

SUBCHAPTER 4: LAND USES

SUBCHAPTER 4: LAND USES**22.400 GENERAL INFORMATION**

- (1) **PURPOSE:** The purpose of this Subchapter is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Subchapter also imposes regulations which are specific to the different types of land uses identified herein.
- (2) **LAND USE CATEGORIES:** The land uses discussed herein are divided into ten (10) general categories:
1. Residential land uses
 2. Agricultural land uses
 3. Institutional land uses
 4. Commercial land uses
 5. Storage/Disposal land uses
 6. Transportation land uses
 7. Industrial land uses
 8. Accessory land uses
 9. Temporary land uses
- (3) **GROUP DEVELOPMENTS:** A group development is any development containing (a) two or more structures containing principal land uses on the same lot; or (b) two or more principal land uses in a single structure. Group developments are allowed as conditional uses in all zoning districts, provided that the proposed uses within the group development are either permitted uses or conditional uses within the zoning district in question. Group developments require special consideration because of the unique issues which arise when several principal structures, and/or several land uses are located on the same lot. Hence, additional regulations are imposed on group developments in Section 22.414.
- (4) **CLASSIFICATION OF USES:**
- (a) **Permitted Uses:** Permitted uses of land or buildings shall be restricted to the districts indicated in Subchapter 2, and under the condition specified. No land or structure shall be devoted to any use other than a use permitted in the zoning district in which the land or structure is located, except for (i) approved conditional uses, or (ii) legal non-conforming uses.

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- (b) **Conditional Uses:** Conditional uses of land or structures shall be restricted to the districts indicated in Subchapter 2, subject to the issuance of conditional use permits in accordance with Section 25.905.
 - (c) **Omitted Uses:** Land uses which are not specifically described in this Chapter are not allowed in the Town. However, Subchapter 9 empowers applicants to amend this Chapter to address omitted land uses.
 - (d) **Unused Uses:** The establishment of a particular land use herein does not require the Town to employ it in any zoning district. Some land uses have been created for possible future use and to illustrate the differences between various land uses.
- (5) **ILLUSTRATIONS:** The illustrations contained herein demonstrate how to measure the various setback requirements labeled in capital letters.
- (6) **DISCRIMINATION AGAINST CONDOMINIUM FORMS OF OWNERSHIP:** It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with ' 703.27 Wis. Stats. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically similar forms of development.

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22.401 REGULATIONS APPLICABLE TO ALL LAND USES

All Uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

- (1) **LAND USE REGULATIONS AND REQUIREMENTS:** All uses of land shall comply with all the regulations of this Subchapter. Such regulations address both general and specific regulations which land uses shall adhere to and which are directly related to the protection of the health, safety and general welfare of the residents of the Town.
- (2) **ZONING DISTRICT REGULATIONS:** All land uses shall comply with the regulations of Subchapter 2 *Standard Zoning Districts* and Subchapter 3 *Overlay Zoning Districts*. Such regulations address requirements for residential and nonresidential developments and requirements relating to the density, intensity, and bulk of developments, which are directly related to the protection of the health, safety and general welfare of the Town.
- (3) **LANDSCAPING AND BUFFERYARD REGULATIONS AND REQUIREMENTS:** All development of land shall comply with all the regulations and requirements of Subchapter 6, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the Town.
- (4) **GENERAL STANDARDS:** All development of land shall comply with all the regulations and requirements of Subchapter 5 which sets forth the general requirements applicable to all development for all land uses in all zoning districts. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.
- (5) **SIGNAGE REGULATIONS AND REQUIREMENTS:** All land use and/or development of land

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shall comply with all the regulations and requirements of Subchapter 8, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.

- (6) **PROCEDURAL REGULATIONS AND REQUIREMENTS:** All land uses and/or development of land shall comply with all the regulations and requirements of Subchapter 9, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.
- (7) **NUMBER OF BUILDINGS PER LOT:** In the AG, RR, ER-1, SR-3 and SR-4 Districts, only one principal building shall be permitted on any one lot. In the TR-6, MR-8, MR-10, NO, PO, NB, PB, GB, CB, PI, GI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit (Section 22.905) for a Group Development (Section 22.414).
- (8) **NUMBER OF LAND USES PER BUILDING:**
- (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit (Section 22.905) for a Group Development (22.414) is granted.
 - (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 22.412(1) and 22.412(10)).
- (9) **DIVISION OR COMBINING OF A LOT:** No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations.)

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22.402 NONCONFORMING USE REGULATIONS

- (1) **DEFINITION:** A nonconforming use is an active and actual use of land or structures, or both, legally established prior to the effective date of this Chapter, which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **CONTINUANCE OF A NONCONFORMING USE:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 22.905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 22.903) to an appropriate zoning district to be granted legal conforming use status.
- (3) **MODIFICATION OF A NONCONFORMING USE:** A nonconforming use shall not be expanded, or changed to another nonconforming use, unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Plan Commission). After such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
- (4) **DISCONTINUANCE OF A NONCONFORMING USE:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, for any period of time, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **MAINTENANCE OF A NONCONFORMING USE:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs or alterations exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.

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- (6) **DESTRUCTION OF NONCONFORMING USES:** A building or structure, containing a legal non-conforming use, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the legal nonconforming use may be continued thereafter, provided that the total cost of all the repairs (both structural and non-structural) does not exceed 50% of the assessed value of the building or structure. However, if the cost to repair the building or structure exceeds 50% of the assessed value of the building or structure, then the building or structure shall not be allowed to be repaired and then used for a nonconforming use, except in the following circumstances:
- (a) The following legal nonconforming uses may be allowed, by conditional use, to rebuild as a non-conforming use regardless of the cost of repairs:
 - 1. Single -family detached (section 22.405(1));
 - 2. Duplex (section 22.405(2));
 - 3. Townhouse (section 22.405(3))
 - (b) A legal non-conforming use, which owns and occupies two or more principal buildings or structures in close proximity to one another (e.g. an industry which has 2 or more buildings located next to each other on separate tax parcels), may be allowed, by conditional use, to rebuild as a nonconforming use provided that the total cost of the rebuilding does not exceed 50% of the assessed value of all the adjacent buildings and structures owned and occupied by that nonconforming use. Nothing herein shall be construed to prohibit the repair or rebuilding of a building or structure which will contain a legal conforming use after the repairs are completed, provided the building or structure itself conforms with the other provisions of this Ordinance. (For regulations dealing with ~~A~~Destruction of Non-conforming Structures,[@] see. 22.541)
- (7) **NONCONFORMING LOTS, STRUCTURES, & BUILDINGS:** See Sections 22.538 and 22.539.

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22.403 RESERVED FOR FUTURE USE

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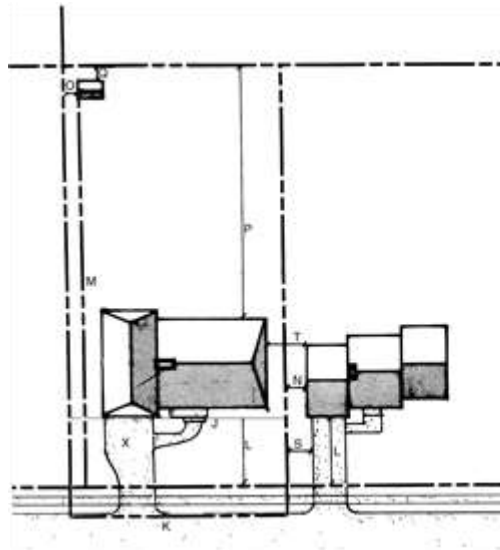
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22.405 RESIDENTIAL LAND USES**(1) SINGLE-FAMILY DETACHED:**

(a) **Description:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

(b) **Regulations:**

1. The dwelling unit must be one of the following: (i) a site-built structure, built in compliance with the UDC, or (ii) a manufactured dwelling (modular home) as permitted by the UDC, or (iii) a manufactured home as permitted by the HUD code.
2. For all dwelling units, the use of a permanent, continuous UDC foundation is required.
3. This dwelling unit type may not be split into two or more residences.



