City of Verona

Plan Commission Meeting Agenda
Monday – June 1, 2020 – 6:30 P.M.
www.ci.verona.wi.us

Due to the COVID-19 pandemic, the Verona Plan Commission will hold its meeting as a virtual meeting. The Plan Commission will not meet at City Hall, 111 Lincoln Street. Members of the Plan Commission and Staff will join the meeting by using Zoom Webinar, as described immediately below.

Members of the public can join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting using phones, as described immediately below. Those requiring toll-free options are asked to contact City Hall for details prior to the meeting at adam.sayre@ci.verona.wi.us or 608-848-9941.

Join the meeting via computer, tablet, or smart phone:
https://zoom.us/j/93602687404
Webinar ID: 936 0268 7404

Join the meeting via phone by dialing:
312-626-6799
Webinar ID: 936 0268 7404

The online meeting agenda and all support materials can be found at https://www.ci.verona.wi.us/. In addition to the public, all Plan Commission members and Staff will also be participating remotely. Anyone with questions prior to the meeting may contact the City at (608) 848-9941 or adam.sayre@ci.verona.wi.us.

1. Call to Order
2. Roll Call
3. Approval of minutes from May 2, 2020 Plan Commission Meeting.
4. Discussion and Possible Action – Zoning Ordinance rewrite: Review of draft Article 3 – Establishment of Zoning Districts, Article 4 – Specific Districts, and Article 5 – Specific Use Standards for the Zoning and Sign Code rewrite.
5. Adjournment

Luke Diaz

Posted: Verona City Hall,
Verona Public Library,

Miller's Market
All agendas are posted on the City's website at: www.ci.verona.wi.us

Notice: If need an interpreter, materials in alternative formats, or other accommodation to access the meeting, please contact the City Clerk at 845-6495 at least 48-hours preceding the meeting. Every reasonable effort will be made to accommodate your request.

Notice is hereby given that a majority of the City Council may be present at the meeting of the Plan Commission to gather information about a subject over which they have decision-making responsibility.

This constitutes a meeting of the City Council pursuant to the State ex rel. Badke v. Greendale Village Board, 173Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the City Council will not take any formal action at this meeting.

City of Verona
Minutes
Plan Commission
May 4, 2020

Due to the COVID-19 pandemic, the Verona Plan Commission held its meeting as a virtual meeting. The Plan Commission did not meet at City Hall, 111 Lincoln Street. Members of the Plan Commission and Staff joined the meeting by using Zoom Webinar. Members of the public were able to join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting via phone.

1. **Call to Order:** Luke Diaz called the meeting to order at 6:30 p.m.
2. **Roll Call:** Luke Diaz, Mike Hankard, Steve Heinzen, Katie Kohl, Pat Lytle, Tyler Powers, and Beth Tucker Long were present. Also present: City Administrator Adam Sayre and City Engineer Carla Fischer.
3. **Approval of minutes from March 2, 2020 and April 8, 2020 Plan Commission meetings.** Motion by Kohl, seconded by Tucker Long, to approve the minutes from the March 2, 2020 and April 3, 2020 Plan Commission meetings. Motion carried 7-0.
4. **Discussion & Possible Action – Site plan review for Zander Solutions to allow for the construction of a 6,600 square foot building located at 421 South Nine Mound Road and 408 Venture Court.**
   Sayre presented the Staff report. The Applicant is requesting a site plan review to construct a 6,600 square foot building fronting onto Venture Court, as well as a 1,800 square foot storage building at 421 South Nine Mound Road. Setback requirements for both buildings have been met. Access to the site would be unchanged. The proposed parking area is sufficient for the property. There are no concerns with stormwater drainage at this time. The design of the building includes blue highlights and stone columns consistent with other buildings in this industrial park. There is a dumpster located northwest of the drive aisle, which the Applicant is proposing to enclose using a chain-link fence with vinyl slats. Staff is recommending a concrete masonry unit (CMU) enclosure. Staff has no concerns over the landscaping plan.

   The Applicant is also requesting a certified survey map (CSM) to create two lots. Lot 1 would contain the existing building and outside storage areas and Lot 2 would contain the new 6,600 square foot building.

   Lytle asked if these buildings are likely to be used as multi-tenant buildings sometime in the future, and if so, how that will affect the required number of available parking spaces.

   Sayre replied it is possible that these buildings will someday be used as multi-tenant buildings, but the industrial types of building uses common in this area do not create a high demand for parking.

   Motion by Lytle, seconded by Kohl, to approve the site plan for Zander Solutions to allow for the construction of a 6,600 square foot building located at 421 South Nine Mound Road and 408 Venture Court.

   On roll call: Lytle – Aye; Hankard – Aye; Heinzen – Aye; Kohl – Aye; Tucker Long – Aye; Powers – Aye; Diaz – Aye. Motion carried 7-0.

5. **<u>Discussion and Possible Action</u> – Certified survey map to create two (2) lots located at 421 South Nine Mound Road and 408 Venture Court.**
   Motion by Diaz, seconded by Powers, to recommend to the Common Council to approve a certified survey map to create two (2) lots located at 421 South Nine Mound Road and 408 Venture Court.

   On roll call: Heinzen – Aye; Kohl – Aye; Tucker Long – Aye; Powers – Aye; Hankard – Aye; Diaz – Aye; Lytle – Aye. Motion carried 7-0.

6. **<u>Discussion and Possible Action</u> – Site plan review for KSW Office Headquarters to allow for the construction of an 8,995 square foot building located in the Verona Technology Park at 1100 John P. Livesey Boulevard.**
   Sayre presented the Staff report. The Applicant is requesting a site plan review to construct an office building located at the corner of Thousand Oaks Trail and County Highway M, with access from John P. Livesey Boulevard. The project is within the City's Southeast Neighborhood Plan. The purpose of this area is to create employment opportunities. The proposed office use for this building fits that plan. The Applicant is proposing to relocate KSW headquarters in this building, which is across the street from the current headquarters. The building conforms to all the required setbacks. Staff is supportive of the building location. Access would be from John P. Livesey Boulevard, which is generally a low volume road. The proposed parking area is sufficient for the building's use, and Staff has no concerns with the stormwater management plans. The landscaping plan will provide a nice visual presence from all three roads surrounding the property. There are no concerns with the building design, which is consistent with the Southeast Neighborhood Plan.

   Motion by Kohl, seconded by Heinzen, to approve the site plan review for KSW Office Headquarters to allow for the construction of an 8,995 square foot building located in the Verona Technology Park at 1100 John P. Livesey Boulevard.

   On roll call: Hankard – Aye; Lytle – Aye; Tucker Long – Aye; Powers – Aye; Kohl – Aye; Diaz – Aye; Heinzen – Aye. Motion carried 7-0.

7. **<u>Adjournment</u>**
   Motion by Hankard, seconded by Kohl, to adjourn. Motion carried 7 – 0. The meeting was adjourned at 6:51 p.m.

Memorandum

To: Plan Commission

From: Katherine Holt – Community Development Specialist

Date: June 1, 2020

Re: **Zoning and Sign Code Rewrite**

Houseal Lavigne and Ancel Glink are continuing to make progress rewriting the Zoning and Sign Code and continues to coordinate with Staff. Jackie Wells of Houseal Lavigne will be attending the June 1st Plan Commission meeting to present drafts for three (3) different sections of the Zoning Ordinance. Attached are draft articles as a clean version and as a redline version for each of the three (3) articles. A brief summary is provided below for each article.

The Plan Commissioners are asked to provide feedback as Jackie Wells will be attending to receive input from the Commissioners. Staff recommends using the table in Article 4 and compare land uses to the requirements in Article 5 to ensure it is easily understood.

Article 3 – Establishment of Zoning Districts

- A memo was provided by Houseal Lavigne to explain what zones were consolidated into existing zones.

Article 4 – Specific District Standards

- This article contains a table showing the bulk and dimensional standards such as lot standards, setbacks (minimum), and building standards (maximum).
- Information regarding acceptable intrusions into setbacks and exceptions to height requirements.
- A new table is proposed to show where each land use is allowed in each zoning district and where they are permitted, conditional, or prohibited uses.

Article 5 – Establishment of Zoning Districts

- This article contains all of the land uses for the City under larger land use topics such as residential use standards.
- Land uses in this article include existing land uses in the current ordinance with several new land uses. The new land uses are names that are more intuitive to the general public and clarify what is expected for those land uses.

HOUSEAL LAVIGNE ASSOCIATES

Memorandum

Date: May 21, 2020

SENT VIA EMAIL

To: City of Verona Plan Commission

From: Houseal Lavigne Associates
John Houseal, FAICP
Jackie Wells, AICP

Re: **Project Progress Report #1**
Zoning and Sign Code Rewrite

This memorandum provides an update on the status of the City of Verona's Zoning and Sign Ordinance Rewrite project. This memorandum is delivered to the City along with draft Article 3 – Establishment of Zoning Districts, Article 4 – Specific District Standards, Article 5 – Specific Use Standards, and the Zoning Districts Map (Steps 3a-d of the Project Scope of Work). Following is a narrative description of the proposed revisions to the City's zoning districts and map.

Proposed Revisions to the Zoning Districts

Based on previous discussions with staff, elected and appointed officials, as well as the recommendations included in the Diagnostic Memo, it is recommended that the City's fifteen zoning districts be reduced to twelve. It is proposed that the CR Community Residence District, NC Neighborhood Commercial District, and UC Urban Commercial District be eliminated since they are underutilized or can be better accommodated by other zoning districts. Further detail on how parcels included in a district proposed to be eliminated will be rezoned is following in the *Proposed Revisions to the Zoning Map* section.

HOUSEAL LAVIGNE ASSOCIATES, LLC

188 West Randolph Street, Suite 200
Chicago, IL 60601-2901
(312) 372-1008

www.hlplanning.com
info@hlplanning.com

Proposed Approach to Planned Unit Developments (PUD)

The updated Zoning Ordinance will break existing PUDs into three categories:

1. **Existing PUDs as Overlay Districts**: These PUDs will continue on under the updated Zoning Ordinance and will continue to have a base zoning designation, as will be the case with all new PUDs under the updated Zoning Ordinance.
2. **Existing PUDs that are zoned as a "PUD" Zoning District that we have the governing approvals/regulations**: These PUD districts will be grandfathered in under the new Zoning Ordinance as a stand-alone PUD district. No properties can be rezoned to this "PUD" district under the new Zoning Ordinance. This will allow these properties to continue operating under the known PUD regulations without reverting to non-conforming status.
3. **Existing PUDs that are zoned as a "PUD" Zoning District that we do not know/have their governing approvals/regulations**: These PUD parcels will be rezoned to a new base zoning designation. Any existing PUD approvals (to the extent they can be found) will continue on as nonconformities under the new Zoning Ordinance.

Proposed Revisions to the Zoning Map

To support the proposed revisions to the City's zoning districts, the following zoning map revisions are recommended. A diagram illustrating the proposed revisions is included at the end of this section.

NR Neighborhood Residential District

As shown on the attached "Proposed NR District" map, it is recommended that the NR Neighborhood Residential District include all existing NR designated parcels as well as all CR Community Residential District designated parcels. It is proposed that these two districts be consolidated due to the similarity in their purposes and patterns of existing development. The one differentiating factor between the two districts is the intent of the CR District to provide for more affordable housing opportunities. To address this, it is recommended that the City allow accessory dwelling units (secondary dwelling) as a permitted use and single-unit, attached development as a conditional use in the NR District. Both proposed uses are accompanied by specific use standards in Article 5.

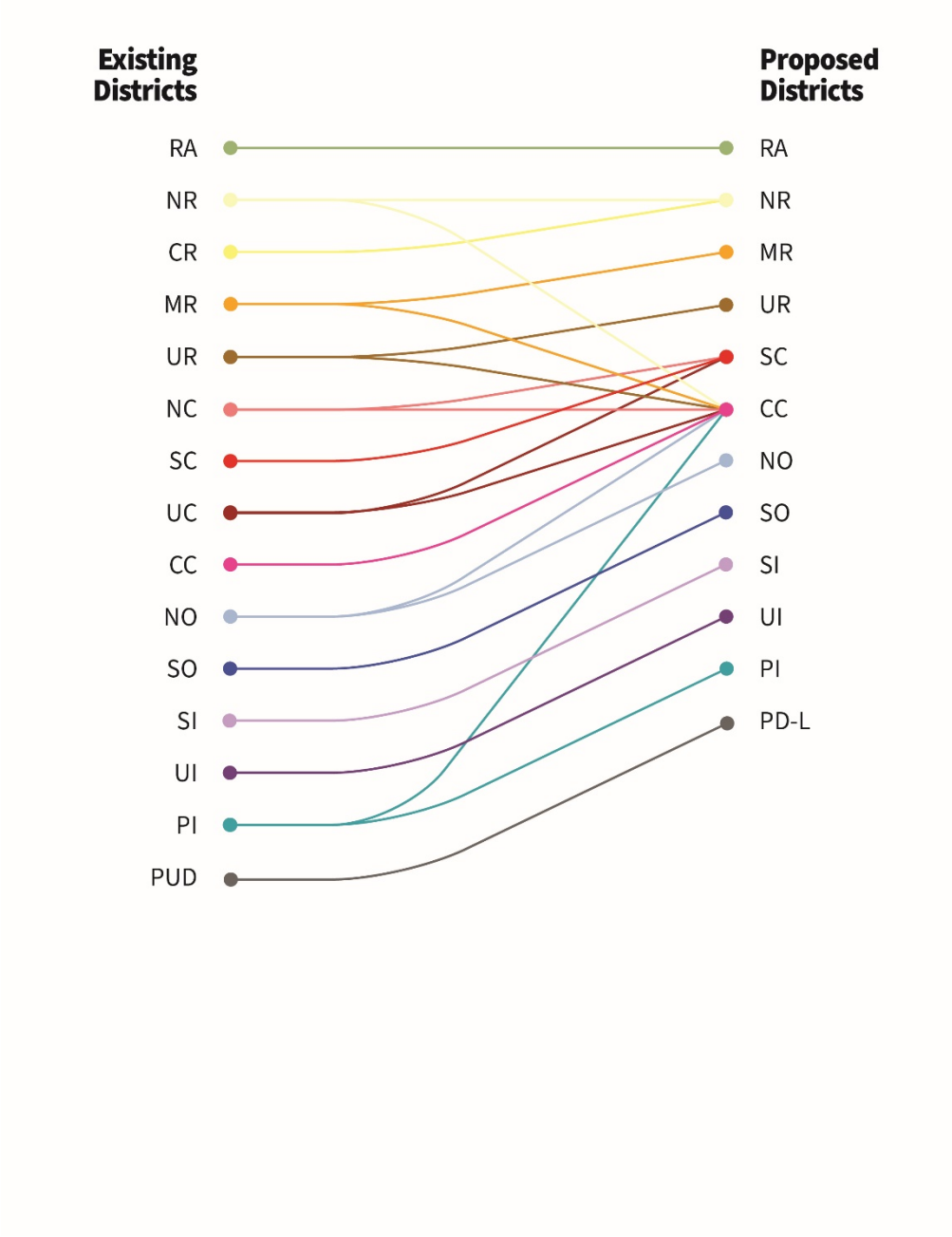
SC Suburban Commercial District

As shown on the attached "Proposed SC District" map, it is recommended that the SC Suburban Commercial District include all parcels currently designated as SC as well as the majority of UC Urban Commercial District designated parcels and one NC Neighborhood Commercial District parcel. It is proposed that these parcels be consolidated into the SC District due to the similarity in their locations along commercial corridors and the auto-oriented nature of the existing development.

CC Central Commercial District

As shown on the attached "Proposed CC District" map, it is recommended that the CC Central Commercial District include all parcels within the boundaries of the Downtown as identified in the City's 2014 Downtown Mobility and Development Plan.

conclude in July 2020.

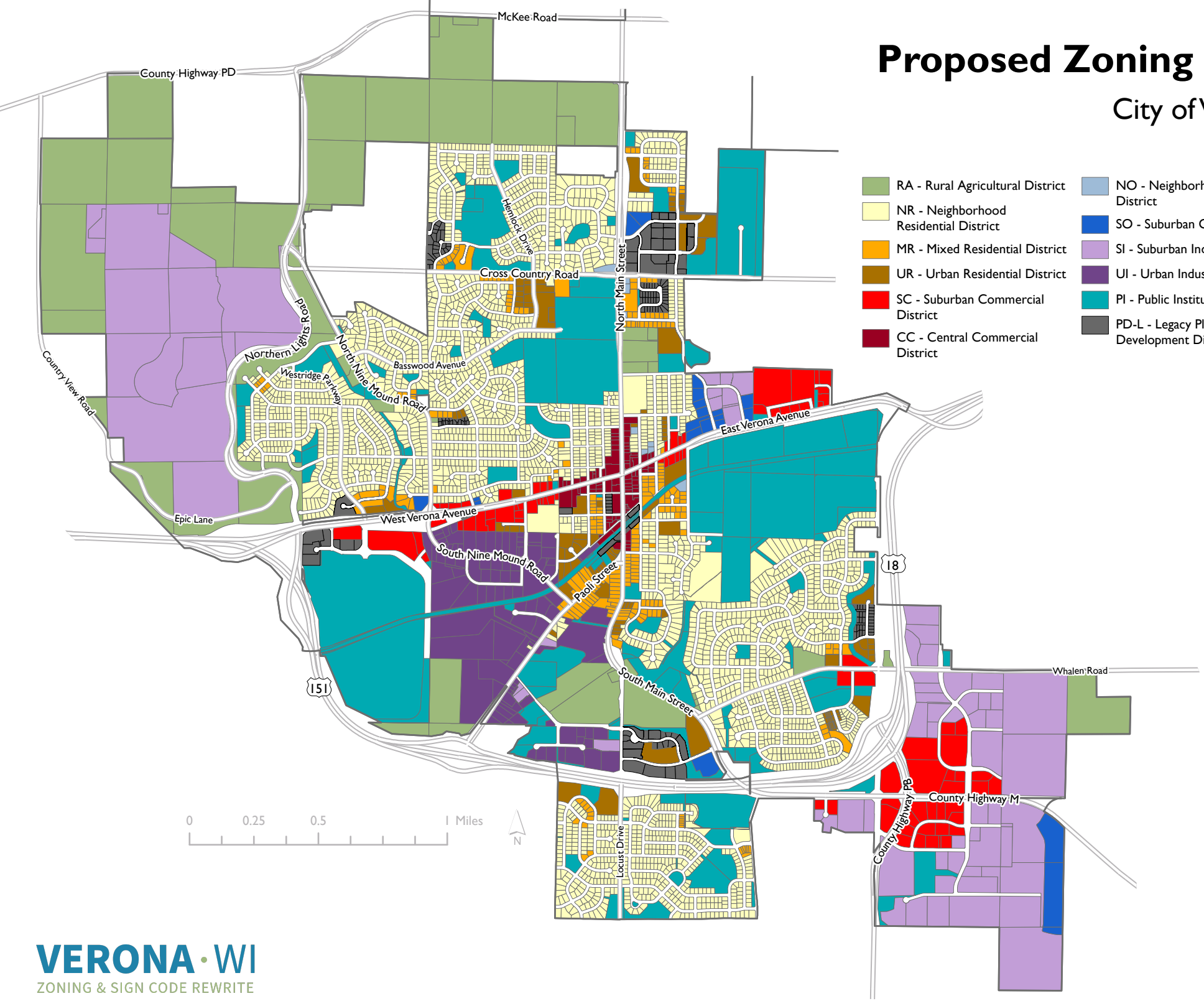

Existing Districts
Proposed Districts
RA
NR
CR
MR
UR
NC
SC
UC
CC
NO
SO
SI
UI
PI
PUD
RA
NR
MR
UR
SC
CC
NO
SO
SI
UI
PI
PD-L

Next Steps

Next, the consultant team will move on to Step 4 of the Scope of Work, Draft Development Standards. This third project deliverable will include draft Article 6 – General Development Standards and Article 7 – Sign Standards. The consultant team will work with City staff to establish a timeline for the delivery, review, and revision of the draft articles. According to the Work Plan and Timeline included in the project proposal, this step is projected to conclude in July 2020.

