



AGENDA

VILLAGE OF LITTLE CHUTE PLAN COMMISSION MEETING

PLACE: Little Chute Village Hall – Village Board Room
DATE: Monday, December 12, 2022
TIME: 6:00 p.m.

Virtually attend the December 12th Plan Commission meeting at 6 PM by following the link here:

Join Zoom Meeting: <https://us06web.zoom.us/j/81505359022>

Meeting ID: 815 0535 9022

Dial by your location: +1 312 626 6799 US (Chicago)

- A. Call to Order
- B. Roll Call
- C. Public Appearance for Items Not on the Agenda

1. Approval of Minutes from the Plan Commission Meeting of November 14th, 2022
2. Public Hearing – Conditional Use 1320 E Main Street
3. Discussion/Action – Conditional Use 1320 E Main Street
4. Recommendation – CSM 1000 W Main ST
5. Recommendation – Message Boards
6. Discussion/Recommendation – Public Sharing Exchange
7. Update/Recommendation – Greenhouse Ordinance
8. Items for Future Agenda
9. Adjournment

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made with as much advance notice as possible to the Clerk's Office at 108 West Main Street, (920) 423-3852 December 8, 2022

MINUTES OF THE PLAN COMMISSION MEETING OCTOBER 10, 2022

Call to Order

The Plan Commission meeting was called to order at 6:00 p.m. by President Vanden Berg

Roll Call

PRESENT:	President Vanden Berg
	Jim Moes
	Todd Verboomen
	Bill Van Berkel
EXCUSED:	Kent Taylor
	Larry Van Lankvelt

STAFF PRESENT: Administrator Bernhoft, Community Development Director Dave Kittel

Public Appearance for Items Not on the Agenda

None

Approval of Minutes from the Plan Commission Meeting of October 10, 2022

Moved by Commissioner Moes, seconded by Commissioner Verboomen to approve the Plan Commission Meeting Minutes of October 10, 2022.

All Ayes—Motion Carried

Recommendation—Peace United Methodist Church CSM

Moved by Commissioner Van Berkel, seconded by Commissioner Verboomen to approve CSM as presented.

All Ayes—Motion Carried

Unfinished Business

None

Items for Future Agenda

None

Adjournment

Moved by Commissioner Moes seconded by Commissioner Verboomen to Adjourn the Plan Commission Meeting at 6:04 p.m.

All Ayes—Motion Carried

VILLAGE OF LITTLE CHUTE

By: Michael Vanden Berg, Village President

Attest: Laurie Decker, Village Clerk

**VILLAGE OF LITTLE CHUTE
PLAN COMMISSION
NOTICE OF PUBLIC HEARING**

CONDITIONAL USE REQUEST

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on December 12, 2022 at 6:00 p.m. by the Plan Commission, for consideration of the granting of conditional use under authority provided in Section 44 Village Code of Ordinance. Owner requests a conditional use permit for a automotive business, more specifically a facility that repairs and sells automobiles. The property is Zoned; CH-Commercial Highway in the Village of Little Chute, Outagamie County, Wisconsin.

Address: 1320 E MAIN ST

Parcel # 260134300

Legal Description: CSM 170 LOT 1 (PLATTED OUT OF PRT NW NE SEC22-21-18) .50AC M/L

Current Owner: W&F HOLDINGS LLC

Applicant: MATT PETERS

DATE OF HEARING: December 12, 2022

TIME OF HEARING: 6:00 p.m.

PLACE OF HEARING: Village Hall
Board Room
108 West Main Street
Little Chute, WI 54140

If you have any questions, please contact the Zoning Administrator at (920) 423-3870

Publish: December 7, 2022

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Village of Little Chute Application for CONDITIONAL USE UNDER CHAPTER 44 ZONING CODE

Application fee \$125.00

Date filed 11/28/2022

The undersigned owner(s) of the property herein described hereby petition for a Conditional Use under the Village of Little Chute Zoning Ordinance Chapter 44, in the Village of Little Chute, Outagamie County, Wisconsin

Property location: 1320 EAST MAIN ST. LITTLE CHUTE WI 54146

Legal Description: CSM 170 LOT 1 (PLATTED OUT OF PRT NW NE
SEC 22-21-18) .50 AC M/L

Current Zoning Classification: Commercial

Petitioner(s) request permission be granted for the following conditional use(s):

Automotive Repair and Sales.

Petitioner(s) reason(s) for requesting the above described conditional use are as follows:

Attach Surveys, building plans, drainage plans, site plans, statements of days & hours of operation, estimates of additional traffic generated, statements regarding effect on neighboring properties and any other additional information which may assist in determining that the proposed use is appropriate that such use is not hazardous, harmful, offensive or adverse to the environment or the value of the neighborhood or the community.

Owner(s) Name(s) JAY J FRASSETTO VR & F HOLDING

Owner(s) Address: N 9369 CHEYENNE DRIVE, APPLETOWN, WI 54915

Phone Numbers 920-422-3831

APPLICANT(S) Signature(s) Marta Pote

Date Signed 11/29/20

Article IV: Conditional Uses

Sec. 44-113. Purpose.

