall signs See § 720-83	Wall sign: 2.0 per linear foot of building façade Projecting sign: 8 square feet, except 12 square feet for a building façade greater than 40 linear feet			40				
C-2	1 projecting sign plus wall signs plus 1 ground sign for each lot	1.0 per linear foot of building façade	1.0 per linear foot of main building façade with a maximum of 75 square feet; for lots with a frontage of 150 feet or more, 150 square feet maximum	1 EMC permitted per property	40	20	8	5	5
	1 ground sign for a shopping center (lot area greater than 15 acres) or multitenant commercial building greater than 25,000 square feet in area, plus 1 monument sign for each outlot or satellite lot	1.0 per linear foot of building façade	1.0 per linear foot of main building façade with a maximum of 350 square feet; for outlot or satellite lot, 1.0 per linear foot of main building façade with a maximum of 75 square feet	1 EMC permitted per shopping center		40 8	8	15 15	15 15
M-1	1 ground sign per street frontage plus wall signs	1.0 per linear foot of building façade	1.0 per linear foot of main building façade; 150 square feet maximum	1 EMC permitted per property		20	8	10	10
M-BP	1 ground sign plus wall signs	0.5 per linear foot of building façade; 100 square feet maximum	50 square feet			20	8	10	10

Zoning District	Allowable Signage Total Number of Signs Permitted on Any Lot	Maximum Gross Surface Area Permitted (square feet) ¹			Projecting Sign	Ground Sign (feet)			
		Wall and/or Projecting Sign	Ground Sign	Electronic Message Center ²	Maximum Projection from Wall (inches)	Height		Minimum Setback	
						Maximum	Minimum ³	Front	Side
NMU	1 projecting sign plus wall sign per commercial tenant	Projecting Sign: 15 square feet Wall Sign: 1 per linear foot of main building façade; 50 square feet maximum			40				
	1 ground sign for site		1.0 per linear foot of building façade; 50 square feet maximum; if site is a mixed use multi-tenant site, 75 square feet maximum			10		10	10
Special Highway 41 District ⁴	1 ground sign for each property plus wall signs	1.0 per linear foot of building facade	1.0 per linear foot of lot frontage; 200 square feet maximum	1 EMC permitted per property		35 ⁵ 55 ⁶	8 8	10 20	10 20
Downtown Sign District	See § 720-83	See § 720-83							
Billboard/off- premises sign	See § 720-75		See § 720-75			30		15	
Special Sign Overlay District, see § 720-84.1									

NOTES:

¹ Ground signs: Area shall be based on the linear dimension of the exterior wall of a building or structure that directly abuts a public street; where sign area is based on lot frontage, the allowable total shall be based on the linear dimension of the lot line of the property for which the sign will be sited. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face. For a monument sign, area shall include the surface area of the entire structure.

Wall signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. Wall signage is allowed on a facade that directly abuts a public street, the private parking lot that serves the affected property, or the shared driveway of a shopping center. Signage, including individual letters and pictorial matter, shall not extend above the top of a building wall except where integrated into the building design as a structural element or an architectural feature.

Where signage has no background frame or cabinet, sign area shall be calculated as the surface area defined by the smallest rectangle or combination of rectangles to encompass the outer limits of the advertising message, announcement, logo or decoration; for signs with multiple areas of text, advertising or decoration, each area of signage may be calculated separately.

Projecting signs: Allowable sign area shall be based on the linear dimension of the building facade to which the sign is affixed. A projecting sign is allowed on a facade that directly abuts a public street, parking lot, or the shared driveway of a shopping center. Sign area shall include the surface area of only one sign face, where the surface area is the same for each face.

² See also § 720-84N.

³ Minimum height to bottom of sign within the vision triangle: the bottom of all signs must be a minimum of eight feet above ground. Outside of the vision triangle there shall be no height minimum except that any ground sign located within 10 feet of a driveway shall have a clearance of eight feet above ground.