Proposed Zoning Map

City of Verona



VERONA · WI

ZONING & SIGN CODE REWRITE

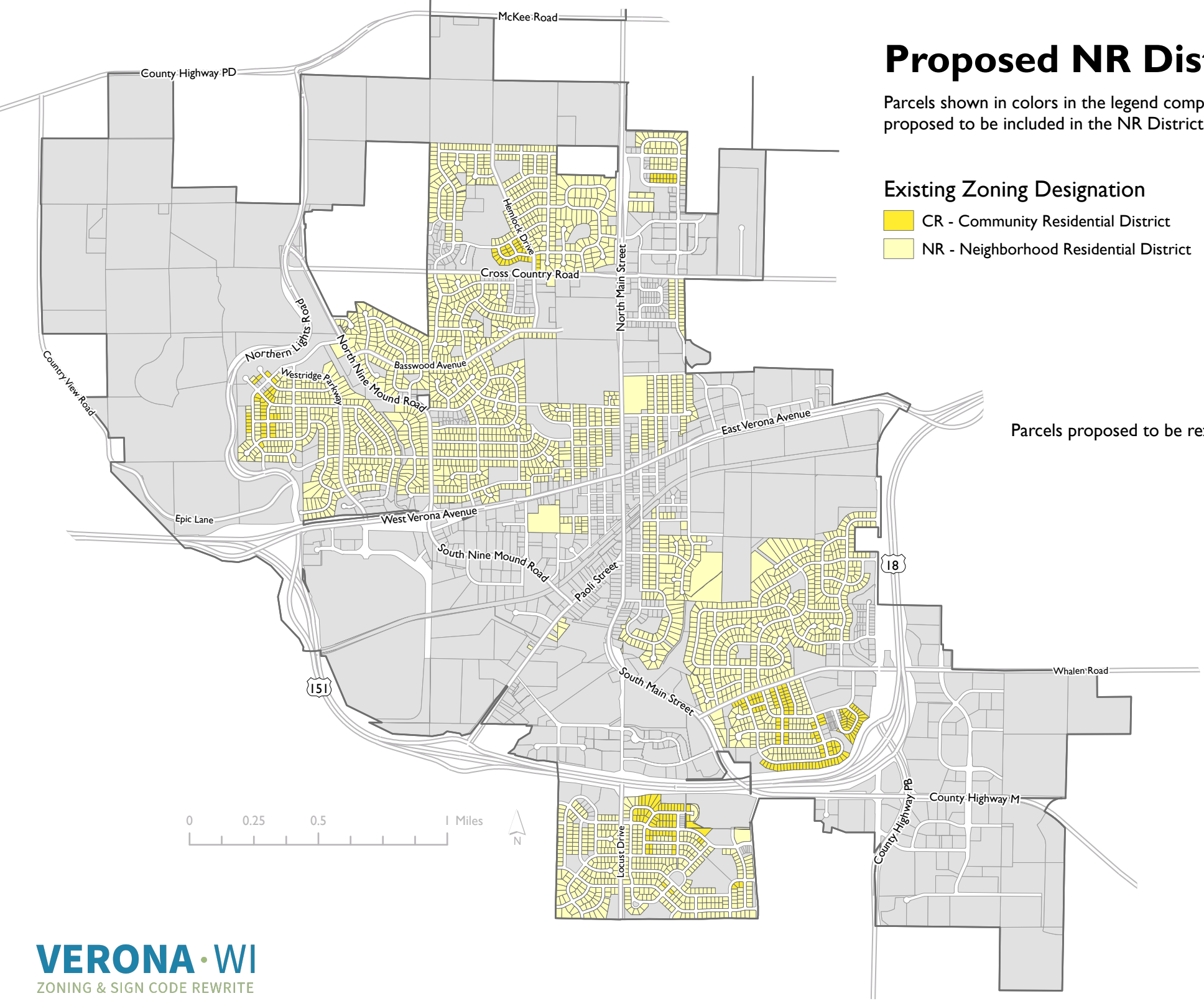
Proposed NR District

Parcels shown in colors in the legend comprise those proposed to be included in the NR District.

Existing Zoning Designation

- CR - Community Residential District
- NR - Neighborhood Residential District

Parcels proposed to be rezoned: 310



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ZONING & SIGN CODE REWRITE

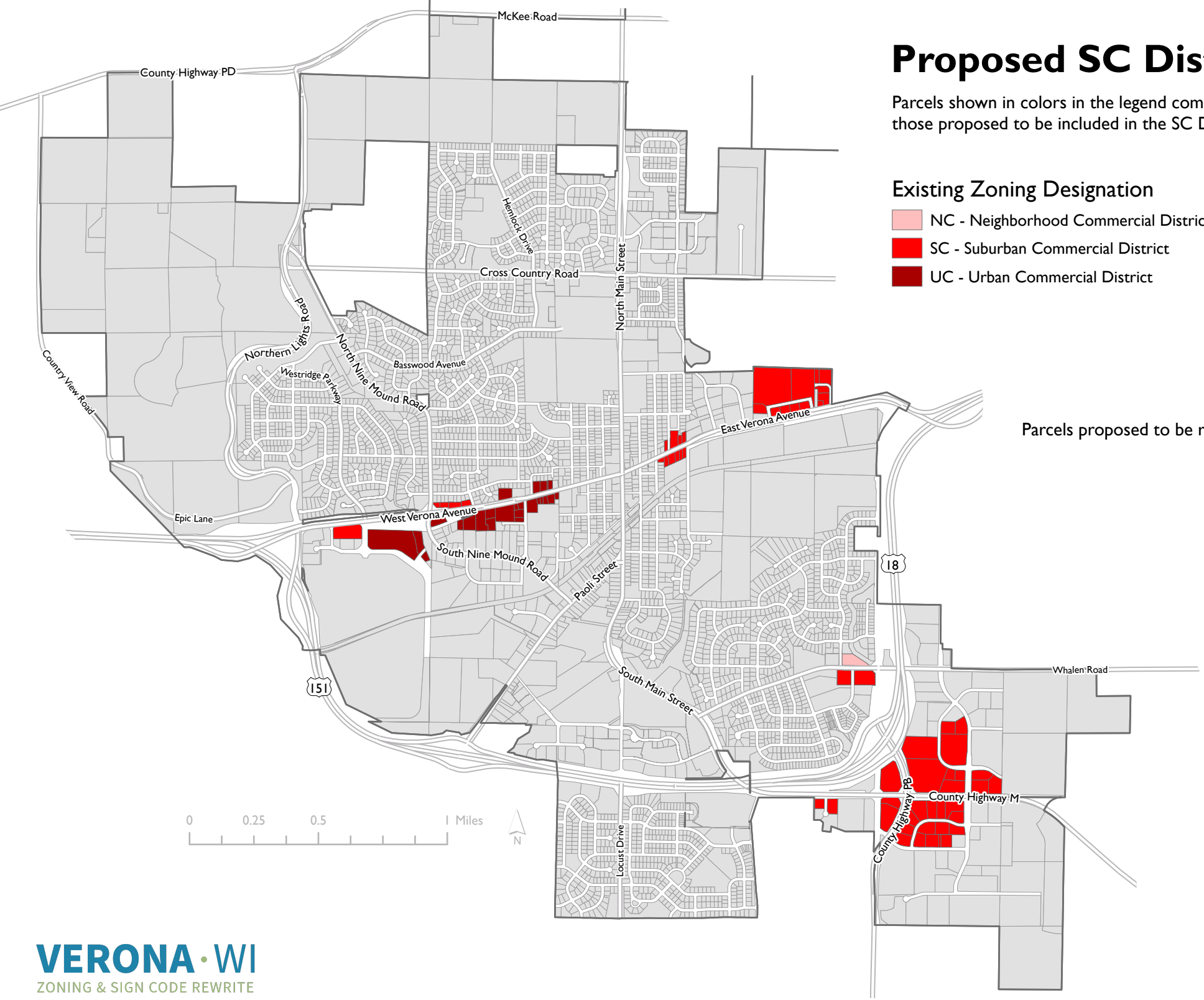
Proposed SC District

Parcels shown in colors in the legend comprise those proposed to be included in the SC District.

Existing Zoning Designation

- NC - Neighborhood Commercial District
- SC - Suburban Commercial District
- UC - Urban Commercial District

Parcels proposed to be rezoned: 33



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ZONING & SIGN CODE REWRITE

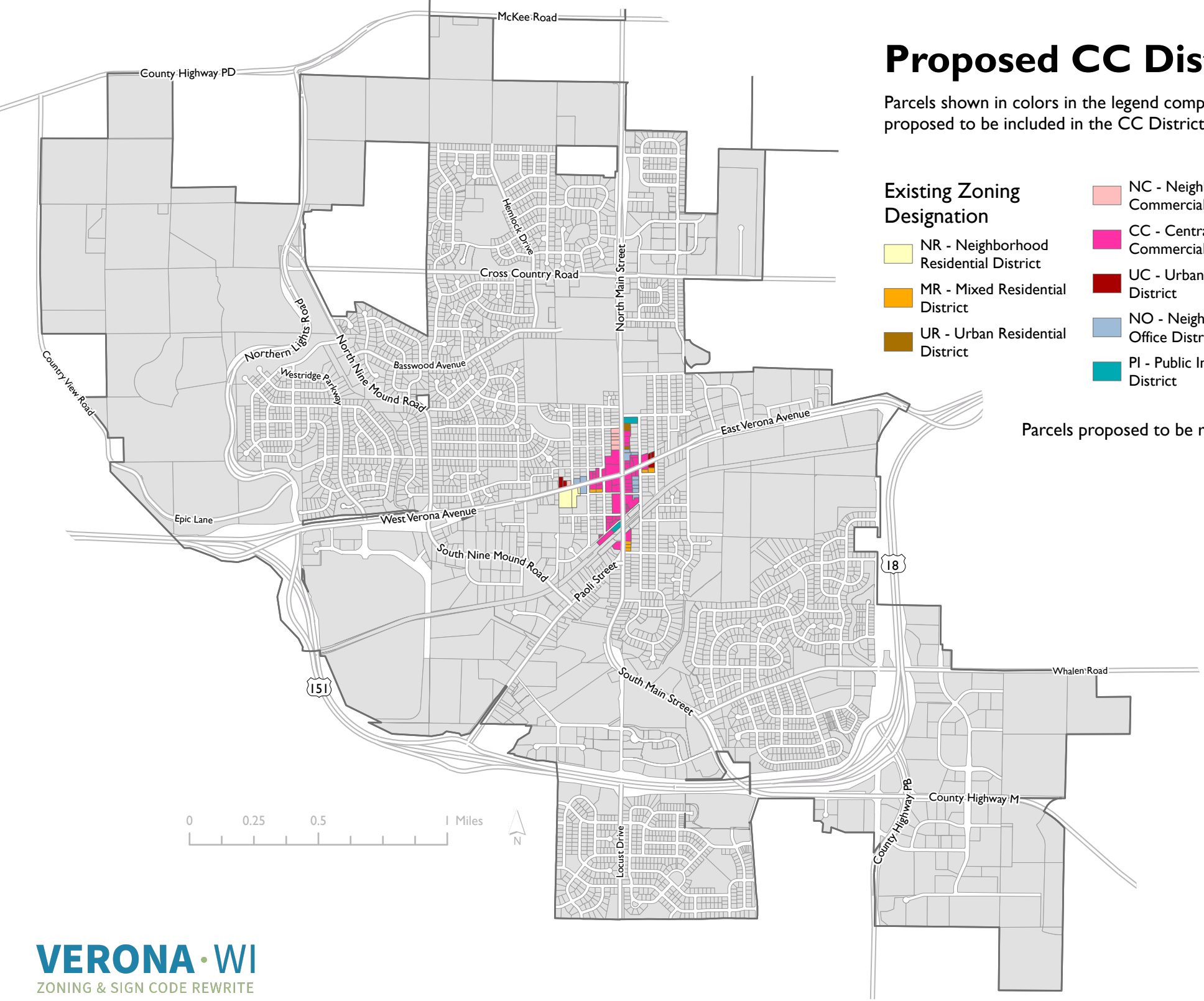
Proposed CC District

Parcels shown in colors in the legend comprise those proposed to be included in the CC District.

Existing Zoning Designation

- NR - Neighborhood Residential District
- MR - Mixed Residential District
- UR - Urban Residential District
- NC - Neighborhood Commercial District
- CC - Central Commercial District
- UC - Urban Commercial District
- NO - Neighborhood Office District
- PI - Public Institutional District

Parcels proposed to be rezoned: 37



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ZONING & SIGN CODE REWRITE

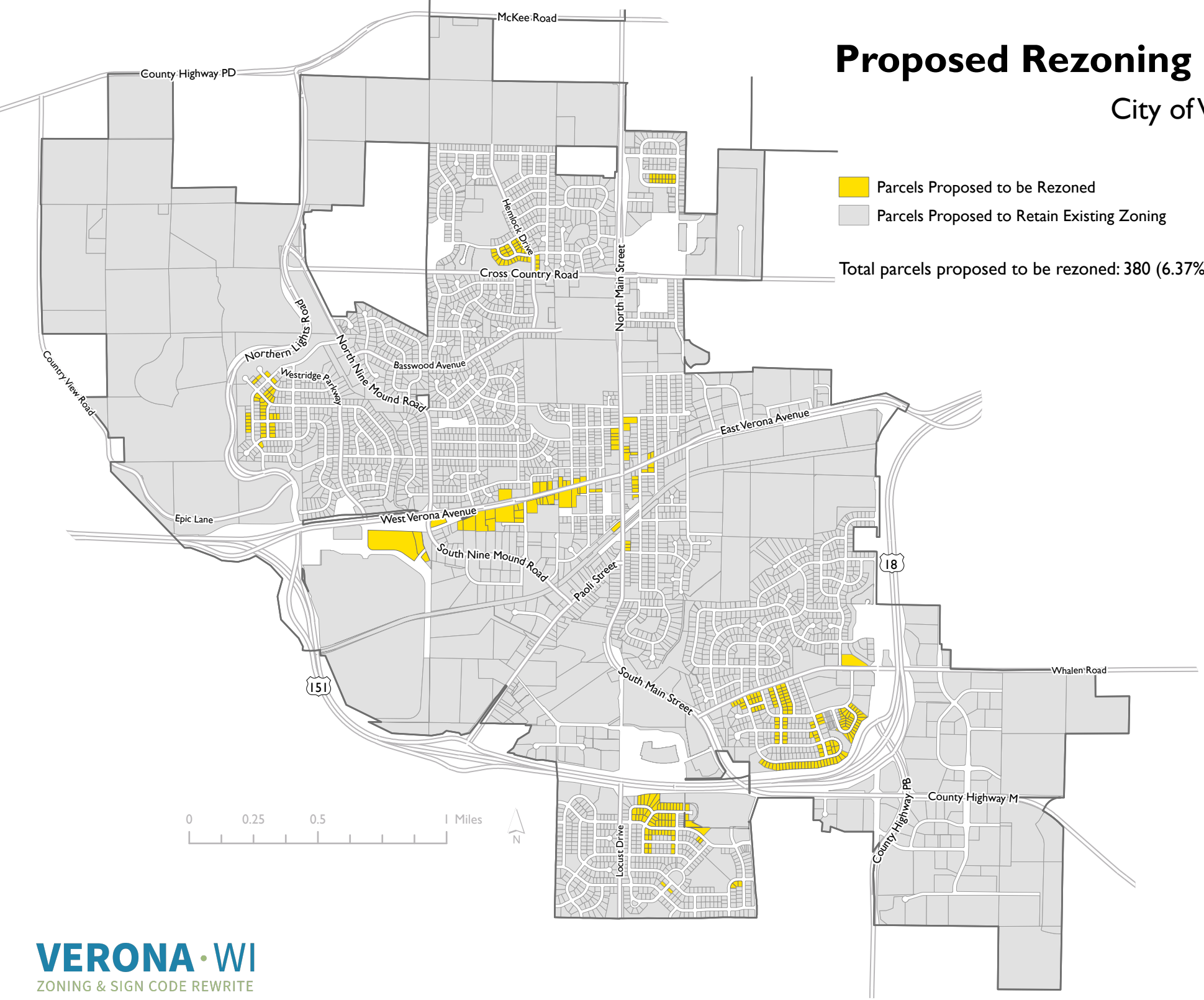
Proposed Rezoning Map

City of Verona

Parcels Proposed to be Rezoned

Parcels Proposed to Retain Existing Zoning

Total parcels proposed to be rezoned: 380 (6.37%)



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ZONING & SIGN CODE REWRITE

References to be Updated

Article Three – Establishment of Zoning Districts

3-1 – Standard Zoning District Categories and Standard Zoning Districts

3-2 – Map of Standard Zoning Districts

3-3 – Interpretation of Zoning District Boundaries

3-4 – Zoning of Annexed Lands

3-5 – Purpose of Residential Zoning Districts

3-6 – Purpose of Nonresidential Zoning Districts

3-7 – Purpose of Overlay Zoning Districts

3-8 – Purpose of Legacy Zoning Districts

3-1 – Standard Zoning District Categories and Standard Zoning Designations

The area located within the corporate limits of the City of Verona is, as a result of the adoption of this Zoning Ordinance, divided into eleven (11) zoning districts.

(a) **Residential Zoning Districts**.

(1) NR – Neighborhood Residential District

(2) MR – Mixed Residential District

(3) UR – Urban Residential District

(b) **Nonresidential Zoning Districts**.

(1) RA – Rural Agricultural District

(2) SC – Suburban Commercial District

(3) CC – Central Commercial District

(4) NO – Neighborhood Office District

(5) SO – Suburban Office District

(6) SI – Suburban Industrial District

(7) UI – Urban Industrial District

(8) PI – Public Institutional District

(c) **Overlay Zoning Districts.**

(1) PD – Planned Development Overlay District

(d) **Legacy Zoning Districts**.

(1) PD-L – Legacy Planned Development District

3-2 – Map of Standard Zoning Districts

The boundaries of the standard zoning districts established by this Zoning Ordinance are shown on a map or series of maps entitled "Official Zoning Map of the City of Verona", which together with all explanatory materials included on the map, is made part of this Zoning Ordinance.

3-3 – Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Verona. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

(a) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(c) Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on the City of Verona or Dane County Tax Maps shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(f) Zoning district boundaries shown as separated from, any of the features listed in Subsections (a) through (e) above, shall be construed to be at such distances from those features as are shown on the Official Zoning Map.

3-4 – Zoning of Annexed Lands

All lands annexed to the City of Verona shall be zoned Rural Agricultural (RA), upon annexation. Subsequent requests for zoning to accommodate development shall follow the procedure of Section 13-1-362.

3-5 – Purpose of Residential Zoning Districts

(a) **General Purpose of Residential Zoning Districts**. Residential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and to:

(1) Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan;

(2) Ensure adequate light, air, privacy, and open space for residents;

(3) Provide for a variety of neighborhoods with a range of housing types with varying characters and patterns of development;

(4) Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts; and

(5) Provide amenities while protecting residents from incompatible uses and activities.

(b) **NR – Neighborhood Residential District Purpose**. The purpose of the Neighborhood Residential District is to provide and preserve areas for residential neighborhoods with primarily single-family dwellings.

(c) **MR – Mixed Residential District Purpose**. The purpose of the Mixed Residential District is to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including single-family dwellings, duplex / townhome dwellings, and multiunit buildings.

(d) **UR – Urban Residential District Purpose.** The purpose of the Urban Residential District is to provide and preserve areas for planned residential developments with a compatible combination of residential housing types including duplex / townhome dwellings, multiunit buildings, and multiunit complexes as well as accessory indoor commercial entertainment uses for the use of development residents.

3-6 – Purpose of Nonresidential Zoning Districts

(a) **General Purpose of Nonresidential Zoning Districts.** Nonresidential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to work, shop, dine, recreate, and to:

(1) Maintain and enhance the City's economic base and provide employment opportunities;

(2) Provide shopping, dining, entertainment, and service uses close to where people live and work;

(3) Create suitable environments for various types of nonresidential uses and to protect them from the adverse effects of incompatible uses;

(4) Allow flexibility to encourage redevelopment and positive improvements to existing nonresidential uses; and

(5) Help ensure that the appearance and operational impacts of nonresidential developments do not adversely impact the character of the areas in which they are located.

(b) **RA – Rural Agricultural District Purpose**. The purpose of the Rural Agricultural District is to hold development lands in agricultural use for a limited time until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the RA District.

(c) **SC – Suburban Commercial District Purpose.** The purpose of the Suburban Commercial District is to provide and preserve areas along highly visible and accessible road corridors that provide for a broad range

of auto-oriented retail, wholesale, and service uses. The scale and access requirements of uses in this district mean they cannot be compatibly integrated within the Central Commercial District.

