

MAUSTON - LEMONWEIR
EXTRATERRITORIAL ZONING ORDINANCE

ARTICLE 4: LAND USES

TABLE OF CONTENTS

1.401 GENERAL INFORMATION

(1) Purpose..... 4-1

(2) Land Use Categories..... 4-1

(3) Group Developments.....4-1

(4) Omitted Uses..... 4-1

(5) Illustrations..... 4-1

(6) Discrimination Against Condominium Forms of Ownership..... 4-1

1.402 REGULATIONS APPLICABLE TO ALL LAND USES..... 4-1

(1) Land Use Regulations and Requirements..... 4-1

(2) Zoning District Regulations..... 4-2

(3) Landscaping and Bufferyards Regulations and Requirements.....4-2

(4) General Standards..... 4-2

(5) Signage Regulations and Requirements.....4-2

(6) Procedural Regulations and Requirements..... 4-2

(7) Number of Buildings Per Lot..... 4-2

(8) Number of Land Uses Per Building..... 4-3

(9) Division or Combining of a Lot..... 4-3

1.403 NONCONFORMING USE REGULATIONS..... 4-3

(1) Definition..... 4-3

(2) Continuance of a Nonconforming Use.....4-3

(3) Modification of a Nonconforming Use..... 4-3

(4) Discontinuance of a Nonconforming Use..... 4-3

(5) Maintenance of a Nonconforming Use..... 4-4

(6) Reconstruction of 2-Family Dwellings in Areas Formerly Zoned R-2..... 4-4

(7) Nonconforming Lots, Structures, & Buildings..... 4-4

1.404 RESERVED FOR FUTURE USE..... 4-4

1.405 RESIDENTIAL LAND USES..... 4-5

(1) Single-Family Detached.....4-5

(2) Duplex..... 4-6

(3) Twin-House.....4-7

(4) Two-Flat House..... 4-8

(5) Townhouse..... 4-9

(6) Multiplex..... 4-10

(7) Apartment..... 4-11

(8) Mobile Home..... 4-12

(9) Institutional Residential Development..... 4-12

(10) Mobile Home Residential Development (Subdivision)..... 4-13

(11) Mobile Home/Manufactured Home Park..... 4-13

(12) Adult Family Home (AFH)..... 4-14

1.406 AGRICULTURAL LAND USES.....4-14

(1) Cultivation..... 4-14

(2) Husbandry..... 4-15

(3) Intensive Agriculture..... 4-15

(4) Agricultural Service..... 4-16

(5) On-Site Agricultural Retail..... 4-16

(6) Selective Cutting..... 4-17

(7) Clear Cutting..... 4-17

1.407 INSTITUTIONAL LAND USES.....4-18

(1) Passive Outdoor Public Recreational..... 4-18

(2) Active Outdoor Public Recreational.....4-18

(3) Indoor Institutional..... 4-18

(4) Outdoor Institutional..... 4-19

(5) Public Service and Utilities..... 4-20

(6) Institutional Residential..... 4-20

(7) Community Living Arrangement (CLA)..... 4-21

1.408 COMMERCIAL LAND USES..... 4-22

(1) Office..... 4-22

(2) Personal or Professional Service..... 4-22

(3) Indoor Sales or Services..... 4-22

(4) Outdoor Display..... 4-23

(5) Indoor Maintenance Service..... 4-24

(6) Outdoor Maintenance Service..... 4-24

(7) In-Vehicle Sales or Service..... 4-24

(8) Indoor Commercial Entertainment..... 4-25

(9) Outdoor Commercial Entertainment..... 4-26

(10) Commercial Animal Boarding..... 4-26

(11) Commercial Indoor Lodging..... 4-26

(12) Bed and Breakfast Establishments..... 4-27

(13) Group Day Care Center (Nine or More Children)..... 4-28

(14) Campground..... 4-28

(15) Boarding House..... 4-29

(16) Sexually-Oriented Land Use..... 4-29

(17) Vehicle Repair and Maintenance Service..... 4-30

1.409 STORAGE OR DISPOSAL LAND USES..... 4-31

(1) Indoor Storage or Wholesaling..... 4-31

(2) Outdoor Storage or Wholesaling..... 4-31

(3) Personal Storage Facility..... 4-32

(4) Junkyard or Salvage Yard..... 4-32

(5) Waste Disposal Facility..... 4-33

(6) Composting Operation..... 4-33

(7) Solid Waste Transfer Station & Material Recover Facility..... 4-34

1.410 TRANSPORTATION LAND USES..... 4-34

(1) Off-Site Parking Lot..... 4-34

(2) Airport/Heliport..... 4-34

(3) Freight Terminal..... 4-35

(4) Distribution Center..... 4-35

(5) Indoor Vehicle Storage..... 4-36

1.411 INDUSTRIAL LAND USES..... 4-36

(1) Light Industrial Land Use..... 4-36

(2) Heavy Industrial Land Use..... 4-36

(3) Towers..... 4-37

(4) Extraction Use..... 4-37

1.412 ACCESSORY LAND USES..... 4-38

(1) Commercial Apartment..... 4-38

(2) Farm Residence..... 4-38

(3) Detached Garage, Carport, Utility Shed, Detached Deck, Play Structure, Lawn Ornament or similar minor accessory structures..... 4-39

(4) Company Cafeteria..... 4-39

(5) Company Provided On-Site Recreation..... 4-39

(6) Outdoor Display Incidental to Indoor Sales and Service (More than 12 Days)..... 4-40

(7) In-Vehicle Sales & Services Incidental to On-Site Principal Land Use..... 4-40

(8) Indoor Sales Incidental to Storage or Light Industrial Land Use..... 4-40

(9) Light Industrial Activities Incidental to Indoor Sales or Service Land Use..... 4-41

(10) Home Occupation..... 4-41

(11) Family Day Care Home (4 to 8 Children)..... 4-42

(12) Intermediate Day Care Home (9 to 15 Children)..... 4-42

(13) Migrant Labor Camp..... 4-42

(14) On-Site Parking Lot..... 4-43

(15) Private Residential Recreational Facility..... 4-43

(16) Private Residential Kennel..... 4-43

(17) Private Residential Stable..... 4-43

(18) Drainage Structure..... 4-44

(19) Filling..... 4-44

(20) Lawn Care..... 4-44

(21) Individual Septic Disposal System..... 4-45

(22) Exterior Communication Devices..... 4-45

(23) Caretaker’s Residence..... 4-45

(24) Cultivation..... 4-45

(25) Passive Outdoor Public Recreational Area..... 4-46

(26) Active Outdoor Public Recreational Area..... 4-46

(27) Outdoor Institutional..... 4-46

(28) Road, Bridge, and/or Appurtenances Thereto..... 4-46

(29) Utility Lines and Related Facilities..... 4-47

(30) Piers and Wharfs..... 4-47

(31) Outdoor Commercial Entertainment..... 4-47

1.413 TEMPORARY LAND USES..... 4-48

(1) General Temporary Outdoor Sales..... 4-48

(2) Outdoor Assembly..... 4-48

(3) Contractor’s Project Office..... 4-48

(4) Contractor’s On-Site Equipment Storage Facility..... 4-49

(5) Relocatable Building..... 4-49

(6) On-Site Real Estate Sales Office..... 4-49

(7) Seasonal Outdoor Sales of Farm Products..... 4-50

1.414 GROUP DEVELOPMENTS..... 4-50

(1) Definition..... 4-50

(2) Regulation of Group Developments..... 4-50

(3) Specific Development Standards for Group Developments..... 4-50

ARTICLE 4: LAND USES**1.401 GENERAL INFORMATION**

- (1) **PURPOSE:** The purpose of this Article is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Article 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;
 - (b) any single structure on a single lot which contains 5 or more dwelling units or 2 or more non-residential uses; and/or
 - (c) any single structure devoted to institutional, office or commercial land uses containing more than 5,000 gross square feet of floor area.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, and/or numerous dwelling units, and/or large land uses are proposed on a single lot. Hence, additional regulations are imposed on group developments in Section 1.414.
- (4) **OMITTED USES:** Land uses which are not specifically described in this Chapter are not necessarily excluded from locating within any given zoning district. Article 9 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.
- (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 Wisconsin Statutes 703.27. 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.

1.402 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 Article. 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 City and the Extraterritorial Zoning District.