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

Sec. 44-114. Authority of the plan commission and village board; requirements.

- (a) The plan commission or village board may authorize the zoning administrator to issue a conditional use permit after review and public hearings. The village board shall have sole authority to approve conditional uses for multifamily developments whenever a conditional use permit is required. The village board shall prior to holding a public hearing on a conditional use, refer the requested use to the plan commission for review and recommendation. The plan commission may authorize all other conditional uses. Prior to authorization of the zoning administrator to issue a conditional use permit, the board or commission (whichever has jurisdiction), shall hold a public hearing to review the requested use and shall determine that such conditional use and involved structure are found to be in accordance with the purpose and intent of this chapter, and are further found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. The issuance of a conditional use permit shall specify the period of time for which effective, the name of the permittee, the location and legal description of the affected premises, permitted hours and days of operation if specified, and any other restrictions or regulations imposed so that the standard of this article may be complied with. Prior to the granting of a conditional use the board or the commission shall make findings based upon evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The plan commission or village board shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the plan commission or village board upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (d) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 44-115. Initiation of conditional use.

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

Sec. 44-116. Application.

- (a) *Required application materials.* An application for a conditional use shall be filed in duplicate on a form prescribed by the village. Such applications shall be forwarded to the plan commission or village board on receipt by the zoning administrator. Such applications shall include where applicable:
 - (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in section 44-119.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within 100 feet.
 - (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
 - (5) Additional information as may be required by the plan commission or village board or other boards, commissions or officers of the village. The village board may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including:
 - a. A plan showing contours and soil types;
 - b. High-water mark and groundwater conditions;
 - c. Bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning;
 - d. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping;
 - e. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
 - (6) Fee receipt in the amount of \$125.00.
- (b) *Conditional use permits granted to applicant only.* All applications for conditional use permits shall be in writing and shall be signed by the real estate property owner. The conditional use permit, if and when granted, shall inure to the benefit of the real estate and any successor in title to ownership of that real estate.
- (c) *Plans.* In order to secure information upon which to base its recommendation, the plan commission or village board, in making its determination, may require the applicant to furnish, in addition to the information required for a building permit, the following information:
 - (1) A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

Sec. 44-117. Hearing on application.

All requests for conditional uses shall be to the plan commission or the village board can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this chapter shall prohibit the village board, on its own motion, from referring the request for conditional use to the plan commission. Upon receipt of the application and statement referred to in section 44-116, the plan commission or village board shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such commission or the village board. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures, as the plan commission or village board shall, by rule, prescribe from time to time.

Sec. 44-118. Notice of hearing on application; approval by the plan commission or village board.

Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning administrator, members of the plan commission or village board, and the owners of record as listed in the office of the village assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least five days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application. The notification shall include the date and time that the matter will be discussed and acted upon by the commission or village board. The plan commission or village board shall hold said hearing not later than 60 days from the date that the conditional use petition has been presented to the village. The plan commission or village board may also mail copies of the application and notice of the plan commission or village board public hearing thereon to any other interested persons as determined from time to time by the plan commission or village board.

Sec. 44-119. Standards.

No application for a conditional use shall be granted by the plan commission or village board on appeal unless such commission or board shall find that the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (5) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (6) That the proposed use does not violate floodplain regulations governing the site.
- (7) That, when applying the above standards to any new construction of a building or an addition to an existing building, the plan commission or village board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.
- (8) That, in addition to passing upon a conditional use permit, the plan commission or village board shall also evaluate the effect of the proposed use upon the following:
 - a. The maintenance of safe and healthful conditions.
 - b. The prevention and control of water pollution including sedimentation.
 - c. The existing topographic and drainage features and vegetative cover on the site.
 - d. The location of the site with respect to floodplain and floodways of rivers and streams.
 - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - f. The location of the site with respect to existing or future access roads.
 - g. The need of the proposed use for a shoreland location.
 - h. Its compatibility with uses on adjacent land.
 - i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 44-120. Approval or denial of conditional use permit.

(a) *Plan commission or village board action.* The plan commission or village board may approve, disapprove, or approve subject to stipulated conditions and safeguards a request for a conditional use permit. If the plan commission or village board shall disapprove of an application, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in section 44-119 or such of them as may be applicable to the action of disapproval and the particular regulations relating to the conditional use requested, if any.

(b) *Denial.* When the decision of denial of a conditional use application is made, the plan commission or village board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons used in determining that each standard was not met.

Sec. 44-121. Appeals.

Any action of the plan commission or village board in granting or denying a conditional use permit may be appealed to the board of appeals, if a written request for an appeal is filed within ten days after the date of action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least 20 percent of the land area immediately adjacent extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land. The request shall be filed with the zoning administrator who shall submit it to the board of appeals at its next meeting, together with any documents and other data used by the plan commission or village board in reaching its decision. The board of appeals may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the board of appeals elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the land immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official newspaper at least ten days before the date of the hearing. The board of appeals may either affirm or reverse in whole or in part the action of the plan commission or village board and may finally grant or deny the application for a conditional use permit.