All below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.

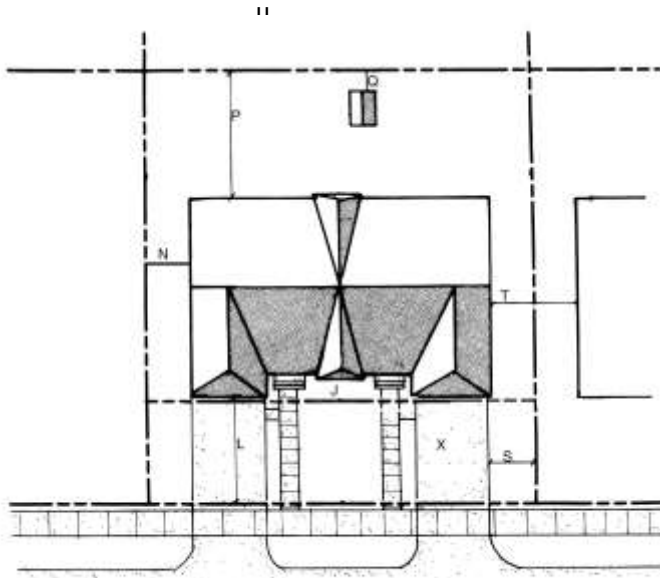
Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

Single-Family Detached Dwelling Unit

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22.405 (2) DUPLEX:

- (a) **Description:** This dwelling unit type consists of a single, two-family dwelling unit, which is in complete compliance with the State of Wisconsin One and Two-Family Dwelling Code (s. 101.60.66), and which has two individual dwelling units located side-by-side, or on multiple levels, upon a single lot. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three month).
- (b) **Regulations:**
1. In side-by-side duplexes, a fire-rated wall assembly division, pursuant to the UBC, between the two dwelling units from the lowest level to flush against the underside of the roof.
 2. Individual entrances are required for each dwelling unit.
 3. The two residences must be located on the same lot. (The Townhouse is distinguished from the Duplex merely by having each unit located on an individual lot or within a group development).
 4. A Duplex may not be expanded into additional (i.e. more than 2) dwelling



b

elow-gra5. All Below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.

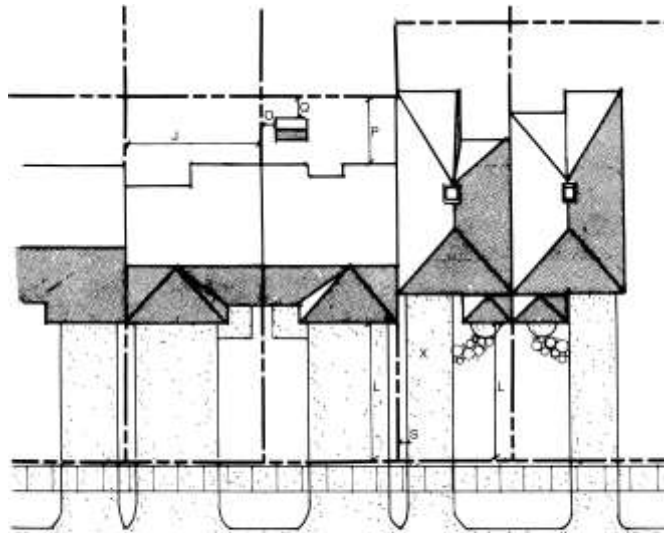
6. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Duplex

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22.405 (3) TOWNHOUSE:

- (a) **Description:** This residential dwelling unit type consists of attached side-by-side, single-family residences, each having private, individual access, and each located on a separate lot or within a group development. Separate lots permit, but do not require, ownership of each unit by a different person. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months). (Compare, duplexes which are located on a single lot and do not accommodate separate ownership of each unit.)
- (b) **Regulations:**
1. A fire-rated wall assembly division, pursuant to the UBC, shall be constructed between each dwelling unit from the lowest level through the roof.
 2. Individual sanitary sewer and water laterals are required for each dwelling unit.
 3. No more than 8 townhouse dwelling units may be attached per group.
 4. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development.
 5. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Townhouse

Townhouse



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22.405 (4) MULTIPLEX:

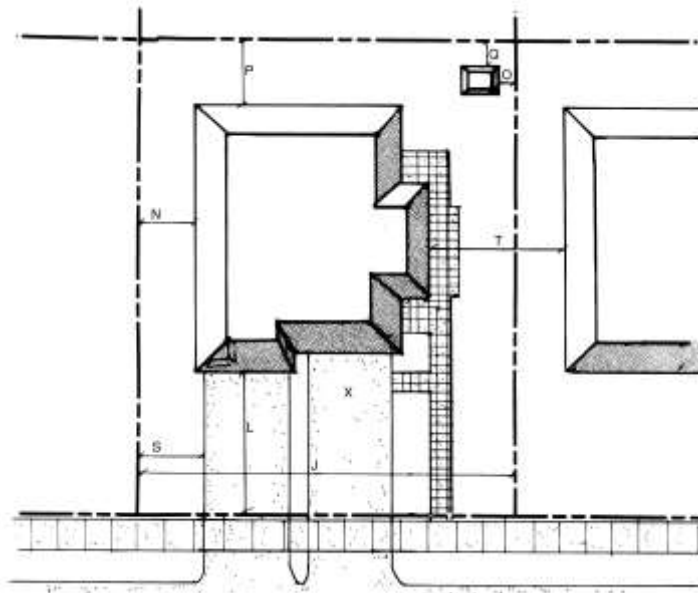
- (a) **Description:** This residential dwelling unit type is owned by a single entity and consists of 3 or more attached dwelling units, each of which has a private, individual exterior entrance. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).
- (b) **Regulations:**
1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level through the roof.
 2. No more than 16 and no less than 3 dwelling units may be attached in a single building.
 3. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.
 4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Multiplex

Multiplex

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22.405 (5) APARTMENT:

- (a) **Description:** This dwelling unit type consists of 3 or more attached dwelling units which provide access to the dwelling units from a shared entrance or hallway. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).
- (b) **Regulations:** The following regulations apply to all Apartments wherever located in the Extraterritorial Zoning District:
1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level to the underside of the roof.
 2. No more than 16 and no less than 3 dwelling units may be located in a single building. (2-unit buildings are either duplexes or Townhouses).
 3. As part of the conditional use requirements for group developments, any



development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.