- (2) **ZONING DISTRICT REGULATIONS:** All land uses shall comply with the regulations Article 2 “Standard Zoning Districts” and Article 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 City and the Extraterritorial Zoning District.
- (3) **LANDSCAPING AND BUFFERYARD REGULATIONS AND REQUIREMENTS:** All development of land shall comply with all the regulations and requirements of Article 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 City and the Extraterritorial Zoning District.
- (4) **GENERAL STANDARDS:** All development of land shall comply with all the regulations and requirements of Article 5 which sets forth the general requirements applicable to all development for all land uses in 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 City and the Extraterritorial Zoning District.
- (5) **SIGNAGE REGULATIONS AND REQUIREMENTS:** All land use and/or development of land shall comply with all the regulations and requirements of Article 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 City and the Extraterritorial Zoning District.
- (6) **PROCEDURAL REGULATIONS AND REQUIREMENTS:** All land uses and/or development of land shall comply with all the regulations and requirements of Article 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 City and the Extraterritorial Zoning District.
- (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 1.905) for a Group Development (Section 1.414). (*Amended per Ord. 931*)

1.402 (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 1.905) for a Group Development (1.414) 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 1.412(1) and 1.412(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.)

1.403 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 or subsequent applicable amendment thereto 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 1.905) 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 1.903) to an appropriate zoning district to be granted legal conforming use status.
- (3) MODIFICATION OF A NONCONFORMING USE:**
- (a) Except as permitted in (b), below, 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 Zoning Administrator). If 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.
 - (b) A nonconforming nonresidential use which is not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if said facilities are not available within 1,000 feet of the subject property, and upon the granting of a conditional use permit per the requirements of Section 1.905.
- (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, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

- 1.403 (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 exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.
- (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:(*Amend Ord. 984*)
- (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 1.405(1));
 2. Duplex (section 1.405(2));
 3. Twin-house (section 1.405(3));
 4. Two-flat house (section 1.405(4));
 5. Townhouse (section 1.405(5))
- (b)** A legal non-conforming use, which owns and occupies two or ore 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 “Destruction of Non-conforming Structures,” see. 1.541)
- (7) NONCONFORMING LOTS, STRUCTURES, & BUILDINGS:** See Sections 1.541 and 1.205.

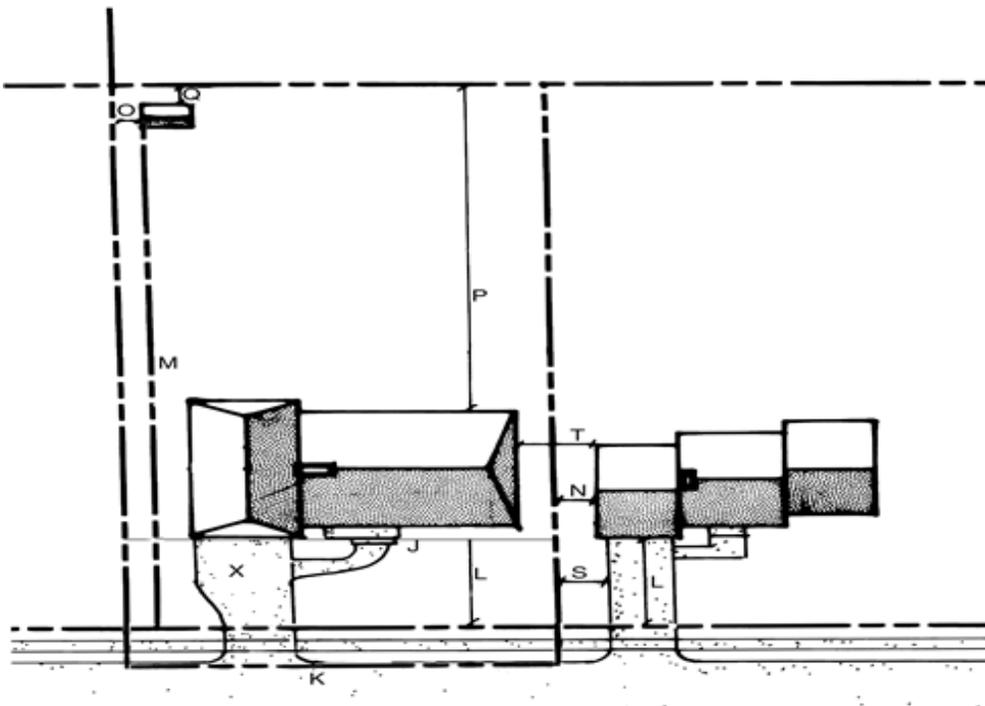
1.404 RESERVED FOR FUTURE USE

1.405 RESIDENTIAL LAND USES

(1) **SINGLE-FAMILY DETACHED:**

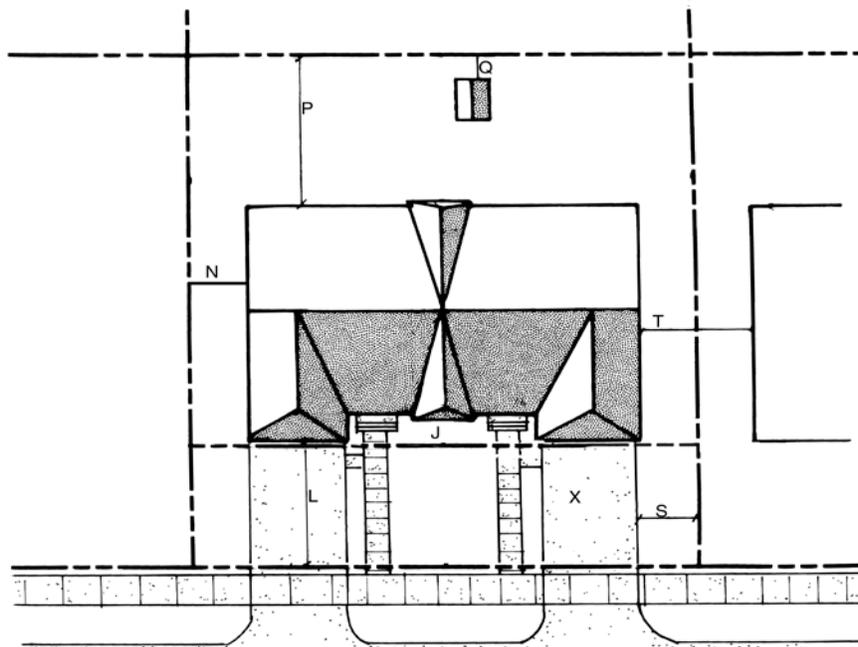
- (a) **Description:** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.
- (b) **Regulations:** The following regulations apply to all Single-Family Detached dwelling units wherever located in the Extraterritorial Zoning District:
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.
 4. All below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.
 5. Refer to the illustration below and to Article 2 for lot requirements labeled in capital letters:

Single-Family Detached Dwelling Unit



1.405 (2) DUPLEX:

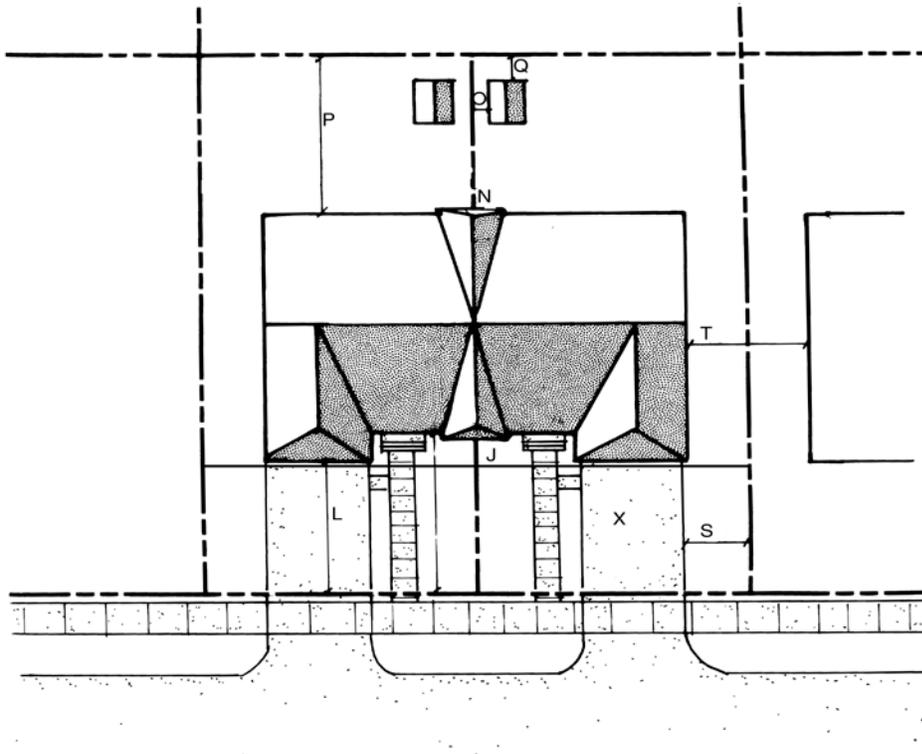
- (a) **Description:** This dwelling unit type consists of a single, two-family dwelling unit, which is in complete compliance with the State of Wisconsin One and Two-Family Dwelling Code (s. 101.60.66), and which has two individual dwelling units located side-by-side upon a single lot. (Compare Two-Flat houses which are the same as Duplexes except the units are above and below each other). Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).
- (b) **Regulations:** The following regulations apply to all Duplexes wherever located in the Extraterritorial Zoning District:
 1. 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, sanitary sewer laterals and public water laterals, are required for each dwelling unit.
 3. The two residences must be located on the same lot. (The Twin House 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 units.
 5. 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 Article 2 for lot requirements labeled in capital letters:



1.405 (3) TWIN-HOUSE:

- (a) **Description:** The Twin House is identical to a Duplex except each dwelling unit must be located on a separate individual 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 typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).