⁴ The boundaries of the district include all commercially zoned land within 500 feet of either side of the center line of U.S. Highway 41.

⁵ Allowable height for properties within 500 feet of either side of the center line of U.S. Highway 41.

⁶ Allowable height for properties located within the interchange zones of U.S. Highway 41 and STH 23, Military Road and Hickory Road. The interchange zone is land located within a radius of 1,500 feet of the center line of the interchange.

ZONING

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City of Fond du Lac

Schedule IX

Minimum Off-Street Parking Requirements

[Amended 11-28-2018 by Ord. No. 3680; 5-27-2020 by Ord. No. 3708]

Land Use or Activity	Spaces Required*	Remarks**
1. Animal hospital, kennel, doggie day care: for each employee plus: for each 5 crates, suites or animals	1.00 1.00	
2. Assisted living facility, community living arrangement, convalescent home, nursing home: for each employee plus: for each 4 residents	1.00 1.00	
3. Automotive - fuel center: for each 200 square feet of gross floor area	1.00	See Note 1
4. Automotive - repair, paint, service, detail, body shop: for each employee plus: for each service bay	1.00 1.00	
5. Automotive - sales, including accessory services: for each 400 square feet of gross floor area	1.00	
6. Bank, financial institution: for each 300 square feet of gross floor area	1.00	
7. Bar, tavern, nightclub, teen club, arcade, adult-oriented establishment: for each 100 square feet of gross floor area	1.00	
8. Bed-and-breakfast inn: for each guest room or suite plus: for owners of dwelling	1.00 2.00	
9. Bowling alley: for each lane plus: for any ancillary uses such as restaurants	3.00 As required	
10. Brew pub: for each 100 square feet of pub or dining area plus: for each 2,000 gross square feet of brewery, bottling, distribution	1.00 1.00	
11. Car wash: for each employee	1.00	See Note 2
12. Church, chapel, place of worship: for each 5 seats of design capacity	1.00	
13. Conference center, meeting hall, private club or lodge, gymnasium, arena, place of assembly: for each 5 seats of design capacity	1.00	
14. Day-care, adult or group: for each employee plus: for each 5 users (peak shift)	1.00 1.00	
15. Dwelling, 1- and 2-family: for each dwelling unit	2.00	
16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: for 2+ bedroom dwelling unit: plus: visitor parking, for each 6 units	 1.00 2.00 1.00	
17. Fitness center, health spa: for each 100 square feet of usable floor area or for each 5 persons based on design capacity, whichever is greater	1.00	
18. Furniture and appliance sales and repair: for each 800 square feet of gross floor area	1.00	
19. Funeral home: for each 100 square feet of gross floor area	1.00	
20. Fraternity, sorority, college dormitory: for each bed	0.50	
21. Greenhouse, landscape facility, contractor facility: for each employee plus: for each 1,000 square feet of gross building or sales area	1.00 1.00	
22. Hospital: for each patient room	1.00	
23. Hotel: for each room or suite plus: for any ancillary use such as restaurant, meeting hall, etc.	 1.00 As required	
24. Library, museum, art gallery, photography studio and similar uses: for each 1,000 square feet of gross floor area	1.00	