(d) **CC – Central Commercial District Purpose.** The purpose of the Central Commercial District is to foster the continued economic vitality of Verona's "downtown" and to provide and preserve a central setting for pedestrian oriented retail, office, and service uses as well as cultural amenities.

(e) **NO – Neighborhood Office District Purpose.** The purpose of the Neighborhood Office District is to provide and preserve areas that offer access to goods and services that residents and the general public need on a day-to-day basis in close proximity to residential neighborhoods without negatively impacting quality of life due to noise, traffic, and other issues related to high intensity commercial uses.

(f) **SO – Suburban Office District Purpose.** The purpose of the Suburban Office District is to provide and preserve areas for office and institutional uses in a campus or park-like setting. The district also accommodates limited supporting commercial uses as a means to support daily needs for employees within the district.

(g) **SI – Suburban Industrial District Purpose.** The purpose of the Suburban Industrial District is to provide and preserve areas for light industrial uses, primarily conducted indoors in a campus like setting, that do not have the potential to generate nuisances for adjoining properties.

(h) **UI – Urban Industrial District Purpose.** The purpose of the Urban Industrial District is to provide and preserve areas for light to moderate industrial uses, conducted both indoors and outdoors, that do not have the potential to generate nuisances to adjoining properties.

(i) **PI – Public Institutional District Purpose.** The purpose of the Public Institutional District is to provide and preserve areas for the development of nonresidential public and institutional uses on lands that are public property.

3-7 – Purpose of Overlay Zoning Districts

(a) **General Purpose of Overlay Zoning Districts.** Overlay zoning districts are established, designed, and intended to accommodate special situations or accomplish special planning and zoning goals. Overlay zoning districts are applied over a base zoning district classifications to alter some or all regulations that apply in the underlying base zoning district.

(b) **PD Planned Development Overlay District Purpose.** The purpose of the Planned Development Overlay District is to visually represent areas of the community that are governed by Planned Development Ordinances as detailed in Article 8 of this Zoning Ordinance.

3-8 – Purpose of Legacy Zoning Districts.

(a) **PD-L – Legacy Planned Development District Purpose**. The purpose of the Legacy Planned Development District is to account for those properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the specific planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this Ordinance.

Color Code
Original Text
Additions
Deletions
References to be Updated

Article Three – Establishment of Zoning Districts

3-1 – Standard Zoning District Categories and Standard Zoning Districts
3-2 – Map of Standard Zoning Districts
3-3 – Interpretation of Zoning District Boundaries
3-4 – Zoning of Annexed Lands
3-5 – Purpose of Residential Zoning Districts
3-6 – Purpose of Nonresidential Zoning Districts
3-7 – Purpose of Overlay Zoning Districts
3-8 – Purpose of Legacy Zoning Districts

3-1 – Standard Zoning District Categories and Standard Zoning Designations

The area located within the corporate limits of the City of Verona jurisdiction of this Chapter (See Section 13-1-9) is, as a result of the adoption of this Zoning Ordinance, hereby divided into eleven (11) zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted City of Verona Comprehensive Master Plan, and to achieve the other purposes of this Chapter (See Section 13-1-5).

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (See Section 13-1-9) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

(a) **Residential Zoning Districts.**
- (1) NR – Neighborhood Residential District
  CR – Community Residential District
- (2) MR – Mixed Residential District
- (3) UR – Urban Residential District

(b) **Nonresidential Zoning Districts.**
- (1) RA – Rural Agricultural District
  NC – Neighborhood Commercial District
- (2) SC – Suburban Commercial District
  UC – Urban Commercial District
- (3) CC – Central Commercial District
- (4) NO – Neighborhood Office District
- (5) SO – Suburban Office District
- (6) SI – Suburban Industrial District
- (7) UI – Urban Industrial District
- (8) PI – Public Institutional District
  HI – Heavy Industrial District

(c) **Overlay Zoning Districts.**
- DT Downtown Design and Use Overlay Zoning District
- (1) PD – Planned Development Overlay District

(d) **Legacy Zoning Districts.**
- (1) PD-L – Legacy Planned Development District

Comment [JW1]: Existing language from 13-1-40
Revised for clarity and to eliminate legalese

Comment [JW2]: Existing language from 13-1-41
Deleted because it is redundant with language above

Comment [JW3]: This district is proposed to be combined with the NR District.

Comment [JW4]: Currently, district is abbreviated as RA-35ac. It is proposed that the abbreviation be revised to RA for consistency with the abbreviations of other zoning districts.

Comment [JW5]: This district is proposed to be combined with the CC and SC Districts.

Comment [JW6]: This district is proposed to be combined with the SC District.

Comment [JW7]: Currently, district is abbreviated as P/I. It is proposed that the abbreviation be revised to PI for consistency with the abbreviations of other zoning districts.

Comment [JW8]: This district is proposed to be eliminated because it is not currently in use.

Comment [JW9]: It is proposed that the Downtown Overlay District be eliminated and that the bulk and dimensional standards and general development standards applicable to the underlying zoning district be revised to reflect the desired outcome of the overlay. The CC district has therefore been expanded to reflect the boundaries identified in the 2014 Downtown Mobility and Development Plan.

Comment [JW10]: Added to address all existing PUDs that have been approved as underlying districts instead of Overlays – AG to write district purpose statement and Verona staff to compile list of all PUD ordinance reference numbers

3-2 – Map of Standard Zoning Districts

The boundaries of the standard zoning districts established by this Zoning Ordinance Chapter are shown on a map or series of maps Sheet 1 of the entitled "Official Zoning Map of the City of Verona", which together with all explanatory materials included on the map thereon, is hereby made part of this Zoning Ordinance Chapter.

3-3 – Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Verona : Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

(a) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(c) Zoning district boundaries y lines shown as following or approximately following platted lot lines or other property lines as shown on the City of Verona or Dane County County of Dane Tax Maps shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses , and, In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(f) Zoning district boundaries shown as separated from, any of the features listed in Subsections (a) through (e) above, shall be construed to be at such distances from those features therefrom as are shown on the Official Zoning Map.

3-4 – Zoning of Annexed Lands

All lands annexed to the City of Verona shall be zoned Rural Agricultural (RA-35), upon annexation. Subsequent requests for zoning to accommodate development shall follow the procedure of Section 13-1-362.

Comment [JW11]: Existing language from 13-1-42
Revised for clarity and to eliminate legalese

Comment [JW12]: Existing language from 13-1-43 (g)
Moved so that subsections below all relate to how zoning district boundaries are interpreted and not who makes determinations when there is uncertainty

Comment [JW13]: Revised for clarity

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Comment [JW14]: Existing language from 13-1-43
Revised for consistency, clarity, and to eliminate legalese

Comment [JW15]: Existing language from 13-1-61
Revised to reflect proposed change in abbreviation to Rural Agricultural District

3-5 – Purpose of Residential Zoning Districts

(a) **General Purpose of Residential Zoning Districts**. Residential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and to:

(1) Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan;

(2) Ensure adequate light, air, privacy, and open space for residents;

(3) Provide for a variety of neighborhoods with a range of housing types with varying characters and patterns of development;

(4) Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts; and

(5) Provide amenities while protecting residents from incompatible uses and activities.

(b) **NR – Neighborhood Residential District Purpose**. The purpose of the Neighborhood Residential District is to provide and preserve areas for residential neighborhoods with primarily single-family dwellings. This district is intended to permit development which has a moderate density, suburban community character. Density and intensity standards for this district are designed to ensure that the Neighborhood Residential (NR) District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 5 dwelling units per gross acre. This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the Neighborhood Residential (NR) District designation is retained, regardless of how much development occurs within that area. This district is intended to permit residential development which has a moderately high density community character for single-family housing. Density and intensity standards for this district are designed to ensure that the Community Residential District shall serve as a designation which preserves and protects small scale residential housing of its area. The district will have a Maximum Gross Density of 6 dwelling units per acre. This district is used to provide permanent protection of an area for those who want to live in a moderately high density residential environment and who retain enough land with their residence to ensure that the desired community character is maintained in the Community Residential Zoning District. The district will provide a sustainable entry level housing for the City.

(c) **MR – Mixed Residential District Purpose**. The purpose of the Mixed Residential District is to provide and preserve areas for residential neighborhoods with a compatible combination of residential housing types including single-family dwellings, duplex / townhome dwellings, and multiunit buildings. This district is intended to permit development which has a moderately high density community character which lies somewhere between suburban and urban. The land use standards for this district permit both single-family detached residential development and certain types of moderately high density single-family attached development permitted by right, and both moderately high density single-family attached development and certain types of multifamily development permitted as a conditional use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Mixed Residential (MR) District shall serve as a designation which preserves and protects the moderately high density residential community character of its area. Various residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre. This district is used to provide for the permanent protection of an area for those who want to live in a moderately high density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the Mixed Residential (MR) District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including twin houses, duplexes, and townhouses.

(d) **UR – Urban Residential District Purpose.** The purpose of the Urban Residential District is to provide and preserve areas for planned residential developments with a compatible combination of residential housing types including duplex / townhome dwellings, multiunit buildings, and multiunit complexes as well as

Comment [JW16]: It is proposed that the NR Neighborhood Residential and CR Community Residential Districts be consolidated due to their similarities in purpose/bulk standards and on-the-ground development.

Comment [JW17]: Existing language from 13-1-46(a)
Revised to clarify purpose of district and to eliminate specific references to allowed densities. Details on allowed densities will only be included in Article 4: Specific District Standards to streamline any future amendments to the code.

Comment [JW18]: Existing language from 13-1-47(a)
Deleted since the CR District is proposed to be combined with the NR District

Comment [JW19]: Existing language from 13-1-48(a)
Revised to clarify purpose of district and to eliminate specific references to allowed densities. Details on allowed densities will only be included in Article 4: Specific District Standards to streamline any future amendments to the code.

accessory indoor commercial entertainment uses for the use of development residents. This district is intended to permit development which has a high-density, urban community character. The land use standards for this district permit single-family attached by right and multifamily residential development as conditional uses, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Urban Residential (UR) District shall serve as a designation which preserves and protects the urban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 12 dwelling units per gross acre. This district is used to provide for the permanent protection of an area for those who want to live in a high density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the Urban Residential (UR) District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for multifamily development, including multiplexes and apartments.

Comment [JW20]: Existing language from 13-1-49(a)
Revised to clarify purpose of district and to eliminate specific references to allowed densities. Details on allowed densities will only be included in Article 4: Specific District Standards to streamline any future amendments to the code.

3-6 – Purpose of Nonresidential Zoning Districts

(a) **General Purpose of Nonresidential Zoning Districts.** Nonresidential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to work, shop, dine, recreate, and to:

(1) Maintain and enhance the City's economic base and provide employment opportunities;
(2) Provide shopping, dining, entertainment, and service uses close to where people live and work;
(3) Create suitable environments for various types of nonresidential uses and to protect them from the adverse effects of incompatible uses;
(4) Allow flexibility to encourage redevelopment and positive improvements to existing nonresidential uses; and
(5) Help ensure that the appearance and operational impacts of nonresidential developments do not adversely impact the character of the areas in which they are located.

(b) **RA – Rural Agricultural District Purpose.** The purpose of the Rural Agricultural District is to hold development lands in agricultural use for a limited time until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the RA District. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Agricultural (RA-35ac) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Comment [JW21]: Existing language from 13-1-45(a)(1)
Revised to reflect current use of district as a holding zone.

(c) **SC – Suburban Commercial District Purpose.** The purpose of the Suburban Commercial District is to provide and preserve areas along highly visible and accessible road corridors that provide for a broad range of auto-oriented retail, wholesale, and service uses. The scale and access requirements of uses in this district mean they cannot be compatibly integrated within the Central Commercial District. This district is intended to permit large and small scale commercial development which is compatible with the desired overall suburban community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the Urban Commercial (UC) and Central Commercial (CC) Districts in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of

Comment [JW22]: It is proposed that the SC Suburban Commercial and UC Urban Commercial Districts be consolidated due to their similarities in purpose/bulk standards and on-the-ground development. Additionally, the main differentiating factor – amount of required landscape material – is not applicable since the majority of UC designated parcels fall within the Downtown Design and Use Overlay District.

the development is attained through the Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired suburban community character is maintained as long as the Suburban Commercial (SC) District designation is retained, regardless of how much development occurs within that area. This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, minimum required Green Space Ratios (GSRs) are substantially lower than those required in the Suburban Commercial (SC) District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial (SC) District. Performance standards for the Urban Commercial (UC) District are designed to ensure the long-term economic health of strip commercial development areas, existing as of the effective date of this Chapter, by limiting the attraction of the Suburban Commercial (SC) District to those and uses which can afford the relatively higher development costs and rents associated with development in that district.

(d) **CC – Central Commercial District Purpose.** The purpose of the Central Commercial District is to foster the continued economic vitality of Verona's "downtown" and to provide and preserve a central setting for pedestrian oriented retail, office, and service uses as well as cultural amenities. This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Suburban Commercial (SC) and Urban Commercial (UC) Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central city locations. This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial (SC) and Urban Commercial (UC) District are designed to assist in maintaining the long-term viability of the central city. This district is intended to permit small scale commercial development which is compatible with the desired overall suburban community character of the area in general, and with adjacent residential development in particular. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent residential areas by permitting only a limited range of commercial activities. The desired suburban community character of the development is attained through Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 5,000 sf. Together, these requirements ensure that the desired suburban community character is maintained as long as the Neighborhood Commercial (NC) District designation is retained, regardless of how much development occurs within that area.

(e) **NO – Neighborhood Office District Purpose.** The purpose of the Neighborhood Office District is to provide and preserve areas that offer access to goods and services that residents and the general public need on a day-to-day basis in close proximity to residential neighborhoods without negatively impacting quality of life due to noise, traffic, and other issues related to high intensity commercial uses. This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the estate community character of older portions of the City predominately developed with large homes which are desirable to maintain, where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. In certain instances attached and multifamily housing uses may be allowed. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is used to provide for the

Comment [JW23]: Existing language from 13-1-53(a)
Revised to clarify purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, and site circulation and access will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW24]: Existing language from 13-1-54(a)
Deleted since the UC District is proposed to be combined with the SC District.

Comment [JW25]: Existing language from 13-1-55(a)
Revised to clarify purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, and site circulation and access will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW26]: Existing language from 13-1-52(a)
Deleted since the NC District is proposed to be combined with the CC and SC Districts.

Comment [JW27]: It is proposed that the NC Neighborhood Commercial and NO Neighborhood Office Districts be consolidated due to their similarities in purpose/bulk standards and on-the-ground development.

permanent protection of an area which preserves the original estate residential appearance, yet permits office and institutional land uses, and which ensures that the estate community character is maintained as long as the Neighborhood Office (NO) District designation is retained, regardless of how much development occurs within that area.

(f) **SO – Suburban Office District Purpose.** The purpose of the Suburban Office District is to provide and preserve areas for office and institutional uses in a campus or park-like setting. The district also accommodates limited supporting commercial uses as a means to support daily needs for employees within the district. This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the overall suburban community character of the City. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is used to provide for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the suburban community character is maintained as long as the Suburban Office (SO) District designation is retained, regardless of how much development occurs within that area.

(g) **SI – Suburban Industrial District Purpose.** The purpose of the Suburban Industrial District is to provide and preserve areas for light industrial uses, primarily conducted indoors in a campus like setting, that do not have the potential to generate nuisances for adjoining properties. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, land uses shall comply with the minimum performance standards presented in Article H.

(h) **UI – Urban Industrial District Purpose.** The purpose of the Urban Industrial District is to provide and preserve areas for light to moderate industrial uses, conducted both indoors and outdoors, that do not have the potential to generate nuisances to adjoining properties. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, uses shall comply with the minimum performance standards presented in Article H.

(i) **PI – Public Institutional District Purpose.** The purpose of the Public Institutional District is to provide and preserve areas for the This district is intended to permit development of nonresidential public and institutional uses on lands that are public property. This district is used to provide for the permanent protection of areas for use exclusively by nonresidential public and institutional uses on lands that are public property.

Comment [JW28]: Existing language from 13-1-50(a)
Revised to clarify and expand purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, and site circulation and access will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW29]: Existing language from 13-1-51(a)
Revised to clarify purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, and site circulation and access will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW30]: Existing language from 13-1-56(a)
Revised to clarify purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, site circulation and access, and performance standards will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW31]: Existing language from 13-1-57(a)
Revised to clarify purpose of district and to eliminate regulations that should be covered elsewhere. Details on landscaping, parking, site circulation and access, and performance standards will only be included in Article 6: General Development Standards to streamline any future amendments to the code.

Comment [JW32]: Existing language from 13-1-62
Revised for consistency with other district purpose statements and to eliminate redundancy.

3-7 – Purpose of Overlay Zoning Districts

(a) **General Purpose of Overlay Zoning Districts.** Overlay zoning districts are established, designed, and intended to accommodate special situations or accomplish special planning and zoning goals. Overlay zoning districts are applied over a base zoning district classifications to alter some or all regulations that apply in the underlying base zoning district.

(b) **PD Planned Development Overlay District Purpose.** The purpose of the Planned Development Overlay District is to visually represent areas of the community that are governed by Planned Development Ordinances as detailed in Article 8 of this Zoning Ordinance. This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 13-1-371 for the procedures applicable to proposal review in this overlay district.

Comment [JW33]: Existing language from 13-1-59
Revised to clarify purpose of the overlay district and to eliminate details about the Planned Development process and to instead refer to that article of the ordinance.

3-8 – Purpose of Legacy Zoning Districts.

(a) **PD-L – Legacy Planned Development District Purpose**. The purpose of the Legacy Planned Development District is to account for those properties that have been previously zoned as a "planned development district" and are governed by a unique set of regulations as set forth in the specific planned development ordinance. Properties zoned in the Legacy Planned Development District will continue to operate under their specific planned unit development ordinance. No property may be rezoned into the Legacy Planned Development District after the date of the adoption of this Ordinance.

References to be Updated

Article Four – Specific District Standards

4-1 – Bulk and Dimensional Standards
4-2 – Yard Setback Adjustments
4-3 – Intrusions into Required Yards
4-4 – Exceptions to Maximum Height Regulations
4-5 – Use Matrix

4-1 – Bulk and Dimensional Standards

The following Table of Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a given district. No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure. In instances where the required buffer yard width (per Section 13-1-249) exceeds the minimum required setback width, the minimum required buffer yard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required buffer yard.

Table 4-1: Bulk and Dimensional Standards

Standard	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Lot Standards (Minimum)											
Lot Area	35 ac	6,000 sqft	6,000 sqft[1]	4,000 sqft[1]	20,000 sqft	-	6,500 sqft	1 ac	1 ac	6,500 sqft	10,000 sqft
Lot Width	80 ft	50 ft	50 ft[1]	40 ft[1]	100 ft	-	50 ft	100 ft	100 ft	100 ft	100 ft
Setbacks (Minimum)											
Front Yard	20 ft	25 ft	25 ft	25 ft	25 ft	0 ft[4]	20 ft	25 ft	25 ft	25 ft	50 ft
Corner Yard	20 ft	25 ft	25 ft	25 ft	25 ft	0 ft[4]	20 ft	25 ft	25 ft	25 ft	50 ft
Side Yard	10 ft	10 ft	5 ft[2]	5 ft[2]	0 ft[3]	0 ft[5]	10 ft	20 ft[2]	20 ft[2]	10 ft[2]	25 ft[7]
Rear Yard	25 ft	25 ft	20 ft	15 ft	25 ft	10 ft	30 ft	25 ft	25 ft	20 ft	25 ft[7]
Building Standards (Maximum)											
Height	45 ft	35 ft	35 ft	35 ft	45 ft	50 ft[6]	35 ft	45 ft	45 ft	45 ft	35 ft
Lot Coverage	5%	40%	40%	50%	40%	100%	40%	40%	60%	70%	40%
Notes											
1. Per dwelling unit											
2. 0 feet where property line divides attached buildings.											
3. 10 feet if adjacent to a residentially zoned property.											
4. 15 foot maximum setback.											
5. 10 foot maximum setback.											
6. 25 foot minimum height.											
7. 50 feet if adjacent to a residentially zoned property.											

4-2 – Yard Setback Requirements

(a) Lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding one-hundred (100) feet, an additional ten (10) feet of front yard setback is required to address anticipated future conditions of noise and air quality.

(b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than fifty (50) percent of the same type of principal structure on the same block face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all principal structures on said block face.