- (b) **Regulations:** The following regulations apply to all twin-houses wherever located in the Extraterritorial Zoning District:
 - 1. The regulations for Duplexes apply to all Twin-houses wherever located in the Extraterritorial Zoning District.
 - 2. Individual sanitary sewer and public water laterals are required for each dwelling unit.
 - 3. Refer to the illustration below and to Article 2 for lot requirements labeled in capital letters:



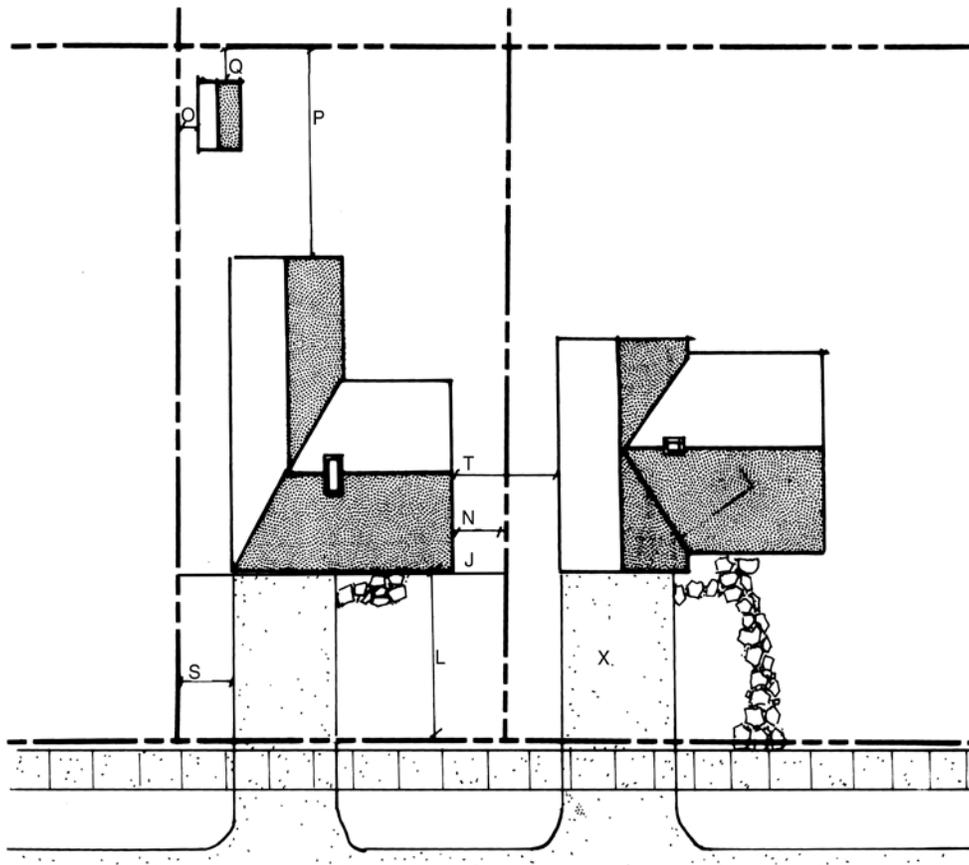
Twin House

1.405 (4) TWO-FLAT HOUSE:

(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), which has individual dwelling units on multiple levels (rather than side-by-side as for a Duplex or Twin-House) and which is located on a single lot. This dwelling unit type also includes any single-family residence that has been converted into a two-family residence. Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).

(b) **Regulations:** The following regulations apply to all Two-Flat Houses wherever located in the Extraterritorial Zoning District:

1. The two residences must be located on the same lot or within the same group development.
2. This dwelling unit type may not be split into additional dwelling units.
3. Refer to the illustration below and to Article 2 for lot requirements labeled in capital letters:

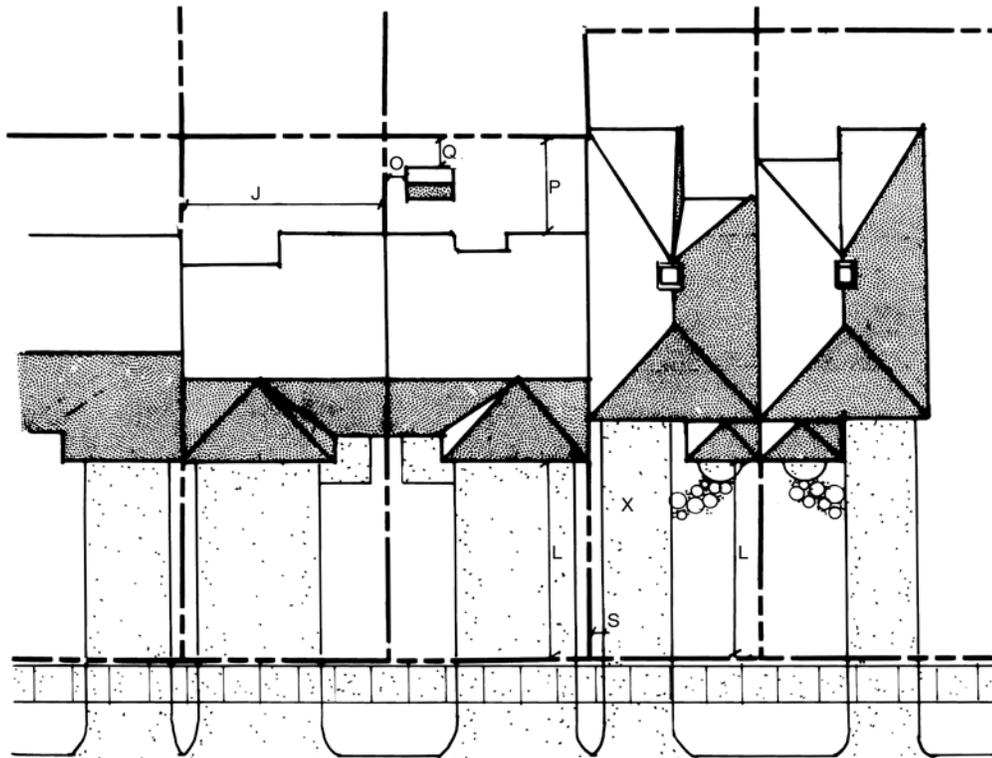


Two-Flat House

1.405 (5) TOWNHOUSE:

- (a) **Description:** This residential dwelling unit type consists of attached two-story, single-family residences, each having a private, individual access, and each located on a separate lot. Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).

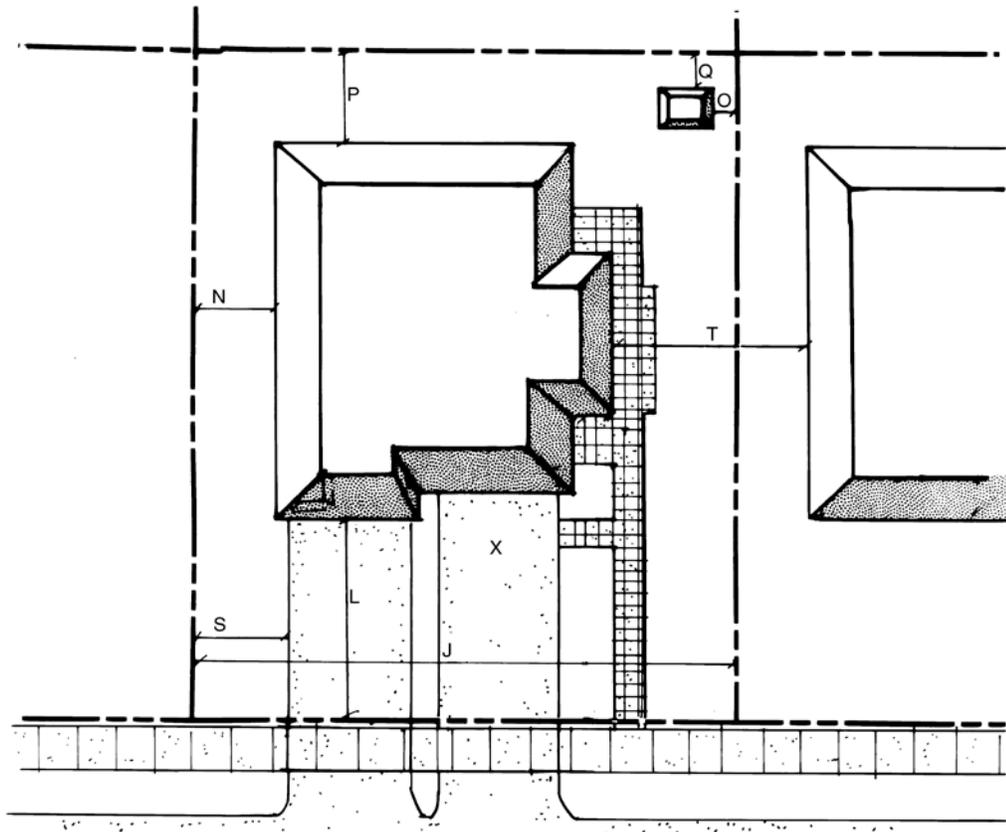
- (b) **Regulations:** The following regulations apply to all Townhouses wherever located in the Extraterritorial Zoning District.
 1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level through the roof.
 2. Individual sanitary sewer and public water laterals are required for each dwelling unit.
 3. No more than 8 and no less than 3 townhouse dwelling units may be attached per group. (2-unit Townhouses are referred to herein as Twin-houses).
 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 Article 2 for lot requirements labeled in capital letters:



Townhouse

1.405 (6) MULTIPLEX:

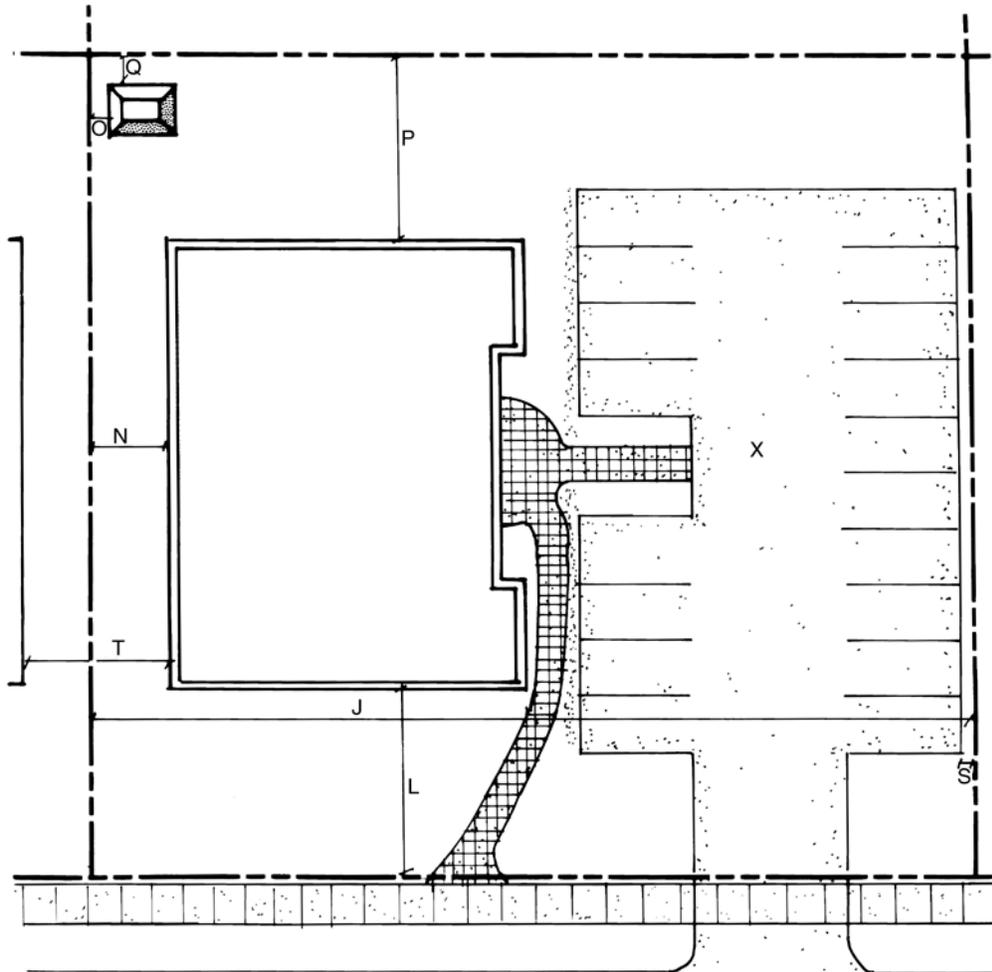
- (a) **Description:** This residential dwelling unit type consists of several attached dwelling units, each of which has a private, individual exterior entrance. Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).
- (b) **Regulations:** The following regulations apply to all Multiplexes 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 through the roof.
 2. No more than 16 and no less than 3 multiplex 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, architectural elements, landscaping, and/or onsite recreational facilities.
 4. All multiplex 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 Article 2 for lot requirements labeled in capital letters:



Multiplex

1.405 (7) APARTMENT:

- (a) **Description:** This dwelling unit type consists of several attached family dwelling units which provide access to the dwelling units from a shared entrance or hallway. Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month).
- (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 two-flat houses).
 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, architectural elements, landscaping, and/or onsite recreational facilities.
 4. All apartment 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 Article 2 for lot requirements labeled in capital letters:



Apartment

1.405 (8) MOBILE HOME:

- (a) **Description:** This dwelling unit type consists of a structure, manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and equipped and used, or intended 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.). Each dwelling unit is typically occupied by the same family for periods of one month or longer. (See, Commercial Indoor Lodging, for rental periods of less than one month). (*Amended per Ord. 931*)
- (b) **Regulations:** The following minimum regulations apply to all Mobile Homes wherever located in the Extraterritorial Zoning District:
1. No mobile home may be placed, parked, stored or occupied within the Extraterritorial Zoning District unless
 - a. it is located in a Mobile Home Subdivision (1.405(10)) land use, or (*Amended per Ord. 931*)
 - b. it is located in a Mobile Home/Manufactured Home Park (1.405(11)) land use, or (*Amended per Ord. 931*)
 - c. it is exclusively used as a Contractor's Project Office (1.413(3)) temporary land use; or
 - d. it is exclusively offered "for sale" at an Outdoor Display (1.408(4)) commercial land use, provided the business conducting the outdoor display is engaged in the business of selling new mobile homes.
 2. Except for contractor's project offices and Outdoor display land uses, the following regulations shall apply to all mobile homes in the Extraterritorial Zoning District:
 - a. Within 30 days of occupancy the owner shall remove the wheels and install around the entire mobile home skirting made of durable material (e.g. fiberglass, aluminum, metal, vinyl) and shall be of a color matching the mobile home.
 - b. The minimum width of each mobile home shall be 14 feet.
 - c. Off-street, hard-surfaced, parking spaces for at least 2 automobiles shall be provided for each mobile home.
 - d. Underground utilities shall be provided to each mobile home. Overhead wires and propane tanks shall not be permitted.
 - e. This dwelling unit type may not be split into 2 or more residences.
 3. (*Moved to Section 1.405(11)(b) per Ord. 931*)

(9) INSTITUTIONAL RESIDENTIAL DEVELOPMENT:

- (a) **Description:** (See, Section 1.407(6))
- (b) **Regulations:**
1. See, Section 1.407(6)
 2. This use is also listed as a "residential use" so that both the residential and the non-residential regulations of Article 2 shall apply, because these uses combine features of residential and non-residential uses.

1.405 (10) MOBILE HOME SUBDIVISION: *(Amended per Ord. 931)*

- (a) **Description:** This land use is a form of residential development which is exclusively reserved for individually sold lots containing mobile home units.
- (b) **Regulations:** The following regulations apply to all Mobile Home Subdivisions wherever located in the Extraterritorial Zoning District: *(Amended per Ord. 931)*
1. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 2. Mobile Home Subdivisions shall comply with the same landscaping and bufferyard requirements as the Multi-family Residential-10 district, as specified in Section 1.207(6). *(Amended per Ord. 931)*
 3. No access shall be permitted to local residential street.
 4. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 1.405(8).
 5. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.)
 6. Each dwelling shall be occupied by not more than one family. *(Amended per Ord. 931)*

(11) MOBILE HOME/MANUFACTURED HOME PARK: *(Amended per Ord. 931)*

- (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 lots are owned by a single entity and rented (with or without mobile homes) to individuals; and *(Amended per Ord. 931)*
 2. mobile home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners.
- (b) **Regulations:** The following regulations apply to all Mobile Home Subdivisions wherever located in the Extraterritorial Zoning District: *(Amended per Ord. 931)*
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-10 district, as specified in Section 1.207(6).
 3. No access shall be permitted to local residential streets.
 4. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 1.405(8).
 5. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.)