4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Apartment

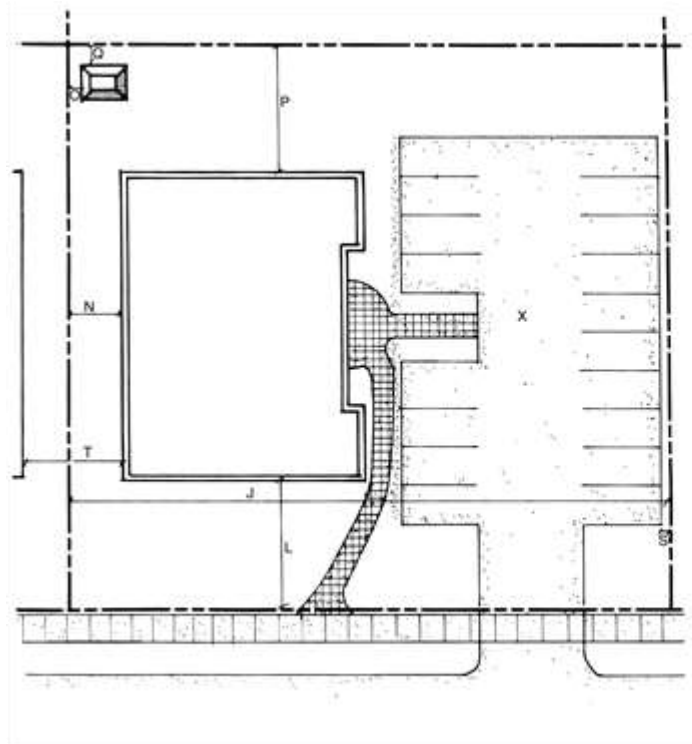
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22.405 (6) MOBILE HOME:

(a) **Description:** This dwelling unit type consists of a structure, manufactured or assembled before June 15, 1976, which was designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and which was designed to be used primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. (Statutory reference Sec. 101.91(2k) Wis. Stats.). Mobile homes are distinguishable from Manufactured Homes.

(b) **Regulations:**

1. No mobile home may be placed, parked, stored or occupied within the Town unless
 - a. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or



ely offered Afor sale@ at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is engaged in the business of selling new mobile homes.

(c) **Manufactured Home:** Manufactured homes are treated like other stick-built homes.

(7) **INSTITUTIONAL RESIDENTIAL DEVELOPMENT:**

(a) **Description:** (See, Section 22.406(6))

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(b) Regulations:

1. See, Section 22.406(6)
2. This use is also listed as a ~~Aresidential use~~ so that both the residential and the non-residential regulations of Subchapter 2 shall apply, because these uses combine features of residential and non-residential uses.

(8) MOBILE HOME/MANUFACTURED HOME PARK:

(a) Description: This land use is a form of residential development which is exclusively reserved for,

1. conventional mobile home/manufactured home parks, in which all of the lots are owned by a single entity and rented (with or without homes) to individuals; and
2. mobile home/manufactured home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners.

Although mobile homes can not be placed, parked, or stored in the Town (as per section 22.405(6)), this land use includes mobile homes to cover existing parks (if any) with mobile homes that are non-conforming structures and non-conforming uses.

(b) Regulations:

1. Developments shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
2. Developments shall comply with the same landscaping and bufferyard requirements as the Multi-family Residential District, as specified in Section 22.207(2).
3. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 22.405(6).
4. A blanket variance is hereby granted to all existing mobile home/manufactured home parks located in the Town upon the effective date of this ordinance. This blanket variance will permit such parks to continue operation. However, such parks may not be expanded or altered except in compliance with this Ordinance. Nothing herein shall limit or waive the obligation of each park to comply with all other licensing or permitting requirements of the Township.

Rationale: The purpose of this blanket variance is to make sure that the continued operation of existing mobile home/manufactured home parks are not affected by this ordinance, but any expansion or modification of existing parks shall comply with this new ordinance. It is expected that park

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expansions or modifications shall be pursued either as a conditional use within the MF District (22.207(2)), or as a Planned Development (22.209). This blanket variance ensures that existing parks do not encounter difficulty when transferring ownership, because they would otherwise be considered nonconforming uses, and it ensures that mobile homes within the parks can be removed and replaced with manufactured homes without triggering the need for a zoning permit.

5. Each dwelling shall be occupied by not more than one family.
6. Each park shall be surrounded by an additional set back and buffer yard of 100 feet, which shall contain at least 500 landscaping points per 100 feet.

22.406 AGRICULTURAL LAND USES**(1) CULTIVATION:**

- (a) **Description:** Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants for commercial sale or for livestock feed. This land use includes trees which were raised as a crop, such as in nursery or Christmas tree operations. It also includes trees which are subject to the "managed forest crop land" program.

- (b) **Regulations:**

1. In all Natural Resource Protection Overlay Districts, cultivation is allowed only as a conditional use, provided the area proposed for cultivation is designated on the submitted site plan and/or recorded Plat or CSM as an "area which may be used for cultivation."

(2) HUSBANDRY:

- (a) **Description:** Husbandry land uses include all operations which are primarily oriented to the on-site raising and/or use of animals, and which are not regulated by section 93.90 Wis. Stats. Apiaries are considered husbandry land uses.

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(b) Regulations:

1. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
2. Any outdoor animal containment (e.g. corrals, barn yards, feeding pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property. This requirement does not apply to containments of 5 acres or more where animals graze. (e.g. pastures)
3. The use of "used" mobile homes, manufactured homes which are portable on a frame with wheels, or trailers to house animals, equipment, feed or other materials shall be prohibited.
4. Parking Requirements: One space per employee on the largest work shift.
(Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

(3) INTENSIVE AGRICULTURE:

- (a) Description:** Intensive agricultural land uses include all operations regulated by 93.90 Wis. Stats.
- (b) Regulations:** The following regulations shall apply to the extent that they are not preempted by the Wisconsin Livestock Facility Siting Law (93.90 Wis. Stats.):
 1. Shall not be located in, or within 500 feet of an existing or platted residential subdivision.
 2. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 22.610.)
 3. All livestock structures (excluding waste storage structures) must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that such structure may not be expanded closer to the property line. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
 4. All livestock structures (excluding waste storage structures) must be located

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a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 150 feet from all public road rights-of-way.

5. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
 - b. No larger than the existing structure;
 - c. No further than 50 ft. from the existing structure; and
 - d. No closer to the road or property line than the existing structure.This setback requirement *does not apply* to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand *toward* that property line or road.
6. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
7. Parking Requirements: One space per employee on the largest work shift.
(Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

22.406 (4) AGRICULTURAL SERVICE:

- (a) **Description:** Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and 22-4-18 agricultural waste disposal facilities (except

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commercial composting uses, see Section 22.409(6)).

(b) **Regulations:**

1. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
2. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
3. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
4. **Parking Requirements:** One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

22.406 (5) ON-SITE AGRICULTURAL RETAIL:

- (a) **Description:** On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

(b) **Regulations:**

1. Retail operations shall be located a minimum of 300 feet from any residentially zoned property.
2. **Parking Requirements:** One space per employee on the largest work shift and four spaces for customers. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

(6) **SELECTIVE CUTTING:**

- (a) **Description:** Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees, which are natural woodlands not included in section 22.406(1), where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on a parcel.

- (b) **Regulations:** The destruction of trees in an area in excess of this amount of the

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woodlands on a parcel shall be considered clear cutting, (see (7), below).

(7) CLEAR CUTTING:

- (a) Description:** Clear cutting land uses include the onetime, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees, which are natural woodlands not included in section 22.406(1), where the extent of such activity covers an area (or combined areas) of more than 30% of the woodlands on a parcel.
- (b) Regulations:** The following regulations apply to all Clear Cutting uses wherever located in the Town:

 - 1. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 - 2. Applicant shall provide a written statement from the County Forrester containing the Forrester=s opinion of the applicant=s cutting proposal.
 - 3. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of Section 22.936) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of fire or other natural disaster shall not subject the owner of the property to fines associated with the violation of this Chapter. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 22.609.
 - 4. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 22.610), or within an area designated as natural resource protection area.