4-3 – Intrusions into Required Yards

The following intrusions by buildings and structures are permitted into the specified required yards:

(a) **Permitted Intrusions into Required Front or Corner Yards**.
   (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and a half (2.5) feet into the required yard.
   (2) Yard lights, and ornamental lights provided they do not locate closer than five (5) feet from the front or street property line.
   (3) Terraces, steps, uncovered and covered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than twenty (20) feet from any street right-of-way.

(b) **Permitted Intrusions into Required Rear or Side Yards**.
   (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and a half (2.5) feet into the required yard.
   (2) Fences, as permitted in Section ##, may locate on the property line.
   (3) Fire escapes on residential buildings which do not extend more than three (3) feet into the required yard.

(c) **Permitted Intrusions into Required Rear Yards**.
   (1) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one (1) foot above grade; provided they do not locate closer than twenty (20) feet to the rear lot line.

4-4 – Exceptions to Maximum Height Regulations

Permitted exceptions to maximum height regulations are as follows:

(a) The following are permitted to exceed the maximum height regulations by ten (10) feet, within any district where permitted.
   (1) church spires,
   (2) belfries,
   (3) cupolas and domes which do not contain useable space,
   (4) public monuments,
   (5) water towers,
   (6) fire and hose towers,
   (7) flag poles,
   (8) chimneys,
   (9) smokestacks,
   (10) cooling towers, and
   (11) elevator penthouses.

4-5 – Use Matrix

(a) The following key is to be used in the interpretation of Tables 4-5(b-n) below.

(1) **Permitted Uses**. Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this Ordinance.

(2) **Conditional Uses**. Uses which are marked as "C" in the tables shall be allowed upon the approval of a Conditional Use Permit, Section 9-#.

(3) **Prohibited Uses**. A blank space in the table indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance.

(4) **Uses not Listed**. If a proposed use is not listed in the table, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the table. If it is, they shall treat the use in the same manner as the "similar" use. If not, the use shall be regarded as prohibited.

(5) **Additional Regulation**. If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses.

(b) **Agricultural Uses.**

Table 4-5(b): Agricultural Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Community Garden	*5-1(a)*	P	P	P	P							
Solar Energy Collection, Farm	*5-1(b)*	C										
Urban Agriculture, Indoor, less than 10,000 sqft		P								C	C	
Urban Agriculture, Indoor, more than 10,000 sqft		C								C	C	
Urban Agriculture, Outdoor	*5-1(c)*	P										

(c) **Residential Uses.**

Table 4-5(c): Residential Uses

Use	Additional Regulations	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Apartment / Condominium, Above Ground Floor as a Part of Mixed-Use												
Apartment / Condominium, Building	*5-2(a)*			P	P							
Apartment / Condominium, Complex	*5-2(b)*				C							
Cluster Mailbox	*5-2(c)*											
Community Living, 1-8 Persons	*5-2(d)*	P	P	P	P							
Community Living, 9-15 Persons	*5-2(d)*		C	P	P			C				
Community Living, 16+ Persons	*5-2(d)*				C			C				
Duplex / Townhome, less than or equal to 4 units			C	P	P							
Duplex / Townhome, more than 4 units	*5-2(e)*			P	P							
Senior Housing, Dependent	*5-2(f)*				C	C	C	C	C			
Senior Housing, Independent	*5-2(f)*				C	C	C	C	C			
Single-Family, Detached	*5-2(g)*	P	P	P								

(d) **Institutional Uses.**

Table 4-5(d): Institutional Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
College / University						P			P	P	P	P
Government Uses, Indoor		P	P	P	P	P	P	P	P	P	P	P
Government Uses, Outdoor		C	C	C	C	C	C	C	C	C	C	C
Outdoor Public Recreation, Active	*5-3(a)*	P	P	P	P	P	P	P	P	P		P
Outdoor Public Recreation, Passive		P	P	P	P	P	P	P	P	P	P	P
Place of Worship		P	P	P	P							P
Public Service and Utilities	*5-3(b)*	P	P	P	P	P	P	P	P	P	P	P
School, Elementary and Middle		P	P	P	P							P
School, High		P	P	P	P							P
Vocational / Employment Training										P	P	P

(e) **Retail Uses.**

Table 4-5(e): Retail Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Adult Uses	*5-4(a)*										P	
General Retail, less than 10,000 sqft	*5-4(b)*					P	P	P				
General Retail, 10,000 - 49,999 sqft	*5-4(c)*					P	P	C				
General Retail, more than 50,000 sqft	*5-4(d)*					P	C					
Outlot Retail	*5-4(e)*					P	P					
Pawn Shop	*5-4(f)*					C						
Thrift Store	*5-4(g)*					C						

(f) **Service Uses.**

Table 4-5(f): Service Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Acute Care Center						P			P	C	C	
Check Cashing / Pay Day Loan Store						C						
Commercial Animal Boarding	*5-5(a)*					C						
Corporate Campus	*5-5(b)*								P	P	C	
General Service, less than 10,000 sqft	*5-5(c)*		C	C	C	P	P	P	P			
General Service, more than 10,000 sqft	*5-5(d)*					P	P		P			
Group Day Care Center, 9+ persons			C	C	C	C	C	C		C	C	C
Hospital						C			C	C	C	
Massage Parlor												
Medical / Dental Office						P	P	P	P	P	P	
Personal Storage Facility	*5-5(e)*					C				C	C	
Professional Office						P	P	P	P	C	C	
Veterinary Clinic / Animal Hospital						C			C	C	C	

(g) **Eating and Drinking Uses.**

Table 4-5(g): Eating and Drinking Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Brewery / Winery / Distillery, Tasting Room						P	P	C				
Coffee / Tea Shop	*5-6(a)*					P	P	P				
Microbrewery						P	P					
Restaurant, Delivery / Carry Out Only						P	P					
Restaurant, Fast Casual						P	P					
Restaurant, Sit Down						P	P	C				

(h) **Fitness Facility and Entertainment Uses.**

Table 4-5(h): Fitness Facility and Entertainment Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Archery / Gun Range, Indoor						C						
Fitness Facility / Entertainment Facility, Indoor, less than 10,000 sqft	*5-7(a)*					P	P	P				P
Fitness Facility / Entertainment Facility, Indoor, 10,000 - 49,999 sqft	*5-7(b)*					P	P	C				P
Fitness Facility / Entertainment Facility, Indoor, more than 50,000 sqft	*5-7(c)*					P	C			C	C	P
Fitness Facility / Entertainment Facility, Outdoor	*5-7(d)*					C						P

(i) **Lodging Uses.**

Table 4-5(i): Lodging Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Bed and Breakfast	*5-8(a)*		C	C	C		C	C				
Hotel						P	P					

(j) **Vehicle Related Uses.**

Table 4-5(j): Vehicle Related Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Autobody Repair						C				C	C	
Car Wash						P						
Fuel Sales	*5-9(a)*					P				P	P	
Service Station						P				C	C	
Vehicle Sales and Rental						P				C	C	

(k) **Industrial Uses.**

Table 4-5(k): Industrial Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Artisan Manufacturing	*5-10(a)*					P	C	C				
Brewery / Winery / Distillery										P	P	
Communication Tower	*5-10(b)*									C	C	
Composting Operation	*5-10(c)*										C	
Distribution Center	*5-10(d)*									C	P	
Light Industrial	*5-10(e)*									P	P	
Storage or Wholesaling										P	P	

(l) **Transportation Uses.**

Table 4-5(l): Transportation Uses												
Use	**Additional Regulations**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Airport / Heliport	*5-11(a)*								C	C	C	
Off-Site Parking Lot						C	C				P	

(m) **Accessory Uses.**

Table 4-5(m): Accessory Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Accessory Building	*5-12(a)*	P	P	P	P							
Accessory Dwelling Unit	*5-12(b)*	P	P									
Accessory Structure	*5-12(c)*	P	P	P	P							
Company Cafeteria						P	P		P	P	P	
Company Provided On-Site Recreation	*5-12(d)*					C	C		C	C	C	
Drive Through	*5-12(e)*					C			C			
Day Care, 4-8 Persons			P	P	P							
Day Care, 8+ Persons			C	C	C							
Helipad						C			C	C	C	C
Home Occupation	*5-12(f)*	P	P	P	P	P	P	P				
Indoor Sales Incidental to Light Industrial Use	*5-12(g)*									P	P	
Light Industrial Incidental to Indoor Sales	*5-12(h)*					C	C					
On-Site Agricultural Retail	*5-12(i)*	P										
Outdoor Activity / Operation, Permanent	*5-12(j)*									C	C	
Outdoor Dining, without alcohol	*5-12(k)*					P	P	P				
Outdoor Dining, with alcohol	*5-12(l)*					P	P	P				
Outdoor Display of Merchandise, Permanent	*5-12(m)*					C				C	C	
Outdoor Storage, Permanent	*5-12(n)*					C				C	C	
Solar Energy Collection System, Canopy	*5-12(o)*				C	C			C	C	C	
Solar Energy Collection System, Ground Mounted	*5-12(p)*	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	*5-12(q)*	P	P	P	P	P	P	P	P	P	P	P
Urban Garden	*5-12(r)*	P	P	P	P	P	P	P				P

(n) **Temporary Uses.**

Table 4-5(n): Temporary Uses												
Use	**Additional Regulation**	**RA**	**NR**	**MR**	**UR**	**SC**	**CC**	**NO**	**SO**	**SI**	**UI**	**PI**
Christmas Tree / Pumpkin Sales	*5-13(a)*					P	P					
Construction Related		P	P	P	P	P	P	P	P	P	P	P
Farmers Market						P	P					
Garage / Estate Sale		P	P	P	P							
Outdoor Activity / Operation, Temporary						P	P	P	P	P	P	P
Outdoor Assembly	*5-13(b)*	P	P	P	P	P	P	P	P	P	P	
Outdoor Display of Merchandise, Temporary	*5-13(c)*					P	P	P				
Outdoor Storage, Temporary						P	P	P	P	P	P	P
Portable Outdoor Storage Device	*5-13(d)*	P	P	P	P							
Short Term Rental	*5-13(e)*		P	P	P							

Color Code
Original Text
Additions
Deletions
References to be Updated

Article Four – Specific District Standards

4-1 – Bulk and Dimensional Standards
4-2 – Yard Setback Adjustments
4-3 – Intrusions into Required Yards
4-4 – Exceptions to Maximum Height Regulations
4-5 – Use Matrix

4-1 – Bulk and Dimensional Standards

The following Table of Bulk and Dimensional Standards addresses the requirements applicable to the development or use of a lot in a given district. No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure. In instances where the required bufferyard width (per Section 13-1-249) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

Table 4-1: Bulk and Dimensional Standards

Standard	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Lot Standards (Minimum)											
Lot Area	35 ac	6,000 sqft	6,000 sqft[1]	4,000 sqft[1]	20,000 sqft	-	6,500 sqft	1 ac	1 ac	6,500 sqft	10,000 sqft
Lot Width	80 ft	50 ft	50 ft[1]	40 ft[1]	100 ft	-	50 ft	100 ft	100 ft	100 ft	100 ft
Setbacks (Minimum)											
Front Yard	20 ft	25 ft	25 ft	25 ft	25 ft	0 ft[4]	20 ft	25 ft	25 ft	25 ft	50 ft
Corner Yard	20 ft	25 ft	25 ft	25 ft	25 ft	0 ft[4]	20 ft	25 ft	25 ft	25 ft	50 ft
Side Yard	10 ft	10 ft	5 ft[3]	5 ft[3]	0 ft[3]	0 ft[5]	10 ft	20 ft[2]	20 ft[2]	10 ft[2]	25 ft[7]
Rear Yard	25 ft	25 ft	20 ft	15 ft	25 ft	10 ft	30 ft	25 ft	25 ft	20 ft	25 ft[7]
Building Standards (Maximum)											
Height	45 ft	35 ft	35 ft	35 ft	45 ft	50 ft[6]	35 ft	45 ft	45 ft	45 ft	35 ft
Lot Coverage	5%	40%	40%	50%	40%	100%	40%	40%	60%	70%	40%
Notes											
1. Per dwelling unit											
2. 0 feet where property line divides attached buildings.											
3. 10 feet if adjacent to a residentially zoned property.											
4. 15 foot maximum setback.											
5. 10 foot maximum setback.											
6. 25 foot minimum height.											
7. 50 feet if adjacent to a residentially zoned property.											

Comment [JW1]: It is proposed that this table replace subsections (c) and (d) of 13-1-45-58 and 13-1-62 as well as 13-1-121-122 and 13-1-161-162.

Comment [JW2]: Text from 13-1-164(b)

Comment [JW3]: Text from 13-1-164(c)

Comment [JW4]: Revised to increase flexibility to encourage development per staff instruction

Comment [JW5]: Revised to reflect lot area min of CR District

Comment [JW6]: Lot area per dwelling unit proposed to replace unique lot area minimums for different types of housing

Comment [JW7]: Revised from 1 acre, 20,000 sqft currently permitted with conditional use permit

Comment [JW8]: Revised to reflect existing lot frontage requirements since t is proposed that the definition of lot width be revised to also include minimum street frontage to help avoid flag and other irregularly shaped lots.

Comment [JW9]: Revised front, exterior side, and side yard to introduce maximum setback requirement Revised front, exterior side, and side yard to introduce maximum setback requirement

Comment [JW10]: Revised from 25 ft to allow for increased rear yard to better accommodate off-street parking

Comment [JW11]: Revised from 10 ft

Comment [JW12]: Revised from 15 feet

Comment [JW13]: Revised from 25 ft

Comment [JW14]: It is proposed that building coverage maximums be revised to lot coverage maximums, replace LSR, and be applied to all districts.

Comment [JW15]: Revised from 40%

4-2 – Yard Setback Requirements

Front yard setback adjustments shall as follows:

(a) For l Lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding one-hundred (100) feet, an additional ten (10) feet of front yard setback is required to address anticipated future conditions of noise and air quality.

(b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than fifty (50) percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.

4-3 – Intrusions into Required Yards

The minimum setback requirements of Sections 13-1-161 and 13-1-162 establish the minimum required yards for all uses, except those exempted by the provisions of this Section:

Prohibited Reduction. No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.

The following intrusions by buildings and structures are permitted into the specified required yards:

(a) **Permitted Intrusions into Required Front or Corner Street Yards**.
   (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and a half (2.5) feet into the required yard.
   (2) Yard lights, and ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 13-1-286 and provided they do not locate closer than five (5) feet from the front or street property line.
   (3) Terraces, steps, uncovered and covered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than twenty (20) feet from any street right-of-way.

(b) **Permitted Intrusions into Required Rear or Side Yards**.
   (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and a half (2.5) feet into the required yard.
   (2) Fences, as permitted in Section ##, may locate on the property line. Permitted fence types shall comply with the provisions of Section 13-1-299.
   (3) Fire escapes (on residential buildings,) which do not extend more than three (3) feet into the required yard.

(c) **Permitted Intrusions into Required Rear Yards**.
   (1) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one (1) foot above grade; provided they do not locate closer than twenty (20) feet to the rear lot line.

All Front Yard and Street Yard Areas. With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

4-4 – Exceptions to Maximum Height Regulations

Permitted exceptions to maximum height regulations are as follows:

The maximum height regulations listed for residential uses and residential accessory structures in Section 13-1-161, and for nonresidential uses and nonresidential accessory structures in Section 13-1-162, are the maximum permitted number of floors and maximum heights for all buildings and structures, except those exempted by this Section, below.

(a) The following are permitted to exceed the maximum height regulations by ten (10) feet, within any district where permitted. Such uses may exceed said maximum by more than ten (10) feet with the approval of a conditional use permit.
   (1) church spires,

Comment [JW16]: Existing language from 13-1-163
Revised for clarity

Comment [JW17]: Existing language from 13-1-164

Comment [JW18]: Deleted to eliminate redundancy

Comment [JW19]: Existing language from 13-1-164(e) to be moved to Accessory Structures section of Article 6

Comment [JW20]: Existing language from 13-1-165

Comment [JW21]: Deleted to eliminate redundancy

Comment [JW22]: Deleted because this should be covered by a variance instead of a conditional use permit

(2) belfries,
(3) cupolas and domes which do not contain useable space,
(4) public monuments,
(5) water towers,
(6) fire and hose towers,
(7) flag poles,
(8) chimneys,
(9) smokestacks,
(10) cooling towers, and
(11) elevator penthouses.

Any building or structure not otherwise accounted for by Subsection (b), above, may exceed said maximum number of floor regulations and/or said maximum height regulations with the granting of a Conditional Use Permit which specifically states the maximum permitted number of floors and/or maximum permitted height of the proposed building or structure.

Comment [JW23]: Deleted because this should be covered by a variance instead of a conditional use permit

Sec. 13-1-166 - Substandard Lot Regulations.
(a)Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of Section 13-1-121 or the Minimum Lot Area requirements of Section 13-1-122 or which does not meet the lot dimension requirements of Section 13-1-161 or 13-1-162.(b)A lot of record existing upon the effective date of this Chapter in a Residential District (see Section 13-1-41), which does not meet the Minimum Zoning District Area of Section 13-1-121 or the Minimum Lot Area (MLA) requirements of Section 13-1-122, or which does not meet the lot dimension requirements of Section 13-1-161 or 13-1-162 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multifamily or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

Sec. 13-1-167 - Nonconforming Structure and Building Regulations.
(a)Any structure or building 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 hereafter specified.(b)Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.(c)When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.(d)Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by the Common Council).(e)Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.(f)Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed.(g)A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:(1)That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.(2)That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).(3)And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.(h)Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.(i)A variance for any and all requirements of this Subchapter is hereby automatically granted to all nonconforming residential dwellings in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 13-1-368.(j)Rationale: The "blanket variance" provision of Subsection (i), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses 2 different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Verona which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of Subsection (i), above, ensure that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because

they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

Comment [JW24]: Existing language from 13-1-166 and 13-1-167 to be moved to Article 9

Sec. 13-1-123 - Nonconforming Development Regulations.
(a)Automatic Variance. A variance for any and all requirements of this Article is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Subchapter, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 13-1-368.(b)Rationale. The "blanket variance" provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Comment [JW25]: Existing language from 13-1-123 to be moved to Article 9

4-5 – Use Matrix

(a) The following key is to be used in the interpretation of Tables 4-5(b-n) below.

(1) **Permitted Uses**. Uses which are marked as "P" in the tables shall be allowed subject to all applicable regulations of this Ordinance.

(2) **Conditional Uses**. Uses which are marked as "C" in the tables shall be allowed upon the approval of a Conditional Use Permit, Section 9-#.

(3) **Prohibited Uses**. A blank space in the table indicates that a use type is not allowed in the respective zoning district unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance.

(4) **Uses not Listed**. If a proposed use is not listed in the table, the Zoning Administrator shall determine if the use is substantially similar to a use listed in the table. If it is, they shall treat the use in the same manner as the "similar" use. If not, the use shall be regarded as prohibited.

(5) **Additional Regulation**. If a use has use specific standards they are referenced in this column. Use specific standards shall apply to permitted and conditional uses.

(b) **Agricultural Uses.**

Table 4-5(b): Agricultural Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Community Garden	*5-1(a)*	P	P	P	P							
Solar Energy Collection, Farm	*5-1(b)*	C										
Urban Agriculture, Indoor, less than 10,000 sqft		P								C	C	
Urban Agriculture, Indoor, more than 10,000 sqft		C								C	C	
Urban Agriculture, Outdoor	*5-1(c)*	P										

(c) **Residential Uses.**

Table 4-5(c): Residential Uses

Use	Additional Regulations	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Apartment / Condominium, Above Ground Floor as a Part of Mixed-Use												
Apartment / Condominium, Building	*5-2(a)*			P	P							
Apartment / Condominium, Complex	*5-2(b)*				C							
Cluster Mailbox	*5-2(c)*											
Community Living, 1-8 Persons	*5-2(d)*	P	P	P	P							
Community Living, 9-15 Persons	*5-2(d)*		C	P	P			C				
Community Living, 16+ Persons	*5-2(d)*				C			C				
Duplex / Townhome, less than or equal to 4 units			C	P	P							
Duplex / Townhome, more than 4 units	*5-2(e)*			P	P							
Senior Housing, Dependent	*5-2(f)*				C	C	C	C	C			
Senior Housing, Independent	*5-2(f)*				C	C	C	C	C			
Single-Family, Detached	*5-2(g)*	P	P	P								

Comment [JW26]: Definition
Community Garden: A parcel dedicated to the outdoor cultivation of produce, flowers, and / or small plants by more than one person or family.