- 1.405 (11)(b)**
6. A blanket variance is hereby granted to all existing mobile home/manufactured home parks located in the Extraterritorial Zoning District upon the effective date of this ordinance. This blanket variance will permit such parks to continue operation, and will permit the removal and replacement of mobile homes on existing lots within the park. 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. *(Amended per Ord. 931)*
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 expansions or modifications shall be pursued either as a conditional use within the TR-6 District (1.207(4)), or as a Planned Development (1.209). 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 without triggering the need for a zoning permit. *(Amended per Ord. 931)*
7. Each dwelling shall be occupied by not more than one family. *(Amended per Ord. 931)*

(12) ADULT FAMILY HOME (AFH): *(Added per ord. no. 2013-ET-1061)*

- (a) **Description:** Adult Family Home land uses include all facilities provided for under the provisions of Wisconsin Statutes 50.01(1).
- (b) **Regulations:** The following regulations apply to all Adult Family Home land uses wherever located in the City:
1. The proposed site shall be located so as to avoid disruption of an established or developing area.
 3. No individual lots are required, although the development shall contain a minimum of 900 square feet of gross site area for each occupant of the development.
 4. Parking Requirements: one space per four residents, plus one space per employee on the largest work shift.

1.406 AGRICULTURAL LAND USES

(1) CULTIVATION:

- (a) **Description:** Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered cultivation if said plants are consumed by animals which are located off-site.
- (b) **Regulations:** The following regulations apply to all Cultivation uses wherever located in the Extraterritorial Zoning District:
1. On buildable lots, cultivation areas shall not exceed 20% of the lot's area.
 2. Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.
 3. 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.”

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 1.509(5)).

1.406 (2) HUSBANDRY:

- (a) **Description:** Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal unit (as defined in Section 1.125) per acre. Apiaries are considered husbandry land uses.

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

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. All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.
3. All structures used to hold, store or shelter animals, equipment, feed or other materials, shall be of stick-built construction, except as may be authorized by conditional use. The use of “used” mobile homes 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 1.509(5)).

(3) INTENSIVE AGRICULTURE:

- (a) **Description:** Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal unit (as defined in Section 1.125) per contiguous acre and/or agricultural activities requiring large investments in structures, such as poultry operations, feed lots, etc. Examples of such land uses include feed lots, large hog farms (> 100 hogs), poultry operations, large dairy operations (> 100 cows), fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

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

1. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
2. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 1.610.)
3. All 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. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
5. 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 1.509(5)).

1.406 (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 agricultural waste disposal facilities (except commercial composting uses, see Section 1.409(6)).
- (b) **Regulations:** The following regulations apply to all Agricultural Service uses wherever located in the Extraterritorial Zoning District:
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. If within the AG or RR District, shall be located in an area which is planned to remain commercially viable for agricultural land uses. (*Amended per Ord. 931*)
 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 1.509(5)).

(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 shall not be permitted within on-site agricultural retail operations and such activity 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:** The following regulations apply to all On-site Agricultural Retail uses wherever located in the Extraterritorial Zoning District:
1. No structure or group of structures shall exceed 500 square feet in floor area.
 2. No structure shall exceed 12 feet in height.
 3. All structures shall meet all required setbacks for nonresidential land uses.
 4. Signage shall be limited to 1 on-site sign which shall not exceed 30 square feet in area.
 5. Such land use shall be served by no more than 1 driveway. Said driveway shall require a valid driveway permit.
 6. The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
 7. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.

8. 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 1.509(5)).

1.406 (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 of trees (including by fire) 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 the property (or up to 100% for developments approved prior to the effective date of this Chapter).
- (b) **Regulations:** The following regulations apply to all Selective Cutting uses wherever located in the Extraterritorial Zoning District:
 1. Selective cutting activity shall be limited to areas located within development pads which are designated on recorded Plats or Certified Survey Maps.
 2. The destruction of trees in an area in excess of this amount of the woodlands on the property 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 in an area (or combined areas) of more than 30% of the woodlands on a property (or up to 100% for developments approved prior to the effective date of this Chapter).
- (b) **Regulations:** The following regulations apply to all Clear Cutting uses wherever located in the Extraterritorial Zoning District:
 1. Clear cutting is permitted only as a conditional use within the jurisdiction of this Chapter.
 2. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 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 1.936) 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 shall not subject the owner of the property to fines associated with the violation of this Chapter, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 1.609.
 4. Clear cutting shall not be permitted within a required bufferyard or

landscaped area (see Section 1.610), or within an area designated as natural resource protection area.

1.407 INSTITUTIONAL LAND USES

(1) PASSIVE OUTDOOR PUBLIC RECREATIONAL:

- (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:** The following regulations apply to all Passive Public Recreational uses wherever located in the Extraterritorial Zoning District:
1. In all Natural Resource Protection Overlay Districts, the area of use shall be limited to a 20-foot wide area (or pathway) from which all non-native vegetation will not be permitted to spread.
 2. **Parking Requirements:** One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(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:** The following regulations apply to all Active Outdoor Public Recreational uses wherever located in the Extraterritorial Zoning District:
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 1.610). 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 community-wide function shall be located with primary vehicular access on a collector or arterial street.
 4. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.
 5. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas.
 6. **Parking Requirements:** One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(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.

1.407(3) (b) Regulations: The following regulations apply to all Indoor Institutional uses wherever located in the Extraterritorial Zoning District:

1. Shall be located with primary vehicular access on a collector or arterial street.
2. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use.
3. All structures shall be located a minimum of 50 feet from any residentially zoned property.
4. Parking Requirements: Generally, one space per three expected patrons at maximum capacity. 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.

Funeral Home: one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

Hospital: two spaces per three patient beds, plus one space per staff doctor and per employee on the largest work shift.

Library or Museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Elementary and Junior High: one space per teacher and per staff member, plus one space per two classrooms.

Senior High: one space per teacher and staff member, plus one space per five students.

College or Trade School: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

(4) OUTDOOR INSTITUTIONAL:

(a) Description: Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

(b) Regulations: The following regulations apply to all outdoor Institutional uses wherever located in the Extraterritorial Zoning District:

1. Shall be located with primary vehicular access on a collector or arterial street.
2. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
3. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
4. 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 1.610). Said bufferyard shall be

- located at the property line adjacent to said residentially zoned property.
5. Shall comply with Section 1.905, standards and procedures applicable to all conditional uses.
 6. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas.
 7. Parking Requirements: Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:
 - Cemetery: one space per employee, plus one space per three patrons 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.

1.407 (5) PUBLIC SERVICE AND UTILITIES:

- (a) **Description:** Public service and utilities land uses include all City, 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:** The following regulations apply to all Public Service and Utility uses wherever located in the Extraterritorial Zoning District:
 1. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 2. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 1.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 3. All structures shall be located a minimum of 20 feet from any residentially zoned property.
 4. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
 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.

(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:** The following regulations apply to all Institutional residential land uses wherever located in the Extraterritorial Zoning District:

- 1.407(6)(b)**
1. The proposed site shall be located so as to avoid disruption of an established or developing office area.
 2. Within the Neighborhood Office (NO) and Planned Office (PO) District, institutional residential developments shall be designed so as to maintain the character of the adjacent properties.
 3. No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
 4. A minimum of 30% of the development's Gross Site Area (GSA) shall be held as permanently protected green space. (This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.)
 5. The Development Shall be located with primary vehicular access on a collector or arterial street. No access shall be permitted to a local residential street.
 6. The Development shall provide off-street passenger loading area at a minimum of one location.
 7. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.
 8. 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 wherever located in the Extraterritorial Zoning District: *(Amended per ord. no. 2013-ET-1061)*
1. The distance between CLA's is controlled by § 62.23(7)(i)1. Wis. Stats. Exceptions thereto may be granted by conditional use.
 2. The number of CLA's in the Town is controlled by § 62.23(7)(i)2., Wis. Stats. Exceptions thereto may be granted by conditional use.
 3. The Committee may determine whether a CLA poses a threat to the health, safety or welfare of the residents of the City, and may order the CLA to cease operation, pursuant to the statutory procedures of § 62.23(7)(i).
 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 § 62.23(7)(i) Wis. Stats.,
 - a. CLA's with capacity for 8 or fewer persons and which meet the criteria of § 62.23(7)(i) 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 § 62.23(7)(i) shall be permitted to locate in any

residential zoning district except in single-family and two-family zoning districts (e.g. RR, ER-1, SR-3, SR-4, TR-6 districts).

- c. CLA's with capacity for 16 or more persons and which meet the criteria of § 62.23(7)(i) shall be allowed, by conditional use, to locate in the MR-8 and the MR-10 Districts.

1.408 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 an individual on a walk-in or on-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 1.408(16)).
- (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.

(3) **INDOOR SALES OR SERVICE:**

- (a) **Description:** Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats.
- (b) **Regulations:** The following regulations apply to all Indoor Sales or Service uses wherever located in the Extraterritorial Zoning District:
1. Permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.
 2. 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 1.412(6)).
 3. A land use which contains both indoor sales and outdoor sales 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.).
 4. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with

retail sales are regulated as "light industrial uses incidental to indoor sales" (see, Section 1.412(9)).

