

ORDINANCE NO. 3783**AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CODE OF THE CITY OF FOND DU LAC REGARDING PARKING CITATIONS, AMUSEMENT DEVICES, MAIL DELIVERIES, FIRE AND FIRE PREVENTION, PRIVATE AMBULANCE PROVIDERS, TOBACCO AND CIGARETTE LICENSES, NO MOW MAY, THE CHIEF OF POLICE AND ZONING CODE CHANGES**

The City Council of the City of Fond du Lac do ordain as follows; deleted items are shown with strikethrough and additions are underlined:

Section 1. That Chapter 630, Vehicles and Traffic; Section 6.1, Parking citation., is hereby amended to read as follows:

§ 630-6.1 Parking citation.

E. Appeal: Municipal Court procedure. After contesting the citation with the pursuant to Subsection D above, an aggrieved violator may appeal the citation to the Municipal Court. The appeal request must be made to the Clerk of the Municipal Court within 20 days of the date of the City's decision under Subsection D. The Clerk of the Municipal Court will set a hearing date with the Municipal Court Judge. All late fees will be stayed pending a decision of the Municipal Court Judge. The citation will then be governed by the law applicable in Municipal Court cases, and court costs may be assessed.

Section 2. That Chapter 208, Amusements and Entertainment; Section 8, Amusement Devices., is hereby amended to read as follows:

§ 208-8 Amusement Devices.

A. Definitions. Terms used in this section have the following meanings:

AMUSEMENT DEVICE

Any machine that operates by way of monetary exchange that is commonly referred to as shooting (electric ray) games, bowling games, skiball games, baseball games, shuffle games, pool and billiard

games, and other devices, the operation of which involves skill features and which are operated by way of monetary exchange and which do not deliver, pay out or emit coins, tokens, coupons, tickets, receipts, chips or other things, which may be redeemed or exchanged for money, merchandise, or other thing of value and in the operation of which the skill of the player is not subject to being thwarted by chance, and which machine is not readily convertible into a gambling device. Coin-operated musical instruments, vending machines or coin telephones shall not be considered as amusement devices under this section.

Section 3. That Chapter 568, Streets and Sidewalks; Section 4, Use of streets, sidewalks and alleys., is hereby amended to read as follows:

§ 568-4 Use of streets, sidewalks and alleys.

A. No person shall occupy or use in any way any public street, sidewalk or alley for any purpose except public travel or for the parking of vehicles on such streets or alleys as permitted by this chapter.

B. In general, persons making deliveries will remain on public streets, sidewalks or allies when they are available, though this ordinance is not a basis for a delivery person to refuse the direction of their manager. This subsection is not enforceable as a citation.

Section 4. That Chapter 500, Peace and Good Order; Subsection 9(E), Trespass, is hereby deleted in its entirety.

Section 5. That Chapter 343, Fires and Fire Prevention., Section 6. Fire extinguishing equipment., is hereby amended to read as follows:

§ 343-6 Fire extinguishing equipment.

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B. Sprinklers; standpipe systems.

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(7) When fire protection systems are installed, a fire hydrant is to be within 150 feet of a fire department connection (FDC). When a public fire hydrant is not within 150 feet of a FDC, a private hydrant painted red will need to be installed.

Section 6. That Chapter 343, Fires and Fire Prevention; Section 14, Violations and penalties., is hereby renumber to Section 16, Violations and penalties.

Section 7. That Chapter 343, Fires and Fire Prevention;, Section 14, Lock boxes., is hereby created to read as follows:

§ 343-14 Lock boxes.

- A.** The following structures, and associated businesses within the structure, will be equipped with a key lock box at or near the main entrance or such location required by the Fire Chief:
- 1) Commercial and industrial structures that are protected by an automatic fire alarm system, automatic fire suppression system, or secured in a manner that restricts access during an emergency;
 - 2) All multi-family residential structures, 3 unit or greater, with common hallways and/or separate mechanical rooms that have restricted access through locked doors.
 - 3) All newly constructed commercial buildings within the City of Fond du Lac constructed after March 1, 2024.
- B.** Access box(es) must be installed in an accessible location where access to or within a structure or area is difficult because of security.
- C.** All newly constructed commercial buildings shall have the lock box installed and in compliance prior to the issuance of occupancy permit, unless the Fire Chief grants a variance to the timeline.
- D.** A lock box is not required on each building if the owner has a group of buildings or shares a lock box with another building with the same owner given that the location of the lock box does not exceed 300 feet travel distance from the front of the building(s).