Comment [JW27]: Definition
Urban Agriculture, Indoor: A facility dedicated to farming plants and / or animals in a fully indoor, controlled environment including, vertical farming, hydroponics, aeroponics, aquaponics, aquaculture, or similar.

Comment [JW28]: Definition
Senior Housing, Dependent: An apartment / condominium facility intended for the elderly including continuing care communities, convalescent homes, hospice care facilities, memory care facilities, nursing homes, or similar.

Comment [JW29]: Definition
Senior Housing, Independent: A apartment / condominium facility intended for the elderly including assisted living facilities, congregate housing facilities, continuing care communities, independent living communities, or similar.

(d) **Institutional Uses.**

Table 4-5(d): Institutional Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
College / University						P			P	P	P	P
Government Uses, Indoor		P	P	P	P	P	P	P	P	P	P	P
Government Uses, Outdoor		C	C	C	C	C	C	C	C	C	C	C
Outdoor Public Recreation, Active	*5-3(a)*	P	P	P	P	P	P	P	P	P		P
Outdoor Public Recreation, Passive		P	P	P	P	P	P	P	P	P	P	P
Place of Worship		P	P	P	P							P
Public Service and Utilities	*5-3(b)*	P	P	P	P	P	P	P	P	P	P	P
School, Elementary and Middle		P	P	P	P							P
School, High		P	P	P	P							P
Vocational / Employment Training										P	P	P

(e) **Retail Uses.**

Table 4-5(e): Retail Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Adult Uses	*5-4(a)*										P	
General Retail, less than 10,000 sqft	*5-4(b)*					P	P	P				
General Retail, 10,000 - 49,999 sqft	*5-4(c)*					P	P	C				
General Retail, more than 50,000 sqft	*5-4(d)*					P	C					
Outlot Retail	*5-4(e)*					P	P					
Pawn Shop	*5-4(f)*					C						
Thrift Store	*5-4(g)*					C						

Comment [JW30]: Square footage limits based on total gross floor area of whole development, not of each tenant space.

Comment [JW31]: Definition
General Retail: Any establishment whose primary activity is the provision of products, as opposed to assistance, to individuals. Any retail use otherwise listed in Section 4-5 or defined herein shall not be considered a general retail use.

Comment [JW32]: Definition
Outlot Retail: An area located within a shopping center that shares a common parking lot with the other buildings and establishing within said shopping center, but which is separated from the principal building and establishment.

(f) Service Uses.

Table 4-5(f): Service Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Acute Care Center						P			P	C	C	
Check Cashing / Pay Day Loan Store						C						
Commercial Animal Boarding	*5-5(a)*					C						
Corporate Campus	*5-5(b)*								P	P	C	
General Service, less than 10,000 sqft	*5-5(c)*		C	C	C	P	P	P	P			
General Service, more than 10,000 sqft	*5-5(d)*					P	P		P			
Group Day Care Center, 9+ persons			C	C	C	C	C	C		C	C	C
Hospital						C			C	C	C	
Massage Parlor												
Medical / Dental Office						P	P	P	P	P	P	
Personal Storage Facility	*5-5(e)*					C				C	C	
Professional Office						P	P	P	P	C	C	
Veterinary Clinic / Animal Hospital						C			C	C	C	

Comment [JW33]: Definition
Acute Care Center: A facility for the short-term, outpatient treatment of severe injuries or episodes of illness, urgent medical conditions, or during recovery from surgery.

Comment [JW34]: Definition
General Service: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals. Any service use otherwise listed in Section 4-5 or defined herein shall not be considered a general service use.

(g) Eating and Drinking Uses.

Table 4-5(g): Eating and Drinking Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Brewery / Winery / Distillery, Tasting Room						P	P	C				
Coffee / Tea Shop	*5-6(a)*					P	P	P				
Microbrewery						P	P					
Restaurant, Delivery / Carry Out Only						P	P					
Restaurant, Fast Casual						P	P					
Restaurant, Sit Down						P	P	C				

(h) Fitness Facility and Entertainment Uses.

Table 4-5(h): Fitness Facility and Entertainment Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Archery / Gun Range, Indoor						C						
Fitness Facility / Entertainment Facility, Indoor, less than 10,000 sqft	*5-7(a)*					P	P	P				P
Fitness Facility / Entertainment Facility, Indoor, 10,000 - 49,999 sqft	*5-7(b)*					P	P	C				P
Fitness Facility / Entertainment Facility, Indoor, more than 50,000 sqft	*5-7(c)*					P	C			C	C	P
Fitness Facility / Entertainment Facility, Outdoor	*5-7(d)*					C						P

(i) Lodging Uses.

Table 4-5(i): Lodging Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Bed and Breakfast	*5-8(a)*		C	C	C		C	C				
Hotel						P	P					

(j) Vehicle Related Uses.

Table 4-5(j): Vehicle Related Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Autobody Repair						C				C	C	
Car Wash						P						
Fuel Sales	*5-9(a)*					P				P	P	
Service Station						P				C	C	
Vehicle Sales and Rental						P				C	C	

(k) Industrial Uses.

Table 4-5(k): Industrial Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Artisan Manufacturing	*5-10(a)*					P	C	C				
Brewery / Winery / Distillery										P	P	
Communication Tower	*5-10(b)*									C	C	
Composting Operation	*5-10(c)*										C	
Distribution Center	*5-10(d)*									C	P	
Light Industrial	*5-10(e)*									P	P	
Storage or Wholesaling										P	P	

(l) Transportation Uses.

Table 4-5(l): Transportation Uses

Use	Additional Regulations	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Airport / Heliport	*5-11(a)*								C	C	C	
Off-Site Parking Lot						C	C				P	

(m) Accessory Uses.

Table 4-5(m): Accessory Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI

Accessory Building	*5-12(a)*	P	P	P	P							
Accessory Dwelling Unit	*5-12(b)*	P	P									
Accessory Structure	*5-12(c)*	P	P	P	P							
Company Cafeteria						P	P		P	P	P	
Company Provided On-Site Recreation	*5-12(d)*					C	C		C	C	C	
Drive Through	*5-12(e)*					C			C			
Day Care, 4-8 Persons			P	P	P							
Day Care, 8+ Persons			C	C	C							
Helipad						C			C	C	C	C
Home Occupation	*5-12(f)*	P	P	P	P	P	P	P				
Indoor Sales Incidental to Light Industrial Use	*5-12(g)*									P	P	
Light Industrial Incidental to Indoor Sales	*5-12(h)*					C	C					
On-Site Agricultural Retail	*5-12(i)*	P										
Outdoor Activity / Operation, Permanent	*5-12(j)*									C	C	
Outdoor Dining, without alcohol	*5-12(k)*					P	P	P				
Outdoor Dining, with alcohol	*5-12(l)*					P	P	P				
Outdoor Display of Merchandise, Permanent	*5-12(m)*					C				C	C	
Outdoor Storage, Permanent	*5-12(n)*					C				C	C	
Solar Energy Collection System, Canopy	*5-12(o)*				C	C			C	C	C	
Solar Energy Collection System, Ground Mounted	*5-12(p)*	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	*5-12(q)*	P	P	P	P	P	P	P	P	P	P	P
Urban Garden	*5-12(r)*	P	P	P	P	P	P	P				P

Comment [JW35]: Definition
Accessory Building: A building with a permanent foundation that is subordinate to the primary building on the same lot including detached garages, barns, gazebos, porches, decks, or similar.

Comment [JW36]: Definition
Accessory Structure: A structure without a permanent foundation that is subordinate to the primary building on the same lot including sheds or similar.

Comment [JW37]: Definition
Urban Garden: A portion of a parcel dedicated to the outdoor cultivation of produce, flowers, and / or small plants.

(n) **Temporary Uses.**

Table 4-5(n): Temporary Uses

Use	Additional Regulation	RA	NR	MR	UR	SC	CC	NO	SO	SI	UI	PI
Christmas Tree / Pumpkin Sales	*5-13(a)*					P	P					
Construction Related		P	P	P	P	P	P	P	P	P	P	P
Farmers Market						P	P					
Garage / Estate Sale		P	P	P	P							
Outdoor Activity / Operation, Temporary						P	P	P	P	P	P	P
Outdoor Assembly	*5-13(b)*	P	P	P	P	P	P	P	P	P	P	
Outdoor Display of Merchandise, Temporary	*5-13(c)*					P	P	P				
Outdoor Storage, Temporary						P	P	P	P	P	P	P
Portable Outdoor Storage Device	*5-13(d)*	P	P	P	P							
Short Term Rental	*5-13(e)*		P	P	P							

Comment [JW38]: Definition
Portable Outdoor Storage Device: A self-storage container that is delivered to and retrieved from a residence for long term off-site or temporary on-site storage.

References to be Updated

Article Five – Specific Use Standards

5-1 - Specific Agricultural Use Standards

5-2 - Specific Residential Use Standards

5-3 - Specific Institutional Use Standards

5-4 - Specific Retail Use Standards

5-5 - Specific Service Use Standards

5-6 - Specific Eating and Drinking Use Standards

5-7 - Specific Fitness Facility and Entertainment Use Standards

5-8 - Specific Lodging Use Standards

5-9 - Specific Vehicle Related Use Standards

5-10 - Specific Industrial Use Standards

5-11 - Specific Transportation Use Standards

5-12 - Specific Accessory Use Standards

5-13 - Specific Temporary Use Standards

5-1 - Specific Agricultural Use Standards

(a) **Community Garden.**

(1) The name and contact information of the person or organization listed as the responsible party on the Community Garden Permit shall be clearly posted and maintained for the duration of the existence of the Community Garden.

(2) Accessory structures shall be limited in gross floor area to ten (10) percent of the of the lot or parcel used for the Community Garden, shall have a maximum height of twelve (12) feet including any pitched roof, and shall be limited to the following accessory structure types:

a. Storage Sheds;

b. Hoop Houses;

c. Cold Frames.

(3) All compost and/or organic matter on the site:

a. shall not cover more than ten (10) percent of the total area of the property,

b. shall be screened from view from adjacent property and the public right-of-way,

c. shall be managed to prevent the harborage of rodents and pests,

d. shall be maintained to prevent odors, and

e. shall be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.

(4) The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property

(5) Trash areas shall be provided and screened from view from adjacent property and the public right-of-way.

(b) **Solar Energy Collection, Farm**.

(1) No solar farm shall be erected on any lot less than four (4) acres in size.

(2) A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

(3) Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

(4) Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.

(5) Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:

a. Front and Corner Yards: one hundred (100) feet

b. Side and Rear Yards: fifty (50) feet from nonresidential property lines and one-hundred (100) feet from residential property lines.

(6) Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(7) An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities 911 address and a twenty-four (24) hour emergency contact number.

(c) **Urban Agriculture, Outdoor**.

(1) Shall be limited to the raising and/or use of animals at an intensity of one animal unit per acre.

(2) Shall not be located in, or adjacent to, an existing or platted residential subdivision.

(3) All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of three-hundred (300) feet from all residentially zoned property and one-hundred (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.

5-2 - Specific Residential Use Standards

(a) **Apartment / Condominium, Building.**

(1) The main entrance to an apartment / condominium building shall face the primary street.

(2) All off-street parking shall be located in the rear of the building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(b) **Apartment / Condominium, Complex.**

(1) Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.

(2) Buildings and other site improvements shall be clustered to maximize stormwater absorption.

(3) Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.

(4) Parking shall be integrated into the overall site design to minimize impact, reduce the loss of trees, and to be visually concealed from rights-of-way.

(5) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(8) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(9) A minimum of fifteen (15) percent of the site shall be developed as usable open space and shall be sited to preserve natural site features and integrate with the buildings and site circulation to provide common outdoor amenities and gathering places.

(c) **Cluster Mailbox**.

(1) A lot created for the purpose of accommodating a cluster mailbox shall not be held to the bulk and dimensional standards of the district in which it is located as detailed in Section 4-1, as approved by the Zoning Administrator.

(2) Residential lots impacted by the creation of a cluster mailbox lot may receive relief from bulk and dimensional standards as detailed in Section 4-1 as approved by the Zoning Administrator.

(d) **Community Living, all capacities.**

(1) No community living arrangement shall be established within two-thousand five-hundred (2,500) feet of any other such facility regardless of its capacity.

(2) The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed one (1) percent of the City's population (unless specifically authorized by the Common Council following a public hearing).

(3) Foster homes housing four (4) or fewer children and licensed under Sec. 48.62, Wis. Stats., shall not be subject to these provisions.

(e) **Duplex / Townhome, all units**.

(1) The main entrances to a duplex / townhome shall face the primary street.

(2) A minimum of one (1) of the parking spaces, as required in Section 6-## of this Zoning Ordinance, shall be provided in an attached or detached garage.

(3) Attached garages are encouraged to be located on side façades. If attached garages are located on the primary façade they shall:

a. Not exceed forty-five (45) percent of the façade's total width,

b. Be setback a minimum of twenty-five (25) feet from the street right-of-way, and

c. Be recessed from the primary front façade (excluding porches) of the duplex / townhome a minimum of one (1) foot.

(4) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(f) **Senior Housing, Dependent and Independent.**

(1) The proposed site shall be located to avoid disruption of an established or developing area and shall be designed to maintain the character of the adjacent properties.

(2) No access shall be permitted to a local residential street.

(3) Applicant shall provide off-street passenger loading area at a minimum of one (1) location within the development.

(4) All structures shall be located a minimum of fifty (50) feet from any residentially zoned property which does not contain an institutional residential land use.

(g) **Single Family, Detached**.

(1) Attached garages are encouraged to be located on side façades. If attached garages are located on the primary façade they shall:

a. Not exceed forty-five (45) percent of the façade's total width,

b. Not utilize any single garage door(s) greater than twelve (12) feet in width,

c. Be setback a minimum of twenty-five (25) feet from the street right-of-way, and

d. Be recessed from the primary front façade (excluding porches) of the single family detached home a minimum of one (1) foot.

5-3 - Specific Institutional Use Standards

(a) **Outdoor Public Recreation, Active**.

(1) All structures and active recreational areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

(2) Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.

(3) 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.

(b) **Public Service and Utilities**.

(1) Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

(2) All outdoor storage areas adjoining a residentially zoned property shall comply with the requirements for outdoor storage screening as specified in Section 6-##.

(3) All structures shall be located a minimum of twenty (20) feet from any residentially zoned property.

(4) The architecture and design of the exterior of all buildings shall be compatible with the architecture and design of the exteriors of surrounding buildings.

5-4 - Specific Retail Use Standards

(a) **Adult Uses**.

(1) **Purpose**. The purpose of this Section is to provide specific regulations for adult uses, in order to accommodate constitutionally-protected non-obscene sexual expression, while protecting the public health, safety, and general welfare of the City. The Common Council finds that:

a. adult uses require special supervision from the City's law enforcement and public safety agencies to protect and preserve the public health, safety, morals, and welfare of the patrons and employees of businesses as well as the City's citizens; and

b. adult uses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

c. sexually transmitted diseases are a legitimate health concern for the City that demands reasonable regulation of adult uses by the City in accordance with this Ordinance; and

d. this Ordinance's regulations are a legitimate and reasonable means of accountability to ensure that operators of adult uses comply with reasonable regulations and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation; and

e. there is convincing documented evidence that adult uses, because of their outward appearance and very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly during the overnight hours, and reduce property values; and

f. the Common Council desires to minimize and control these adverse effects by regulating adult uses in accordance with this Ordinance; and

g. by minimizing and controlling these adverse effects, the Common Council seeks to protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve quality of life; preserve property values and the character of the City's neighborhoods; and deter the spread of urban blight; and

h. the Common Council does not enact this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment; rather, this Ordinance establishes content-neutral regulations that address the secondary effects of adult uses; and

i. the Common Council does not enact this Ordinance to restrict, deny, or authorize the restriction or denial of access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market; and

j. evidence concerning adult uses' adverse secondary effects on communities is readily available in many court decisions, including, but not limited to: Township of Littleton, Colorado v. Z.J. Gifts D-4, LLC, 541 U.S. 774 (2004); City of Los Angeles v. Almaeda Books, Inc., 535 U.S. 425 (2002); Township of Erie v. Pap's A.M., 529 U.S. 277 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Township of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); Illinois One News, Inc. v. City of Marwill, 477 F.3d 461 (7th Cir. 2007); Andy's Restaurant & Lounge, Inc. v. City of Gary, 466 F.3d 550 (7th Cir. 2006); Joelner v. City of Washington Park, 378 F.3d 613 (7th Cir. 2004); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Pleasureland Museum, Inc. v. Beutter, 288 F.3d 988 (7th Cir. 2002); Shultz v. City of Cumberland, 288 F.3d 831 (7th Cir. 2000); Genusa v. City of Peoria, 619 F.2d 1203 (7th Cir. 1980); Excalibur Group, Inc. v. City of Minneapolis, 116 F.3d 1216 (8th Cir. 1997); and XLP Corporation v. County of Lake, 359 Ill. App. 3d 239 (2d Dist. 2005) (collectively, the "Cases"); and

k. many cities and other units of government throughout the country have studied and found significant adverse secondary effects associated with adult uses, including, but not limited to: Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Indianapolis, Indiana (1984); Amarillo,

Texas (1977); Whittier, California (1978); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Beaumont, Texas (1982); and Des Moines, Iowa (1984) (collectively, the "Studies"); and

l. the United States Congress has heard testimony detailing the negative secondary effects associated with adult uses on numerous occasions, including 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750 (collectively, the "Testimony"); and

m. based on secondary effects discussed and found to exist in the Cases, Studies, and Testimony, as well as all evidence presented and matters discussed during all public hearings and meetings conducted by the City, and all other relevant information, including the Common Council's own knowledge and experience, the Common Council finds that:

1. Adult uses can contribute to increased crime in the area where such businesses are located and burden local law enforcement and public safety efforts. Crimes associated with adult uses include, but are not limited to:

   (a) prostitution and other sex related offenses;

   (b) drug use and dealing; and

   (c) money laundering.

2. Adult uses can contribute to significant public health concerns, including the spread of HIV/AIDS and other sexually transmitted diseases.

3. Adult uses and their outward appearance can significantly:

   (a) contribute to the deterioration of residential neighborhoods;

   (b) increase neighborhood blight;

   (c) impair the character and quality of residential housing in the surrounding area; and

   (d) reduce overall housing appeal for potential residents.

4. The concentration of adult uses in any one area can greatly impact the area by causing blight, decreasing property values, reducing the City's tax base, making the area less attractive to non-adult uses (i.e., marketability), and increasing crime.

5. Adult uses can produce higher levels of noise, traffic, and glare as compared to other businesses by virtue of adult uses' hours of operation.

6. Serving or otherwise allowing the consumption of alcoholic liquor at adult uses can lead to increased criminal activity and exacerbate neighborhood deterioration.

7. The findings set forth in this Section 5-4(a) above constitute substantial governmental concerns.

8. Adult uses have operational characteristics that require reasonable governmental regulation to address those substantial governmental concerns.

9. Passing this Ordinance will promote and protect the public health, safety, and welfare.

(2) **Conditions**. All adult uses will be subject to the following conditions in order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, and substantial or undue or upon public facilities and services:

a. Adult uses will only be permitted in the UI District.

b. No adult use may be located within one thousand (1,000') feet of any existing school, religious institution, day care center, public park, residentially zoned property, agriculturally zoned property, or other adult use.

c. No adult use may have more than one (1) outdoor sign.

d. No adult use may have an outdoor sign exceeding ten (10) feet in length or three (3) feet in width.

e. No adult use may display the stock in trade of adult entertainment establishments to the public from view outside the establishment, including graphics, decorations, or displays.

f. No adult use may paint the exterior of the premises any other color than a single neutral, earth tone color.

g. No person or entity may hold a liquor license for the property operating as an adult use, or sell, serve, or allow the consumption of alcoholic liquor on the property.

h. No adult use offering live performance of adult entertainment will allow exposed or uncovered specified anatomical areas.

i. No adult use will permit persons under the age of 18 on the property subject to the adult use, and all adult uses will post a notice at the door that entry by persons under the age of eighteen (18) is prohibited.

j. All adult uses will maintain a buffer measuring at least six feet wide between all patrons and any individual conducting live performance of adult entertainment.

k. No adult use will allow or permit the occurrence of any specified sexual activities or permit the occurrence of any act constituting the offense of obscenity under Wisconsin law on property subject to the adult use.

l. No adult use will allow, permit, or authorize physical contact between any adult use personnel and any patron.

m. Adult entertainment employees may not receive tips from patrons except as follows:

1. An adult use that desires to provide for tips from its patrons for adult entertainment employees will establish one or more boxes or other containers to receive tips.