Sec. 44-122. Conditions and guarantees.

The following provisions shall apply to all conditional uses:

(1) *Conditions.* Prior to the granting of any conditional use, the plan commission or village board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in section 44-119. In all cases in which conditional uses are granted, the plan commission or village board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

- a. Landscaping;
- b. Type of construction;
- c. Construction commencement and completion dates;
- d. Sureties;
- e. Lighting;
- f. Fencing;
- g. Operational control;
- h. Hours of operation;
- i. Traffic circulation;
- j. Deed restrictions;
- k. Access restrictions;
- l. Setbacks and yards;
- m. Type of shore cover;
- n. Specified sewage disposal and water supply systems;
- o. Planting screens;
- p. Piers and docks;
- q. Increased parking; or
- r. Any other requirements necessary to fulfill the purpose and intent of this chapter.

(2) *Site review.* In making their decisions, the plan commission or village board shall evaluate each application and may request assistance from any source, which can provide technical assistance. The commission or board may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.

(3) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the plan commission or village board.

(4) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the plan commission or village board may require the use of certain general types of exterior construction materials and/or architectural treatment.

(5) *Sloped sites; unsuitable soils.* Where slopes exceed six percent and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

(6) *Conditional uses to comply with other requirements.* Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

Sec. 44-123. Validity of conditional use permit.

Where the plan commission or village board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the commission's or board's action unless the use is commenced, construction is underway or the current owner possess a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently persecuted. Approximately 45 days prior to the automatic revocation of such permit, the zoning administrator shall notify the holder by certified mail of such revocation. The plan commission or village board may extend such permit for a period of 90 days for justifiable cause, if application is made to the village at least 30 days before the expiration of said permit.

Sec. 44-124. Complaints regarding conditional uses.

The plan commission or village board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the zoning administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the plan commission or village board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 44-119, or a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 44-118. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The plan commission or village board may, in order to bring the subject conditional use into compliance with the standards set forth in section 44-119 or conditions previously imposed by the plan commission or village board modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in section 1-12. In the event that no reasonable modification of such conditional use can be made in order to ensure that standards in section 44-119(a) and (b) will be met, the plan commission or village board may revoke the subject conditional approval and direct the zoning administrator and the village attorney to seek elimination of the subject use. Following any such hearing, the decision of the plan commission or village board shall be furnished to the current owner of the conditional use, in writing, stating the reasons therefore. An appeal from a decision of the plan commission or village board under this section may be taken to the board of appeals.

Print From Village of Little Chute GIS Web Map



12/8/2022, 10:06:59 AM

Address

RC: Residential Single-Family

Parcels

RT: Residential Two-Family

Zoning

CH: Commercial Highway District

1:1,200
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km

Robert E. Lee & Associates, Brown County, Outagamie County

Village of Little Chute

Robert E. Lee & Associates, Inc., Outagamie County



APPLICATION FOR SUBDIVISION AND/ OR CSM REVIEW

Name of Subdivision: 1000 W. Main Street-2 lot CSM

Parent Parcel # 26-0-0969-00 Number of Lots: 2

Preliminary Plat Final Plat CSM Will deed restrictions be recorded? Yes No

Property Owner Information:

Name: Sara Lintersky Telephone Number:

Mailing Address: 1412 E. Main Street Little Chute, WI 54140

Surveyor Information:

Name: Corey Kalkofen-McMahon Associates Inc Telephone Number: (920) 751-4200 email ckalkofen@mcmgrp.com

Engineer Information:

Name: _____ Telephone Number: _____ email: _____

Required for plat review:

- Lot Layout (4 full size copies) and (24) 11" x 17" copies
- Topographic survey (4 full size copies) and (2) 11" x 17" copies
- Drainage plan (4 full size copies) and (2) 11" x 17" copies
- Pavement Design Catalog (3 copies)
- Stormwater Pollution Prevention Plan / Erosion Prevention & Sediment Control Plan (3 copies)
- Final plans and specifications of public improvements (4 full size copies) and (2) 11" x 17" copies

Proposed CSM (24) copies

- Plat restrictions or covenants to be recorded (3 copies)

Filing Fees:

Preliminary Plat \$100.00 plus \$5.00 per lot. Final Plat \$50.00 plus \$2.00 per lot. CSM \$50.00 flat fee.