5. 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. (*Amended per Ord. 984*)

1.408 (4) OUTDOOR DISPLAY:

- (a) **Description:** Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Examples 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 1.412(6) as "Outdoor Display Incidental to Indoor Sales".)
- (b) **Regulations:** The following regulations apply to all Outdoor Display uses wherever located in the Extraterritorial Zoning District:
 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.
 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 1.509. 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.
 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 for this land use.
 9. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property, except per 6., above (See Section 1.610.).
 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.

1.408 (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. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use, (see Section 1.408(17)).
- (b) **Regulations:** The following regulations apply to all Indoor Maintenance Service uses wherever located in the Extraterritorial Zoning District:
 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:** The following regulations apply to all Outdoor Maintenance Service uses wherever located in the Extraterritorial Zoning District:
 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 bufferyard with a minimum opacity of .60 (see Section 1.610).
 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 service land uses 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 1.408(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, 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 1.412(7)).
- (b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Extraterritorial Zoning District:

1. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
2. 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.
3. 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.
4. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 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.
5. 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.
6. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 1.610).
7. 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.
8. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window.
9. 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. (*Amended per Ord. 984*)

1.408 (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:** The following regulations apply to all Indoor Commercial Entertainment uses wherever located in the Extraterritorial Zoning District:
 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 bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 1.610).
 3. Parking Requirements: One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

1.408 (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:** The following regulations apply to all Commercial Land uses wherever located in the Extraterritorial Zoning District:
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 1.610).
 3. Activity areas (including drive-in movie screens) shall not be visible from any 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 facility land uses include 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:** The following regulations apply to all Commercial Animal Boarding uses wherever located in the Extraterritorial Zoning District:
1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
 2. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
 3. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 1.906.)
 4. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.
 5. 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 include 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 condo's and short-term rental apartments, which provide housing for one month or less.

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

1. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a 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 1.610).
3. Within the PO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.
4. Parking Requirements: One space per bedroom, plus one space for each employee on the largest work shift.

1.408 (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:** The following regulations apply to all Bed and Breakfast Establishments is hereby repealed and recreated to read as follows: (*Repealed and recreated per Ord. 931*)

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 1.610).
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. Only the meal of breakfast may be served and only to overnight guests.
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 City 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 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. Any permit issued under the provisions of this Chapter may be revoked by the Commission for good cause shown after investigation and after granting the permit holder the opportunity to be heard in opposition thereto.
 13. Parking Requirements: One space per each bedroom.
 14. 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.

1.408 (13) GROUP DAY CARE CENTER (NINE OR MORE CHILDREN):

- (a) **Description:** Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools.
- (b) **Regulations:** The following regulations apply to all Group Day Care Center uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (see Section 1.610).
 2. Property owner's permission is required as part of the conditional use permit application.
 3. Such land uses shall not be located within a residential building.
 4. 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.
 5. Such land uses may be operated on a for-profit or a not for profit basis.
 6. Parking Requirements: One space per five students, plus one space for each employee on the largest work shift.

(14) CAMPGROUND:

- (a) **Description:** Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

- (b) **Regulations:** The following regulations apply to all Campground uses wherever located in the Extraterritorial Zoning District:
1. Facility shall provide a bufferyard with a minimum opacity of .70 along all property borders abutting residentially zoned property (see Section 1.610).
 2. Parking Requirements: One and one-half (1.5) spaces per campsite.

1.408 (15) BOARDING HOUSE:

- (a) **Description:** Boarding Houses include any residential use renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).
- (b) **Regulations:** The following regulations apply to all Boarding House land uses wherever located in the Extraterritorial Zoning District:
1. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 1.610).
 2. Shall provide a minimum of on-site parking space for each room for rent.
 3. Shall be located in an area of transition from residential land uses to nonresidential land uses.
 4. Shall comply with Section 1.905, applicable to all conditional uses.
 5. 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. *(Amended per Ord. 931)*

Rationale: The incorporation of this Subsection into this Chapter is designed to reflect the Common Council'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 Common Council 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 avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City's and Township's Comprehensive Master Plans and protect the character and integrity of its

commercial and residential neighborhoods.

- (b) **Regulations:** The following regulations apply to all Sexually Oriented land uses wherever located in the Extraterritorial Zoning District:
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.

1.408 (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 contain all operations (except vehicle storage) entirely within an enclosed building.
- (b) **Regulations:** The following regulations apply to all Vehicle Repair and Maintenance Service uses wherever located in the Extraterritorial Zoning District:
1. Storage of 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. (See Section 1.610).
 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 permitted combination of buildings, structures, walls and fencing. 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 from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.

1.409 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 1.412(8), below.
- (b) **Regulations:** The following regulations apply to all Indoor Storage or Wholesaling uses wherever located in the Extraterritorial Zoning District:
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:** The following regulations apply to all Outdoor Storage and Wholesaling uses wherever located in the Extraterritorial Zoning District:
1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing 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 at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or 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 1.608).
 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 1.509. 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.
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 1.610).
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.

1.409 (3) PERSONAL STORAGE FACILITY:

- (a) **Description:** Personal storage facilities 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. Also known as "mini-warehouses".
- (b) **Regulations:** The following regulations apply to all Personal Storage Facility uses wherever located in the Extraterritorial Zoning District:
 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 1.610).
 3. Shall comply with Section 1.905, standards and procedures applicable to all conditional uses.
 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:** The following regulations apply to all Junkyard or Salvage Yard uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 1.610).
 2. All buildings, structures, outdoor storage areas, and any other activity

areas shall be located a minimum of 100 feet from all lot lines.

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 1.532.
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.

1.409 (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:** The following regulations apply to all Waste Disposal Facility land uses wherever located in the Extraterritorial Zoning District:
 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 1.610).
 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 1.532) 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 City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City 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. State Law Reference: Section 144, Subchapter IV, Wisconsin Statutes
 7. Parking Requirements: One space for each employee on the largest work shift.

1.409 (6) COMPOSTING OPERATION:

- (a) **Description:** Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation.
- (b) **Regulations:** The following regulations apply to all composting operation land uses wherever located in the Extraterritorial Zoning District:
 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 occupied by non-agricultural land uses (see Section 1.610).
 3. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
 4. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
 5. Operations shall not involve the on-site holding, storage or disposal of

hazardous wastes (as defined by Section 1.532) in any manner.

6. Parking Requirements: One space for each employee on the largest work shift.

1.409 (7) SOLID WASTE TRANSFER & MATERIAL RECOVERY FACILITY (MRF):

(Added per ord. no. 2013-ET-1061)

- (a) **Description:** Solid waste transfer stations and MRFs are any land or facility which accepts solid waste for temporary storage, or consolidation and further transfer of solid waste to a landfill and which is permitted by the Wisconsin Department of Natural Resources.
- (b) **Regulations:** The following regulations apply to all solid waste transfer stations wherever located in the City:
 1. Shall comply with all County, State and Federal regulations.
 2. All equipment and activities associated with this use shall be contained within an enclosed building with only sufficient openings for ingress/egress of vehicles.
 3. All materials stored outside shall be kept within storage bins or bales screened from view from adjacent properties and streets.
 4. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 22.532.
 5. The receiving or processing of scrap steel and junked cars shall be prohibited.
 6. Parking Requirements: One space per employee on the largest work shift.

1.410 TRANSPORTATION LAND USES

(1) OFF-SITE PARKING LOT:

- (a) **Description:** Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also Section 1.509 for additional parking regulations.
- (b) **Regulations:** The following regulations apply to all Off-Site Parking Lot land uses wherever located in the Extraterritorial Zoning District:
 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:** The following regulations apply to all Airport/Heliport uses wherever located in the Extraterritorial Zoning District:

1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 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 1.610).
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.

(3) FREIGHT TERMINAL:

- (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:** The following regulations apply to all freight terminal uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 1.610).
 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.

1.410 (4) DISTRIBUTION CENTER:

- (a) **Description:** Distribution centers are facilities oriented to the short term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 1.412(8).
- (b) **Regulations:** The following regulations apply to all distribution center uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 1.610).
 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:** The following regulations apply to all indoor vehicle storage uses wherever located in the Extraterritorial Zoning District:
1. All activities shall be conducted entirely within the confines of the building.
 2. This facility will require consideration of a Group Development (Section 1.414) if located on the same lot as another principal use building.

1.411 **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 Article 5.
- (b) **Regulations:** The following regulations apply to all light industrial uses wherever located in the Extraterritorial Zoning District:
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 1.412(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 comply with 1 or more of the following criteria: 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; and 3) do not pose a significant safety hazard (such as danger of explosion). 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 involving the onsite storage of salvage materials.

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

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 1.610).
2. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
3. Heavy industrial land uses shall not exceed the performance standards listed in Article 5.
4. Parking Requirements: One space per each employee on the largest work shift.