2. All tips for adult entertainment employees must be placed by the patron into the tip box.

3. An adult use that provides tip boxes for adult entertainment employees must post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one inch high to read as follows: "All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."

n. No adult use offering adult entertainment on the premises may open before 11:30 a.m. or close after 1:00 a.m., except that cleaning and maintenance activities necessary for the property's operation may occur before or after the hours specified in this subsection.

o. No adult use offering adult entertainment on the premises will open or operate on Sunday, on any federal holiday, or on any state holiday.

p. No animals, excluding animals trained and used to assist a person with a disability, are permitted at any time on property subject to an adult use, and any animal assisting a person with a disability must remain with that person at all times.

q. No adult entertainment will occur in any restroom located on a property subject to an adult use.

r. Patrons will not enter any non-public portions of a property subject to an adult use, including, without limitation, any storage areas, dressing rooms, or other rooms provided for the primary benefit and use of adult use personnel.

s. No adult use will utilize loudspeakers or other sound equipment that is audible outside of the structure in which the adult use is conducted.

t. Each adult use will have at least one manager's station allowing direct, unobstructed, and uninterrupted view from the manager's station to every part of the premises accessible to patrons, excluding restrooms.

u. All adult uses will comply with all provisions of this Code and all federal, state, and local laws, rules, and regulations, as amended.

v. Upon the City's request, permittee will allow the City to inspect the adult use's books, records, and payroll information to allow the City to verify compliance with this Code, state law, and federal law, as amended.

(3) **Penalty**.

a. Every act or omission constituting a violation of this Code by any adult use, adult use personnel, or patron will be deemed to be an act or omission by the adult use operator, and the adult use operator will be punished in accordance with the provisions of this subsection.

b. Nothing in this Section will prohibit the City or any person or entity from pursuing any claims at law or in equity, against any person or entity that violates this Section or any other City ordinance, rule, or regulation.

c. Any adult use established, operated, or maintained in violation of any of the provisions or requirements of this Code will be, and the same is, declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of any other remedies set forth in this Subsection, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and may take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult use contrary to the provisions of this Code.

(4) **Severability**. If any part, subsection or clause of this Section will be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses will not be affected thereby.

(b) **General Retail, less than 10,000 sqft**.

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(c) **General Retail, 10,000 – 49,999 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(d) **General Retail, more than 50,000 sqft**.

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(e) **Outlot Retail**.

(1) Outlot retail buildings shall be setback a minimum of fifteen (15) feet from any right-of-way.

(2) All off-street parking and loading shall be located toward the rear of the building.

(3) Curb cuts and site vehicular access shall be shared with the primary structure.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(f) **Pawn Shop**.

(1) Pawn shops shall be located a minimum of three-thousand (3,000) feet from all existing pawn shops.

(2) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(3) For new construction, at least thirty (30) percent of the first floor façade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(5) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(g) **Thrift Store**.

(1) Thrift stores shall be located at least 3,000 feet from all existing thrift stores.

(2) The window and door area of any existing first floor façade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(3) For new construction, at least thirty (30) percent of the first floor façade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(5) An appointment or set hours shall be required for the acceptance of donated merchandise.

(6) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

5-5 - Specific Service Use Standards

(a) **Corporate Campus**.

(1) Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.

(2) Buildings and other site improvements shall be clustered to maximize stormwater absorption.

(3) Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.

(4) Parking shall be integrated into the overall site design to minimize impact, reduce the loss of trees, and to be visually concealed from rights-of-way.

(5) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(8) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(9) Buildings, parking lots, drive aisles, and other site improvements shall be sited to preserve natural site features and integrated outdoor amenities and gathering places.

(b) **Commercial Animal Boarding**.

(1) Outdoor exercise areas shall not be located within three-hundred (300) feet of a residentially zoned property.

(2) Outdoor exercise areas shall be fully enclosed with a fence or wall with a minimum height of six (6) feet.

(3) The hours of operation for outdoor areas shall be limited daily from 7:00 a.m. to 7:00 p.m.

(4) Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 13-1-364.)

(5) The animals shall be boarded in appropriate kennel units with insulation to further abate noise.

(6) All litter and waste must be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.

(7) The boarding area must be air-conditioned and heated so that any windows, doors, or other openings can be closed at all times, with the exception of ingress and egress into the area.

(c) **General Service, less than 10,000 sqft**.

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(d) **General Service, more than 10,000 sqft**.

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) If the gross floor area of the primary building exceeds fifty-thousand (50,000) square feet, the property owner shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(e) **Personal Storage Facility**.

(1) A personal storage facility shall consist of a single building. Outdoor storage shall be prohibited.

(2) The storing of hazardous or toxic materials is prohibited.

(3) No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.

(4) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

5-6 - Specific Eating and Drinking Use Standards

(a) **Coffee / Tea Shop**.

(1) The following provisions shall apply to café uses in the NO District.

a. The main entrance shall be oriented towards the primary street.

b. All off-street parking and loading shall be located on the side or rear of the primary building.

c. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

d. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

e. Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

f. Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

5-7 - Specific Fitness Facility and Entertainment Use Standards

(h) **Fitness Facility / Entertainment Facility, less than 10,000 sqft**.

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(i) **Fitness Facility / Entertainment Facility, 10,000 – 49,999 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(a) **Fitness Facility / Entertainment Facility Indoor, more than 50,000 sqft**.

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(b) **Physical Health / Entertainment Facility Outdoor**.

(1) Activity areas shall not be located closer than three-hundred (300) feet to a residentially zoned property.

(2) Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.

5-8 - Specific Lodging Use Standards

(a) **Bed and Breakfast**.

(1) All such facilities shall be required to obtain a permit to serve liquor, if applicable.

(2) One lavatory and bathing facility shall be required for every ten (10) occupants, in addition to the owner/occupant's personal facilities.

(3) The dwelling unit in which the bed and breakfast takes place 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.

(4) Breakfast shall be the only the meal served to only overnight guests.

(5) A record of overnight guests must be maintained for one (1) year and available upon request.

(6) The maximum stay for any occupant of a bed and breakfast operations shall be fourteen (14) days in any one visit.

5-9 - Specific Vehicle Related Use Standards

(a) **Fuel Sales**.

(1) All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.

(2) All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.

(3) All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.

(4) Fuel pump canopies shall have columns placed in a manner that is similar in their relation to the roof as that of the exterior walls of the building to which the fuel pump canopy is associated.

(5) Fuel pump canopies shall be finished with materials consistent with the primary building façade.

5-10 - Specific Industrial Use Standards

(a) **Artisan Manufacturing**.

(1) Gross floor area shall not exceed ten-thousand (10,000) square feet.

(2) Outdoor storage and / or outdoor operations or activities shall be prohibited.

(3) Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

(4) A maximum of two (2) residential units shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

(b) **Communication Tower.**

(c) **Composting Operation**.

(1) Shall comply with all County, State and Federal regulations.

(2) All buildings, structures, and activity areas shall be located a minimum of one-hundred (100) feet from all lot lines.

(3) The processing, storage, and disposal of any food scraps or other vermin-attracting materials shall be conducted entirely within a completely enclosed structure with all doors, windows, and any other structure openings completely closed.

(4) Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.

(d) **Distribution Center**.

(1) Standards regarding the prohibition of idling, found in ##-## of the City Code shall be followed.

(2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of one-hundred (100) feet from all lot lines abutting residentially zoned property.

(3) In no instance shall activity areas be located within a required front or exterior side yard.

(e) **Light Industrial**.

(1) All activities, except loading and unloading, shall be conducted entirely within a completely enclosed structure with all doors, windows, and any other structure openings completely closed.

5-11 - Specific Transportation Use Standards

(a) **Airport / Heliport.**

(1) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of one-hundred (100) feet from all lot lines.

5-12 - Specific Accessory Use Standards

(a) **Accessory Building**.

(1) One (1) accessory building shall be permitted per lot.

(2) An accessory building shall not exceed nine-hundred (900) square feet except as a conditional use in the RA District.

(3) An accessory building shall have a maximum height of fifteen (15) feet.

(4) An accessory building shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.

(5) An accessory building shall be located either:

a. Completely within the required rear yard and a minimum of five (5) feet from side and rear property lines,

b. Completely within the buildable area of the lot and to the side or rear of the primary building, or

c. As permitted in Section 4-3 *Intrusions into Required Yards*.

(b) **Accessory Dwelling Unit.**

(1) One (1) accessory dwelling unit shall be permitted per lot.

(2) Detached accessory dwelling units shall be comply with all standards included in 5-12(a) with the exception of 5-12(a)(3).

(3) The primary structure shall be the primary residence of the owner of the property.

(4) Accessory dwelling units shall not be greater than nine hundred (900) square feet or fifty (50) percent of the size of the principle structure, whichever is less. Internal accessory dwelling units located in a basement shall be permitted to occupy the entire area of said basement.

(5) Detached and attached accessory dwelling units shall be located to the rear of the primary structure.

(6) Only one (1) entrance shall be located on the front façade of the primary structure. Entrances to accessory dwelling units must be located on the side or rear façade.

(7) Both the primary structure and the accessory dwelling unit shall be served by one (1) common driveway connecting the accessory dwelling unit to a public or private road.

(8) Parking for the accessory dwelling unit, as required by Section 6-#, shall be in addition to the parking space(s) required for the primary structure. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the primary structure shall be prohibited.

(9) Accessory dwelling units shall be similar in character to the primary structure and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

(c) **Accessory Structure**.

(1) One (1) accessory structure shall be permitted per lot.

(2) An accessory structure shall not exceed one-hundred (100) square feet.

(3) An accessory structure shall not have a permanent foundation.

(4) An accessory structure shall have a maximum height of eight (8) feet.

(5) An accessory structure shall be located a minimum of ten (10) feet from the primary building.

(6) An accessory structure shall be located either:

a. Completely within the required rear yard and a minimum of five (5) feet from side and rear property lines,

b. Completely within the buildable area of the lot and to the side or rear of the primary building, or

c. As permitted in Section 4-3 *Intrusions into Required Yards*.

(d) **Company Provided On-Site Recreation**.

(1) All structures and actively used outdoor areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

(e) **Drive Through**.

(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 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 ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially-zoned property lines, and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy of similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure.

(5) Any overhead canopy or similar structure shall maintain a uniform and consistent roof line with the building to which the drive-through facility is a part.

(6) Any overhead canopy or similar structure shall have columns, solid walls or semi-solid walls placed so that they are similar in their relation to the roof as that of the exterior walls of the building to which the drive-through facility is a part.

(7) Any overhead canopy or similar structure shall be finished with materials consistent with the primary building façade.

(8) 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 four (4) ton axle load.

(9) 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 six (6) inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than twenty-five (25) feet to all property lines.

(10) Drive-through facilities shall be permitted a maximum of two (2) menu boards with a combined maximum area of eighty (80) square feet. Each menu board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards may utilize electronic message boards for one-hundred (100) percent of the permitted menu board area.

(11) Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:

a. One (1) lane: twelve (12) feet,

b. Two (2) or more lanes: ten (10) feet per lane.

(12) Drive-through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 5-12(e)(11).

Table 5-12(e)(11)		
Use	**Minimum Stack**	**Measure From**
Automated Teller Machine	2 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box[1]
Carwash Stall, Automatic	5 per stall	stall entrance
Carwash Stall, Manual	2 per stall	stall entrance
Oil Change Shop	2 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window
Other	at the discretion of the Plan Commission	
1. Four (4) of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

(f) **Home Occupation**.

(1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage and shall be subordinate to the use of the dwelling for residential purposes.

(2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation.

(3) 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.

(4) 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.

(5) No home occupation shall generate any traffic in excess of what is typical for the district in which it is located.

(6) No outdoor storage shall be permitted.

(7) The home occupation use shall not involve the use of commercial vehicles for delivery of materials to or from the premises in excess of the normal amount of the district.

(8) A permitted home occupation is restricted to a General Service business as defined herein.

(9) The manufacturing of items or products or the sale of items or products on the premises shall be prohibited except for online sales.

(10) A permitted home occupation shall not occupy more than thirty (30) percent of the floor area of the dwelling.

(11) Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one (1) nonresident employee.

(12) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

(13) The Plan Commission may approve home occupations in residential districts which do not meet the standards above, as conditional uses. The standards in Section 13-1-363 shall be applicable.

(14) The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.

(15) Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

(g) **Indoor Sales Incidental to Light Industrial Use**.

(1) The total area devoted to sales activity shall not exceed twenty-five (25) percent of the total area of the buildings on the property.

(2) Restroom facilities shall be provided and shall be directly accessible from the retail sales area.

(3) Retail sales area shall by physically separated by a wall from other activity areas.

(h) **Light Industrial Incidental to Indoor Sales**.

(1) The total area devoted to light industrial activity shall not exceed fifteen (15) percent of the total area of the buildings on the property, or five-thousand (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 13-1-288 for all adjacent properties.

(i) **On-Site Agricultural Retail**.

(1) No structure or group of structures shall exceed five-hundred (500) square feet in floor area.

(2) No structure shall exceed twelve (12) feet in height.

(3) All structures shall meet all required setbacks.

(4) Such land use shall be served by no more than one (1) driveway. Said driveway shall require a valid driveway permit.

(5) The sale of products which are grown or otherwise produced on nonadjacent property under the same ownership, or on property under different ownership, shall be prohibited.

(6) Structures and fencing shall be located a minimum of three-hundred (300) feet from any residentially zoned property.

(j) **Outdoor Activity / Operation, Permanent**.

(1) Any property with permanent outdoor activity or operations shall have a minimum lot size of five (5) acres.

(2) Outdoor activities and operations shall be conducted between the hours of 7:00am and 9:00pm.

(3) Outdoor activities and operations shall be located to the rear or side of the primary building on the lot.

(4) Outdoor activities and operations shall be prohibited in front or exterior side yards.

(5) Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned RA, SC, SI, UI, or PI.

(6) Outdoor activities and operations shall be setback a minimum of one-hundred (100) feet from all property lines when adjacent properties are zoned NR, MR, UR, CC, NO, or SO.

(7) The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned NR, MR, UR, CC, NO, or SO.

a. A solid wall constructed from materials identical to those used on the exterior of the primary building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial roadway or a property zoned NR, MR, UR, CC, NO, or SO.

b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one-hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one-hundred (100) lineal feet. All landscape maintenance requirements of Section #### shall apply.

(k) **Outdoor Dining, without alcohol.**

(1) The outdoor dining area shall be located on a hard paved surface, as approved by the City Engineer.

(2) The outdoor dining area shall not be located in a required parking space.

(3) The outdoor dining area shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.

(4) A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.

(5) Use of the outdoor dining area shall be limited to the posted operational hours of the associated eating and drinking use.

(l) **Outdoor Dining, with alcohol.**

(1) The outdoor dining area shall be located on a hard paved surface, as approved by the City Engineer.

(2) The outdoor dining area shall not be located in a required parking space.

(3) The outdoor dining area shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.

(4) A fence or wall with a height of four (4) feet shall be utilized to fully enclose the outdoor dining area. Access to the outdoor dining area shall be provided through the primary building, outdoor access shall be prohibited.

(5) The fence or wall shall have a gate that is labeled as an “exit only” with an alarm.

(6) The fence or wall and gate shall comply with all requirements of the Police Department and Building Inspector.

(7) All necessary alcohol licenses shall be obtained and shall operate in conformance to the requirements thereof.

(m) **Outdoor Display of Merchandise, Permanent**.

(1) Only those goods and materials associated with the existing on-site use may be displayed or sold.

(2) Permanent outdoor display or sales areas shall not be located within any required yard or parking area.

(3) Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor display or sales areas shall be prohibited.

(4) Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a conditional use.

(n) **Outdoor Storage, Permanent**.

(1) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.

(2) The following minimum screening requirements shall apply to permanent outdoor storage areas which are visible from the right-of-way of an existing or proposed arterial or collector roadway or from a property zoned NR, MR, UR, CC, NO, or SO.

(3) A solid wall constructed from materials identical to those used on the exterior of the primary building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial roadway or from a property zoned NR, MR, UR, CC, NO, or SO.

(4) A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one-hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one-hundred (100) lineal feet. All landscape maintenance requirements of Section #### shall apply.

(5) Shipping containers not located on a truck or located on a truck which is kept in the same parking or loading area for more than thirty (30) days shall be considered outdoor storage and shall be subject to all provisions for outdoor storage as found in this Section.

(o) **Solar Energy Collection System, Canopy**.

(1) Canopy solar energy collection systems may exceed the applicable maximum accessory structure height if they cover an impervious surface parking area.

(2) The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.

(3) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

(p) **Solar Energy Collection System, Ground Mounted**.

(1) Ground mounted solar energy collection systems shall be permitted in the rear yard only.

(2) An unlimited quantity of panels is permitted on all zoning lots with the exception of any residential zoning lot thirty-thousand (30,000) square feet or less in size, which are limited to a total of one-hundred (100) square feet in area of panels.

(3) The maximum height of ground mounted solar energy collection systems shall be fifteen (15) feet in height, measured from the grade at the base of the pole to the highest edge of the system.

(4) Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.

(5) All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

(q) **Solar Energy Collection System, Roof Mounted**.

(1) Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.

(2) Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.

a. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.

(3) All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

(r) **Urban Garden.**

(1) Urban gardens shall not exceed twenty (20) percent of the lot area.

(2) Urban gardens located in front or corner yards shall:

a. Not utilize hoop houses, cold frames, or other structures.

b. Not have any plant material which exceeds four (4) feet in height.

c. Not have any dead plant materials present with the exception of dead plant materials utilized for ground cover, mulch, or compost.

d. Not include any plant material that could interfere with a public sidewalk.

e. Be setback a minimum of three (3) feet from all applicable property lines.

(3) Urban gardens located in side or rear yards may utilize hoop houses, cold frames, or other structures if they are setback a minimum of three (3) feet from all property lines.

5-13 - Specific Temporary Use Standards

(a) **Christmas Tree / Pumpkin Sales.**

(1) Christmas tree or pumpkin sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot.

(2) Christmas tree or pumpkin sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.

(3) Christmas tree or pumpkin sales areas shall utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the primary use.

(b) **Outdoor Assembly**.

(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 13-1-326.

(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 daylight hours.

(5) Adequate provisions for crowd control shall be made and shall be described within the application.

(6) Shall comply with Section 13-1-364, standards, and procedures applicable to all temporary uses.

(c) **Outdoor Display of Merchandise, Temporary**.

(1) Temporary outdoor display or sale of merchandise shall be located on the same lot and in conjunction with the primary use of the lot.

(2) Temporary outdoor display or sale areas shall occur:

a. On the sidewalk area at the foundation of the primary use, limited to the free space, and not including a five (5) foot wide pedestrian way.

b. In a portion of the parking lot, which shall not exceed twenty (20) percent of the parking spaces required for the operation of the primary use.

(d) **Portable Outdoor Storage Device**.

(1) A permit shall be obtained prior to the setting of the portable outdoor storage device on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures. The permit shall be prominently displayed on the storage device.

(2) No portable outdoor storage device shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.

(3) The temporary portable outdoor storage unit cannot encroach on City property, City right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, or hard paved surface between the front property line and the rear building line of the principal structure.

(4) The visual distance between the portable outdoor storage device and the side yard property line shall be four (4) feet or upon the approval Zoning Administrator and as agreed upon by written consent by the neighboring property owner.

(5) Portable outdoor storage devices may be placed in a residential district for no more than 30 (thirty) days in any consecutive twelve (12) month period. Extensions beyond the thirty (30) day limit may be granted by the Zoning Administrator.

(e) **Short Term Rental.**

(1) The residential dwelling in which short term rental is offered shall be the primary residence of the property owner.

(2) The short term rental period shall be a minimum of seven (7) consecutive days and a maximum of one-hundred and eighty (180) consecutive days in any one visit.

Color Code
Original Text
Additions
Deletions
References to be Updated

Article Five – Specific Use Standards

5-1 - Specific Agricultural Use Standards
5-2 - Specific Residential Use Standards
5-3 - Specific Institutional Use Standards
5-4 - Specific Retail Use Standards
5-5 - Specific Service Use Standards
5-6 - Specific Eating and Drinking Use Standards
5-7 - Specific Fitness Facility and Entertainment Use Standards
5-8 - Specific Lodging Use Standards
5-9 - Specific Vehicle Related Use Standards
5-10 - Specific Industrial Use Standards
5-11 - Specific Transportation Use Standards
5-12 - Specific Accessory Use Standards
5-13 - Specific Temporary Use Standards

5-1 - Specific Agricultural Use Standards

(a) **Community Garden.**

(1) The name and contact information of the person or organization listed as the responsible party on the Community Garden Permit shall be clearly posted and maintained for the duration of the existence of the Community Garden.