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(a) **Description:** Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

(b) **Regulations:**

1. In all Natural Resource Protection Overlay Districts, the area of use shall be limited to an 8-foot wide pathway.
2. **Parking Requirements:** Four spaces plus one space per four expected patrons at maximum.

(2) ACTIVE OUTDOOR PUBLIC RECREATIONAL:

(a) **Description:** Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

(b) **Regulations:**

1. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
2. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if a significant number of the users will be children or elderly.
4. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas.
5. **Parking Requirements:** Four spaces plus one space per four expected patrons at maximum capacity.

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(3) INDOOR INSTITUTIONAL:

- (a) **Description:** Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(b) **Regulations:**

1. Shall provide off-street passenger loading area if a significant number of the users will be children or elderly (as in the case of a school, church, library, or similar land use).
2. All structures shall be located a minimum of 50 feet from any residentially zoned property.
3. **Parking Requirements:** Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:

Church: one space per five seats at the maximum capacity.

Community or Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

22.407 (4) OUTDOOR INSTITUTIONAL:

- (a) **Description:** Outdoor institutional land uses include public and private cemeteries, country clubs, golf courses, and similar land uses.

(b) **Regulations:**

1. Shall provide off-street passenger loading area.
2. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
4. **Parking Requirements:** Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:

Cemetery: one space per employee, plus one space per three patrons

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to the maximum capacity of all indoor assembly areas.

Golf Course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

Swimming Pool: one space per 75 square feet of gross water area.

Tennis Court: three spaces per court.

(5) **PUBLIC SERVICE AND UTILITIES:**

(a) **Description:** Public service and utilities land uses include all Town, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

(b) **Regulations:**

1. Outdoor storage areas shall be located a minimum of 200 feet from any residentially zoned property.
2. Outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
3. All structures shall be located a minimum of 200 feet from any residentially zoned property.
4. Existing facilities may be expanded only by conditional use.
5. **Parking Requirements:** One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

22.407 (6) **INSTITUTIONAL RESIDENTIAL:**

(a) **Description:** Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, retirement homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23.

(b) **Regulations:**

1. The development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
2. A minimum of 30% of the development's Gross Site Area (GSA) shall be held

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as permanently protected green space.

3. The Development shall provide an off-street passenger loading area.
4. All structures shall be located a minimum of 200 feet from any residentially zoned property which does not contain an institutional residential land use.
5. Parking Requirements: one space per six residents or per six patient beds, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend, plus one space per regularly-scheduled visiting doctor or other health care provider.

(7) COMMUNITY LIVING ARRANGEMENT (CLA):

(a) Description: Community Living Arrangement (CLA) land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. CLA=s do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). CLA facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23.

(b) Regulations: The following regulations apply to all CLA=s:

1. No CLA shall be established within 2,500 feet of any other such facility regardless of its capacity.
2. The applicant shall demonstrate that the total capacity of all CLA=s (of all capacities) in the Town shall not exceed 25 or 1 percent of the Town's population, whichever is greater, unless specifically authorized by the Town Board following a public hearing.
3. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to 1., above; and shall not be subject to, or count toward, the total arrived at in 2., above.
4. Parking Requirements: One space per owner and per employee on the largest work shift, plus one space per 3 tenants.
5. Capacity / Location: Pursuant to sec.62.23(7)(i) Wis. Stats.,
 - a. CLA=s with capacity for 8 or fewer persons and which meet the criteria of Sec. 62.23(7)(i)(3) shall be permitted to locate in any residential zoning district.
 - b. CLA=s with capacity for 9 to 15 persons and which meet the criteria of Sec. 62.23(7)(i)(4) shall be permitted to locate in any residential zoning district except in single-family zoning districts (e.g. RR & SF

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districts).

22.408 COMMERCIAL LAND USES**(1) OFFICE:**

(a) **Description:** Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see (2) below).

(b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Extraterritorial Zoning District:

1. **Parking Requirements:** One space per 300 square feet of gross floor area.

(2) PERSONAL OR PROFESSIONAL SERVICE:

(a) **Description:** Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to individuals (e.g. customer, client, patients, etc.) on a walk-in or appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses, but do not include sexually-oriented land uses (see 22.408(16)).

(b) **Regulations:**

1. **Parking Requirements:** One space per 300 square feet of gross floor area.

(3) INDOOR SALES OR SERVICE:

(a) **Description:** Indoor sales and service land uses include all exclusively indoor land uses whose primary function is the sale or rental of merchandise or equipment, or the delivery of non-personal or non-professional services (e.g. coin-operated Laundromats, copying services, etc.).

(b) **Regulations:**

1. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the Table of Land Uses, (Section 22.412(6)).

2. A land use which has an outdoor sales area exceeding 15% of the total sales area of the building(s) on the property shall be considered as an outdoor sales land use, (See (4), below.).

3. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as

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"light industrial uses incidental to indoor sales" (see, Section 22.412(9)).

4. **Parking Requirements:** One space per 300 square feet of gross floor area. Parking spaces in service bays, in loading bays, in drive-thru lanes, at gas pumps, in car washes, or in similar locations, do not count toward this parking requirement.

(4) OUTDOOR DISPLAY:

- (a) **Description:** Outdoor display land uses include all land uses which conduct sales, or display merchandise or equipment for sale or rent outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales, and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5), below, also.) (Land uses which display only a limited amount of product outside of an enclosed building, are listed separately in Sections 22.412(6) as "Outdoor Display Incidental to Indoor Sales".)

(b) Regulations:

1. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
2. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
3. The display of items shall not be permitted within required setback areas for the principal structure, except by conditional use.
4. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 22.509. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
5. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either onsite or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

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7. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 8. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed.
 9. Facility shall provide a buffer yard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property (See Section 22.610.).
 10. Parking Requirements for customer and employee parking
 - a. Vehicle sale or vehicle rental land uses: One (1) off-street parking space per 300 square feet or indoor floor space, plus one (1) off-street parking space per 4 display models.
 - b. Manufactured or Mobile Housing sale land uses: One(1) of-street parking space per 300 square feet of indoor floor space (excluding the indoor floor space of the display models), plus one (1) off-street parking space per 4 display models.
 - c. All other land uses: One (1) off-street parking space per 300 square feet of indoor floor space, plus one (1) off-street parking space per 600 square feet of outdoor display area.
- (5) **INDOOR MAINTENANCE SERVICE:**
- (a) **Description:** Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Examples of such uses include small engine repair. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is a separate land use, (see Section 22.408(17)).
 - (b) **Regulations:**
 1. Parking Requirements: One space per 300 square feet of gross floor area.
- (6) **OUTDOOR MAINTENANCE SERVICE:**
- (a) **Description:** Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.
 - (b) **Regulations:**
 1. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a

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buffer yard with a minimum opacity of .60 (see Section 22.610).

2. Parking Requirements: One space per 300 square feet of gross floor area.

(7) IN-VEHICLE SALES OR SERVICE:

- (a) **Description:** In-vehicle sales and services include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see Section 22.408(17)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 22.412(7)).

(b) **Regulations:**

1. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
2. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
3. The setback of any overhead canopy or similar structure shall be a minimum of 50 feet from all street rights-of-way lines, a minimum of 200 feet from all residentially-zoned property lines, and shall be a minimum of 50 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
4. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
5. Facility shall provide a buffer yard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 22.610).
6. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
7. Each drive-up lane shall have a minimum stacking length of 100 feet behind

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the first pass through window and 40 feet beyond the pass through window.