1.411 (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:** The following regulations apply to all communication tower uses wherever located in the Extraterritorial Zoning District:

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 1.610).
3. Parking Requirements: One space per employee on the largest work shift.
4. See also, Section 1.535 regarding standards for "Signal Receiving Antennas" and Section 1.536 regarding standards for "Wind Energy Conversion Systems."

(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:** The following regulations apply to all extraction uses wherever located in the Extraterritorial Zoning District:

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 1.610).
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 said restoration (as determined by a third party selected by the Committee), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publically-owned extraction or waste disposal facilities.)

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

1.412 **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 1.408 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:** The following regulations apply to all commercial apartment accessory land uses wherever located in the Extraterritorial Zoning District:
 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. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the Zoning Administrator.

(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 1.406 above.
- (b) **Regulations:** The following regulations apply to all farm residence accessory land uses wherever located in the Extraterritorial Zoning District:
 1. None.

(3) **DETACHED GARAGE, CARPORT, UTILITY SHED, DETACHED DECK, PLAY STRUCTURE, LAWN ORNAMENT OR SIMILAR MINOR ACCESSORY STRUCTURES:** *(Amended per Ord. 984)*

(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 subject property. For the purposes of this Section, children's play structures including play horses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section whether such play structures are placed on a foundation or not. Swing sets, slides 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 Zoning Administrator, to handle other similar accessory structures, not otherwise specifically covered by this Article 4.

1.412(3) (b) **Regulations:** The following regulations apply to all detached garage, carport, utility shed, detached deck, play structure, lawn ornament, or similar minor accessory land uses wherever located in the City:

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. 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 1,000 square feet. Accessory structures exceeding a total of 1,000 square feet may be allowed by conditional use. Under no circumstances shall this accessory use exceed 30% coverage of the rear yard area, or exceed the coverage of the principal structure.
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 other than a street line.
4. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
5. These detached structures may be located on the same lot as the principal land use, or on a separate adjacent lot in conjunction with the principal land use.
6. See Section 1.541 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.

(5) **COMPANY PROVIDED ON-SITE RECREATION:**

(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:** The following regulations apply to all company provided on-site recreation accessory land uses wherever located in the Extraterritorial Zoning District:
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 1.610). 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 1.408(4).
- (b) **Regulations:** The following regulations apply to all outdoor displays incidental to indoor sales and service accessory land uses wherever located in the Extraterritorial Zoning District:
1. Shall comply with all conditions of Subsection 1.408(4).
 2. Display area shall not exceed 25% of gross floor area of principal building on the site.
- 1.412 (7) **IN-VEHICLE SALES & SERVICES INCIDENTAL TO ON-SITE PRINCIPAL LAND USE:**
- (a) **Description:** See Subsection 1.408(7).
- (b) **Regulations:**
1. Shall comply with all conditions of Subsection 1.408(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:** The following regulations apply to all indoor sales incidental to storage or light industrial accessory land uses wherever located in the Extraterritorial Zoning District:
1. Adequate parking, per the requirements of Section 1.509, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.
 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.

(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:** The following regulations apply to all light industrial activities incidental to indoor sales or service accessory land uses wherever located in the Extraterritorial Zoning District:
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 1.517 for all adjacent properties.

1.412 (10) **HOME OCCUPATION:**

- (a) **Description:** Home occupations are small home-based family or professional businesses performed within any single-family detached residence which comply with the following requirements. Examples include personal and professional services, and handicrafts, which comply with all of the following requirements:
- (b) **Regulations:** The following regulations apply to all home occupation accessory land uses wherever located in the Extraterritorial Zoning District:
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 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 residence, 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 an attached garage.
 3. There shall be no exterior alterations which change the character thereof 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 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 three (3) 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 are, but are not limited to, computer programming, accounting, insurance

agency and computer-based consulting and clerical services.

9. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling.
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 home occupations in residential districts which do not meet standards 1. through 11. above, as conditional uses subject to the following:
 - a. The types and number of equipment or machinery used on the conditional use site may be restricted by the Committee.
 - b. Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

1.412 (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 66.304(b)(2), Wis. Stats).
- (b) **Regulations:** The following regulations apply to all family day care homes (4 to 8 children) accessory land uses wherever located in the Extraterritorial Zoning District:
 1. 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.
State Law Reference: Section 66.304(b)(2), Wisconsin Statutes
- (b) **Regulations:** The following regulations apply to all family day care homes (9 to 15 children) accessory land uses wherever located in the Extraterritorial Zoning District:
 1. 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:** The following regulations apply to all migrant labor camp accessory land uses wherever located in the Extraterritorial Zoning District:
 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 zoning districts (see Section 1.610).
 2. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the Extraterritorial Zoning District.

1.412 (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 operative. Refer also to Section 1.506. (*Amended per Ord. 931*)
- (b) **Regulations:** The following regulations apply to all on-site parking lot accessory land uses wherever located in the Extraterritorial Zoning District:
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.

(15) PRIVATE RESIDENTIAL RECREATIONAL FACILITY:

- (a) **Description:** This land use includes all 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 recreation-type equipment.
- (b) **Regulations:** The following regulations apply to all private residential recreational accessory land uses wherever located in the Extraterritorial Zoning District:
1. Swimming pools shall be regulated by the performance standards provided in Section 1.537.
 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 1.514).
 4. All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Article 2)

(16) PRIVATE RESIDENTIAL KENNEL:

- (a) **Description:** A maximum of any combination of 3 dogs and/or cats (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing a number of dogs and/or cats exceeding this number shall be considered a private residential kennel, and such a kennel shall require licensing by the Township. In addition to those requirements, a private residential kennel shall meet the following requirements.
- (b) **Regulations:** The following regulations apply to all private residential kennel accessory land uses wherever located in the Extraterritorial Zoning District:
1. For any number over three animals, a maximum of one additional animal per 5 acres shall be permitted.
 2. Outdoor containments or enclosures for animals shall be located a minimum of 25 feet from any residentially zoned property 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:** The following regulations apply to all private residential stable accessory land uses wherever located in the Extraterritorial Zoning District:
1. A minimum lot area of 2 acres is required for a private residential stable (per Ord. No. 1094-ETZ).
 2. A maximum of one horse per acre.
 3. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property, and shall be screened with a buferyard with a minimum opacity of .60 along the borders abutting residentially zoned property.
 4. The requirements of Subsection 1.408(10) shall also apply to private residential stables.

1.412 (18) DRAINAGE STRUCTURE:

- (a) **Description:** These include all improvements 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:** The following regulations apply to all drainage structure accessory land uses wherever located in the Extraterritorial Zoning District:
1. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be restored, except where otherwise deemed necessary by the DPW.
 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:** The following regulations apply to all filling accessory land uses wherever located in the Extraterritorial Zoning District:
1. In all Natural Resource Protection Overlay Districts, native vegetation shall be restored to the extent practicable.
 2. Shall not create drainage onto other properties.
 3. Shall not impede on-site drainage.
 4. Shall comply with provisions of the Subdivision Ordinance.

(20) LAWN CARE:

- (a) **Description:** Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with this Ordinance.
- (b) **Regulations:** The following regulations apply to all lawn care accessory land uses wherever located in the Extraterritorial Zoning District:

1. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas, except on an access path not exceeding 20 feet in width.
2. In all Natural Resource Protection Overlay Districts, clearance of understory growth is permitted.
3. In all Natural Resource Protection Overlay Districts, lawn care is limited. (See, Section 1.305).

1.412 (21) INDIVIDUAL SEPTIC DISPOSAL SYSTEM:

- (a) **Description:** This land use includes any State-enabled, County-approved septic disposal system.
- (b) **Regulations:** The following regulations apply to all individual septic disposal system accessory land uses wherever located in the Extraterritorial Zoning District:
 1. Minimum lot size of 0.5 acres.
 2. Shall not be located closer than 30 feet to any Natural Resource Protection Overlay District.

(22) EXTERIOR COMMUNICATION DEVICES:

- (a) **Description:** This land use includes any antennas used for communication reception. (e.g. satellite dishes, ham radio towers, t.v. antennas)
- (b) **Regulations:** The following regulations apply to all exterior communication devices accessory land uses wherever located in the Extraterritorial Zoning District:
 1. Except for television antennas and satellite dishes 18" or smaller, exterior communication devices shall not be visible from a public street.
 2. Devices must be sited an equal or greater number of feet from any property lines as their maximum height and may not be located in a required street yard.
 3. The Applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.

(23) 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:** The following regulations apply to all caretakers' residence accessory land uses wherever located in the Extraterritorial Zoning District:
 1. Shall provide housing only for on-site caretaker and family.

(24) CULTIVATION:

- (a) **Description:** See Section 1.406(1) above.
- (b) **Regulations:** The following regulations apply to all cultivation accessory land uses wherever located in the Extraterritorial Zoning District:
 1. On buildable lots, cultivation areas shall not exceed 20% of the lot's area.
 2. Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.