(2) Accessory structures shall be limited in gross floor area to ten (10) percent of the of the lot or parcel used for the Community Garden, shall have a maximum height of twelve (12) feet including any pitched roof, and shall be limited to the following accessory structure types:

a. Storage Sheds;

b. Hoop Houses;

c. Cold Frames.

(3) All compost and/or organic matter on the site:

a. shall not cover more than ten (10) percent of the total area of the property,

b. shall be screened from view from adjacent property and the public right-of-way,

c. shall be managed to prevent the harborage of rodents and pests,

d. shall be maintained to prevent odors, and

e. shall be located to prevent leachate from flowing onto adjacent property or into natural or human-made storm channels.

(4) The site shall be designed and maintained to prevent water from irrigation and/or other activities and/or fertilizer from draining onto adjacent property

(5) Trash areas shall be provided and screened from view from adjacent property and the public right-of-way.

(b) **Solar Energy Collection, Farm.**

(1) No solar farm shall be erected on any lot less than four (4) acres in size.

(2) A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

(3) Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

(4) Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.

(5) Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:

a. Front and Corner Yards: one hundred (100) feet

b. Side and Rear Yards: fifty (50) feet from nonresidential property lines and one-hundred (100) feet from residential property lines.

(6) Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(7) An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities 911 address and a twenty-four (24) hour emergency contact number.

(c) **Urban Agriculture, Outdoor.**

(1) Shall be limited to the raising and/or use of animals at an intensity of one animal unit per acre.

(2) Shall not be located in, or adjacent to, an existing or platted residential subdivision.
Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 13-1-249.)

(3) All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of three-hundred (300) feet from all residentially zoned property and one-hundred (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.
Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

5-2 - Specific Residential Use Standards

(a) **Apartment / Condominium, Building.**

(1) The main entrance to an apartment / condominium building shall face the primary street.

(2) All off-street parking shall be located in the rear of the building.

Comment [JW1]: Lot size necessary to accommodate a 1mW farm including panels and other equipment

Comment [JW2]: Existing language from 13-1-87(c)(3)

Comment [JW3]: New text derived from existing language in 13-1-87(c)(1)

Comment [JW4]: Moved to Article 6

Comment [JW5]: Deleted to eliminate redundancy

Comment [JW6]: New text proposed to replace existing language from 13-1-86(e)

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(b) Apartment / Condominium, Complex.

(1) Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.

(2) Buildings and other site improvements shall be clustered to maximize stormwater absorption.

(3) Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.

(4) Parking shall be integrated into the overall site design to minimize impact, reduce the loss of trees, and to be visually concealed from rights-of-way.

(5) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(8) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(9) A minimum of fifteen (15) percent of the site shall be developed as usable open space and shall be sited to preserve natural site features and integrate with the buildings and site circulation to provide common outdoor amenities and gathering places.

(c) Cluster Mailbox.

(1) A lot created for the purpose of accommodating a cluster mailbox shall not be held to the bulk and dimensional standards of the district in which it is located as detailed in Section 4-1, as approved by the Zoning Administrator.

(2) Residential lots impacted by the creation of a cluster mailbox lot may receive relief from bulk and dimensional standards as detailed in Section 4-1 as approved by the Zoning Administrator.

(d) **Community Living, all capacities.**

(1) No community living arrangement shall be established within two-thousand and five-hundred (2,500) feet of any other such facility regardless of its capacity.

Comment [JW7]: New text proposed to replace existing language from 13-1-86(e)

Comment [JW8]: Existing language from 13-1-88(g)(2)
It is proposed that the use standards for Community Living 9-15 Persons and 15+ Persons be covered by this section since the standards are the same

(2) The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed one (1) percent of the City's population (unless specifically authorized by the Common Council following a public hearing).

(3) Foster homes housing four (4) or fewer children and licensed under Sec. 48.62, Wis. Stats., shall not be subject to these provisions to Subsection (g)(2)a, above; and shall not be subject to, or count toward, the total arrived at in Subsection (g)(2)b, above.

Comment [JW9]: Revised for clarity

(e) **Duplex / Townhome, all units.**

(1) The main entrances to a duplex / townhome shall face the primary street.

(2) A minimum of one (1) of the parking spaces, as required in Section 6-## of this Zoning Ordinance, shall be provided in an attached or detached garage.

(3) Attached garages are encouraged to be located on side façades. If attached garages are located on the primary façade they shall:

a. Not exceed forty-five (45) percent of the façade's total width,

b. Be setback a minimum of twenty-five (25) feet from the street right-of-way, and

c. Be recessed from the primary front façade (excluding porches) of the duplex / townhome a minimum of one (1) foot.

(4) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(f) **Senior Housing, Dependent and Independent.**

Comment [JW10]: Existing language from 13-1-88(f)

(1) The proposed site shall be located so as to avoid disruption of an established or developing office area and. Within the Neighborhood Office (NO) and Suburban Office (SO) District, institutional residential developments shall be designed so as to maintain the character of the adjacent properties.

Comment [JW11]: Revised to make applicable to all areas not just office areas

(2) Shall be located with primary vehicular access on a collector or arterial street.

(3) No access shall be permitted to a local residential street.

(4) Applicant shall provide off-street passenger loading area at a minimum of one (1) location within the development.

(5) All structures shall be located a minimum of fifty (50) feet from any residentially zoned property which does not contain an institutional residential land use.

Applicant shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

Comment [JW12]: Deleted to eliminate redundancy

(g) **Single Family, Detached.**

(1) Attached garages are encouraged to be located on side façades. If attached garages are located on the primary façade they shall:

a. Not exceed forty-five (45) percent of the façade's total width,

b. Not utilize any single garage door(s) greater than twelve (12) feet in width,

c. Be setback a minimum of twenty-five (25) feet from the street right-of-way, and

d. Be recessed from the primary front façade (excluding porches) of the single family detached home a minimum of one (1) foot.

5-3 - Specific Institutional Use Standards

(a) **Outdoor Public Recreation, Active**.

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 13-1-249). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

Comment [JW13]: *Moved to Article 6*

(1) All structures and active recreational areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

(2) Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.

(3) 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.

(b) **Public Service and Utilities**.

(1) Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

(2) All outdoor storage areas adjoining a residentially zoned property shall comply with the requirements for outdoor storage screening as specified in Section 6-## install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 13-1-249). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

Comment [JW14]: Revised to reflect outdoor storage screening requirements that are proposed in 5-12(n) below

(3) All structures shall be located a minimum of twenty (20) feet from any residentially zoned property.

(4) The architecture and design of the exterior of all buildings shall be compatible with the architecture and design of the exteriors of surrounding buildings.

5-4 - Specific Retail Use Standards

(a) **Adult Uses**.

(1) **Purpose**. The purpose of this Section is to provide specific regulations for adult uses, in order to accommodate constitutionally-protected non-obscene sexual expression, while protecting the public health, safety, and general welfare of the City. The Common Council finds that:

Comment [AK15]: In order to ensure that the City's adult use regulations are compliant with the First Amendment, the City must make findings that discuss why the regulations are necessary. These studies and court decisions support the City's powers set forth in this Chapter

a. adult uses require special supervision from the City's law enforcement and public safety agencies to protect and preserve the public health, safety, morals, and welfare of the patrons and employees of businesses as well as the City's citizens; and

b. adult uses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

c. sexually transmitted diseases are a legitimate health concern for the City that demands reasonable regulation of adult uses by the City in accordance with this Ordinance; and

d. this Ordinance's regulations are a legitimate and reasonable means of accountability to ensure that operators of adult uses comply with reasonable regulations and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation; and

e. there is convincing documented evidence that adult uses, because of their outward appearance and very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime, particularly during the overnight hours, and reduce property values; and

f. the Common Council desires to minimize and control these adverse effects by regulating adult uses in accordance with this Ordinance; and

g. by minimizing and controlling these adverse effects, the Common Council seeks to protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve quality of life; preserve property values and the character of the City's neighborhoods; and deter the spread of urban blight; and

h. the Common Council does not enact this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment; rather, this Ordinance establishes content-neutral regulations that address the secondary effects of adult uses; and

i. the Common Council does not enact this Ordinance to restrict, deny, or authorize the restriction or denial of access by adults to sexually oriented materials protected by the First Amendment, or to deny, or authorize denial of, access by the distributors and exhibitors of adult entertainment and adult materials to their intended market; and

j. evidence concerning adult uses' adverse secondary effects on communities is readily available in many court decisions, including, but not limited to: Township of Littleton, Colorado v. Z.J. Gifts D-4, LLC, 541 U.S. 774 (2004); City of Los Angeles v. Almaeda Books, Inc., 535 U.S. 425 (2002); Township of Erie v. Pap's A.M., 529 U.S. 277 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991); Township of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); Young v. American Mini Theatres, 426 U.S. 50 (1976); California v. LaRue, 409 U.S. 109 (1972); Illinois One News, Inc. v. City of Marwill, 477 F.3d 461 (7th Cir. 2007); Andy's Restaurant & Lounge, Inc. v. City of Gary, 466 F.3d 550 (7th Cir. 2006); Joelner v. City of Washington Park, 378 F.3d 613 (7th Cir. 2004); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Pleasureland Museum, Inc. v. Beutter, 288 F.3d 988 (7th Cir. 2002); Shultz v. City of Cumberland, 288 F.3d 831 (7th Cir. 2000); Genusa v. City of Peoria, 619 F.2d 1203 (7th Cir. 1980); Excalibur Group, Inc. v. City of Minneapolis, 116 F.3d 1216 (8th Cir. 1997); and XLP Corporation v. County of Lake, 359 Ill. App. 3d 239 (2d Dist. 2005) (collectively, the "Cases"); and

k. many cities and other units of government throughout the country have studied and found significant adverse secondary effects associated with adult uses, including, but not limited to: Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Whittier, California (1978); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Beaumont, Texas (1982); and Des Moines, Iowa (1984) (collectively, the "Studies"); and

l. the United States Congress has heard testimony detailing the negative secondary effects associated with adult uses on numerous occasions, including 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636; 134 Cong. Rec. E. 3750 (collectively, the "Testimony"); and

m. based on secondary effects discussed and found to exist in the Cases, Studies, and Testimony, as well as all evidence presented and matters discussed during all public hearings and meetings

conducted by the City, and all other relevant information, including the Common Council's own knowledge and experience, the Common Council finds that:

1. Adult uses can contribute to increased crime in the area where such businesses are located and burden local law enforcement and public safety efforts. Crimes associated with adult uses include, but are not limited to:

   (a) prostitution and other sex related offenses;

   (b) drug use and dealing; and

   (c) money laundering.

2. Adult uses can contribute to significant public health concerns, including the spread of HIV/AIDS and other sexually transmitted diseases.

3. Adult uses and their outward appearance can significantly:

   (a) contribute to the deterioration of residential neighborhoods;

   (b) increase neighborhood blight;

   (c) impair the character and quality of residential housing in the surrounding area; and

   (d) reduce overall housing appeal for potential residents.

4. The concentration of adult uses in any one area can greatly impact the area by causing blight, decreasing property values, reducing the City's tax base, making the area less attractive to non-adult uses (i.e., marketability), and increasing crime.

5. Adult uses can produce higher levels of noise, traffic, and glare as compared to other businesses by virtue of adult uses' hours of operation.

6. Serving or otherwise allowing the consumption of alcoholic liquor at adult uses can lead to increased criminal activity and exacerbate neighborhood deterioration.

7. The findings set forth in this Section 5-4(a) above constitute substantial governmental concerns.

8. Adult uses have operational characteristics that require reasonable governmental regulation to address those substantial governmental concerns.

9. Passing this Ordinance will promote and protect the public health, safety, and welfare.

(2) **Conditions**. All adult uses will be subject to the following conditions in order to prevent or minimize substantial or undue adverse effects upon neighboring and adjacent properties and improvements, and substantial or undue or upon public facilities and services:

a. Adult uses will only be permitted in the UI District.

b. No adult use may be located within one thousand (1,000') feet of any existing school, religious institution, day care center, public park, residentially zoned property, agriculturally zoned property, or other adult use.

c. No adult use may have more than one (1) outdoor sign.

d. No adult use may have an outdoor sign exceeding ten (10) feet in length or three (3) feet in width.

e. No adult use may display the stock in trade of adult entertainment establishments to the public from view outside the establishment, including graphics, decorations, or displays.

f. No adult use may paint the exterior of the premises any other color than a single neutral, earth tone color.

g. No person or entity may hold a liquor license for the property operating as an adult use, or sell, serve, or allow the consumption of alcoholic liquor on the property.

Comment [JW16]: Zoning ordinance prohibits adult uses from obtaining a liquor license – City could always take "belt and suspenders" approach and make sure that the City's liquor licensing provisions also designate adult use establishments as ineligible for a liquor license.

h. No adult use offering live performance of adult entertainment will allow exposed or uncovered specified anatomical areas.

i. No adult use will permit persons under the age of 18 on the property subject to the adult use, and all adult uses will post a notice at the door that entry by persons under the age of eighteen (18) is prohibited.

j. All adult uses will maintain a buffer measuring at least six feet wide between all patrons and any individual conducting live performance of adult entertainment.

k. No adult use will allow or permit the occurrence of any specified sexual activities or permit the occurrence of any act constituting the offense of obscenity under Wisconsin law on property subject to the adult use.

l. No adult use will allow, permit, or authorize physical contact between any adult use personnel and any patron.

m. Adult entertainment employees may not receive tips from patrons except as follows:

   1. An adult use that desires to provide for tips from its patrons for adult entertainment employees will establish one or more boxes or other containers to receive tips.

   2. All tips for adult entertainment employees must be placed by the patron into the tip box.

   3. An adult use that provides tip boxes for adult entertainment employees must post one or more signs to be conspicuously visible to the patrons on the premises in letters at least one inch high to read as follows: "All tips are to be placed in tip box and not handed directly to the entertainer. Any physical contact between the patron and the entertainer is strictly prohibited."

n. No adult use offering adult entertainment on the premises may open before 11:30 a.m. or close after 1:00 a.m., except that cleaning and maintenance activities necessary for the property's operation may occur before or after the hours specified in this subsection.

o. No adult use offering adult entertainment on the premises will open or operate on Sunday, on any federal holiday, or on any state holiday.

p. No animals, excluding animals trained and used to assist a person with a disability, are permitted at any time on property subject to an adult use, and any animal assisting a person with a disability must remain with that person at all times.

q. No adult entertainment will occur in any restroom located on a property subject to an adult use.

r. Patrons will not enter any non-public portions of a property subject to an adult use, including, without limitation, any storage areas, dressing rooms, or other rooms provided for the primary benefit and use of adult use personnel.

s. No adult use will utilize loudspeakers or other sound equipment that is audible outside of the structure in which the adult use is conducted.

t. Each adult use will have at least one manager's station allowing direct, unobstructed, and uninterrupted view from the manager's station to every part of the premises accessible to patrons, excluding restrooms.

u. All adult uses will comply with all provisions of this Code and all federal, state, and local laws, rules, and regulations, as amended.

v. Upon the City's request, permittee will allow the City to inspect the adult use's books, records, and payroll information to allow the City to verify compliance with this Code, state law, and federal law, as amended.

(3) **Penalty**.

a. Every act or omission constituting a violation of this Code by any adult use, adult use personnel, or patron will be deemed to be an act or omission by the adult use operator, and the adult use operator will be punished in accordance with the provisions of this subsection.

b. Nothing in this Section will prohibit the City or any person or entity from pursuing any claims at law or in equity, against any person or entity that violates this Section or any other City ordinance, rule, or regulation.

c. Any adult use established, operated, or maintained in violation of any of the provisions or requirements of this Code will be, and the same is, declared to be unlawful and a public nuisance. The City may, in addition to or in lieu of any other remedies set forth in this Subsection, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and may take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult use contrary to the provisions of this Code.

(4) **Severability**. If any part, subsection or clause of this Section will be deemed to be unconstitutional or otherwise invalid, the remaining section, subsection and clauses will not be affected thereby.

Shall be located a minimum of one-thousand (1,000) feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of one-thousand (1,000) feet from any school, church, or outdoor recreational facility.

Exterior building appearance and signage shall be designed to ensure that 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.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

Comment [JW17]: Existing language from 13-1-89(p)(3) – deleted and replaced with more comprehensive section regulating Adult Uses

(b) **General Retail, less than 10,000 sqft**.

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(c) **General Retail, 10,000 – 49,999 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(d) **General Retail, more than 50,000 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(e) **Outlot Retail**.

(1) Outlot retail buildings shall be setback a minimum of fifteen (15) feet from any right-of-way.

(2) All off-street parking and loading shall be located toward the rear of the building.

(3) Curb cuts and site vehicular access shall be shared with the primary structure.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(f) **Pawn Shop**.

(1) Pawn shops shall be located a minimum of three-thousand (3,000) feet from all existing pawn shops.

(2) The window and door area of any existing first floor facade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(3) For new construction, at least thirty (30) percent of the first floor façade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(5) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(g) **Thrift Store**.

(1) Thrift stores shall be located at least 3,000 feet from all existing thrift stores.

(2) The window and door area of any existing first floor façade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows and doors that block views into and out of the building at eye level.

(3) For new construction, at least thirty (30) percent of the first floor façade along a public street or sidewalk shall be windows or doors of clear or lightly-tinted glass that allows views into and out of the building at eye level.

(4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(5) An appointment or set hours shall be required for the acceptance of donated merchandise.

(6) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

5-5 - Specific Service Use Standards

(a) **Corporate Campus**.

(1) Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.

(2) Buildings and other site improvements shall be clustered to maximize stormwater absorption.

(3) Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.

(4) Parking shall be integrated into the overall site design to minimize impact, reduce the loss of trees, and to be visually concealed from rights-of-way.

(5) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or the property and street frontage.

(6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way.

(7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(8) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as masonry, stone veneer systems, stucco, precast panels with inlaid or stamped brick texture.

(9) Buildings, parking lots, drive aisles, and other site improvements shall be sited to preserve natural site features and integrated outdoor amenities and gathering places.

(b) **Commercial Animal Boarding**.

Comment [JW18]: Existing language from 13-1-89(j)(3)

(1) Outdoor exercise areas shall not be located within three-hundred (300) feet of a residentially zoned property.

(2) Outdoor exercise areas shall be fully enclosed with a fence or wall with a minimum height of six (6) feet.

(3) The hours of operation for outdoor areas shall be limited daily from 7:00 a.m. to 7:00 p.m.

(4) Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 13-1-364.)

(5) The animals shall be boarded in appropriate kennel units with insulation to further abate noise.

(6) All litter and waste must be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.

(7) The boarding area must be air-conditioned and heated so that any windows, doors, or other openings can be closed at all times, with the exception of ingress and egress into the area.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

Comment [JW19]: Deleted to eliminate redundancy

(c) **General Service, less than 10,000 sqft**.

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(d) **General Service, more than 10,000 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) If the gross floor area of the primary building exceeds fifty-thousand (50,000) square feet, the property owner shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(e) **Personal Storage Facility.**

(1) A personal storage facility shall consist of a single building. Outdoor storage shall be prohibited.

(2) The storing of hazardous or toxic materials is prohibited.

(3) No storage space shall be used for residential occupancy, business sales or operation, the storage of commercial or industrial inventory or raw materials, or the operation of machinery.

(4) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

5-6 - Specific Eating and Drinking Use Standards

(a) **Coffee / Tea Shop.**

(1) The following provisions shall apply to café uses in the NO District.

a. The main entrance shall be oriented towards the primary street.

b. All off-street parking and loading shall be located on the side or rear of the primary building.

c. Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

d. Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

e. Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

f. Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

5-7 - Specific Fitness Facility and Entertainment Use Standards

(h) **Fitness Facility / Entertainment Facility, less than 10,000 sqft.**

(1) The main entrance shall be oriented towards the primary street.

(2) All off-street parking and loading shall be located on the side or rear of the primary building.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(i) **Fitness Facility / Entertainment Facility, 10,000 – 49,999 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(a) **Fitness Facility / Entertainment Facility Indoor, more than 50,000 sqft.**

(1) Façades greater than one-hundred (100) feet in length, measured horizontally, shall incorporate surface articulation every twenty-five (25) feet.

(2) Ground floor facades that face public streets shall have arcades, clear glass display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length.