Amount of Fees submitted: \$50

Signature of Applicant Sara Lintersky Date 11-14-22

Submit to: Director of Community Development
108 W Main Street, Little Chute, Wisconsin 54140
(920)423-3870 jim@littlechutewi.org

CERTIFIED SURVEY MAP NO. _____

SHEET 1 OF 4

ALL OF LOT 1, BLOCK 57 OF THE 1991 AMENDMENT TO THE
1917 ASSESSOR'S PLAT TO THE VILLAGE OF LITTLE CHUTE,
LOCATED IN GOVERNMENT LOT 3 OF SECTION 21, TOWNSHIP 21
NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE,
OUTAGAMIE COUNTY, WISCONSIN

N. LINE OF NORTHWEST 1/4, SEC. 21
S88°25'04"E 2638.36'

1319.18' 1319.18'

NORTH 1/4 CORNER
SEC. 21, T.21N., R.18E.
MAG NAIL WITH
WASHER FOUND

BEARINGS ARE REFERENCED TO
THE NORTH LINE OF THE
NORTHWEST 1/4 OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 18
EAST, WHICH BEARS S88°25'04"E
PER THE WISCONSIN COUNTY
COORDINATE SYSTEM AS
PUBLISHED FOR OUTAGAMIE
COUNTY

FOR: -SARA LITERSKY
-1412 E. MAIN STREET
-LITTLE CHUTE, WI 54140

LOT 1 CSM No. 280

LOT 1 BLOCK 57
1991 AMENDMENT
TO THE 1917
ASSESSORS PLAT
OF THE VILLAGE
OF LITTLE CHUTE

LOT 18
WEST SIDE
ACRES PLAT

LOT 6 BLOCK 157
1991
AMENDMENT TO
THE 1917
ASSESSORS
PLAT OF THE
VILLAGE OF
LITTLE CHUTE

LOT 2 BLOCK 57
(S01°14'05"W)
S00°54'05"W

LOT 14 BLOCK 57
RIVER RIDGE COURT
CONDOMINIUM
270.03'

LOT 1 CSM No. 7619

McKINLEY AVENUE
ADAMS STREET
W. MAIN STREET
S.T.H. #96

45' 33' 30' 30' 6' 0'

456.84' 47.24' 137.08' 104.12' 44.88' 56.91' 101.79' 62.40'

143.74' 292.00' 228.21' 101.79' 62.40'

NO7°42'10"W (NO7°22'10"W)
N79°59'20"W (N79°39'20"W)
N62°40'15"W (N62°20'15"W)
N68°05'06"W (N67°45'06"W)
N69°45'10"W (N69°25'10"W)

ASPH. PAVE.
EXISTING BUILDING
RETAINING WALL

RIGHT-OF-WAY WIDTH VARIES

100 50 0 100

SCALE - FEET

LEGEND

- - 3/4" x 18" ROUND IRON REBAR
WEIGHING 1.5 lbs./lineal ft. SET
- - MAG NAIL FOUND

1991 AMENDMENT TO THE
1917 ASSESSORS PLAT OF
THE VILLAGE OF LITTLE CHUTE

McMAHON

The logo for McMahon Engineers Architects. The word "McMAHON" is in a large, bold, black serif font at the top. Below it, "ENGINEERS" is on the left in a black serif font, and "ARCHITECTS" is on the right in a black serif font, separated by a diagonal line. A green horizontal bar runs across the middle of the logo.

McMAHON ASSOCIATES, INC.
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O.BOX 1025 NEENAH, WI 54957-1025
PH 920.751.4200 FX 920.751.4284 MCMGRP.COM
DRAFTED BY: Corey W. Kalkofen, PLS

I FGFND

- - 3/4" x 18" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- - MAG NAIL FOUND
- ◐ - 3/4" ROUND STEEL REBAR FOUND
- - 1" IRON PIPE FOUND
- ◑ - 1 1/4" ROUND STEEL REBAR FOUND
- ◐ - CERTIFIED LAND CORNER
OUTAGAMIE COUNTY
- S.F. - SQUARE FEET
- () - RECORDED AS BEARING/DISTANCE

CERTIFIED SURVEY MAP NO. _____

SHEET 2 OF 4

ALL OF LOT 1, BLOCK 57 OF THE 1991 AMENDMENT TO THE 1917 ASSESSOR'S PLAT TO
THE VILLAGE OF LITTLE CHUTE, LOCATED IN GOVERNMENT LOT 3 OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY,
WISCONSIN

SURVEYOR'S CERTIFICATE

I, Corey W. Kalkofen, Wisconsin Professional Land Surveyor S-2726, certify that I have surveyed, divided and mapped all of Lot 1, Block 57 of the 1991 Amendment to the 1917 Assessor's Plat to the Village of Little Chute, located in Government Lot 3 of Section 21, Township 21 North, Range 18 East, Village of Little Chute, Outagamie County, Wisconsin containing 77,047 square feet (1.769 acres) of land.

That I have made this survey by the direction of the Owner(s) of said Land.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statues and the Village of Little Chute Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this _____ day of _____, 20____.

Corey W. Kalkofen, WI Professional Land Surveyor S-2726

CERTIFIED SURVEY MAP NO. _____

SHEET 3 OF 4

ALL OF LOT 1, BLOCK 57 OF THE 1991 AMENDMENT TO THE 1917 ASSESSOR'S PLAT TO
THE VILLAGE OF LITTLE CHUTE, LOCATED IN GOVERNMENT LOT 3 OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY,
WISCONSIN

VILLAGE BOARD APPROVAL CERTIFICATE

This Certified Survey Map was approved by the Village of Little Chute, Outagamie County, Wisconsin by the Village Board on this _____ day of _____, 20____.