25. Manufacturing, fabricating, cleaning, testing, assembling, repair, service, rental facility, printing and publishing, machine shop, welding shop, bottling, distribution, and similar uses: for each 300 square feet of office gross floor area plus: for each 3,000 square feet of non-office gross floor area or for each employee, whichever is greater	1.00 1.00	
26. Medical clinics, therapy and rehabilitation, diagnostic services, laboratories: for each 200 square feet of gross floor area	1.00	
27. Office - business and professional: for each 300 square feet of gross floor area	1.00	
28. Personal services - barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment: for each 200 square feet of gross floor area	1.00	
29. Recreation facility (indoor or outdoor), swimming pool, skating rink, tennis court, golf course and similar uses: for each employee plus: for each 4 persons based on design capacity	1.00 1.00	
30. Restaurant: for each 100 square feet of gross floor area	1.00	
31. Restaurant, takeout: for each 200 square feet of gross floor area	1.00	See Note 3
32. Retail businesses and services: for each 200 square feet of gross floor area	1.00	
33. School - college, university, vocational, technical: for each 2 students based on the design capacity of the facility	1.00	See Note 4
34. School - elementary and middle: for each faculty and staff member	1.00	See Note 4
35. School - high: for each 7 students of design capacity	1.00	See Note 4
36. Shopping centers, building supply, home improvement center, commercial establishment containing at least 25,000 gross square feet: for each 250 square feet Multitenant commercial establishment, less than 25,000 gross square feet, for each 200 square feet	1.00 1.00	
37. Theater, performing arts center: for each 4 seats of design capacity	1.00	
38. Veterinary clinic: for each 200 square feet of gross floor area	1.00	
39. Warehouse, storage, wholesale establishment: for each 300 square feet of office space plus: for each 3,000 square feet of non-office gross floor area or for each employee, whichever is greater	1.00 1.00	
40. All other business and commercial establishments: for each 200 square feet of gross floor area	1.00	

NOTES:

* When the totals indicate that a partial space is required, a full space shall be provided. When standards are listed per employee, the standard refers to maximum employees on the premises at peak shift.

**** Remarks for Schedule IX**

1. Requirement based on building size. Parking for a convenience store and other accessory uses shall be provided in designated spaces independent of fuel islands.
2. In addition to the required parking spaces, reservoir standing space to accommodate vehicles waiting for service shall be provided in an amount equal to five times the number of automobiles undergoing some phase of laundering at the same time.
3. A takeout restaurant shall be considered a retail business, provided there is no in-house dining and food items are intended for consumption off premises.
4. When facilities for public assembly are accessory to a school, parking shall be based on the greater requirement of the individual uses.
5. The minimum number of off-street parking spaces required for residential in Neighborhood Mixed Use and Central Business Districts shall be 1.00 spaces per efficiency and 1-bedroom dwelling unit and 1.75 spaces per 2+ bedroom dwelling unit.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. on February 19, 2024, in Meeting Room A of the City-County Government Center, 160 South Macy Street, for the purpose of receiving public comment on proposed changes to Chapter 720, Zoning, of the Code of Ordinances of the City of Fond du Lac. The purpose of the zoning code amendment is to update various regulations of the ordinance. The proposed zoning code amendment affects:

Section 720-41.1 Neighborhood Mixed Use District
Section 720-42.1 Neighborhood Mixed Use Design Overlay District
Section 720-50, Dwelling Units; C-1 Zoning District
Section 720-50.1, Dwelling Units; Neighborhood Mixed Use District (NMU)
Section 720-53, O Office District
Section 720-63, Special Use Permits
Section 720-76.2, Dwelling Units, Office Zoning District
Section 720-79, Off-Street Parking
Section 720-87, Signs
Section 720-95, Board of Appeals
Schedule IV, Land Use or Activities Business and Neighborhood Mixed Use Districts
Schedule VII, Design Standards and Specifications for Signs
Schedule IX, Minimum Off-Street Parking Requirements

The meeting agenda for the Plan Commission can be accessed on the Calendar tab on the home page of the City's website; www.fdl.wi.gov.

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920) 322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this 26th day of January, 2024

MARGARET HEFTER
City Clerk

Published: January 31, 2024 and February 4, 2024

**COMMISSION AGENDA
CITY OF FOND DU LAC, WISCONSIN
Granting of Easement**

Subject: Effect: Granting of Easement to Alliant Energy
 Location: Plamore Park
 Initiator: City Engineer

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

Memo_Alliant_Energy_-_Plamore_Park_Easement.pdf

CITY OF FOND DU LAC - Memorandum

Department of Public Works

Date: February 19, 2024

To: Plan Commission

From: Paul De Vries, P.E., Director of Public Works

Re: **Alliant Energy - Easement Request**

This memo and attached supporting documents cover the agenda item under Granting of Utility Easement for the Plan Commission's February 19, 2024 meeting.