(3) Curb cuts and site vehicular access shall be minimized in frequency and width and shall not dominate the site plan or property and street frontage.

(4) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from rights-of-way.

(5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

(6) Exterior building materials shall be traditional, time- and weather- tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture.

(7) The property owner(s) shall enter into a "Vacant Building Agreement" with the City including provisions for vacant building and property maintenance and vacant building demolition.

(b) **Physical Health / Entertainment Facility Outdoor**.

(1) Activity areas shall not be located closer than three-hundred (300) feet to a residentially zoned property.

Facility shall provide bufferyard with minimum opacity of .80 along all borders of the property abutting residentially zoned property (Section 13-1-249).

(2) Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

5-8 - Specific Lodging Use Standards

(a) **Bed and Breakfast**.

(1) All such facilities shall be required to obtain a permit to serve liquor, if applicable. They shall be inspected annually at a fee as established by a separate ordinance, to verify that the land use continues to meet all applicable regulations.

One sign, with a maximum area of 20 sf, shall be permitted on the property.

Comment [JW20]: Existing language from 13-1-89(i)(3)

Comment [JW21]: Moved to Article 6

Comment [JW22]: Deleted to eliminate redundancy

Comment [JW23]: Moved to Article 7

Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 13-1-249).

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 City of Verona Building Code.

(2) One lavatory and bathing facility shall be required for every ten (10) occupants, in addition to the owner/occupant's personal facilities.

(3) The dwelling unit in which the bed and breakfast takes place 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.

(4) Breakfast shall be the only the meal of breakfast shall be served to only overnight guests.

(5) A record of overnight guests must be maintained for one (1) year and available upon request. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one (1) year. Such list shall be available for inspection by City officials at any time.

(6) The maximum stay for any occupants of a bed and breakfast operations shall be fourteen (14) days in any one visit.

It shall be unlawful for any persons to operate a bed and breakfast operation as defined and as permitted in the Code of Ordinances of the City of Verona without first having obtained a conditional use permit in compliance with Section 13-1-363, standards and procedures applicable to all conditional uses.

Applicants for a license to operate a bed and breakfast shall submit a floor plan of the single family dwelling unit illustrating that the proposed operation will comply with the City Zoning Ordinance as amended, other applicable City codes and Ordinances, and within the terms of this Chapter.

Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety or rights of others so as to constitute a nuisance.

5-9 - Specific Vehicle Related Use Standards

(a) **Fuel Sales.**

(1) All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side or rear lot lines.

(2) All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side or rear lot lines.

(3) All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.

Comment [JW24]: Moved to Article 6

Comment [JW25]: Deleted since this should be covered in the Building Code

Comment [JW26]: Deleted to eliminate redundancy

Comment [JW27]: Deleted because City does not have B&B licensing process

Comment [JW28]: Deleted to eliminate redundancy

(4) Fuel pump canopies shall have columns placed in a manner that is similar in their relation to the roof as that of the exterior walls of the building to which the fuel pump canopy is associated.

(5) Fuel pump canopies shall be finished with materials consistent with the primary building façade.

5-10 - Specific Industrial Use Standards

(a) **Artisan Manufacturing.**

(1) Gross floor area shall not exceed ten-thousand (10,000) square feet.

(2) Outdoor storage and / or outdoor operations or activities shall be prohibited.

(3) Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

(4) A maximum of two (2) residential units shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

(b) Communication Tower

(c) **Composting Operation.**

(1) Shall comply with all County, State and Federal regulations.

Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by nonagricultural land uses (see Section 13-1-249).

(2) All buildings, structures, and activity areas shall be located a minimum of one-hundred (100) feet from all lot lines.

(3) No The processing, storage, and disposal of any food scraps or other vermin-attracting materials shall be conducted entirely within a completely enclosed structure with all doors, windows, and any other structure openings completely closed. processed, stored or disposed of on-site.

(4) Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

(d) **Distribution Center.**

Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 13-1-249).

(1) Standards regarding the prohibition of idling, found in ##-## of the City Code shall be followed.

(2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of one-hundred (100) feet from all lot lines abutting residentially zoned property.

(3) In no instance shall activity areas be located within a required front or exterior side yard frontage landscaping or bufferyard areas.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

(e) **Light Industrial.**

Comment [JW29]: Language drafted by City in 2018 currently under review by attorneys.

Comment [JW30]: Existing language from 13-1-90(f)(3)

Comment [JW31]: Moved to Article 6

Comment [JW32]: Revised to allow for the composting of food scraps

Comment [JW33]: Deleted to eliminate redundancy

Comment [JW34]: Existing language from 13-1-91(d)(3)

Comment [JW35]: Moved to Article 6

Comment [JW36]: Revised to prohibit outdoor activity from occurring in front or exterior side yards.

Comment [JW37]: Deleted to eliminate redundancy

Comment [JW38]: Existing language from 13-1-92(a)(2)

(1) All activities, except loading and unloading, shall be conducted entirely within a completely enclosed structure with all doors, windows, and any other structure openings completely closed. the confines of a building.

5-11 - Specific Transportation Use Standards

(a) **Airport / Heliport.**

(1) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of one-hundred (100) feet from all lot lines.

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 13-1-249).

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

Comment [JW39]: Existing language from 13-1-91(b)(3)

Comment [JW40]: Moved to Article 6

Comment [JW41]: Deleted to eliminate redundancy

5-12 - Specific Accessory Use Standards

(a) **Accessory Building.**

(1) One (1) accessory building shall be permitted per lot.

(2) An accessory building shall not exceed nine-hundred (900) square feet except as a conditional use in the RA District.

(3) An accessory building shall have a maximum height of fifteen (15) feet.

(4) An accessory building shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.

(5) An accessory building shall be located either:

a. Completely within the required rear yard and a minimum of five (5) feet from side and rear property lines,

b. Completely within the buildable area of the lot and to the side or rear of the primary building, or

c. As permitted in Section 4-3 *Intrusions into Required Yards*.

(b) **Accessory Dwelling Unit.**

(1) One (1) accessory dwelling unit shall be permitted per lot.

(2) Detached accessory dwelling units shall be comply with all standards included in 5-12(a) with the exception of 5-12(a)(3).

(3) The primary structure shall be the primary residence of the owner of the property.

(4) Accessory dwelling units shall not be greater than nine hundred (900) square feet or fifty (50) percent of the size of the principle structure, whichever is less. Internal accessory dwelling units located in a basement shall be permitted to occupy the entire area of said basement.

(5) Detached and attached accessory dwelling units shall be located to the rear of the primary structure.

(6) Only one (1) entrance shall be located on the front façade of the primary structure. Entrances to accessory dwelling units must be located on the side or rear façade.

(7) Both the primary structure and the accessory dwelling unit shall be served by one (1) common driveway connecting the accessory dwelling unit to a public or private road.

(8) Parking for the accessory dwelling unit, as required by Section 6-#, shall be in addition to the parking space(s) required for the primary structure. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the primary structure shall be prohibited.

(9) Accessory dwelling units shall be similar in character to the primary structure and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

(c) **Accessory Structure**.

(1) One (1) accessory structure shall be permitted per lot.

(2) An accessory structure shall not exceed one-hundred (100) square feet.

(3) An accessory structure shall not have a permanent foundation.

(4) An accessory structure shall have a maximum height of eight (8) feet.

(5) An accessory structure shall be located a minimum of ten (10) feet from the primary building.

(6) An accessory structure shall be located either:

a. Completely within the required rear yard and a minimum of five (5) feet from side and rear property lines,

b. Completely within the buildable area of the lot and to the side or rear of the primary building, or

c. As permitted in Section 4-3 *Intrusions into Required Yards*.

(d) **Company Provided On-Site Recreation**.

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 13-1-249). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.

(1) All structures and actively used outdoor areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

Shall comply with Section 13-1-363, procedures applicable to all conditional uses.

(e) Drive Through.

(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.

Comment [JW42]: Maximum should reflect trigger for building permit

Comment [JW43]: Existing language from 13-1-93(f)(3)

Comment [JW44]: Moved to Article 6

Comment [JW45]: Deleted to eliminate redundancy

Comment [JW46]: Existing language from 13-1-93(h)(3)

(4) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially-zoned property lines, and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy of similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure.

(5) Any overhead canopy or similar structure shall maintain a uniform and consistent roof line with the building to which the drive-through facility is a part.

(6) Any overhead canopy or similar structure shall have columns, solid walls or semi-solid walls placed so that they are similar in their relation to the roof as that of the exterior walls of the building to which the drive-through facility is a part.

(7) Any overhead canopy or similar structure shall be finished with materials consistent with the primary building façade.

(8) 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 four (4) ton axle load.

Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 13-1-249).

Comment [JW47]: Moved to Article 6

(9) 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 six (6) inches high and be of a nonmountable design. No curb protecting an exterior fixture shall be located closer than twenty-five (25) feet to all property lines.

Shall comply with Section 13-1-363, standards and procedures applicable to all conditional uses.

Comment [JW48]: Deleted to eliminate redundancy

(10) Drive-through facilities shall be permitted a maximum of two (2) menu boards with a combined maximum area of eighty (80) square feet. Each menu board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards may utilize electronic message boards for one-hundred (100) percent of the permitted menu board area.

(11) Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:

a. One (1) lane: twelve (12) feet,

b. Two (2) or more lanes: ten (10) feet per lane.

(12) Drive-through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 5-12(e)(11).

Table 5-12(e)(11)

Use	Minimum Stack	Measure From
Automated Teller Machine	2 per machine	teller machine

Comment [JW49]: Order and pick up only spaces will be addressed in Article 6: Development Standards

Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box[1]
Carwash Stall, Automatic	5 per stall	stall entrance
Carwash Stall, Manual	2 per stall	stall entrance
Oil Change Shop	2 per service bay	service bay entrance
Pharmacy	4 per lane	machine or window
Other	at the discretion of the Plan Commission	
1. 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

(f) **Home Occupation**.

(1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage and shall be subordinate to the use of the dwelling for residential purposes.

(2) 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.

(3) 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.

(4) 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.

(5) No home occupation shall generate any traffic in excess of what is typical for the district in which it is located.

(6) No outdoor storage shall be permitted.

Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 3 sf.

(7) The home occupation use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises in excess of the normal amount of the district.

(8) A permitted home occupation is restricted to a service-oriented General Service business as defined herein.

(9) prohibiting t T he manufacturing of items or products or the sale of items or products on the premises shall be prohibited except for online sales. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services.

(10) A permitted home occupation shall not occupy more than thirty (30) percent of the floor area of the dwelling.

(11) Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one (1) nonresident employee.

(12) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

Comment [JW50]: Existing language from 13-1-93(k)(2-3)

Comment [JW51]: Revised to prohibit the display of additional signs for home occupations.

Comment [JW52]: Text added to prohibit outdoor storage

Comment [JW53]: Revised to prohibit the display of additional signs for home occupations.

Comment [JW54]: Added for clarity

Comment [JW55]: Revised to eliminate subjective regulation

Comment [JW56]: Revised to better align with proposed revisions to use matrix

Comment [JW57]: Revised to allow for online sales and to eliminate redundant list of service oriented business examples

(13) The Plan Commission may approve home occupations in residential districts which do not meet the standards in Subsection (k)(2), above, as conditional uses. The standards in Section 13-1-363 shall be applicable.

(14) The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.

(15) Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

(g) **Indoor Sales Incidental to Light Industrial Use**.

Adequate parking, per the requirements of Section 13-1-283, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.

(1) The total area devoted to sales activity shall not exceed twenty-five (25) percent of the total area of the buildings on the property.

(2) Shall provide r Restroom facilities shall be provided and shall be directly accessible from the retail sales area.

(3) Retail sales area shall by physically separated by a wall from other activity areas.

(h) **Light Industrial Incidental to Indoor Sales**.

(1) The total area devoted to light industrial activity shall not exceed fifteen (15) percent of the total area of the buildings on the property, or five-thousand (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 13-1-288 for all adjacent properties.

Shall comply with Section 13-1-363, procedures applicable to all conditional uses.

(i) **On-Site Agricultural Retail**.

(1) No structure or group of structures shall exceed five-hundred (500) square feet in floor area.

(2) No structure shall exceed twelve (12) feet in height.

(3) All structures shall meet all required setbacks for nonresidential land uses.

Signage shall be limited to 1 on-site sign which shall not exceed 30 sf in area.

(4) Such land use shall be served by no more than one (1) driveway. Said driveway shall require a valid driveway permit.

A minimum of one (1) parking space shall be required for every two-hundred (200) square feet of product display area.

(5) The sale of products which are grown or otherwise produced on nonadjacent property under the same ownership, or on property under different ownership, shall be prohibited.

(6) Said structure Structures and fencing shall be located a minimum of three-hundred (300) feet from any residentially zoned property.

(j) **Outdoor Activity / Operation, Permanent.**

Comment [JW58]: Existing language from 13-1-93(i)(2)

Comment [JW59]: Deleted to eliminate redundancy

Comment [JW60]: Revised for clarity and consistency

Comment [JW61]: Existing language from 13-1-93(j)(3)

Comment [JW62]: Deleted to eliminate redundancy

Comment [JW63]: Existing language from 13-1-87(e)(2)

Comment [JW64]: Deleted since bulk and dimensional standards are proposed to no longer differ based on adjacent land use

Comment [JW65]: Moved to Article 7

Comment [JW66]: Moved to Article 6

(1) Any property with permanent outdoor activity or operations shall have a minimum lot size of five (5) acres.

(2) Outdoor activities and operations shall be conducted between the hours of 7:00am and 9:00pm.

(3) Outdoor activities and operations shall be located to the rear or side of the primary building on the lot.

(4) Outdoor activities and operations shall be prohibited in front or exterior side yards.

(5) Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all property lines when adjacent properties are zoned RA, SC, SI, UI, or PI.

(6) Outdoor activities and operations shall be setback a minimum of one-hundred (100) feet from all property lines when adjacent properties are zoned NR, MR, UR, CC, NO, or SO.

(7) The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway or a property zoned NR, MR, UR, CC, NO, or SO.

a. A solid wall constructed from materials identical to those used on the exterior of the primary building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial roadway or a property zoned NR, MR, UR, CC, NO, or SO.

b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one-hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one-hundred (100) lineal feet. All landscape maintenance requirements of Section #### shall apply.

(k) **Outdoor Dining, without alcohol.**

(1) The outdoor dining area shall be located on a hard paved surface, as approved by the City Engineer.

(2) The outdoor dining area shall not be located in a required parking space.

(3) The outdoor dining area shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.

(4) A fence, landscape hedge, or wall with a height of four (4) feet shall be utilized to segregate the outdoor dining area.

(5) Use of the outdoor dining area shall be limited to the posted operational hours of the associated eating and drinking use.

(l) **Outdoor Dining, with alcohol.**

(1) The outdoor dining area shall be located on a hard paved surface, as approved by the City Engineer.

(2) The outdoor dining area shall not be located in a required parking space.

(3) The outdoor dining area shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.

(4) A fence or wall with a height of four (4) feet shall be utilized to fully enclose the outdoor dining area. Access to the outdoor dining area shall be provided through the primary building, outdoor access shall be prohibited.

(5) The fence or wall shall have a gate that is labeled as an "exit only" with an alarm.

(6) The fence or wall and gate shall comply with all requirements of the Police Department and Building Inspector.

(7) All necessary alcohol licenses shall be obtained and shall operate in conformance to the requirements thereof.

(m) **Outdoor Display of Merchandise, Permanent**.

(1) Only those goods and materials associated with the existing on-site use may be displayed or sold.

(2) Permanent outdoor display or sales areas shall not be located within any required yard or parking area.

(3) Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor display or sales areas shall be prohibited.

(4) Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a conditional use.

(n) **Outdoor Storage, Permanent**.

(1) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.

(2) The following minimum screening requirements shall apply to permanent outdoor storage areas which are visible from the right-of-way of an existing or proposed arterial or collector roadway or from a property zoned NR, MR, UR, CC, NO, or SO.

(3) A solid wall constructed from materials identical to those used on the exterior of the primary building and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial roadway or from a property zoned NR, MR, UR, CC, NO, or SO.

(4) A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one-hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one-hundred (100) lineal feet. All landscape maintenance requirements of Section #### shall apply.

(5) Shipping containers not located on a truck or located on a truck which is kept in the same parking or loading area for more than thirty (30) days shall be considered outdoor storage and shall be subject to all provisions for outdoor storage as found in this Section.

(o) **Solar Energy Collection System, Canopy**.

(1) Canopy solar energy collection systems may exceed the applicable maximum accessory structure height if they cover an impervious surface parking area.

(2) The height of canopy solar energy collection systems shall not exceed the height of the primary building that the parking area serves.

(3) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

(p) **Solar Energy Collection System, Ground Mounted.**

(1) Ground mounted solar energy collection systems shall be permitted in the rear yard only.

(2) An unlimited quantity of panels is permitted on all zoning lots with the exception of any residential zoning lot thirty-thousand (30,000) square feet or less in size, which are limited to a total of one-hundred (100) square feet in area of panels.

(3) The maximum height of ground mounted solar energy collection systems shall be fifteen (15) feet in height, measured from the grade at the base of the pole to the highest edge of the system.

(4) Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.

(5) All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

(q) **Solar Energy Collection System, Roof Mounted.**

(1) Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.

(2) Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.

a. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.

(3) All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

(r) Urban Garden.

(1) On buildable lots, cultivation areas Urban gardens shall not exceed twenty (20) percent of the lot's area.

(2) Urban gardens located in front or corner yards shall:

a. Not utilize hoop houses, cold frames, or other structures.

b. Not have any plant material which exceeds four (4) feet in height.

c. Not have any dead plant materials present with the exception of dead plant materials utilized for ground cover, mulch, or compost.

d. Not include any plant material that could interfere with a public sidewalk.

e. Be setback a minimum of three (3) feet from all applicable property lines.

(3) Urban gardens located in side or rear yards may utilize hoop houses, cold frames, or other structures if they are setback a minimum of three (3) feet from all property lines.

Comment [JW67]: Issues of glare to be regulated in performance standards section of Article 6: Development Standards.

Comment [JW68]: Existing language from 13-1-87(g)(2)

Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.

5-13 - Specific Temporary Use Standards

(a) **Christmas Tree / Pumpkin Sales.**

(1) Christmas tree or pumpkin sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot.

(2) Christmas tree or pumpkin sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.

(3) Christmas tree or pumpkin sales areas shall utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the primary use.

(b) **Outdoor Assembly.**

Comment [JW69]: Existing language from 13-1-94(b)(2)

(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 13-1-326.

(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 daylight hours.

(5) Adequate provisions for crowd control shall be made and shall be described within the application.

(6) Shall comply with Section 13-1-364, standards, and procedures applicable to all temporary uses.

(c) **Outdoor Display of Merchandise, Temporary.**

(1) Temporary outdoor display or sale of merchandise shall be located on the same lot and in conjunction with the primary use of the lot.

(2) Temporary outdoor display or sale areas shall occur:

a. On the sidewalk area at the foundation of the primary use, limited to the free space, and not including a five (5) foot wide pedestrian way.

b. In a portion of the parking lot, which shall not exceed twenty (20) percent of the parking spaces required for the operation of the primary use.

(d) **Portable Outdoor Storage Device.**

(1) A permit shall be obtained prior to the setting of the portable outdoor storage device on the property. A site drawing shall be submitted showing the location on the property where the unit will be placed, size of the unit, and distance to all applicable property lines and all other buildings and structures. The permit shall be prominently displayed on the storage device.

(2) No portable outdoor storage device shall be greater than twenty (20) feet in length, eight (8) feet in width, or eight (8) feet in height.

(3) The temporary portable outdoor storage unit cannot encroach on City property, City right-of-way, neighboring property, sidewalk, or be placed in the street. The unit must be sited on asphalt, concrete, or hard paved surface between the front property line and the rear building line of the principal structure.

(4) The visual distance between the portable outdoor storage device and the side yard property line shall be four (4) feet or upon the approval Zoning Administrator and as agreed upon by written consent by the neighboring property owner.

(5) Portable outdoor storage devices may be placed in a residential district for no more than 30 (thirty) days in any consecutive twelve (12) month period. Extensions beyond the thirty (30) day limit may be granted by the Zoning Administrator.

(e) **Short Term Rental.**

(1) The residential dwelling in which short term rental is offered shall be the primary residence of the property owner.

(2) The short term rental period shall be a minimum of seven (7) consecutive days and a maximum of one-hundred and eighty (180) consecutive days in any one visit.