8. **Parking Requirements:** One space per 50 square feet of gross floor area. If performed as an accessory land use (for example, gas pumps at a convenience store, drive-up window at bank), minimum parking shall be established by the principal land use, subject to any modifications required by the conditional use process.

(8) INDOOR COMMERCIAL ENTERTAINMENT:

- (a) **Description:** Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(b) Regulations:

1. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
2. Facility shall provide buffer yard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 22.610).
3. **Parking Requirements:** One space per every three patron seats or lockers, or one space per three persons at the maximum capacity of the establishment; whichever is greater.

(9) OUTDOOR COMMERCIAL ENTERTAINMENT:

- (a) **Description:** Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

(b) Regulations:

1. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
2. Facility shall provide bufferyard with minimum opacity of .80 along all borders of the property abutting residentially zoned property (Section 22.610).
3. Activity areas (including drive-in movie screens) shall not be visible from any

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residentially-zoned property.

4. Parking Requirements: One space for every three persons at the maximum capacity of the establishment.

(10) COMMERCIAL ANIMAL BOARDING:

- (a) **Description:** Commercial animal boarding facilities are land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(b) **Regulations:**

1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 22.906.)
3. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.
4. Parking Requirements: One space per employee on the largest work shift, plus one space for every 1,000 square feet of gross floor area.

(11) COMMERCIAL INDOOR LODGING:

- (a) **Description:** Commercial indoor lodging facilities are land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condos and short-term rental apartments, which typically provide housing for one month or less.

(b) **Regulations:**

1. No structure shall be permitted within 200 feet of residentially zoned property.
2. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
3. Parking Requirements: One space per bedroom, plus one space for each employee on the largest work shift.

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(12) BED AND BREAKFAST ESTABLISHMENT:

- (a) **Description:** Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.
- (b) **Regulations:**
1. All such establishments shall be required to obtain a permit to serve liquor pursuant to Chapter 125 Wis. Stats., if they intend to serve liquor.
 2. They shall be inspected annually at a fee established by a separate fee ordinance, to verify that the land use continues to meet all applicable regulations.
 3. The size, number and location of all signs shall be established by conditional use.
 4. The facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
 5. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner=s/operator=s personal facilities.
 6. The dwelling unit in which the bed and breakfast is operated shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
 7. Meals may be served only to overnight guests. (Businesses wishing to serve meals to others must apply for AIndoor Commercial Entertainment@ land use).
 8. Each operator shall keep a list, for a period of one year, of the names and addresses of all persons staying at the bed and breakfast. Such list shall be available for inspection by Town officials at reasonable times.
 9. The maximum stay for any occupant of a bed and breakfast shall be fourteen (14) days.
 10. In addition to the application requirements for all conditional uses, Applicants shall submit an interior floor plan of the dwelling illustrating that the proposed

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operation will comply with this Ordinance as amended, and other applicable Town codes and ordinances.

11. In addition to the standards of review for all conditional uses, the Commission shall also determine whether a permit shall be issued based upon the public convenience and necessity. In determining the number of bed and breakfast operations required to provide for such public convenience and necessity, the Commission shall consider the effect upon residential neighborhoods, the condition of existing holders of permits (if any), and the necessity of issuance of additional permits for public service.
12. Parking Requirements: One space per each bedroom.
13. Each Conditional Use Permit shall be valid only while said property is owned by the permit holder at time of conditional use approval. Unless specifically stated otherwise in the conditional use, the conditional use permit shall automatically terminate upon conveyance of the property to a new owner.

(13) GROUP DAY CARE CENTER (9 OR MORE CHILDREN):

- (a) **Description:** Group day care centers are land uses in which qualified persons provide child care services for 9 or more children. Examples of such land uses include day care centers and nursery schools.
- (b) **Regulations:**
 1. Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (see Section 22.610).
 2. Such land uses shall not be located within a residential building.
 3. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.
 4. Parking Requirements: One space per five students, plus one space for each employee on the largest work shift.

(14) CAMPGROUND:

- (a) **Description:** Campground land uses include any facilities designed for overnight accommodation of persons in tents, travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling.
- (b) **Regulations:**
 1. Facility shall provide a buffer yard with a minimum opacity of .70 along all

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property borders abutting residentially zoned property (see Section 22.610).

2. Parking Requirements: One and one-half (1.5) spaces per campsite.
3. Facility must comply with State and County regulations.

(15) **BOARDING HOUSE:**

- (a) **Description:** Boarding Houses are land uses which provide overnight housing in renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).
- (b) **Regulations:**
 1. Facility shall provide a buffer yard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
 2. Shall provide a minimum of on-site parking space for each room for rent.
 3. Parking requirements: One space per room for rent, plus one space per each employee on the largest work shift.

(16) **SEXUALLY-ORIENTED LAND USES:**

- (a) **Description:** Sexually-oriented land uses include any facility which rents, sells or displays sexually-oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented land uses (i) if the store area devoted to the sale or rent of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials, and (ii) if such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually-oriented materials, and (iii) if such materials are not advertized by any advertizing located or visible outside of the store.

Rationale: The incorporation of this Subsection into this Chapter is designed to reflect the Town Board=s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Town is concerned with the potential for such uses to limit the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative

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avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Town's Comprehensive Master Plan and to protect the character and integrity of its commercial and residential neighborhoods.

(b) Regulations:

1. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
2. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
3. Parking Requirements: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater), plus 1 space per employee on the largest work shift.

(17) VEHICLE REPAIR AND MAINTENANCE SERVICE:

- (a) Description:** Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and perform all operations (except vehicle storage) entirely within an enclosed building.

(b) Regulations:

1. Storage of junk, salvage, or abandoned vehicles is prohibited.
2. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property, except that overnight storage areas shall have a bufferyard with a minimum opacity of .80. (Section 22.610).
3. Parking Requirements:
 - a. For Customers: One space per 300 square feet of gross floor area for on-site parking for all customer vehicles.
 - b. For Employees: One space per employee on the largest work shift.
 - c. For Cars being repaired: Adequate space to keep all cars and other motorized vehicles being repaired, off the public streets and out of the areas designated for employee and customer parking.
 - d. Overnight Storage: All overnight storage of cars and other motorized vehicles being repaired, shall be completely enclosed by any

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permitted combination of buildings, structures, walls and fencing, and shall be located in the rear yard of the facility. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored items from view.

22.409 STORAGE OR DISPOSAL LAND USES**(1) INDOOR STORAGE OR WHOLESALING:**

(a) **Description:** Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 22.412(8), below.

(b) **Regulations:**

1. Parking Requirements: One space per 2,000 sf of gross floor area.

(2) OUTDOOR STORAGE OR WHOLESALING:

(a) **Description:** Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (*See*, Subsection (4), below.)

(b) **Regulations:**

1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, berms, and fencing. Such items shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas and rights-of-way. Walls and fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.
2. The storage of items shall not be permitted in Natural Resource Protection Areas. (see Section 22.608).