Alliant Energy (aka Wisconsin Power & Light Company) has requested the City grant them a 20 foot by 42-foot utility easement on lands owned by the City in Plamore Park. The attached easement and map indicate the area in question and Alliant's proposed plan. The location is the southeast corner of the park and away from all of the recent improvements. This location will not interfere with any park activities or future plans. The request is for a new above ground gas regulator station to upgrade their facilities in the area. The station will have a screening fence and landscaping as part of this project.

The granting of a utility easement requires City Council approval. City staff suggests the Plan Commission recommend to the City Council approval of the granting of this easement.

Document No.

EASEMENT
NATURAL GAS REGULATOR STATION

The undersigned **THE CITY OF FOND DU LAC**, a municipal corporation located in the County of Fond du Lac and State of Wisconsin, (hereinafter called the "Grantor"), in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **Wisconsin Power and Light Company**, a Wisconsin corporation, (hereinafter called the "Grantee"), the Grantee's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove the Designated Facilities, as defined below, upon, in, over, through and across lands owned by the Grantor in the City of Fond du Lac, County of Fond du Lac, State of Wisconsin, said "Easement Area" to be described as follows:

See Exhibit "A" for a legal description of the Easement Area and Exhibit "B" for a depiction of the Easement Area, both attached hereto and made a part hereof.

This easement is subject to the following conditions:

1. **Designated Facilities:** This easement is for a gas regulator station, along with underground natural gas line and communication line facilities, including but not limited to pipelines with valves, main and service laterals, fences and any other components as Grantee may select for use in transmission and distribution of natural gas products or communication signals (collectively, the "Designated Facilities").
2. **Access:** The Grantee and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to the Easement Area.
3. **Buildings and Structures:** The Grantor agrees within the Easement Area not to construct or place buildings, structures, or other improvements, or place water, sewer or drainage facilities; all without the express written consent of the Grantee.
4. **Landscaping and Vegetation:** No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted. The Grantee has the right to trim or remove trees, bushes and brush within the Easement Area without replacement or compensation hereinafter. The Grantee may treat the stumps of any trees, bushes or brush to prevent re-growth and apply herbicides in accordance with applicable laws, rules and regulations, for tree and brush control. Excepting: Grantor reserves the right to place landscaping within the easement area, limited to outside and along the south side of the fencing. Grantee shall replace or compensate Grantor for said landscaping disturbed by Grantee's work and use of the easement.
5. **Elevation:** After the installation of the facilities and final grading of the Easement Area, the Grantor agrees not to alter the grade of the existing ground surface by more than six (6) inches or place rocks or boulders more than eight (8) inches in diameter, within the Easement Area, without the express written consent of the Grantee.
6. **Restoration and Damages:** The Grantee shall restore, cause to have restored or pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than trees trimmed or cut down and removed), caused by the construction, maintenance or removal of said facilities.
7. **Rights not granted to the Grantee:** The Grantee shall not have the right to construct or place buildings or any other facilities other than the above Designated Facilities.
8. **Reservation of use by the Grantor:** The right is hereby expressly reserved to the Grantor, the heirs, successors and assigns, of every use and enjoyment of said land within the Easement Area consistent with rights herein granted.
9. **Binding Effect:** This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

Record this document with the Register of Deeds

Name and Return Address:

Alliant Energy
Attn: Real Estate Department
4902 North Biltmore Lane
Madison, WI 53718-2148

Parcel Identification Number(s)

FDL-15-17-09-44-782-00

WITNESS the signature(s) of the Grantor this _____ day of _____, 20_____.