Village President
Michael Vanden Berg

Village Clerk
Laurie Decker

CERTIFICATE OF VILLAGE FINANCE DIRECTOR

I, being the duly elected, qualified and acting Finance Director, do hereby certify that the records in my office show no unredeemed tax sales and no un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map as of: _____ affecting the lands.

CERTIFICATE OF COUNTY TREASURER

I, being the duly elected, qualified and acting Treasurer, do hereby certify that the records in my office show no unredeemed tax sales and no un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map as of: _____ affecting the lands.

NOTES

- THIS CSM IS ALL OF TAX PARCEL No. 26-0-0969-00.
- THE PROPERTY OWNER OF RECORD IS MORNING STAR RESPITE, LLC.
- THIS PROPERTY IS CONTAINED WHOLLY WITHIN LANDS DESCRIBED IN DOCUMENT No. 2121943.

CERTIFIED SURVEY MAP NO. _____

SHEET 4 OF 4

ALL OF LOT 1, BLOCK 57 OF THE 1991 AMENDMENT TO THE 1917 ASSESSOR'S PLAT
TO THE VILLAGE OF LITTLE CHUTE, LOCATED IN GOVERNMENT LOT 3 OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF LITTLE CHUTE, OUTAGAMIE COUNTY,
WISCONSIN

OWNER's CERTIFICATE

Morning Star Respite, LLC, As Owner(s), I/We hereby certify that I/we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this Certified Survey Map. I also certify that this Certified Survey Map is required by s. 236.10 or 236.12 of the Wisconsin Statutes to be submitted to the following or approval.

Village of Little Chute

Dated this _____ day of _____, 20____.

Authorized Signature

Authorized Signature

Printed Name _____

Printed Name _____

State of _____)

)ss

named person(s) to me

Personally appeared before me on the _____ day of _____, 20____, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

Notary Public

County, _____

My commission expires _____



Item For Consideration

For Plan Commission Review On: December 12, 2022

Prepared On: November 16, 2022

Agenda Item Topic: Message Boards Locations Selection

Prepared By: John McDonald DPRF

Report: Per the proposed 2023 Draft Budget, staff is recommending the purchase and installation of message boards throughout the Village. In addition, through a Cheesefest Donation request, the Cheesefest board will donate towards the purchase of 6 message boards. The department will purchase sponsorship signage to recognize this donation. With increased foot traffic on the trail system due to the new bridge, Kayak Launch, and new businesses, these deluxe-dual sided message boards will serve dual purposes in promoting/informing patrons of the village of our Park System and Downtown District. Each location suggested would give patrons specific park system information, overall map of the Village and Little Chute Business Association (LCBA) information.

Staff has prepared suggested locations for message boards throughout the Village. Staff is requesting discussion and approval of locations throughout the Village. (*See Attachment*)

After Park Planning Committee review and approval of all park locations, it was requested that Plan Commission Board specifically review and approve the Plaza location for a message board for final location. The potential to have an electronic message board was discussed as well.

Fiscal Impact: Cheesefest will donate the purchase of 6 message boards throughout the village. Upon approval of the 2023 adopted budget, the DPRF and Department of Community Development, will purchase 2 additional message boards.

Recommendation/Board Action: Staff is requesting that the Plan Commission approve a location for deluxe message board in the Village Hall Plaza area.

Respectfully Submitted,

John McDonald
Parks, Recreation, & Forestry



Item For Consideration

For Plan Commission Review On: 12/12/2022
Agenda Item Topic: Updates to Sec 44-391

Prepared On: 12/08/2022
Prepared By: Dave Kittel CDD

Report:

There has been an increase in request for Little Free Libraries in the Village of Little Chute. These types of exchanges are beneficial to community and provided a service that enriches the lives of our residents. Little Free Libraries can be found throughout the Fox Valley, the nation and been built in the Village of Little Chute as well. These types of exchanges are currently existing but, the Village Ordinance does not specifically address them. In order to ensure these types of exchanges that are beneficial to our community can continue and ensure they are placed in safe locations staff has drafted an update to Sec 44-391 below:

(p) Public Sharing box exchanges

- (1) Permit required from the Community Development Department. With such application there shall be submitted a fee pursuant to the village building code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed structure with respect to adjoining alleys, lot lines and buildings
- (2) Must securely protect their contents from infestation rainfall and other weather hazards, be safely secured, e.g. to the ground or a wall, and be clearly marked in such a way to clearly indicate that the box is a book, food or other type sharing box and part of an exchange. The box may be located in the front yard area but, shall not obstruct any vision triangle and must be at least 1 foot off the property line and easily accessible. No sharing box may be located in the rear or side yard or an unsafe location as determined by the Community Development Director. Boxes shall be maintained so they do not give an appearance of blight or disrepair. Any lighting must be approved by Community Development Department, shall not be a nuisance to neighbors, and all electrical must be in compliance with the Building Code.
- (3) By establishing a sharing box exchange, the property owner is automatically establishing an easement for public access to the exchange box. To ensure the safety of the public and those using the box, the fire chief/fire inspector, police chief and public health officer (or their designees) shall have unrestricted access to the boxes (and contents) for the purpose of inspection and compliance with this ordinance and any other applicable codes.