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3. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
4. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 22.509. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
5. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
7. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

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8. The facility, exclusive of the outdoor storage areas (see 1 above), shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
9. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
10. Parking Requirements: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) PERSONAL STORAGE FACILITY:

- (a) **Description:** Personal storage facilities also known as Amini-warehouses®, are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis.
- (b) **Regulations:**
 1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
 2. Facility shall provide a bufferyard with a minimum opacity of .80 along all property borders abutting residentially zoned property (see Section 22.610).
 3. No outside storage or outside over-night parking is permitted.
 4. No electrical power shall be run to the storage facilities, except for exterior lighting.
 5. Parking Requirements: One space for each employee on the largest work shift.

(4) JUNKYARD OR SALVAGE YARD:

- (a) **Description:** Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the aboveground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.
- (b) **Regulations:**
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).

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2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
4. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 22.532.
5. Parking Requirements: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

(5) WASTE DISPOSAL FACILITY:

- (a) **Description:** Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 144.01(15), but not including composting operations (see Subsection (6), below).
- (b) **Regulations:**
 1. Shall comply with all County, State and Federal regulations.
 2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 22.610).
 3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 4. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 22.532) in any manner.
 5. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Committee), shall be filed with the Town by the Petitioner, and shall be held by the Town for the purpose of ensuring that the site is restored to the condition required by the approved Site Plan. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
 6. Parking Requirements: One space for each employee on the largest work shift.

(6) COMPOSTING OPERATION:

- (a) **Description:** Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation not grown on site.
- (b) **Regulations:** The following regulations apply to all composting operation land uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all

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borders of the property occupied by non-agricultural land uses (see Section 22.610).

2. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.
3. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
4. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes (as defined by Section 22.532) in any manner.
5. Parking Requirements: One space for each employee on the largest work shift.

22.410 TRANSPORTATION LAND USES**(1) OFF-SITE PARKING LOT:**

- (a) **Description:** Off-site parking lots are any areas used for the temporary parking of vehicles or trailers which are fully registered, licensed and operative. See also Section 22.509 for additional parking regulations.
- (b) **Regulations:**
 1. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 2. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(2) AIRPORT/HELIPORT:

- (a) **Description:** Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.
- (b) **Regulations:**
 1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines.
 2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 22.610).
 3. Parking Requirements: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership, plus one space per every 4 hangers, or fraction thereof.

(3) FREIGHT TERMINAL:

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- (a) **Description:** Freight terminals are defined as land and buildings used at any end of one or more truck carrier line(s) or route(s), which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.
 - (b) **Regulations:**
 - 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).
 - 2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines abutting residentially zoned property.
 - 3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - 4. Parking Requirements: One space per each employee on the largest work shift.
- (4) **DISTRIBUTION CENTER:**
 - (a) **Description:** Distribution centers are facilities oriented to the short term indoor storage and possible repackaging and reshipment of materials. Retail outlets associated with this use shall be considered accessory uses per Subsection 22.412(8).
 - (b) **Regulations:**
 - 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).
 - 2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - 3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - 4. Parking Requirements: One space per each employee on the largest work shift.
- (5) **INDOOR VEHICLE STORAGE:**
 - (a) **Description:** Indoor vehicle storage facilities are detached vehicle storage buildings for non-residential purposes and shall be considered as a principal use building.
 - (b) **Regulations:**
 - 1. All activities shall be conducted entirely within the confines of the building.
 - 2. This facility will require consideration of a Group Development (Section

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22.414) if located on the same lot as another principal use building.

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22.411 INDUSTRIAL LAND USES**(1) LIGHT INDUSTRIAL LAND USE:**

(a) **Description:** Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Subchapter 5.

(b) **Regulations:**

1. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
2. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection 22.412(8), are complied with.
3. **Parking Requirements:** One space per each employee on the largest work shift.

(2) HEAVY INDUSTRIAL LAND USE:

(a) **Description:** Heavy industrial land uses are industrial facilities which do not meet the requirements of ALight Industrial Land uses. More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involved in the onsite storage of salvage materials.

(b) **Regulations:**

1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned Heavy Industrial (see Section 22.610).
2. All outdoor activity areas shall be located a minimum of 200 feet from residentially zoned property. No materials shall be stacked or otherwise stored

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so as to be visible over bufferyard screening elements.

3. Heavy industrial land uses shall not exceed the performance standards listed in Subchapter 5.
4. Parking Requirements: One space per each employee on the largest work shift.

(3) **TOWERS:**

(a) **Description:** Towers include all freestanding broadcasting, receiving, or relay structures, wind energy conversion towers, smokestacks, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

(b) **Requirements:**

1. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
2. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along property borders abutting residentially zoned property (see Section 22.610).
3. Parking Requirements: One space per employee on the largest work shift.
4. See also, Section 22.535 regarding standards for "Signal Receiving Antennas" and Section 22.536 regarding standards for "Wind Energy Conversion Systems."

22.411 (4) **EXTRACTION USE:**

(a) **Description:** Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

(b) **Regulations:**

1. Shall receive approval from the County prior to action by the Committee, and shall comply with all County, State and Federal regulations.
2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 22.610).
3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
4. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with

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said restoration (as determined by a third party selected by the Committee), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety may be waived for publically-owned extraction or waste disposal facilities.)

5. Parking Requirements: One space per each employee on the largest work shift.

22.412 ACCESSORY LAND USES

Accessory uses are land uses which are incidental to the principal use conducted on the subject property. As such, accessory uses can not be conducted or built until the principal use is conducted and built, e.g. in a single-family residential zoning district, an accessory use, such as a garage, can not be built and used before the principal use, the single-family dwelling, is built. Moreover, only those accessory uses listed herein shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see (1), below), or a farm residence (see (2), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence.

(1) COMMERCIAL APARTMENT:

- (a) **Description:** Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use (as designated in section 22.408 above) most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.
- (b) **Regulations:**
 1. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
 2. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment.

(2) FARM RESIDENCE:

- (a) **Description:** A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 22.406 above.
- (b) **Regulations:** None at this time.

(3) DETACHED GARAGE, CARPORT, UTILITY SHED, DETACHED DECK, PLAY STRUCTURE, LAWN ORNAMENT OR SIMILAR MINOR ACCESSORY STRUCTURES:

- (a) **Description:** A garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of vehicles and/or maintenance equipment of the

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subject property. Play structures, including play houses or elevated play structures and climbing gyms, are used for the entertainment of children. Swing sets, slides, and sand boxes are not considered children=s play structures for purposes of this Section and are not regulated by this Ordinance. This section may be used, in the discretion of the Town, to handle other similar accessory structures, not otherwise specifically covered by this Subchapter 4.

(b) Regulations:

1. In Zoning Districts where this accessory use is permitted by right, no more than one attached or detached garage, and no more than two accessory structures, shall be permitted by right, except in the AG District where no limit is imposed. More accessory structures may be allowed by conditional use.
2. In Zoning Districts where this accessory use is permitted by right, all accessory structures shall not exceed a total of 1,600 square feet, except in the AG District where no limit is imposed. Accessory structures exceeding a total of 1,600 square feet may be allowed by conditional use.
Under no circumstances shall this accessory use exceed 30% coverage of the rear yard area.
3. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line.
4. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
5. Detached structures may be located on the same lot as the principal land use, or on a separate adjacent lot in conjunction with the principall land use.
6. Except in the AG District, structures shall be constructed of materials and colors which blend with and compliment the primary structures.
7. See Section 22.539 for requirements applicable to legal, nonconforming garages.

(4) COMPANY CAFETERIA:

- (a) Description:** A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

- (b) Regulations:** None at this time.