- E. If the size of the building warrants, an additional lock box may be required by the Fire Chief for efficient access and response inside the building.
- F. The owner of the structure and/or business shall make sure the keys are operational during each inspection and advise/provide updated keys to the fire department when any changes to the locks has occurred.
- G. Fond du Lac Fire Rescue will be the only holder of the key that opens the lock box.
- H. The lock box shall contain, but is not limited to the following keys that are applicable to the structure:
 - 1) All exterior and interior points of egress;
 - 2) All locked mechanical rooms;
 - 3) All elevator rooms and controls;
 - 4) All fire alarm panels;
 - 5) All locked automatic fire suppression systems;
 - 6) All emergency communication panels;
 - 7) All locked electrical panels;
 - 8) All other areas locked and access deemed necessary by the Fire Chief.
- I. An exception to the requirements, with written approval from the Fire Chief, may exist for new or existing buildings that are staffed 24 hours a day, and personnel is always available on-site to meet the needs and requests of the Fire Department.
- J. The location of the lock box shall be approved by the Fire Chief.
 - 1) The lock box shall be located no lower than five feet and no high than six feet from ground level.
 - 2) The lock box shall be located at or near the main entrance, near the fire sprinkler room or other alternative location that is approved by the Fire Chief.
- K. The lock box shall be installed per the manufacturer guidelines.
- L. Maintenance of a lock box is the responsibility of the property owner.

Section 8. That Chapter 343, Fires and Fire Prevention; Section 15, Private Service Providers., is hereby created to read as follows:

§ 343-15 Private Service Providers.

A. Purpose. The City Council, pursuant to Sections 62.11(5) and 62.133, Wisconsin Statutes, and other enabling statutes and regulations, enacts this Ordinance for the purpose of ensuring that citizens within the municipal boundaries are properly served in emergency circumstances through the City of Fond du Lac's emergency transport, and all non-emergency transport operators are providing legitimate and transparent services.

The City Council has determined that generally limiting emergency response services to Fond du Lac Fire Rescue Department and providing for supplemental emergency response services to be controlled by Fond du Lac Fire Rescue Department, whose members are certified ALS emergency responders, will provide for a more orderly health care process and chain of command at the location of emergency situations that will best serve the health, safety, and welfare interests of the public.

In addition, the City Council has determined that a requirement for other ambulance service providers operating with this City of Fond du Lac to meet certain standards and requirements for service as set forth within this ordinance will also promote an orderly health care process as well as clarity and transparency in services which will best serve the health, safety, and welfare interests of the public.

B. Ambulance Service within Municipal Boundaries

- 1) The City of Fond du Lac will be the Sole Provider of Emergency Transports within the Fond du Lac Municipal Boundaries.
 - a. Except for the City of Fond du Lac and/or its agents, no person, either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in, or profess to be engaged in, the business or service of the emergency transports of patients originating within the municipal boundaries of the City of Fond du Lac.

- b. Non-emergency transports of patients or persons within the municipal boundaries of the City of Fond du Lac may occur under the provisions of ch. 146 and 256, Wis. Stats, subject to the rules and standards set forth herein, as well as in the participation agreement.
- 2) Exceptions: The following Ambulance Service Operators and Private Ambulance Service Providers may respond to calls within the Fond du Lac municipal boundaries:
- a. Ambulances or similar emergency vehicles operated by or under the direct control of the United States or the State of Wisconsin;
 - b. Aircraft, including "Flight for Life" or similar services, that transport patients to or from hospitals within the City of Fond du Lac. Such aircraft must be licensed by the State of Wisconsin to perform such services;
 - c. Ambulances providing assistance to licensed Ambulance Service Operators in the case of a Mutual Aid request by the City of Fond du Lac, or a major catastrophe or emergency in which the licensed Ambulance Service Operators of the City of Fond du Lac are unable to address the extent of the health needs of the catastrophe, emergency, or extreme system overload.
- 3) The following Ambulance Service Operators and Private Ambulance Service Providers may operate within the Fond du Lac municipal boundaries:
- a. Ambulances transporting patients from locations outside the municipal boundaries of the City of Fond du Lac into the City of Fond du Lac;
 - b. Ambulance transports passing through the City of Fond du Lac which originated from a point outside the City and having a destination point also outside the City.