Item For Consideration

Fiscal Impact: None

Recommendation/Board Action: To Recommend approval of the updates to Sec 44-391
Pending legal review

Respectfully Submitted,

Dave Kittel, Community Development Director



Item For Consideration

Sec. 44-464. Site plan approval.

- (a) *Required for construction or other development.* All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residential districts, shall require site plan approval by a site plan review committee consisting of the village administrator, director of public works, Village Engineer and director of community development, plus one available plan commission member in accordance with the requirements of this section.
- (b) *Application.* The applicant for a zoning permit shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the site plan review committee or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this zoning chapter.
- (c) *Administration.* The building inspector shall make a preliminary review of the application and plans and refer them, along with a report of the findings, to the site plan review committee within 30 days. The site plan review committee shall review the application and may refer the application and plans to any expert consultants selected by the committee to advise whether the application and plans meet the requirements applicable thereto in this section. Within 30 days of its receipt of the application, the Once the committee has convened and reviewed plans the committee shall authorize the zoning administrator to issue or refuse a zoning permit once all comments from the committee have been addressed to the satisfaction of the site plan review committee. After receipt of the application, the committee shall provide the applicant with direction or comments from the zoning administrator within 30 days. Approval or denial shall be communicated within a reasonable timeline based on the scope of the application
- (d) *Requirements.* In acting on any site plan, the site plan review committee shall consider the following:
 - (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
 - (2) The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site. The site plan review committee may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.
- (e) *Effect on municipal services.* Before granting any site approval, the site plan review committee may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the village engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the site plan review committee shall forward its recommendations to the village board and shall not issue final approval until the village board has entered into an agreement with the applicant regarding the development of such facilities.
- (f) *Site plan review fees.* All plans and applications filed with the site plan review committee shall be accompanied by payment of a required fee of \$300.00500.00 to cover administrative costs involved for the first and a second submittal if needed, any additional submittal will be charged the review fee again.

(Code 2006, § 13-1-245; Ord. No. 8(Ser. of 1996), 4-17-1996; Ord. No. 25(Ser. of 2005), 11-2-2005)

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. , SERIES OF 2023

AN ORDINANCE AMENDING THE ZONING CODE SECTION 44-391 OF THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE.

WHEREAS, the Plan Commission of the Village of Little Chute has recommended the following ordinance amendments; and,

WHEREAS, the required public hearing has been held before the Village Board of Trustees, Village of Little Chute; and,

WHEREAS, the Village Board of Trustees, Village of Little Chute, finds the following ordinance amendments to be in the public interest;

NOW, THEREFORE, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

Section 1. That the Zoning Ordinance, Section 44-391 of the Municipal Code of the Village of Little Chute are hereby amended by adding the underlined language as set forth below:

Sec. 44-391. Accessory uses or structures.

- (a) *Building permit required.* No owner shall, within the village, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the building inspector. Application for an accessory building permit shall be made, in writing, to the building inspector. With such application, there shall be submitted a fee pursuant to the village building code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved.
- (b) *Principal use to be present; exception.*
 - (1) An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
 - (2) Exception. It is allowed that a single storage shed, not greater than 12 feet in height and 144 square feet in area used solely for storage of lawn care equipment is allowed to be established prior to the establishment of a principal use or structure.
- (c) *Residential districts.*
 - (1) *Placement restrictions.* An accessory use or structure in a one-family or two-family residential district may be established subject to the following regulations:
 - a. *Number limits.* In any residential district, in addition to the principal building and attached garage, a detached garage and one additional accessory building and one children's play structure may be placed on a lot.
 - b. *Size limits.* Garages and other detached accessory buildings shall be less than 16 feet in height. Detached garages shall not exceed 960 square feet in area. Residential Greenhouses shall not exceed

400 square feet in area and shall be 12 feet or less in height. Other accessory buildings shall not exceed 200 square feet in area.

- c. *Attachment restrictions.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- d. *Detached structure regulations; lot area coverage.* No detached accessory building shall occupy any portion of the required front or side yard. No detached accessory structure shall occupy more than 30 percent of the required rear yard or be located within three feet of any other accessory building, principal building or lot line. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- e. *Accessory structures.* Notwithstanding fences, residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within three feet of any accessory building, principal building or lot line.
- f. *Attached structures.* Notwithstanding fences, residential driveways and parking lots, all structures located within 12 inches of any principal or accessory building shall be considered to be attached to said building and shall comply with all requirements for the building to which it is attached.

(2) *Use restrictions.* Accessory structures in residential districts shall not involve the conduct of any business, trade or industry as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.

