

VILLAGE OF LITTLE CHUTE

ORDINANCE NO. 02, 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. *Attachement 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 the 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 18, 2023

VILLAGE OF LITTLE CHUTE

By: Michael R. Vanden Berg
Michael R. Vanden Berg, Village President

Attest: Laurie Decker
Laurie Decker, Village Clerk