(5) COMPANY PROVIDED ON-SITE RECREATION:

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- (a) **Description:** A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.
 - (b) **Regulations:**
 - 1. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - 2. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - 3. Facilities using night lighting shall require a conditional use permit.
- (6) **OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES AND SERVICE (MORE THAN 12 DAYS):**
 - (a) **Description:** See Subsection 22.408(4).
 - (b) **Regulations:**
 - 1. Shall comply with all conditions of Subsection 22.408(4).
 - 2. Display area shall not exceed 25% of gross floor area of principal building on the site.
- (7) **IN-VEHICLE SALES & SERVICES INCIDENTAL TO ON-SITE PRINCIPAL LAND USE:**
 - (a) **Description:** See Subsection 22.408(7).
 - (b) **Regulations:**
 - 1. Shall comply with all conditions of Subsection 22.408(7).
- (8) **INDOOR SALES INCIDENTAL TO STORAGE OR LIGHT INDUSTRIAL LAND USE:**
 - (a) **Description:** These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.
 - (b) **Regulations:**
 - 1. Adequate parking, per the requirements of Section 22.509, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
 - 2. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property.
 - 3. Shall provide restroom facilities directly accessible from retail sales area.
 - 4. Retail sales area shall be physically separated by a wall from other activity areas.

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(9) LIGHT INDUSTRIAL ACTIVITIES INCIDENTAL TO INDOOR SALES OR SERVICE LAND USE:

(a) **Description:** These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

(b) **Regulations:**

1. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
2. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 22.517 for all adjacent properties.

(10) HOME OCCUPATION:

(a) **Description:** Home occupations are small home-based family or professional businesses, performed on a parcel having a single-family detached residence, which comply with the following requirements. Examples include personal and professional services, and handicrafts.

(b) **Regulations:**

1. It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a commercial district. Approval of a physical expansion of a home or accessory building to accommodate a growing occupation is beyond the limitations of this Section and is not to be anticipated. Hence, once a home occupation out-grows the existing buildings, relocation of the business to an area that is appropriately zoned may be necessary.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or accessory buildings.
3. There shall be no exterior alterations which change the character of the home as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
5. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not

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normally associated with the average residential use in the district.

6. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 16 square feet.
7. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
8. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. Examples of service-oriented businesses include, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services. Other home occupations which are not service-oriented businesses may be permitted by conditional use.
9. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling, or 30% of any accessory structure.
10. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.
11. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
12. The Committee may approve, by conditional use, home occupations in residential districts which do not meet standards 1. through 11. above.

(11) FAMILY DAY CARE HOME (4 TO 8 CHILDREN):

- (a) **Description:** Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. (See, Section 66.1017, Wis. Stats).
- (b) **Regulations:** See State Statutes and regulations.

(12) INTERMEDIATE DAY CARE HOME (9 TO 15 CHILDREN):

- (a) **Description:** Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children.
- (b) **Regulations:** See State Statutes and regulations.

(13) MIGRANT LABOR CAMP:

- (a) **Description:** Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90.
- (b) **Regulations:**
 1. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office, or commercial

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zoning districts (see Section 22.610).

2. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership.

(14) ON-SITE PARKING LOT:

- (a) **Description:** On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.
- (b) **Regulations:**
 1. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(15) PRIVATE RESIDENTIAL RECREATIONAL FACILITY:

- (a) **Description:** This land use includes all large active outdoor recreational facilities located on a private residential lot which are not otherwise listed. Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, and large recreation-type equipment.
- (b) **Regulations:**
 1. Swimming pools shall be regulated by the performance standards provided in Section 22.537.
 2. Tree houses and similar platforms shall not exceed a platform height of eight feet and shall be setback twice their elevation from any property line.
 3. Lighting shall be controlled so that light levels at said property line are limited to 0.5 foot candles or less (see Section 22.514).
 4. All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Subchapter 2)

(16) PRIVATE RESIDENTIAL KENNEL:

- (a) **Description:** A maximum of 3 dogs (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing more than 3 dogs shall be considered a private residential kennel, and such a kennel shall require licensing by the Township. (See, 10.207). In addition to those requirements, a private residential kennel shall meet the following requirements.
- (b) **Regulations:**
 1. For any number over 3 animals, one additional animal per 5 acres shall be permitted.

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2. Outdoor containments or enclosures for animals shall be located a minimum of 100 feet from any lot line and shall be screened from adjacent properties.

(17) PRIVATE RESIDENTIAL STABLE:

- (a) **Description:** A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.
- (b) **Regulations:**
 1. A minimum lot area of 5 acres is required for a private residential stable.
 2. A maximum of one horse per acre.
 3. Outdoor containments for animals shall be located a minimum of 200 feet from any residentially zoned property, and shall be screened with a bufferyard with a minimum opacity of .60 along the borders abutting residentially zoned property.
 4. The requirements of Subsection 22.408(10) shall also apply to private residential stables.

(18) DRAINAGE STRUCTURE:

- (a) **Description:** These land uses include all improvements to collect, retain, direct and control storm water drainage, including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.
- (b) **Regulations:**
 1. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be restored, except where otherwise deemed necessary by the Town.
 2. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.

(19) FILLING:

- (a) **Description:** Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.
- (b) **Regulations:**
 1. In all Natural Resource Protection Overlay Districts, native vegetation shall be restored to the extent practicable.
 2. Shall not alter drainage onto other properties.
 3. Shall not impede on-site drainage.

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4. Shall comply with provisions of the Subdivision Ordinance.

(20) MULTIPLE-USER SEPTIC DISPOSAL SYSTEM:

- (a) **Description:** This land use includes any State-enabled, County-approved septic disposal system, which is designed or constructed to service more than 1 parcel.
- (b) **Regulations:**
1. See County regulations.

(21) CARETAKER'S RESIDENCE:

- (a) **Description:** This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.
- (b) **Regulations:**
1. Shall provide housing only for on-site caretaker and his/her family.

(22) CULTIVATION:

- (a) **Description:** See Section 22.406(1) above.
- (b) **Regulations:** (None at this time)

(23) PASSIVE OUTDOOR PUBLIC RECREATIONAL AREA:

- (a) **Description:** See Section 22.407(1).
- (b) **Regulations:**
1. Parking requirements: One space per four expected patrons at maximum capacity for any use requiring over five spaces.
2. In Natural Resource Protection Areas,
- a. limited to a 20 foot wide area.
- b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.

(24) ACTIVE OUTDOOR PUBLIC RECREATIONAL AREA:

- (a) **Description:** See Section 22.407(2).
- (b) **Regulations:**
1. The regulations of Section 22.407(2)(b) are incorporated herein by reference.
2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(25) OUTDOOR INSTITUTIONAL:

- (a) **Description:** See Section 22.407(4).
- (b) **Regulations:**

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1. The regulations of Section 22.407(4)(b) are incorporated herein by reference.
 2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
- (26) **ROAD, BRIDGE, and/or APPURTENANCES THERETO:**
- (a) **Description:** Public and private roads, streets and bridges, including all appurtenances incidental and customary thereto, such as sidewalks, curb and gutter, utilities, lighting, etc.
 - (b) **Regulations:** (None at this time).
- (27) **UTILITY LINES AND RELATED FACILITIES:**
- (a) **Description:** Public and private utilities, such as underground and overhead electric lines, gas pipelines, sanitary sewer lines, water lines, storm water drainage pipes and ponds, etc.
 - (b) **Regulations:** (None at this time)
- (28) **PIERS AND WHARFS:**
- (a) **Description:** Public and private piers, docks, boat ramps, and wharfs. This does not include boat houses or storage facilities for piers, boats, etc.
 - (b) **Regulations:**
 1. See the requirements of the DNR or any State laws or regulations applicable to piers and wharfs.
- (29) **OUTDOOR COMMERCIAL ENTERTAINMENT:**
- (a) **Description:** This land use is identical to the land use described in Section 22.408(9) above, except this land use must be accessory to the principal use on the property. (See Definition of Accessory Use.) If the proposed outdoor commercial entertainment is a free-standing operation which charges a separate fee from the principal land use, then the entertainment is probably not a accessory use, and should be treated as a separate principal use.
 - (b) **Regulations:** The regulations of 22.408(9) are incorporated herein by reference.
- (30) **COMMERCIAL ANIMAL BOARDING:**
- (a) **Description:** See section 22.408(10)
 - (b) **Regulations:**
 1. The regulations of 22.408(10) are incorporated herein.
 2. No more than 1 horse or large animal per acre.
 3. Minimum of 5 acres.
 4. Outdoor containment of animals shall be at least 100 feet

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from lot line.