- (d) *Nonresidential districts; placement restrictions.* Notwithstanding signs, pavement and fences as allowed within district regulations, accessory structures may be established in the front, rear or side yard and shall not be nearer than five feet to any side or rear lot line or 25 feet to a front lot line in any commercial or industrial district. The design and materials of any accessory structure which may be proposed to be located under this section within a front setback must have prior approval of the plan commission.
- (e) *Reversed corner lots.* When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- (f) *Landscaping uses.* Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (g) *Temporary uses.* Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the zoning administrator.
- (h) *Garages in embankments in front yards.* Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) That at least one-half the height of such private garage shall be below the mean grade of the front yard.
- (i) *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (j) *Lawn accessories.* Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flagpoles, etc., shall be permitted in setback areas but not closer than three feet to an abutting property line other than a street line.

(k) *Retaining walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between lot lines and any series of such walls.

(l) *Children's play structures.* For purposes of this section, children's play structures, including playhouses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such play structures are placed on a foundation or not. Swing sets, slides, sandboxes, and other generally portable play devices are not considered children's play structures for purposes of this section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.

(m) *Terrace area restrictions.* In addition to the definitions and restrictions contained in sections 40-66 and 40-148, no person shall place any accessory structure or use, including basketball backboard hoops, in the terrace area.

(n) *Portable storage units.*

(1) *Permitted zoning districts: RC, RT, RM, MH.* When incidental to a residential dwelling:

a. A temporary use permit is required pursuant to this section.

b. One portable storage unit shall be the maximum number allowed on a lot for no more than 30 consecutive days and no more than 60 total days per calendar year.

c. The portable storage unit shall be placed on an impervious surface.

d. The portable storage unit shall not be located within ten feet of a street property line.

e. The portable storage unit shall not be located within the vision corner.

f. Portable storage units shall not be used for the purposes of a garage or shed.

(2) *Permitted zoning districts: CH, CB, CS, ID, IT.* When incidental to a permitted principle use:

a. No more than three temporary use permits per business shall be issued per calendar year.

b. Two portable storage units shall be the maximum allowed per temporary use permit.

c. The maximum time limit per temporary use permit shall be 30 days.

d. Portable storage units shall be placed on an impervious surface.

e. Portable storage units may be placed on a lot within a designated loading space.

f. The portable storage unit shall not be located within the required front setback unless permitted by the community development director.

g. Portable storage units shall not be used for the purposes of a garage, shed or other on-site storage.

(n) *Safety:* All accessory structures shall be secured to the ground by a foundation, appropriately sized ground anchors or in a manner approved by the Building Inspector.

(p) *Public Sharing box exchanges*

(1) Permit required from the Community Development Department. With such application there shall be submitted a fee pursuant to the village building code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed structure with respect to adjoining alleys, lot lines and buildings

(2) Must securely protect their contents from infestation rainfall and other weather hazards, be safely secured, e.g. to the ground or a wall, and be clearly marked in such a way to clearly indicate that the box is a book, food or other type sharing box and part of an exchange. The box may be located in the front yard area but, shall not obstruct any vision triangle and must be at least 1 foot off the property line and easily accessible. No sharing box may be located in the rear or side yard or an unsafe location as determined by the Community Development Director. Boxes shall be maintained so they do not give an appearance of blight or disrepair. Any lighting must be

approved by Community Development Department, shall not be a nuisance to neighbors, and all electrical must be in compliance with the Building Code.

(3) By establishing a sharing box exchange, the property owner is automatically establishing an easement for public access to the exchange box. To ensure the safety of the public and those using the box, the fire chief/fire inspector, police chief and public health officer (or their designees) shall have unrestricted access to the boxes (and contents) for the purpose of inspection and compliance with this ordinance and any other applicable codes.

(Code 2006, § 13-1-200; Ord. No. 13(Ser. of 2008), § 1, 11-5-2008)

Section 2. Effective Date. This Ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.

Introduced: December 21, 2022

Approved and adopted: January , 2023

VILLAGE OF LITTLE CHUTE

By: _____
Michael R. Vanden Berg, Village President

Attest: _____

Laurie Decker, Village Clerk

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. , SERIES OF 2023

**AN ORDINANCE AMENDING THE ZONING CODE SECTION 44-5 AND SECTION 44-391 OF THE
VILLAGE OF LITTLE CHUTE MUNICIPAL CODE.**

WHEREAS, the Plan Commission of the Village of Little Chute has recommended the following ordinance amendments; and,

WHEREAS, the required public hearing has been held before the Village Board of Trustees, Village of Little Chute; and,

WHEREAS, the Village Board of Trustees, Village of Little Chute, finds the following ordinance amendments to be in the public interest;

NOW, THEREFORE, the Village Board of Trustees, Village of Little Chute, do ordain as follows:

Section 1. That the Zoning Ordinance, Section 44-5 of the Municipal Code of the Village of Little Chute are hereby amended to add the following definition:

Residential Greenhouse means a structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

Section 2. That the Zoning Ordinance, Section 44-391 of the Municipal Code of the Village of Little Chute are hereby amended by adding the underlined language as set forth below:

Sec. 44-391. Accessory uses or structures.