C. Private ambulance service providers. Private ambulance service providers, licensed by the state under the provisions of ch. 146 and 256, Wis. Stats., are part of the delivery of ambulance services within the City of Fond du Lac. The City of Fond du Lac requests that private ambulance service providers that regularly do business in the City of Fond du Lac enter into participation agreements with the City of Fond du Lac and City of Fond du Lac Fire/Rescue, establishing the basis of the private service providers' operations within the City of

Fond du Lac and reflecting the City's emergency medical services plan, as filed with the State of Wisconsin.

- 1) A private ambulance service provider is authorized to provide non-emergency services consistent with the terms of the private provider's state license and any established municipal/private provider agreement, as reflected in the City of Fond du Lac's emergency medical services plan. Requirements include:
 - a) All private ambulance service providers be licensed pursuant to Section 256.15(2);
 - b) The private ambulance service follow all requirements of Ch. 256.
 - c) When responding to a call, be staffed by no less than two (2) attendants licensed as an Emergency Medical Technician-Basic. Every attendant must hold a valid Wisconsin motor vehicle operator's license. Every attendant while on duty shall wear a proper identification badge.
 - d) Be equipped with radio, as follows:
 1. Each ambulance shall be equipped with at least one portable radio capable of transmitting on the Federal Communications Commission assigned emergency medical frequency and shall be capable of transmitting from any patient location within the City of Fond du Lac to all City of Fond du Lac hospitals.
 2. Ambulance radio operation shall comply with procedures approved by the Federal Communications Commission and the City of Fond du Lac Fire/Rescue.
 - e) Be driven by a person who has demonstrated knowledge of ambulance driving techniques and of traffic laws relative to ambulance driving.
 - f) The participation agreement will not be executed by the City unless the applicant shall first file with the City of Fond du Lac a sufficient policy of insurance issued by an insurance company licensed to do business in the State of Wisconsin, which shall provide that the insurance company shall be liable for damages of up to \$1,000,000.00 for any accident due to the negligent

operation of one of the service operator's ambulances. The policy shall be approved by the City's Risk Manager, and shall contain a provision that the same may not be cancelled before the expiration of its term. If at any time such policy shall be cancelled or not in effect for any reason, the ambulance service operator's license shall be immediately suspended.

Section 9. That Chapter 343, Fires and Fire Prevention; Section 3, Adoption of national and state codes.; Subsection B, National Fire Protection Association., is hereby amended to read as follows:

§ 343-3 National Fire Protection Association.

B. National Fire Protection Association. The following codes of the National Fire Protection Association (NFPA) are adopted by reference:

- (1) NFPA 1, Fire Code
- (2) NFPA 231D, Standard for Storage of Rubber Tires.
- (3) NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.
- (4) NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

Section 10. That Chapter 279, Cigarettes and Tobacco Products; Section 2, Tobacco vendor compliance check fee, is hereby deleted in its entirety.

Section 11. That Chapter 279, Cigarettes and Tobacco Products; Section 3, Violations and penalties., is hereby renumbered to Section 2.

Section 12. That Chapter 476, Nuisances; Section 10, Plant and weed control., is hereby amended to read as follows:

§ 476-10 Plant and weed control.

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C. Height. From June 1 of each year, no person shall permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height to exceed six inches anywhere in the City

Section 13. That Chapter 132, Police Department; Section 2, Chief of Police., is hereby amended to read as follows:

§ 132-2 Chief of Police.

The Board of Police and Fire Commissioners of the City shall appoint the Chief of Police who shall hold office during good behavior, subject to suspension or removal by the Board for cause. The Chief of Police shall cause the public peace to be observed and see that all state laws and City ordinances are enforced, and whenever any violation comes to the Chief's knowledge, the Chief shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders. The Chief of Police shall have command of the police force of the City under the direction of the City Manager. The Chief of Police shall obey all written orders of the City Manager or Council. The Chief and all members of the Department shall possess all of those powers provided in § 62.09(13), Wis. Stats., which section is hereby adopted by reference.

Section 14. That Chapter 52, Ethics, Code of; Section 8, Ethics Board established., is hereby amended to read as follows:

§ 52-8 Ethics Board established.

A) The Ethics Board shall consist of three members who shall serve without compensation unless the Council otherwise provides. The members of the Board shall be determined as set forth in Section 14-12(B) of the Code of the City of Fond du Lac, and shall not be elected officials or City employees, nor shall they be currently serving on any other City board or commission. Each member shall be appointed by the City Council with members to be selected as follows:

- 1) Two members and an alternate selected from a list of proposed members gathered under the provisions of § 14-1 of this Code.
- 2) One member selected from a list of proposed members suggested by the Fond du Lac County Bar Association.