(31) TOWERS:

(a) Description: See 22.411(3)

(b) Regulations:

1. The tower must be setback from all lot lines a distance of 3 times the height of the tower.
2. Use of the tower must be directly related to the principal use on the subject property.

(32) CAMPING UNIT:

(a) Description: Travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, pop-up campers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling (but not including tent camping).

(b) Regulations:

1. No camping unit may be placed, parked, stored, or occupied within the Town unless
 - a. it is located in a Campground (22.407(14)), or
 - b. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or
 - c. it is unoccupied and is exclusively offered ~~A~~for sale~~@~~ at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is customarily engaged in the business of selling camping units; or
 - d. it is located inside a structure (e.g. it is stored in a barn or garage); or
 - e. it is located outside and meets all the following requirements:
 - (1) the camping unit is located on real estate which has an occupied permanent residence, and
 - (2) the camping unit is owned by the owner of the real estate, and
 - (2) the landowner does not allow anyone to occupy the camping unit, on the above-referenced real estate, for more than 30 days per calendar year, and
 - (3) the landowner has only 1 camping unit per residence, except a landowner with a permanent residence may allow guest

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camping units for no more than 10 days per calendar year.

2. No camping unit shall be used for storage of anything except customary camping equipment.

(33) **CLEAR CUTTING**

- (a) **Description:** See Section 22.406(7)
- (b) **Regulations:** See Section 22.406(7)

22.413 TEMPORARY LAND USES

(1) **GENERAL TEMPORARY OUTDOOR SALES:**

- (a) **Description:** Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Township Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sale.
- (b) **Regulations:**
 1. Display shall be limited to a maximum of 12 days in any calendar year.
 2. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 3. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 4. Adequate parking shall be provided.
 5. If subject property is located in or adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(2) **OUTDOOR ASSEMBLY:**

- (a) **Description:** Includes any organized outdoor assembly of more than 100 persons.
- (b) **Regulations:**
 1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 2. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 3. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
 4. If subject property is located adjacent to a residential area, activities shall be limited to the extent practicable to daylight hours.
 5. Adequate provisions for crowd control shall be made, and shall be described within the application.

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6. Shall comply with Juneau County ordinance regarding assemblies.

(3) **CONTRACTOR'S PROJECT OFFICE:**

- (a) **Description:** Includes any structure containing an on-site construction management office for an active construction project.
- (b) **Regulations:** The following regulations apply to all contractor=s project offices which are temporary land uses wherever located in the Extraterritorial Zoning District:
 - 1. Structure shall not exceed 2,000 square feet in gross floor area.
 - 2. Facility shall be removed within 10 days of issuance of occupancy permit.
 - 3. Shall not be used for sleeping or living quarters, or for sales activity. (See subsection (6) below.)
 - 4. Projects requiring an office to be in place for more than 365 days shall require a Conditional Use Permit.

(4) **CONTRACTOR'S ON-SITE EQUIPMENT STORAGE FACILITY:**

- (a) **Description:** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.
- (b) **Regulations:**
 - 1. Facility shall be removed within 10 days of issuance of occupancy permit.
 - 2. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
 - 3. Shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.

(5) **RELOCATABLE BUILDING:**

- (a) **Description:** Includes any manufactured building which serves as a temporary building for less than 6 months. (Facilities serving for more than 6 months shall be considered conditional uses and subject to the general standards and procedures presented in Section 22.905.)
- (b) **Regulations:**
 - 1. Shall conform to all setback regulations.
 - 2. Shall conform to all State and local building code regulations.

(6) **ON-SITE REAL ESTATE SALES OFFICE:**

- (a) **Description:** Includes any building which serves as an on-site sales office for a development project.
- (b) **Regulations:**
 - 1. Office shall not exceed 500 square feet in gross floor area.
 - 2. Facility shall be removed or converted to a permitted land use

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within 10 days of the completion of sales activity.

3. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
4. Projects requiring the office to be in place for more than 365 days shall require a conditional use permit.

(7) **SEASONAL OUTDOOR SALES OF FARM PRODUCTS:**

- (a) **Description:** Includes any outdoor display of farm products not otherwise regulated by this Ordinance.
- (b) **Regulations:**
 1. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 2. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 3. Adequate parking shall be provided.
 4. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

22.414 GROUP DEVELOPMENTS

- (1) **DEFINITION:** A group development is any new development, or any addition to an existing development, which will cause the development to contain:
 - (a) Two or more structures containing different principal land uses on the same lot;
 - (b) Two or more principal land uses in a single structure.Common examples of group developments include resorts, strip centers, shopping centers, and office centers.
- (2) **REGULATION OF GROUP DEVELOPMENTS:** Group developments are permitted as conditional uses in the MF, GB, LI and HI zoning districts. Any land use which is allowed either as a permitted use or as a conditional use within the zoning district applicable to the group development, is allowed as a conditional use within a group development. Land uses which are not allowed as permitted uses or conditional uses shall not be allowed in a group development.
- (3) **SPECIFIC DEVELOPMENT STANDARDS FOR GROUP DEVELOPMENTS:**
 - (a) **Parking:** All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
 - (b) **Trash:** The development shall contain a sufficient number of waste bins to

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accommodate all trash and waste generated by the land uses in a convenient manner.

- (c) **Setbacks:** All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be so situated as to facilitate the subdivision of group developments into separate lots in the future (if such subdivision is desired).
- (d) **Exterior Design:** Building exterior design shall be unified in design and materials throughout the development, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. Roofs with particular slopes may be required by the Plan Commission to complement existing buildings or otherwise establish a particular aesthetic objective.
- (e) **Trash:** Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- (f) **Entryways:** Public entryways shall be prominently indicated from the building=s exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.
- (g) **Loading Areas:** Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (h) **Vehicle Access:** Vehicle access from public streets shall be designed to accommodate peak hour traffic volumes without disrupting traffic on public streets. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant=s traffic engineer to not adversely impact off site public roads during the peak hour. Where the project shall adversely impact off-site traffic, the Town may deny the application, may require a size reduction in the

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proposed development, or may require off-site improvements.

- (i) **Cart Returns:** A minimum of one 200 square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.
- (j) **Utilities:** The applicant shall demonstrate full compliance with all applicable rules, regulations and standards for storm water management, sanitary sewerage, public water, erosion control and public safety.
- (k) **Signage:** A conceptual plan for exterior signage shall be provided at time of GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.