3. In Natural Resource Protection Areas, allowed as a conditional use only if designated on the submitted site plan, and/or the recorded Plat or Certified Survey as an "Area which may be used for cultivation".

1.412 (25) PASSIVE OUTDOOR PUBLIC RECREATIONAL AREA:

- (a) **Description:** See Section 1.407(1).
- (b) **Regulations:** The following regulations apply to all passive outdoor public recreational area accessory land uses wherever located in the Extraterritorial Zoning District:
 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.

(26) ACTIVE OUTDOOR PUBLIC RECREATIONAL AREA:

- (a) **Description:** See Section 1.407(2).
- (b) **Regulations:** The following regulations apply to all active outdoor public recreational area accessory land uses wherever located in the Extraterritorial Zoning District:
 1. The regulations of Section 1.407(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.

(27) OUTDOOR INSTITUTIONAL:

- (a) **Description:** See Section 1.407(4).
- (b) **Regulations:** The following regulations apply to all outdoor institutional accessory land uses wherever located in the Extraterritorial Zoning District:
 1. The regulations of Section 1.407(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.

(28) 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:** The following regulations apply to all roads, bridges and appurtenances thereto as accessory land uses wherever located in the Extraterritorial Zoning District:
 1. These may locate in or across a natural resource areas only in conjunction with a boat landing, or when deemed essential by the Department of Public Works.
 2. These may locate in other permanently protected green space areas if

designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.

3. Road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

1.412 (29) 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:** The following regulations apply to all utility lines and related facilities as accessory land uses wherever located in the Extraterritorial Zoning District:

1. May locate in or across a natural resource areas only when deemed essential by the Department of Public Works.
2. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
3. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.
4. On all public property and right-of-way, shall locate where designated by DPW, and pursuant to any underground utility ordinance in effect.

(30) 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:** The following regulations apply to all piers and wharfs as accessory land uses wherever located in the Extraterritorial Zoning District:

1. A site plan shall be required per Section 1.908 for construction, erection, placement or extension of a pier or wharf, with specific information provided regarding: its location in relation to the shoreline and abutting riparian property lines, and regarding dimensions and building materials.
2. Nothing herein shall be construed to waive the requirements of the DNR or any State laws or regulations applicable to piers and wharfs.

(31) OUTDOOR COMMERCIAL ENTERTAINMENT: (Amended per Ord. 931)

- (a) **Description:** This land use is identical to the land use described in Section 1.408(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 1.408(9) are incorporated herein by reference.

1.413 TEMPORARY LAND USES

These land uses are allowed pursuant to the procedures of Section 1.906.

(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 sales; however, up to two garage sales per lot per calendar year are exempt from the provisions of this Section.
- (b) **Regulations:** The following regulations apply to all general temporary outdoor sales wherever located in the Extraterritorial Zoning District:
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 1.809(8).
 4. Adequate parking shall be provided.
 5. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 6. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

1.413 (2) OUTDOOR ASSEMBLY:

- (a) **Description:** Includes any organized outdoor assembly of more than 100 persons.
- (b) **Regulations:** The following regulations apply to all outdoor assembly temporary land uses wherever located in the Extraterritorial Zoning District:
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 1.809(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.
 6. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

(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 land use to be in place for more than 365 days shall require a Conditional Use Permit.
5. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

1.413 (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:** The following regulations apply to all contractors' on-site equipment storage facilities which are temporary land uses wherever located in the Extraterritorial Zoning District:
 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.
 4. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

(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 1.905.)
- (b) **Regulations:** The following regulations apply to all relocatable buildings which are temporary land uses wherever located in the Extraterritorial Zoning District:
 1. Shall conform to all setback regulations.
 2. Shall conform to all State and local building code regulations.
 3. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

(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:** The following regulations apply to all on-site real estate sales offices which are temporary land uses wherever located in the Extraterritorial Zoning District:
 1. Structure shall not exceed 5,000 square feet in gross floor area.
 2. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
 3. Signage shall comply with the requirements for temporary signs in Section 1.809(8).
 4. Projects requiring land use to be in place for more than 365 days shall

require a conditional use permit.

5. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

(7) SEASONAL OUTDOOR SALES OF FARM PRODUCTS:

- (a) **Description:** Includes any outdoor display of farm products not otherwise regulated by this Ordinance.
- (b) **Regulations:** The following regulations apply to all seasonal outdoor sales of farm products which are temporary land uses wherever located in the Extraterritorial Zoning District:
 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 1.809(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.
 5. Shall comply with Section 1.906, standards and procedures applicable to all temporary uses.

1.414 GROUP DEVELOPMENTS

- (1) **DEFINITION:** A group development is any development containing:
 - (a) Two or more structures containing principal land uses on the same lot;
 - (b) Any single structure on a single lot which contains 5 or more dwelling units or 2 or more non-residential uses; and/or,
 - (c) Any single structure devoted to institutional, office or commercial land uses containing more than 5,000 gross square feet of floor area.

Common examples of group developments include 6-unit apartment buildings, apartment complexes, condominium complexes, strip centers, shopping centers, and office centers. (One tenant office or commercial buildings containing less than 5,000 square feet of gross floor area, 4-unit apartment buildings, and other land uses in which each non-residential building contains only one tenant, or where the lot contains only one structure, or where each residential building contains 4 or fewer dwelling units, are not group developments even though such developments may contain parcels under common ownership.)

- (2) **REGULATION OF GROUP DEVELOPMENTS:** Group developments are permitted as conditional uses in all non-residential zoning districts and in the TR-6, MR-8 and MR-10 residential 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. The land use regulations of this Section, as well as Article 4 and all other applicable provisions of this Chapter, shall apply to group developments. The conditional use review and approval procedures of Section 1.905 shall apply to the review of proposals for group developments.
- (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 accommodate all trash and waste generated by the land uses in a convenient

- manner.
- 1.414(3)**
- (c) **Access:** No group development shall take access to a local residential street.
 - (d) **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).
 - (e) **5000+ Square Foot Developments:** The following standards shall apply to all *new* institutional, commercial, and office buildings in excess of 5,000 gross square feet and to all multi-building Group Developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 5,000 square feet. These conditions shall also be applied to the entire building and site in instances where building additions bring the total building size to over 5,000 gross square feet. Such conditions shall apply to both the building additions and to older portions of the building and the site which were constructed prior to the adoption of this Chapter. This 5,000 square foot limit shall apply to individual free-standing buildings and to Group Developments in which the combined total of all structures on a site, regardless of diverse use or tenancy, combine to more than 5,000 gross square feet:
 1. Building exterior materials shall be of high quality on all sides of the structure including glass, brick, decorative concrete block, or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the Committee.
 2. Building exterior design shall be unified in design and materials throughout the structure, 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. A minimum of 20 percent of the combined façades of the structure shall employ actual façade protrusions or recesses. A minimum of 20 percent of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more. Roofs with particular slopes may be required by the Committee to complement existing buildings or otherwise establish a particular aesthetic objective.
 3. 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.
 4. Standard Corporate Trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the Committee, only as subtly integrated into the more generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.
 5. 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.
 6. 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.
- 1.414(3)(e)**
7. Vehicle access from public streets shall be designed to accommodate peak annual 20th hour traffic volumes without disrupting traffic on public streets from inadequate throat length access drive width or design or inadequate driveway location. 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, intersections, interchanges during the peak annual 20th hour. Where the project shall adversely impact off-site traffic, the Committee may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.
 8. 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.
 9. 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.
 10. On site landscaping shall be provided per the landscaping requirements of the zoning ordinance except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the Planned Business Zoning District.
 11. 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.
12. The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location.
 13. Where group developments are proposed to provide a new location for a business already located within the community, a required condition of approval for the new development shall be a prohibition on conditions of sale, lease, or use of the previously occupied building or site which impose limits beyond the range of applicable local, state or federal regulations. If such limits are required, the applicant may seek Committee approval to demolish the previously-occupied structure and prepare the site for some future development.
 14. Where group developments are proposed to provide a new location for a business already located within the community, the applicant shall provide adequate evidence that the proposed development shall not have the likely result of creating long-term vacancies for the applicant's current location, or long-term vacancies in specialized buildings related to the potential closure of competing local businesses.
 15. The applicant shall provide adequate evidence that the proposed development and uses cannot be adequately sited within or on existing developed properties or buildings within the community.

16. The applicant shall provide adequate evidence that the proposed development and uses shall not hinder or undermine the community character objectives as stated and elaborated in the City's and Township's Comprehensive Master Plans.
17. The applicant shall provide adequate evidence that the proposed development shall not have the likely result of hindering the preservation or attainment of the community's desired small city community character as exemplified by certain off-site impacts, including increase in traffic congestion, new lane additions, new traffic signals, storm water management problems, sudden declines in road conditions or substantial impacts on city facilities or services.