Section 15. That Chapter 720, Zoning; Article VII, Business Districts; Section 41.1, Neighborhood Mixed Use District.; is hereby amended to read as follows:

§ 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.

Section 16. That Chapter 720, Zoning; Article VII, Business Districts; Section 41.2, Neighborhood Mixed Use Design Overlay District.; is hereby created to read as follows:

§ 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.

Section 17. That Chapter 720, Zoning; Article VII, Business Districts; Section 50, Dwelling units; C-1 Zoning District.; is hereby amended to read as follows:

§ 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.

Section 18. That Chapter 720, Zoning; Article VII, Business Districts; Section 50.1, Dwelling units; Neighborhood Mixed Use District (NMU).; is hereby amended to read as follows:

§ 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. 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.

Section 19. That Chapter 720, Zoning; Article VII, Commercial – Recreation, Office and Industrial Districts; Section 53; is hereby retitled to O Office Conversion District., and hereby amended to read as follows:

§ 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.

Section 20. That Chapter 720, Zoning; Article IX, Special Use Permits; Section 63, General provisions.; is hereby amended to read as follows:

§ 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 to contest the decision of the Plan Commission, the applicant may submit a written appeal to the Board of Appeals.

Section 21. That Chapter 720, Zoning; Article IX, Special Use Permits; Section 76.2, Dwelling units; Office Zoning District.; is hereby amended to read as follows:

§ 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) distinctly and physically separate from a nonresidential use(s) in the building. 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.

Section 22. That Chapter 720, Zoning; Article X, Off-Street and Loading; Section 79, Off-street parking.; is hereby amended to read as follows:

§ 720-79 Off-street parking.

A. Required spaces.

- (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.
- (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) 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.

Section 23. That Chapter 720, Zoning; Article XI, Signs; Section 87, Construction and maintenance.; is hereby amended to read as follows:

§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.

Section 24. That Chapter 720, Zoning; Article XIII, Administration and Enforcement; Section 95, Board of Appeals.; is hereby amended to read as follows:

§ 720-95 Board of Appeals

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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.

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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 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 stated 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.

Section 25. That Schedule IV, Land Uses or Activities, Business and Neighborhood Mixed Use Districts, is hereby amended to read as follows:

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		
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. Outdoor amusement and recreation facility	SP	SP		§ 720-69
34. Payday lenders	SP	SP	SP	§ 720-76.1
35. Personal services, i.e., barbershop, salon (hair/nails/tanning), massage, pet grooming, tattoo/piercing establishment	P	P	P	
36. Planned development	SP	SP	SP	§ 720-66
37. Printing and publishing shop, copy and duplicating	P	P	P	
38. Private parking garage or parking lot not accessory to another use	SP	SP	SP	
39. Professional, business, or government offices	P	P	P	
40. Radio and television studio	P	P	P	
41. Rental service facility, rental trucks/trailers		SP		
42. Restaurant	P	P	P	
43. Retail businesses and services	P	P	P	
44. Shelter facility	SP	SP		§ 720-74
45. Shopping center, multi-tenant commercial center, home improvement center, building supply		P		
46. Utility transmission line and substation	SP	SC		§ 720-71
47. Veterinary clinic	P; SC	P; SC	P; SC	§ 720-38.4
48. Mini warehouse < 100 units		SP		

Section 26. That Schedule VIII, Design Standards and Specifications for Signs, is hereby amended to read as follows:

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		<u>40</u>			
	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		<u>10</u>	<u>10</u>	<u>10</u>

Section 27. That Schedule IX, Minimum Off-Street Parking Requirements; Number 16, is hereby amended to read as follows:

16. Dwelling, multifamily: for each efficiency and 1-bedroom dwelling unit: for 2+ bedroom dwelling unit:	1.00	<u>See Note 5.</u>
	2.00	

Section 28. That Schedule IX, Minimum Off-Street Parking Requirements; ****Remarks for Schedule IX,** is hereby amended to read as follows:

**** 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.

Section 29. Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Section 1-4 of the Code.

Section 30. The appropriate City officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

Section 31. All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

Section 32. This Ordinance shall take effect and be in force upon its passage and publication as provided by law.

ADOPTED:

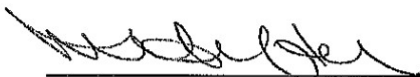


FEB 28 2024

Keith Heisler, President
Fond du Lac City Council

Attest:

City Attorney:



Margaret Hefter, City Clerk

Reviewed 