THE CITY OF FOND DU LAC

_____(SEAL)
Signature

_____(SEAL)
Signature

Printed Name and Title

Printed Name and Title

ACKNOWLEDGEMENT

STATE OF WISCONSIN }
COUNTY OF FOND DU LAC } SS

Personally came before me this _____ day of _____, 20_____, the above named _____

_____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Signature of Notary

Printed Name of Notary

Notary Public, State of Wisconsin

My Commission Expires (is) _____

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } SS

Personally came before me this _____ day of _____, 20_____, the above named _____

_____ to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Signature of Notary

Printed Name of Notary

Notary Public, State of _____

My Commission Expires (is) _____

This instrument drafted by

Jordan R. Oosterhouse

Jerome C. Lund

Checked by

January 9, 2024

Project Title:	Plamore Park RS 46737
ERP Activity ID:	4326152
Tract No.:	1 of 1
REROW No.:	

Exhibit A

Lands owned by Grantor:

Lots One (1) to Eighteen (18), both numbers inclusive, of Block Four (4) of Moore and Conklin's Subdivision of Butler and Tallmadge's Addition to the City of Fond du Lac, Wisconsin, according to the recorded plat of said Subdivision.

Grantor's ownership referenced on that certain Warranty Deed as recorded on July 8, 1927, as Document Number 151513, in the office of the Register of Deeds for Fond du Lac County, Wisconsin.

Easement Area:

An easement twenty (20) feet in width, lying ten (10) feet on each side of the following described reference line:

Commencing at the Southeast (SE) corner of Section 9, Township 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin;
thence North 03°33'25" West, 728.75 feet along the East line of the Southeast Quarter (SE 1/4) of said Section 9;
thence South 87°56'25" West, 952.91 feet to the Point of Beginning;
thence South 02°53'53" East, 12.00 feet;
thence continuing South 02°53'53" East, 30.00 feet to the Northerly right-of-way line of West Division Street and there terminating.

Said easement area located in said Lot 1, being part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 9, Township 15 North, Range 17 East, City of Fond du Lac, Fond du Lac County, Wisconsin.

EASEMENT MAP (EXHIBIT "A")

PART OF LOT 1, BLOCK 4 OF MOORE & CONKLIN'S SUBDIVISION OF BUTLER & TALLMADGE'S ADDITION, LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 09, TOWNSHIP 15 NORTH, RANGE 17 EAST, CITY OF FOND DU LAC, FOND DU LAC COUNTY, WI

LEGEND:

- SECTION LINE
- - - EASEMENT CENTER LINE
- PROPERTY LINE
- REPLATTED LINES
- (xxx) PREVIOUSLY RECORDED AS
- R/W RIGHT-OF-WAY LINE
- ⊙ PLS CORNER AS NOTED

NORTH BELL STREET

BLOCK 5

BLOCK 4

WEST DIVISION STREET

BEARINGS ARE REFERENCED TO THE WISCONSIN COORDINATE SYSTEM FOR FOND DU LAC COUNTY NAD83 (2011). THE EAST LINE OF THE SE 1/4 OF SECTION 9, T15N, R17E, MEASURES N03°33'25"W

COURSE TABLE

A - B	N03°33'25"W	728.75'
B - C	S87°56'25"W	952.91'
C - D	S02°53'53"E	12.00'
D - E	S02°53'53"E	30.00'

NOTES:

- Resolution of City Council vacating all alleys in Block 4 of Moore and Conklin's Sub-division of Butler and Tallmadge's Addition was recorded in the office of the Register of Deeds at 11am Feb. 19, 1920 in Vol. 195 of Mortgages, on Pg. 236.
- C - D = 20' Wide above ground regulator and fencing easement area.
- D - E = 20' Wide underground pipeline easement area.

If this bar does not measure 1" then drawing is not to scale.



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Wisconsin Power and Light Co.

UTILITY EASEMENT MAP

PROPERTY OWNER / EASEMENT GRANTOR:
CITY OF FOND DU LAC

Drawn: T.J.T.

Date: 1/3/2023

SHEET

NUMBER

1 OF 1