- (a) *Building permit required.* No owner shall, within the village, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the building inspector. Application for an accessory building permit shall be made, in writing, to the building inspector. With such application, there shall be submitted a fee pursuant to the village building code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved.
- (b) *Principal use to be present; exception.*
 - (1) An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
 - (2) Exception. It is allowed that a single storage shed, not greater than 12 feet in height and 144 square feet in area used solely for storage of lawn care equipment is allowed to be established prior to the establishment of a principal use or structure.
- (c) *Residential districts.*
 - (1) *Placement restrictions.* An accessory use or structure in a one-family or two-family residential district may be established subject to the following regulations:

- a. *Number limits.* In any residential district, in addition to the principal building and attached garage, a detached garage and one additional accessory building and one children's play structure may be placed on a lot.
- b. *Size limits.* Garages and other detached accessory buildings shall be less than 16 feet in height. Detached garages shall not exceed 960 square feet in area. Residential Greenhouses shall not exceed 400 square feet in area and shall be 12 feet or less in height. Other accessory buildings shall not exceed 200 square feet in area.
- c. *Attachment restrictions.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- d. *Detached structure regulations; lot area coverage.* No detached accessory building shall occupy any portion of the required front or side yard. No detached accessory structure shall occupy more than 30 percent of the required rear yard or be located within three feet of any other accessory building, principal building or lot line. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures. In no event can the accessory uses or structures be forward of the front line of the principal structure.
- e. *Accessory structures.* Notwithstanding fences, residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within three feet of any accessory building, principal building or lot line.
- f. *Attached structures.* Notwithstanding fences, residential driveways and parking lots, all structures located within 12 inches of any principal or accessory building shall be considered to be attached to said building and shall comply with all requirements for the building to which it is attached.

- (2) *Use restrictions.* Accessory structures in residential districts shall not involve the conduct of any business, trade or industry as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.

- (d) *Nonresidential districts; placement restrictions.* Notwithstanding signs, pavement and fences as allowed within district regulations, accessory structures may be established in the front, rear or side yard and shall not be nearer than five feet to any side or rear lot line or 25 feet to a front lot line in any commercial or industrial district. The design and materials of any accessory structure which may be proposed to be located under this section within a front setback must have prior approval of the plan commission.
- (e) *Reversed corner lots.* When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.
- (f) *Landscaping uses.* Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (g) *Temporary uses.* Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the zoning administrator.
- (h) *Garages in embankments in front yards.* Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows:
 - (1) That such private garage shall be located not less than five feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) That at least one-half the height of such private garage shall be below the mean grade of the front yard.

- (i) *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
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- (k) *Retaining walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between lot lines and any series of such walls.
- (l) *Children's play structures.* For purposes of this section, children's play structures, including playhouses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section whether such play structures are placed on a foundation or not. Swing sets, slides, sandboxes, and other generally portable play devices are not considered children's play structures for purposes of this section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
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- (n) *Portable storage units.*
 - (1) *Permitted zoning districts: RC, RT, RM, MH.* When incidental to a residential dwelling:
 - a. A temporary use permit is required pursuant to this section.
 - b. One portable storage unit shall be the maximum number allowed on a lot for no more than 30 consecutive days and no more than 60 total days per calendar year.
 - c. The portable storage unit shall be placed on an impervious surface.
 - d. The portable storage unit shall not be located within ten feet of a street property line.
 - e. The portable storage unit shall not be located within the vision corner.
 - f. Portable storage units shall not be used for the purposes of a garage or shed.
 - (2) *Permitted zoning districts: CH, CB, CS, ID, IT.* When incidental to a permitted principle use:
 - a. No more than three temporary use permits per business shall be issued per calendar year.
 - b. Two portable storage units shall be the maximum allowed per temporary use permit.
 - c. The maximum time limit per temporary use permit shall be 30 days.
 - d. Portable storage units shall be placed on an impervious surface.
 - e. Portable storage units may be placed on a lot within a designated loading space.
 - f. The portable storage unit shall not be located within the required front setback unless permitted by the community development director.
 - g. Portable storage units shall not be used for the purposes of a garage, shed or other on-site storage.

(n) *Safety: All accessory structures shall be secured to the ground by a foundation, appropriately sized ground anchors or in a manner approved by the Building Inspector.*

(Code 2006, § 13-1-200; Ord. No. 13(Ser. of 2008), § 1, 11-5-2008)

Section 3. Effective Date. This Ordinance shall take effect upon the adoption and publication and enactment of the Ordinance by the Village Board of Trustees, Village of Little Chute.

Introduced: December 21, 2022

Approved and adopted: January , 2023

VILLAGE OF LITTLE CHUTE

By: _____

Michael R. Vanden Berg, Village President

Attest: _____

Laurie Decker, Village Clerk

DRAFT

DRAFT